



Yakima and Justice Douglas: The Curious Story of a Famous but not a Favorite Son

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By Robert W. Mull

This is one of the quietest, most peaceful spots on this earth. It has special values for me. The state of Washington's Yakima Valley, whose orchards I see by day and lights by night, is the treasure house of my boyhood. It was there I dreamed the dream I lived as a man. This is my Shangri-la.

A Sunday newspaper supplement 30 years ago asked a number of celebrities to describe a personal Shangri-la. Some mentioned tropical isles and French chateaux, but one, Justice William O. Douglas, replied with the paragraph quoted above. Yakima-yes, Yakima-to him was Shangri-la.

This might be a source of wonderment to those who are aware that Yakima, as a whole, did not reciprocate with similar feelings of affection. Its attitude toward Douglas has been not unlike the feelings that Salinas, California, had concerning John Steinbeck, or Sauk Center, Minnesota, had for Sinclair Lewis, but for a far different reason. Lewis and Steinbeck wrote books that demeaned their native towns, or so the old-timers in those towns thought, while Douglas wrote little but good things about Yakima, went back there often, and loved the place. Still Yakima couldn't bring itself to enjoy any glory reflected upon it by the achievements of its most notable son.

William O. Douglas was simply too liberal for Yakima, a conservative town like most towns have traditionally been in Eastern Washington. When he became a rising young star in Roosevelt's New Deal, Yakima was voting Republican and deploring social experiments in government. Its opinion of him did not improve when he became a contentious Supreme Court justice. Feelings back home reflected those of much of the rest of the country during his long life; he was as much hated as admired. His local detractors ranged from the quietly embarrassed to the John Birchers, who dubbed him "the only known Communist in Yakima County."

Now, years after his death, there are those who can overlook their objections and view with pride the legacy he left to future generations through his Supreme Court decisions. But, when a chance came to build a proper memorial to him in Yakima, and establish a permanent repository for much of what he left, too few were willing to step forward and help. The circumstances make a strange aftermath for his long public career, trouble in Shangri-la.

When his days as a public servant ended, Douglas made a list of his most prized possessions, including his personal papers, and decided they should have a permanent place in his hometown. In 1976, Douglas sent an inquiry to the Yakima County Bar Association asking whether it would be interested in receiving his Court chair as a memorial to his years as a justice. Local attorney George Martin responded with a quick and emphatic "yes," and added that he would welcome any other items Douglas would be willing to bequeath. But, since the Bar Association had no permanent place in which to house his effects, Martin, a trustee of the

Yakima County Museum, requested that they go there. Apparently this was acceptable to the justice and his list of items grew. At his death in January 1980, a total of four tons of personal material were earmarked for the museum.

Douglas' judicial papers went to the National Archives, thus narrowing the primary resource value of the Yakima collection. Nonetheless, a wealth of items of historical content remains. A partial list includes:

- Over 300 manuscripts and taped speeches Douglas delivered from 1939 to 1975.
- Selected correspondence on microfilm, including exchanges with President Roosevelt from 1939 to 1945.
- An estimated 10,000 photographs, mostly color slides, of his family and travels.
- An assortment of home movies and videotaped interviews of the justice.
- Douglas' personal library of books he had written, contributed to, and received from fellow authors. Also, countless volumes relating to his years as law professor, Securities and Exchange Chairman and justice.
- The furnishings of his Supreme Court chambers.
- An indescribable assortment of awards, gifts and works of art given by dignitaries the world over.

When the moving van arrived six months after he died, it took all the volunteers the museum could muster to clear out gallery space and unload the four tons. And that labor was about the extent of the museum's resources for handling the material. They were left with a bulky collection and no money to deal with it, they didn't even have enough money to pay for shipping until the Bar Association sent a check.

A plea to Douglas family friends brought enough money to begin construction of an exhibit. But first the material had to be cataloged, for museum officials had no idea what the travel-battered boxes held. Finding out would require months of tedious, boring work putting numbers on thousands of objects and typing corresponding 3" X 5" catalog cards, the sort of thing few want to do, and fewer want to underwrite. Attempts at securing funding for the job failed.

So there the Douglas collection sat, one big lump on the floor covered by black plastic, with a rope around it and signs warning "hands off" Worse, the boxes were in danger of collapsing under their own weight.

This writer arrived on the scene in January 1981, the first anniversary of Douglas' death. Having seen the black lump in the middle of the museum, I suggested that I would be willing to "do something with the Douglas collection." That meant raising money. Since funding for cataloging didn't appear imminent, I began to think of alternatives. Probably the last thing the museum needed was a video documentary about a collection it had under plastic, but I reasoned that we had the makings of a great story which could help publicize our plight. Besides, in order to find visual material for the production we would have to dig in and start organizing things. Through the help of Yakima Public Broadcasting station KYVE-TV and a grant from the Washington Commission for the Humanities, archivist Frances Hare, assistant Sue Riel and I began our work on the documentary. Ironically, that meant spending months putting little numbers on thousands of objects and typing up corresponding 3" X 5" catalog cards.

With the publicity afforded the documentary project, which in time won a prestigious PBS award, the museum's Douglas Committee took on renewed life. Organized at the time of the collection's arrival, the

committee numbered some two dozen movers and shakers from throughout the valley. They planned an expansion to the museum, dubbed "The Douglas Wing," to house the mammoth collection. The plans called for creating an exhibit gallery featuring Douglas' personal effects and a library which would serve as a regional resource center devoted to such Douglas ideals as human rights and environmental concerns. Holding monthly meetings, the committee had architectural plans drawn for the addition, secured land on surrounding city property upon which it would sit and began contacting local donors for financial pledges.

Fund-raising was to be on two levels: one localized to target donors in the Northwest, particularly Yakima, which could be expected to recognize the value of this gift; and the other to be conducted at the national level. A list of honorary members, reading like a legal and journalistic "Who's Who," were named to the committee. The meetings were highly charged affairs, often attended by Douglas' widow, Cathy, and son, Bill, Jr. With the man's broad range of causes, there seemed to be an endless potential of funding sources. Counting the land value and early verbal pledges, the committee had nearly 20 percent of a one-million-dollar goal in hand before the campaign was officially under way. With confidence, the committee prepared campaign materials and interviewed fund-raising consultants.

I certainly hadn't expected, as a by-product of the publicity, the many calls asking me to speak before local organizations. A lot of program chair-people, I found, need to fill luncheon spots at the last minute. I considered it both an honor and a duty to give the people what they wanted, a discussion of a man I presumed to be their hometown hero.

I was able to enhance my talks with an exotic slide-show production. A prolific traveler, Douglas would often contract with a publisher to produce a book about his summer journeys to far corners of the world. During the 1950s he wrote a spate of prophetic books on then little-known countries including Vietnam and Afghanistan. Wonderful photographs illustrated his books. For the documentary, we identified and numbered 5,000 slides. From these we pulled a choice selection for a slide-show program and I was ready for a tour of church groups and civic clubs.

It wasn't long before I learned that not everyone in Yakima shared my enthusiasm for Douglas. Many thought I had come to extol his life and career, and in my naiveté, I probably came across that way initially. At any rate, it led to some uncomfortable situations with audience members challenging me, walking out or simply not paying attention. Many sought to enlighten me with stories of Douglas' alleged hard drinking, womanizing and overall antisocial behavior. On several occasions, program chairmen felt compelled to apologize for the group's behavior. Apparently, Douglas hadn't been buried long enough in the eyes of many locals.

Curiously, I would get warm responses from church groups and women's clubs. There was sincere interest in his travels and in the nature of the collection at the museum. I was learning that I should avoid his political and personal life. As time went on I could see that the love-hate relationship between Douglas and his hometown originated with his first New Deal appointment. Following a brief career as a Wall Street lawyer, then as a professor of law at Columbia and Yale universities, Douglas was named to the newly created Securities and Exchange Commission in 1934. He made national waves with a report exposing corrupt business practices on Wall Street. The report led to the passing of new legislation and made Douglas a major New Deal spokesman. His star was rising and it appeared he was headed for still more responsible positions.

Back in conservative, anti-New Deal Yakima, though, the Yakima Republic tautly observed in an editorial headed "Yakima Not at Fault": "The Yakima school system should not be held responsible for the career of the infant prodigy who seems destined to become chairman of the Security (sic) and Exchange

Commission." It went on to conclude that his leftist ideas had apparently been obtained "in the halls of Yale and Columbia."

Douglas' reaction to the editorial was one of amusement and some pride. The story goes that he carried a copy of it in his billfold until it became tattered from the many times he pulled it out to show colleagues.

Over the years Republic publisher W. W. Robertson took many other jibes at Douglas because of his liberal tendencies, but there were occasionally some favorable comments also. He wasn't ignored. Douglas maintained friendships in the Yakima Valley and returned often to hike in the mountains, fish and ride horseback with those friends in his beloved Cascades. He maintained cabins near Mt. Adams and later at Goose Prairie near Chinook Pass. On occasion he would return to town as the home-grown celebrity to speak to clubs or hold autograph sessions upon publication of a new book. But he is best remembered for walking the streets in attire that would shame even the lowest down-and-outer. Friends are still fond of telling "Douglasisms" about unsuspecting residents and store clerks being shocked upon learning the identity of the "bum" in their midst. No one was fonder of telling these stories than Douglas himself.

Douglas wrote his first autobiography, *Of Men And Mountains*, while he was recovering in a Yakima hospital from a near-fatal accident in the Cascades in which his horse rolled over him. The book told of the spiritual values to be found in the high country and the rugged men who make conquering that country their life's passion. He wrote of his childhood in a frontier town and how growing up in Yakima made him a strong person with traditional values. According to Douglas, it was a place where anyone could over-come poverty and pain through the strength of the mountains and the Lord. And always there was family, mom, sis and brother encouraging him to excel. When the book received glowing reviews and best-seller status, as it did nationally as well as in Yakima, all those party to his sufferings, even the horse that crushed his rib cage, were forgiven.

But that was 1950 and it was a still-young High Court justice doing the writing. That was before Douglas, upset at the Red scare hysteria, upheld a Communist's right to speak publicly in *Dennis v. United States* and ordered a stay of execution in the Rosenberg spying case. It was also prior to four attempts to impeach him. And, of course, before he had married four times, twice to women 40 years his junior. In official circles and polite Yakima society alike, this was simply intolerable and affected public opinion greatly in the next two decades.

It also took a heavy toll on the way Douglas would recall his upbringing. In his 1974 autobiographical update, *Go East Young Man*, also a best-seller, it was a beleaguered and older justice recalling life. His remarks about his hometown were almost a bitter diatribe. He wrote of the Yakima "establishment," some of whom he had counted as old friends, which had treated his family like outcasts. The establishment, he said, treated him the way it did Indians and other minorities. Front Street businesses (Yakima's red-light district), he charged, were owned by establishment members and protected by an establishment-run police department. "What I had seen as a boy in Yakima, I later saw on a vast scale across the country," Douglas wrote.

On New Year's Eve, 1975, while vacationing in Nassau with his fourth wife, Cathy, Douglas suffered a debilitating stroke, paralyzing his left side and leaving his vision blurred.

His work came to a virtual halt. In appearance he became a ghost of the robust man he had been before. But he was determined to remain on the Court. When released from the hospital he immediately returned to the bench to hear cases and write opinions. He accomplished little, except to hinder the work of the Court. Yet stubbornly he remained. National attention was aimed at this turn of events. Where sympathy and respect may have been due a person of his esteem, the tone soured toward his obstinacy.

His son, Bill, Jr., remained close to the justice during this period. He recalls, "I found his reaction to stepping down from the Court to be a classic example of the problems of retirement. It was the first time this dilemma hit home to me. My father said to me, 'What will I be without the Court? The Court is my identity. I have nothing to live for if I'm not sitting on the Court.' "

To Douglas, leaving the Court would mean more than ending his career; it would also mean that an old enemy, President Ford, who in 1970 had tried to get Douglas impeached for his moral character, could choose a successor who would surely be a reactionary.

In the summer of 1975, Douglas and his wife returned to their Goose Prairie cabin outside Yakima. Confined to a wheelchair, Douglas was in constant pain and barely mobile. Yet he was still a Supreme Court justice and believed himself capable of the job. To prove it, he decided to make an appearance at the Yakima Federal Courthouse to hear arguments on an emergency request to prevent disclosure of grand-jury records. It would be a showcase display of his ability to remain on the Court.

News footage shows a gaunt, haggard figure being picked up by his son and wheeled toward the courthouse in down-town Yakima. It was a pathetic scene with reporters pushing to get closer and shoving microphones in his face. Douglas again denied plans of retirement, saying he wouldn't leave even if he could select his own replacement. As long as the work remained challenging, he would stay.

It was a relief to get him inside the courtroom, but the atmosphere there was equally tense. Douglas dutifully sat through the attorneys' arguments. When finished, they awaited his decision.

For a long time there was nothing but silence. As the minutes passed, those in attendance grew increasingly uncomfortable and shaken by what they were witnessing. After nearly 10 minutes, Douglas seemed to come back to life and gave his decision. But he didn't stop there. He rambled on, nearly incoherently, speaking of the climate at Goose Prairie and asking the attorneys to visit him there. The incident received national attention.

Douglas made an attempt to serve one last term on the Court. However, in a month the pain in his frail body told him what his doctors and colleagues had been unable to thus far. On November 12, 1975, the longest-serving justice of the Supreme Court brought his legendary career to an end.

Little is reported of Douglas' last years. He continued to keep regular hours in his chambers, watching Court proceedings and writing one last book. The Court Years, published posthumously in 1980, serves as his parting statement to the world. One other task occupied his final years, that of preparing his papers and possessions for shipment home.

One can only guess what went through Douglas' mind as he listed what was to go to the museum. He never specified in writing, nor did he confide to his family or friends, how he expected Yakima to handle his gift. If he assumed that old friends would rally to build something befitting a man of his stature, he was only partly correct.

A replica of his office chambers was built on the floor space where the plastic-covered lump of his possessions had long sat. On January 31, 1982, several hundred people from throughout the Northwest crowded into the museum gallery for a formal dedication. Hosted by his widow, Cathy, and Bill, Jr., the ceremonies marked the opening of this "temporary" exhibit and the public announcement of a fund-raising campaign for a new Douglas wing on the museum. It was a euphoric moment for all the staff; volunteers and committee members who had worked to make this event and the upcoming campaign possible.

But the euphoria quickly passed. The "establishment" of old reacted. There were phone calls and letters decrying our becoming the "Douglas Museum." At least one community patron changed her mind about a major gift she had planned to give the museum before it acquired all this "Douglas stuff" There were more such objections, and in six months what steam was left in the project had dissipated. The few gifts and pledges which had been made had to be returned. The Douglas Committee quietly disbanded. Douglas' widow and son disappeared into their own lives, and have remained out of the public eye.

The "temporary" Douglas memorial remains a major fixture in what is undoubtedly one of our state's finest cultural facilities. The space problem created by the Douglas material has been compounded by new collections, particularly those of an archival nature. But the good news is that the museum has launched a new and broader expansion project, and it looks as though this one will be completed. The role, if any, of the Douglas collection in the new wing is sure to be minor.

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