Charles Evans Hughes Exhibit Opened At Court

On October 3rd, a new exhibit opened on the ground floor of the Court. “Charles Evans Hughes - the Eleventh Chief Justice” is the most comprehensive exhibit ever mounted at the Court, the product of months of planning and hard work by the Curator’s office, headed by Curator Gail Galloway and Assistant Curator Susanne Owens, the fine craftsmanship of cabinetmaker Ed Douglas and his staff, and the technical assistance of the Smithsonian Institution. The exhibit reflects also the generosity of the Hughes family in sharing with the public an extremely rich and important legacy.

Consisting of over one hundred individual items, the exhibit traces Charles Evans Hughes’ career from schoolboy to Chief Justice, and includes the Phi Beta Kappa key earned by Hughes in his junior year at Brown University in 1880, an inscribed gold pocket watch presented by his law students at Columbia Law School in 1888, and his Appointment as an Associate Justice of the Court, signed by President William Howard Taft on May 2, 1910.

The panels and cases contain momentos and memorabilia of the many offices held by Hughes during his

Continued on page 3

Pictured is a portion of the exhibit containing items associated with Hughes' tenure as Chief Justice, including the black silk robe worn by Hughes while presiding over the Court. The wall panel includes his appointment as Chief Justice signed by President Hoover, and the oath of office he took on February 24, 1930, signed by Senior Associate Justice, Oliver Wendell Holmes. The rear case contains in addition to photographs and letters, a copy of the March 8, 1937 “Seventieth Birthday Tribute” to Hughes in LIFE magazine, and the March 1, 1937 cover photo of Hughes on TIME magazine. The front floor case holds items associated with the laying of the cornerstone of the present Supreme Court Building in 1932, including the silver trowel used by President Hoover and a medallion of the architect, Cass Gilbert.
Stormy Patriot: The Life of Samuel Chase

Samuel Chase, one of Maryland's signers of the Declaration of Independence and an Associate Justice of the Court, is the subject of a new biography published this fall by the Maryland Historical Society. Entitled *Stormy Patriot: The Life of Samuel Chase*, the work is the product of a successful collaboration of four authors — James Haw, Francis and Rosamond Randall Beirne, and R. Samuel Jett. Mr. Jett, a member of the Maryland bar and a Luther Martin scholar, is a member of the Society.

One of the most controversial figures of his day, Chase, in the opinion of the authors, was "an unabashed politician, but a devout churchman; a relentless adversary with a reputation for unrestrained invective, but a loving, exemplary family man."

Not surprisingly, this "strange inconsistent man" inspired both lifelong friends and lifelong enemies. "He was chosen for enough offices of distinction to fill more than one career, but was frustrated in some of his deepest aspirations; his state and his country rewarded him with gratitude and censure, praise and denunciation, resolutions of thanks and resolutions of impeachment."

This new biography offers a thorough account of Chase's public career, and provides new insights into his fascinating personality. While meeting the standards of historical scholarship and providing ample guidance for those wishing to pursue the subject further, the authors have produced an engaging work in readable prose which should delight the casual reader as well as the professional historian. As one reader has commented, the character that emerges "is, despite his overabundance of human foibles, likeable and understandable." In short, *Stormy Patriot* is a very good story which is eminently satisfying.

(The book can be ordered from The Maryland Historical Society, 201 W. Monument Street, Baltimore, Maryland 21201. The price is $14.95 plus $2.00 for postage and shipping.)

Readership Survey
Draws Strong Response

The readership survey distributed in the last issue of the Quarterly is continuing to generate substantial membership response. To date, nearly 400 questionnaires have been received, which constitutes a 14 percent response. While tabulation of data is still incomplete, several trends have emerged in the survey sample. Over 60 percent of those responding always read the Quarterly, while another 30 percent indicate they usually read the publication. Eighty-four percent of the respondents indicate that they read all or most of the articles. Historical articles appear to be the most popular, with over 80 percent of the respondents preferring them to other categories. When questioned about what they would like to see in future issues, members split evenly over preferring a continuation of current editorial policy to placing a greater emphasis on history.

Written comments were also generally favorable. When critical, comments were constructive, reflecting members' desire to help improve their membership newsletter. The editorial staff greatly appreciates these specific observations, and thanks all those who took time to participate in the survey. Members who have yet to return their questionnaires should do so immediately to assure they will be included in the final report to the Executive Committee on December 10, 1980.

THE SUPREME COURT HISTORICAL SOCIETY

Quarterly

Published four times yearly, in Spring, Summer, Fall, and Winter by the Supreme Court Historical Society, 1511 K Street, N.W., Suite 612, Washington, DC 20005.

Distributed to members of the Society, law libraries and interested individuals and professional associations.

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Hughes Exhibit (continued from page one)
near half-century of public service. A collection of campaign badges and ribbons from Hughes' successful election as Governor of New York in 1906, and his unsuccessful bid for the presidency in 1916 as the Republican challenger against Woodrow Wilson are included, as well as several medals and medallions received by Hughes in recognition of his distinguished service as Secretary of State in the Harding and Coolidge administrations. The judicial robe worn by Hughes while serving as the American Judge to the International Court of Justice in The Hague hangs in the exhibit, as does the one worn by Hughes while Chief Justice of the United States.

Perceived by many as an Olympian presence, incapable of the light moment and always conscious of the duty that history and his countrymen had imposed on him, Hughes was clearly a man of strong and rugged character, who adhered strictly to his own inflexible code of ethics. But as his colleague Felix Frankfurter attested, Hughes was also "full of fun and whimsey, a delightful tease and sparkling storyteller, a responsive listener and stimulating talker, drawing without show of pedantry on the culture of a man of wide interests and catholic reading . . . self-critical rather than self-righteous, extremely tolerant towards views he did not share and even deemed mischievous . . . ."

The exhibit currently on display at the Court attempts to capture and portray the spirit of this complex and charismatic man. Unsatisfied simply to catalogue the series of his remarkable achievements, it succeeds admirably in bringing the subject to life.
Morrison Waite: A Reflection of his Era

On January 21, 1874, Morrison Remick Waite was confirmed by the Senate as the seventh Chief Justice of the United States. He entered the Court amidst the political and social tempest of the Reconstruction era. Though Waite himself suffered little during his Senate confirmation from the political infighting which characterized the period, his nomination climaxed an arduous campaign by the Grant administration to fill the post vacated the previous year by Salmon P. Chase.

Grant is known to have approached at least five men prior to Waite, and though unconfirmed by official records, private correspondence suggests this number should perhaps be raised to seven. Some of Grant's previous nominees had been involved in major financial scandals; others, such as the President's old political ally, Senator Roscoe Conkling of New York, refused for political reasons. The spoils system, widely practiced by politicians of the day, was employed by the Grant administration with little regard to the appointee's character or competence. When compared to the President's selections for his first Cabinet, it seems almost by fortunate accident that Grant stumbled upon such able men as William Strong and Joseph P. Bradley to fill vacancies on the Court in 1870.

Nor could the Waite nomination be credited to Grant's legal acumen. Representing Grant's last ditch effort to extricate himself from a seven month political debacle, Waite was a rather obscure Ohio lawyer who was unknown to the President personally. But Grant saw in Waite two important attributes not possessed by his previous nominees. First, Waite was relatively new to national politics, and had yet to acquire many political enemies. Second, the small measure of national prominence which Waite had attained was entirely favorable. As one of the country's representatives to the Geneva Arbitration of 1872, Waite had played an important role in securing a $15.5 million indemnity from England. This indemnity, which helped soothe nationalistic antagonisms directed at England as a result of that country's friendly neutrality toward the Confederacy, elevated Waite to something of a national hero.

While Waite proved a successful nominee, his greatest challenges lay ahead of him. During his tenure on the Court the government found itself embroiled in several notorious scandals. In one of these, the Credit Mobilier affair, a number of railroad magnates amassed huge fortunes through bribes and overcharges related to the construction of the transcontinental railway. The Reconstruction era's civil rights legislation was also to come under the Waite Court's careful scrutiny, as would many landmark cases impacting on the nation's economy.

If the former Ohio attorney was new to such turmoil, he was heir to a family tradition marked by courageous public service. The Waite family came to the New World in the late 1600's, and gained local prominence in Connecticut politics. One of Waite's early biographers traced his lineage back to England, where a Waite ancestor is reputed to have supplied the necessary signature for King Charles II's death warrant. The Revolutionary War found members of both branches of Waite's ancestry as officers in the service of the Continental Army. One, a Colonel Samuel Seldon, died as a British prisoner following his capture in the Long Island campaign. Through the early 19th century, Waite's father and paternal grandfather served as judges in Connecticut. The latter also served several terms in the State's legislature.

Waite himself was born on November 27, 1816 in Lyme, Connecticut. Though not wealthy, his family was well-off and firmly entrenched in the nation's growing middle class. By 1837, Waite had completed his studies at Yale, and after reading law in his father's office, he moved to Ohio to set up his own practice.

Through diligence, and a reputation for honesty, integrity, and compassion, Waite became one of Ohio's most prominent lawyers. His personal disdain for anything but moderate recompense from his clients gave Waite a comfortable, but hardly extravagant income. Throughout his career he carried a formidable caseload — specializing in land and property disputes. By the time of his nomination in 1874, his firm was representing a number of railroad interests during that industry's boom. Although this association initially raised some concern among midwestern agricultural interests, such fears generally disappeared after his decision in *Munn v. Illinois* in 1875.

In November, 1871, at the suggestion of Secretary of State Hamilton Fish, President Grant appointed Waite as one of three U.S. representatives to the
Geneva Arbitration. The Arbitration was set up to settle indemnity claims, primarily between the United States and England, resulting from the Civil War. Waite's dogged compilation of the pertinent facts in the case helped the government demonstrate that Britain had violated the tenets of neutrality by providing assistance to the Confederacy. As has already been mentioned, the consequences of this effort were undoubtedly a factor in Waite's nomination to the Court, as well as his subsequent confirmation in the Senate.

The first major issue facing Waite when he joined the Court in 1874 was the controversial civil rights legislation embodied in the Civil War Amendments. Death and political impotence had thinned the ranks of the radical Republican engineers of this legislation. Their successors, men like Roscoe Conkling and James G. Blaine, did not embrace their predecessors' idealism regarding political, social and economic equality for the freedmen. They were essentially political opportunists, more anxious to pursue national economic expansion than to further the cause of former slaves at the expense of national unity.

President Grant signalled this change of attitude in his 1869 inauguration address when he proclaimed, "Let us have peace." Reconciliation with the South gained increasing momentum throughout Grant's first term. Negro and "carpetbag" administration of the unreconstructed South had spawned numerous outbreaks of violence, and the on-going domestic strife hampered agricultural production and stifled economic recovery. By 1875, many prominent Northern politicians were in favor of a new era of reconciliation.

The Waite Court reflected this attitude in two decisions in 1875, United States v. Cruikshank and the United States v. Reese. The impact of these and other cases concerning civil rights legislation was to greatly circumscribe the federal government's role in the movement for negro equality by narrowly defining the government's jurisdiction, and by leaving most of the enforcement in the hands of state and local governments.

Waite, like most of his fellow Justices, felt national unity and economic recovery were the Nation's first priorities. These could not be achieved while the government continued to impose its will on the South by force. Waite rightly recognized that the newly freed slaves, largely poor and uneducated, could achieve no measure of political power without massive support from the federal government. As Chief Justice, his decisions reflected the government's declining interest in pursuing such a policy. Yet as a private citizen, Waite worked diligently to improve negro education, which he saw as the necessary foundation upon which negro enfranchisement would ultimately be based.

In addition to the cases relating to the "southern question," the Waite Court faced another important controversy in 1875, Munn v. Illinois typified a series of cases concerning the power of state and local govern-
Residences of the Court: Past and Present
Part I: The Early Years

The Constitution, ratified in 1788, provided in Article III for the creation of a new national judiciary, vesting the entire judicial power of the federal government in "one supreme court" and in "such inferior courts" as the Congress might "from time to time ordain and establish." Although the matter of constituting the structure of the "judicial department" of the federal government was one of the first matters addressed by the Congress, and the first session of the Supreme Court was convened on February 1, 1790, it would take 145 years for the Supreme Court to find a permanent residence.

The Royal Exchange Building, built over an open-air market where Broad and Water Streets intersected in the City of New York, was the first temporary home of the Court. Topped by a distinctive but somewhat oversized cupola, the gambrel-roofed Exchange was raised over a first-floor arcade open on all sides. The second floor contained a great hall, 60 feet in length, with a "vaulted ceiling starting 14 feet from the floor and arching up under the roof to a height of twenty feet." The New York Daily Advertiser reported on February 2, 1790 that Court had been officially convened by Chief Justice John Jay the previous day, "but a sufficient number of judges not being present to form a quorum," the same had been adjourned until the following day. The paper reported that the Courtroom had been "uncommonly crowded," as spectators thronged to see the assemblage of great men gathered to open court.

The Court held session until the 10th of the month, after which it adjourned until August. The sessions of Court held during this period were afternoon sessions, as the hall was used in the morning by the New York State Assembly. During the Court's first two terms, it heard no cases as there were as yet none on its docket. In addition to the selection of its officers, the only matters coming before the Court were the signing of orders concerning the seal to be used by the Court, the framing of its rules, and the admittance of attorneys to its bar.

Pursuant to an Act of Congress dated July 16, 1790, providing in part that "prior to the first Monday in December next, all offices attached to the seat of government of the United States shall be removed to" and "shall remain at the City of Philadelphia," the February term of the Supreme Court was held in Philadelphia at Independence Hall, which was then known as the "State House." The entire term lasted only two days; according to the account of Edward Burd, the Chief Clerk, "the Supreme Court of the United States opened on Monday the 7th inst. in which Chief Justice Jay, and Justices Cushing, Wilson and Iredell sat. A number of gentlemen of the bar of this city attended at their lodgings and escorted them to the State House. The Court opened but there was no business done."

The room on the western side of the building used by the Court was approximately forty feet square, with a lofty ceiling and three large windows to the south facing the well laid out State House yard. Three similar windows on the northern side faced one of Philadelphia's principal thoroughfares, Chestnut Street. There were also two smaller windows facing west toward Congress Hall. Most probably, the bench was under these windows, as the three wide archways on the eastern side opened into the hall which ran through the building separating the principal rooms on the ground floor.
in which he was living on the South side of Market Street, just one block away. The buildings, as well as their location, give a good indication of the scale of the government of the young nation during the Republic's first decade.

In August of 1791, the Court moved to new quarters in the Philadelphia City Hall Building, located on the east side of Independence Hall at the southwest corner of Fifth and Chestnut Streets. The two-story brick building had a handsome cupola, and contained six rooms used by the District and Circuit courts of the United States, the city and state courts, the city treasurer, and the city commissioners. The chamber used by the Supreme Court was located on the first floor and extended across the southern side of the building, with the bench located in front of the bay window on the southern side of the room.

Though economical, the multiple uses to which the several rooms were put inevitably resulted in scheduling conflicts. In March of 1796, the Mayor's Court of Philadelphia advertised that it would convene on March 14th in the court chamber being used by the Supreme Court. When it became obvious that the Supreme Court, already two weeks behind its planned schedule for adjournment, would not complete its session by that date, the justices obligingly convened the Supreme Court's March 14th session in the Common Council Room on the second floor of the City Hall so that the Mayor's Court could convene in accordance with the published legal notices.

On Thursday, August 14th, 1800, the Court adjourned, never to reconvene in Philadelphia. By Act of Congress, the government of the United States was to be moved to the District of Columbia, "on the first Monday in December in the year one thousand eight hundred." Having moved three times in its first ten years, the Court was destined to move seven more times before it would find a permanent residence in the building it now occupies directly east of the Senate wing of the Capitol in Washington, D.C.

In this etching of the government buildings in Philadelphia, the State House is in the center, with the Old Philadelphia City Hall to the left, and Congress Hall to the right.

Dean Griswold Visits LSU

On October 20-21, Erwin N. Griswold, Solicitor General of the United States during the Johnson Administration and Dean of the Harvard Law School from 1946-1967, visited the Paul M. Hebert Law Center at Louisiana State University. A former president of the Harvard Law Review and professor of federal taxation, Dean Griswold presented two lectures to standing room only audiences, one on appellate advocacy and the other on constitutional law.

A Trustee of the Society since its inception, Dean Griswold is currently practicing law as a senior partner in a prominent Washington, D.C. law firm. He was accompanied to Baton Rouge by Mrs. Griswold, who was the special guest of the Society's Edward Douglass White Student Chapter at a reception following her husband's lecture.

Society to Publish New Index to Opinions

After more than a year of careful consideration, the Executive Committee has approved and funded the compilation and publication of a new index to the more than 36,000 signed opinions of the Court contained in the U.S. Reports. Edited by Patricia Evans, a member of the library research staff at the Court, the project should take about two years to complete.

When published, it will be the first index to the Court's opinions organized by author, as distinguished from the indexes by subject and citation which are already available. Intended primarily as a reference work to aid biographers and other researchers, the new index will make it possible to identify and locate quickly all the written opinions, whether they be majority, concurring or dissenting, of each of the Court's 101 individual justices. A biennial supplement is planned to keep the index up to date.
Portrait of Hughes Presented to Society

Mr. and Mrs. Milton Turner of Kenwood, Maryland, have presented the Society with a new portrait of Chief Justice Charles Evans Hughes. Commissioned to be included in the Hughes Exhibit (see article page 1), the pencil rendering is the work of Ferdinand R. Petrie, and was done from an autographed etching of Hughes in the Court’s collection.

Lithographs Now Available

Three new lithographs of scenes of the Court are now available for purchase by members of the Society. Produced exclusively for the Society by Schneidereth and Sons of Baltimore, Maryland, the full color reproductions are first quality lithographs of three original Betty Wells’ sketches. The artist, whose work was exhibited at the Court last year, is well-known for her sketches of live courtroom scenes.

The three sketches selected for reproduction are entitled “The Bench,” “The Handshake” (Quarterly, December 1978) and “Winter Scene,” and they depict the justices on the bench during oral argument, the justices’ traditional handshake, and a wintry exterior scene of the Supreme Court Building. The first one hundred lithographs struck of each of the sketches will be signed by the artist, and made available to the membership on a first-come, first-served basis. Members interested in placing an order, or reserving a signed edition, should contact Kathy Shurtleff at (202) 347-9888 for further information.

"The Bench"