CONTENTS

Acknowledgments    vii
Introduction        1
1. The Rejected President  5
2. “War Is a Dreadful Thing”  28
4. The Election of 1916 and American Entry into the War  73
5. From the Fourteen Points to the 1918 Election  95
6. The League or the Party  116
7. Taft and the Treaty Defeated  136
8. Ambition Achieved: Chief Justice Taft  155
Notes                175
A Note on Sources    195
Index                199

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Lewis L. Gould
Monmouth, Illinois
January 2014
CHIEF EXECUTIVE TO
CHIEF JUSTICE
INTRODUCTION

William Howard Taft is the only American politician to have been both president of the United States and chief justice of the United States. That special distinction, while often noted, has not resulted in much sustained biographical attention to Taft’s long public career. The standard two-volume biography of him, written by Henry F. Pringle and published in 1939, has withstood subsequent attempts to replace it. Yet the Pringle book has many limitations, and obscures rather than illuminates its subject’s historical significance. In 2011 Jonathan Lurie published the first of a two-volume biography covering Taft’s life up to 1921, with a second projected volume to deal with the Supreme Court. At 232 pages, however, Lurie’s account does not delve in great depth into any specific phase of Taft’s career during the period he covers.

Taft’s presidency has attracted more attention. Two books in the 1970s examined his time in the White House. Donald F. Anderson used the president’s personal papers and the perspective of a political scientist to provide “an in-depth study of one conservative’s exercise of political power.” Paolo Coletta’s The Presidency of William Howard Taft treated Taft as a political failure between the presidencies of Theodore Roosevelt and Woodrow Wilson. In William Howard Taft: An Intimate History, Judith Icke Anderson focused on Taft’s weight and his relationship with his wife Helen Herron Taft to explain his difficult years in the White House.
I tried for a more analytic interpretation within the context of Republican and national politics in a book on Taft’s presidency.6 Constitutional and legal scholars have devoted a great deal of time and energy to understanding Taft’s tenure on the Supreme Court after 1921. Allen E. Ragan’s Chief Justice Taft was an older survey of his leadership of the court.7 A quarter of a century later Alpheus T. Mason provided what has become the standard work on Taft as chief justice.8 Other books have looked at particular aspects of Taft and his court.9

As this review of the literature on Taft indicates, the eight years that he spent out of office and in private life have attracted little attention from his historians and biographers. Scholars note that he taught law and constitutional history at Yale University, opposed the nomination of Louis D. Brandeis to the Supreme Court in 1916, served on the National War Labor Board during World War I, was identified with the League to Enforce Peace and the fight for the League of Nations, and made up his differences with Theodore Roosevelt in 1917–1918. These cursory observations have exhausted historical interest in what might be called Taft’s years in the political wilderness.

Finding Taft an intriguing and complex historical figure as president, I decided to explore what those eight years were like for the former chief executive. This book is the result of that endeavor. I discovered that from 1913 to 1921 Taft was involved in more causes and issues than previous writers had realized. There was an abundance of information about his work as president of the American Bar Association from 1913 to 1914. His service on the Commission to create the Lincoln Memorial revealed new information regarding that iconic part of monumental Washington. Taft was also immersed in the organization and service of the American Red Cross through his friend Mabel Boardman. In his relations with Woodrow Wilson and the Democratic administration, Taft became a persistent and sometimes strident critic of the government’s policy toward the Philippine Islands.

These concerns meshed with the issues that have received more scrutiny about Taft. A major theme of this book is his interaction
with Woodrow Wilson, in which Taft often supported the president in public while detesting him in private. Their ambivalent relationship had a significant impact on the battle over the League of Nations in 1919–1920. As a friend of the proposed league, Taft sought to promote American entry into an international organization while at the same time preserving his credentials within the Republican Party. The opposition of the Grand Old Party to anything identified with Wilson made Taft’s task in this area complex and in the end frustrating.

Finally there was Theodore Roosevelt. For the first half of Taft’s transitional eight years, he waged an intense effort within the Republican Party to marginalize his former friend and benefactor. Defeating Wilson was a goal they shared, but Taft did not want Roosevelt to regain a place of authority and power within the GOP just to oust Wilson from the White House. Once the United States entered World War I in April 1917, the common animus drew the one-time adversaries back into an awkward marriage of political convenience. By late 1918 it was “Will” and “Theodore” once again but that was largely a facade. Mistrust and doubt governed their collaboration.

Above all, Taft sought during this period to keep his options open to achieve his lifelong goal of becoming chief justice of the United States. The narrative illustrates how that ambition shaped his actions on all of these issues. While Taft’s expediency and opportunism do not show him in the most positive light, he did accomplish what his heart had so long desired. In July 1921, his ambition was achieved and he reached his long-sought goal. A man often derided for his lack of political acumen made his way through the hazards of Republican affairs with some adroitness to gain his objective.

This account of Taft’s journey from the White House to the Supreme Court thus fills a large gap in the life of an important American politician and jurist. It also discloses how intricate and complicated public affairs had become during the era of World War I and its aftermath. The clichés about Taft’s weight, his maladroitness in the White House, and his conservatism of thought and doctrine have an element of truth, but they fail to do justice to a
shrewd commentator on the political scene, a man of consummate ambition, and a resourceful practitioner of the internal politics of his party. I hope this study of Taft out of office will contribute to a better understanding of the society through which he moved to gain the ultimate prize he had so long coveted.
On 4 March 1913, Will and Helen Taft slipped out of Washington, D.C., as the bands played and the crowds cheered for the inauguration of Woodrow Wilson as the twenty-eighth president. Four years earlier the Tafts had ridden together on a cold, snow-covered day from the Capitol to the White House to begin a presidency. Now, after a crushing defeat at the hands of Wilson and third-party candidate Theodore Roosevelt in November 1912, former president Taft was leaving for a vacation in the warm and friendly climes of Augusta, Georgia.

They went into a post-presidency that had none of the trappings that modern chief executives take with them upon leaving office. Taft simply became a private citizen again. There were no Secret Service agents to protect him, no pension to support his lifestyle, no government office where he might carry on whatever work he chose to pursue. All the splendor of the highest office in the land vanished at noon on 4 March 1913, and he now had to fend for himself in an uncertain political future. He had prestige, talent as a lawyer, and the goodwill of the American people, but that was all.

Taft believed that his political life was over. The Republicans would never nominate him for the presidency again. His most passionate desire to be chief justice of the United States also seemed remote, if not impossible. Woodrow Wilson would be president for four years, and had a good chance to serve eight. Taft would be
sixty-three by 1921 and approaching the age when he would be too old to be named to the high court.

At the age of fifty-five, Taft needed a new career. Practicing law seemed a likely alternative, but questions at once arose in his mind. He had appointed so many judges to the federal bench, including five to the Supreme Court, that conflict of interest issues would occur when he appeared in courtrooms at all levels. He and Helen had saved money during their four years in the presidency, but the resulting income was far from enough to live on. What could he do that was both appropriate for a former president and profitable enough to sustain his lifestyle?

At the end of 1912, a suitable answer emerged. He received an invitation to teach at Yale University, his alma mater, as the Kent Professor of Law in Yale College. The position seemed ideal. With its flexible hours and light teaching duties, the professorship would enable him to make money as a public lecturer without seeming to be a professional orator or political operative. “I am coming back to Yale,” he told the student newspaper in a letter of late February 1913. He intended to help young men “appreciate the Constitution of the United States, under which we have enjoyed so many blessings and under which we must work out our political and economic salvation.”

Before he took up his duties at Yale, Taft spent a month in Georgia recuperating from the rigors of his presidency and the sting of his defeat. When the couple reached Augusta on March 5, a large crowd of flag-waving school children, local military school cadets, and adult well-wishers greeted them at the train station. The now former president shook hands with many of the children and told the throng “that he was glad to get back to Augusta and more.” He said to reporters that he expected to have “a quiet stay” and declined “to talk politics.” On that note, eight years of Taft’s post-presidency commenced.

Until his crushing defeat at the hands of Wilson and Roosevelt, William Howard Taft’s public career had been a string of political and personal successes. He had first been a local judge in his native Cincinnati, where he had been born in 1857. After attending Yale
Taft Leaves Office. William Howard Taft and the new president, Woodrow Wilson, posed for photographers on Inauguration Day, 4 March 1913. Taft was ready to lay down the burdens of office.

(Library of Congress)
College and graduating in 1878, he had earned a law degree at the Cincinnati Law School and then become active in local politics. He served a brief term as collector of internal revenue and received an appointment as a judge of the Ohio Superior Court from Governor Joseph B. Foraker. He won his only election before the presidency in 1888 as an incumbent on the bench. "Like every well-connected Ohio man," Taft said of this phase of his life, "I always had my plate right side up when offices were falling."

The offices came to him not just as an Ohio man, but soon as a rising national figure. President Benjamin Harrison nominated him as solicitor general in early 1890, and he made a good showing in the cases he argued before the United States Supreme Court. During these years, Taft and his wife Helen Herron Taft, whom he had married in 1886, became friendly with another ambitious Republican, Theodore Roosevelt. In 1892, the president named Taft to the Federal Court of Appeals for the Sixth District, a post he occupied for the next eight years. He often ruled against labor unions in the turbulence of the 1890s, but he did not worry about any electoral impact of his decisions. His hope was that the administration of William McKinley might in the near future elevate him to the United States Supreme Court.

A call came from the McKinley White House in early 1900 but not for a seat on the high court. Instead, the president asked Taft to serve on the Philippine Commission that he had charged with framing a civil government for the islands acquired from Spain after the war of 1898. Helen "Nellie" Taft wanted her husband to take the new post as a possible stepping-stone to the White House. She had visited the presidential mansion during the administration of Rutherford B. Hayes and hoped to return one day as first lady. Will Taft saw it as his duty to carry out the president’s assignment, with the understanding that McKinley would take care of him as far as the Supreme Court was concerned.

Taft’s four-year tenure in the Philippines made him a national political figure. His skill as an administrator and his rapport with the people of the archipelago helped make civil government a success, first for McKinley and soon for Theodore Roosevelt. In 1904,
Roosevelt invited him to return home and become secretary of war, succeeding Elihu Root. Taft and Roosevelt forged a close working partnership that in time led the president to see his friend as the logical Republican nominee in 1908. Had the position of chief justice of the United States become vacant during those years, Taft would have preferred that to a race for the presidency. No such vacancy occurred, and Taft declined two of Roosevelt’s offers to go on the Court as an associate justice. Helen Taft, suspicious of Roosevelt’s motives, urged her husband to remain eligible for the White House. She had ambitions to make Washington the social center of the nation, a goal that only a first lady could pursue.

By the time the 1908 race for the Republican nomination began, Taft had emerged as President Roosevelt’s designated choice. With the backing of the administration and his own popularity within the party, Taft gained a first-ballot selection when the national convention met in Chicago in June 1908. He proved a more skilled campaigner than Republican professionals had anticipated. Roosevelt’s public endorsement also helped Taft achieve a decisive success over the Democratic nominee, William Jennings Bryan, in November 1908.

From that moment of triumph, Taft’s political fortunes, once so powerfully in his favor, experienced a downward turn. His friendship with Roosevelt frayed even before Taft’s inauguration on 4 March 1909. In the presidency, Taft encountered a variety of setbacks and difficulties, as his judicial temperament made him a mundane contrast to the charisma and excitement of Roosevelt. Political troubles with the Payne-Aldrich Tariff of 1909 and the Ballinger-Pinchot controversy over conservation in 1909–1910 established the perception of ineptitude that Taft never overcame. Roosevelt had gone to Africa right after leaving the White House. Upon his return in June 1910, the awkwardness between the two men degenerated first into dislike, and then into outright opposition on Roosevelt’s part in 1912.

The bitter campaign that Taft and Roosevelt waged for the Republican nomination in 1912 produced a lasting rupture. In the end, Taft’s superior mastery of the delegate selection process carried
him to a renomination. An angry Roosevelt, convinced that the nomination had been stolen, bolted and formed a third party. Meanwhile, the Democrats nominated Woodrow Wilson. With the Republicans split between the regulars who stood with Taft and the dissidents who joined Roosevelt’s Progressive Party, Wilson cruised to an overwhelming electoral college blowout.

Taft carried only two states and ran a poor third to Roosevelt. Few presidents have been more rejected than William Howard Taft was in November 1912. The outgoing president took his defeat in good part, but the repudiation of his career left permanent scars, no matter how gracefully he denied the sting of the people’s verdict.

The Tafts spent a month in Georgia in a relaxed mode that Will Taft had not enjoyed since he entered public service during the mid-1880s. It was, he told his doctor, “twenty-five days of almost unalloyed sweetness.” By early April constant rounds of golf, the warm weather, and the absence of official cares had left Taft, in the words of one reporter, with “his cheeks ruddy with health and tanned by exposure to the Southern sun, eyes sparkling, and the same old cheery smile.” 4 He told his doctor that “I am glad to say that Mrs. Taft seems to have profited by her stay at Augusta as much as I did.” 5

Both Tafts needed the rest they achieved. Four years in the presidency and general neglect of his health during decades of government service had left Taft in weakened condition. Even by the generous standards of his overall heft, he had gotten very fat as president. He now weighed in the neighborhood of 350 pounds, and his blood pressure had soared to dangerous levels. For many years he had disregarded the state of his teeth. While he was not yet in a serious physical crisis, Taft had good reason to be concerned about the medical trends he was experiencing.

The presidency years had also left Helen Taft in impaired health. She experienced two strokes during the White House years. The first and more serious event left her with impaired speech in May 1909. Another stroke in the spring of 1911 slowed her recuperation. Although she had played a constructive part in bringing classical music artists to Washington over the preceding four years, the
exertions of being first lady had slowed her recovery from her illness. She now needed an extended rest and a chance to regain her physical stamina.6

On 1 April 1913 a large crowd greeted Helen and Will Taft at the New Haven train station. Two thousand undergraduates serenaded the couple as they made their way to the campus. In remarks at Willacy Hall, Taft said, “I cherish the opportunity of bringing all the little help I can to the young men now going out in life to become the leaders of thought in the Nation.” He hoped to contribute “to the influence and expansion of the Yale spirit.”7

While they looked for a house to rent in New Haven, the former president set up an office and residence on the sixth floor of the nearby Hotel Taft. Named for his brother Horace, the Hotel Taft had just opened in 1911, and provided ample office space for the former president on one floor. His working staff consisted of a single secretary, Wendell Mischler, who had been with Taft since his days in the War Department. Forty-two years old and a native of Ohio, Mischler handled Taft’s correspondence, booked his lectures around the country, and managed his professional finances. Taft attested to his dependence on Mischler’s hard work when he inscribed a photograph of himself to “my dear friend and indispensable co-worker, a model in accuracy, patience, foresight and loyalty, and without whose aid I could not do half the work I do.”8

As a kind of advance agent in residence for the former president, Mischler pushed hard for the maximum returns for his boss. In the spring of 1913, Mischler told Taft about a proposed payment for reprinting some of his lectures in the North American Review. “I do not like the honorarium which he offers you—$1000 for eight lectures.” Not everyone agreed with Mischler “as to the lucubrations of an ex-President,” Taft told his brother Charles, “but still it is great insurance to have at hand an associate who is not restrained by modesty from claiming enough for his principal.”9

Over the course of his vacation and the initial months in New Haven, Taft addressed his weight for the first time in more than a decade: he had last consulted a doctor prior to his presidential bid.10 He commenced an informal diet that cut back on the huge portions
he had been devouring. Fruits and vegetables assumed a larger place in his luncheon menu. As the days passed, the excess poundage receded toward the three-hundred-pound mark. By mid-May he had shed almost thirty pounds. The loss showed up in looser fitting clothes, and he had to rework his wardrobe. Nellie now anticipated “considerable cost in the altering of my clothes, and while on pleasure and beauty she is bent, she has a frugal mind.”

By the time Taft arrived in New Haven, it was too late in the academic year for him to offer a class. Instead, he prepared eight public lectures on the theme “Questions of Modern Government” that he delivered twice a week during May 1913. The press followed these talks with brief summaries of their content. The former president inveighed against what he regarded as the excesses of progressive reform and the nostrums Theodore Roosevelt had advanced during the preceding year. In his third lecture on 9 May, he likened the progressive proposals of the initiative and referendum to “legislation during the French Revolution—the work of political cranks and directly contrary to the spirit of the Constitution.” In the next talk he denounced the recall as “a hair trigger to the bottom of politics.”

In the reading he did to prepare his lectures, Taft encountered the work of Charles A. Beard and his book *An Economic Interpretation of the Constitution of the United States* (1913). Beard’s findings about the economic interests of the framers of the Constitution irritated the president. “Could lunacy go further?” a vexed Taft wrote to Elihu Root. “I suppose he [Beard] thinks it would have been better if he could have demonstrated that the members of the Constitutional Convention were not men of substance but were dead bodies, out-of-the-elbows demagogues, and cranks who never had any money and representatives of the purlieus of the population.”

Throughout the first phase of his post-presidency, Taft avoided any public comments on the performance of his successor. Woodrow Wilson had begun with dramatic events in his first weeks. His in-person address to Congress about what would become the Underwood Tariff broke more than a century of precedent. Then the
Democratic Congress tackled revision of the tariff, a process that Taft had found so difficult in 1909. Watching these events from New Haven, Taft decided not to offer any newspaper reactions to what the White House was doing. “If they are getting off on the right foot and will be successful, all right; if not, let them stew in their own juice.” He told his close friend Mabel Boardman, the leader of the Red Cross, that “I have gotten fully used to reading the papers without my name in them, and it is not an unpleasant change.”

Taft had often procrastinated during his White House years in ways that left him scrambling to write speeches and prepare state papers at the last minute. In his new situation, free from the rigors of office, he worked on a more sustained and productive basis. Lectures, articles, and speeches on legal matters now engaged his revived energies, and he accomplished a prodigious amount of writing before he left for his regular vacation at Murray Bay, Canada, toward the end of June. He had missed the relaxation he found in the Canadian climate when he observed the existing custom and did not leave the boundaries of the United States as a sitting president.

Though he talked of a low profile, Taft took on a number of policy commitments and at least one long-running challenge to President Wilson’s policies in this first year. Republicans in New Haven had been working for some time to secure a new post office building. They had obtained a $450,000 appropriation for the structure before Taft left office. In the autumn of 1913, a question arose over what kind of material, granite or marble, would be used in the construction of the building. Taft’s lobbying with the Wilson administration persuaded Secretary of the Treasury William G. McAdoo to use the Tennessee marble that Taft wanted rather than the less expensive granite originally proposed. A similar issue on a more national scale involved the building of the memorial to Abraham Lincoln in Washington, D.C., that had been authorized during the Taft administration. Congress had created a commission, with Taft as its chair, to supervise the planning and then the construction of a suitable memorial to the martyred president. By the time Taft left office, he and his colleagues had selected architect Henry Bacon to
design the structure and had chosen the site in Washington where the memorial would rise. Democrats in Congress looked with some skepticism at Republican efforts to memorialize the greatest hero of the Grand Old Party. There was even a resolution in Congress, sponsored by William Borland, a Missouri Democrat, to replace Taft and the other Republicans on the bipartisan commission with Democrats. When the press asked Taft about that proposal, he responded: “I suppose I might stand the loss. It wasn’t much when they took the Presidency away, but I tell you if they do likewise with this job it will hurt.”

The next phase of the process of constructing the memorial, like the New Haven post office, was to select the material that would comprise the structure itself. While the commission would make a recommendation, the ultimate decision rested with Lindley M. Garrison, the new secretary of war, who had the authority to sign contracts and supervise the construction. Henry Bacon wanted to use a marble that came from the west, Colorado-Yule white marble, quarried by the George A. Fuller Company. Other bidders from the South challenged the value of the Colorado-Yule product and raised doubts about the fairness of the process by which the Fuller firm had been selected. Impressed with the protests from Democratic lawmakers on behalf of Georgia marble, Secretary Garrison asserted his authority over the selection process that had produced the Colorado-Yule decision. The delays that Garrison’s actions introduced into the work of the commission irritated Taft. He called the secretary “an agreeable man, full of professions of liberality and independence,” but someone who was “not a heavy weight, judging by his construction of the statute.”

The controversy over the marble continued into early 1914 before Garrison yielded and accepted the verdict of the commission about the Colorado-Yule marble. Work on the memorial then proceeded during the rest of Wilson’s first term. Taft resented what he regarded as an unnecessary delay in moving the Lincoln Memorial forward. The episode aroused suspicions in his mind about Garrison as an administrator, and these spilled over into a more substantive policy area, the attitude of the White House and the
Democrats toward continued American rule in the Philippine Islands. As a result, in 1913 Taft began a personal campaign to frustrate Democratic attempts to frame eventual independence for the archipelago.

The Democratic platform in 1912 denounced the acquisition of the Philippines as an “inexcusable blunder which has involved us in enormous expense.” Instead, the party advocated “an immediate declaration of the nation’s purpose to recognize the independence of the Philippine Islands as soon as a stable government can be established” with the United States to guarantee independence and retain “coaling stations and naval bases.” Taft and the Republicans noted the hedged nature of the Democratic pledge and the vague timetable for eventual independence.18

What the Democrats were proposing to the Philippines seemed to Taft misleading and unworkable. While he regarded the Filipino people with affection and a certain degree of respect, he did not believe that they would be capable of self-government for many years. His sense of when they might be prepared to take control of their own destiny was so vague that it lacked any specific content. The Filipino people, he wrote in October 1913, were a “great mass of ignorance” and thus he concluded that no “foundations for self-government, let alone independence, are yet present in the Philippines.”19

The Wilson administration did not, however, share Taft’s view of the Philippine situation. The president decided to appoint a governor general for the islands who would accelerate the process of turning affairs over to native politicians. In so doing, they selected a man whose appointment outraged Taft and the supporters of his views about the Philippines. Francis Burton Harrison had served five terms in the House of Representatives, from New York. In 1910 he had criticized then-President Taft over his handling of the Ballinger-Pinchot controversy. Taft had refused to see Harrison when he came to the White House. Added to the personal bad blood between the two men was Taft’s perception that Harrison had remarried in haste after the death of his wealthy wife in 1905. In private letters, Taft called Harrison “an opportunist” who was
“political to the ends of his fingers.” If Taft had needed any further reason to oppose Wilson on the Philippines, the Harrison selection provided ample motivation.20

While claiming that he was not in partisan politics, Taft soon found opportunities to assail the Philippine policy of the new administration. On 10 June he addressed the Philippine Society in New York as did the Philippine delegate to Congress, Manuel Quezon. Both men quoted President Wilson to suit their own arguments, but Taft maintained that if granted independence “the freedom and liberty would not be preserved for all the people” of the islands “as we are preserving it now.”21

Taft believed that the Wilson administration was deceiving itself and the people of the Philippines. In private, Democratic officials told him that they did not intend to provide independence in the way that the Filipinos expected but, in the words of Secretary of War Garrison, “they must do something.” When Francis Harrison arrived in the islands, he told his audiences, “Every step we take will be taken with a view to the ultimate independence of the Islands and as a preparation for that independence.” To Taft, Harrison’s assertions were “improvident steps” designed to mislead the Filipinos about the ultimate purpose of the government in Washington. In an article and then in a speech in Brooklyn in November 1913, he reiterated his case for staying in the Philippines and avoiding making promises of independence that could not be fulfilled.22

Taft may have thought that his criticism of the new administration and its Philippine policy was meant in a constructive spirit. Yet he seemed to go out of his way to needle the occupant of the White House. In December 1913 the Military Order of the Carabao, a group of army officers serving and retired who had been in the Philippines, held its annual banquet. Featured were satirical attacks on the policy of the White House toward the islands. An offended president was reported to be “much incensed at the conduct of old and prominent officers in ridiculing the Administration’s policies” and he asked the secretaries of the War Department and the Navy Department for an investigation.23

Taft waded into the controversy at a dinner in honor of William
Francis Burton Harrison. Taft was a bitter enemy of Harrison’s administration as governor general of the Philippines during the Wilson presidency. (Library of Congress CL-DIG-ggbain-14384)
Cameron Forbes, a former governor general of the Philippines under the Republicans. In his remarks, Taft indicated that the White House had overreacted in its anger at the Carabao diners. The dinner guests from the army were only reflecting previous feelings, and their songs “are not to be construed in the present attitude of the army toward the Filipino.” In fact it was the administration, he contended, that was “only reviving the feeling that existed when the army was there.”

Taft’s public opposition irritated President Wilson. He lumped the former president in with another critic of his Philippine approach, Dean C. Worcester. Wilson did not believe that these naysayers would “be able to do much damage, but it is the more important in view of what they are doing that we should handle the facts with a sense of reality and know what we are about.” There the matter rested after Wilson’s opening year in office. Taft would return to the attack in the months that followed.

Of all the activities to which he committed himself in the first year of political retirement, Taft was most devoted to the improvement of the state of the legal profession. He was intent on preserving the role of the judiciary against the recall, and to fight against what he regarded as the dangerous proposals of Theodore Roosevelt and the Progressives. In that campaign, he focused his energies on the future of the American Bar Association (ABA). The lawyers were meeting outside of the United States in Montreal, Canada, in a precedent-setting departure from their normal sessions in the United States. Taft was on the official program to give a speech on “The Selection and Tenure of Judges.” He was also committed to speak to the assembled attorneys on “the influence of legal education on sociological progress.”

For his speech on the latter topic, Taft corresponded with such legal scholars as Roscoe Pound of Harvard and Henry M. Bates of the University of Michigan about the desirability of requiring graduation from a law school as a prerequisite for admission to the bar examination. Pound contended that the profession required “a properly educated and properly trained bar,” which would have “bar examiners be brought into better relations with our best law
schools and that modern and scientific instruction in the law rather than the so-called practical instruction of the purely money-making school be furthered and not repressed by the machinery of admission to the bar.”

Taft had doubts regarding some of Pound’s innovative ideas about the way lawyers should be trained. “I don’t know quite how sound he is,” he told his nephew Will Herron, who worked in the Department of Justice, “and I cannot but feel that he is somewhat disposed, as he himself criticizes in some judges, to pedantry. However, he is so fruitful of suggestion and so full of learning that one gets much value from him.” In the area of legal education, the ideas of Pound and Taft overlapped. The former president was eager to preach to his colleagues the virtues of greater professionalism at the bar.

The ABA meeting in Montreal proved a triumph for Taft. One annual ritual was the selection of a president for the association to serve a one-year term. A prominent Georgia attorney named Peter Meldrim had been planning for some years to gain the prestige of the post. A former mayor of Savannah, he was “a standing candidate for the Presidency because he has attended the meeting every year. He was trying to set up his election by calling upon those he had pledged to vote for him in years gone by.”

A number of Taft’s friends put his name in nomination and the lawyers in the group’s executive council then voted. The first result was a tie with Meldrim. A second ballot produced a small majority for Taft and his nomination was then made unanimous. “I hope,” Taft wrote his half-brother, “that we may break up the system of pledging and buttonholing and political wirepulling, because under such a system mediocre men come to the front, and the Association is not helped.” In Taft’s mind, his victory reflected a spirit of reform within the ABA. It was not clear that he was able to do much to change the way the group worked to choose its leader in his one-year term. Two years later, however, Peter Meldrim won the prize.

In one key area a former member of Taft’s cabinet, Jacob M. Dickinson, sought to maintain an all-white membership of the association. A year earlier, three black lawyers were elected to the
association in part by accident. Dickinson then offered a resolution to direct local councils of the association to inform the larger body whenever an African American lawyer was proposed for membership. The rationale was “it has never been contemplated that members of the colored race should become members of this Association.” Dickinson’s resolution was adopted. As the 1913 meeting loomed, however, Dickinson feared that civil rights activist Morefield Storey was again going to raise the issue.\footnote{31}

Because the meeting was outside of the United States, Storey agreed not to bring up the racial question at Montreal. Instead, he accepted a proposal from a southern member to have the issue submitted to the next annual meeting. There would be briefs prepared by Storey and his opponents, and then a vote at the next gathering without any substantive discussion. However, since there was some sentiment to meet outside of the United States again in 1914, it remained unclear whether the racial composition of the ABA would be aired at all. In fact it would be decades before the group admitted black members.\footnote{32}

In addition to Taft’s election as president of the ABA, his speeches received a very positive reception. His advocacy of improved legal education attracted strong newspaper attention. All in all, he reported to his brother, “it was really a very delightful occasion.” The presence of the British jurist and politician, Lord Haldane, made for a glittering assembly of attorneys from Canada, Great Britain, and the United States. At a time when the legal profession was in disrepute in the United States, American attorneys gained from association with the Canadian bar. In his address to the final banquet, Taft observed to his Canadian hosts that “the reason why we are having such a good time here is because coming over from the United States with a somewhat shady reputation for the whole profession we have been rehabilitated by your welcome.”\footnote{33}

Upon his return from Canada, Taft began an activist term as the public leader of the American legal profession. One of his most important duties was to select lawyers for the various policy committees of the association. For Taft that meant favoring those attorneys who agreed with his ideological attitudes. The ABA’s committee on
legislative drafting included Louis D. Brandeis as one of its members. Brandeis also sat on the panel dealing “with uniform judicial procedure.” Remembering his intense battle with the Boston lawyer during the Ballinger-Pinchot controversy of 1909–1910, Taft believed that Brandeis had no place in the deliberations of key bar association panels. He removed Brandeis from both slots.34

Proponents of progressive measures that Taft disliked also had to give way. “I don’t want to be associated in the question of jurisprudence with any man that favors a recall of judicial decisions, and I find the name of William Draper Lewis on your list. I think it ought to be stricken out.” Although he was the dean of the law school at the University of Pennsylvania, Lewis had also committed the political sin of identifying with Theodore Roosevelt and serving on the resolutions committee of the Progressive Party in 1912.35

Taft’s term coincided with a major historical milestone that led to a provocative idea about where the bar association should meet in 1914. The centennial of the Treaty of Ghent, which ended the War of 1812 and launched the century of Anglo-American peace, prompted some ABA members to propose the idea of having the organization gather in London in the mid-summer of 1914. The leading proponent of a British session was James M. Beck, a conservative Republican, “who has had a good many London associations with English lawyers.” There was enough interest in the idea at first that Taft wrote to Lord Haldane. “In invading another country as we would do, we would like to know that our brothers of the profession would wish to have us.”36

While Taft waited for the English response to his proposal, opposition to the idea of another meeting outside of the United States was gathering within the ABA. It had been an innovation to assemble in Montreal, and there had been some grumbling about that session even with all of its ceremonial success. The dean of the Harvard Law School noted that if the London meeting occurred it would mean that “our British associations would seem to be growing on us apace.”37

Significant logistical problems soon emerged. Booking steamship passage for a major contingent of attorneys raised difficult questions
of cost and timing. For average members of the bar, a trip to England from the southern or western United States would involve a significant expense and, more importantly, a large amount of time away from their legal practice. Others, such as the prominent Chicago attorney and longtime Taft friend, Max Pam, warned that “it would be said by some that there is a pandering to foreign attention and English glitter.”

Negative opinions from such figures as Joseph Hodges Choate, a former ambassador in London and venerable legal figure, combined with a certain degree of coolness from Lord Haldane, made it clear that a trip to England would not work in 1914. Taft concluded that having a regular meeting in the United States represented the consensus of the association’s members. With that he turned his energies to finding a suitable city for the annual meeting.

Though some lawyers advocated a meeting in Cincinnati, Taft spoke out for Washington as the site in autumn of 1914. He sought to give the gathering a “Pan-American color” with “no people from across the water.” The chief justice of Canada would appear along with the Argentinian minister to the United States, Romulo S. Naon. Taft told Chief Justice Edward Douglass White that “I think I can count, from what I know, on strong expressions in all the addresses in favor of conservatism and constitutional government and the proper place of the courts.”

Being president of the ABA and his work on the Lincoln Memorial Commission did not exhaust Taft’s activities devoted to the national capital. Through his friendship with Mabel Boardman, the guiding spirit of the American Red Cross, the former president also took a close interest in the affairs of that charitable organization. He and Mabel Boardman had known each other for many years and had established an affectionate, platonic working relationship. They were “Mabel” and “Will” in their letters, and Boardman’s sympathetic ear meant much to Will Taft. “During my life in Washington,” he wrote her in February 1913, “you have done so much to add to my happiness and my comfort and that of those dear to me that I feel as if I could not convey to you how much I appreciate it.”
Though she held no official leadership position in the Red Cross, Boardman had emerged as the directing presence of the group since she and her allies had ousted the founder, Clara Barton, in 1904. Boardman had alleged that Barton had been misusing the funds of the Red Cross for her own personal benefit, among other reasons for her departure. The episode left very hard feelings among Barton’s supporters in Washington and around the country. However, both Theodore Roosevelt and Will Taft gave Boardman and her allies strong support. In the decade that followed, Boardman sought to introduce bureaucratic procedures into the functioning of the Red Cross to make it more efficient and more accountable.42

By 1913, Boardman had accomplished much of that agenda, but the organization was still under-funded and dependent on the largesse of the federal government. The Red Cross had no permanent headquarters in the capital. It relied on offices loaned to it from the War Department or rented around Washington, had a small membership, and still needed a cadre of volunteers to carry out its mission. In these conditions, Mabel Boardman wrote, “it is very difficult to do justice to the important work of the society.”43

Sectional politics shaped how Congress responded to the appeals of the Red Cross. Southern lawmakers saw the organization as oriented toward the northern heritage of the Civil War. So Boardman and her allies had to work through a proposal for a structure that would honor “the women of the civil war.” Congress appropriated some $400,000 for the edifice, and the Red Cross undertook to raise another $300,000 toward the total cost of $700,000. Taft congratulated Boardman on “the tremendous victory for the Red Cross that you have won” when Congress acted. He was prepared to help his friend raise the rest of the needed funds.44

Taft approached the wealthy philanthropist Mrs. Russell Sage, who had herself worked in a hospital as a volunteer during the Civil War before marrying her rich husband once the war was over. “There are few women of the Civil War now surviving who are in a position to contribute substantially,” Taft wrote Sage, who was in her eighties at the time of his letter. “There would be special appropriateness in having such a monument erected by a woman, and
by a woman who had her part in these stirring times." She contributed $50,000 and, with other donations, the Red Cross announced in December 1913 that the new building would become a reality.45

Throughout his first year of political retirement, Taft told friends that he was out of the partisan arena and, within understandable limits of his Republican allegiance, hoped for the success of Woodrow Wilson as president. Though he was sincere in these assertions, Will Taft told intimates about his persistent distrust of his successor’s emerging record. He was also somewhat naive or disingenuous to believe that he could oppose the administration’s policy in the Philippines and not be seen in the White House as a foe of the administration.

On the surface, he and Wilson were cordial to each other in public and friendly in private. Taft and Mabel Boardman went to the White House on 7 June 1913 to lunch with Wilson and members of his family. One of the guests reported that “it was such fun to hear the President and the Ex-President swap stories. I just love Mr. Taft; he is the most genial, kindly gentleman; and his geniality hasn't any of the rough undignified quality that that of so many men has.” Taft told the Wilson circle that he was “very happy and care-free” and “sometimes he feels he ought to knock on wood for fear the old nightmare will come back—of being President! He didn’t use the word nightmare but something like it.”46

In his private correspondence, however, Taft let loose about his skeptical opinions regarding Wilson’s performance in the White House. He concluded that the new president was a cynical opportunist who adopted positions based on questions of expediency rather than intrinsic merit [as Taft always believed he had done in the presidency]. For information about what Wilson was doing, Taft relied on his reading of the newspapers and the gossip and inside information that his friends and contacts supplied him. A major source of insights were the frequent letters of Gus Karger, the Washington correspondent for the Cincinnati Times-Star, the newspaper that his half-brother Charles P. Taft owned. Karger approached the Wilson administration and the Democratic Congress from a partisan perspective, but his factual assertions seem to have
been reliable about affairs in the capital. As Taft addressed public issues and required documentation, Karger said, “I’ll be glad to help you dig up any material available here, if you should feel the need of it.”

Like other Republicans, Taft watched with a mixture of awe and envy as Woodrow Wilson and the Democrats put together a very successful first year in 1913. The majority party lowered tariff rates through the Underwood Tariff law and then late in 1913 passed the Federal Reserve Act to reform the nation’s ineffective banking system. Such Wilsonian innovations as addressing Congress in person for the first time in more than a century attested to the presence of a new political force in national affairs. “I think Wilson has gotten
off on the right foot,” Taft told Elihu Root in early May. “He is bound to sink or swim according to the operation of his tariff.” 48

Though he knew that he had no hope of ever being a candidate in national politics again, Taft did want to see the Republican Party follow the conservative course he had outlined for it in 1912. To that end, he framed an article on the future of the Grand Old Party for Cosmopolitan Magazine, a publication owned by William Randolph Hearst. In the drafts that he circulated to Republican friends, he sought “to sustain the conservative element in the Republican party.” 49 He contended that the Republicans had been affirmative in the past, but their major duty at that time was “the rescue of the country from the serious danger to which it is exposed in this attempted undermining of our stable civil liberties.” 50 Taft completed the article only to find that Hearst and his associates wanted to place it in other parts of the publisher’s empire. Disputes over that issue delayed the appearance of the essay for the rest of 1913.

By the end of 1913, Taft had become very disillusioned with his successor. He resented the change in Philippine policy, which he regarded as a repudiation of all that he had done in the islands. For Wilson’s secretary of state William Jennings Bryan, he had nothing but contempt for his “utter ignorance” in the handling of foreign policy. Taft was skeptical of the long-term effects of the Underwood Tariff and he feared, in the case of the proposed Federal Reserve legislation, “we will injure business and for a poor banking system give us a worse one.” 51

Taft saved his most stinging private attacks for the way Wilson and Bryan had handled the revolution that swept Mexico after the ouster of Porfirio Díaz in 1911 and the murder of Francisco Madero in 1913 during the waning days of Taft’s presidency. The Wilson White House had struggled to find a viable approach to the unrest south of the Rio Grande. They had rejected the government of Victoriano Huerta and sought his ouster from office and departure from Mexico itself. Making that happen proved elusive during 1913, and as 1914 began, the Wilson administration seemed confused about what it sought to accomplish.

“Could anything be more botched than this Mexican business,”
Taft asked Charles D. Hilles in September 1913. Taft concluded that “Bryan is achieving a greater sublimity as an ass than I thought it possible. They have made their trouble in Mexico and they might have avoided it.” As he told his brother four weeks later, the president was “boiling over with indignation” about affairs in Mexico “that he is willing to risk everything to maintain that position, even a war of intervention.” Taft thus deemed Wilson to be failing in both the handling of Mexico and the Philippine problems. His conviction that the occupant of the White House was little more than a cynical opportunist intensified.

As the first full year of his post-presidency neared its end, William Howard Taft had reason to be content with the new position he had made for himself. The arrangement with Yale had provided him with just the right forum to launch political pronouncements without being seen as an overt partisan. His writing and lecturing supplied him with an income that sustained the lifestyle he and his wife preferred. Helen Taft, with the help of her daughter, had assembled her recollections in a book that would appear in 1914 about her years in the Philippines and the White House.

In politics, the Republican Party had remained conservative, and Theodore Roosevelt’s efforts to continue the Progressive Party were in obvious difficulty as 1914 approached. Taft told Walter L. Fisher, who had served in his cabinet as secretary of the interior, that he was “very, very busy, and yet the work does not tell on me near as much as less constant application in an office with such responsibility as that of the Presidency. No one can tell what a burden is lifted when he lays down the cares of an office like that.”

Like many Republicans, Taft anticipated that the 1914 congressional elections would see his party make gains in Congress and lay the basis for the defeat of Wilson in 1916. The eruption of World War I in Europe in the late summer of 1914 brought Taft into a new role as a former president. He intensified his earlier commitments to mechanisms that would restore peace once the fighting stopped. In so doing, he embarked on the campaign first for a League to Enforce Peace and then for a League of Nations that would define the rest of his postpresidential experience.