



THE SUPREME COURT
HISTORICAL SOCIETY

Quarterly

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SUMMER, 1980

Annual Meeting Attracts Record Attendance

Nearly 300 members and guests filled the Great Hall of the Supreme Court on June 9th for the Society's fifth annual dinner. The elegant dinner and fine entertainment were the culmination of the Society's fifth annual meeting.

The Executive Committee met earlier to hear committee reports and discuss plans for the upcoming year. At that meeting Chief Justice Warren Burger presented Chairman Robert Stevens and President Elizabeth Gossett with replicas of an 18th century carriage clock as tokens of the Society's esteem for their dedicated service. Mr. Stevens retired as Chairman of the Board after presiding for two years over the affairs of the Society. Mrs. Gossett's resignation was prompted by her own conviction that the Society could better be served by a President who lived

closer to Washington and the Society's executive offices.

Shortly after noon, the general membership was treated to a stimulating lecture by Dr. Maxwell Bloomfield of Catholic University, speaking in the restored Supreme Court Chamber of the U.S. Capitol.

(continued on page eight)



Ralph Becker, Chairman of the Annual Event, listens to the address delivered by annual symposium speaker, Dr. Maxwell Bloomfield, Chairman of the Department of History at Catholic University.



Members and guests enjoy the U.S. Army Chorus in the Great Hall of the Supreme Court.

Speak Now Or . . .

The *Quarterly's* editorial staff wants to know what you think about this publication. You can let us know by taking just a minute to complete the readership survey enclosed in this issue. The staff urges all members to complete and return the survey questionnaire promptly so that future issues can reflect your views. This is your chance to have a voice in your Society's publication.

Annual Report of the Board of Trustees

The report was submitted by Robert T. Stevens, Chairman of the Board of Trustees, on June 9, 1980 as required by Article VII, Section 10 (8)

This past year has been one of the Society's most important. The year commenced with a new Executive Director, a renewed commitment and a new enthusiasm. Unfortunately, despite this unusually promising beginning, the Society's financial problems grew from bad to worse, and the Society went through a period of extreme financial strain. As a result of a great deal of hard work, the situation improved dramatically by the end of the year. More importantly, this experience resulted in a serious examination of the Society's priorities and programs, from which developed a clearer agenda for the future. Although the Society will inevitably continue to experience some growing pains through the coming years, I am confident that this year will be seen in retrospect as an important benchmark and turning point, and that the enthusiasm and momentum which has characterized the last few months of the year will continue to infect old members and attract new members. Following are summaries of several significant decisions, developments and events of the past year.

In the Fall, the Supreme Court decided to become a co-sponsor of the Society's Documentary History Project. This new relationship, together with continued NHPRC funding, ensures the completion of this unique project to compile and publish the records of the Court for its first decade.

On November 10th the Society sponsored a dinner in Chicago to celebrate both the founding of an Illinois chapter and the history of the Supreme Court. Largely the project of one member's vision and generosity, the event was attended by over 800 members and guests, all of whom went home with a renewed sense of the richness of our country's heritage. The Society expresses its gratitude and appreciation to Carol Hoekstra and her committee for the wonderful evening.

The Society has moved from a rolling membership renewal system to a single annual renewal system. The staff appreciates the cooperation of the membership in effecting this important change.

During the past several months, the Society has received several substantial gifts and contributions, including grants totalling in excess of \$100,000.00. Although the greater portion of these funds are restricted for specific projects, this support is extremely encouraging.

Following a year of dedicated service during a difficult transition period, Betty Crites Dillon resigned in order to devote her full attention to other activities. She is to be succeeded by Gary Aichele, who will be the Society's first full-time Executive Director. Mr. Aichele, a 1976 graduate of the University of

Virginia School of Law, has been serving for the past year at the Supreme Court as the Tom C. Clark Judicial Fellow.

With this report, I complete my responsibilities as Chairman of the Board, having decided to retire to the ranks of regular membership one year early. I have been honored to serve as Chairman of the Board, and am equally pleased to announce that the Board of Trustees, at its annual meeting, elected Elizabeth Hughes Gossett to succeed me; the Board also elected Linwood Holton as President, Fred Vinson as First Vice President and Alice L. O'Donnell as Vice President. With such able leadership, I'm sure the Society will continue to prosper in the coming years.



Chief Justice Warren Burger and Mrs. Burger photographed at the Society's annual membership meeting.

THE SUPREME COURT HISTORICAL SOCIETY *Quarterly*

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Editor Alice L. O'Donnell
Assistant Editor David T. Pride

Excerpts from President Gossett's Annual Report

Presented to the Members at June 9 Annual Meeting

Kiosk Sales

Last year I referred to the dramatic increase in sales in the Society's Kiosk and expressed a fervent hope this trend would continue. I am pleased to report it has, and the Kiosk now ranks among the Society's top income producers. This achievement is the result of long, hard hours invested by the Kiosk's former Manager, Charles Baker, and its current Manager, Richard Lewis. They are both to be commended for their efforts.

Executive Office

The Society's executive offices have paralleled this record of achievement over the past twelve months under the capable leadership of our recently retired Executive Director, Betty Dillon. Our acquisitions files are now up-to-date and include some 100 gifts involving 150-175 items, all of which are on loan to the Curator's office at the Court.

Documentary History

The Documentary History Project, like many other similar projects, is taking longer to finish than originally anticipated, primarily because of the wealth of unexpected materials located by Dr. Marcus and her staff. As a matter of interest, the number of documents collected now totals somewhat over 10,000, of which 3,000 were previously unknown. While this notable accomplishment further enhances the value of this research, it also increases its cost. Fortunately, the Court, in recognizing the Project's unique contribution, last Fall elected to become a co-sponsor. This new support, in addition to continued funding from the National Historical Publications and Records Commission, ensures a sound financial footing for completion of the Project.

Membership

The Society is currently revamping its membership promotion efforts. We will stress increased personal appeals and reduce our emphasis on direct mail promotions. The main exception to this trend will be our traditional solicitation to the newly admitted members of the Supreme Court Bar, which has consistently demonstrated a high return.

Our system for membership renewals is also in transition. The new system, which provides for a common renewal date for all members, is being phased in throughout the next two years. It promises to reduce administrative expenses and make more efficient use of staff resources. As a prelude, the Society regrettably had to delete several hundred individuals from its membership roles, since despite numerous appeals their dues remained substantially in arrears. However, during that same period, we gained an even greater number of new members and thereby continued to enjoy a modest rate of growth last year.

Chicago Dinner

I want to extend the Society's deep appreciation to an extremely generous and public-spirited member — Mrs. Carol Hoekstra. Through her fine efforts last Fall, the Society founded a chapter in the State of Illinois, and in the process held one of the most tremendous public relations functions I have ever attended. All 800 persons in attendance at the Illinois Chapter's founding dinner departed with a deep appreciation for our country's heritage and recognition of the need for an organization such as ours. Once again, the Society thanks Mrs. Hoekstra for her great generosity and support of the Society and its high purposes.

Personnel

I am sorry indeed to report that Betty Crites Dillon resigned as Executive Director, effective March 1st. She gave us a year of hard work, using her talents for organization to leave our office in fine shape, and I want to thank her on behalf of the entire membership. I also wish to thank Mary Beth O'Brien, who resigned after three years of dedicated work. Kathy Shurtleff has assumed her duties as Administrative Assistant and David Pride is now serving as the Society's Membership Coordinator. They are both doing a masterful job staffing our office and it has been a delightful experience for me to work with them.

After reviewing several excellent candidates, the Search Committee has recommended Gary Aichele as the Society's next Executive Director. I am pleased to report that Mr. Aichele, who is currently completing his year as the Tom C. Clark Judicial Fellow at the Court, has accepted the position and will formally assume the duties of Executive Director on August 1st.

I regret to inform the membership of the resignation of Robert T. Stevens, who, throughout his tenure as Chairman of the Board, was exceptionally generous with his time, and always ready to give advice and counsel. He will be greatly missed as Chairman, and I am glad to be able to inform you that he will continue to serve as a member of the Executive Committee.

Lastly, I inform you of my own resignation as President. My last five years in this office have been most rewarding, yet I feel the Society's exceptional growth now creates demands which can only be fulfilled by an administrative officer who lives in closer proximity to our headquarters. I am confident our new President, Linwood Holton, will skillfully meet these demands. I will have the continuing pleasure to work with Governor Holton during the coming years since I have been elected as your new Chairman. This is a great honor that you have bestowed on me, and an even greater challenge to follow in the footsteps of such an able leader as Bob Stevens. I am indeed grateful and thank you all for this opportunity to continue to serve the Society.

Salmon P. Chase: Of Politics and Justice

In the summer of 1864, the Civil War neared its end with little resolved but the fighting. Though near victory, the Union government had been shaken to its foundations by the War. A schism in the Republican Party threatened to deny Lincoln renomination because of his moderate views on abolition of slavery and what some considered his inadequate management of the War. A faction of staunch abolitionists drafted Salmon Portland Chase as their candidate.



Salmon P. Chase

It was not the first time Chase had been called upon to run. In 1856, Chase's supporters sought to draft him as the new party's first presidential candidate. Again, in 1860, the more fervent abolitionists within the Republican Party supported his nomination. But Chase was no politician in the true sense of the word. Rather, he was an idealist of profound religious convictions, tightly bound to the abolitionist movement. Several years earlier Chase had occasion to meet Alexis de Tocqueville, the distinguished French chronicler of American political life. De Tocqueville later remembered the encounter by citing Chase's vow never to seek popular acclaim "by mingling with the populace, by base flattering of its passions, (or) by drinking with it." This repugnance toward politicking, coupled with what Rutherford B. Hayes described as Chase's "unimpassioned and spiritless" skills as an orator, undoubtedly served to limit Chase's mass appeal. Yet, his dedication to principles, and his capable performance in all aspects of government, earned Chase a corps of devoted followers, perhaps most notably the publisher and abolitionist, Horace Greeley.

In 1849, Chase was elected to Congress as a Free Soil Democrat, and quickly emerged as the leader of the anti-slavery movement. He vehemently opposed expansion of slavery in the Midwest, and having entered the Senate politically disfranchised from the two ruling parties — the Whigs and the Democrats — he went on to help organize the Republican Party. When the new party failed to nominate him as its presidential candidate, he successfully ran for Governor of Ohio, and he served in that office from 1856-60. As Governor he fostered bills to promote education, streamline the state's finances, eliminate corruption in state offices and improve the militia system.

In 1861, President Lincoln appointed Chase as the Secretary of the Treasury. In the early months of the Civil War, Chase dominated Lincoln's cabinet, and was largely responsible for organizing the North's war effort during that critical period. Most people, including Chase, did not anticipate a lengthy conflict. Consequently, he favored a policy of short-term loans to finance the war. Some historians have criticized this policy since the resulting debt service considerably increased the expense of the war. His policies were often berated by opponents of the Lincoln administration. The *London Times*, in an article published in 1863, blasted Chase: "If Themistocles was a proficient in the art of making a small state into a large one, Mr. Chase is at least equally entitled to claim the credit of making a great state into a little one." This criticism assumes Chase and his contemporaries had reason to anticipate a protracted war, and fails to consider the reluctance of lenders to provide long-term, low-interest loans to a government embroiled in civil war. Further, though Lincoln by this time had come to view Chase as a political thorn, he readily admitted Chase's administrative abilities. On one occasion Lincoln commented that "Chase is about one and a half times bigger than any other man I ever knew."

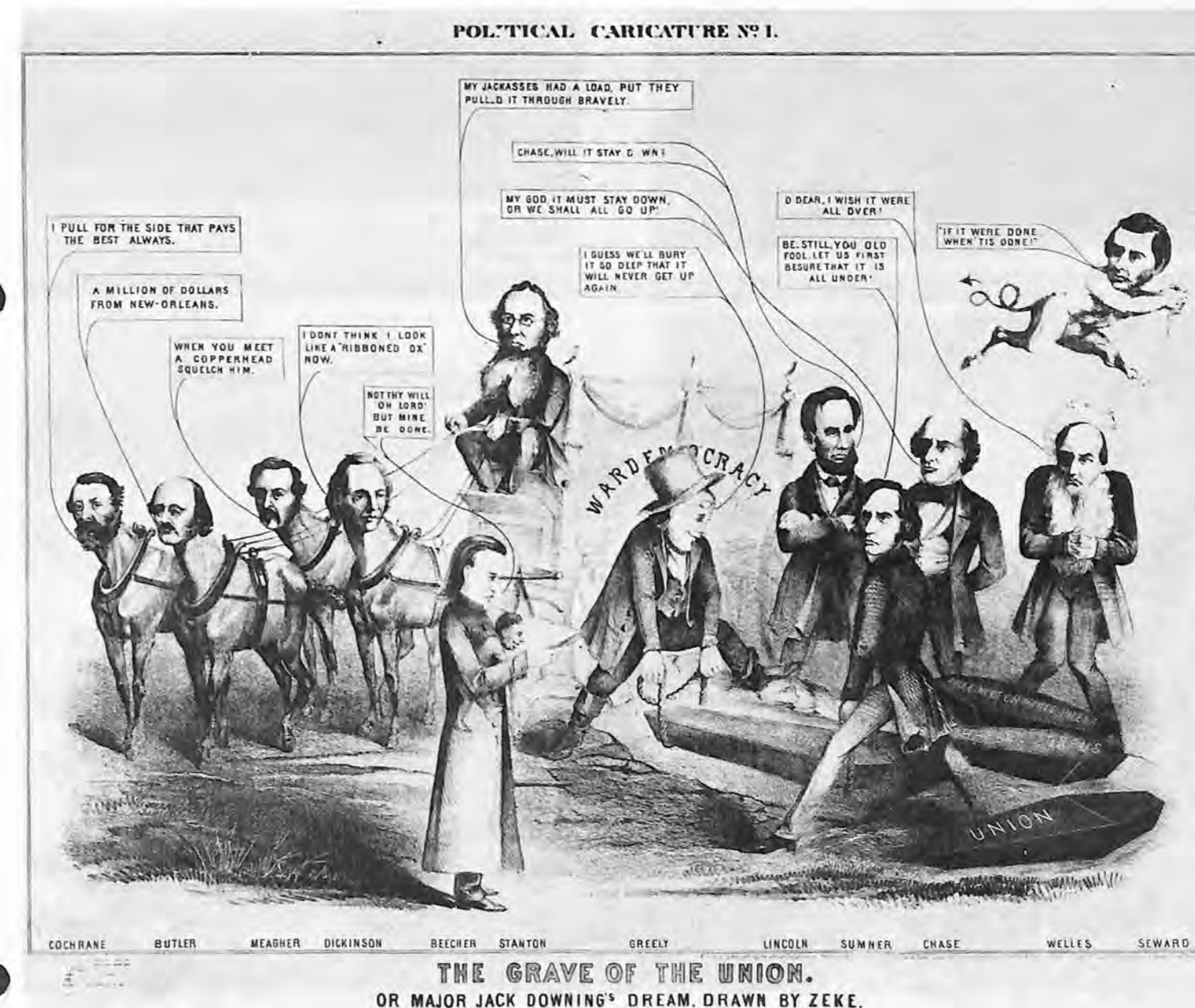
After his presidential attempt collapsed in 1864, Chase resigned from the Cabinet and devoted his time to support Lincoln's reelection campaign. Lincoln subsequently nominated Chase to the Supreme Court to replace Chief Justice Roger B. Taney. Public esteem for the Court was at a low ebb when Chase became Chief Justice. War-related controversies, such as the draft, emancipation, and the issuance of paper money not backed by specie, had subjected the government to scathing criticism from dissident political factions. Lincoln's nomination of Chase was based on his belief that Chase would uphold the war legislation. But Chase, despite his political ambitions, remained constant to his convictions and his understanding of the Constitution, even at the expense of his presidential aspirations. He antagonized his radical Republican supporters by seeking leniency for the defeated South. When his former associates sought to impeach President Andrew Johnson for his moderate stance on Reconstruction, Chase used his position as

Chief Justice to ensure Johnson a fair trial. In 1869, he authored the majority opinion declaring the unconstitutionality of unbacked paper currency, a policy he himself had promoted as Secretary of the Treasury. And, when the Court reversed itself on this issue in 1871, Chase maintained his stance in a dissenting opinion.

Throughout his tenure as Chief Justice, Chase tread the precarious path of supporting emancipation and Negro suffrage while seeking the complete political restoration of the southern states into the Union. The position was untenable in the face of the nation's

political schisms. The radical Republicans sought total destruction of the southern aristocracy's power as a prelude to readmittance. Conversely, southern leaders were unwilling to grant unrestricted Negro suffrage until they assumed their rightful place in the national government. Chase remained true to his beliefs, and in doing so sacrificed all hope of attaining his long-coveted aspiration — the presidency of the United States.

The course of history eventually vindicated Chase's view of Reconstruction, but he did not live to see it. In 1872, following a series of crippling strokes, he died.



Political cartoons, like the one above, were common during the later years of Lincoln's presidency, and reflected the bitter opposition to many of Lincoln's policies within the Republican Party. In this particular cartoon, members of the Cabinet, supervised by a worried Lincoln and a cool-headed Chase, are depicted lowering a coffin labelled "Constitution" into the ground.

The Passing of an Age

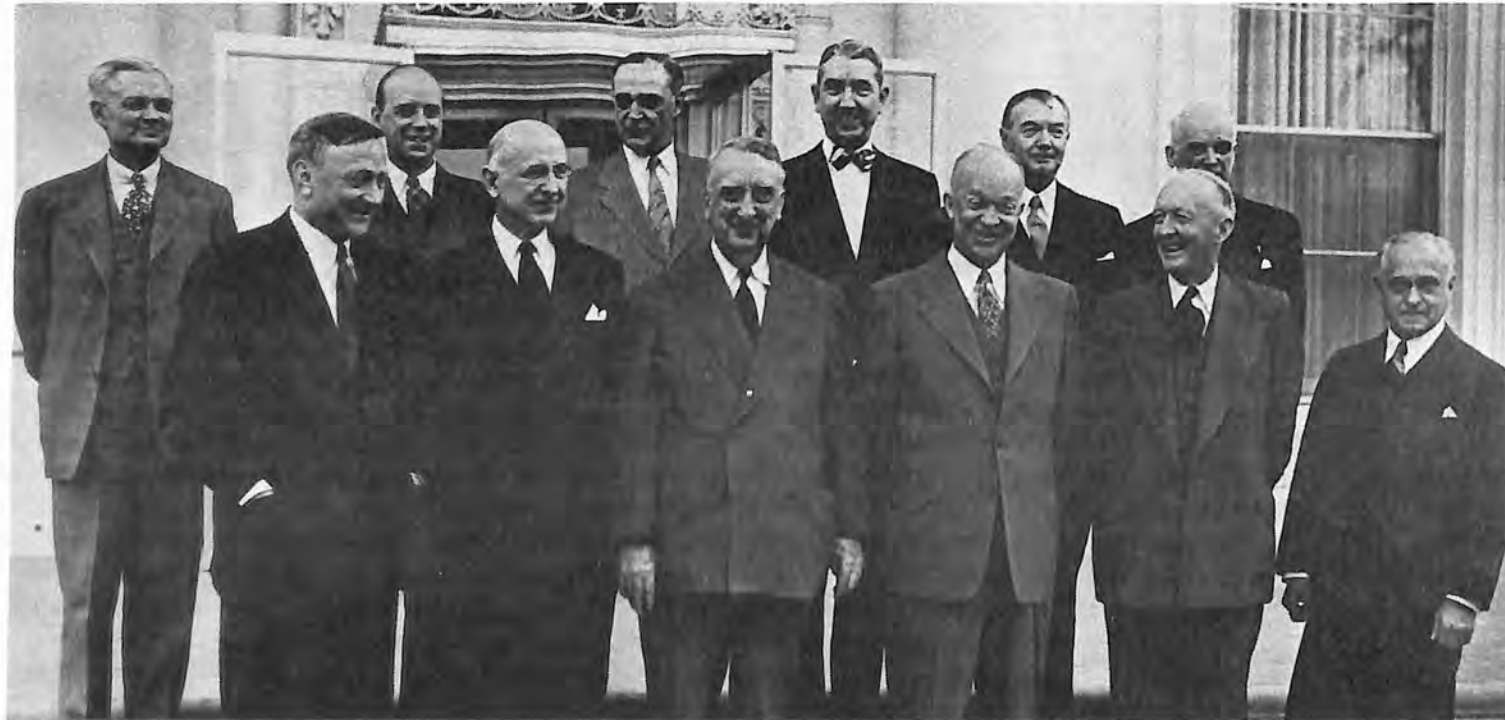
Earlier this year, the two remaining members of the "Roosevelt Court" died, bringing to a close an era characterized by unusual personality and enduring spirit. Justice Stanley F. Reed's life spanned nearly a century, and at his death, Justice Reed had lived a longer life than any other Supreme Court Justice. Justice William O. Douglas retired from the high bench in 1975 after more than 36 years of service, the longest tenure of any Justice on the Court. The following photographic essay is dedicated to their memory.



Born in this house in Mason County, Kentucky, in 1884, Stanley Forman Reed left his home state to attend college, earning his first B.A. from Wesleyan University in Middletown, Connecticut, in 1902, and his second B.A. from Yale, in 1906. For the next several years, he pursued legal studies at the University of Virginia, Columbia University and the Sorbonne, in Paris. In 1910 he joined a law firm in Maysville, Kentucky.



Reed came to Washington in 1932, as a young member of the Federal Farm Board. Shortly thereafter, President Roosevelt appointed him General Counsel to the Reconstruction Finance Corporation. In 1935, he was appointed Solicitor General, and for the next three years, Reed appeared before the Supreme Court defending the constitutionality of New Deal legislation, arguing among others, the celebrated cases of *Ashwander v. T.V.A.*, *N.L.R.B. v. Jones and Laughlin*, and *U.S. v. Schechter*. Roosevelt appointed Reed to the Court to succeed Justice George Sutherland in 1938.



Pictured together in this photograph of the Court's visit to the Eisenhower White House, Justice Douglas and Reed (pictured on the front row, extreme left and second from the left respectively) served together for 18 years on the Court — from Douglas' appointment in 1939 until Reed's retirement in 1957.

Also shown, from left to right (front row) are Chief Justice Vinson, President Eisenhower, Justice Black and Justice Frankfurter; and back row Special Assistant to the President Sherman Adams, Attorney General Herbert Brownell, and Justices Minton, Clark, Jackson and Burton.



Residents of Washington's Mayflower Hotel for many years, Justice and Mrs. Reed were frequently seen out walking together. Retiring from the Court in 1957 at the age of 72, Justice Reed maintained an office at the Court and remained active until well into his 90's. A man of quiet dignity, Justice Reed lived an unusually full life, one enriched for many by his gentle manner and ready smile.



After teaching law school for 12 years — four years at Columbia Law School and eight years at Yale — Douglas was appointed by President Roosevelt to the Securities and Exchange Commission. Three years later, in 1939, F.D.R. appointed him to the Court to succeed Justice Louis Brandeis.



William Orville Douglas was born October 16, 1898, in Maine, Minnesota. Following military service in World War One, he attended Whitman College in Walla Walla, Washington, and took his law degree from Columbia Law School in 1925.



Having no previous judicial experience, Justice Douglas became known for his eloquent style and commitment to principle. Late in his life, Douglas expressed the hope that, as Pablo Casals had put it, he had been young all his life and said things to the world that were true.

Annual Meeting *(continued from page one)*

In this historic chamber, Dr. Bloomfield addressed the role of the Supreme Court in popular literature. He offered numerous examples, in both the recent and distant past, of how public perception of the Court has developed quite differently from that of other branches of government.

Prior to the lecture, the Board of Trustees concluded their meeting, which is detailed in their report on page two of this *Quarterly*.

Throughout the late afternoon members enjoyed various historic displays at the Supreme Court building. These included films and a series of photographic montages of each of the past Chief Justice's Courts prepared by Court Curator Gail Galloway and her staff. Members also enjoyed an exhibit presented by Professor Paul Baier of Louisiana State University.

At six o'clock, members met in the Supreme Court Chamber for the Society's annual membership meeting. At the meeting, members were informed of the election of Elizabeth Hughes Gossett as the Society's new Chairman and Governor Linwood Holton as the Society's new President. Chief Justice Burger, in an informal address, commended the Society for its fine work during the past year, particularly in the area of acquisitions of artifacts and antiques.

The annual reception and dinner, following the membership meeting, drew capacity crowds. Members and guests gathered to enjoy dinner and music provided by the U.S. Army Band "Strolling Strings" and the U.S. Army Chorus. Ralph Becker, chairman of the annual event, and the members of his committee, received the thanks of the Society for what many considered the most successful day of the Society's history.



The Society recently received an 1847 Bible, pictured above, as a gift from Nancy Beale, a decedent of William T. Carroll, fifth Clerk of the Court. According to a notation entered in the front of the Bible, it was used to swear in four Presidents of the United States during Carroll's 36 year tenure as Clerk from 1837 to 1863.

Errata

A photo caption on page three of our last issue mistakenly identified the gentleman on the right as Charles Evans Hughes III. The gentleman is actually Mrs. Gossett's husband, William T. Gossett. We apologize for this error.

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