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Charles Evans Hughes: Appointed Twice to the
Supreme Court

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Charles Evans Hughes, one of the great names in America's judicial history, remains the only person twice appointed to the U.S. Supreme Court. His remarkable resume—lawyer, governor, Secretary of State, presidential candidate, Associate Justice, Chief Justice, judge on the Permanent Court of International Justice—reflected a record of contributions to American government and law rivaled by few in our nation's history.

In 1910, President William Howard Taft nominated Hughes to the Supreme Court. In a letter to Hughes, Taft indicated that he would elevate him to Chief Justice, if that position became available. The vacancy occurred just two months later, when Melvin Fuller died, but Taft did not name Hughes to the post. Taft said that he had given "prayerful consideration" to the choice but was persuaded that Hughes was young and could wait for the chief justiceship.

Although some, for reasons of ideological differences, opposed his appointment to the Court, Hughes boasted accomplishments and credentials that plumbed the depths of his life. Hughes's parents glimpsed his towering intellect at an early age. He began reading when he was three years old. Empowered by a photographic memory, Hughes recited from the classics by the age of nine. His precociousness precluded proper

placement in schools and so his devoted parents educated him at home.

Hughes's parents instilled in him the lesson to "be thorough in all you undertake." And so he was. He excelled at Colgate, which he entered when he was 14, then transferred to Brown University and then finished first in his class at Columbia Law School. He earned the highest possible score on the New York State Bar Examination.

Hughes's career was marked by thoroughness. As a partner in the distinguished New York firm of Carter and Cravath, Hughes mastered German and the intricacies of the sugar beet industry in one case so that he could cross-examine German engineers about the breakdowns in the operation of a sugar beet factory designed in Germany. His prodigious memory became legendary. While sitting on the Supreme Court, his law clerks said that he "read a paragraph at a glance, a treatise in the evening, a roomful of papers in a week."

Hughes's skills brought a flood of opportunities. In 1905, he accepted appointment as counsel to a New York legislative committee investigating the gas and electric utilities. His calm, but relentless style, coupled with a great capacity to quickly digest huge amounts of information, facilitated his discovery of substantial overcharges by the companies. Soon after, he accepted appointment to investigate the insurance companies, which earned plaudits from state leaders and newspapers and earned national attention. He was asked to be a candidate in the New York mayor's race but declined. When the Republican Party asked him to run for the governorship in 1906, he accepted and won.

Governor Hughes was praised for his independence. In step with the Progressive Era, he launched various investigations into corrupt activities and organizations, including racetrack gambling, advocated

for a system of direct primaries and established a pioneering Public Service Commission. Hughes was the talk of the state, and the nation, and was being courted to run for the presidency. But he resigned the governorship in 1910 to accept Taft's nomination for the Supreme Court.

Justice Hughes's first stint on the Court, from 1910-1916, reflected his penchant for deep research, efficiency and problem-solving. His opinions spoke to the expansive powers of the federal and state governments to promote the general welfare and protect civil rights and liberties. Although he enjoyed his work on the Court, he was drawn to the possibility of the serving the nation as president. Accordingly, he resigned his seat on the Court to run against incumbent President Woodrow Wilson in the 1916 election.

Hughes accepted a draft from both the Republican and Progressive parties, but he was unable to convince the electorate to abandon Wilson, who had enjoyed domestic success and could campaign on the theme that he had kept America out of the war. Hughes lost, but the race was close. A shift of some 2,000 votes in California would have elected Hughes.

Hughes had no reason to expect another appointment to the Supreme Court, of course, although he certainly enjoyed lofty status as a national political figure and leader of the Bar. He was, moreover, a widely admired and respected jurist. He could not have known, at that juncture, that all the work he was about to undertake—in New York, across America, and throughout the world—would represent a powerful addition to an already impressive resume, which would put him line for the Chief Justiceship. We turn next week to Hughes's remarkable achievements from 1916-1930 which, on the eve of the opportunity to become Chief Justice made him, in the words of President Herbert Hoover, "the obvious appointment."

