

Frankfurter Again Leads in Opinions

By Chalmers M. Roberts

Post Reporter

Justice Felix Frankfurter once again was the opinion writing work-horse of the Supreme Court during the past term.

An unofficial compilation shows that Frankfurter wrote 45 of the 240 opinions turned out by the nine justices. Last term he wrote 40 of 215.

But three other justices wrote more of the court's majority—and ruling—opinions than did Frankfurter. Justice William O. Douglas wrote 20, Justice Hugo L. Black 19, Justice Stanley F. Reed 16 and Frankfurter 14.

An additional 11 Frankfurter opinions were concurring ones, joining in the majority ruling. This was more than those of any other justice.

Frankfurter also led in dissents, writing 20 of the 90 turned out this term. Last term the total was 70.

Following is a table of all opinions other than 14 per curiam opinions (not signed by a justice) handed down in the 1948-49 term:

Majority rulings—Vinson, 10; Black, 19; Reed, 16; Frankfurter, 14; Douglas, 20; Murphy, 9; Jackson, 10; Rutledge, 9; Burton, 7.

Concurring opinions—Vinson, 0; Black, 3; Reed, 0; Frankfurter, 11; Douglas, 5; Murphy, 1; Jackson, 4; Rutledge, 6; Burton, 2.

Dissenting opinions—Vinson, 4; Black, 7; Reed, 8; Frankfurter, 20; Douglas, 12; Murphy, 9; Jackson, 17; Rutledge, 8; Burton, 5.

Separate opinions—Douglas, 1; Jackson, 3; all other justices, 0.

Total opinions for 1947-48 and for 1948-49—Vinson, 13 and 14; Black, 23 and 29; Reed, 18 and 24; Frankfurter, 40 and 45; Douglas, 32 and 38; Murphy, 17 and 19; Jackson, 33 and 34; Rutledge, 28 and 23; Burton, 11 and 14.

In all, the Court this past term issued formal opinions in 114 cases compared to 110 the previous term. The 14 curiam opinions this time contrasted with 8 in 1947-48.

April 27, 1948.

Dear Irving:

Many thanks for your letter of April 24th. I have done everything I can to stop any friends of mine from promoting me for any political office. If any one of them is writing letters or otherwise trying to inspire college students or others to organize clubs for me, they are acting against my express desires and wishes. I am very sorry if my wishes are not being complied with. I have thought of making some kind of public statement to the effect that I have no plans, desires, or ambitions for political office but to date I have been deterred by two considerations. First, so far as I know any activity that has been generated has been so slight as to be of no consequence, and hence it might seem presumptuous on my part to make a statement. Second, such a denial is too often in American public life, at least in recent years, taken as some kind of a bid for the job.

I appreciate your attitude in the matter and thank you for your decision to refrain from any political activity on my behalf. If you can persuade any others with whom you come in contact to do the same, I will be deeply grateful.

Yours faithfully,

Mr. Irving Dilliard,
St. Louis Post-Dispatch,
St. Louis, Missouri.

Supreme Court of the United States
Washington, D. C.

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

February 27, 1947.

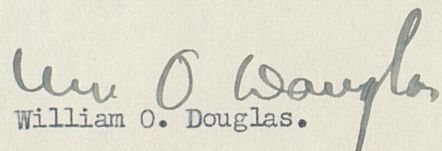
NOTED

MAR - 8 1947

Memorandum to the Chief Justice:

C. M. V.

My secretary, Mrs. Edith Allen, has requested 90 days sick leave beginning March 1, 1947. This I have granted after being advised that it is the practice to grant such leave in the case of secretaries to judges in the lower federal courts. Mrs. Allen has been in the government service since 1934 and an employee of the Court since April 1939. She has been my secretary since 1935. Miss Gertrude Jenkins, who is employed by the Court as assistant secretary to any of the Justices who might require her services in an emergency, will take over the work in my office until Mrs. Allen returns to her position on June 1, 1947.


William O. Douglas.

April 30, 1947

Dear Bill:

I have your note dated today, and am glad that the hospital is not organized for legal research and study, even though the note which Miss Jenkins circulated indicated that you were "rarin to go". I certainly hope that you will not do anything that will retard your very prompt recovery. Sometimes we think that we are stronger than we are, and then have to pay for it.

We miss you, but I certainly do not want you to worry about your absence during argument this week or the conference on Saturday. We left several matters open at the last conference in order that we might have the advantage of your views.

I will see what can be done about the Rice cases coming down Monday and the rate case not later than May 12th.

My renewed admonition to take care of yourself, and not try to snap out of it too soon.

With every good wish,

Sincerely,

[Signed] Fred

Honorable William O. Douglas,
Doctors Hospital,
Washington, D.C.

FMV:McH

4/30

Dear Fred

The hospital I am in is not organized for legal research or study. I will probably not be able to vote on the certs & appeals next Saturday.

As to the argued cases, I will certainly vote on all in which there is a tie vote or where the vote is close. I will try to participate in all of them. But I will not get caught up in my work on them until next week.

All of my opinions, except the Alien Property Custodian case from Colquhoun, are finished. The latter would take me only another day or day and a half to complete.

I am anxious to get the Rice case down Monday & the big rate case not later than May 12th.

As ever
Bill

Supreme Court of the United States
Washington, D. C.

May 3, 1947

Dear Fred

I did not do very
well on the certs. this
week. But as evidence that
I have not slumped too badly

I just wanted to report
~~that~~ I did pick get
Bilot. And the 8th
floor of this hospital
paid well + promptly.

As ever

Bill

5/10/47

Hon. Chief Justice

In No 11 Original
Georgia v. Penn. A. S.
I vote to deny
Alabama's motion to
intervene - for reasons
given by the Special
Master

W.D.

Original Filed in VIP Correspondence File

May 13, 1947

Dear Bill:

Received your note relative to No. 715, State of Oklahoma v. the United States.

I also have your note of the 11th, insisting on some more work. I am saving some cases without assignment, but with the understanding that they will be ready for you if you are ready for them. Actually, old-timer, I hesitate to assign any cases to you for a week or so until you are dead certain that you can do it without the slightest danger from it. So, hold your horses and get well. That bug innervates, and not a one of the Brethren wants to retard your speedy recovery.

Missed you at Tom Clark's party, and Mildred didn't act like she was having a good time at all.

Harold did a good job for you on the rate case.

Felix has a re-arrangement of his dissent in Craig v. Harney, and it ought to be ready shortly.

The Island of Palmyra has been the center of a lot of good natured rallery towards Stanley. We would say that he needs you to back-stand him as his other adherents are pretty quiet.

So, again, hold your horses, and get back in trim. If you are in fit form, we will enter you for the home stretch; otherwise, you will not even get to the paddock.

Affectionately,

Fred -

Honorable William O. Douglas,
Doctors Hospital,
Washington, D.C.

Supreme Court of the United States
Washington, D. C.

File

May 23, 1947

Dear Chief -

I am feeling a little
stronger each day. I will
probably finish over the
week-end & circulate the
first next week No. 626
Clark & Allen. I may

go away for a few
days next week. But
if I miss the conference,
I will leave my votes
on the seats.

Let me know if there
is anything I can do for you.
I have lots of time. I am told
that if I loaf too much, I am
apt to get into trouble.
As ever Bill

Supreme Court of the United States.

Memorandum.

File 5/27, 1947

Dear Fred -

I have sent No. 626 to the printer.

If there is anything else I can do for you, please let me know.

My knees are still a trifle weak. But the fingers & elbow that do the writing are as firm and nimble and strong as ever.

Bill

Supreme Court of the United States.

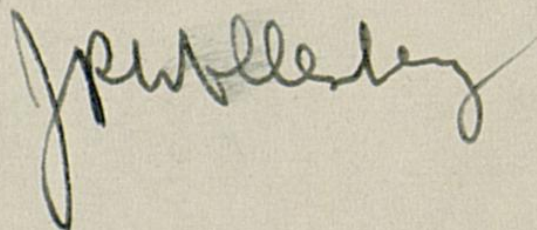
Memorandum.

----- 6/2 -----, 194⁷

Mr. Chief Justice Vinson,

The Clerk has informed us that Nos. 1256, 7 & 8 have been held up. It occurred to me that my note may have been unclear, and it may have been held on account of Justice Douglas. All I meant to say was that he desired to note his dissent along with that of Justice Black. I did not mean to say that he intended to write.

If I have been responsible for any confusion on the case, I am very sorry.

A handwritten signature in cursive script, appearing to read "J. P. Buckley".

Supreme Court of the United States.

Memorandum.

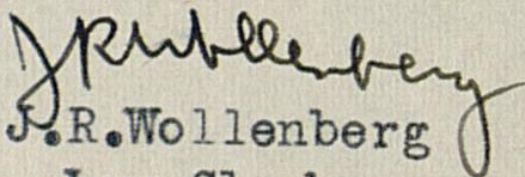
----- June 2 -----, 1947

Mr. Chief Justice Vinson,

Justice Douglas desires to dissent from the per curiam in Nos. 1256, 1257, and 1258, and I have informed the Clerk of this fact.

The Justice will be unable to be in Court today.

Respectfully,


J.R. Wollenberg
Law Clerk

Supreme Court of the United States.

Memorandum.

6/19

-----, 194

Dear Fred

I thought this
item would
interest you - as
a student of the
behavior of judges

WED

—

Paper Returned to
Douglas

Supreme Court of the United States
Washington, D. C.

June 25, 1947

Dear Fred

I am sorry I did
not see you again
to say goodbye. We
are off to Oregon. I hope

Jon & Roberta have
a restful summer.
My very best to the
both of you

Armed
Bill

July 31, 1947

Dear Bill:

Just learned that you joined the ranks of operationees. Glad to hear that it was successful, and that the deed is done.

Roberta joins me in expression of genuine affection for Mildred and yourself.

Sincerely,

Honorable William O. Douglas,
Physicians and Surgeons Hospital,
Portland, Oregon.

FMV:McH

Supreme Court of the United States
Washington, D. C.

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

Fortune, Ar
Aug 23, 1947

Dear Fred -

He doc says that I can
begin taking a vacation now.
By that he means I am strong
enough to go fishing and to
ride horses and to go on
pack trips. So I am going out
Monday for three days into the
mountains. I know I haven't
got my full reserve back.
Hence I am taking things very
easy. And I think that if
I act in moderation the
out door life will help a lot
to give me back my full
strength. The reason for the

long siege is threefold: (1) virus pneumonia which takes 3 months convalescence, at least when you are over 40; (2) the tonsilectomy and (3) the fact that an analysis of the tonsils showed they contained a virulent colony of streptococcus viridans which for some months had kept me under par. But now I am rid of all that - heart, O.K.; blood pressure, O.K.; blood count O.K.

I think in another month I'll be plenty tough + mean + horny to come back to work. But if I haven't got my full reserve of strength back, I think I should stretch my stay here until I do. With that I feel sure you would agree. So against the chance (though slight) that I might not get back for the first two weeks of argument, I thought I would suggest that you might want to schedule all cases, set for reargument, for the second two weeks of argument. That is

Supreme Court of the United States
Washington, D. C.

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

probably over - precautionary.
But some of those cases, as
I recall, were set down for
reargument because the Court
was evenly divided & I had
not heard the first argument
I would hate to miss them a
second time.

We plan at present to
get back to work DC sometime
between the 1st & 4th of Oct.
I think we will meet that
schedule. But I wanted to
apprise you fully of the situation
so that you could make any
adjustments you thought
desirable.

I hope you r

Roberta are having a
pleasant and restful vacation,
removed from the humidity and
heated work. D.C. Mildred joins
in sending you both our
deep affection.

As ever

Bill

P.S. It looks like the Democrats
in Oregon (and Wash.) are determined
to put my name on the ballot for
the U. S. I was approached &
refused to assent. But they
apparently don't care about that
nor need my consent. They are
hell-bent to do it, no matter
what.

P.S. Oregon ovrsh are 100% plus
for Truman

September 3, 1947

Dear Bill:

I talked to the Clerk as soon as I received your letter of August 3rd, and we are setting the re-argued cases over for the November session. You were perfectly right in your conclusion that we would make the re-arrangement according to your desires, and want you to know that I will enter an order of the Court, if necessary, to keep you away from here until you are up and at 'em.

We are mighty happy that you are feeling good and checking up all right, but if you continue to get better than your letter indicates, I don't know just what Mildred and I are going to do with you.

Robert and I spent a couple of weeks in Kentucky, and enjoyed seeing our old friends again. Since our return, I have taken off a couple of weekends and gone down to Virginia to see Fred, Jr., play some stellar baseball in the League down there. In one game, he got three out of four and in the other he got two out of four, and they won both of the games. In the last game, he not only got two hits, but drove in two runs and scored one himself. I told him the more I saw him play the more he reminded me of his father. He is better than his Dad, and that makes him pretty good!

Roberta joins me in affectionate regards to Mildred and yourself.

Sincerely yours,

(Signed) Fred W. Vinson

Honorable William O. Douglas,
Lapover Camp,
Lostine, Oregon.
FMV:McH

Supreme Court of the United States
Washington 13, D. C.

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

Letter, (As
Sept 21, 1947)

Dear Chief -

The news stories that I
am ill are not true. It is,
of course, possible that the A.P.
has a secret medical report on
me which shows I am
feeling rapidly. But I must
feel fine - better every day.
In fact I am feeling so
fine I am getting a little
fearful of my own strength.
As I wrote you, I may
cheat a little & stay out
here a few days after the
bell rings. But that's because
my vacation just started so
late. Even so - I may be there
when the first ball is pitched. In
fact, I think I will. As ever - Bill

Supreme Court of the United States
Washington 13, D. C.

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

Letter to
Sept 28, 1947

Dear Fred -

I wrote you earlier
that it appeared likely
that my name would be
on the Oregon + Wash.
primary ballots next
spring for U. S. I had
tried to stop it but was
not successful. Since
that time I have talked
the matter over with some
friends but believe they
will be able to work
it out so that my
name will not
appear on the primary

ballots either in
Oregon or Washington.

As ever

Bill

Supreme Court of the United States
Washington 13, D. C.

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

Letter to
Sept 29, 1947

Dear Fred -

I am feeling fine -
better all along. I am,
however, taking an
extra week because
I did not really start
a vacation until the
last of August.

We will leave
here Oct 4th or 5th
and arrive in Wash DC
Oct 10th or 11th.

I have sent in
my votes on the
cuts & appeals. I am

advised I have seen
all of them except
perhaps a couple.
I am sorry to miss
the opening session
on the 6th & the
conferences that week.
But I hope you will
forgive my tardiness.
Should you want to
reach me before I get
back, my telephone in
La Grande is 370 M.
The 8th & part of the 9th
I'll be with my sister
Mrs. Wm D. Bost, 2130
Lincoln Park W., Chicago.
I forget her telephone number.
It will be good seeing you
again. As ever
Bill

Lincoln
0844

*For Release
on Delivery*

ADDRESS

of

WILLIAM O. DOUGLAS

at the Annual Dinner of the
Rhode Island Bar Association

Sheraton-Biltmore Hotel
Providence, Rhode Island

Wednesday, October 29, 1947 -- 6:30 P.M. (EST)

A Soviet professor of law recently stated, "Man should have no rights that place him in opposition to the community." The idea has ancient lineage. The slogan for centuries under monarchies was similar: "The King can do no wrong." The slogan of every dictator from time immemorial has, indeed, been "I am the State". Mussolini and Hitler are among recent illustrations. Those who control the Communist party are a current example.

Totalitarianism has had both varying forms and varying objectives. But the objectives, no matter how venal or how worthy, have invariably been the excuse for suppression of civil rights of the individual.

The technique is not exclusively that of dictators. In the eighteenth century when democracy was emerging in England, the younger Pitt sought to justify the infamous treason and sedition trials on the ground that they were essential to the defense and welfare of England. Our own record is not without blemish. We cannot view with pride what took place in New England in the cases of Sacco and Vanzetti, nor what has happened in the Far West to some Americans of Japanese ancestry. Every lynching is a repudiation of the ideals on which our Republic was founded. And the signs "No Natives Allowed", which until recently hung in the cafes and theatres of Alaska, were a negation of our American ideal. The security of the state or the social welfare was invariably advanced as the justification for each and every lawless act of this character. All of which bears out the observation of Mr. Justice Brandeis that, "Experience should teach us to be most on guard to protect liberty when the Government's purposes are

beneficent. * * * The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding."

But such episodes did not set the pattern. By the turn of the nineteenth century England won by supreme advocacy and steadfastness the civil rights which fear of revolution had almost sacrificed. And the instances where civil rights of the individual are sacrificed in our country are, happily, decreasing with the years. Moreover, by reason of freedom of speech and of press, the conscience of the nation can be aroused to prevent any increase or spreading of these noxious practices.

In totalitarian systems, however, sacrifice or obliteration of the civil rights of the individual is prominent and is apparently the universal technique. Freedom of speech and of press would be dangerous to those in power, since they would create doubts and suspicions concerning the invulnerability of the rulers or would generate opposition to them. And full recognition of freedom of religion would cause the masses to realize that there was, indeed, a God higher than any secret police, wiser than any judge, more powerful than any dictator. That, too, would cause a dilution in absolute temporal power which the totalitarian regime demands. These freedoms are, in truth, unruly forces, the source of gravest danger to those who stand in their way.

I mention these obvious matters to emphasize a less obvious point: that the most important difference between the democracies and Nazi Germany and between the democracies and Communist Russia is to be found in the existence of civil rights in the democracies and their absence in totalitarian countries. That difference overshadows even the vital differences in

economic and social organization -- differences which I in no way intend to belittle. But the latter differences are likewise great when we compare this country with the democratic socialist countries of western Europe. For in the latter, many industries have been socialized and free enterprise, as we know it, has to a degree disappeared. Yet in spite of that great difference, the civil rights of the individual under these socialist regimes have, without exception I think, continued to flourish, political opposition has been unhampered, the press has not been shackled, and the churches have remained open.

Yes, in spite of the fact that radically different political and economic programs have emerged in the socialist democracies of western Europe, we in this country have a close identity with them. We have similar traditions of fair play, of due process. Dignity and worth of the individual are first in our scale of values. We respect his rights not only when asserted against his fellow men, but also when asserted against his government. He has, contrary to the totalitarian philosophy, rights which frequently place him in opposition to the community.

I do not emphasize the importance of civil rights in the democratic scheme of things to lecture Russian or other totalitarian regimes on what we deem to be their inadequacies. The peoples of each land are entitled to work out their own destiny. I hope we are always tolerant of their attempts. As measured by the standards of western civilization, some are in their infancy -- just beginning to walk, so to speak, after being freed from the chains of a slavery centuries old. These people of the world have different beginnings, different backgrounds, different heritages and traditions.

It took English-speaking peoples seven or eight centuries to win their Bill of Rights. Others who are just emerging from serfdom or who are still in slavery would, if given their freedom tomorrow, have a long and painful path to travel before they enjoyed the full blessings of liberty. Traditions or habits of thought cannot be purchased or imported. They are products of time and of experience.

My emphasis on the fact that our civil rights are our most distinctive characteristic is to underline not our superiority but our responsibility. We must be alert that we do not emulate totalitarian regimes by curtailing the press, by suppressing free speech, by persecuting a minority, whether racial or political. We must make sure our civil rights are extended to all groups, regardless of race, creed, color or political faith. We must make certain that the glory of our civil rights is not confined to their illustrious history but is found in their application in the voting booths, assembly halls, and courts of the country, in their observance throughout the precincts and county seats of the land, in the respect which the citizens of our villages and cities give to them.

The responsibility for making our civil rights an active, potent force in our national life is in large measure a special responsibility of the Bar.

A fairly recent episode in a western town illustrates what I mean, though it is, I hope and believe, an isolated one. A man was hailed into court on a minor charge which could not be proved, even though he was not granted the privilege of having counsel defend him. But the prosecutor and the judge were convinced that the community should be rid of the man.

Their prejudice against him was not color or race. Nor was he a vagrant. He was gainfully employed and had no police record. But he had physical characteristics which gave him an unwelcome appearance. And to some his ungainly, shuffling walk made him appear to be a menacing figure. The judge, the prosecutor and the sheriff had a conference. The judge instructed the sheriff to take the defendant to the county line and advise him that he would be jailed if he ever returned to that county. The sheriff obeyed.

This was an ignorant man -- a man without friends, influence, money, or counsel. He was stripped of his liberties, not by private citizens but by a court. That was done not by the standards of law nor in accordance with constitutional procedural requirements, but by totalitarian methods. It is, of course, shocking to everyone when a court becomes a lawless agent of a community. But equally shocking to me was that in this instance no lawyer in the community raised his voice in protest.

We are apt to think of legislatures, of the police, or of other agents of the executive, as the tyrants to be feared. But judges too can be tyrants. And a bar which is cowed by a lawless judge is not worthy of its great traditions.

It was the fear of courts, as well as the fear of prosecutors, police, and legislatures, which led to the inclusion in our Bill of Rights of numerous procedural safeguards for criminal trials. They were, as Madison stated, safeguards interposed between the people and "the magistrate who exercises the sovereign powers." They were embedded in our charter of government to place them beyond legislative reach.

The requirement of indictment by grand jury, the protection against self-incrimination, the prohibition against unreasonable searches and seizures,

the requirement for a speedy and public trial, the necessity that an accused be confronted with the witnesses against him, the right to compulsory process for obtaining witnesses in his favor, trial by jury, the right to counsel -- these are among the basic safeguards provided by the Constitution for protection of an accused against his government. Life and liberty, not property alone, thus receive the protection of due process of law.

History has shown that without procedural safeguards neither judges nor juries can be trusted to mete out justice, that injustices flourish where procedural requirements are relaxed. Antedating the Bill of Rights was a long record of arbitrary action by courts. Fresh in the memory of the Fathers was the free use by courts of criminal punishments to suppress speech, press, and religion, the whisking away of defendants to far away places for trial, the use of torture to exact confessions, and the like. The sponsors of the Bill of Rights agreed in large measure with the Whig philosophy of Lord Camden that the unfettered discretion of a judge is "the law of tyrants". The tyrannies which afflicted the administration of justice had been tyrannies which courts had silently approved or actively promoted.

Procedure is more than formality. Procedure is, indeed, the great mainstay of substantive rights. If accusation and proof were easy, if the right to counsel were denied, if proof were not subjected to close scrutiny, if the accused, rather than the prosecution, carried the burden -- then racial, religious or political prosecutions could easily become the order of the day. Exacting procedural requirements prevent prosecutors,

judges, and juries from taking short cuts. They stand as a barrier to hasty, inflamed community action. They are some guarantee that a man's day in court be a real and genuine opportunity to defend and not a mere ritual to conceal a predetermination of guilt. Without procedural safeguards of the character embodied in our Bill of Rights, liberty would rest on precarious ground and substantive rights would be imperilled. Without these protections the poor and the ignorant, those charged with heinous crimes, those whose ideas are despised by the community, those whose race, color, religion, or politics make them an unpopular or suspected minority would more likely be victims of discrimination.

History denies that these restraints defeat the ends of justice by crippling the prosecution and discouraging the detection of crime and the conviction of criminals. All they do defeat are the lazy habits of those police who prefer to use a whip rather than their wits to solve a mystery.

Those who champion the constitutional rights of minorities, who insist that members of all minority groups, including Communists and Fascists, be given a fair trial, who maintain that bar associations should actively concern themselves with protection in criminal trials of constitutional rights of those unable to protect themselves, are often severely criticized. They are, in fact, frequently dubbed Communists, fellow-travellers, or other subversive agents.

It is ironic that such criticism should be made, especially in legal circles. For both Communism and Fascism, as practiced, are obviously the negation of the whole philosophy of the Bill of Rights. Certainly he who maintains that the Bill of Rights should be enforced with vigor

and given full vitality is championing the democratic scheme of things, not Communism or Fascism. He is a disciple of Thomas Paine and of Thomas Jefferson, not of Lenin or of Hitler. One might as well maintain that he who is charged with treason should have no defender, even though the Constitution surrounds him with special safeguards, and that he who defends him is likewise suspect.

If that had been the Anglo-American tradition, one of the most brilliant chapters in liberty would never have been written. I refer to the courageous and powerful advocacy of Thomas Erskine in Westminster Hall in the eighteenth century -- a crucial chapter in history recently brought vividly to life by Stryker in his stirring book, *For The Defense*. Erskine, without fear and without compromise, opposed his government, faced a nation aroused to fever pitch over the spectre of revolution, and defended without flinching the rights of Thomas Paine and other eighteenth century champions of liberty. The victories Erskine won gave freedom of speech and of press new vitality. Even the conviction of Thomas Paine, in spite of Erskine's brilliant defense, may well have had a sobering effect on English thought. In any event, it is plain that as a consequence of his moving advocacy, freedom of speech and of press became real guarantees that man could without fear of punishment criticize his rulers for their practices. Those freedoms became the tools whereby the people -- the source of all the powers of government, as Thomas Paine eloquently maintained -- could be a potent, active force in the affairs of state. They became the means for curbing a lawless or oppressive government, for promoting reforms, for making liberty more secure even for the humblest citizen.

Such was the power of advocacy of the great Erskine. The rewards of advocacy today in the field of civil liberties can be as enduring. Courageous advocacy by a militant Bar can give us, through consistent application of the Bill of Rights, renewed claim to the decencies of western civilization. Such performance on our part will, indeed, make the Bill of Rights an increasingly potent force in world affairs.

The illness of the world cannot be cured by material things alone. Men want food, of course, And food they must have. But as a wise Chinese philosopher and statesman has put it -- a full rice bowl is the beginning not the end of man's struggle. Men also want freedom. And none has yet designed a more open road to freedom than that suggested by our Bill of Rights.

Perhaps none would appreciate as much as a lawyer the importance of the right to counsel. The full right to counsel in prosecutions for felonies was not recognized in England until 1836. But its importance was recognized by the colonies early in the history of this country. Thus, in 1669 the Colonial Assembly of Rhode Island enacted that any person who was indicted might employ an attorney to plead in his behalf. Before the adoption of our constitution, like provisions appeared in the constitutions of the several States. The importance of this guarantee of the Sixth Amendment has never been better stated than by Mr. Justice Sutherland in Powell v. Alabama, 287 U. S. 45, 68-69.

"The right to be heard would be, in many cases, of little avail if it did not comprehend the right to be heard by counsel. Even the intelligent and educated layman has small and sometimes no skill in the science of law. If charged with crime, he is incapable, generally, of determining for himself whether the indictment is good or bad. He is unfamiliar with the rules of evidence. Left without the aid of counsel he may be put on trial without a proper charge, and convicted upon incompetent evidence, or evidence

irrelevant to the issue or otherwise inadmissible. He lacks both the skill and knowledge adequately to prepare his defense, even though he have a perfect one. He requires the guiding hand of counsel at every step in the proceedings against him. Without it, though he be not guilty, he faces the danger of conviction because he does not know how to establish his innocence. If that be true of men of intelligence, how much more true is it of the ignorant and illiterate, or those of feeble intellect."

At times, however, we have been lax in our practices, and all too often have failed to give an accused counsel either before he enters his plea or stands for trial. The Court in recent years has had occasion to pass on several cases involving the point. The relevance of the matter here is not so much what the Court has ruled but what local authorities have done to make sure that their trial courts conform to the constitutional standards.

In 1945 the Missouri Supreme Court, acting in conjunction with its Judicial Conference, took steps to make sure when a prisoner appears without counsel in a felony case that his right to counsel is protected. A new revised procedure was adopted for all such cases to provide that the prisoner be informed of his right to counsel and in fact have counsel before he pleads or stands for trial, unless an intelligent waiver is made. New forms of pleas of guilty and sentence and judgment, designed to make the record show precisely what transpired, were also adopted. The State thus protects itself against subsequent false claims of denial of the right to counsel. And an accused is protected against being a victim either of his own ignorance or of the laxity of a trial judge.

Missouri's action is a statesmanlike endeavor to satisfy the constitutional right to counsel in felony cases. The procedure wherever adopted cannot help but have a wholesome, cleansing effect. It is additional assurance that in America courts will not become adjuncts of the police. It is an added guarantee that justice will not lose by default in our courts; that the poor and the ignorant, as well as the rich and the educated, will be the beneficiaries of our standards for a fair trial.

Disregard of civil liberties by private groups is sometimes understandable. But courts and their officers have special responsibilities to maintain those rights. What they do sets the tone for the whole community. It is in and around the court rooms of the land, not in the history books, that the vitality of the Bill of Rights is to be found.

It is a special responsibility of the Bar to see to it that the administration of justice conforms to constitutional standards, that the shackles of the law are not placed on freedom of expression or on freedom of religion.

It is, of course, natural to find the Bar engrossed in those subjects which occupy the time of members in their practice of law. Most do not practice criminal law and administration of justice in the criminal courts is thus not prominent on the agenda.

But it is a healthy sign to find this attitude changing. Committees on the Bill of Rights are increasing. The realization is growing that while our democratic scheme of life is under mounting criticism and challenge

by those who would destroy it, one of the most important tasks confronting us is to eliminate the justifiable criticisms which are levelled against it. If in practice we live up to the ideals of the Bill of Rights, we will have made great progress in that direction. We will have brought greater unity and cohesion into our national life. For we will have eliminated from the American scene many of the elements and influences which are divisive in character. Moreover, we will have won new prestige for a government of laws. When there is integrity in law enforcement practices, there will be respect for the administration of justice.

The great work of the Bar in this field is not to be found in the cases which have reached the high tribunals. Those cases have the light of publicity already on them and have elicited the energies of counsel. The field which can most profitably be patrolled is the local one.

What goes on in the jails? How long are prisoners kept incommunicado before being booked? Are they booked on fictitious charges to conceal another charge not yet established? Do third-degree practices go on behind the closed doors of police stations? Are the odious general warrants reentering the American scene? Does the police system follow totalitarian lines by putting force ahead of brains in crime detection? Do prisoners -- no matter what their race, wealth, or social standing -- enjoy the right to counsel? Are juries drawn without discrimination? Is there censorship of ideas in the community?

Some committees are getting startling answers to some of these questions. And the information they have obtained is enabling them to proceed with intelligent, practical programs of reform.

None of these questions presents major problems in many communities. But in many others they do. Some of them can be corrected by simple procedural changes. Others involve more drastic reforms. Some may even entail a reeducation of a community. But whether the particular task is big or small, it has peculiar challenge to the Bar. It is in keeping with the great tradition of the Bar for it to become the vanguard of these reforms.

Madison in championing the Bill of Rights stated that "The prescription in favor of liberty ought to be levelled against that quarter where the greatest danger lies, namely that which possesses the highest prerogative of power." And so the Bill of Rights is not only a curb on all executive agencies, on the legislatures, and on the courts. It is in its ultimate reach a check on a majority of the people -- the source of all sovereignty-- in favor of a minority.

The Bar can reeducate America in that tradition. By its advocacy the Bar can give added assurance that we will not sacrifice the great purpose of the Bill of Rights even when we deal with the minority that seeks to confuse and divide us. It can make sure that neither race, color, religion, nor political faith will affect the measure of justice in America.

Supreme Court of the United States
Washington, D. C.

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

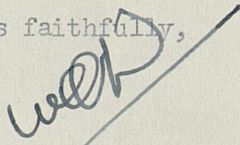
February 14, 1948

RECEIVED
FEB 14 5 12 PM '48
CHAMBERS OF THE
CHIEF JUSTICE

Dear Chief:

In No. 535, Josephson v. United States, in which
the Court voted today to deny the petition for certiorari,
would you kindly note in the published order on Monday that
I dissent?

Yours faithfully,



William O. Douglas.

The Chief Justice,
The Supreme Court.

[No date]

Supreme Court of the United States

Memorandum

-----, 194--

This dog was
All American tackle
from the Yale 1923
team.

He is a descendant
of Mr Justice Blair
of this Court.

W.C.

~~Chief Justice~~

(No date)

Supreme Court of the United States

Memorandum

-----, 194---

This is the memo
I wrote to Frank.
I do not know
what is reaction
was

WOW

Chief Justice

[No date]

Supreme Court of the United States

Memorandum

_____, 194____

I am not going
to sit in these
current cases
if the Court can
find a majority
without me. But
I will hear
argument with
the view of

Supreme Court of the United States

Memorandum

_____, 194__

participating
only of the
Court is 4-4

WCH

Chief Justice

5/3/47

Dear Fred -

- (1) I have not been able to go over the cert. list this week. If any cases turn on my vote let me know & I'll send my vote in to you
- (2) In no 453 Painfield Co & EC I recommend that the petition for rehearing be denied.
- (3) In no 1147 Local 2880 et al v. NLRB I vote that the pet. for cert. be granted
- (4) I'll send you by Monday my votes in the argued & submitted cases
- As ever
Bees

Original Filed in VIP Correspondence File

Supreme Court of the United States

Memorandum

File

5/8, 1948

Dear Fred -

Here is a copy
of the letter
mentioned

Bees

Supreme Court of the United States
Washington, D. C.

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

June 5, 1948.

RECEIVED
JUN 9 3 58 PM '48
CHAMBERS OF THE
CHIEF JUSTICE

Memorandum to the Chief Justice:

As a master in United States v. California, I suggest
Underhill Moore -- retired law professor of Yale. He is
vigorous, in good health, and one who would do a painstaking job.

William O. Douglas

Supreme Court of the United States

Memorandum

_____ 6/14/48 _____, 194__

Mr. Chief Justice:

Justice Douglas said that it is not necessary to note his nonparticipation in the cert. vote last Saturday.

Sparrowe

RECEIVED

JUN 14 9 47 AM '48

CHAMBERS OF THE
CHIEF JUSTICE

Supreme Court of the United States

Memorandum

6/21/48

-----, 194---

Mr. Chief Justice:

#805 - Glassey v. Calif.

Justice Douglas votes to deny
cert. in this case.

Sparrow
Sparrowe

*Reviewed by [initials]
6/21/48*

<1948>

RECEIVED

Supreme Court of the United States

Memorandum

Nov 22 10 48 AM '48

CHAMBERS OF THE
CHIEF JUSTICE

Dear Chief -

In No 49

Teosacit v. Chang

I have tentatively
decided to vote
to reverse

WOOD

RECEIVED

MAR 9 12 07 PM '48

~~March 9 1948~~
CHAMBERS OF THE
CHIEF JUSTICE

Re: Summers v. McCoy, No. 564

Memorandum to the Chief Justice:

I asked that this case be removed from the Special List, because I thought the petition raised important questions concerning the power of the Postmaster General to exterminate a business by labeling it "fraudulent". The advertisements upon which the order was based seem quite remote from those involved in Leach v. Carlile, 258 U.S. 138. I thought the present case went dangerously beyond anything the Court had sanctioned before.


William O. Douglas

cc to the Justices

Original Filed IN VIP CORRESPONDENCE FILE

I vote to hear
argument in Nos.

234 Misc.

249 ..

259 ..

31A ..

332 ..

Telephone - Douglas

[C] that argument should be heard on the
the motion for leave to file the petition
in order to settle what

remedy, if any, Des
petitioners have

Supreme Court of the United States

Memorandum

1/21, 1949

Dear Fred -

Damon Hunt?

Portland, whom you met,
arranged for your election
to a small, elite social
club in Portland. To be
elected a person has to
receive one blackball.

That was difficult to do
in your case. But Damon
arranged that too.

welcome!

as ever Bill

CA 497
Supreme Court of the United States

Memorandum

5/26, 194

Dear Fred -

I didn't answer
this letter. Perhaps
others have received
a like one. Should
I just let it lay?

WOW

RECEIVED
MAY 20 5 39 PM '09
CHAMBERS OF THE
CHIEF JUSTICE

May 21, 1949

Dear Bill:

I am returning herewith letter which you transmitted to me from Congressman Multer in regard to H. R. 3981.

A copy of this bill did not come to me. In my view, Congress will not meet the problem of an equally divided Court in the manner set forth in this bill.

"I would let it lay."

Sincerely,

(Signed) Fred

Mr. Justice Douglas.

[Faint handwritten notes on the right side of the page:]
I am returning this to you
as it is not a bill
and I am not a member
of the Court.



Beirut - Vue de l'Université Américaine

June 20th. It is
 7 P.M. here + noon
 in Wash D.C. I hope
 Larson & flood &
 other cases came
 down today &
 that you are now
 in the clear for a
 good summer.
 I am delivering the
 commencement address
 here tomorrow & going
 on a perch trip in the
 into of Lebanon & next day, Bee

[1949]

noted
 file kept

Hon. Fred Vinson
 U.S. Supreme Ct.



Wash D.C.

U.S.A.

[1949]

Supreme Court of the United States

Memorandum

-----, 194---

I vote to issue
a writ in 60597
misc. against
determining whether
the finding of a
administrator under
§ 304 (a) (2) was
proper.
(W)

Supreme Court of the United States
Washington 13, D. C.

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

Portland, Ore
Aug 4, 1947

Will

Dear Fred

Many thanks for
your letter which reached
me here in the hospital.
Yes, they are gone - for good
I hope. The tonsils were the
source of my troubles - and
in the doctors hands they
were mean looking bastards.
My throat is still sore but
I feel better daily and
return to eastern Oregon
this week. Our love to you
& Roberta - As ever
Bill

Conference
June 17-

RECEIVED

June 15, 1949 JUN 15 1 21 PM '49

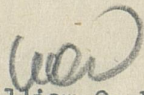
CHAMBERS OF THE
CHIEF JUSTICE

Memorandum to the Conference:

No. 17, Wolf v. Colorado, and No. 1389 O.T. 1946, Lustig v. United States, were argued October 19, 1948. That was almost eight months ago. No opinions have yet been submitted. This is of particular concern to me since this is my last day in the country. But it is a matter of deeper concern. These are criminal cases that should have had priority. They are important cases that make for divisions in the Court.

In the fall I will propose that once a case is held longer than three months without a submission to the Conference that it be reassigned.

I do not think, in fairness to each other and to litigants, one of us should be allowed to serve his own personal ends by holding cases beyond that time.


William O. Douglas

Supreme Court of the United States.

Memorandum.

5/11

1947

Dear Fred - I hope you
will not hesitate to give
me more work this term.
I will be moving around
again in a week and
I'll go nuts if I have
nothing to do. They don't
seem to know why people
get this disease. In my
case it was not lowered
resistance. For the docs
say I was in good
shape. I guess I met a guy
who was a real SOB.
As ever - Bill

Supreme Court of the United States

Memorandum

8/9, 1949

Dear Mr

about these same
statistical difficulties
here?

RECEIVED

AUG 10 10 51 AM '49

CHAMBERS OF THE
CHIEF JUSTICE

B. J.

Supreme Court of the United States
Washington 13, D. C.

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

RECEIVED

OCT 15 1949
Yakima, Washington
October 12, 1949
CHAMBERS OF THE
CHIEF JUSTICE

Honorable Fred Vinson
United States Supreme Court
Washington, D. C.

My dear Fred:

I am dictating this letter in the hospital at Yakima so that you and the brethren may have a clear idea of my present status and so that you may have some current information to pass on to such other friends of mine as may be interested, particularly The President, Sam Lyndon, Clark Clifford, *etc.*

All of the diagnosis has been completed. The only damage is to the 14 ribs. The spine fortunately is uninjured and intact throughout. Some of my organs, such as the heart and elementary canal, were displaced 4 or 5 inches to the left but they are now back in proper position. The right lung which was punctured, has healed and has been re-inflated and is functioning normally. All the blood has been removed from between the lung and the chest wall. I am resting very comfortably and am in no pain except when I move or when I cough or sneeze. I had thought that I would start back to Washington along about October 16th or 17th but that is utterly out of the question. It is much too painful for me even to sit up, to contemplate that. My doctors' best prognostication is that I will not be able to head east until about November 1st and should not get back on the job until November 15th.

I will be unable during that period of time to go over any of the Certs. My office, however, is sending out to me the argued cases and I will send you sometime next week, my votes in them. This week, However, I am doing nothing under the doctors' advice because this accident of mine has almost completely exhausted my energy.

I am happy to say that no vital organs were at all injured. My blood count is normal. My temperature is normal. The horse weighed around 1500 to 1600 pounds and there are a lot of internal bruises that have to heal. I am thinking of you all the time and wish I were there and you can be assured that I will be back at the earliest possible moment.

The messages which I received from you and the other brethren touched me deeply and helped carry me through the three-day period when it was touch and go.

Yours faithfully,

Wm O Douglas

William O. Douglas

WOD/ap

Supreme Court of the United States
Washington 13, D. C.

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

RECEIVED

OCT 24 9 29 AM '49

CHAMBERS OF THE
CHIEF JUSTICE

Dear Fred

I have asked one of my
doctors, Douglas Corrigan,
(the most conservative of
the four) to write you
a detailed account of W.O.D.
& to give you his best
prognostication. On the
basis of that letter you can
better make your plans
for the Court calendar.
Doug Corrigan by the way is salt
of the earth. We grew up together
& the day was when I could
throw him. As ever
W.O.D.

Supreme Court of the United States
Washington 13, D. C.

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

the conference when the vote
was taken.

On this matter I feel
different than some of the
Brethren do. I respect Bole for
his course of action in the
Mazani case. But that
would not be my course.
I would not ask for
reargument merely because
I did not hear the original
argument nor because someone
criticized me. I would ask
for reargument only in case
I felt I needed oral
argument to help me
decide the case.
You mention two cases—

nos. 31 + 23 - where the Court
is divided 4-4. I will
study the briefs and records in
these cases & if in the end
I am clear as to the result
I will send for my votes.
If after study I am not clear,
I will ask for argument.

This is my position
on the question you put me
in your letter of the 17th. If
I am outvoted, the Court
thinks I should hear argument
whether I need it or not, that's
OK. But it still is a
lot of nonsense. (I promise, however,
not to put my "bitterness" into
writing nor file a dissent)

Good luck & best wishes

Yours, Fred.

As ever
Bill

Have Roberts' hand off on that story of average
if it really adds.

RECEIVED

OCT 22 9 25 AM '49
Supreme Court of the United States
Washington 13, D. C.

CHAMBERS OF THE
CHIEF JUSTICE

CHAMBERS OF

JUSTICE WILLIAM O. DOUGLAS

Yakima, Wash
Oct 20, 1949

Dear chief:

When I wrote you last week I said I would be sending you this week my votes in the argued cases. But I am not able to do so. The doctors have discouraged me in the project. The chest wall has been wounding me; but the injury to the lung was more severe than the doctors at first thought. The broken ribs chewed it up badly and the impact of the blow bruised it extensively. As the doctors explain it to me, the lung is now as sore as an eye hit by a baseball. It takes time to mend & cure. As a result I will be in the hospital until

Nov 1st or so. When I can
travel, the doctors want me to
go to Arizona & sit in the desert
for a few weeks. The business here
will have a low intensity for
a while. They don't want me to
report to the fleas bugs etc until
it is in good shape.

So I am going to obey
them and also give up my
wardenship. As a result I will
not be back on the job until Dec.
1st at the earliest.

Meanwhile I have
decided it is best for me not
to try to keep up all the
work of the Court. Where my
vote is not necessary for
a decision, kindly note that
I took no part. Where my
vote is necessary for a
decision, I will participate
even though I did not hear
argument nor participate in



Hotel Benson

Portland 5, Oregon

July 12, 1948

Dear Fred -

I talked with the President this morning & shortly thereafter made the following statement. I had hoped to talk with you over the week-end. But things were coming pretty fast and the heat was on. I think I made the right decision anyway, it will be a great pleasure to remain on the vision team.

Always
Bill

Original Filed in VIP Correspondence File

Four years ago, at the time of the Democratic convention, when President Roosevelt found me, among others, acceptable as his running mate, I said that I was not a candidate for public office. I thought then, as I think now, that no person while a member of the Supreme Court should seek political preferment. And so in this year of 1948, I likewise have not been a candidate, and am not now a candidate for any public office.

I appreciate the great expression of confidence which in recent months has come to me again from men and women of all walks of life. No American can have such a thing happen to him without feeling grateful and humble. I believe that it is the privilege of Americans to seek out for high office those in whom they put great trust and confidence, whether or not such persons seek the office. Yet I feel deeply that my greatest service to the Nation at the present time is to remain on the Supreme Court. I have reached that conclusion with greatest respect for the judgment of those who think otherwise.

And so I say definitely and finally that I am not available for any public office.

William O. Douglas

July 12, 1948

Original Filed in VIP Correspondence File

RECEIVED

OCT 21 9 29 AM '49

Supreme Court of the United States
Washington 13, D. C.

CHAMBERS OF THE
CHIEF JUSTICE

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

Oct 21, 1949

Dear Chief -

In No. 23 Carter v.
Atlanta & S. A. B. Ry Co I
have studied the briefs
and have also read the
entire record (a practice
I recommend to the wayward
 brethren). I have concluded
that the judgment should
be reversed. And I so
vote. There was ample
evidence of violation of the
Lafayette Cuyler Act which
should have been set to the jury.
and I disagree with the Court on
the merits cause issue.
Sincerely,
Wm O Douglas

Original Filed in VIP Correspondence File

DOUGLAS S. CORPRON
PHYSICIAN & SURGEON
YAKIMA, WASH.

Oct. 21st, 1949.

Chief Justice Fred Vinson,
Supreme Court,
Washington, D. C.,

Dear Sir:

RECEIVED

OCT 24 9 29 AM '49

CHAMBERS OF THE
CHIEF JUSTICE

I am writing to you concerning William O. Douglas, as one of his physicians and as a boyhood friend. I will try to inform you as to Bill's injury - its extent, present condition and my opinion as to the prognosis.

When the horse rolled over Bill's chest there resulted severe injury not only to the cage of the chest but also to the right lung. As you have heard, fourteen ribs were broken - nine on the right side and five on the left. The right lung was bruised, crushed, and punctured by rib ends.

The healing of the chest cage is progressing very satisfactorily, according to expectations. The lung injury is healing slower than we had hoped for; but now satisfactorily considering the trauma it experienced.

At first xrays showed air in the right chest cavity with partial collapse of the lung. A few days later bleeding partially filled this space. Blood and serum was aspirated on three occasions. Now, two weeks and five days later, there is no air or fluid in the right chest cavity. Breath sounds are clear throughout both lungs with no moist rales to be heard. But there is considerable clouding of the entire right lung, interpreted as oedema of the lung tissues and not pneumonia by the xray man.

Clinically Bill's condition has shown a gradual improvement. Antibiotics have been used for the two weeks as a prophylactic to ward off serious respiratory infections. Visitors have been kept out of the sickroom. His wife did not see him recently and one nurse was released because they developed "colds". His evening temperature has consistently risen to about 100 F until the last few days when it has been but 99.2 F. Also these last two days he has shown marked improvement in every way.

If there is no unforeseen complications, it is my opinion that Bill will be in the hospital here for another two or three weeks. As soon as he can be moved I would recommend that he be transported to some more southern high, dry, warm climate for a period of a few months convalescence. At such a place he should be able to enjoy the "wide open spaces", without social obligations. He would be able to receive and study court cases, read and write.

The clouding of the right lung field should show a

OFFICE PHONE 24879

OFFICE ADDRESS
3714 WEST CHESTNUT

DOUGLAS S. CORPRON
PHYSICIAN & SURGEON
YAKIMA, WASH.

gradual improvement during the next month or two. He should have access to an xray every six weeks to two months to keep track of the progress.

I should think that he should not return to Washington and regular work before January or February. By April or May he should be completely recovered and be able to go horseback riding again.

Best regards to you and yours, and hoping I may be

Sincerely yours,

Douglas S. Corpron

Douglas S. Corpron

October 24, 1949

Dr. Douglas S. Corpron,
3714 West Chestnut Street,
Yakima, Washington.

Dear Dr. Corpron:

I have your letter of October 21st and appreciate your writing me. Bill has been telling me how fine he is getting along, but it was good to have it confirmed by the doctor. The treatment which you are prescribing sounds like the right thing for him to do, and I have written him to that effect.

With thanks for your courtesy and kind regards, I am

Sincerely,

(Signed) Fred M. Winson

C O P Y

Yakima

Oct. 24th

Dear Fred:

Take a red crayon and make a circle around Oct. 24th.

I sat up today in a chair for half an hour.

So I told the docs to get my horse and saddle him up
and tie him outside the hospital. It won't be long now!

As ever,

Bill

Copies circulated-

10/27/99 -

Supreme Court of the United States
Washington 13, D. C.

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

Yakima
Oct. 24th

Dear Fred

Take a red
crayon + make a
circle around Oct. 24th.

I sat up today in
a chair for half
an hour

so I told the doc
to get my horse and
saddle him up + tie him
outside the hospital. It
won't be long now!!
as ever Bue

Yakima, Wash -
Oct 20, 1949.

Dear Chief:

When I wrote you last week I said I would be sending you this week my votes in the argued cases. But I am not able to do so. The Doctors have discouraged me in the project. The chest wall has been mending nicely; but the injury to the lung was more severe than the doctors at first thought. The broken ribs chewed it up badly, and the impact of the blow bruised it extensively. As the doctors explain it to me, the lung is now as sore as an eye hit by a baseball. It takes time to mend and cure. As a result, I will be in the hospital until Nov. 1st or so. When I can travel, the doctors want me to go to Arizona and sit in the desert for a few weeks. The bruised lung will have a low vitality for awhile. They don't want me to expose it to flu bugs, etc., until it is in good shape.

So I am going to obey them and also your writ of mandamus. As a result I will not be back on the job until Dec. 1st, at the earliest.

Meanwhile, I have decided it is best for me not to try to keep up with the work of the Court. Where my vote is not necessary for a decision, kindly vote out and took no part - where my vote is necessary for a decision, I will participate even though I did not hear argument nor participate in the Conference when the vote was taken.

On this matter I feel different than some of the Brethern do. I respect Bob for his course of action in the Marzani case. But that would not be my course. I would not ask for reargument merely because I did not hear the Original argument, nor because someone criticised me. I would ask for reargument only in case I felt I needed oral argument to help me decide the case.

You mention two cases - Nos 31 & 23 - where the court is divided 4-4. I will study the briefs and records in these cases and if in the end I am clear as to the result I will send you my votes. If after study I am not clear, I will ask for reargument.

This is my position on the question you put to me in your letter of the 17th. If I am out voted and the court thinks I should hear argument whether I need it or not, that's OK. But it still is a lot of nonsense. (I promise, however, not to put my "bitterness" into writing nor file a dissent.

Good luck and God bless you, Fred.

As ever

Bill.

Have Roberta hold off on that story if its really good - for a laugh is as hard on me as a sneeze.

Original Filed
in VHP
Correspondence
File

Dear Fred:-

My views on the amicus briefs are as follows:

1. I agree we should either enforce the present rule or promulgate a new one.
2. I favor a new one. But if there are not 5 who can agree on a new one, I will join 4 to keep & enforce the old one.
3. The new one I favor would permit the filing of an amicus brief by anyone (without consent of the parties) provided it is filed not less than 10 days prior to the argument of the case. I would suggest the time be no less than 10 days.

As ever

Wm O Douglas.-

THREE BAR RANCH
MILL ROAD
COWICHE, WASHINGTON

RECEIVED

OCT 25 9 15 AM '60

CHAYBORS OF THE
CHIEF JUSTICE

John
Oct 23rd

Dear Fred

My views on the amicus
briefs are as follows

1. I agree we should either enforce the present rule or promulgate a new one.
2. I favor a new one. But if there are not 5 who can agree on a new one I will join 4 to keep & enforce the old one.
3. The new one I favor would permit the filing of an amicus brief by anyone (without consent of the parties) provided it is filed ^{not less} ~~not less~~ than 10 days prior to the argument of the case.

argument of the case. I
would suggest the time
be no less than 10 days

As near

unobtainable

October 26, 1949

MEMORANDUM FOR THE CONFERENCE:

I have received the following note from Justice Douglas in regard to the filing of amicus briefs:

"My views on the amicus briefs are as follows:

1. I agree we should either enforce the present rule or promulgate a new one.
2. I favor a new one. But if there are not five who can agree on a new one, I will join four to keep and enforce the old one.
3. The new one I favor would permit the filing of an amicus brief by anyone (without consent of the parties) provided it is filed not less than _____ days prior to the argument of the case.
I would suggest the time be no less than 10 days."

The Chief Justice.

October 24, 1949

Dear Bill:

I received your letters written on the 20th and 21st, together with a letter from Dr. Douglas S. Corpron.

The Conference was pleased to learn last Saturday of your coming along so well, and really we are most happy that you have made up your mind to take care of yourself. You know our old friend FDR used to say that first things come first, and there isn't a dissenting voice in the Court that in this instance full and complete recovery is the first thing that you must think about.

I have noted your vote in No. 23, and some way I believe that that will work out where it will not be 4-4. I feel reasonably certain that the same thing applies to No. 31, but regardless of that, we want you to make it the first order of business to take care of yourself.

We certainly miss Frank and Wiley. It is difficult to think that they are not around. Tom Clark and Shay Minton have jumped into it and are working like the devil. I know you will enjoy working with them when you get back into the harness. Things have been going along very well. We have had some pretty tough cases, both argued and in Conference, but up to this good hour, I haven't seen a drop of blood spilled.

I haven't been getting around much this fall, but every place I go I run into your many friends who are interested in your complete recovery. The universal chorus is that you are a tough hombre to be able to come out of such combat so well. I was with Morton Downey the other night, and he said he was going to make a record for you in which he would tell Roberta's story. I don't know that I ever knew one more appropriate.

Roberta joins me in love to Mildred and you.

Sincerely,

[Signed] WED

Honorable William O. Douglas,
St. Elizabeth's Hospital,
Yakima, Washington.

FMV:McH

Supreme Court of the United States
Washington 13, D. C.

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

RECEIVED

JUN 15 11 57 AM '49

June 15, 1949. CHAMBERS OF THE
CHIEF JUSTICE

Conference

Memorandum to the Chief Justice:

If in my absence the Conference considers the question of getting reporters to transcribe the oral argument before the Court, would you kindly vote me in favor of the proposal? I think experience has shown that if we had transcriptions of the oral argument, it would be most helpful and would avoid the misunderstandings that have repeatedly arisen in the past.

File

WOD
William O. Douglas.

Original Filed in VIP Correspondence File

October 15, 1949

Dear Bill:

I received your letter this morning, and have passed it on to the Brethren. I also will get word to the folks you mentioned.

I really think that you are something. As I told the doctor in my telephone conversation with him, you are a tough hombre. To wrestle with a horse that weighs from 1500 to 1600 pounds and come out of it as you have is a remarkable performance.

It is hard to tell you just how much all of us have missed you. It may have required something like this to bring the realization to your friends of just how much they love you. We were shocked and worried sick until we got the news from the doctor that there were no serious internal injuries.

I want to get right to the "meat in the coconut". You must certainly get it out of your mind that you should be back here on the job until the doctor gives you the green light. I know that the prerogatives of an Associate Justice of the Supreme Court are something, but you have no jurisdiction in this field. The doctor's orders are not subject to review, and I give it to you that if you attempt to reverse his orders there are eight fellows sitting here who wear the same robe you do, and they will constitute a majority. I say this regardless of how you get to feeling because, brilliant and experienced as you are, this is once, old-timer, that we are not going to back you up. It may be all right to look forward to the date when you will be back here, but the thing to do is to concentrate on a full recovery first. Of course, we are going to miss you and miss your experience and ability, but what we really want is your complete recovery.

Don't worry about your inability to go over any of the certs for the next few weeks. Just put your whole effort into following the doctor's orders so that there will be no interference with your regaining your usual good health.

It certainly is a remarkable thing that you have been able to reach your present physical condition. It shows that it pays to live right. All the Brethren were more than pleased with the recitation of your condition. In your letter, you demonstrate anew the thoroughness with which you come to grips with "your case". Be assured that while we all want you back

- 2 -

on the job, we will enter an order, if necessary, enjoining your overruling the doctor's orders in this respect.

We all love you a lot.

Sincerely,

Honorable William O. Douglas,
St. Elizabeth's Hospital,
Yakima, Washington.

FMV:McH

October 17, 1949

Dear Bill:

We have had several matters which we discussed at the Conference that are somewhat perennial. We had up the filing of the amici briefs. Nothing has been done about the formulation of any new Rule or Amendment to the Rules. To date none have been ordered filed. You know the viewpoint of every member of the Court with the exception of Clark and Minton. It seems to me that we have to do something about it. We have a Rule on the books that simply isn't enforced, and I think it is a bad practice to permit it to stand unchanged unless it is going to be enforced. We have had a number of suggestions, and I don't know whether we will get any further with it than we have in the past, but I thought I would tell you about the discussion. It may be that you might want to write your views, but I know that you know we are pretty well aware of your general attitude.

We discussed another matter at length on Saturday, which also has been discussed several times during the last term, in regard to participation in cases when the arguments have not been heard by a member of the Court, and also when the absent member has not participated in the Conference. You will recall the situation that grew out of the first argument in Marzani last year when Justice Jackson did not hear the argument but participated in Conference, and the order came down affirming by a divided Court. On petition for rehearing, when Jackson participated in the argument and in the Conference, the same order came down affirming by a divided Court.

There are a few of the cases argued last week where we have a 4-4 vote, and we have marked them to be held until your return - No. 31, Reilly v. Pinkus, and No. 23, Carter v. Atlanta and Saint Andrews Bay Railway Company. Unless there is a change, the best we could do is to have rearguments if we follow the action in Marzani of last Term. I do not know what your notion is in regard to voting in these cases or, for that matter, in the other cases where you did not hear argument or participate in the Conference.

Minton is out of four cases which were argued before he took his seat. Two of these, however, were cases he would have been out of any way because of his having participated in them in the Court of Appeals. We have a situation in Nos. 10 and 13, the Communist oath cases, where your vote would not be decisive. The rest of the cases heard last week have tentative votes pretty well together. We would like to know what you think about disposition of these cases - that is, whether you want to be in or out. I do not have any question

about those in which your vote is decisive. Petition for rehearing will be filed and it seems to be the feeling that there ought to be an automatic setting of these cases for rehearing if you decide to participate.

There was quite a bit of discussion about this being a matter which each Justice should determine rather than to promulgate a fixed, fast rule. The expression was almost, if not unanimous, aside from the disposition of any case, that you ought not to tax your strength in working and worrying over anything except getting well.

I reassigned the reargued cases for December and likewise reassigned No. 25, the Henderson Case, also for December so that you would be here to participate.

I called the President, Clark Clifford, Stu Symington, and the Speaker as per your request, and they were all tremendously pleased to know that you were getting along fine. I think it is perfectly marvelous that you are getting along so well. However, you just must not tax your strength or take your case out of the doctor's hands.

You let me hear from you in regard to your views in respect to participation. If we come up with anything in regard to the amici briefs, we will send it to you.

Roberta informs me she has a joke to tell you, and will probably write you. It really is very apropro for a fellow who is suffering like you have and are suffering. Bill Benton was in the other day and was inquiring about you. He told him about the pain that came from either one or two broken ribs, and he was glad to know that you are getting along nicely.

With lots of love,

Your friend,

(Signed) Fred M. Vinson

Honorable William O. Douglas,
St. Elizabeth's Hospital,
Yakima, Washington.

FMV:McH

November 22, 1949

Dear Bill:

Certainly was happy to get your note of the 20th, informing us how the Arizona cline was operating. A man really can raise the devil in any 15-minute period, but I am glad that you have concluded you want to get the job of getting well completely done. Frankly, I think there is more future trouble that comes out of a person who has been banged around as you were, or stricken with some serious illness in getting "well" too quickly. It just doesn't make sense for a lawyer or any one else, except a doctor, to practice medicine.

Hugo and I were talking last night about a couple of cases - No. 3, United States, ex rel. Eichenlaub v. Shaughnessy, and No. 82, United States, ex rel. Willumeit v. Shaughnessy - in which the votes are 4-3 to affirm with Clark out. We concluded that, if you participated and voted for affirmance, it would be 5-3, or if you voted to reverse, the vote would be 4-4, and then the cases would be affirmed by an equally divided Court, that it was as well to assign them and I have followed that course. I am asking your secretary to send you the decks in these cases, and if you have a different view let us know.

This morning, I was looking over the vote in No. 14, Dennis v. United States, and find that as the vote stands a majority are for affirmance, two voting to reverse with Clark out. There is a possibility of its finally winding up 4-3 for affirmance, without your participating, which would put it in the same category as Nos. 3 and 82. There are several cases being held for Dennis, but if it is re-argued, it might very well come out 4-4, or 5-3, or even 6-2. In my opinion, under the present status, I feel I should assign this case also.

That leaves us three cases in which we are tied up 4-4 without your participation - No. 69, Sinclair v. United States; No. 76, Travelers Health Association v. Commonwealth of Virginia; and No. 200, Affolder v. New York, Chicago and St. Louis Railroad Co. It may be that on reconsideration of the vote in these cases the vote will change and, if so, I will let you know. At present, however, it looks like re-argument will be ordered in them. I do not think that we gain anything by your participating in them, and then facing a petition for rehearing with re-argument almost certain to be ordered.

We have been moving along fairly well but we miss you to beat the devil. I mean that both personally and officially. Clark and Minton certainly are

stepping into their work in fine order. Both of them are truly working members of the Court.

I am enclosing the Clerk's statement on the status of the docket as of last Saturday, November 19th. I know you will be interested in seeing it. You can see that the docket is in very good shape. While we have had five more cases argued this Term than last Term, we have 15 fewer cases available.

I have refrained from giving you the data from time to time because I felt that the best thing for you was not to be worried about anything. Your job, both for yourself and the Court, is to have a complete recovery, and while I know you "chafe", as you say, we want you to work at the job of getting well. As I say, we miss you like the devil - no one more than I. We will probably be jammed by the time you get back, but then I will really put you to work.

With the kindest of personal regards and every good wish,

I am truly,

(Signed) Fred

Honorable William O. Douglas,
c/o Mrs. Emily Hubbard,
Route 2, Box 989,
Rancho Tranquillo,
Tucson, Arizona.

FMV:McH

Copies circulated
11/3/99 -

C O P Y

Yakima, Wash.

Nov. 1, 1949

Dear Fred:

Just a report to say that the right lung is coming along in good shape. There is considerable cloudiness on the right side. But the docs say, on the basis of yesterday's X-rays, that it is the bruised chest wall. They thought for awhile it might be a plug of dried blood in the lung. Now they have satisfied themselves it is not.

The new X-rays show 17 instead of 14 broken ribs. Now don't go all out on that. There are 7 still to be counted, and confidentially I think they are busted, too. I'm going only on the pain and discomfiture of moving around.

I'll probably head for Arizona late next week. Mildred is going down now to find a suitable place.

I wish I were back on the job. This idleness is hard to take.

As ever,

Bill.

Supreme Court of the United States

Washington 13, D. C.

RECEIVED

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

Nov 3 9 32 AM '49
Johna Wash
CHAMBERS OF THE
CHIEF JUSTICE
Nov 1, 1949

Dear Fred

Just a report to say
that the right lung is
coming along in good
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think they are broken
too. I'm going only on
the pain & description
of moving around.

I'll probably
be off for Arizona late
next week. Willard is
going ^{down} now to find a suit-
able place.

Smith & I were back
on the job. This illness is hard
to take
As ever Bill

Supreme Court of the United States
Washington 13, D. C.

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

Johnna Wash
Nov 3, 1949

Dear Chief:

I have finally completed my study of No 31, *Reilly v. Pinkus*. I have studied the briefs & I have read the entire record (again I recommend record - reading to the wayward Brethren). I vote to reverse. My views are stated substantially by Judge O'Connell, dissenting below.

As ever

Wm O Douglas

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Nov 5 10 01 AM '09

CHAMBERS OF THE
CHIEF JUSTICE

NOTED

NOV 15 1949

Supreme Court of the United States
Washington 13, D. C.

F.M.V.

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

Copies Circulated 11/18/49-

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Nov 15 1949 2:37 PM

CHAMBERS OF THE
CHIEF JUSTICE

Dear Fred -

Six weeks in the hospital has ended. He does say I can leave tomorrow night by train for Arizona. My office will have my address & telephone no. should you need it. I'll be in Tucson - at least for awhile.

I am sure I will be there I do not know. It depends on how fast the right lung

clear up & have
fast & get my full
strength back.

I can walk 4 or
5 blocks now. I can
sit up for 2 or 3
hours. I have been
auto riding every day
for a week.

My rest from
the frame and my fast
recovery have amazed
the doctors & delighted me.
I lost 20 lbs in the ordeal
and am very weak. But
I can feel new strength
every day. The sun of
Arizona will feel wonderful
Amen Bull

C O P Y

Nov. 13, 1949

Dear Fred -

Six weeks in the hospital have ended. The docs say I can leave tomorrow night by train for Arizona. My office will have my address and telephone no. should you need it. I'll be in Tucson - at least for awhile. How long I will be there I do not know. It depends on how fast the right lung clears up and how fast I get my full strength back.

I can walk 4 or 5 blocks now. I can sit up for 2 or 3 hours. I have been auto riding every day for a week.

My exit from the grave and my fast recovery have amazed the doctors and delighted me. I lost 20 lbs. in the ordeal and am very weak. But I can feel new strength every day. The sun of Arizona will feel wonderful.

As ever,

Bill.

Circulated - 11/22/49.

C O P Y

Tucson, Ariz.

Nov. 20, 1949

Dear Fred:

I arrived here Thursday last and I must admit the sun feels good on my back. My doctor is Roy Hewitt, 110 So. Scott Street. I am asking him to give you a report on me as soon as he finishes his study. So far he has been quite optimistic -- he not only thinks I'll live and raise hell for many a year; he thinks I am progressing better than a man has the right to expect.

I admit that for 15 minutes a day I'm hotter than a fox. I've a long way to go so far as restoration of energy is concerned. The right lung has cleared a great deal in the last two weeks, though there is still cloudiness in the lower portions. The total number of ribs broken will exceed 17. In fact they are sure of only one thing -- that one rib is not broken. So I'll bring back a new championship, no doubt.

I'm chafing in all this idleness. Don't hesitate to shove things my way. I don't want to get too rusty.

As ever,

Bill

Supreme Court of the United States
Washington 13, D. C.

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

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NOV 21 3 33 PM '49

CHAMBERS OF THE
CHIEF JUSTICE
Nov 20, 1949

Dear Fred -

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my doctor is Roy Hewitt, 110
So. Scott St. I am asking
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a year; he thinks I am
progressing better than
a man has the right to expect

I admit ~~that~~ for
15 minutes a day 9:15
better than a fox. 9:15
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The right lung has cleared
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two weeks, though there is
still cloudiness in the lower
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of only one thing - that one
rib is not broken. So
9:15 bring back a new
championship, no doubt.

9:15 chafing in all
this idleness. Won't hesitate to
show things my way. I don't
want to get too rusty.
As ever Bee

DR. MEADE CLYNE
DR. WM. MAGILL SCHULTZ
DR. W. R. HEWITT
DR. W. B. STEEN
DR. HUGH C. THOMPSON, JR.
DR. RICHARD K. HAUSMANN
DR. HAROLD E. KOSANKE
DR. DELMER J. HEIM
DR. LAVERN D. SPRAGUE
DR. HIRAM D. COCHRAN
DR. EARL R. BALDWIN, JR.

THE TUCSON CLINIC

110 SOUTH SCOTT STREET

TUCSON, ARIZONA

November 25, 1949

Circulated 11/30/49-

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CHAMBERS OF THE
CHIEF JUSTICE

*copy
4
circulate*

Chief Justice Fred Vinson,
United States Supreme Court,
Washington, D.C.

Dear Sir:

Justice William Douglas is under my care here since arriving in Tucson. He was in the office today, and he requested that I write you regarding the time for his return to work.

Justice Douglas is, indeed, a very fortunate man to have survived his serious injury with as little permanent injury as we anticipate he will have. His remarkable constitution has certainly been in his favor, and it is my belief that within a period of two months, or, about February 1st. he will be able to return to work.

I am sure that you are interested in his present situation, and I may briefly say that he is improving steadily. He is now walking about a mile a day, and though there is some residual pain from his multiple fractures it is reducing. The lung injury, which is the only serious part of his situation, has improved tremendously, and I believe he will obtain full functional capacity in this lung.

It is understood that when he does go back to work, his duty requires strenuous effort, and it is my belief that he will be ready for it.

Yours very truly,

W. R. Hewitt
W. R. Hewitt, M.D.

WRH:VK
Air mail

November 30, 1949

Dr. W. R. Hewitt,
The Tucson Clinic,
110 South Scott Street,
Tucson, Arizona.

Dear Dr. Hewitt:

Thank you for your letter of November 25th, conveying the good news of the steady improvement of Justice Douglas and your prognostication as to when he will be able to return to work.

We miss him here a lot, but the entire Court is of the unanimous opinion that his first and most important job is to effect a complete recovery. As you say, there will be plenty for him to do when he does come back, and we want him to be strong enough to tackle it.

With kind regards,

Sincerely,

[Signed] Fred M. Vinson

December 8, 1949

MEMORANDUM TO: Mr. Justice Black
Mr. Justice Reed
Mr. Justice Frankfurter
Mr. Justice Jackson
Mr. Justice Burton
Mr. Justice Clark
Mr. Justice Minton

I thought you would be interested in the following excerpt taken from a letter from Bill Douglas dated December 3rd:

"Dr. Hewitt thinks I'm doing nicely. He in fact thinks I must be Superman to have (a) survived 23 broken ribs, and (b) recovered so fast. Tom Clark thinks otherwise. He thinks that I must have some Texas blood in me. Maybe it's that plus a bit of Kentucky. I'd be proud of each. Anyway, I still have a hell of a backache and am behaving. I hope I'm back working for you sooner than any one has yet estimated. My best to you and the Brethren."

Chief Justice.

Supreme Court of the United States
Washington 13, D. C.

Fab

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

RECEIVED

DEC 27 11 34 AM 1949

CHAMBERS OF THE
CHIEF JUSTICE

Dear Chief -

I gathered from your
recent letter that you wanted me
to give you my impressions
of No. 3 & No. 12. I have
studied these cases. They are
rather close ones for me.

But as presently advised
I would vote to reverse

As ever
Wm O Douglas

Supreme Court of the United States

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Washington 13, D. C.

DEC 7 3 30 PM '49
CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS
CHAMBERS OF THE
CHIEF JUSTICE

Box 5158

Justice Aug

Dec 3, 1949

My dear Fred -

I have your letter of Nov.
22nd. I think you were
wise to assign No. 3, No. 82,
and No 14 for opinions.

As soon as the briefs
& records arrive (as I
understand they will ~~arrive~~
here 5th), I will forward
them. If I have any
different view, I will
write you at that time.
If you want to put

all 4-4's done for
measurement, that's OK with
me. I leave it entirely to
you - and that also goes for
any other case.

Dr Hunt thinks I'm
doing nicely. He in fact
thinks I must be Superman
to have (a) survived 23
broken ribs and (b) ~~have~~
recovered so fast. Tom
Clark thinks otherwise. He
thinks that I must have some
Texas blood in me. Maybe
it's that plus a bit of Kentucky
I'd be proud of each.
Anyway, I still have a hell of
a back ache & am behaving.
I hope I'm back working for
you sooner than any one has
yet estimated. My best to
you & the Britten.
As ever Bill

File

Supreme Court of the United States
Washington 13, D. C.

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

Box 5158

Friend

12/7/49

Dear Fred -

I have studied the
briefs and record in No. 14
Dennis v. U.S. and,
according to my present
lights, I would vote
to reverse should I
sit in the case.

I gathered from your
recent letter that you
wanted my present view
of the case.

As ever

Bill

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DEC 12 10 16 AM '09

CHAMBERS OF THE
CHIEF JUSTICE

CLASS OF SERVICE

This is a full-rate Telegram or Cablegram unless its deferred character is indicated by a suitable symbol above or preceding the address.

WESTERN UNION

W. P. MARSHALL, PRESIDENT

1220

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NL = Night Letter

LC = Deferred Cable

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CHIEF JUSTICE FRED VINSON=

U S SUPREME COURT BLDG WASHDC=

RECEIVED

FEB 27 9 35 AM '50

CHAMBERS OF THE
CHIEF JUSTICE

BILL AND I STRUCK BLOWS FOR LIBERTY AND MISSED YOU. AMONG
OTHER THINGS WE CONSIDERED THE QUESTION OF WHETHER 14 WAS A
LUCKIER NUMBER THAN 13. BY UNANIMOUS OPINION WRITTEN BY THE
JUSTICE FROM WHICH THERE WAS NO DISSENT, 14 IS A LUCKY NUMBER.
WE BOTH HOPE IT WILL REMAIN 14 FOR MANY MANY YEARS AND THAT
WHEN WE NEXT STRIKE A BLOW FOR LIBERTY YOU WILL BE WITH US=
TWO BLACK DOUGLASS BILL AND LEW=.

Stine received, That must have
been a battle royal for liberty. To think
that two Douglasses' would reach such
a conclusion in re the number
of Chief Justices And hope for my successor
that he will hold forth for many, many
years. Get to the real issue - Has
whether there has been 12 or 13 - C.J.
Rutledge was never confirmed - I am the 12th
confirmed - There is no 14th involved yet.
Dismissed for want of a substantiated factual
question - Shame on you - (over)

THE COMPANY WILL APPRECIATE SUGGESTIONS FROM ITS PATRONS CONCERNING ITS SERVICE

~~These~~ blows for liberty
must have been something.
when we meet I will keep
the ^(bawbom) ~~issue~~ straight

Sincerely

Justice Douglas met his colleague at the airport.

"He'll take that overcoat off tomorrow," said Douglas, who has become used to Arizona weather while recuperating from an injury received when he was thrown from a horse last November.

Pleasure Trip

Justice Black said the journey to Tucson was purely for pleasure. After spending a few days with Douglas at the home of William Becker on East Speedway, Black plans to go to Denver.

The justice will be the guest of Barney L. Whatley, Democratic national committeeman "who learned the law business in my office in Birmingham" at a Denver birthday ball in honor of Franklin D. Roosevelt on Jan. 30.

After that, Justice Black may stop over in New Mexico to see his son, Sterling, who is practicing law there. Sterling Black studied law at the University of Arizona.

The two jurists have been invited to attend a faculty luncheon of the university law college on Thursday.

Back to Work

Then it's "back to work" in the Supreme Court. Justice Black was the first Supreme Court justice appointed by President Roosevelt. He took his seat on Oct. 4, 1937.

Black and Douglas met, when Black was senator from Alabama and Douglas was chairman of the federal securities and exchange commission.

Supreme Court Justice Black Visiting Justice Douglas Here



Supreme Court Justice William O. Douglas (left) greets Supreme Court Justice Hugo L. Black as the latter arrives in Tucson for a short visit. (Photo by Levitz)

Tucson Journey Purely for Pleasure, Says Jurist; Itinerary Will Include Attendance at Roosevelt Birthday Ball Dinner in Denver on January 30

Supreme Court Justice Hugo L. Black arrived in Tucson last night from New York to spend a few days with an old friend, Justice William O. Douglas, who has been in Tucson since Nov. 17.

Wearing an overcoat, Justice Black stepped off an American Airlines plane into a 62-degree January evening.

Supreme Court Judge Recovering; Has First Horseback Ride Here

As photographers' flash bulbs exploded, a Tucson winter visitor climbed aboard a horse at a local guest ranch yesterday.

The last time the winter visitor, Supreme Court Justice William O. Douglas, had ridden a horse he was thrown, suffering several broken ribs and a lung injury.

After the accident in Washington Justice Douglas' doctor sent him to Tucson to recuperate. He arrived on Nov. 17 and has been staying at Rancho Tranquilo, 10 miles east of Tucson.

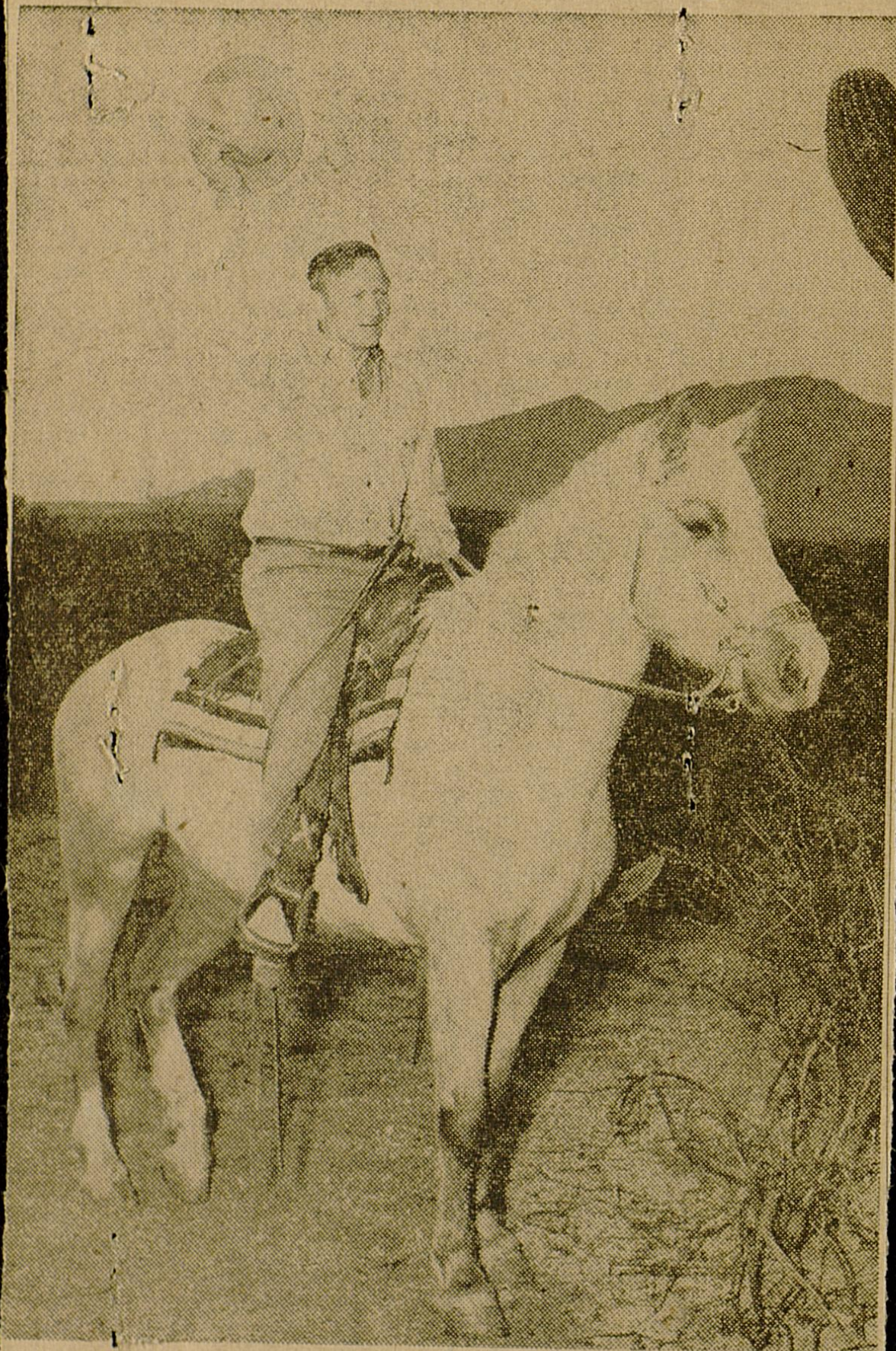
The maiden jaunt of the mending jurist was uneventful.

"I rode for about an hour," Justice Douglas said last night. "I still have a few sore spots but none of them bothers me while I'm riding."

On the orders of his doctor, the justice's daily routine from now on will include a one-hour horseback ride as part of his "sitting-up" exercises to strengthen the muscles in his back.

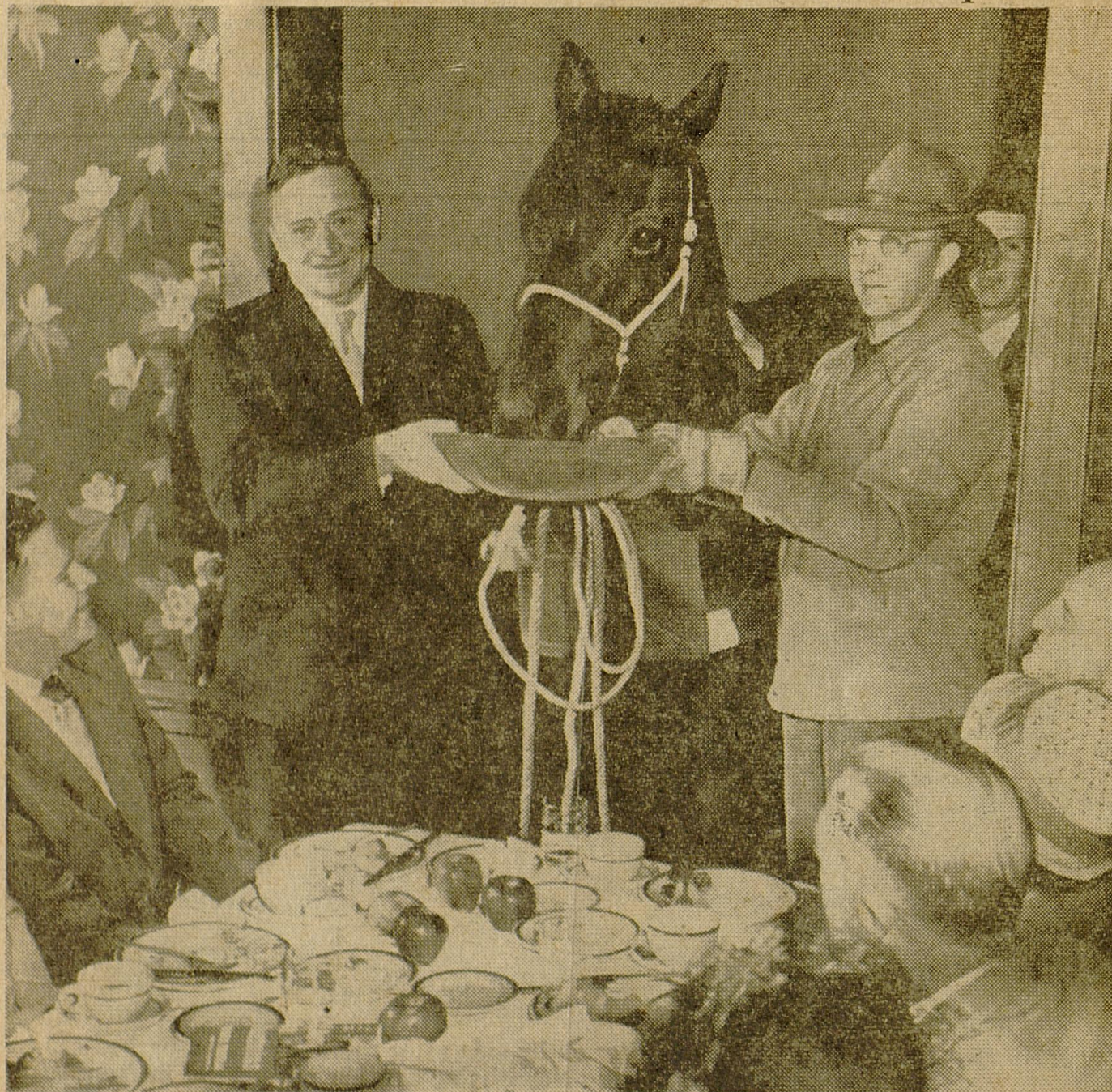
Justice Douglas said he would remain in Tucson for "at least another few weeks."

Justice Douglas Rides Again



William O. Douglas rides again. For the first time since he was thrown from a horse in Washington last fall, suffering several broken ribs and a lung injury, Supreme Court Justice Douglas mounted a horse yesterday at the Rancho Tranquilo here, where he has been staying since Nov. 17. (Photo by Levitz).

Jurist Entertains Horse That Sent Him to Hospital



A. P. Wirephoto

Unexpected guest at a Yakima, Wash., banquet honoring U. S. Supreme Court Justice William O. Douglas was Kendall, the horse which fell with the jurist last summer breaking most of Douglas' ribs. "All is forgiven," said the justice as he and Ivan Turner (standing at right) serve the horse

The Tidelands Decision

THE Supreme Court has decided in the case of Texas and Louisiana, as it did previously in the case of California, that the tidelands to which the several States have heretofore had undisputed title are now within the Federal domain.

This is in response to, and indeed subservient to, the very plain intention and determination of the political forces now in power in the United States to nullify the historic rights and powers of the separate States as soon and as completely as possible.

Obviously, it would be naive to suppose it is only the oil rights in the marginal sea that are so important to these forces that they have reversed a national policy prevailing more than a century and a half.

Representative Wingate H. Lucas, Democrat of Texas, has commented upon this naive supposition in a manner that should shock the most complacent and indifferent citizens.

"It is part of a design which will in the end rob every State of jurisdiction over any natural resource within its borders," is his appraisal of the decision.

The basic background for the decision, he asserts, came into being when "power-mad bureaucrats conceived the idea that all natural resources, wherever located, should belong to the Federal Government."

Already the control of water power in America has been largely removed from the States, in accordance with this concept.

Electric power and natural gas are almost equally far advanced along the totalitarian path of Federal seizure and control.

It is no secret that nationalization of the coal and steel industries is high on the schedule of the Socialistic planners who now rule America so high-handedly.

If the tidelands decision stands, and becomes the legal instrument supporting the permanent policy of America concerning natural resources, then there is no limit to the concentration of power in the Federal Government and not even the violence and vast injury done to the American way of life will restrain it.

Since the Supreme Court of the United States has been persuaded that the States have no legal recourse against such a concentration of power as the tidelands decision approves, it is only to Congress that the American people can look now for remedy.

"The Congress can repudiate this detestable tidelands decision," says Representative Lucas.

"It not only can.

"It must.

"Let those of us who represent the people reverse the theft from the States of what the Supreme Court has stolen."

Legislation restoring and perpetuating the historic rights of the States in the tidelands and reclaimed areas of the coastal States, and safeguarding the rights of all the States in the natural resources coveted by those who would Socialize America, was enacted by the Eightieth Congress and only narrowly missed approval over President Truman's veto.

The same legislation is pending in the present session of Congress, and is supported by substantial majorities in both Houses of Congress.

The Tidelands Restoration Bill should be adopted by Congress, and passed over the Presidential veto if necessary, in order that the American people may be assured, as Representative Ed. Gossett of Texas has said, that "the Congress has enough integrity and courage to stem by legislation this tide which threatens to overwhelm us."

Texas House Would Impeach Justice Douglas

By Associated Press.

AUSTIN, Tex., Jan. 16.—The Texas House of Representatives today adopted a resolution demanding impeachment of Justice William O. Douglas of the United States Supreme Court because of his stand on the Texas tidelands question.

Approval of the resolution, presented by Representative S. J. Isaacks of El Paso, was by voice vote. An effort to send the proposal to committee for study was killed, 88 to 28.

Unfairness Charge Made.

Isaacks' resolution asked United States senators and representatives from Texas "to institute and prosecute impeachment proceedings" against Justice Douglas. The House applauded vigorously.

Isaacks called Justice Douglas "the member of the Supreme Court of the United States who is responsible for the State of Texas being denied a fair and impartial trial as guaranteed by the United States Constitution and the Bill of Rights."

Motive Questioned

Speaking on his resolution, Isaacks said the Supreme Court judgment awarding federal title to Texas tidelands was the first decision ever to make him question the motive of a court in his more than 50 years as a lawyer.

The legislator said he directed his resolution at Justice Douglas "because he wrote the majority opinion on the tidelands case, and it is well known that he dominates the view of other members of the court."

The Supreme Court split, 4 to 3, in upholding the federal government's claim.

Social Workers to Meet

Puget Sound Chapter of the American Association of Social Workers will meet in Tacoma

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Postcard
1/30/51 file

Karachi
July 22nd

My dear Fiv -

I have just returned from
the northern border of West Pakistan -
the high Himalayas that border
Sinhia - the southeast province
of China. It's interesting country
and there are interesting things
happening there. Just fishing too.
The forms are not too high - around
13,000 ft. You should see it some-
time.

I am now headed for Ben
Khalid where I'll go on a 30 day
trip. I'll have some flowers for
your Smithsonian Institute!!

I'll be back via the
Pacific early Sept. Millie gets
married Sept. 12th in Oregon. I
had hoped to see you when I was
in Wash DC Jan 29. But I was on
the road then getting packed. Hope
you + Roberta are having a good summer.
Love
Beverly Bull

RECEIVED

JUL 28 11 20 AM '51

CHAMBERS OF THE
CHIEF JUSTICE

The Arizona Daily Star

STATE CONSOLIDATED PUBLISHING COMPANY

Established 1877

PUBLISHED EVERY MORNING OF THE YEAR

W. R. MATHEWS AND CLARE R. ELLINWOOD

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PAGE TEN-B WEDNESDAY MORNING, FEB. 27, 1952

Justice Douglas' Precedent

When the founders of our country wrote our Constitution, they attempted to benefit from the experiences of the past by writing into it a system of checks and balances on the power of our government.

They authorized a bicameral legislature, where each house would check on the activities of the other. They set forth the powers of the President, and granted him a wide scope of implied powers. They authorized a system of courts headed by the Supreme Court, which they sought to raise above all temporary political excesses by making the appointments of the judges for life, yet subject to good behavior. By this means these three arms of government check the powers of one another, and over a period of one hundred and sixty-three years, this system has worked better than most persons can appreciate.

All of this has a bearing on the propriety of the address that Justice Douglas of the Supreme Court of the United States made last Sunday night in Tucson in which he vigorously, and at times sarcastically, criticized the conduct of our nation's foreign relations. Whether what he said was true and accurate is beside the point. The issue is much bigger. It resolves itself down to the point of whether a democratic government can last if members of our supreme judiciary are going to abandon their position of supreme impartiality and enter the public forum of political debate.

The precedent is what counts. Here is a judicial official, not elected to office, but appointed for life, speaking in public, criticizing the official conduct of the President of the United States and one of his cabinet ministers, the secretary of state. Where would our government go if the secretary of state would give public lectures criticizing the decisions of the Supreme Court on some purely domestic matter?

Justice Douglas went pretty far last Sunday night when he said in reference to the failure of Prime Minister Mossadeh of Iran to get a loan from Washington, "Eden and Churchill would not let us loan the money." For him to say that he was speaking as Bill Douglas, private citizen and not as Justice Douglas, is just as reprehensible as for President Truman, in making some public statement on fundamental national policy, to say that he was speaking as Harry Truman and not as President Truman.

Just imagine what will happen to the federal judiciary, which still maintains the respect of the people, if other federal judges and other justices of the Supreme Court begin giving critical lectures criticizing the policies of the President, secretary of state and other high officials, and devoting an hour's time in a public lecture recommending what should be done on a highly intricate matter of international relations.

The role of the judiciary would no longer carry respect. The foundations of successful democratic government would be seriously weakened.

If Justice Douglas wants to assert his right to speak in public on controversial questions, he should have enough respect for the people of the country, if not for the President of the United States and the other members of his court, to resign from the court and take the risks that other political speakers take. He is doing a great disservice to his country in the precedent he is setting. He is bringing the Supreme Court into disrespect.

Treason and the Death Penalty

A federal appeals court, with three judges voting unanimously, has upheld the death sentence of Julius and Ethel Rosenberg.

The crime for which they were sentenced was that of treason, of stealing for Russia secrets of the manufacture of the atomic bomb.

It is encouraging at this time that we find both the trial court judge and the judges of the court of appeals taking a serious view of the crime of treason and upholding, despite defense pleas of cruel and unusual punishment, the penalty of death for such a crime. The court, at the same time, upheld the punishment of an accomplice who was sentenced to a number of years in prison.

Now that only the U. S. Supreme Court stands between these people and the death penalty, undoubtedly they will appeal. One of the odd features of this era is the manner in which the hirelings of the Soviet Union are always well equipped with defense funds.

But the Rosenberg case is merely one. In reading of the ruling on the appeal we are reminded that Judith Coplon, who gave secret papers to a Russian agent, is still free on bond, while her appeal wanders through the courts. We recall that her sentence, which she has so far not begun, was comparatively light.

We are reminded that her associate, a Russian attache of the Soviet diplomatic delegation, was permitted to leave for his homeland, unpunished for his actions here. And we are further reminded that many who claim American citizenship have, in the past decade, made mockery of that citizenship as they sold out their own people to serve, in one way or another, a cold and ruthless foreign power.

It is with these incidents, and others, in mind that we find hope in the decision of the judges of the court of appeals. If our judges after fair trials for those accused, whoever they may be, are going to give those convicted of treasonable acts a punishment fitting the crime, treason will soon become less popular.

SIDE-BAR REMARKS - - - By E. M. Pooley

THE HOTTEST THING in Washington just now is the story of the divorce affair of Supreme Court Justice William O. Douglas the g-r-e-a-t liberal who is always being mentioned for the presidency. He is the one who spends his summers traveling to foreign parts and falling off yaks and horses.

The Douglasses were friends of the C. Girard Davidsons. "Jebbie" Davidson was an assistant secretary of Interior. He and his wife, Mercedes, had two children. The Douglasses likewise had two, but they are grown now.

Cupid let go at Mr. Justice and Mrs. Davidson. The happy foursome broke up. Jebbie Davidson resigned his Interior post and went to Portland, Oregon, to practice law. In January they were divorced.

In January also, Mrs. Douglas went to Florida to arrange for a quickie divorce. She is still there awaiting action, due soon.

In February Mr. Justice Douglas and his Mercedes spent two weeks at a dude ranch called Rancho de la Osa on the border near Sasabe, Ariz. To get to Arizona from Washington, it was necessary, of course, to cross several state lines, making whatever offense that was committed, if any, a violation of the federal law Mr. Justice Douglas is sworn to uphold.

At the ranch the pair kept to

themselves. They took long horseback rides through the desert.

Now back in Washington, Douglas, called the Romeo of the Supreme Court by the Washington Times-Herald, is sort of hiding out. Reporters can't find him.

Meantime, decent Washington is indignant. The women are bitter about the disruption of two families. The men think a person with no more judgment, no better taste and so little sense of decency has no business on the Supreme Court. Such things do not have to be done flagrantly—on the Courthouse steps, as it were—the men argue, and it isn't right for a great and basic American institution to be smeared by the presence of such as Mr. Justice Douglas.

Some are hoping out loud that Chief Justice Fred Vinson will force Douglas off the court, but in the next breath they doubt that the Chief Justice has the will to do it.

I wish he would, but I don't think he will. Such things aren't done in Washington. The House of Representatives still allows a man convicted of crime to remain a member, when it could kick him out today.

Has Washington sunk so low that a man without a sense of decency can sit on the Supreme Court and a man without honor can sit in the House of Representatives? It seems

so.

1-23-50
(TUCSON) ARIZONA DAILY STAR

Supreme Court of the United States

Memorandum

3/11, 1945

Dear Fred -

I have given over
the Ernst & Ernst report on
compensation for mem-
bers of the clerk's office.
It strikes me as alright,
altho I admit I have
not given blood, sweat,
& tears over the matter

WED

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MAR 15 10 29 AM '50

CHAMBERS OF THE
CHIEF JUSTICE

1-24-50

(TUCSON) ARIZONA DAILY STAR

Supreme Court of the United States
Washington 13, D. C.

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JAN 31 9 17 AM '50

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

CHAMBERS OF THE
CHIEF JUSTICE
1/24/50

my dear Fred -

Here are some
pictorial accounts of a
part of your court. Hugo
will give you a full report
on his return. I am
feeling better all along
But Hunt thinks I
should stay another month.
He either has written you
or will write you soon.
I am riding a horse
every day as a part
of Hunt's program of

reconditioning. I am
also walking a lot.
Right now I'm just for
a half days work. I
am chafing under the
inactivity. It will
be good to be back
in the harness again
with you. But unless it
is necessary to return
sooner, I will stick
it out in the desert until
around March first.

My very best to
you and the Britton

as ever
Bill

DR. MEADE CLYNE
DR. WM. MAGILL SCHULTZ
DR. W. R. HEWITT
DR. W. B. STEEN
DR. HUGH C. THOMPSON, JR.
DR. RICHARD K. HAUSMANN
DR. HAROLD E. KOSANKE
DR. DELMER J. HEIM
DR. LAVERN D. SPRAGUE
DR. HIRAM D. COCHRAN
DR. EARL R. BALDWIN, JR.
DR. HENRY P. LIMBACHER

THE TUCSON CLINIC

110 SOUTH SCOTT STREET

TUCSON, ARIZONA

January 26, 1950

RECEIVED
JAN 30 9 29 AM '50
CHAMBERS OF THE
CHIEF JUSTICE

Chief Justice Fred M. Vinson,
Supreme Court of the United States,
Washington 13, D.C.

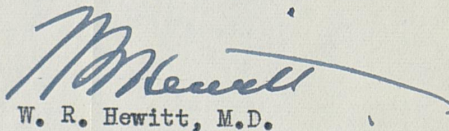
Dear Justice Vinson:

It is my wish to report further to you that Justice William Douglas, who as you know is still in Tucson, is continuously improving.

Referring to my previous letter, it was our feeling that at that time he might be back at work by the 1st. of February. It still remains very possible that he could go back at that time. However, I understand that concessions have been made and arrangements effective so that he may have a little more time. This, I believe, is greatly to his advantage. It is my present understanding that he may remain away from the Court until about March 13th. This extension of time is decidedly worthwhile, and we are very grateful for it.

I have communicated with Doctor Hill Carter, and he in particular was very anxious that Justice Douglas take a little more time than we had at first suggested. Such an experience as he had does do more to one's make-up than injure physically. It is associated with tremendous nervous shock. There is definite measurable progress in Justice Douglas' condition in every way, and since Justice Black has been here I am sure you will have a direct word from him confirming Justice Douglas' status. We shall do everything in our power to make him fit again, and I see no reason whatever why it cannot be accomplished.

Very sincerely yours,


W. R. Hewitt, M.D.

WRH:VK

February 1, 1950

Dr. W. R. Hewitt,
The Tucson Clinic,
110 South Scott Street,
Tucson, Arizona.

Dear Dr. Hewitt:

I have your letter of January 26th, and appreciate very much, indeed, your keeping me informed of the progress which Justice Douglas is making.

While your report sounds very encouraging, I am writing Justice Douglas today to tell him that unless he is completely recovered he should seriously consider not coming back here until April. It goes without my saying that we are all anxious to have him back, but we don't want him to do anything which might hinder the full restoration of his health.

With thanks for writing me and kind regards, I am

Sincerely,

(Signed) Fred M. Vinson

March 2, 1950

The Two Black Douglass,
Honorable William O. and Lewis W.,
Box 5158,
Tucson, Arizona.

Dear Bill and Lew:

I have your wire of the 25th, and note the decision on the burning issue in cryptic language.

That must have been a battle royal for liberty, but what crimes are committed in the name of liberty! To think that two Douglass would reach such a conclusion in respect of the number of Chief Justices is beyond my understanding, but when I read the hope that my successor will hold forth for many, many years, I am inclined to the idea that the mental processes were in need of adjustment.

In order that justice may be done, I state the real issue - "'Tis whether there have been twelve or thirteen Chief Justices." Chief Justice Rutledge was never confirmed although he performed some of the duties of Chief Justice for a short time. Only twelve have been confirmed. By no stretch of the imagination is there any fourteen involved yet.

Dismissed for want of substantial federal question. Shame on you!

The blows for liberty must have been powerful ones to have produced such a telegram. When we meet, I will keep the issue (Bourbon) straight.

With the kindest of personal regards,

Sincerely,

(Signed) Fred M. Vinson

FMV:McH

Supreme Court of the United States
Washington 13, D. C.

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

February 3, 1950.

Memorandum to the Chief Justice
and Associate Justices:

Mr. Justice Douglas has moved from the ranch where he has been staying to the La Osa Ranch, Sasabe, Arizona, which is about seventy miles south of Tucson on the Mexican border. He is retaining his postoffice box, No. 5158, at Tucson and will be in that city every Friday to see his doctors, pick up mail, etc. He will probably spend every Friday night at the Pioneer Hotel in Tucson. He suggests sending all mail to Box 5158 unless it is rush or important. In that event, it should go out Air Mail to him at La Osa Ranch, Sasabe, Arizona, to reach him the first three days of the week -- Monday, Tuesday and Wednesday. There are mail deliveries in Sasabe only three times a week. His telephone will be La Osa Ranch, Tucson, and wires should be similarly addressed.

Edith Allen

Edith Allen
Secretary

February 1, 1950

Dear Bill:

I have just received your letter, written on the 28th, enclosing a clipping from the Arizona Daily Star which depicts your greeting of Hugo Black, and another one showing you astride your horse. Durned if you don't look fit and hearty. I will be glad to get Hugo's story about the night clubbing that you and he did while he was out there.

I received a telephone call from Dr. Hill Carter and also a letter from Dr. Hewitt, informing me of your improvement. As I told you in a former letter, which I am certain Hugo discussed with you, I have arranged the March arguments to begin on the 13th. At this time, the cases to be re-argued are set down at that time, together with a number of toughies involving important issues which we thought best to hear when you were here.

But the point that I would ask you to consider, and consider well, is whether it would be better for you to prolong your stay in Arizona until the April arguments or even miss them. We are in exceedingly good shape so far as the handing down of opinions is concerned. As a matter of fact, we have 18 now in circulation, with only 12 assigned but not circulated, and one FELA case - which in my opinion we can work out - not assigned. That is the best position in which we have been since I have been here. There are 17 cases set down for argument in February. There is a tremendous amount of work which has been done on the cases not circulating, and there will be several more of those filed this week. That puts us in excellent shape.

Now I know that you are gnawing at the bit, but I also know that we have had a very light winter - in fact, hardly any winter at all - and that might very well mean a bad March. You have made a wonderfully fine recovery, but even with your recitation of the exercise you are taking, I still wonder whether you ought to risk coming back so soon. I fixed the beginning of the hearings in the middle of March, when ordinarily they would be at the beginning of March, because of the extra two weeks you would have to benefit from the Arizona climate.

I know how you feel, but from this end I am certain that every man on the Court would not want you to do something that would prevent or delay your complete restoration of health. I am not a doctor nor a son of a doctor; I never had more than two ribs cracked at any one time; but when you go in for it wholesale it just has to be that you suffered severe shock. While we have missed you, and will continue to miss you, both personally and officially, if you don't get back in circulation, we certainly can arrange the docket for you so that some of the March cases can be set over for April.

- 2 -

We do not have much for April any way. Seriously, old-timer, you might well consider postponing your getting back to work until April. Then the weather here would be good, and you would run much less chance of any ill effects from miserable March weather.

Again I want to assure you that we are in excellent shape so far as the argued cases and the docket are concerned. Only two members of the Court have more than one opinion not in circulation. That is durn-nigh current. We all want you back as soon as you are well enough to return, but certainly it is not necessary for you to take any chances which will affect your permanent recovery.

With every good wish,

Sincerely,

(Signed) Fred M. Vinson

Honorable William O. Douglas,
Box 5158,
Tucson, Arizona.

FMV:McH

Supreme Court of the United States
Washington 13, D. C.

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

NOTED

FEB 15 1950

F.M.V.

RECEIVED

FEB 11 9 00 AM '50
February 6, 1950
Sasabe, Arizona.
CHAMBERS OF THE
CHIEF JUSTICE

My dear Fred:

Your letter of February 1st has reached me and I cannot adequately express my gratitude for the sentiments which you expressed in it.

When I see my doctor again on February 11th I will review the situation with him. But I can see no reason, myself, why I cannot be on hand for the March 13th session. I am good for about a half a day's work now. The ribs are pretty well mended. The right lung is still cloudy in spots, but is showing steady improvement. I have not yet gotten back the full reserve of energy which I had in October, but I think I will have enough in another month to carry my end of the work of the Court. I will however, as I said above, talk to Doctor Hewitt on February 11th and write you shortly thereafter. But unless you hear from me, you can expect me as I told Hugo, by March 13th.

I am delighted that the business of the Court is so well in hand. I had a hunch when I gave you that gavel made of the Cedars of Lebanon that you would not have a need to use it down at the Court House and I am glad to see that the Vinson efficiency has proven itself in other ways too.

I miss you all terribly and it will be a happy day when I can get back to work. Time drags very heavily with me now.

Yours faithfully,

Bill

Honorable Fred M. Vinson,
Supreme Court of the United States,
Washington 13, D.C.

March 2, 1950

The Two Black Douglass,
Honorable William O. and Lewis W.,
Box 5158,
Tucson, Arizona.

Dear Bill and Lew:

I have your wire of the 25th, and note the decision on the burning issue in cryptic language.

That must have been a battle royal for liberty, but what crimes are committed in the name of liberty! To think that two Douglass would reach such a conclusion in respect of the number of Chief Justices is beyond my understanding, but when I read the hope that my successor will hold forth for many, many years, I am inclined to the idea that the mental processes were in need of adjustment.

In order that justice may be done, I state the real issue - "'Tis whether there have been twelve or thirteen Chief Justices." Chief Justice Rutledge was never confirmed although he performed some of the duties of Chief Justice for a short time. Only twelve have been confirmed. By no stretch of the imagination is there any fourteen involved yet.

Dismissed for want of substantial federal question. Shame on you!

The blows for liberty must have been powerful ones to have produced such a telegram. When we meet, I will keep the issue (Bourbon) straight.

With the kindest of personal regards,

Sincerely,

(Signed) Fred M. Vinson

RECEIVED
Supreme Court of the United States
Washington 13, D. C.

MAR 20 9 53 AM '50

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS
CHIEF JUSTICE

Mar. 18, 1950

My dear Fred:

I am really in
fine fettle. I've tried
myself out and have found
that I am in excellent
condition.

I climbed Baboquivari
on the Mesqua ladder - a
granite shaft rising 400 ft -
and found my right lung
could take it.

I rode 12 hours
a day horseback for 3
days in a row & found
my back could take
it.

So now I know
I am in as good a
condition as I ever was.

I'll be at the
Conference Saturday
the 25th.

I have no alibis
now for shirking work.
If you find me faltering,
you'll know it's only
damned laziness.

I'm enroute to
wash DC via Palm
Beach + New York.
I'll see you not later
than next Saturday

As ever

Burr

WHEREAS, the issue of world government has been placed before the Congress of the United States by a set of concurrent resolutions; and

WHEREAS, the world government advocates always profess to be acting out of the most lofty motives in the interest of world peace; and

WHEREAS, a careful study of the various proposals definitely show that they would mean the extinction of the American Republic; and

WHEREAS, these same world government schemers are claiming members of the Congress of the United States as being in favor of their scheme by their sponsorship of House Concurrent Resolution 64; now therefore

BE IT RESOLVED, that the National Legislative Committee of the Veterans of Foreign Wars of the U. S. at its meeting in Washington, D. C. this 14th day of February, 1950, A.D., does hereby call upon the members of Congress sponsoring House Concurrent Resolution 64 to now repudiate said resolution and to clearly indicate they have no intention of allowing the Constitution of the United States and its Flag to be superseded by a world government and world flag to restore the confidence of the people of America in the Congress which still cherish the free American of their forefathers.

DR. MEADE CLYNE
DR. WM. MAGILL SCHULTZ
DR. W. R. HEWITT
DR. W. B. STEEN
DR. HUGH C. THOMPSON, JR.
DR. RICHARD K. HAUSMANN
DR. HAROLD E. KOSANKE
DR. DELMER J. HEIM
DR. LAVERN D. SPRAGUE
DR. HIRAM D. COCHRAN
DR. EARL R. BALDWIN, JR.
DR. HENRY P. LIMBACHER

File

THE TUCSON CLINIC

110 SOUTH SCOTT STREET

TUCSON, ARIZONA

March 22, 1950

NOTED

MAR 28 1950

F.M.V.

Chief Justice Fred M. Vinson,
Supreme Court of the United States,
Washington 13, D. C.

Dear Chief Justice Vinson:

Just a note to tell you that Justice Douglas has left my care, and will soon be back at work there in Washington. I believe that he has regained his health as well as he possibly can, and I further believe that he will have little or no trouble from the results of this accident in the future. During the past month he has made great strides with his physical condition, and has completely regained his confidence.

Please accept my gratitude for your kind consideration and help in the management of his case. The extra time that you accorded him was not only necessary but has done the job.

Very sincerely yours,

W. R. Hewitt

W. R. Hewitt, M.D.

WRH:VK

RECEIVED

MAR 27 9 19 AM '50

CHAMBERS OF THE
CHIEF JUSTICE

March 21, 1950

File

The Chief Justice of the United States
Washington, 13, D.C.

My dear Mr. Chief Justice:

I enclose a copy of a letter which I have just written to Justice Douglas. With rumors flying that you could become Secretary of State, I should like you to know how a great many of us Americans feel about our Country, our Constitution and our Flag.

I refer to the stand which the Veterans of Foreign Wars has taken against any form of World Government.

Very sincerely

Mary E. Frederick

Mrs. Miles L. Frederick
1307 N. 8th St.,
Wilmington, 32, Del.

March 21, 1950

Justice William O. Douglas
U. S. Supreme Court,
Washington, 13, D.C.

(Copy)

My dear Justice Douglas:

I have a clipping before me from the
Wilmington Morning News, "February 19, 1950".
RECEIVED
MAR 22 9 12 AM '50
CHAMBERS OF THE
CHIEF JUSTICE

"The Delaware Branch also pointed out
that William O. Douglas, associate justice of
the U. S. Supreme Court has accepted a
vice presidency of United World Federalists,
Inc."

Is this correct?

I also have in front of me Article VI
of the United States Constitution:

"The Senators and Representatives
before mentioned and the Members
of the several State Legislatures, and
all executive and judicial Officers,
both of the United States and of the
several states, shall be bound by
Oath or Affirmation, to support this
Constitution; "

Is this correct?

I also have before me "Young America"
 May 6, 1948, "Someday: a United States of
 the World?" p. 7

"But the federal soldiers would owe
 their entire loyalty to the federation, and
 not to their native countries."

My husband served in the Navy in the
 late war. He told me the most impressive
 part of his service was his oath to defend
 the United States.

Just how do you explain this
 proposed allegiance for a government
 which doesn't even exist?

Very sincerely

Mary E. Frederick

Mrs. Miles L. Frederick
 1307 N. 8th St.
 Wilmington, 32, Del.

Supreme Court of the United States

Memorandum

3/30, 1945

Dear Chief -

This is a question which I thought it would be wise to submit to the U.S. for answer in these cases

Gave copy to three
Crosby - Asks for info
him to get to info
S.G. office & notify
counselors for reference
who this

Supreme Court of the United States
Washington 13, D. C.

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

RECEIVED

March 30, 1950. **MAR 30 4 52 PM '50**

CHAMBERS OF THE
CHIEF JUSTICE

In re United States v.
Gerlach Live Stock Co.

Whether the Secretary of Interior in
the construction of irrigation projects has
construed § 8 of the Reclamation Act of 1902
to include rights in navigable ^{leaves} as well as
non-navigable streams and has proceeded under
§ 7 to acquire those rights.

Drexel Hill, Pa., April 22nd, 1950

The Hon. Fred Vinson,
Chief Justice U.S. Supreme Court,
Washington, D.C.

Dear Sir:-

I enclose a picture of Justice Douglas and his horse. Why are so many of our children coming home from College with such queer ideas about our government. My daughter just came home recently from her spring semester, and frankly I was astonished and did not like some of her views. They are actually ashamed of our form of government, and they have reason to be. First they see the mess in Washington, among the Democrats, and then the mess here among the Republicans at City Hall, Philadelphia, and then they see this picture of Justice Douglas with his horse.

Justice Douglas should get off the Supreme Court, and get into some cheap vaudeville act.

Copy to Mr. Douglas.

NOTED

APR 24 1950

F.M.V.

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APR 24 11 38 AM '50
CHAMBERS OF THE
CHIEF JUSTICE

Supreme Court of the United States

Memorandum

Fell

6/13

, 1947

Dear Chief

I thought you
should know that
my heart has
now made socialists
out of us

Bill

Supreme Court of the United States
Washington 13, D. C.

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

72

File

July 21, 1910

Dear Fred

Last week Widdow & I
were taking a pack train over
the wallows for a couple days
of fishing when I got hurt.
The horse ahead of me on the
trail kicked at my horse,
winded, and hit me on the
left leg while I was in
the saddle. There were no
fractures; but a bad
infection followed. I am
in a Boston hospital
I'll be out in a day or

two hrs. On 7:10 p
back to Fortine, Ar. I
just wanted you to know
that my injury is not
serious. I'll be in
work by Aug 3 or 4 &
hope to see you then.

I hope you & Albert
are having a cool, restful,
and pleasant vacation.
Take care of yourself.

Ames

Bill

a cowboy cut his card
that after rolling on me &
kicking me there was only one
other thing a horse could do to
me & that was to bite me.
(W.D.)

1-9-50

It seems to me
Justice Douglas,
Could he more
help in Washington
etc., than becoming
a spy sticking his
lower nose in
other peoples
affairs. We get
quite a salary
plus what he
steals from the
tax payers. So
why not, Call him
out. He could use
some of that energy
to reduce prices
which is beyond a
Common man. Reach

RECEIVED

SEP 5 9 33 AM '50

CHAMBERS OF THE
CHIEF JUSTICE

AIR FRANCE
RÉSEAU AÉRIEN MONDIAL
(Reproduction d'une affiche)
Création SNAP - Paris

9/14/50

CARTE POSTALE

The work in Russia
with the tubes was a fasci-
inating one. I went the
length of Russia - from the
Russian border to the Persian
Gulf. I am flying back
to Washington, then to New
Orleans for a week where
I will be the guest of
Henry. I come back
by the Pacific reaching
Seattle Sept. 28th. I hope
you were along. As was Bill

Ref 285 - P-9/49 - Printed in France - A. Pégé et Cie, Paris

air mail



The Chief Justice
U.S. Supreme Court
Wash. DC
U.S.A.



PARIS



AIR FRANCE



Supreme Court of the United States

Memorandum

10/5, 1945

Dear Chief -

On the question
of disposition of cases
pending on certiorari
which have become
worse the following
are in point
S. Ct. Phila. G. 337/2,
Wrightman was 326/620
Riley's Protection 336/930
1000

Supreme Court of the United States
Washington 13, D. C.

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

October 5, 1950.

Dear Chief:

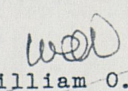
In *United States v. Texas*, 339 U. S. 707, my office was guilty of a slip-up. The "equal footing" clause quoted in the opinion (339 U. S. at 713) is from the Resolution of March 1, 1945, when it should have been from the Resolution of December 29, 1845 (the Act of Admission).

It seemed to me it would be adequate to deny the petition for rehearing if the opinion were amended as follows:

1. On p. 713, substitute for the quotation in line 19 the following: "on an equal footing with the original States in all respects whatever." 6/

2. On p. 713, amend footnote 6 to read "See Joint Resolution approved December 29, 1845, 9 Stat. 108."

3. On p. 714, amend footnote 7 to read "Joint Resolution approved March 1, 1845, 5 Stat. 797."


William O. Douglas

The Chief Justice,
The Supreme Court.

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OCT 5 5 54 PM '50
CHAMBERS OF THE
CHIEF JUSTICE

Original Filed in VIP Correspondence File

Supreme Court of the United States
Washington 13, D. C.

#13 Orig.

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

October 13, 1950.

Memorandum to the Conference:

I am proposing the following disposition of the
petition for rehearing in No. 13 Orig., United States v.
Texas, as indicated in the attached memorandum.

WOD
William O. Douglas

Attachment

RECEIVED
OCT 13 3 32 PM '50
CHAMBERS OF THE
CHIEF JUSTICE

#195 - Douglas memo

RECEIVED

Nov 30 2 23 PM '50

SUPREME COURT OF THE UNITED STATES

CLERK OF THE
CHIEF JUSTICE

No. 195.—OCTOBER TERM, 1950.

Blanche A. Howard, Appellant,	}	Appeal from the United States District Court for the Western Dis- trict of Missouri.
v.		
United States of America.		

[December —, 1950.]

Memorandum from MR. JUSTICE DOUGLAS.

This is a petition for a writ of certiorari to review a judgment of the Court of Appeals which affirmed a judgment of the District Court convicting petitioner of civil contempt. Petitioner had refused to answer questions put to her before a Grand Jury. That refusal was the contempt for which she was tried and convicted. She was committed to the custody of the United States Marshal "until she requests to be returned to the Grand Jury and truthfully testifies."

The petition for certiorari was filed here on July 12, 1950. On September 12, 1950, the grand jury was discharged. It is therefore no longer possible for petitioner to comply with the order of the District Court, even if she were willing to do so. That means that the cause is moot. See *Marshall v. Gordon*, 243 U. S. 521, 542.

There is pending a presentment against petitioner charging criminal contempt and involving the same questioning before the Grand Jury. Petitioner argues that if this petition is dismissed for mootness, the present judgment will preclude her from establishing in the criminal contempt proceeding that her testimony was not contemptuous. To apply *res judicata* to that situation would be to reduce the burden the prosecution carries and the safeguards the accused enjoys in criminal contempt cases of this character. See *Michaelson v. United*

States, 266 U. S. 42, 66-67; *Cooke v. United States*, 267 U. S. 517, 536-537. For this reason there is not in this case the reason for vacating the judgment below on which we relied in *United States v. Munsingwear Inc.*, decided November 13, 1950.

The practice in criminal cases which have become moot while en route to or pending before the Court has been not to vacate and remand as in civil cases, but to dismiss. The great majority of the cases have involved mootness by reason of the death of the defendant.¹ Only a few have involved mootness for other reasons. They are:

United States v. Phillips, 6 Pet. 776—*nolle prosequi*.

St. Pierre v. United States, 319 U. S. 41—sentence served in full.

Bary v. United States, 339 U. S. 958—civil contempt in which the grand jury term had expired.

In none of the cases has the question of the proper method of disposition—whether to vacate or to dismiss or merely to deny certiorari—been discussed. The reason is probably the fact that most of the cases involved mootness by reason of death in which event the effect of the judgment, if allowed to stand, would be inconsequential so far as any other proceedings would be concerned.

Res judicata has some play in criminal law. See *United States v. Oppenheimer*, 242 U. S. 85, 88. In many criminal cases the problem will not loom large. In cases

¹ *Yankey v. Ohio*, 1950 Term No. 170 Misc.; *American Tobacco Co. v. United States*, 328 U. S. 781, 815; *Gersewitz v. People of New York*, 326 U. S. 687; *Singer v. United States*, 323 U. S. 338, 346; *United States v. Johnson*, 319 U. S. 503, 520; *Sacco and Vanzetti v. Mass.*, 275 U. S. 574; *Seale v. Georgia*, 209 U. S. 554; *Sheasley v. Kansas*, 207 U. S. 600; *Mitchell v. United States*, 199 U. S. 616; *Menken v. Atlanta*, 131 U. S. 405; *List v. Penn.*, 131 U. S. 396.

In *Smith v. United States*, 94 U. S. 97, petitioner had escaped from custody.

of acquittal the criminal suit normally would not be *res judicata* of the civil suit because of the difference in quantum of proof. *Helvering v. Mitchell*, 303 U. S. 391, 397; *United States v. Real Estate Boards*, 339 U. S. 485, 492-494. In case of a conviction the double jeopardy clause would bar a second attempt to punish criminally. Even where double jeopardy is not applicable, *res judicata* will conclude those matters in issue which the first verdict determined, though the second prosecution be for a different offense. *Sealfon v. United States*, 332 U. S. 575. It is the general rule that a judgment in a criminal proceeding cannot be read in evidence in a civil case. See *Chantangco v. Abaroa*, 218 U. S. 476, 481. But the parties and the issues may be identical both in the prior criminal case and the subsequent civil case. Whether *res judicata* or estoppel by judgment would be then applied does not seem to have been settled by the Court. Cf. *United States v. One Food*, 21 F. 2d 628.

But there are considerations other than *res judicata* which are pertinent to our problem.

I. A conviction if allowed to stand may be counted under recidivist statutes and serve as a basis for enhancement of penalties on subsequent conviction. Forty-three states have such statutes. Some include only felonies; others include misdemeanors. Out-of-state convictions are generally included. Convictions are often counted even though the defendant has been pardoned. Some allow sterilization of repeating offenders of certain types.

II. Civil disabilities often follow from criminal convictions.

Desertion from the army or treason causes a loss of United States citizenship.

Conviction of some federal crimes means the loss of opportunity to be employed by the federal government or the right to hold public office.

States often impose disabilities—loss of eligibility as a

witness or as a juryman; loss of voting rights; ineligibility for public office; revocation or denial of certain licenses; loss of pension rights.

In the present case it does not seem important, so far as legal consequences are concerned, whether we deny the petition or grant, vacate, and remand for dismissal on the grounds of mootness. We are referred to no disability or disadvantage which the petitioner will suffer if the judgment stands.² But we would not be apt to know in any case what adverse legal consequences might flow from keeping the judgment alive after the cause had become moot. It conceivably might have some effect even in civil cases revived against the representative of the defendant after his death. Sometimes even counsel for the defendant might not be aware of the consequences of keeping the judgment of conviction alive.

As I said above, the manner of disposition of the moot criminal case has not been explored by the Court in any opinion. But my view is that we should adopt the practice, at least in cases from federal courts, of vacating the judgment and remanding with directions to dismiss.

² The question whether disabilities may flow from the judgment was apparently considered in *St. Pierre v. United States*, *supra*, as bearing on the issue of mootness.

To the Chief Justice
from
Douglas &

11-30-50

Supreme Court of the United States.

Memorandum.

12/11 -----, 1930

Dear Chief-

my vote in No. 132
Specter Motor v
McLaughlin is the
album

W O D

RECEIVED

DEC 11 10 14 AM '50

CHAMBERS OF THE
CHIEF JUSTICE

Supreme Court of the United States
Washington, D. C.

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

Dec. 27, 1950

Dear Fred -

I have had two law clerks this year. But I am not satisfied with the arrangement. What I need in my office is a different kind of labor - an assistant to my secretary Mrs. Allen who can type, proof-read, file, and do a minor sort of research. Would you approve of that change in the budget for my office? I think Hugo & Harold would have to present it to the Congress, as the appropriation now calls for 2 law clerks for me. The change I desire would not increase the budget; it probably would decrease it. I would have 1 law clerk and 2 secretaries.

An ever

Bill

January 11, 1951.

Memorandum to the Conference:

I went duck shooting in Arkansas and got some mallards. I am tendering a duck luncheon to the Brethern at 1:10 P. M., Monday, January 15th.

I hope you can come. There will be a special guest of honor.

W O D
William O. Douglas

RECEIVED
JAN 11 1 20 PM '51
CHAMBERS OF THE
CHIEF JUSTICE

Full

Supreme Court of the United States
Washington 13, D. C.

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

4/14/51

Dear Chief

In the following
cases would you kindly
note my dissent to the
denial of certiorari -

James v Worleyton
303 misc.

Johnson v Wye
334 Misc.

Marcha v Burke
341 misc.

WDD

Supreme Court of the United States
Washington 13, D. C.

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

April 24, 1951

Dear Chief

In view of my doubts
as to the ability of a
Circuit Justice to grant
bail (see Supreme Court
Rules 45(2) and 45(4)),
I think this application
should be considered by
the Conference

W O D

advice received from the Hon. Mr. Justice

D. C. Thompson

TO CHIEF JUSTICE

BAIRD O. MANNING, ESQ.

RECEIVED

APR 25 10 56 AM '51

CHAMBERS OF THE
CHIEF JUSTICE

Supreme Court of the United States

Memorandum

4/25, 1941

Dear Chief

This letter
should be added to
the paper — the
Carlson case which
I passed on to you
yesterday WOOD

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APR 25 11 40 AM '51

CHAMBERS OF THE
CHIEF JUSTICE

63

Mr
Lihell

RECEIVED

AUG 28 1 27 PM '51

Supreme Court of the United States
Washington 13, D. C.
CHAMBERS OF THE
CHIEF JUSTICE

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

Delhi, India

Aug 18, 1951

Dear Fred -

I just saw what
Winchell did to me. It
was completely unauthorized.
Never did I promise or
agree to write him a
column. What he used
was chit-chat from a
letter I wrote a lawyer
friend. I am very
upset about it.

I have had a
grand trek - 250
miles over the Himala-
yas into Little Tibet

I was up to 18,000 ft
on one pass. I've made
a beautiful botanical
collection for your
Smithsonian. Good pictures,
too. I'll be back by
Sept 1st. Nellie gets married
Sept 12th in Oregon.

By the way, if anyone
suggests that I am or will be
in politics come 1952 you
can deny it. I'm staying
on the Court, come what
way. That's right from the
horse's mouth. Furthermore
I'm for Vinson any and all
times for anything, and
when I say Vinson I mean
Fred.

Armed
Belp

Supreme Court of the United States
Washington 13, D. C.

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

June 6, 1951

File

Dear Fred

As to 77's memo
of June 1st relative to
the management of our
conferences I have this
to say

First, I think they are
managed admirably

Second I do not think
any member of the Court
would have difficulty
getting ready for

Saturday conference -
if he divested himself
of all outside
activity and extra
curricular work

Arms
Bue

RECEIVED

JUN 11 11 39 AM '51

CHAMBERS OF THE
CHIEF JUSTICE

Supreme Court of the United States.

Memorandum.

6/11, 1945

Dear Fred

I thought the

per curiam in

Law v. Gollar was

just right. It quietly

& effectively was

Bob look like

counsel for Gollar

W U U

RECEIVED
SEP 13 9 18 AM '51
CHAMBERS OF THE
CHIEF JUSTICE

Columbus, Ohio.
Sept, 11th, 1951.

Hon Fred Vinson, Chief Justice.
United States Supreme Court.
Washington, D.C.,

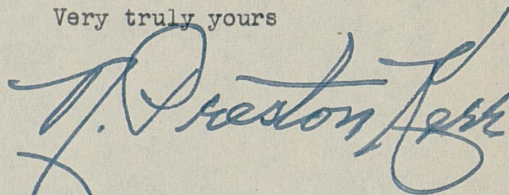
My dear Mr Vinson:-

Do you deep down in your heart think that Mr Douglas is a fit man to sit in judgement on me, or you, or our relations in any case where he has shown himself to be of a biased opinion in matters of State.

I think like millions of other citizens that he should resign because of his health, I think that fall from the horse has made him unfit for the high position of Supreme Court member.

Very truly yours

Full



N. Preston Kerr
378 East 12th Ave,
Columbus, I. Ohio.

[1951]

Supreme Court of the United States

Memorandum

1410, 194---

Dear Chief

W. Rutledge

No 195 my

vote is for

reversal

W O U

SUPREME COURT OF THE UNITED STATES

No. 346.—OCTOBER TERM, 1951.

State of New York and Public
Service Commission of the
State of New York, Appel-
lants,

v.

The United States of America,
Interstate Commerce Com-
mission and the New York,
New Haven and Hartford
Railroad Company.

Appeal From the United
States District Court
for the Northern Dis-
trict of New York.

[November 26, 1951.]

MR. JUSTICE DOUGLAS, dissenting.

The Interstate Commerce Commission has ordered intrastate commuters' fares of the New Haven and Hartford Railroad Company increased in New York to the level of interstate commuters' fares. The Commission found that the transportation conditions surrounding intrastate trains were substantially similar to those surrounding interstate trains. Interstate fares were determined to be reasonable. But present intrastate fares were found not to be producing a reasonable return on investment. The Commission concluded that persons and localities in interstate commerce, and interstate commerce, were being unduly discriminated against. Pursuant to § 13 (4) of the Interstate Commerce Act (49 U. S. C. § 13 (4)), it ordered intrastate fares raised to the level of interstate fares to remove the discrimination. A three-judge district court affirmed the order of the Commission as to the finding of discrimination against interstate commerce, but did not pass on the finding of discrimination against persons and localities in interstate commerce. 98 F. Supp. 855.

We have long insisted that the Interstate Commerce Commission supply us with an adequate basis for its decision. *United States v. Chicago, M., St. P. & P. R. Co.*, 294 U. S. 499, 504-505, 510-511; *United States v. Carolina Carriers Corp.*, 315 U. S. 475, 488-489. When, as here, Commission action constitutes an intrusion on state power, there is a duty on that body clearly to justify its action. *Florida v. United States*, 282 U. S. 194, 211-212; *Yonkers v. United States*, 320 U. S. 685, 690.

To justify its conclusion of discrimination against interstate commerce, the Commission must show that intrastate commutation service is not producing its fair share of the New Haven's revenues. *Wisconsin Railroad Commission v. Chicago, B. & Q. R. Co.*, 257 U. S. 563, 585-586; *United States v. Louisiana*, 290 U. S. 70, 75. Intrastate traffic must, of course, bear a proportionate amount of the burden necessary to meet maintenance and operating costs and yield a fair return on investment. But here, as in *North Carolina v. United States*, 325 U. S. 507, 516, the "Commission made no findings as to what contribution from intrastate traffic would constitute a fair proportion of the railroad's total income." It merely found that the interstate rates were reasonable and fixed intrastate rates at the same level.

We have here no finding as to the necessary relation between interstate and intrastate commutation rates. Perhaps intrastate fares need not be as high as interstate fares to produce intrastate's fair share of total revenue. Perhaps they should be higher. The critical issue is at what rates the two types of commuter traffic will be capable of producing their proper shares of revenue. It is not necessary on this record to equate the two rates in order to prevent diversion of traffic to the lower intrastate fare. *Illinois Commerce Commission v. United States*, 292 U. S. 474, 485. An adequate basis for a conclusion of rate discrimination in this case would require a finding as to the

amount of revenue expected of the intrastate and interstate commuters and the revenue producing capacities of the two groups.

Unless we make the requirements for administrative action strict and demanding, *expertise*, the strength of modern government, can become a monster which rules with no practical limits on its discretion. Absolute discretion, like corruption, marks the beginning of the end of liberty. This case is perhaps insignificant in the annals. But the standard set for men of good will is even more useful to the venal.

SUPREME COURT OF THE UNITED STATES

No. 346.—OCTOBER TERM, 1951.

State of New York and Public
Service Commission of the
State of New York, Appel-
lants,

v.

The United States of America,
Interstate Commerce Com-
mission and the New York,
New Haven and Hartford
Railroad Company.

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States District Court
for the Northern Dis-
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[November 26, 1951.]

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amount of revenue expected of the intrastate and interstate commuters and the revenue producing capacities of the two groups.

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736 Union 6th ave
Tucson, Arizona

MRS. THOMAS H. GREEN
2229 BANCROFT PLACE N. W.
WASHINGTON 8, D. C.

Feb. 27 - 1952

File

The Honorable Mr. Vinson
The Supreme Court, U.S.
Washington, D. C.

RECEIVED

MAR 4 9 50 AM '52

My Dear Mr. Justice :-

CHAMBERS OF THE
CHIEF JUSTICE

I am here with enclosing a
clipping regarding Mr. Justice Douglas' recent appearance in Tucson.

Coming at a time when Tucson is filled with winter visitors from all over the land — wealthy, influential, intellectual, stable — it is revealing.

We have been trained to respect and almost revere the members of the Supreme Court.

I am speaking as a lawyer's wife (though he does not know this letter).

My husband is the former
Judge Advocate General — Thomas H. Green

27 But none than that I am speaking
of a 10th generation of a bee goat
family.

General Green and I have frequently
sat with Mr. Justice Douglas at the
Speakers' Table at State Bar association
dinners; I particularly recall one
at Helena, Montana - at which
everyone was struck at the power
and proven judgement of his
speech. Being at the time in an
official government position
we felt we must go to his defense.
We did.

Now that we are in a retired
capacity I feel ~~that~~ we can speak
as citizens should.

If one has no respect for himself
can he expect others to do so?
If he cannot rule by example is
he in the proper stuff?

Do we want a judge who has no
discrimination or an "awareness"?

3

MRS. THOMAS H. GREEN
2229 BANCROFT PLACE N. W.
WASHINGTON 8, D. C.

This editorial bespeaks of the sting of
disgust all over Iveron at the moment
— crowded hotels, clubs, the 5 to 6 great
raunches and private parties.

I was scared not to talk about a
wrong, but to take it to those who
might attempt to correct it—

This is my reason for the clipping.
We are disillusioned!

Yours very truly,

Ruth I Green

(Mrs. T. H. A.)

4022 Chestnut Ave.
Long Beach, Calif.
April 9, 1952.

^{File}
Hon. Fred M. Vinson
Chief Justice U.S. Supreme Court
Washington, D.C.

Dear Mr. Vinson,

I was so shocked when one of the news casters, yesterday morning told that Justice Douglas of the U. S. Supreme Court had advocated that the United States stir up revolutions among the peasants in different areas of the world, I felt it must be an error. Last night, however our evening paper carried the article.

Just how low has Washington and the Supreme Court of the United States sunk?

We visited that part of the world to which he refers, last November, and it is extremely explosive. The feeling against the United States is very intense because of the nearly million people who were driven out of Israeli to make room for the Jews. They blame the United States mostly, since Ralph Bunch was an American. It is a frightful and frightening thing that we have been partner to, and those people do not look on it

lightly, now "William O."

Is Orville Douglas trying to have thousands, perhaps millions of defenseless people murdered? I think his passport should be revoked and he should not again be allowed to go anywhere outside of this country. If we can judge from this statement he is irresponsible and may have already done much harm.

Consider his voting record on the Supreme Court bench.

Furthermore, why should we meddle in the internal affairs of any and every nation on the globe? Many of those people are very happy and do not want to be disturbed. They told us in Ethiopia they hoped the United States would mind its own business and stay out of there, because their people were living as they wanted to live.

Does Mr. Douglas have any sons he wants to send to war and have them killed in another Korea? He has such a brilliant war record himself that he is surely one to promote more wars.

I have known Mr. Douglas since his college days in Walla Walla, Wash., Whitman College, and have watched his record on the bench with disgust and contempt.

Respectfully yours,
Mrs. C. W. Vaughan.

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CHAMBERS OF THE
CHIEF JUSTICE

HARRY BARNARD
411 WASHINGTON STREET
FREMONT, OHIO

April 25, 1952

A PERSONAL STATEMENT ON THE WILLIAM O. DOUGLAS
FOR PRESIDENT MOVEMENT.

After hundreds of people all over the United States had written to me to enlist in a movement to obtain the Democratic nomination for President for Mr. Justice William O. Douglas, a national committee for this purpose was formed, of which I became Interim Secretary. A meeting of the Committee was called tentatively for April 21 at Chicago. This meeting was cancelled and the national committee itself went into a state of suspension after Justice Douglas made it plain to members of the Committee, who included personal friends, that he wishes to remain on the Court and does not wish to enter the political arena.

This raises the problem now of what should be the attitude of those Americans who believe, like myself, that regardless of Justice Douglas' personal wishes, which I respect, he should be nominated for President by the coming convention of the Democratic party. Personally I intend to continue to assert that Justice Douglas is the one man who should be the Democratic candidate for President in 1952, that he is the one man who can lead the Democratic party to victory no matter whom the Republicans nominate, and that his principles on foreign and domestic issues are the principles which alone can save democracy in this country and the world, and do this without involving our nation in a suicidal war.

Other men mentioned are estimable, but there is no other man on the horizon besides Justice Douglas who is a statesman like the late Franklin D. Roosevelt or Prime Minister Nehru of India, capable of solving the present world crisis. The others are seeking votes, but Justice Douglas has been and is presenting a program.

As I see it, the situation now is a problem in democracy. As I stated in my open letter to Lewis Mumford, Lincoln's birthday, 1952, copies of which were sent to a number of outstanding Americans such as Governor Adlai E. Stevenson, Bishop Bernard J. Sheil, Senator William Benton, Col. J. M. Arvey, Mrs. Eleanor Roosevelt, Franklin D. Roosevelt Jr., Rabbi Abba Hileel Silver, Bishop G. Bromley Oxnam, Walter White, Senator Brien McMahon, James A. Farley, Joseph E. Davies, Thurman Arnold, Bernard Baruch, Joseph P. Kennedy, Ernest T. Weir, Dr. Albert Einstein, James P. Warburg, Norman Thomas, Arthur Schlesinger Jr., and Francis Biddle, among others, it is up to the people themselves to show the Democratic party that it should offer the nomination to Justice Douglas without his lifting a finger. I still believe this.

At present there cannot be an active national committee of proper stature because such a committee inevitably must include personal friends of the Justice. I might add that it appears to me that almost everybody of stature, certainly among liberal Democrats, is a friend of the Justice. Practical political leaders, for the most part, will not give leadership unless Justice Douglas indicates he will be a candidate. This we cannot expect.

Therefore, it is up to the people themselves, without high echelon leadership, to act if they hope to change Justice Douglas' mind and if they hope eventually to get the practical political leadership that will be necessary.

A number of people in a number of states are already acting upon this principle. There are already committees in Massachusetts (Allan Sidd, 97 Elm Hill Avenue, Roxbury, Mass.); Columbus, Ohio (Professor Harvey Goldberg, Ohio State University, Columbus); Portland, Oregon (Rueben Lenske, Lawyer's Building, Portland); Seattle, Washington (Alice Franklin Bryant, 2813 N. Broadway, Seattle 2); New York City (Bernard Sorkin, 295 Madison Avenue, New York); Moylan, Pennsylvania (Rose Valley Committee to Draft Douglas, Box 39, Moylan); Mankato, Minnesota (Richard Bruner, 406 Harrison Avenue, North Mankato, Minn.); Mrs. Inez Gottlieb, Cynwood, Pennsylvania; Max Awner, 370 Madison Street, Denver Colorado; Loraine McKinney, P.O. Box 1668, Phoenix, Arizona; George List, 716 Oak St., Oxford, Ohio; Joseph P. Aronson, 1745 E. Wynsam St., Philadelphia 38, Penn.; Laurelton Independent Voters for Douglas, George W. Frayne, 130-18 223rd St., Laurelton 13, New York; Katharine B. Faulkner, 511 East 88th St., New York 28, N. Y.

I believe that if similar committees are organized on every geographical level: apartment house, city block, city or state--such steps by the people themselves are in a true and straight line with the best tradition of American Democracy. If I were on such a committee in my own community, I would do the following:

1. Prepare a leaflet and get it printed or mimeographed. Material will be found in the New York Times Magazine, January 13, 1952, also January 27; Detroit Free Press, Feb. 19, 1952; St. Louis Post Dispatch, March 20, 1952; Washington Post, April 5 (letter from Dr. Stringfellow Barr); New York Post, column by Max Lerner, March 25, 1952; Look Magazine, Jan. 15, 1951; Life Magazine, June 18, 1951; New York Compass, March 12 and 19; Colorado Labor Advocate, April 3, 1952; U.S. News and World Report, June 22, 1951; Southern Farm and Home, Montgomery, Alabama, April, 1952; The Nation, April 25, 1952; The Progressive, August, 1951 and April, 1952; the New Republic, March 12, 1951 and April 23, 1952; Look Magazine, March 11, 1952; Richmond Times Dispatch, April 4, 1952 (letter from Dr. Barr). See also Justice Douglas' book, "Strange Lands and Friendly People" (Harpers), especially the final chapter. Also Cleveland Plain Dealer, March. 30, 1952, and April 20, column by Spencer D. Irwin.
2. Distribute copies of Justice Douglas' historic speech, "The Black Silence of Fear," and also his speech before the Philadelphia Bulletin Forum, copies of which can be obtained from the Emergency Civil Liberties Committee, 421 Seventh Ave., New York 1, and American Friends Service Committee, 20 S. 12th Street, Philadelphia 7.
3. Put out a press release to the local newspapers and the local Associated Press and the United Press bureaus.
4. Write letters to local newspapers.
5. Write letters to the Democratic leaders, the local leaders, and to the Hon. Frank McKinney, Chairman of the Democratic National Committee, Ring Building, 1200 18 th Street, N.W., Washington, D. C.
6. Send postal cards to Drew Pearson, Box 1952, Washington, D.C., with Justice Douglas' full name so as to prevent confusion with any other Douglas.
7. Hold small or large community meetings to urge others to do these things.
8. If possible, buy space in your local newspaper and time on your local radio station.
9. Every time you see in your newspaper the name of anyone who professes to be a Democratic leader, write him or her a letter giving your views.
10. Distribute copies of the NATION, for April 25, 1952, with the article "I Prefer Bill Douglas" by Professor Fred Rodell of Yale Law School, and the sermon by Father John J. McCullen, or have reprints made by planograph or mimeograph.

A great many people, I am informed, have been writing letters to Justice Douglas himself, to urge that he become a candidate. I urge that this not be done at this time. Justice Douglas cannot announce himself as a candidate, even if he wishes to be one, while he is a member of the Supreme Court. In any event, he cannot be a candidate unless and until he is offered the actual nomination by the Democratic National Convention, as was the case with Mr. Justice Charles Evans Hughes of the Supreme Court in 1916. If the people want William O. Douglas for President, this must be their objective: not to persuade Justice Douglas to be a candidate, but to persuade the delegates at the convention to offer him the nomination. In my opinion, except for the publicizing of Justice Douglas' views, which is tremendously important, any other activity is wasted activity.

I emphasize that these views are personal and that they do not necessarily express the views of the national committee. I have had no contact with Justice Douglas. Like most of the persons to whom I am sending this communication, my status is only that of an American citizen and a member of the Democratic party. Whatever I do is personal. Whatever anyone else does is also personal until there should develop, out of the activity of the people themselves, national leadership based upon what the people do.

Like Carl Sandburg and like Justice Douglas himself, I believe in the People. What the People want, they can achieve. They will find their own way of implementing their desires.

Sincerely yours,

Harry Barnard
Harry Barnard

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CHAMBERS OF THE
CHIEF JUSTICE

SUPREME COURT OF THE UNITED STATES

No. —, OCTOBER TERM, 1951.

In The Matter of the Petition in Behalf of Ronald Virgil Johnson.	} Application for Bail and Stay.
---	-------------------------------------

[April 25, 1952.]

Opinion of MR. JUSTICE DOUGLAS.

Petitioner was inducted into the army at Los Angeles, California, after having been classified in Class I-A. Prior to his being transferred to a training camp, a petition for habeas corpus was filed on his behalf in the United States District Court for the Southern District of California. The petition alleged that his order to report for induction was invalid, because he had been erroneously classified by his draft board and had not received a proper hearing before the board. The District Court issued an order to show cause, and after a hearing denied the petition. The Court of Appeals for the Ninth Circuit denied petitioner's application for bail and for a stay pending appeal to that court. Petitioner now asks that I release him on bail until the cause is finally determined, and that I issue a stay directing that he not be removed from the Southern District of California pending further appellate proceedings in the Court of Appeals and in this Court.

Application for bail.—Since bail is requested here pending review of a denial of habeas corpus, Rule 45 of this Court's rules is applicable.¹ That rule provides, in pertinent part (306 U. S. 671, 724):

¹ Rule 45 was originally added as Rule 34. Under the revised Rules of 1925 it was renumbered as Rule 42 (266 U. S. 685). Under the revised Rules of 1928 it was given its present designation (275 U. S. 629). The rule was established under § 765 of the Revised Statutes (2d ed. 1878), which provided that "appeals allowed . . . shall be taken on such terms, and under such regulations and or-

1. Pending review of a decision refusing a writ of habeas corpus, the custody of the prisoner shall not be disturbed.

2. Pending review of a decision discharging a writ of habeas corpus after it has been issued, the prisoner may be remanded to the custody from which he was taken by the writ, or detained in other appropriate custody, or enlarged upon recognizance with surety, as to the court or judge rendering the decision may appear fitting in the circumstances of the particular case.

4. The initial order respecting the custody or enlargement of the prisoner pending review, as also any recognizance taken, shall be deemed to cover not only the review in the intermediate appellate court but also the further possible review in this court; and only where special reasons therefor are shown to this court will it disturb that order, or make any independent order in that regard.

Under Rule 45 (4) the Court might fix bail in this case, if special reasons were shown justifying an exercise of that power. The question is whether an individual Justice also has the power. In *In the Matter of Pirinsky*, 70 Sup. Ct. Rep. 232, MR. JUSTICE JACKSON answered the question in the negative. I disagree; and since the problem is a recurring one, I will set forth my views.

Habeas corpus, the traditional writ for testing the lawfulness of a person's detention (*McNally v. Hill*, 293 U. S. 131), is a proper means for obtaining bail by a court or

ders, . . . for the custody and appearance of the person alleged to be in prison or confined or restrained of his liberty, . . . as may be prescribed by the Supreme Court. . . . This authorization was carried forward in § 6 (d) of the Act of February 13, 1925, 43 Stat. 936, 940.

a judge not responsible for committing the prisoner, as Chief Justice Marshall said in *Ex parte Bollman*, 4 Cranch 75, 100. The power to issue the writ is given to a Justice (28 U. S. C. (Supp. IV) § 2241), who has power to grant bail as an incident to ruling on an application for the writ. The fact that no petition for the writ is before me nor before the Court does not alter the case. Rule 45 (4) provides for the allowance of bail by the Court in habeas corpus cases on appeal in the Court of Appeals as well as in cases presently here. In other words it gives the Court power to act in a case such as the present one where a person detained is denied bail, pending disposition of the review of his case in the lower court.

Rule 45 (4) deals only with the power of the Court, not with the power of an individual Justice. But it is argued that the grant of the power to the Court is by implication a denial of the power to an individual Justice. If that argument is correct, the Court and only the Court could grant the relief requested here. The Court, however, is not always in session. There are long periods when no quorum is available unless a Special Term be called. If only the Court could act, the rights of a person detained might be effectively lost during such periods. By the time Court reconvened, a long term of unlawful detention might have been endured. I cannot believe that such hiatus in the law was purposely designed. Yet unless it were, the power of an individual Justice should not be denied. The right to habeas corpus² and the right to bail³ have roots deep in our constitutional system. The right to bail is often essential to the vitality of the writ of habeas corpus. In view of the importance in our system of jus-

² Article I, § 9 of the Constitution provides "The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it."

³ The Eighth Amendment provides: "Excessive bail shall not be required"

tice of the power to grant bail (see *Stack v. Boyle*, 342 U. S. 1) I cannot conclude that the power specified by the statute and by the rules is exclusive. See *Hudson v. Parker*, 156 U. S. 277; *Wright v. Henkel*, 190 U. S. 40, 63.

Examination of analogous provisions relating to bail in criminal proceedings strengthens this conclusion. From the beginning a Justice has had the power to admit to bail. See § 33 of Judiciary Act of 1789, 1 Stat. 91. This power has been carried forward and is now found in 18 U. S. C. (Supp. IV) §§ 3041, 3141 and in Rule 46 of the Federal Rules of Criminal Procedure under which a Justice may allow bail both before conviction and upon review after conviction. It would be strange indeed to grant the power to fix bail in a criminal proceeding, but to deny it in a habeas corpus proceeding which might itself collaterally involve a criminal proceeding.

I read Rule 45 (4) harmoniously with the long standing power of a Justice to grant bail. I construe it to include only what it purports to define, *viz.* the manner of the exercise of the power by the Court. It leaves to other sources the power of a Justice to modify or alter the provisions made for the custody of a prisoner by another judge or court.

Nor should that power be denied because the problem is peculiarly one for the Court and hence not one by inference to leave to a Justice under the statutory scheme. Quite the contrary is true. The determinations of what bail to grant, if any, are peculiarly one for the exercise of discretion after hearing. See *Stack v. Boyle*, *supra*, 5-6. Normally it is much more appropriate for a Justice to make these determinations than for the Court to do so, considering the way the Court is organized and functions.

My conclusion is that the power of an individual Justice to fix bail in cases such as the present one is not precluded by Rule 45 (4), that it is implied in the law, and

that an individual Justice has the power to grant bail in situations where the Court might act under Rule 45 (4).⁴

In exercising that power I take as my standard the one which Rule 45 (4) prescribes for the Court. That is to say, I require an applicant to show special reasons which justify disturbing the order respecting bail. In evaluating those reasons, I show great deference to the adverse action of the lower court.

On the papers presented to me, petitioner has not shown special reasons for disregarding the action of the lower court. Therefore, I am unwilling to grant his application for bail.

Application for stay.—Even if petitioner is not released on bail, he desires that a stay be granted to keep him within the Southern District of California pending further appellate proceedings. 28 U. S. C. (Supp. IV) § 2101 (f) provides that a stay of execution may be granted by a Justice “in any case in which the final judgment or decree of any court is subject to review by the Supreme Court on writ of certiorari.” To date there is no judgment of the Court of Appeals which would qualify under that language. But the judgment of the District Court denying the petition for the writ is final and is subject to review here prior to final judgment of the Court of Appeals by reason of 28 U. S. C. (Supp. IV) § 1254 (1).⁵ Hence I conclude that I have the power to stay the execution of the judgment below. See the opinion of Mr. JUSTICE REED in *In re Equitable Office Building Corporation*, reprinted in Wolfson & Kurland, Jurisdiction of the

⁴ A different question would be presented if an individual Justice were asked to act after the Court had refused to exercise its power under Rule 45 (4).

⁵ *United States ex rel. Quirin v. Cox*, 317 U. S. 1, 19–20; *Porter v. Dicken*, 328 U. S. 252, 254; *Insurance Group v. Denver & R. G. W. R. Co.*, 329 U. S. 607, 611; *United States v. United Mine Workers*, 330 U. S. 258, 269.

Supreme Court of the United States, pp. 904-905. But breadth of power does not imply liberality of exercise. The Solicitor General represents that petitioner will be within the jurisdiction of the Court of Appeals for the Ninth Circuit for the next eight weeks. Hence there is no danger at present that petitioner's appellate proceedings will be jeopardized.

Application for bail is denied. Application for stay is denied.

El Paso Herald-Post



EDWARD M. POOLEY
EDITOR

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MAY 7 9 14 AM '52

May 5, 1952 CHAMBERS OF THE
CHIEF JUSTICE

Chief Justice Fred M. Vinson
The Supreme Court
Washington, D.C.

Dear Mr. Chief Justice:

In my opinion, Justice William O. Douglas has besmirched the Supreme Court over which you preside, and should be forced to retire or resign.

I think you can purge the court of him if you wish.

It seems to me that a Supreme Court justice, more than other Americans, should conduct his adulteries as a gentleman. It is very poor taste for him to commit them on the Courthouse steps, particularly the Supreme Courthouse steps.

The Supreme Court--and the Congress--should have high pride, they should be jealous of their standing among the people, and do everything necessary to keep that standing high.

I have no hope for Congress; it has knowingly harbored too many criminals in recent years, but I do have hope that the Supreme Court will remain an institution of which all Americans can be proud. At the moment, you are the American in charge of preserving that pride.

I am enclosing an article that I printed about the matter.

Sincerely yours,

EMP:mm

El Paso Herald-Post



EDWARD M. POOLEY
EDITOR

June 6, 1952

AIR MAIL

Chief Justice Fred M. Vinson
The Supreme Court
Washington, D.C.

My Dear Mr. Chief Justice:

I know you have been busy with important cases, and in riding herd on a Supreme Court composed of a minority of good men, political cronies, character witnesses for Alger Hiss, and that adulterer-in-public, Mr. Justice Douglas, who found it befitting himself to break a law he is especially sworn to uphold in order to satisfy his libidinous middle-age.

Nevertheless, I thought that I might possibly get an acknowledgment of or a reply to my letter of May 5th, in which I urged you to purge the court of this man whose presence is a smear on the High Bench.

I am still hoping. I can not believe that the Chief Justice is comfortable when he sits with a man without a sense of propriety, and with so little regard for his oath or the law.

I hope, too, that the Chief Justice finds it proper to take note of the protest and opinion of an ordinary citizen.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "E. M. Pooley". The signature is fluid and cursive, with a large, sweeping "P" and "o" in the middle.

EMP:mm

June 11, 1952

PERSONAL AND CONFIDENTIAL

Mr. Edward M. Pooley,
Editor,
El Paso Herald-Post,
El Paso, Texas.

Dear Mr. Pooley:

Your letter of June 6th reached my office today. I also acknowledge receipt of your letter dated May 5th.

I can well understand that you would feel that it should have been acknowledged sooner, but I note your recognition of the important Court business with which we have been engaged since your first letter was received, which occasioned my laying it aside and causing you to feel that I had not noticed your protest and opinion. I could have caused formal acknowledgment of your letter, but I doubt whether that would have been satisfactory to you.

I regret to note you feel that good men constitute only a minority of the Court, but that is a right of opinion which you have together with the right of expressing it. I am pleased that you "have the hope that the Supreme Court will remain an institution of which all Americans can be proud." I trust that your hopes will not be dimmed by my statement to you that the Chief Justice, under the Constitution of the United States, has no power to purge any member of the Court.

Very truly yours,

(Signed) Fred M. Vinson

June 3, 1952

MEMORANDUM TO:

✓ The Chief Justice
Mr. Justice Black
Mr. Justice Reed
Mr. Justice Frankfurter
Mr. Justice Jackson
Mr. Justice Burton
Mr. Justice Clark

We purchased a silver tray as a wedding gift for Justice Douglas' daughter. The price is \$225.00, plus District tax of \$3.75. Your proportionate share is \$28.59, and if you will send me your check, I will pay the bill.

The following inscription has been placed on the tray:

FOR
MILDRED R. AND FRANK HERBERT WELLS II
from
THE CHIEF JUSTICE AND THE ASSOCIATE JUSTICES
of the
SUPREME COURT OF THE UNITED STATES
1952

SHERMAN MINTON

127-52
6/6
Delivered
(put on their keeping)
dec - 6/10/52
⑩

June 4, 1952.

Memorandum to the Conference:

Sampson Tulee (315 U. S. 681) has finally sent a fish. It is a salmon and will be served, with his compliments, to you at one o'clock on Saturday. Or I should say probably at 1:10 p. m. Saturday, because the Indian custom is to take the fire water before the fish.

wod
William O. Douglas

The Chief Justice
Mr. Justice Black
Mr. Justice Reed
Mr. Justice Frankfurter
Mr. Justice Jackson
Mr. Justice Burton
Mr. Justice Clark
Mr. Justice Minton

cc Mr. Chief Justice J. O. Vinson

BURDETTE K. MARVIN
4445 FIFTH STREET
RIVERSIDE, CALIFORNIA

June Ninth, 1952

Mr. Justice William O. Douglas,

The Supreme Court of the United States,
Washington, D.C.;

Dear Mr. Justice,

Having read your book, *STRANGE LANDS AND FRIENDLY PEOPLE*, I find your descriptions of poverty in agreement with my own observations in Algeria. Farm labor received 25¢ per day. A brakeman on the de luxe train to Touggourt was pathetically thankful for a few cigarettes. His pay was 32¢ per day.

The citizen's right of petition is nullified when his petition is unheeded. Petitions are justly unheeded when they are irrelevant, petty or otherwise improper. I trust that my present brief discussion of *THE STEEL CASE* will be found inoffensive as a petition for a hearing in the non-legal sense.

THE STEEL CASE

Anyone arguing against the recent action of our Supreme Court is, in effect, saying: If I Were King. Hence, I state what I would have had The Court declare unanimously.

DECLARATION

" We, as Americans, have before us a question conceded to be of vital importance to the Nation. That question is: Shall the Nation tolerate stoppage of the production of steel? Compared with this question, the present legal question is of small moment. Expressions

Mr. Justice Douglas

-2-

June 9, 1952

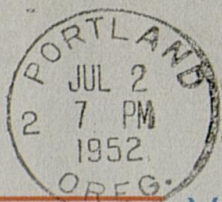
such as: "the gravity of the emergency , and the immediacy of the threatened disaster"; "immediate paralysis of the mobilization program" (Minority Report); "damages are irreparable"; "awful results" (twice); "threatened disaster" (Judge Pine);- these expressions and many others to like import we hold to justify us in attending to the primary issue of safety for our Country rather than to legalities useless to a Country irreparably damaged. Immediately after Judge Pine's decision, Philip Murray, president of United Steel Workers, CIO, called a nationwide strike because employers would not grant workers demands. In the comparison with the nation's normal needs for steel increased by the needs of our fighting forces in faraway lands, we find the cause of non-production, a dispute as to wages, to be both trivial and traitorous: "giving them" (the enemy) "aid and comfort". (U.S. Constitution, Art. III, Sec. 3).

We affirm that the government has not used all of its powers in this matter, powers not questioned by anyone. For instance, the government has power to maintain freedom of entrance and exit for any steel plant in the Country. Sixteen million union workers and forty-five million non-union workers assure countrywide support for freedom of labor by the supremacy of law over violence. By such exercise of its power the present traitorous conflict the government will terminate. With the clear issue of treachery before us, the debatable power of seizure by the President does not interest us. The question before us we dismiss."

Most sincerely

Burdette K. Marvin
Burdette K. Marvin

Copy to each of your associates et al.



VIA AIR MAIL

Hon Fred Vinson
U.S. Supreme Court
wash. DC

Gen O Langlois
Box 141
Juliana
Wash.

Justice Douglas

[1952]

Douglas In Hong Kong After Asian Tour

HONG KONG, Sept. 2—(UP)—William O. Douglas, United States supreme court justice, arrived here today after a six-week tour of southeast Asia.

He said he though conditions in the area were favorable generally, but "there is still a long way to go" in solving southeast Asia's problems.

Is he writing another bookx

I am sure that you have a lot of undecided cases there in the Supreme Court and why is this Judge allow to spend so much time away from his job and ofcourse drawing a big salary all of the time. They call it a "fair deal party. Dont we have a Chief Justice of the Court who can lay down the law.

Taxpayer.



THIS SIDE OF CARD IS FOR ADDRESS

Chief Justice Supreme Court
Washington DC



In Flight
ON THE MAINLINER

7/1/52

Dear Fred

I am sorry I did not
see you before I left Wash DC
for the summer. You were out the
day I left; and I miss you
when I telephone to say hello.
I hope you have a good summer.
If the tides turn - as if you
need me - all you have to do is
to let me know. It all comes
down to the old formula -

Once a union man, always
a union man.

I hope you & Roberta have a
wonderfully happy summer
as ever
Bill

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JUL 5 10 04 AM '52
CHAMBERS OF THE
CHIEF JUSTICE

220 RODMAN AVENUE
JENKINTOWN, PA.

Dec 16, 1952

Chief Justice Vinson
U. S. Supreme Court
Washington D. C.

Dear Sir:

It has been stated
in the newspapers that
Justice Douglas received a
thousand dollars from
the Amalgamated Clothing
Workers Union.

Do you think it is
proper for one of your court
to accept such a gift
from such a source.

It seems to me that the
great critic of everything
and everybody else should
have a higher standard
than to receive such
gifts

Yours truly
Rm. E. Knapp

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DEC 18 9 31 AM '52
CHAMBERS OF THE
CHIEF JUSTICE

#204 Misc 1/12/53

C.I.

This marked
paragraph is why?
Doubt the case -
no 204 Misc. - should
be sent back to Q
C.A. for reconsideration
in light of the opinion
of the Court.

WdV

[1953]

Supreme Court of the United States
Washington 13, D. C.

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

April 6th

12:50 PM

Dear Fred -

I have had to leave
the bench. I am sick
with a bad tooth. The
doctor says I'll not
be back today. I hope
to be back tomorrow.
I'll keep in touch
with you.

Armen

Bill

[1953]

Supreme Court of the United States
Washington 13, D. C.

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

5/11

Dear Fred File

I got your message that
you wanted to talk with me
about 498 after the TWA
plan was in the air. I'm
sorry they were slow in
getting me your message.

I've been working
on the case & have about
finished a memo. I believe
I will vote to affirm on
the present posture of the
case. The memo will

be around in a
few days.

Arner

Blue

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CHAMBERS OF THE
CHIEF JUSTICE

[1953]

Supreme Court of the United States

Memorandum

5/25

_____, 194__

Dear Chief

Called No 498

Wayne County v

Cushing for book

on the Conference

List? I believe I

had it taken off

OK.

W O V

Supreme Court of the United States
Washington 13, D. C.

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

6/7/53

Dear Chief

In Conference
yesterday I forgot
to ask you to
have Hugo's & my
dissents noted to
denial of cert. in
Nos 732, 733

W O D

June 23, 1953

The Honorable Representative Wheeler (D-Georgia)
Washington, D. C.

Re: Proposed impeachment -- Supreme Court
Justice Douglas -- Rosenberg case.

Dear Sir:

According to press reports, you are contemplating setting in motion an impeachment action against Justice Douglas of the United States Supreme Court. Is that because he had the courage to stand up for his conviction and refused to be swayed by a temporary popular clamor or mass hysteria? Surely you can not be serious. Or are you? If you are, then just where are we headed?

I will wager that you, the Honorable Congressman from Georgia, would be first to resent any attempt to be intimidated or be pressured into voting against your conviction. Is not a threatened impeachment against Justice Douglas in reality an attempt to intimidate and to influence a decision of a Supreme Court Justice? Thank God, however, that the members of that court cannot be so intimidated or influenced.

This present threat against a Supreme Court Justice, together with the burning of books and the efforts now being put forth by a few to control thought and to dictate what is to be read or said, certainly is reason for national alarm. It is now apparent that a few, who do not appear to be familiar with our Constitution, would deprive us of everything the American people have fought for and stood for to make us a free and independent people. Where is the philosophy enunciated by our great statesmen of the past, who, although not agreeing with statements made by others, would, nevertheless, give their lives to protect that right. That philosophy is one of the foundations upon which our free nation was conceived.

Must we lose our liberties and become a subjugated people in order to fight Communism? Certainly not! Surely some better and more sensible way can be found to fight Communism than for us to be deprived of our liberties and the right to think and say what we believe to be true.

Yours very truly,

John Wight
John Wight

President
Mondakota Gas Company

File
JW/gr

Supreme Court of the United States
Washington 13, D. C.

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

August 1, 1953

MEMORANDUM TO THE CONFERENCE:

I have this day issued a stay
of execution in No. 214, Daugherty v.
California, here on certiorari.

WOD
William O. Douglas

NOTED

AUG 7 1953

F.M.V.

RECEIVED

AUG 10 12 42 PM '53

CHAMBERS OF THE
CHIEF JUSTICE

To the Chief Justice
From Douglas, J.

8/5/53

SUPREME COURT OF THE UNITED STATES

Carlisle	}	Application for Bail Pending Appeal.
v.		
Landon.		

[August 5, 1953.]

Opinion of Mr. JUSTICE DOUGLAS.

This is a motion for bail pending appeal made by Harry Carlisle, one of the petitioners in *Carlson v. Landon*, 342 U. S. 524. In that case a majority of the Court held that the Attorney General did not abuse his discretion in holding Carlisle without bail pending a determination of his deportability. So if the facts presented here are in no material respects different from what they were in the *Carlson* case, the motion for bail should be denied.

In the *Carlson* case there was evidence that Carlisle had at one time been a member of the Communist Party and years ago had advocated the use of violence to overthrow the Government. But there was no evidence of present membership or of present advocacy of the use of violence. As I read the record, the opinion of the Court, and the opinion of the Court of Appeals (187 F. 2d 991) in the *Carlson* case, the only evidence of present, incriminating activities of Carlisle were associations with groups found by the Attorney General to be "subversive," or labeled by congressional committees as "Communist front" organizations. But there was nothing to show that Carlisle was presently advocating the overthrow of the Government by force and violence or presently teaching the Marxist creed or that he was presently a member of the Party. Past membership, past advocacy of violence plus present identification with some "subversive" groups were, in the view of the Court, sufficient grounds for denial of bail. I agree with the dissent in the *Carlson* case that the national security does not require the denial

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of bail to a person with such slight ties to those who actually are supporting the philosophy of violence of the Communist Party. But the majority ruled otherwise; and I bow to their decision.

Our decision in the *Carlson* case was announced March 10, 1952. The case against Carlisle is no stronger now than then. There is no showing of present membership in the Party or of present advocacy of the Party's philosophy of violence. There is, however, a detailed showing of Carlisle's identification with "subversive" or "Communist front" organizations. It would seem therefore on that showing that if the Attorney General were free to hold Carlisle without bail in 1952 he has the same power in 1953.

There are, however, other circumstances that put the present application in a new light.

1. On October 6, 1952, the Bureau of Immigration Appeals reversed the order of the Commissioner directing Carlisle's deportation and remanded the case for further hearings. On October 7, 1952, Carlisle was released on bond in the sum of \$5,000 and remained at liberty until May 18, 1953. During that time he was active in connection with certain "Communist front" and "subversive" groups. But there is no showing that he is a Party member, that during that time he advocated the Party's program of violence, or engaged in any activity that is unlawful under state or federal law. During that time he made no effort to escape or otherwise evade the lawful authority of the Attorney General.

2. In February, 1953, Carlisle was notified that he would be required to procure a new bond with conditions¹ attached to it that were quite comparable to those in-

¹ One condition of the bond submitted would require the alien to "refrain from associating with any person knowing or having reasonable ground to believe that such person" is a Communist—a condition which might indeed require severance of even family relations on pain of going to jail.

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volved in *Yanish v. Barber*, 97 L. ed. 793. I held in the *Yanish* case that the question whether the Attorney General might attach those broad conditions of parole to a bond under § 242 (c) of the Immigration and Nationality Act, 66 Stat. 163, was a substantial one and that an alien, not shown to be engaging in unlawful activity and having no proclivity to escape, was entitled to bail while the courts resolved the question as to the Attorney General's power. Carlisle would be entitled to like treatment if his bond was revoked for failure to procure the new *Yanish* type of bond. The crucial question in the case is whether that was the basis of the revocation.

Carlisle, like *Yanish*, brought an action in the District Court to restrain respondent, the District Director of the Immigration and Naturalization Service, from requiring the new bond. Respondent did not take the course of the respondent in the *Yanish* case and cancel the old bond. Rather, he stipulated that no new bond would be required pending disposition of the action. The District Court denied a motion to dismiss the action, holding that upon the facts alleged in Carlisle's complaint respondent could not demand the new bond. That action apparently is still pending in the District Court.

Thereafter on May 13, 1953, the Commissioner telegraphed respondent ordering him to revoke Carlisle's bond and take him into custody "in order to meet the responsibility imposed upon the service by § 242 (a)"²

² Section 242 (a) of the Immigration and Nationality Act of 1952 provides:

"Pending a determination of deportability in the case of any alien as provided in subsection (b) of this section, such alien may, upon warrant of the Attorney General, be arrested and taken into custody. Any such alien taken into custody may, in the discretion of the Attorney General and pending such final determination of deportability, (1) be continued in custody; or (2) be released under bond in the amount of not less than \$500 with security approved

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and (c)³ for the conduct, associations, and activities of the aliens."

Petitioner was thereupon taken into custody and detained. On June 1, 1953, the Commissioner wired the

by the Attorney General, containing such conditions as the Attorney General may prescribe; or (3) be released on conditional parole. But such bond or parole, whether heretofore or hereafter authorized, may be revoked at any time by the Attorney General, in his discretion, and the alien may be returned to custody under the warrant which initiated the proceedings against him and detained until final determination of his deportability. Any court of competent jurisdiction shall have authority to review or revise any determination of the Attorney General concerning detention, release on bond, or parole pending final decision of deportability upon a conclusive showing in habeas corpus proceedings that the Attorney General is not proceeding with such reasonable dispatch as may be warranted by the particular facts and circumstances in the case of any alien to determine deportability."

³ Section 242 (c) of the Act provides in pertinent part:

"When a final order of deportation under administrative processes is made against any alien, the Attorney General shall have a period of six months from the date of such order, or, if judicial review is had, then from the date of the final order of the court, within which to effect the alien's departure from the United States, during which period, at the Attorney General's discretion, the alien may be detained, released on bond in an amount and containing such conditions as the Attorney General may prescribe, or released on such other condition as the Attorney General may prescribe. Any court of competent jurisdiction shall have authority to review or revise any determination of the Attorney General concerning detention, release on bond, or other release during such six-month period upon a conclusive showing in habeas corpus proceedings that the Attorney General is not proceeding with such reasonable dispatch as may be warranted by the particular facts and circumstances in the case of any alien to effect such alien's departure from the United States within such six-month period. If deportation has not been practicable, advisable, or possible, or departure of the alien from the United States under the order of deportation has not been effected, within such six-month period, the alien shall become subject to such further supervision and detention pending eventual deportation as is authorized in this section."

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CARLISLE *v.* LANDON.

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respondent, "Revoke bond Harry Carlisle take into custody and detain without bond pending determination of deportability."

Carlisle filed a petition for a writ of habeas corpus in the District Court. The writ was denied, the District Court holding that Carlisle's detention was lawful. Carlisle filed a notice of appeal and then applied to the District Court for bail pending appeal. The District Court denied the motion. Carlisle thereupon moved in the Court of Appeals for bail pending appeal. That Court likewise denied his motion. He then applied to me for bail pending disposition of his appeal from the order denying the writ of habeas corpus. See *Petition of Johnson*, 72 Sup. Ct. 1028.

There is great force to the argument of the Department of Justice that if there was power to detain Carlisle without bail in 1952 (as the *Carlson* case held) there is power to do so in 1953. But I have concluded that the case is not so simple. After the decision in the *Carlson* case Carlisle was deemed sufficiently safe in terms of our national security and sufficiently law-abiding as to permit his enlargement on bail. He was at large on bail for a period of 8 months following the *Carlson* decision. During that time he revealed no new traits or habits not previously known. During that time he did not develop dangerous tendencies—he did not, so far as appears, teach the Marxist creed, advocate violent means for changing our system of government, or do a single unlawful act. While Carlisle was out on bail he did however do one thing new and different—he refused to execute the Yanish type of bond. Up to then his enlargement on bail had been deemed wholly consistent with the national security. Once he refused to execute the new type of bond he was deemed sufficiently dangerous as to be taken into custody once more.

[MR. JUSTICE DOUGLAS.]

I have finally concluded that if I denied bail in this case I would be denying Carlisle the opportunity afforded Yanish, *viz.*, the opportunity to contest the power of the Attorney General to attach broad conditions to the bail bond. In the *Yanish* case I thought the question of the power of the Attorney General to be a substantial one. If it was substantial for Yanish, it is substantial for Carlisle. For the reasons stated in *Yanish v. Barber*, I thought, and still think, the question is substantial.

There is a constitutional question that lurks in every bail case. The Eighth Amendment provides that "excessive bail" shall not be required. That means, as MR. JUSTICE BURTON suggested in the *Carlson* case (342 U. S., at p. 569), that a person may not be capriciously held. Requirement of bail in an amount that staggers the imagination is obviously a denial of bail. It is the unreasoned denial of bail that the Constitution condemns. The discretion to hold without bail is not absolute. If it were, we would have our own model of the police state which looms on the international horizon as mankind's greatest modern threat. Under our constitutional system the power to hold without bail is subject to judicial review. There must be an informed reason for the detention. I do not find any such reason here. Carlisle had been granted his liberty and was on bail. I was advised on oral argument that there was nothing in his activities or conduct during that period that caused the Department of Justice to have any alarm. Only when Carlisle challenged the power of the Attorney General to attach conditions to the bond was he deemed too dangerous to be at large. But under our system of government a challenge to the authority of an administrative officer is not a subversive or dangerous act. It is indeed a proud boast that this is the land where the discretion of officials is subject to review, where there is an opportunity even for the humblest person whose lib-

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erty is restrained to have an inquiry into the cause of the restraint.

I am satisfied after a study of this record and after oral argument that Carlisle is being detained solely because he is not amenable to the desires of the Attorney General. That too would be permissible if the Attorney General acted within the scope of his authority. But there is in my view a substantial doubt whether the things which the Attorney General has demanded are within his statutory and constitutional competence to exact.

I will admit Carlisle to bail in the amount of the bond under which he heretofore has been released, *viz.*, \$5,000, pending disposition of his appeal before the Court of Appeals.

Application granted.

AUG 8 2 26 PM '53

CHAMBERS OF THE
CHIEF JUSTICE

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JAN 5 2 57 PM '48

Supreme Court of the United States

Memorandum

CHAMBERS OF THE
CHIEF JUSTICE

1/5, 1947

Dear Fred -

I did not realize
until recently how
serious this case is.
The chap has 2 kids
I would like to work
something out, if our
rules permit
As ever
Bill

Mr. Chief Justice:---

While the rule probably contemplated previous legal experience, there has been some deviations from it, and, as far as I can ascertain, the matter is one that rests in the discretion of the appointing Justice. If, in his view, the experience is such that, in a way, measures up to a year's previous experience in the legal profession, then there should be no hesitancy in fixing the higher salary.

In my opinion, the experience which this young man has had certainly weighs as much as a year's experience in a law office, or in the District or Circuit Courts. However, it is, as I say, so far as I am able to ascertain, a matter within the discretion of the appointing Justice.

K--

1/5/48

Mr. Justice:

I'd like to inquire about the possibility -- if it is a possibility -- of obtaining a higher rating as a law clerk.

It may be that my experience contains little, if any, justification for it, i.e. 3 months legal work, 3 years business experience (9 months statistical work in stocks and bonds, 6 months as an accountant, 2 years in automobile finance and insurance business) and 4 years in the Navy (administrative work in Office of Cable Censorship).

However, the long and short of it is that my bi-weekly check is \$142.89 and my monthly rent is \$145, not to mention food, fuel, clothes, car etc.

I was fully aware when I came to Washington that the cost of moving my family would result in a loss. I ~~was~~ gladly accepted that. I had thought, however, that I could meet current living expenses out of my salary. In that I erred, and am now scraping bottom.

For what it is worth, the majority of the clerks have, I believe, higher ratings, though most of them either had prior clerkships in the circuits or legal experience much more extensive than mine. Two of them, however, had neither, but do have two children.

Thus I'm aware that mine may not be a case justifying a higher classification. But the situation is such as to compel me to mention it.

Sparrowe

*file
approved
1/9/47*

Supreme Court of the United States
Washington, D. C.

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

January 8, 1948

RECEIVED

JAN 8 2 51 PM '48

CHAMBERS OF THE
CHIEF JUSTICE

Dear Chief Justice:

I recommend that my law clerk, Stanley E. Sparrowe, be given a classification of senior law clerk at \$5116.32 per year, rather than the junior classification he now has. I base this recommendation upon the experience he has had in addition to his professional legal experience.

Sparrowe is 31 years of age, is married, and has two children. While he was not admitted to the California Bar until his graduation from law school in 1947, he had prior to that time a range and variety of business and military experience which gives him a maturity far greater than that of the average law clerk fresh from law school. After graduation from college in 1937, he spent nine months in statistical and economic analysis of stocks and bonds and six months as a contract clerk for Chevrolet Motors. He also had something over two years experience as assistant manager of the insurance department of a San Francisco finance company. During that period he had non-professional but extensive experience in the legal aspects of insurance and finance, and took two years of night college in those fields, including insurance law. He entered the law school at the University of California in 1940, leaving in 1941 to accept a commission in Naval Intelligence. He was assigned to the Office of Cable Censorship in San Francisco and for two years headed the Digest Section of that office. As such he was responsible for evaluating and compiling intelligence data. Subsequently he was the officer in charge of a field station for an additional two years.

I feel that his experience qualifies him for a senior clerkship and I so recommend.

Yours faithfully,

Wm O Douglas
William O. Douglas.

The Chief Justice,
The Supreme Court.

*Forward to Support
who will prepare necessary
blank for Justice Douglas's
signature & the CJ's
approval.*

PAY INCREASE FOR STANLEY E. SPARROWE TO \$5,116.32 signed by the
Chief Justice January 9, 1948 - effective January 12, 1948.

Supreme Court of the United States
Washington, D. C.

June 5, 1948

Edith W. Allen is hereby designated and
appointed to serve as my secretary
from the 1st day of July, 1948
at a salary of \$5116.32, per annum.

Wm O Douglas
Associate Justice of the Supreme Court of the United States.

Approved:

(Signed) Fred M. Vinson
Chief Justice of the United States.

Supreme Court of the United States
Washington, D. C.

October 1, 1948

Cary J. Torre is hereby designated and
appointed to serve as my law clerk
from the 1st day of October, 1948
at a salary of \$1418.69, per annum.

Wm C. Waugh
Associate Justice of the Supreme Court of the United States.

Approved:

Fred M. Vinson
Chief Justice of the United States.

Supreme Court of the United States
Washington, D. C.

October 1, 1949

Warren M. Christopher is hereby designated and
appointed to serve as my Law Clerk
from the 31st day of October, 1949
at a salary of \$4618.68, per annum.

Wm O Douglas

Associate Justice of the Supreme Court of the United States.

Approved:

(Signed) Fred M. Vinson

Chief Justice of the United States.

Supreme Court of the United States
Washington, D. C.

October 1, 1950

John Grant Burnett is hereby designated and
appointed to serve as my law clerk
from the 1st day of October, 1950
at a salary of \$4757.50, per annum.

William O. Douglas
Associate Justice of the Supreme Court of the United States.

Approved:

(Signed) Fred M. Vinson

Chief Justice of the United States.

Supreme Court of the United States
Washington, D. C.

October 1, 1950

Hans Arthur Linde is hereby designated and
appointed to serve as my law clerk
from the 1st day of October, 1950
at a salary of \$4757.50, per annum.

William J. Douglas

Associate Justice of the Supreme Court of the United States.

Approved:

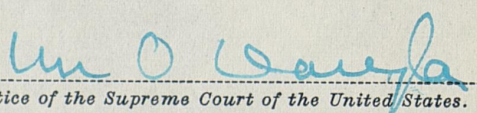
(Signed) Fred M. Vinson

Chief Justice of the United States.

Supreme Court of the United States
Washington, D. C.

June 4, 19 52

Charles Ares is hereby designated and
appointed to serve as my law clerk
from the 1st day of July, 19 52
at a salary of \$ 5175.50, per annum.


Associate Justice of the Supreme Court of the United States.

Approved:

(Signed) Fred M. Vinson

Chief Justice of the United States.

Supreme Court of the United States
Washington, D. C.

March 23, 1953

Rethaabe Pedersen is hereby designated and
appointed to serve as my Asst Secretary
from the 23rd day of March, 1953
at a salary of \$4,625.50, per annum. for a Temporary Period.

Wm O Douglas

Associate Justice of the Supreme Court of the United States.

Approved:

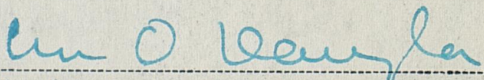
(Signed) Fred M. Vinson

Chief Justice of the United States.

Supreme Court of the United States
Washington, D. C.

----- April 13 -----, 19 53

----- Fay H. Jones ----- is hereby designated and
appointed to serve as my ----- Assistant Secretary -----
from the 15th day of ----- April -----, 19 53
at a salary of \$ 4,625.50 -----, per annum.



Associate Justice of the Supreme Court of the United States.

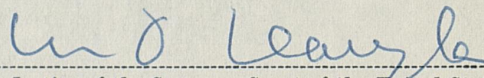
Approved:

Chief Justice of the United States.

Supreme Court of the United States
Washington, D. C.

September 1, 1953

James F. Crafts, Jr. is hereby designated and
appointed to serve as my law clerk
from the 1st day of September, 1953
at a salary of \$5175.50, per annum.



Associate Justice of the Supreme Court of the United States.

Approved:

(Signed) Fred M. Vinson

Chief Justice of the United States.

TELEPHONE 589

H. C. KENNEDY
ATTORNEY AT LAW
PINNELL-LEDFORD BUILDING
SOMERSET, KENTUCKY

MRS. BLANCHE DIKEMAN
STENOGRAPHER-SECRETARY

April 17, 1952

Hon. William O. Douglas
Associate Justice
United States Supreme Court
Washington, D. C.

Dear Judge Douglas:

I have just read in Newsweek that you are asking your wife, to whom you have been married twenty-nine years, for divorce in order that you can marry the divorced wife of C. Girard Davidson. Such procedure shocks me as I know it must shock the people of the United States. Before taking these steps, you should certainly resign from your position as Associate Justice on the Supreme Court bench. What you propose to do is worse than anything the Roosevelts ever did, and you would be a disgrace to the Supreme Court.

Wake up and don't do this terrible thing.

File
Sincerely yours,

H. C. Kennedy

HCK:pjc

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CHAMBERS OF THE
CHIEF JUSTICE



Full

4022 Chestnut Ave.

LONG BEACH, CALIFORNIA

Douglas, J.

Aug. 23rd, 1950.

Chief Justice Fred M. Vinson.

United States Supreme Court.

Washington, D.C.

Dear Judge Vinson,

I have been wondering, for almost a year, how a man like William O. Douglas could draw a \$10,000 salary out of taxpayer's money, when he has been on a continuous vacation for practically that length of time. Or is he on vacation? We wonder about that, too.

I know he has voted "left" on every case that has come before the U. S. Supreme Court since he is on the bench. That is his privilege, of course, but one does not have the confidence, one should have, in a Supreme Court Justice, where it is a foregone conclusion with everyone, that he will vote a certain way.

Chet Huntley, in his newscast Monday afternoon said that Justice Douglas had endorsed the World Federalist movement. I was neither shocked nor surprised at this revelation. I simply took it for granted. The thinking American considers this movement one of the most pernicious things ever offered the American people.

Very truly yours,

Mrs. C. W. Vaughan.

RECEIVED
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CHAMBERS OF THE
CHIEF JUSTICE

Office of the Marshal,
Supreme Court of the United States,
Washington, D. C.

October 3, 1949

Honorable Fred M. Vinson
Chief Justice of the United States
Washington, D.C.

My dear Mr. Chief Justice:

The following appointment to a position
under this office is submitted for your approval:

Warren M. Cristopher, temporary excepted ap-
pointment as Law Clerk at \$4618.68, effective
October 1, 1949, vice Gary J. Torre, resigned.

COPY

Respectfully submitted,

Thos. E. Waggaman

Marshal, Supreme Court, U.S.

APPROVED: 10/3 1949

(Signed) Fred M. Vinson
Chief Justice of the United States