New Publication Heralds Constitutional Bicentennial

As 1987 and the Bicentennial of the Constitution of the United States approaches, numerous organizations across the country have begun to make plans for this important national commemoration. Perhaps the best known is Project '87, a joint activity of the American Historical Association and the American Political Science Association.

Headed by James MacGregor Burns of Williams College and Richard B. Morris of Columbia University, the Project's most recent contribution is its inaugural edition of This Constitution, a quarterly publication intended to serve as a "chronicle" of the Bicentennial.

Published with the assistance of the National Endowment for the Humanities as part of its special Bicentennial initiative, the magazine features three distinct sections that seek to provide ideas, resources, and practical information for individuals and organizations interested in the Bicentennial. The first section presents essays by leading scholars on thirteen topics identified by the editors as "Enduring Constitutional Issues." The second section highlights original documents, with the documentary sources of the Constitution's Preamble being the subject of the first edition. The third section contains a "clearinghouse" of information about the wide variety of Bicentennial programs and events sponsored by organizations across the country, and provides the best short index to current and planned programs published to date. The first edition also includes an excellent article on "Eighteenth-century American Constitutionalism" by Gordon S. Wood, the noted historian at Brown University and the author of The Creation of the American Republic, 1776-1787.

For subscription information on this well-illustrated and reasonably priced publication, please contact Cynthia Harrison, Managing Editor, at Project '87, 1527 New Hampshire Avenue, N.W., Washington, D.C. 20036.

Society Names Board of Editors

As a consequence of a general restructuring of the Society's Yearbook staff which was approved by the Executive Committee at its September meeting, the Society recently named several noted historians and legal scholars to the Yearbook's Board of Editors. Joining William F. Swindler, John Marshall Professor of Law Emeritus at the College of William and Mary, and Jeffrey B. Morris, a professor of political science at the University of Pennsylvania, who —continued on page 12
In December 1846, a few days before the scheduled reopening of the Supreme Court's Fall session, President James Polk received a disquieting note from his newly appointed Attorney General, Nathan Clifford. Though placed in office only weeks before, and not yet confirmed by the Senate, Clifford dismayed Polk by submitting his letter of resignation.

Prior to 1870, when the office of the solicitor general was created, one of the primary duties of the attorney general had been to litigate federal cases before the Supreme Court. Clifford, concerned that his legal training and credentials might prove inadequate for this important public duty, succumbed to a crisis of confidence and asked Polk to relieve him. Polk's faith in his appointee, however, remained unshaken and he prevailed upon Clifford to remain in office. His confidence proved well-founded, as Clifford's subsequent appearance before the Court sufficiently impressed the Senate to earn him unanimous confirmation, bringing a difficult period in his public career to a satisfactory close.

Clifford's able service eventually resulted in sufficient recognition to enable him to become the second attorney general in the Nation's history to later be elevated to the Supreme Court—the first being Chief Justice Roger Brooke Taney. Like Taney's, Clifford's appointment to the high bench followed a difficult path through the political controversies of the pre-Civil War era.

Nathan Clifford was born in Rumney, New Hampshire on August 18, 1803, to a family of English ancestry who had settled in America in 1644. The oldest child, and only son among seven children, young Nathan spent much of his youth working on the family's small farm alongside his father, Deacon Nathaniel Clifford, and his mother, Lydia Simpson Clifford. Though poorly educated, young Clifford was extremely industrious, and was able to persuade local attorney, Josiah Quincy, to take on him as an understudy in the early 1820's. By 1827, he had passed the bar and moved to Newfield, Maine, where he opened a law office. Shortly thereafter, he met and married Hannah Ayer, the daughter of an influential family whose local connections brought him a substantial real estate practice. Despite this steady flow of clients, money remained tight, however, with much of the family budget necessarily being spent on maintaining a household of six children.

Clifford's modest means and family background led him early on to embrace the principles of Jacksonian Democracy. He soon gained the respect of local organizers in the Democratic Party, and in 1831 he was elected to Maine's House of Representatives on the Democratic ticket. In 1833, he was elected to Maine's House of Representatives on the Democratic ticket. In 1833, at the age of 28, he became speaker of that legislative body, and the following year he was appointed as Maine's attorney general. During his tenure in that office, Clifford unsuccessfully sought a seat in the United States Senate. He recovered from that political defeat by capturing a seat in the U.S. House of Representatives in 1838, a seat which he occupied from 1839 to 1843. While in Congress, Clifford staunchly opposed high tariffs and became a loyal supporter of the policies of President Martin Van Buren. Clifford criticized abolition and supported sectional compromises. Political opponents quickly labelled him a "dough face" — a northern Democrat with southern sympathies. Congressional redistricting divided Clifford's political base in 1843, costing him re-election, but in 1848, near the end of President Polk's tenure, Clifford received appointment as attorney general succeeding John Mason. Despite Clifford's early retirement, his service as attorney general was relatively successful. The two most memorable cases he argued before the Court were *Brasshear v. Mason*, 6 How. 92 (1848) and *Luther v. Borden*, 7 How. 1 (1849), argued near the end of Clifford's tenure as attorney general in 1848. The first case involved a suit alleging the federal government's obligation to retain sailors serving on four ships the Navy had acquired from Texas when that state was annexed. Clifford argued persuasively that the provisions of the treaty of annexation did not entitle the ships' crews to employment in the U.S. Navy and the Court agreed.

The second case was more notable for the controversy which surrounded it than for Clifford's involvement. The case involved rival factions each claiming to be the legitimate state authority in Rhode Island. *Luther v. Borden*, the legal consequence of Dorr's Rebellion, was heard in January 1848. A large group of Rhode Island's citizenry, led by Thomas Dorr, had attempted to expand that state's limited electoral franchise by establishing a new state government with more liberal voting requirements. The original government, acting under a modified colonial charter dating back to 1663, refused to accept as legitimate a public referendum effecting transfer of authority, and violence ensued. The charter government ultimately prevailed by declaring martial law and by using the state militia to capture and imprison leaders of the rival faction. Although the government eventually released Dorr and other leaders of the rival faction, Dorr's supporters charged that the charter government had violated the U.S. Constitution's guarantee of a republican form of government and had illegally seized and imprisoned its opponents. Clifford, arguing on behalf of the federal government, supported the claimants' position. The Court, however, agreed with Daniel Webster, Clifford's able opponent, holding the question before the Court to be essentially political in nature, and therefore outside the Court's jurisdiction.

Shortly after arguing *Luther v. Borden*, Clifford found himself thrust into the role of troubleshooter for the Polk administration's policy in Mexico. Polk's prosecution of the Mexican-American War, which had been raging since 1846, was finally drawing to a close. The Mexican government had sued for peace, and Polk asked Clifford to resign from the Cabinet to serve as his peace commissioner to Mexico. — continued on next page
Clifford (continued)

Polk asked Clifford to fill a vacancy on the high court had been created by the resignation of Justice Benjamin Curtis, who left the Court in protest over the Dred Scott decision. Selection of Curtis' successor would have likely split the President's support in the Senate making confirmation impossible. Clifford was a logical compromise, being a New Englander with party loyalty beyond question and occupation much of his time trying to restore his political career. He was twice unsuccessful in bids for a Senate seat in 1850 and 1853, even though his party had recaptured the presidency in 1852. Finally, in 1856, President James Buchanan named his old political ally to fill a vacancy on the Supreme Court.

The Democrats' repudiation at the polls had also removed any immediate opportunity for Clifford to secure a new appointment. He returned to Maine to establish a new law partnership with John Appleton of Portland. Private practice, however, seemed pale employment indeed and Clifford occupied much of his time in an effort to restore his political career. He was twice unsuccessful in bids for a Senate seat in 1850 and 1853, even though his party had recaptured the presidency in 1852. Finally, in 1856, President James Buchanan named his old political ally to fill a vacancy on the Supreme Court.

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from California and a fellow Democrat, Clifford also objected to the government's policy of paying war-related contractual obligations with devalued postwar currency, as evidenced in his opinions on the legal tender cases which came before the Court again in the early 1870s. In Loan Association v. Topeka, 20 Wall. 655, 667 (1875), Clifford chastised the majority for voiding a statute authorizing a town to issue bonds to aid a local manufacturer. The Court asserted that such a law constituted an unlawful transfer of private property to aid private individuals which was not in the public interest. Clifford, consistent to his strict interpretation of the Court's prerogatives and federal authority in general, argued that the Court was empowered to void only those laws expressly prohibited by the Constitution, and not... on the vague ground that they think it opposed to a general latent spirit supposed to pervade or underlie the Constitution...

Though Clifford was willing to support an implored Union in time of crisis, he denied the efficacy of extending federal authority to meet the questionable policies of Reconstruction. Thus, he occupied the anomalous position of a loyal critic with Yankee roots who shared southern sentiments. These credentials, which at least arguably were responsible for his nomination to the Court, and which exposed him to criticism throughout most of his career, made him the logical choice to preside over the electoral commission established in 1876 to resolve the hotly disputed Hayes-Tilden election. That Clifford placed patriotism above politics was demonstrated by his agreement to join in the work of this controversial body at all. That he declined to

Rutherford B. Hayes, nineteenth President of the United States, and beneficiary of Clifford's acquiescence as Chairman of the Election Commission of 1876.

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Sabotage its proceedings when it became clear that the Republican majority on the commission supported a purely political solution is also to his credit. Clifford dutifully reported the commission’s findings to Congress, signing the order certifying Hayes’ election as President. It was perhaps too much to expect Clifford to forgive the betrayal of principles which giving Hayes the election embodied. Tilden, the Democratic candidate, had won a majority of the popular vote, and, had the commission certified only one of the electoral votes in his favor in any of the states with disputed returns, he would have become the next president. Indeed, Hayes himself later acknowledged that his victory was the result of “...a strictly party vote...” which demonstrated “...the strength of party ties.” Clifford declined to attend Hayes’ inauguration, and refused to accompany the other justices on traditional visits to the White House during Hayes’ tenure as President.

Hayes’ election galvanized Clifford’s conviction to remain on the bench until a Democratic president could name his successor. His final years on the Court were unfortunately marred by frequent absences resulting from a steady deterioration in his health. In 1880, he suffered a severe stroke vented him from doing so. The election of Republican James Garfield in 1880 ended his hope that a Democratic president might appoint his successor. On July 25, 1881, Clifford died, bringing to a close 23 years of tumultuous service on the Court. Sadly, Clifford’s great contributions to the Court have become obscured by the contemporary criticism of his anti-abolitionist stance and his advocacy of strict constitutional interpretation at a time when the Court was moving toward an expansion of federal authority. Eulogizing Clifford’s passing in 1881, Supreme Court bar member J. Hubley Ashton described him as “...the connecting link between the past and the present.” Ashton’s colleague before the high bench, Montgomery Blair praised Clifford’s jurisprudence, saying:

In my own judgment, when the era of passion through which we have lived shall have passed away, those moderately stated opinions, respectful to his colleagues always, and to those who differed with him will be vindicated by time as the true principles of the Constitution.

Charles Evans Hughes: A Personal Interpretation
By H. Stuart Hughes

Throughout my childhood and youth I suffered from being invariably identified as the grandson of one of the country’s most prominent citizens. It was an awkward condition, which I handled mostly by evasion. I coined it a triumph when I managed for a few days or weeks to make my mark on my own without somebody referring to my antecedents. Subsequently, when I settled on the profession of law, I found another reason for discretion: if I spoke or wrote of Charles Evans Hughes, how could I be true both to my calling and to family loyalty? And so my self-imposed silence continued for a quarter century after my grandfather’s death.

Of late, however, my reticence has begun to strike me as self-indulgent and pedantic. After all, during the last two years of his life, when I was living in Washington, I dined with him twice a week; no one else, I think, saw him with quite this regularity. At the time, he had just completed his Autobiographical Notes, which, he told me, he never intended for publication. Their belated appearance suggests that the moment has come for me to write on so delicate and difficult a topic, more particularly since the bare record my grandfather left behind seems to call for a personal interpretation.

There is a further reason for finally trying to put down my thoughts: it is no longer true that I come from a prominent family. The American public the name Hughes now stands for an eccentric and fabulously wealthy recluse. Most people, especially the young, know almost nothing of Charles Evans Hughes. Diplomats remember him as skillful, no-nonsense secretary of state who appreciated the work of the career foreign service. Lawyers recall a thoroughly professional chief justice who gave firm but tactful leadership to his colleagues. In 1960 the press briefly evoked his presidential race of 1916 as the closest of the century.

And that is about all.

Such is the riddle Hughes presents. How could a figure who loomed so large in his own day have become so misty in current memory? Initially one may hazard the guess that our contemporaries find something unbelievable about a man who looked like God, to whom integrity was so much second nature that it would never remotely have entered his head to commit the sort of acts which in the early 1970s were routine in the highest spheres of government, and whose life with one great exception embraced everything to which an American statesman might aspire. The career too nearly perfect: it seems to leave no chink through which the weakness of common humanity might make Hughes career credible to an age of ethical mediocrities and fallen idols.

If the term ethic—or secularized Protestant ethic—had not already been invented, it would have had to catch a figure like Charles Evans Hughes. His prudence for work was awesome: he excelled in it, he felt at his best when he “was going ahead full steam,” he returned from his vacations “with abundant zest” to plunge into anew. His work and his vacations alike were adventures to him—and with this trait of adventurousness we reach the least charted ground which the Notes only hint at and which needs to be sketched in with extrapolations from oral family lore or personal reminiscences.

The exploration is hampered by the fact that Hughes’ writings and his talk totally lacked two categories which to a contemporary mind seem indispensable for explaining the man: his social class and the notion of the unconscious. The Autobiographical Notes in fact give a—continued on next page

Hughes (continued)

fairly accurate idea of Hughes's own curious class position as a very special sort of self-made man; but it has to be got from random clues rather than explicit statement. The closest approach Hughes makes to speaking of a class situation is in describing one of his boyhood homes — his family moved frequently — as located in "a community of... self-respecting families of moderate means."

As for the unconscious, it must be searched out in the Notes through even greater indirection. Certainly Hughes knew that powerful emotions underlay the iron self-control with which he faced the public; he was bewildered when what he took to be overwork alone more than once drove him to near-breakdown and the refreshment of Alpine hiking. But he would doubtless have considered it morbid to have probed these matters further. Like most of his generation — perhaps like most people even today — he thought that the only thing to do was to pull himself together and return to harness. Scornful of weakness, he refused the indulgence of fuller self-knowledge.

A first and simple way to discover the man beneath the phraseology of convention is by pinpointing the episodes on which he felt compelled to correct the record — those which still nettled him after he had turned eighty and his public career was behind him. The readiest to hand is the single quotation most often attributed to him: "The Constitution is a community of... self-respecting families of moderate means."

Between Hughes's two periods on the bench, there had come his campaign for the presidency against Wilson in 1916. Quite naturally, in discussing the decade of presiding over the Supreme Court which with which he closed a public life that had begun five years after the turn of the century and that ended in the year of Pearl Harbor; Hughes is most concerned about the charge that he and his colleagues "changed front" in order to beat President Roosevelt's "court-packing" plan of 1937. In an uncharacteristically curt phrase, Hughes dismisses the assertion as "utterly baseless." Here the documents and the weight of scholarly opinion seem to support him.

But it is also unquestionable that Hughes's generalship and sense of timing — more particularly in proving that the court was not behind in its calendar — contributed mightily to turning the tide. Roosevelt took his discomfiture with his customary unrhythm. Far from nourishing a grudge, the President, Hughes testifies, treated with "the utmost cordiality and friendliness" the chief justice whom his predecessor had appointed and who had inflicted on him the most stinging defeat of his twelve years in office. And perhaps some of this warmth was reciprocated. "After I had administered to Roosevelt, Hughes recalls, "the oath of office for the third time, I told him that I had an impish desire to break the solemnity of that occasion by remarking: "Franklin, don't you think this is getting to be a trifle monotonous?"

Between Hughes's two periods on the bench, there had come his campaign for the presidency against Wilson in 1916 and his four years as secretary of state under Harding and Coolidge. In these phases of his career once more it is not difficult to detect the historical distortions or half-truths that got under his skin. In the Notes he repeatedly rails at the gibbets assertions about him which the journalists purveyed both contemporaneously with the events in question and long after they had occurred: that he lost the state of California — and with it the presidency — by "smudging" its Progressive governor, Hiram W. Johnson; that he sympathized with the Senate "irreconcilables" who blocked America's entry into the League of Nations; that in negotiating the Washington Treaty of 1922 he left his country dangerously unprepared for a naval showdown with Japan.

This last charge, as I can testify from conversations with my grandfather during the Second World War, was the one which bothered him the most. When, two decades after the Washington Conference, the long-predicted conflict in the Pacific finally broke out — and the American battle fleet lay crippled — it was all too easy to accuse Hughes of having denied the United States supremacy on the seas. Certainly he had agreed to a slashing reduction in the navy's building program. But what he contends in his Notes — and what I heard him say more than once — was that in making such an accusation the press of the early 1940s was neglecting to reckon with the totally different state of mind twenty years before.

Hughes reasons like a sensitive historian when he asserts: "If Congress, as was practically certain, had not passed out of fashion. His utterly devoted and strong-willed wife certainly took a dramatic view of him in regarding him as "a man of destiny" and in urging him to aspire to the program. But what he contends in his Notes — and what I heard him say more than once — was that in making such an accusation the press of the early 1940s was neglecting to reckon with the totally different state of mind twenty years before. Hughes reasons like a sensitive historian when he asserts: "If Congress, as was practically certain, had not passed out of fashion. His utterly devoted and strong-willed wife certainly took a dramatic view of him in regarding him as "a man of destiny" and in urging him to aspire to the
Hughes (continued)

highest public office. "Fame is the spur," he would recite to me, "that last infirmity of noble mind." He did not shun fame—although it had a way of arriving modestly clothed in the garb of duty. Why did he feel it necessary to soft-pedal this side of his nature, to depict himself as a workhorse rather than as an adventurer, a sober servant of his country simply trying to get on with the job?

The answer may lie in his antecedents and in the intensely personal way Hughes both outgrew them and remained loyal to them. His *Autobiographical Notes* are full of his ancestry and family history (where a grandchild soon became helplessly lost) was a subject on which he loved to hold forth. Of his mother's influence nearly everyone who has written on Hughes seems convinced; his injunction to him when he was away at college: "Be thorough, BE THOROUGH, BE THOROUGH in all you undertake" is the most frequently quoted passage from his youthful correspondence. "Of old American stock," part Dutch and part "Scotch-Irish," she came of a solid but far from affluent or aristocratic Hudson River family. The usual picture of Hughes is the one familiar to American folk history of the adored only child pushed and prodded to greatness by a mother's inflexible resolve.

In this depiction Hughes's father has remained in the background as a weaker figure and possibly a henpecked husband. The nearest thing to a revelation in the Autobiographical Notes is the advance to center stage of the Welsh preacher David Charles Hughes—the best I have ever seen—taken in his later years on the occasion of his receiving the honorary degree of doctor of divinity, something which as a self-educated man he must have appreciated to the full.

Hughes seems to have been uncertain as to where he "belonged"; although the respect that surrounded him grew to be universal, he found scarcely anyone with whom he could feel comfortably relaxed and comfortable. The first wealthy people he encountered were a group of highly assimilated Jewish families—one of them named Cardozo—and throughout his life he enjoyed a special affinity with this milieu. In a period of ferocious social anti-Semitism, he had no truck with such an attitude. Of all the famous men whom he had known and of whom I heard him speak, Brandeis was the one he recalled with the strongest emotion. "Brandeis," he would say, characteristically putting the emphasis on integrity, "is a rock."

Of the others with whom he served on the Supreme Court, Holmes was the most eminent. But Holmes was a generation older than he, and although they shared little jokes on the bench, Hughes apparently never got over his awe of a man who had risen to the rank of captain in the Civil War. "(Hughes) once whispered to him that he should retire, and Brandeis was naturally the associate who aided him in it. Holme, Brandeis, Cardozo—these are the names that keep recurring in his *Autobiographical Notes* as they did in his conversation. They were the men whom he admired and whom in his self-contained fashion he counted as his friends. But he could not be quite as they were. Despite his advanced and courageous stands on civil liberties—his championship in 1905 of Socialist legislation and denial of their seats, and in 1913 of a pacifist denied citizenship—he remained "to the right of the trio that ranked in Hughes family lore as the supreme pantheon of the legal profession. He was more cautious than they—for all the majority of his bearing, less self-assured. Here lies another riddle. We may approach it indirectly through the apparent detour of domestic tragedy.

In the spring of 1920 Hughes's oldest daughter and the second of his four children died at the age of twenty-eight. Her loss left him, as he says in the strongest single passage within months of when this photograph was taken in 1916.

The legend of his coldness understandably arose because he reserved for his immediate family by far the greater part of his sense of fun. The same writers who stress his streak for playfulness comment on his almost total lack of close friends. Here once again an explanation based on social origins may help in resolving an apparent contradiction. Hughes seems to have been uncertain as to where he "belonged"; although the respect that surrounded him grew to be universal, he found scarcely anyone with whom he could feel comfortably relaxed and comfortable. The first wealthy people he encountered were a group of highly assimilated Jewish families—one of them named Cardozo—and throughout his life he enjoyed a special affinity with this milieu. In a period of ferocious social anti-Semitism, he had no truck with such an attitude. Of all the famous men whom he had known and of whom I heard him speak, Brandeis was the one he recalled with the strongest emotion. "Brandeis," he would say, characteristically putting the emphasis on integrity, "is a rock."

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The legend of his coldness understandably arose because he reserved for his immediate family by far the greater part of his sense of fun. The same writers who stress his streak for playfulness comment on his almost total lack of close friends. Here once again an explanation based on social origins may help in resolving an apparent contradiction. Hughes seems to have been uncertain as to where he "belonged"; although the respect that surrounded him grew to be universal, he found scarcely anyone with whom he could feel comfortably relaxed and comfortable. The first wealthy people he encountered were a group of highly assimilated Jewish families—one of them named Cardozo—and throughout his life he enjoyed a special affinity with this milieu. In a period of ferocious social anti-Semitism, he had no truck with such an attitude. Of all the famous men whom he had known and of whom I heard him speak, Brandeis was the one he recalled with the strongest emotion. "Brandeis," he would say, characteristically putting the emphasis on integrity, "is a rock."

Of the others with whom he served on the Supreme Court, Holmes was the most eminent. But Holmes was a generation older than he, and although they shared little jokes on the bench, Hughes apparently never got over his awe of a man who had risen to the rank of captain in the Civil War. "(Hughes) once whispered to him that he should retire, and Brandeis was naturally the associate who aided him in it.

Holmes, Brandeis, Cardozo—these are the names that keep recurring in his *Autobiographical Notes* as they did in his conversation. They were the men whom he admired and whom in his self-contained fashion he counted as his friends. But he could not be quite as they were. Despite his advanced and courageous stands on civil liberties—his championship in 1905 of Socialist legislation and denial of their seats, and in 1913 of a pacifist denied citizenship—he remained "to the right of the trio that ranked in Hughes family lore as the supreme pantheon of the legal profession. He was more cautious than they—for all the majority of his bearing, less self-assured. Here lies another riddle. We may approach it indirectly through the apparent detour of domestic tragedy.

In the spring of 1920 Hughes's oldest daughter and the second of his four children died at the age of twenty-eight. Her loss left him, as he says in the strongest single passage within months of when this photograph was taken in 1916.
Hughes (continued)

nether world of his own emotions. He who had seemed invulnerable had known despair. From the ordeal he came out stronger than before. Gone were his periodic crises of “nerves” and self-doubt. He had lived nearly sixty years a life of success piled on success — but one whose psychic underpinnings sometimes shook in a storm. Now that he had experienced the full measure of grief it was as though his emotional make-up held no further surprises for him: he had gained intimate acquaintance with his capacities and his weaknesses alike, and he began to act accordingly.

Human disaster hit too late to alter the style and the work habits of a lifetime. Hughes still could not manage to bring into full incarnation the impulsive Welshman that had hovered so long just below the surface of his Anglo-Saxon manners. Yet at an advanced age the memory of the Wales he had visited as a boy returned to him when he saw, with tears swelling in his eyes, the film of How Green Was My Valley.

He suspected that in public speaking, like his Uncle John, whom he had met back in the “old country,” he too possessed the “mysterious power of the Celtic temperament” that the Welsh call hwyl. To me visiting him evening after evening in the utter loneliness of bereavement after my grandmother died he looked very Welsh — with the massive head of a mortally wounded old lion, staring off without flinching toward his own end.

Hughes was of a special variety of American self-made men which now seems virtually extinct. Reared without money in an educated household, he early acquired the accent and the “breeding” that smoothed his translation to an infinitely higher sphere and gave it the appearance of effortlessness. He could pass for a patrician even though he himself would have been the first to declare that he was nothing of the kind. Deep down, however, his ascent into the Wasp establishment seems to have taken a great deal out of him. And in two senses: first, in leading him to curb, at least in public, what was volcanic in his own nature; second, in provoking doubt, mostly unconscious, about whether he might not still remain an outsider who was constantly required to prove himself and, along with this, the practice of driving himself to the verge of psychic collapse.

No wonder, then, that a certain conventionality of thought and more particularly of expression undercut his intellectual brilliance — it was the necessary form his self-protection assumed. Like so many other men who have taken a great leap in one generation, he simply assumed the economic system which had made this possible; like other reformers of his generation, he was concerned rather with correcting the abuses of a business society than with questioning its fundamentals. As Zechariah Chafee, Jr., pointedly observed, Hughes "had a powerful rather than an extraordinary mind." Few American leaders of the twentieth century have elevated public service as he did; few stand in such need of a nuanced re-creation of an emotional life that for the most part has gone unrecorded.

New Publication (continued from page one)

have served as Editors of the Yearbook for the past few years, are the following: Stanley N. Kratz of the Institute for Advanced Study at Princeton, and an editor of the Oliver Wendell Holmes Devise History of the Supreme Court; Maeva Marcus, Editor of the Society’s Documentary History Project and a member of the faculty of the Georgetown University Law Center; Merlo Pusey, author of the Pulitzer Prize winning biography of Charles Evans Hughes, and for many years, Chairman of the Society’s Publication Committee; Mary K. Bonsteel Tachau, a professor of history at the University of Louisville, and noted scholar on the early federal period; and, William M. Wiseck, a professor of history and law at the University of Missouri-Columbia, and author of several books on the Constitution. Gary J. Aichele, the Society’s Executive Director, will serve the Board as Managing Editor. Members interested in contributing or recommending articles for the 1984 edition are encouraged to contact the Managing Editor or any member of the Board for further information.

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