

NATIONAL BIOGRAPHIC

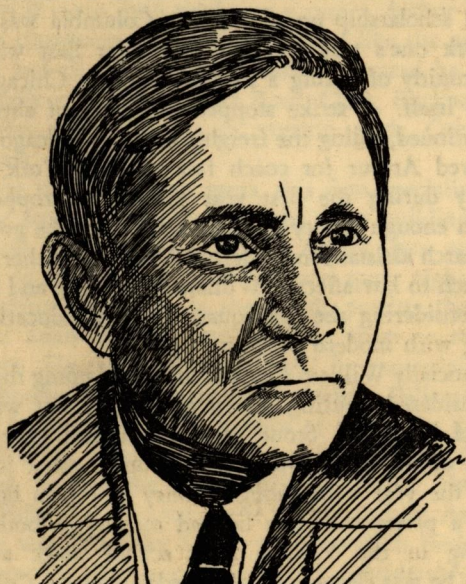
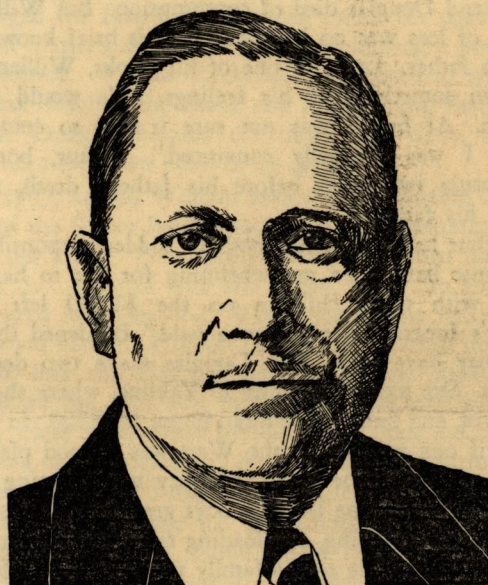
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A BIOGRAPH

ARTHUR AND WILLIAM DOUGLAS

DURING THE LAST TORRID DAYS of the Rosenberg spy case, the president of the Hotels Statler Company entered the smoking car on a New York, New Haven and Hartford train. A disgruntled man sat fuming over the evening papers, angered, particularly, by the last minute stay of execution granted that day by U. S. Supreme Court Justice William O. Douglas. Without warning the man turned to the Statler president, ranting and raving over the Justice. "Communist" was the least offensive label the man employed in his diatribe. The president of the Statler chain could endure it no longer. He hit the man. Both emerged from the resultant battle with a black eye. In explanation of behavior unusual for hotel presidents, Arthur Douglas, brother of the Justice, said, "I just couldn't stand the lynching mood of that day."

But this strong gesture of loyalty does not mean that the brothers think or act alike. In fact, they inhabit different worlds. This does not, however, touch the deep bond between them, nor their sense of pride in each other's accomplishments. And, in the face of struggle and hardships, the brothers have accomplished much.



Arthur, a leader in modern hotel construction, and president of the oldest and best-managed chain in America; and William, a leading dissenter of the highest court in the land, writer of best-sellers, formerly chairman of the Securities Exchange Commission, and often-mentioned Presidential possibility.

Forty years ago the two boys would have been found in a modest house on the wrong side of the tracks in Yakima, Washington. Today, Arthur can be found in the perpetually crowded and bustling Hotel Statler in New York amid the panelling of the President's office, and William in the dignified quiet of the white marble-red velvet plush of the United States Supreme Court. The contrasting settings symbolize the different paths of the brothers from that small house in Yakima.

The contrast is carried out, to a lesser extent, by all their characteristics. Arthur is ruddy, heavy-built, easy going. William is spare, austere of countenance, sandy in coloring. But both have the same Western voice, the same lusty charm. Both are restless men, giving vent to this restlessness by continual travel.

WANDERLUST

Restlessness seems to be a family tradition. The first Douglas came from Glasgow in 1787, settling on a farm in Nova Scotia. His son, the brothers' grandfather, hunted for gold in California, found it, and lost it back in Canada in the Antigonish gold mines. The brothers' father left Canada for good, studied for the ministry in Chicago, and was assigned his first pastorate in Maine, Minnesota. There he married Julia Fisk, twenty years his junior. Two of the Reverend's three children were born in Minnesota: Martha, and, in 1898, William Orville.

William had little chance to know his father, for six years later, after vain attempts to find a healing climate, Reverend Douglas died of consumption. But William's sense of loss was no less deep for his brief knowledge of his father. Later, in one of his books, William has written something of his feelings. "He would never return. At first I was not sure it was so complete. Later I was gradually convinced." Arthur, born in California two years before his father's death, never knew his father.

Arthur has said of his mother's sudden responsibility, "It must have been overwhelming for her to have to cope with three children on the \$1,800 left after father's funeral expenses were paid." Burdened though she may have been, Mrs. Douglas made two decisive moves. She took the family to Yakima, where she had relatives, and built a five-room house for \$500. In those days, if one were poor, the West was a good place to wrest a living. The Yakima Valley was growing as a fruit center, and the Douglas boys grew with it—spraying, picking, packing, and loading fruit. But this outside work to contribute to the family purse was not allowed to interfere with academic standards. Education was the key to independence and success in Mrs. Douglas' eyes. "With a good education," she told them, "you can always be free."

Early in life, the high standards imposed on them by their mother were adopted by the boys as their own. So much a part of them did these standards become that once, when Arthur came home with bad marks from school, it was William who administered disciplinary measures rather than their mother. It was these standards which drove the brothers forward in both the academic world and later life.

For William there was another reason for constant driving ahead. As a small child he contracted what must have been polio, although at the time it was not so recognized. Miraculously, the local doctor prescribed a cure that today has become world famous—salt water and massage. It worked by dint of his mother's vigorous applications—twelve times a day for six weeks—and strong measures of Presbyterian faith. Though he recovered the use of his legs, his mother remained anxious and overprotective. Despite his recovery, the doctor said William would not live past forty. Added to his consciousness of being coddled, was his bitterness over the teasing his spindly legs brought from his classmates.

This drove him to compete in the area he was sure of—"I can lick them all in the classroom." And he did.

Though conventional and Republican, Yakima was a place that offered a sense of economic opportunity for those willing to work hard. It was a town where distinctions of wealth were not severely felt, and where, during the boys' youth, the controversy of public versus private irrigation was being fought in the press and in the parlor.

This fine legacy of moral and intellectual wealth gave the children the elasticity to rebound from the obstacle of poverty. Yet one experience might well have left a residue in William's subconscious. Mrs. Douglas, counselled by unscrupulous lawyers, invested what little money remained from her husband's estate in an irrigation project which subsequently failed. This distrust of lawyers, and a desire to protect the small investor, emerged strongly during the days when, as a Yale professor, Douglas studied, and later introduced, protective legislation for investors.

With Arthur the stringencies of poverty were perhaps more acutely felt. One day, seeing his sister wrestle with the homemaking of a dress, he exploded, "I'm tired of being poor."

WILLIAM SETS OUT

William's mother was determined that he should continue his education. He (and Arthur four years after him) bicycled the 130 miles to the neighboring town of Walla Walla and Whitman College. Here he worked at Falkenberg's jewelry store as general handyman at 15 cents an hour, one year sending home half his weekly pay check, later passing on the job to Arthur. William graduated Phi Beta Kappa. He then took a job at Yakima as a high school teacher to earn enough money for law school, and to give his sister Martha a chance to go to Whitman. He turned down a Harvard Law School scholarship on advice that Columbia was easier to work one's way through. He went East when an opportunity of taking a load of sheep to Chicago presented itself. A strike stopped the party of sheep but he continued, riding the freights as far as Chicago where he wired Arthur for coach fare to New York. Occasionally during the first year he nearly dropped out to earn enough money to continue. Finally he got a job as research assistant to Underhill Moore, a teacher whose approach to law affected William's thinking, and started him considering the inadequacy of legal education for coping with modern problems.

Financially William found it such hard going that once he considered quitting school altogether. But with the help of Harlan F. Stone, then Dean, and later Chief Justice of the U. S., who put him on to other jobs, he ended the year with enough money to return home to marry a pretty colleague he had met when both were teaching in the Yakima high school. Back at Law School, he was elected one of the editors of the *Columbia Law Review*, in recognition of his high marks, and gradu-

ated second in a class which included Thomas E. Dewey.

Although Bill ultimately wanted to return to set up practice in Yakima, he decided it would be better to pass the bar exams in New York. He entered the renowned Wall Street law firm of Cravath, De Gersdorff, Swaine and Wood. Going through the strenuous mill of the novitiate lawyer, he added to the strain by teaching two courses at Columbia Law School. After two years he quit to go to Yakima to practice. The senior partner, Robert T. Swaine, who had seen many bright young lawyers go through the grind, was impressed by him and tried to persuade him to stay with hopes of a partnership, "You'd better stay here with me. You probably would be content with the first balcony but I would like to show you how it feels in the orchestra." But Swaine's vision was not Bill Douglas'. He had to do it on his own, in his own time.

He had had a close view of the mores and customs of high finance, the practices of corporate reorganization, and he had even taken a flier in the market. Buying at \$9 he sold at \$25, was horrified at the losses others suffered when the price went back to \$9 shortly after. These experiences were to stand him in good stead in his days on the Security Exchange Commission (S.E.C.).

ARTHUR FOLLOWS

Arthur—two years later—was also on the *Columbia Law Review*, which meant among the first ten in the class. He confesses that he was a better businessman than his brother right from the beginning. He arrived at the Law School with only slightly more than Bill—\$10.00—but by the time he left he had saved \$3,000. His principal source of income came from tutoring. The placement office would send him to a job that ordinarily paid \$4.00 an hour, but he would convince Park Avenue parents to place their offspring in his charge at \$6.00 an hour.

When it came time to choose a career, Arthur found that his classmates were going to firms like the one his brother had chosen two years earlier. Instead he chose the equally reputable firm of Root, Clark, Buckner and Ballantine which was not overrun with Columbia classmates.

During the depression years, this firm specialized in rescuing scores of bankrupt hotels, office buildings and apartment houses. After 1929, Arthur was sent to Atlanta to open a regional office, and spent eight years reorganizing properties in the South, putting them on a sound financial basis and reselling them to reliable operators. He distinguished himself by resurrecting so many hotels (130) that when Arthur Ballantine, a partner in the firm and a director of the Statler Hotels, was asked to suggest a successor for the late Statler treasurer, he thought immediately of Arthur Douglas. When Ballantine first suggested the job to him, Arthur's reaction was, "Are the Statler people still in business?" The company had gone down hill considerably, and Arthur hesitated over the offer. He had received another from a financial firm and in addition had definite reservations about leaving law practice for the hurly-

burly of business. But the Statler job was a challenge. The Douglasses loved challenge. Arthur encouraged the formal offer and took the Statler secretary-treasurership at the relatively low salary, for such a high job, of \$12,500 a year. This was all the Statler Company could pay.

His first action as treasurer was to get the company back into sound financial shape. The chain had accumulated miscellaneous real estate holdings, theaters, parking lots in Buffalo, Detroit and other cities, dispersing the effort and finances of the chain. Arthur was anxious to get the organization back to its main job of "inn-keeping," and to restore the kind of public confidence that E. M. Statler had inspired earlier. With the money that was realized from the sales of nonhotel properties, Arthur started the company on a policy of expansion. He urged the Board of Directors, under the chairmanship of Statler's widow, to consider building a hotel in Washington. William Zeckendorf had tried to sell the Willard Hotel to the chain, and in exploring that offer Arthur Douglas became convinced that there was a great need for a new hotel in the capital.

In 1939, he and William Marcy (now capable Chairman of the Statler Board) took a trip to Washington to scout out a site. They finally settled on a then unusual site at the corner of 16th and K Sts., N. W., in a sleepy residential neighborhood. With considerable hesitation, the Board allotted \$10,000 for options. Within 60 days Arthur had the eighteen parcels of land sewed up. He closed the final deal in one day, and was ready to build. Here he ran into trouble. Ever since the misadventures of overexpansion by hotel builders during the depression, this field had been considered risky business. He ran head-on into the prevailing fear of the big insurance companies. None would make a loan at a reasonable rate of interest. One day, at the annual Gridiron Dinner, brother Bill introduced him to Jesse Jones, then head of the Reconstruction Finance Corporation. After Arthur told him of his plight, Jones (an old hotel man himself) saw the imaginativeness of the idea—a modern hotel in a newly developing part of the town. Realizing that the insurance companies were missing a good thing, he arranged for an R. F. C. loan of \$5,000,000 at 4 percent. In two years, the Aetna Life Insurance Company took over the loan at 3½ percent. The R. F. C. received a bonus of \$50,000 for giving it up.

Built at the total cost of \$9,000,000, the Washington Statler could not be duplicated today for \$15,000,000. The hotel has made more than a million dollars profit each year since it opened in 1943, even the first year when experts predicted only \$150,000 profit.

As it turned out, the hotel was so admirably suited to its role that for many Americans now returned to their home towns, it epitomizes, even today, the drama and glamor of the wartime capital. It provided accommodations which were a radical departure from the past. Gone was the walnut-stained furniture, the somber plush carpets, the inevitable greying print of the Grand Canal of Venice. Its new decor, modern, but not extreme, provided a striking setting for "big deals." New features, such as the studio room (with convertible sofa-bed,

patented by Statler), were geared to the needs of the transient wartime population who were using the hotel rooms as double-duty offices and sleeping quarters.

TEACHER

The worlds of Arthur and William have merged from time to time as they did at that fruitful Gridiron Dinner in 1939. The Justice frequents the Washington Statler, receives preferential treatment less because he is one of the country's highest officials than because he is Arthur's brother. But in the early days when each was absorbed in his own career, even though both were steeped in corporation law and reorganization, each went his own way. Arthur in the direction of practice, William in the direction of teaching.

In fact, William has left his stamp on the legal education of this country, and started young enough to have a whole generation of lawyers and public servants influenced by his vision and idealism, his intensely practical examination of business institutions and their effect on the body politic.

In 1927, Yakima was overcrowded with lawyers. To stay a second year with Cravath he had jeopardized a fine offer to join in a partnership with an established lawyer. Thus, when Columbia Law School offered him a \$5,000 teaching post, he returned to New York. In his classes in corporation law, he tried to get away from the teaching of abstract theoretical concepts to a more functional approach. Instead of reams of dry cases he showed how corporations work, what actual legal problems arise. Others of his colleagues were experimenting with the same approach with the hope of eventually revising the curriculum. When Nicholas Murray Butler, President of the University, in filling the chair of Dean, appointed Young B. Smith, a man who was not in sympathy with this ferment, and without consulting the faculty to boot, William resigned in protest.

By chance, a few evenings later, he met Robert M. Hutchins, then Dean of the Yale Law School, at a suburban party. Hutchins knew William by reputation and knew that his ideas fitted closely with what he, Hutchins, was trying to do at Yale. He was hired the next day, and eventually became Sterling Professor of Law at \$15,000. When Hutchins went to Chicago he offered William \$20,000 to join him, calling Bill "the nation's outstanding professor of law." William chose to stay where he was.

The six ensuing years at New Haven were full of intellectual excitement and associations. Hutchins had assembled a lively group at the Law School to which Douglas suggested the addition of Underhill Moore and Carroll Shanks, now head of Prudential Life, from his old associates at Columbia. The teaching approach now associated with Yale Law School was in the making during this period. Essentially an attempt to integrate law into the social scene, law courses were including, for the first time, economics, sociology, political science, and psychology as necessary background. The approach was furthered by the Institute of Human Relations which, well-heeled with a Rockefeller grant, experi-

mented with an interdisciplinary attack on current American problems.

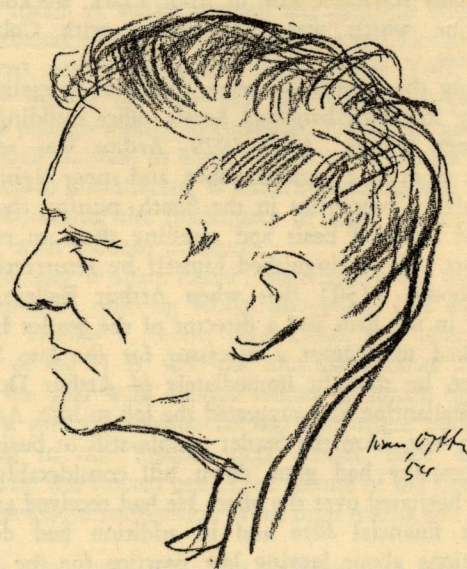
William's intensive and meticulous research into the "Causes of Business Failure" was the first project to bring him into the national arena. The Department of Commerce, under Hoover, was worried about the misuse of bankruptcy laws and sought to have William's collaboration on studies for their improvement. This led to Joseph P. Kennedy (S.E.C.'s first chairman) asking him to come to Washington to organize and direct a study of stockholders' protective committees. William, on leave of absence from Yale, investigated material which substantiated his theory that these committees "ostensibly set up to protect investors, more often served to protect the insiders of a company." Such insensitivity to fiduciary standards and the tenets of common honesty caused his moral gorge to rise. The work, done under his direction by a staff of bright young men (Abe Fortas, Thurman Arnold, Samuel Orman Clark) was largely responsible for the Chandler Act, which brought the outworn bankruptcy laws of 1894 more in line with the needs of 1933.

In 1936, when Kennedy left the S. E. C., President Franklin Roosevelt appointed Douglas as one of the commissioners. James Landis became chairman until he was appointed Dean of the Harvard Law School the following year. William then took his place.

Kennedy, during his regime, had pointed the way as to what to do. Landis, in his chairmanship, had shown how to do it—and now William Douglas was doing it. Wall Street visibly trembled at the news of his appointment.

NO MONKEY BUSINESS

To allay fears precipitated by his supposed radicalism, Douglas' first statement to the press was a masterpiece of skillful, though sincere, semantics. "What kind of a bird am I? To tell you the truth, I think I am a pretty conservative sort of fellow from the old school, perhaps



a school too old to be remembered. I think that, from the point of view of investors, the one safe, controlling and guiding stand should be conservative standards of finance. No monkey business. I am the kind of conservative who can't get away from the idea that simple honesty ought to prevail in a financial world. The kind of fellow who can't see why stockholders shouldn't get the same kind of fair treatment they would get if they were big partners instead of little partners in industry . . . I think that the S. E. C., in the role of investors' advocate, can do a great deal to conserve and revitalize the capitalistic system upon truly conservative standards . . ."

His job was relieved by younger men within Wall Street who shared William's feeling for the need to reform. Bill was not trying to persecute the Street, but have it live within the law. William Chesney Martin was directing a Stock Exchange subcommittee to examine ways in which the Stock Exchange could police itself, could raise its standards and return to public grace, but was not certain that this committee's report would be put into effect by the more traditional members of the Stock Exchange. Suddenly the story of Richard Whitney's financial indiscretions became public, and the pressure to change the internal structure of the New York Stock Exchange became so great that Martin was able to carry through the reforms championed by William Douglas.

William's other actions as chairman were: negotiation of virtually complete compliance with the "death sentence" clause of the 1935 Utilities Holding Company Act, which broke up the gargantuan structures of the gas and electric companies; completion of the first exhaustive study of investment trusts; encouragement of regulation of over-the-counter markets; and elimination of certain short-selling practices.

His chairmanship has left a permanent mark on the financial practices of the country. The back of the "insider's Wall Street" was broken, and the reforms fostered at that time still protect the small investor today.

STATLER PRESIDENT

With the success of the Washington Statler behind him, Arthur Douglas was invited, one day in 1945, to lunch with Juan Trippe, President of Pan-American Airways. Arthur, expecting a social occasion, was surprised when, after outlining plans for an elaborate network of hotels in Latin America, Trippe turned to him and said, "And I want you to run it!" Flattered, and toying with the idea, Arthur went immediately to consult Arthur Ballantine. Ballantine matter-of-factly dismissed the whole matter saying, "Your future is here with the Statler Company. You're going to be president." "But when?" Arthur asked. "Today," said Ballantine and phoned Mrs. Statler then and there. Arthur became president August 30, 1945.

As president, he has continued his policy of expansion. The biggest venture is the Los Angeles Statler completed in 1952. The largest hotel to be built since the Waldorf, and the first large hotel to be built west of the Missis-

sippi, it required an outlay of \$25,000,000 and considerable confidence on the part of Arthur Douglas. To be sure, Arthur checked and cross-checked with meticulous care surveys which substantiated his belief that Los Angeles, city of growing economic activity, was not properly equipped to handle large banquets, meetings, television programs or conventions. Further encouragement was the reasonable cost of the land, which permitted a more lavish use of space than is generally found in downtown commercial hotels, and the realization of Arthur's idea that the visitor on business should feel attracted by the quasi-resort atmosphere.

The style set by the Washington Statler has been maintained, with some modifications. An important one, from the financial point of view, is that the base of the hotel has been secured against any downward fluctuation of the hostelry business by the addition of a modern office building which provides steady income. Ever since announcements of its readiness were made, it has been 100 percent occupied.

A large part of Statler business is group business, that is, catering to conventions and meetings of all sorts and sizes. One of Arthur's innovations has been laying out the hotel space especially for this purpose. At the Los Angeles hotel, for example, access to the meeting rooms is direct from the street, avoiding the crowding of elevators. By placing them on the ground floor, service from the kitchen is facilitated. One of the largest losses in commercial hotels is due to improper proportioning of dining rooms to kitchen. In the Los Angeles house 25 percent more people can be served than from most other hotel kitchens—which means 25 percent more income when business is good. The fact that the kitchen serves three separate dining rooms (different gradations of price and atmosphere) means that 15 to 25 percent fewer kitchen employees are needed.

Currently in the works are smaller hotels in Hartford and Dallas. Architecturally, and from a business point of view, both are experimental. They will be the first hotels that Statler has built for smaller sized communities, and the eyes of the industry as a whole will be on them as pilot projects. The Hartford house, which will be open in the summer of 1954, is the first hotel to be built on the more economical and architecturally advanced cantilever principle, and to incorporate an improvement on the U. N. building by having not a glass but a porcelainized metal and glass exterior. Dallas, to be ready in 1955, will be even more modern. Both these buildings will stand as proof of Arthur's confidence in the future of the hotel business, and, implicitly, in American business in general.

Many people are surprised to find that there are not Statler hotels in every major city. One such person in getting off a train in a strange city said to his driver: "Take me to the Statler Hotel." The driver thought he meant the Stratford Hotel, and, since there was no Statler, the man disappointedly spent the night there.

To build up a reputation like this depends on a great many factors, but one of the most important has been that of service. The original Statler idea was to provide good service, but not in the fancy European tradition.

Much emphasis was placed on genuine courtesy. To guarantee that the spirit of courtesy be genuine, the chain has given high priority to the morale of its personnel. Though the organization has grown a hundred-fold, Arthur has managed to maintain the feeling of family intimacy which started with E. M. Statler in his first hotel in Buffalo in 1907. The atmosphere of cheerfulness, which is noticeable to the guests, stems largely from a sound personnel policy. Perhaps most important to staff morale, and the reason for the company's unusually low turnover, is the Douglas policy of continuous expansion, which makes for new opportunities, better pay, and a sense of identification with a company on the move.

In the business world, perhaps, the company is best known for its closely applied principles of scientific management. The A.I.M., after an objective appraisal, termed it one of the ten best managed of American companies, and the best of its industry.

Recently, an admirer of Arthur Douglas was suggesting to a friend of his, a linen supplier, that he do business with the Statler. The businessman sighed, "I'd like to—but I've investigated and I know my prices couldn't compete with their present system. They've cut their costs to the very bone—and no one gets a rake-off."

Arthur Douglas presides over a compact group of executives who have grown up in the Statler system, letting them alone to do their own jobs, filling the rare vacancies with younger men from the ranks rather than with established experts, keeping a close eye on what goes on "in the field." He, with two other executives, inspects every foot of each hotel at least once a year.

One manager, who has seen Douglas in action from the beginning, sums it up, "The president of this company has to have the ability to visualize, organize, deputize and supervise, and Arthur Douglas has all four."

EQUAL JUSTICE UNDER THE LAW

When Justice Louis Brandeis came to discuss his resignation with Franklin Roosevelt in 1939, the President asked him to suggest a successor. The Justice immediately proposed William Douglas as a logical candidate. Both Roosevelt and Brandeis were aware of the permanent contribution William had made to the New Deal by his work on the Chandler Act and S. E. C. implementations of Brandeis' precepts about "the curse of bigness."

William was appointed to the Court in 1939 at the age of 41, the youngest Justice in 128 years.

By 1941 the Roosevelt appointments constituted a "New" Court which was to reverse nearly thirty cases of constitutional law in the next decade. William was one of the leading minds in this remaking of judicial history. "The Constitution," he wrote in the *Columbia Law Review*, "must never become a code which carries the overtones of one period that may be hostile to another."

Too long, he felt, had the principle of *stare decisis* (a question once decided is not to be re-examined) been allowed to obstruct the judicial responsibility of meeting the demands of a new day. Personal predilections should

not intervene, but inevitably a man carries his social and legal philosophy to the bench.

The Brandeis mantle is visible in such dissents as Bill's classic one in *U. S. v. Columbia Steel* where his economic philosophy is articulated, "(Size) can be a social menace (because of its control of prices...) in the steel industry, a powerful leverage on our economy. For the price of steel determines the price of hundreds of other articles. Our price level determines in large measure whether we have prosperity or depression. In the final analysis size in steel is the measure of the power of a handful of men over our economy..."

With a consistency that sometimes confuses more hobgoblin minds, the Justice opposes with equally strong conviction the overreaching powers of big government, has frequently thrown more doctrinaire liberals off by his championing of states rights and by his upholding the inviolability of private property; as in his brief dissent with Justice Black in *U. S. v. Caltex, Inc.* (1952). It was a case in which an oil refinery in the Philippines was seized and operated by the Army after Pearl Harbor until the Japanese destroyed it. The majority held that, due to a technicality from Civil War days, the corporation was not entitled to compensation. William's dissent pointed out that taking private property for the public welfare involves a commitment of public responsibility, and that the decision should not be guided by past precedents.

Willing to be guided by practicality in economic-social matters, he is absolute in matters of civil liberties and observes the strictest interpretation of the Bill of Rights. Mindful of the Voltairean principle "Though I disagree with what you say, I will defend to the death your right to say it," he dissented when the Court upheld an Illinois law outlawing "race hatred" literature. He said in effect, that if the Constitution denies the right to abridge free speech or press, it means that for everybody, even unpopular minorities.

With the years, and the changes in the complexion of the Court, William's role has changed from principal writer of opinions (with Black) to a dissenter (frequently with Black). In the last term he turned in over 50 dissents as opposed to 70 for the entire first ten years.

Generalizations about the Court and an individual's participation in it are difficult to make. Talking in terms of left or liberal wing, if by that is meant a disposition to upholding the freedom of the individual against the state (Federal or local) on the one hand, and the right of the Federal Government to regulate the economy in the public interest on the other, then William Orville Douglas has been a great liberal.

Justice Black and Douglas have long been the dissenters—much in the pattern of Holmes and Brandeis. Occasionally, the Court gossips comment on a severing of this historic partnership, and say that Black and Douglas are not as close as they used to be. But recently Black said privately to a friend, "Sometimes I get discouraged on the Court and want to leave, but as long as Bill Douglas will stay, I'll stay. But he's the only reason I want to keep going on."

THE CROWN PRINCE

If some curious flukes of history had not intervened, William's Yakima classmates, who spotted Presidential material in him, might well have been vindicated. To the extent that Roosevelt thought of a successor, Douglas was the man—Roosevelt called him The Crown Prince. Someone has aptly said, William would be an ideal President but an impossible candidate for President. Even this difficulty would have been overcome had it not been for the famous Hannegan switch of Douglas' name to Truman's during the 1944 Democratic convention.

A second chance came briefly in 1948. Plans were made for a Douglas-for-President movement. Americans for Democratic Action joined in enthusiastically, but the hand of doom never permitted the nomination to get to the Convention. Truman, as incumbent and head of the party, wanted William as running mate. After an overnight soulsearching he decided he could serve better by remaining on the Bench, no matter whether Truman or Dewey were elected.

He has been continually criticized for harboring political ambitions while on the Bench. Yet, in fact, the record is to the contrary. He never lifted a finger to obtain nominations in 1944 or 1948. Nor was he tempted by Truman's offer to become Secretary of the Interior. His puritanical instincts were hard put to accept certain personalities and practices within Truman's regime.

His political future is, of course, an unknown quantity. One of the most controversial figures of our time, William O. Douglas excites fervent support or criticism in unexpected quarters. In the press, Arthur Krock, the *New York Times'* traditional opponent to the New Deal, has long been a pro-Douglas man. The *Herald Tribune's* Walter Lippmann likes him, and Walter Winchell has called him one of America's most useful men.

But whether he is ever President or not, he will long be remembered for his fearlessness in espousing unpopular causes during an era when conformity was rampant. There have been many incidents, but the Rosenberg case is the most spectacular.

Only three days prior to the execution of the atomic spies Julius and Ethel Rosenberg, William was preparing to leave town for the summer holiday. He was confronted with two lawyers new to the case, representing Irwin Edelman, "next friend" of the Rosenbergs. They raised a challenge to the jurisdiction of the trial court to impose the death sentence under the Espionage Act of 1917 on the ground that the 1946 Atomic Energy Act applied to the case and specifically prohibited death sentences except under the recommendation of the jury. "I was convinced that this narrow sirloin of the law deserved to be examined if justice was to be done." With the Court in recess it was within the power of any individual Justice to issue a stay of execution to allow this new question to be considered. William issued the stay.

Amid the resulting national furor, Chief Justice Vinson hastily reconvened the Court which vacated Justice Douglas' stay on the ground that the argument that

the second Act repealed the first was without merit. The Rosenbergs were executed the following day, but the argument as to the propriety of the Court's hasty legal action is still alive in legal circles. Justice Frankfurter, dissenting from the majority, criticized the speed of the Court in an opinion which was pointedly not completed until six days later. (In addition to Douglas and Frankfurter, Black also dissented in the matter, and Jackson wrote a separate concurring opinion. All in all there were five opinions in this complex issue.)

The editors of the *Columbia Law Review* (Douglas' former publication) say in the February 1954 issue, "The inevitable conclusion is that in this last stage of an extraordinarily protracted litigation, the rights of the Rosenbergs did not receive the precise and extensive consideration that must characterize the administration of the criminal law. Whether the Rosenbergs were in fact guilty is beside the point. In the vindication of their rights they were entitled to the equality of treatment afforded by the technical safeguards of the law."

Shortly before Chief Justice Vinson died he sent a message to Arthur Douglas who was giving a luncheon for Herbert Brownell, Attorney-General, in the Boston Statler. Staying in the state suite of the Statler, Vinson asked to see Arthur and during an exchange of pleasantries suddenly blurted out in reference to William's granting the stay: "Your brother was absolutely right."

POINT COUNTERPOINT

Arthur Douglas lives conventionally in a comfortable Bronxville house amid the antique furniture inherited from his wife's Alabaman family and the lively uproar of two young daughters (a third was recently married and lives in Washington). Arthur drives a convertible Cadillac, plays squash tennis (gave up racquets a few years ago) at the nearby Field Club (where he is a past-president and Westchester squash champion), and plays golf at St. Andrews.

William Douglas lives, since his divorce over a year ago, in a \$90-a-month one-room flat in a modern apartment building on Connecticut Avenue. His daughter was recently married. His son is in his last year at Whitman College. He drives an Oldsmobile and frequently takes all-day hikes along the Chesapeake and Ohio Canal. He belongs to no country clubs, but is a member of the Explorers Club (New York) and The Royal Geographical Society (London).

William loves the wild life of his native mountains, and has extended it to mountains all over the world. A calamity such as the one he had several summers ago, when he and his horse both fell down a mountainside with the horse rolling on him and breaking all but one of his ribs, has deterred him not at all.

Arthur, on the other hand, summers in a simple farmhouse in Vermont, where he cooks chipped beef, polishes his car, washes the dog, and puts up an excellent Concord grape jelly.

Both were brought up not only with the conviction of their own ability, but in Scotch-Presbyterian belief in the principles of the golden rule.

National Biographic

With Arthur this public service sense comes out in charity work, such as his recent chairmanship of the New York Heart Fund drive.

The Justice's missionary impulse is just as strong, but takes different forms. As a member of the Bench, he has to be highly selective about his extra-curricular affiliations, and must keep them to a minimum. He is a member of the Board of the Washington School of Psychiatry, and the former Chancellor of National University Law School. He has been a leader in Dr. James Yen's Asian mass education movement—a group active in Formosa and the Philippines in a countrywide program of rural education designed to improve the standard of living. An indication of Douglas' political breadth of view is the fact that, while supporting ultimate recognition for Communist China, he implements a program to increase the standard of living of the Chinese on Formosa. In more literal minds that would seem contradictory. Within Douglas' view, it is perfectly consistent. He is for the United States' diplomatic recognition of Communist China if and when political agreement can be worked out between the U. S. and Red China. Any such agreement would have to involve Korea, Formosa and Indo-China, at the very least. He backs the Yen education movement because it tackles problems far below the political surface, basic problems of poverty, illiteracy, and ill-health which, like an iceberg, can be more dangerous than what appears in view.

Both brothers, having a strong loyalty to Whitman College, serve on the college's Board of Overseers—Arthur as Eastern Regional Chairman.

When they are together, Arthur and Bill find that the problems of education for Asians and Heart Fund drives do not emerge. According to Mrs. Arthur Douglas they revert to acting like schoolboys. The competition is in the direction of jokes, usually of two kinds—practical and "salty," with the latter in the ascendancy.

Both brothers are shy. It would be hard to say which is less extroverted than the other. In the broadest strokes, William could be drawn as the intellectual—

uncompromising, tense and moody. Arthur is the hearty, practical man—the builder, thoughtful and friendly. But William is not shy in matters of publicity. A legend has been built up around him and he has never discouraged it. Arthur, on the other hand, has channeled his publicity sense away from himself and towards the organization. For example, unlike other big hotel chains, there is no "Arthur F. Douglas, Pres." on the Statler match packs.

William Douglas' writing has been exposed to full public view between hard covers. After the success of *Of Men and Mountains*, a subjective reminiscence of outdoor life, especially mountain climbing, as child and adult, he turned his hand to accounts of his trips off-the-beaten track in Asia. Considerably more than travel books, *Strange Lands and Friendly People*, *North from Malaya*, and *Beyond the High Himalayas* are the work of a sensitive observer of the cultures of the East. He has always gone in the capacity of a private citizen without official status, but carrying with him many concerns he has in official life.

"America, seen from abroad, seems alarmed, confused and intolerant . . . one important cause is a growing tendency in the interest of security to take short cuts, to disregard the rights of the individual, to sponsor the cause of intolerance, and to adopt more and more the tactics of the world forces we oppose. These practices may go unnoticed here, but they make headlines in Asia . . . and are a powerful voice of America, more powerful indeed than any program we can produce for radio broadcast," he said to the American Law Institute when he returned last year.

Together the brothers symbolize the twofold strength of American democracy—the dynamics of business, continually exploring new ways for expansion and growth which widen economic opportunities, and the vigilance of the public servant who keeps the channels of opportunity open and free from oppression, and preserves the tradition of individual liberty without which nothing else would be meaningful.

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