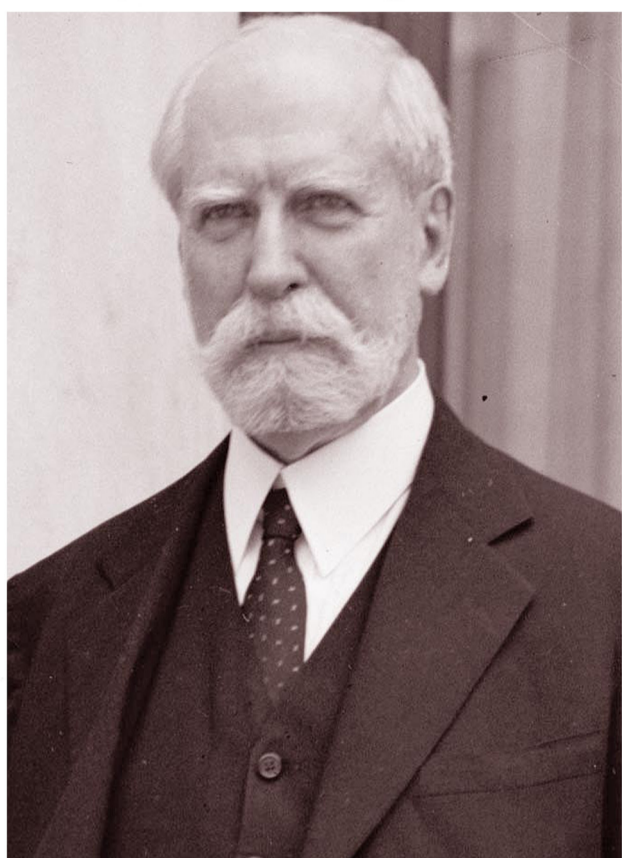


Charles Evans Hughes



DURING the 1916 presidential campaign, managers of Charles Evans Hughes found themselves faced with a formidable obstacle. The task was to find something in the background of the Republican nominee which could be used to show the voter that the man had warmth and the ordinary run of human failings.

Investigators, according to Everett Colby, one of these managers, tried to find instances where Hughes had "cut up" in his youth, had perhaps smoked a cigarette behind the barn, or at least had drawn a caricature of one of his teachers.

"No such luck, however," reported Colby. "We found nothing but a clean, honest, capable record without one redeeming smudge." He added that Hughes had "no attractive vices, no alluring human weakness."

Throughout the major part of his career, the figure of Charles Evans Hughes has thus moved with austerity across the American scene. His rigidity of demeanor and unbending dignity have been coupled with an academic manner of speech in perfect harmony with his severely-chiseled features and fine bearded chin. In the past, this Olympian appearance has made him fair game for such titles as "Chilly Charlie," "The Animated Feather Duster," and "Human Icicle."

The career of Hughes has been filled with important positions. He was reform Governor of New York State, resigning in 1910 in his second term to become an Associate Justice of the Supreme Court. He was Secretary of State under Harding and Coolidge and since 1930 has been Chief Justice of the Supreme Court. Today he is one of the targets of President Roosevelt's plan to retire justices over 70.

In advancing himself, Hughes has worked long and arduously. His idea of life, expressed a few years ago, is that it "is work and then more work and then more work." Even now, he labors well into the evening every day, allowing himself only Saturday night social entertainments, for which

Charles Evans Hughes

he is booked a year in advance.

For his various tasks, Hughes is equipped with a mind which has been characterized as prodigious. He has an almost photographic memory. He was and still is an omnivorous reader. At mastering academic detail, he excels. Evidence that his is a rather astounding intelligence was demonstrated when he was a child. At the age of 5, dissatisfied with his teacher's methods in school, he drew up the "Charles Evans Hughes Plan of Study," designed to speed up school work and include discussions of Greek and Latin poets. When he was 13 he wrote high school essays on "The Evils of Light Literature" and "Limitations of the Human Mind."

One of the most determining influences in his life has been his religious background. His father was a Baptist preacher and, while Hughes chose the law in preference to the ministry, his interest in religious affairs continued. About 50 years ago he led the Men's Bible Class in the Fifth Avenue Baptist Church, in New York, finally relinquishing the post to John D. Rockefeller, Jr.

There is one facet to Hughes about which there has been continuous dispute—that is the extent of his liberalism. He first rose to political prominence in New York through his activities as counsel to the Stevens Commission, in which he exposed the Consolidated Gas Company, and as Counsel for the Armstrong Insurance Committee, in which he exposed insurance evils. His subsequent continued appearance as lawyer for powerful corporations, however, made him suspect to liberals.

When Justice Brandeis was a crusading lawyer in Boston, he delivered this criticism of Hughes, then Governor of New York: "His is the most enlightened mind of the 18th century."

The question of the liberalism of Hughes was one of the chief points raised during the vigorous fight to block confirmation of his nomination as Chief Justice in 1930. This fight was the first serious contest over confirmation of a Chief Justice since Andrew Jackson submitted the name of Roger B. Taney in 1836.

The 1930 opponents of Hughes, including Senators Norris, Wheeler, Nye, La Follette and Borah, contended that he had left the court in 1916 to go into politics, that he had represented some of the most powerful corporations before the court in private practice, including Swift and Co., Anaconda Copper and General Electric. They argued that as Secretary of State under Harding he had sat silent amidst the oil scandals that shook the nation. Alluded to also were the circumstances under which he accepted the post of Chief Justice.

When Hughes was offered this position by Herbert Hoover, he accepted without hesitation. The unusual aspect of this acceptance was the fact that his son, Charles Evans Hughes, Jr., was at the time Solicitor General of the United States. The younger Hughes resigned his post rather than be placed in the position of arguing cases before a court over which his

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father presided.

Hughes was finally confirmed 52 to 26. Shortly after his assumption of the post, he voted on a number of occasions with the liberal members, siding at times with the Brandeis who years before had called the Hughes liberalism as old-fashioned as the 18th century. Three months after he became Chief Justice, he voted to uphold the collective bargaining rights of workingmen when he sustained the Railroad Brotherhood's contention that carrier companies had no right to interfere with workers' organizations.

He also upheld an Indiana tax on chain stores and a New Jersey act regulating fire insurance rates. With liberals, he joined in dissent in the famous case of the Canadian-born Professor McIntosh of Yale, who was denied citizenship in this country because he would not take the oath to bear arms in the event of war.

It has been pointed out that a number of cases in which Hughes sided with the liberals have involved civil liberties. On this phase of liberalism, Hughes has consistently upheld traditional American freedoms. As a fellow of Brown University†, he moved to have the charter of the college amended so that any alumnus might, without regard to race or creed, participate in the affairs of the corporation. In addition to being thoroughly tolerant in matters of faith and religion and in opposing racial discrimination, Hughes has also steadily opposed violations of free speech and press and persecution of political minorities.

In 1920, while belonging to the ultra-conservative Union League Club of New York, he vigorously protested against an attempt by members of the New York State Legislature to unseat five Socialists. Hughes described the procedure as "virtually an attempt to indict a political party and to deny it representation in the legislature."

In other cases, he has sided now with the liberals, now with the conservatives. He wrote the dissenting opinion when the New York Minimum Wage Law was invalidated, but he sided with the conservatives in the 6-to-3 decision outlawing the AAA. He voted in favor of TVA, but also voted to limit power of the Securities and Exchange Commission. In the decision on the Guffey Coal Act, he voted with the liberal wing on the question of price fixing but with the conservatives for invalidation of the entire law.

In the two periods in which he has been a member of the Court, Hughes has shown himself to be a "team work" judge. It is his belief that as far as possible the court should present a united point of view. Thus he does not approve of 5-to-4 decisions. As an Associate Justice from October 10, 1910, to June 10, 1916, he very rarely bucked all other members, dissenting alone on only two occasions. He voted with the minority in only 30 instances, and in only six of these wrote the dissenting opinion.

One of the widely and firmly held opinions about Hughes is that he was

† Hughes was graduated from Brown University, Providence, R. I., in 1881, and received his law degree from Columbia University in 1884.

embittered for a long time after his narrow defeat by Woodrow Wilson. On election night in 1916, he went to bed believing himself President. Reporters telephoning his house to say that California was in doubt were told that "the President has retired." But California went for Wilson and Hughes woke up the next morning with the electoral vote standing 277 to 254 against him.

But if Hughes was once embittered by the staggering blow he received upon awakening the morning after election, he does not appear to be so now. During recent years he has mellowed considerably. He smiles more frequently, acts less formally. In company with his wife, who has been a constant aid and companion to him since their marriage Dec. 5, 1888, he regularly attends Saturday evening functions. He takes himself less seriously than he once did. Recently to other justices in the cloak room, he told a story on himself and his colleagues. As the justices were filing out of the court, he said, a spectator had gasped: "God what dignity!"

As he approaches his 75th birthday, (he was born in Glens Falls, N. Y., April 11, 1862), Hughes is grayer, but vigorous and hale. He continues to take his morning setting-up exercises, a practice begun 30 years ago. On occasion, he walks from his home on R street to the Supreme Court building.

When his turn to deliver an opinion comes, he faces his listeners squarely and in a firm voice begins his reading. The language he uses, however, is often heavy and one has to wait sometimes to the very end of an opinion before understanding its full meaning.

For the court, Hughes has nothing but reverence and is extremely anxious to add to its prestige. About the President's proposal he has remained silent. An indication of his attitude, however, may be taken from an opinion he expressed 30 years ago that "The Constitution is what the judges say it is."

Of interest in the current dispute is another statement Hughes made years ago. In this he advocated an age limit of 75 for justices. Whether for Hughes that statement was a prophecy to be fulfilled remains to be seen.