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Chief Justice Taft: Presidency Okay, Supreme Court
Heavenly

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William Howard Taft, the only man to serve as President of the United States and Chief Justice of the Supreme Court, once observed that the Court was his idea of what Heaven must be like. This prompted Justice Felix Frankfurter to declare that "he had a very different notion of heaven than any I know anything about."

Taft reached "heaven" in 1920 when President Warren G. Harding appointed him to be Chief Justice of the Supreme Court. Harding asked Taft whether he "would accept a position on the Supreme Court." Taft said he would accept only the Chief Justiceship. Soon after that conversation, Chief Justice Edward White died and Harding nominated Taft, who was quickly confirmed by the U.S. Senate.

It is difficult to understand Taft, the 27th President, without recognizing his consuming ambition to become Chief Justice—not merely one of eight Associate Justices of the Supreme Court, but the Chief Justice—and his reverence for the law and the American judicial system. Taft's single-minded pursuit of the Chief Justiceship shaped his decisions and long career in public affairs.

Taft longed to be a distinguished jurist, in the mode of his hero, Chief Justice John Marshall. Taft once said that "he would rather have been Marshall than any other American. Marshall is the greatest jurist

America has ever produced." Toward that goal Taft, in 1892, accepted an appointment to serve on the U.S. Court of Appeals for the Sixth Circuit. His wife, Helen, was unhappy; she wanted him to take jobs leading to the White House.

In the interest of marital harmony, and in pursuit of his own dreams, Taft resigned from the circuit court in 1900 when President William McKinley asked him to become chairman of the second Philippine Commission and the first civilian governor of the Philippines with the task of organizing civil government after the Spanish-American War. McKinley assured Taft that he would appoint him to the Supreme Court, but he was assassinated before he could fulfill his promise. His successor, Theodore Roosevelt, so admired Taft that he offered to nominate him to the Court on three separate occasions. Taft declined each time, stating that he wanted to become Chief Justice. While Taft waited for Chief Justice Melville Fuller to retire or die, Roosevelt announced his decision not to run for reelection after 1908. Roosevelt threw his full weight behind Taft, who easily defeated Democratic nominee, William Jennings Bryan in the general election.

Taft was not particularly interested in serving as president. Indeed, his single presidential term was a frustrating and unrewarding experience, symptoms, perhaps, of his desire for another high office. Taft may well be the only president in our history who, while in office, coveted another position. His eyes remained squarely on the Chief Justiceship.

Taft's proudest moments as a one-term president involved his efforts to shape the judiciary. With the possible exception of Franklin D. Roosevelt, Taft devoted more attention to the judiciary than any other president. As a former Solicitor General and circuit judge, Taft was keenly aware of the importance of

judicial appointments. Like FDR, who dealt with a Court dominated by aged Justices, Taft, too, felt the need for changes in the geriatric Fuller Court. "The condition of the Supreme Court is pitiable," Taft wrote after his election, "and yet those old fools hold on with a tenacity that is most discouraging."

Taft had the chance to virtually remake the Court, which he proceeded to do with six Supreme Court appointments, more than any other one-term president in American history. Leading lawyers in his time toasted Taft's "rehabilitation" of the Court. Yet, Taft's joy in remaking the High Court was undercut by his own unfulfilled ambition to become Chief Justice. When he named a new Chief Justice to succeed Melvin Fuller, he shared his regret that "the one place in the government which I would have liked to fill myself I am forced to give to another."

Taft's absorbing interest in the Chief Justiceship influenced his choice in nominating Edward White, rather than Charles Evans Hughes, to become Chief. Taft was an ardent Republican, as was Hughes, but White was a Democrat. White was a dozen years older than Taft and 17 years older than the widely respected Hughes. Why, then, did Taft choose a much older and ideologically incompatible jurist in White over Hughes, for whom he had great admiration?

Simply put, as a strategic matter, Taft believed that with the passage of time, he might be able to succeed White as Chief Justice. Taft's bet—his focus on actuarial factors—proved successful. Upon White's death in 1920, Taft replaced the very man whom he had nominated to the Court a decade before. Taft, finally, was Chief Justice of the Supreme Court.

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