

WILLIAM HOWARD TAFT AND CHARLES EVANS HUGHES

THE TRAVAILS AND CONTRADICTIONS OF PROGRESSIVISM WITHIN THE LAW, 1908-41
AN ICH SEMINAR

FEBRUARY 9, 23, MARCH 9, 23, 2018

Jonathan Lurie, Professor of History Emeritus, Rutgers University-Newark

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Between them, Taft and Hughes served as Governor (H), Governor General (T); Circuit Court Judge (T), Secretary of War (T), President (T), Supreme Court Justice (H), Nominee for the Presidency (H), Secretary of State (H), Chief Justice (T), Chief Justice (H), and this list is not complete. It indicates, however, the impressive scope of their accomplishments. In 1916, Taft had called himself a “progressive Conservative,” while in 1935, the Taft’s biographer noted of his successor that as Chief Justice, Hughes had “ruled against capital, against labor, against the farmer and for the farmer, against Congress and for Congress, against the president and for him.” Hughes’ biographer described him as “an old fashioned progressive.” Alpheus Thomas Mason wrote that “Hughes’s mind was singularly devoid of ideological content or commitment.” How had progressivism been transformed during their careers? To what extent were both jurists “independent of rigid ideology?” This seminar seeks to explore these questions through books, articles, and discussion.

The seminar will be held at the New-York Historical Society, 170 Central Park West, New York City, from 2-5 p.m. on the following Fridays: February 9, 23 and March 9, 23. Readings are in two books:

Jonathan Lurie, *William Howard Taft: The Travails of a Progressive Conservative* (Cambridge University Press, 2012)

James Simon, *FDR and Chief Justice Hughes: The President, the Supreme Court, and the Epic Battle Over the New Deal* (Simon & Schuster, 2012)

And materials reproduced below or, in the case of one article available free on-line:

Matthew C. Waxman, “The Power to Wage War Successfully,” *Columbia Law Review* 117 (2017): 613-686 (omit Parts II.A and III)

Pdf: <http://columbialawreview.org/wp-content/uploads/2017/04/Waxman-M..pdf>

Html: <http://columbialawreview.org/content/the-power-to-wage-war-successfully/>

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