

WILEY



The Legacy of William Howard Taft

Author(s): Donald F. Anderson

Source: *Presidential Studies Quarterly*, Vol. 12, No. 1, Alexander Hamilton, William Howard Taft, and Franklin D. Roosevelt: Continuity or Discontinuity? (Winter, 1982), pp. 26-33

Published by: Wiley on behalf of the Center for the Study of the Presidency and Congress

Stable URL: <https://www.jstor.org/stable/27547774>

Accessed: 05-03-2022 15:52 UTC

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact support@jstor.org.

Your use of the JSTOR archive indicates your acceptance of the Terms & Conditions of Use, available at <https://about.jstor.org/terms>



JSTOR

Wiley, Center for the Study of the Presidency and Congress are collaborating with JSTOR to digitize, preserve and extend access to *Presidential Studies Quarterly*

THE LEGACY OF WILLIAM HOWARD TAFT*

by

DONALD F. ANDERSON

University of Michigan–Dearborn

It has been sixty-nine years and four major U.S. wars since William Howard Taft served in the White House. Popular memories of his presidency have grown exceedingly dim; and the legacies of his presidency have been overshadowed by the subsequent rush of events, personalities, and programs. And although the major outlines of the presidential office remain the same today as they were in Taft's day, his presidency appears closer in so many respects to the office held by Washington and Lincoln than to the electronic presidencies of Ronald Reagan and Jimmy Carter.

To understand the Taft presidency requires some knowledge of Taft's climb to the White House. Unlike most of our 20th century presidents, he made his way to the top by means of the appointive political route. He attracted the attention and admiration of his peers in the Republican party who continued to reward him with higher and higher public office. His career path remains unique among our presidents to this day.

Upon graduating from the University of Cincinnati Law School in 1880, he was appointed assistant prosecutor of Hamilton County (Cincinnati), Ohio. Five years later (1885), he was appointed assistant county solicitor for Hamilton County. Two years later (1887), he was appointed by the governor to a temporary vacancy on the Superior Court of Ohio, and, in April, 1888, elected to the Superior Court seat for a five year term—the only elective office he would win before the presidency itself! Two years later (1890), he was appointed solicitor general of the United States in the Harrison Administration; two years later (1892), he was appointed

to the Federal Circuit Court of the Sixth Judicial District (encompassing Ohio) where he served eight years. In 1900, he was appointed by President McKinley as chairman of the U.S. Philippine Commission and, shortly thereafter, as the first Governor General of the newly acquired Philippines, a position, incidentally, that Teddy Roosevelt had also wanted! When Roosevelt suddenly acceded to the presidency after the assassination of McKinley in September, 1901, Roosevelt offered Taft a number of opportunities to accept appointments to the Supreme Court, offers which Taft invariably turned down. Taft's life-long ambition had been to serve on the Supreme Court, especially as Chief Justice, but he felt honor bound to complete the task of constructing a viable civilian government for the Philippines. But Roosevelt knew a potential presidential rival and rallying point when he saw one; he would not be denied, and eventually succeeded in persuading Taft to return to Washington in late 1903 as his Secretary of War, a position that permitted Taft to continue his oversight of the reconstruction of the Philippines.

Taft served loyally in the Roosevelt Cabinet for the next four years and, in 1908, as Roosevelt's hand-picked successor, was rewarded with the Republican nomination for the presidency and the White House itself. After one very troubled term contending with a rising tide of progressive discontent in the country, Taft was challenged by Roosevelt for renomination, a challenge that he beat back with the help of the regular Republican organization, but only at the price of badly dividing the Party, transforming it into a bastion of constitutional conservatism, and ultimately paving the way for Wilson's Democratic victory in 1912. After a humiliating defeat at the hands of both Wilson and Roosevelt (Taft captured

* Prepared for delivery at the 12th Annual Leadership Conference of the Center for the Study of the Presidency, The Westin Hotel, Cincinnati, Ohio, October 16-18, 1981.

only the eight electoral votes of Utah and Vermont) he accepted a position as Kent Professor of Constitutional Law at Yale University, where he wrote his famous treatise on presidential power entitled *Our Chief Magistrate and His Powers*. But it was not until 1921 that his life-long ambition was finally realized, and he was appointed Chief Justice of the Supreme Court by Warren Harding, a position he would hold until his death in 1930.

Most men would be content to have been honored with any one of these prominent national offices. Taft is unique among our presidents for having successfully pursued a public career that led to both the presidency and the Chief Justiceship, an extraordinary combination of feats which we are unlikely to see repeated in American politics.

A number of observations can be made about Taft's career. First, the bulk of his pre-presidential career—20 years to be exact—were associated with legal-judicial positions as opposed to top legislative or executive positions. Only eight years were spent in national administrative office before his actual nomination. Coming from such a legalistic-judicial background, it is little wonder that he became the most judicial of our presidents and, paradoxically, one of the most political of our Chief Justices.

Secondly, Taft came to the Presidency without ever having run for a major legislative or executive office, let alone run for reelection. True, his career had nevertheless involved him in national politics and issues, but it was a career that had not required the development of skills in campaigning or in manipulating public opinion, or as Taft himself would have expressed it, "playing to the gallery."¹ And as so many of our presidents and countrymen have learned to their dismay, the presidency is no place for on-the-job training.

Thirdly, the nomination of such a distinguished public servant would be virtually impossible today under our "reformed" presidential nominating procedures. The old convention system, say what you may about it, could occasionally nominate an extraordinary public ser-

vant like Taft. It remains to be seen whether this will be possible under the new selection system that has evolved, a system that seems to reward undistinguished personalities instead, at least so far. The William Howard Tafts of this world are unlikely to be nominated for the presidency again, not because of any personal deficiencies they might have, but because the personal, "presidential" qualities that attracted the attention of top party leaders are no longer counted as heavily under the popular nominating system that has emerged since 1968.

But what of the legacies of the Taft Presidency itself? Given the passage of time, they are not immediately evident. But, of course, it depends on what legacies you are referring to. There are three kinds of Taft legacies that one can focus on: 1) the actual accomplishments of the administration that have permanently affected our political landscape; 2) the political beliefs of the man that remain timeless in their appeal and significance; and 3) the selectively recorded "facts" about the administration that scholars have chosen to remember and include in our histories and texts.

What were the major accomplishments of the Taft Presidency? One has to view this administration as a transitional one which continued, however reluctantly, to move the nation in the general direction of more national regulation of growing corporate power. The Payne-Aldrich Tariff Act of 1910, of course, stands as the monument of Taft's first two years, a monument, however, that attracted as much criticism as praise, because it failed to meet popular expectations of a major decrease in rates, expectations Taft himself had fed during the 1908 campaign. Add to the Tariff Act Taft's zealous enforcement of the anti-trust laws, amendments to existing laws regulating the railroads and the food and drug industry, the 16th Amendment legalizing the income tax, and the Panama Canal Act, and you have some of the highlights of his four years. Of course, he continued the Roosevelt foreign policy of expanding American influence in the world and added a special twist by pushing commercial expansion

through what came to be termed “Dollar Diplomacy.”

However, these accomplishments are modest, indeed, in comparison to the more dramatic presidencies that have followed. We should not look to Taft’s record for any enduring legacies, with the possible exception, in my estimation, of his courageous unwillingness to use military force against Mexico to quell a series of border incidents in 1911. But, as we all know, presidents who go to war always seem to attract more historical attention than those who keep the peace.

What of his conservative principles and beliefs? Here the legacies are as strong and as enduring as conservative thought itself in American history. Four areas of Taft’s thought—his belief in constitutional democracy, separation of powers, political parties as essential instruments of democracy, and his warnings about the dangers of radical majoritarianism—all remain relevant intellectual legacies for our own age.

Taft believed deeply in the “rule of law” rather than the rule of men. For many today, the “rule of law” has become merely a cliché, but, for Taft, it was his religion; it was his life! Belief in its existence and its importance for civilized life was the cornerstone of his personal beliefs and public actions. He may have worshipped Law too deeply for his own public good (certainly Roosevelt and the Progressives thought so), but his public record cannot be properly understood without recognizing the critical role this belief played in guiding his public career. The “rule of law” meant, of course, constitutional democracy, always with the emphasis upon the word “constitutional” rather than the word “democracy.” Democracy was only tolerable if it was restrained through appropriate constitutional devices to prevent majorities from abusing their powers.

A corollary to Taft’s belief in constitutionalism was his respect for our tripartite system of government, for separation of powers and checks and balances—those ingenious inventions of our Founding Fathers designed to preserve human liberty and curtail the excesses of majority

rule. Again, one cannot understand Taft’s public record unless one understands the importance of these principles in his world view. Taft is invariably associated with the so-called “constitutional” or “literalist” conception of the presidency; but he was not, in fact, an advocate of a weak presidency. He believed in a strong presidency, operating, however, in a balanced system with equally strong legislative and judicial branches. A presidency that dominated the other two branches of government permanently was not desirable in his view; in fact, it was a long term threat to our liberties.

If Taft is our only president to have spent more time worrying about the power and prestige of the judiciary than of the presidency itself (and he was!), it is not because his conception of presidential power was somehow too weak, but because he was alarmed by progressive threats to the maintenance of a strong independent judiciary, particularly the threats of judicial recall. Since the presidency was hardly in danger of being dismantled by the other two branches of government, whereas the Supreme Court was, Taft was determined to protect his favorite branch of government, even at the price of personal popularity. If the Presidency itself had been under attack, Taft, I believe, would have been equal to the challenge.

A third essential belief—one that appears increasingly at odds with the prevailing spirit of our age—was Taft’s conviction that political parties were critically important to the survival of popular government. Without parties, Taft believed there could be no effective way in which the people could transform their private opinions into public policy. His whole public career is a testament to his loyalty to the Republican Party and its principles. He believed that citizens would have to subordinate their own personal views to those of the larger party organizations if they were to be effective in realizing their most important goals. In the real world, progress would be achieved not through independent action, but through party action. He publicly defended these beliefs in 1906:

As this is a party government, and as measures are controlled by party decisions, the real progress must be made along party lines; and if a man separates from his party he loses altogether any influence he may exert in determining those policies. I do not at all advocate that a man should adhere to party against high principle and conviction, but this life is all a series of compromises by which little by little, and step by step, progress toward better things is made. All the good in the world cannot be attained at one breath. We must achieve what we can at the time we can, and must let other aims and objects of the highest good abide a different opportunity for their attainment. While, therefore, we may not agree with all the principles adopted into legislation or into executive policy by a party with which we are affiliated, we should ordinarily not destroy our usefulness and power for good in influencing the party in the right direction, by withdrawing from it on issues not the most important, if, on the whole, we believe that more good can come from its success than from that of its opponent.²

Taft's ideas on parties and loyalty stand in stark contrast to the spirit of our age, an age in which party organizations have become weak reflections of their former selves, and in which the number of independents has grown by leaps and bounds. When Taft saw progressive Republicans challenging the traditional norms of party loyalty and refusing to subordinate themselves to the larger organization and its way of doing things, a falling out with them was inevitable. Whereas Taft believed that no permanent good could be accomplished by defying the party, progressives felt that their principles and the welfare of the nation were more important, and they were unwilling to subordinate themselves to an institution that was moving too slowly, sometimes in the wrong direction. For Taft, however, responsible democratic government was impossible without strong, traditional parties.

Fourth, although Taft's constitution-

alism often obscured his faith in democracy, he remained to the last a true believer in the American dream of self-government. But he remained highly skeptical of progressive panaceas such as the initiative, referendum, and recall. Many have forgotten today that Taft had shared the goals of the progressives in his national career, but the tide of progressivism had simply overwhelmed his presidency and, particularly after his battles with Roosevelt in 1912, left him etched in the public mind as an apostle of reactionary Republicanism, an appearance that was very far from the truth. As the progressives called increasingly for the democratization of our institutions, and for more direct forms of democracy, Taft held more and more firmly to his faith that only constitutional democracy was worth preserving. He shared the American faith that the people, in the long run, could be trusted to make the right decisions; that, indeed, democracy would work. He believed that the Voice of the People was the Voice of God, but only under certain conditions. He wrote in 1912,

I fully and freely admit and assert that when the American people have had time to learn all the facts and have had time to consider their bearing, their deliberate judgment is a wiser and better guide to be followed by the state than the judgment of the most experienced statesmen, the most learned jurist, the most profound student of history. In this proper sense the Voice of the People is nearer to the Voice of God than any other human decision.³

The catch was that the Voice of the People had to be channeled and refined through our constitutional system, including an independent judiciary with the power of judicial review, before decisions approximating the ideal of justice could emerge.

To the extent that progressives threatened to short circuit the deliberation required by our institutions, Taft believed their proposals for more direct democracy would inevitably bring popular disappointment and disillusionment with the

political process. The quality of governmental decisions would not automatically be improved by eliminating institutional obstacles to more direct popular rule. He wrote during the 1912 campaign:

These gentlemen propose to reform the government, whose present defects, if any, are due to the failure of the people to devote as much time as is necessary to political duties, by requiring a political activity by the people three times that which thus far the people have been willing to assume; and thus their remedies instead of exciting the people to further interests and activity in the government, will tire them into such an indifference as still further to remand control of public affairs to a minority.⁴

In other words, the problem with American politics was not that our institutions were not democratic enough; the problem was that the power already available to the people was not being exercised responsibly enough. The cure for the ills of democracy was not a stiffer dose of democracy! You could never cure an alcoholic by offering him another shot of whiskey! The initiative, referendum, and recall were panaceas that ultimately would not guarantee wise decisions; they would only exacerbate our problems.

Although I have only been able to make passing references to Taft's intellectual legacies, they continue to form part of the conservative tradition in America and remain relevant to our understanding of contemporary problems. For a nation suffering from continued attempts to further democratize our institutions, Taft's intellectual legacies and warnings remain relevant to our times.

There is a third type of Taft legacy that can be found in our contemporary treatises of American government and the presidency—it is the legacy of the “text-book Taft.” I should note that historians generally have been fair to Taft. As you are well aware, Arthur Schlesinger Sr. conducted two polls on presidential greatness among historians and experts on the presidency, the first in 1948, the second in 1960. The experts rated Taft as only an “average” president; he was rated 16th in

the first poll; 17th in the second.⁵ I would not quarrel with these judgments or the judgments that have generally been reached about Taft by our historians. However, I do take exception to the “text-book Taft” that has been portrayed by political scientists in their studies of American government and the presidency.⁶ There are a number of facets to this “text-book Taft,” but I have chosen today to dwell on the most obvious and frequent reference to him in the literature—his association with the constitutional-literalist conception of the presidency. In text after text, Taft's identification with this conception is predictably and monotonously contrasted with Roosevelt's more popular “stewardship theory.” You all remember the famous passage from Roosevelt's *Autobiography*:

The most important factor in getting the right spirit in my administration, next to the insistence upon courage, honesty, and a genuine democracy of desire to serve the plain people, was my insistence upon the theory that the executive power was limited only by specific restrictions and prohibitions appearing in the constitution or imposed by the congress under its constitutional powers. My view was that every executive officer in high position, was a steward of the people bound actively and affirmatively to do all he could for the people, and not content himself with the negative merit of keeping his talents undamaged in a napkin. I declined to adopt the view that what was imperatively necessary for the nation could not be done by the president unless he could find some specific authorization to do it. My belief was that it was not only his right but his duty to do anything that the needs of the nation demanded unless such action was forbidden by the constitution or the laws.⁷

And Taft's famous reply to Roosevelt's extravagant claims:

The true view of the executive function is, as I conceive it, that the president can exercise no power which cannot be fairly and reasonably traced to some

specific grant of power or justly be implied and included within such express grant as proper and necessary to its exercise. Such specific grant must be either in the Federal Constitution or in an act of Congress passed in pursuance thereof. There is no undefined residuum of power which he can exercise because it seems to him to be in the public interest. . . . The grants of executive power are necessarily general in terms in order not to embarrass the executive within the field of action plainly marked for him, but his jurisdiction must be justified and vindicated by affirmative constitutional or statutory provision, or it does not exist.⁸

It is this response, this limited conception of presidential power that contemporary students continue to be taught is the most important legacy of the Taft Presidency. Both Roosevelt's and Taft's theories are stated as gospel-truth reflections of their presidencies. What is rarely, if ever, mentioned, is that these views of presidential power were written *after* both men had been president, and *after* they had fought for the Republican nomination and the presidency in 1912. Contemporary texts ignore the origins of these two statements, the conditions under which they were written, and the purposes they were intended to serve. The question is rarely asked whether these theories accurately reflect the presidencies of these two men. It is assumed that they do. But what we, in fact, are witnessing when these theories are compared are the exaggerated assertions of Roosevelt, provoking equally exaggerated reactions by Taft, with the ultimate truth about their administrations being obscured in the process. The fact is that Roosevelt as president behaved in a constitutionally proper way, whatever he may have later said or boasted. Taft had loyally supported Roosevelt while a member of his Cabinet because he saw nothing wrong in Roosevelt's behavior that offended his sense of constitutional propriety. Roosevelt's rhetoric may have been extravagant, but the fact remains that he consulted regularly with trusted Cabinet members, including Taft, and followed policies well within the parameters of con-

stitutionality. The *Autobiography* and its "stewardship theory" must be read as an *apologia pro sua vita*, and as a justification for Roosevelt's having split the Republican Party in 1912.

And, of course, Roosevelt's savaging of Taft as a Buchanan-type president content to keep his talents "undamaged in a napkin," in retrospect, hardly seems justified by the actual record. (One can, of course, admire Roosevelt's skill in tarring and feathering a political opponent, even if it was unjustified.) But after all, this was the same Taft who, a few years earlier, earned Roosevelt's envy and admiration, and later his endorsement for the presidency. It was the same man that Roosevelt, before he had decided to throw his hat into the political ring in 1912, had confided to close friends was a more competent president than McKinley. It is not, then, highly unusual, that, given their long public association, that the *Autobiography* contains NOT ONE SINGLE SOLITARY POSITIVE REFERENCE TO TAFT! NOT ONE! Could it be that Taft had acted in an un-Buchanan-like fashion by cutting Roosevelt down with cold steel at the 1912 Republican Convention? And wasn't it a highly un-Buchanan-like act to respond to Roosevelt's *Autobiography*, not with a counter autobiography of one's own, but with a treatise on the constitutional powers of the presidency, a treatise designed to set Roosevelt straight on a few basic principles of constitutional law.

Taft may have had his fair share of shortcomings as President, but his conception of the office was not one of them. It is true that he believed that a president could not do anything he could not justify legally by pointing to a specific grant of power in the Constitution, but the grants of power—and Taft had always known this perfectly well—were quite vague, potentially boundless, and certainly adequate for whatever emergencies confronted the president and the nation. After all, what does that "executive power" clause in Article II really mean? Taft's textbook association with the "literalist" theory of office should not be misinterpreted, as I think it has been, as a defense of a weak presidency. As I have

already noted, Taft believed in three strong, co-equal branches of government; he simply did not believe in permanent presidential dominance.

So what I am suggesting is that this “textbook Taft” is really a highly imperfect caricature of the real Taft, a caricature initially created by an irate and badly bruised Roosevelt through the skillful use of his rhetorical powers; a caricature that may be useful today as a kind of extreme theoretical model that fixes one of the boundaries of possible presidential behavior—whose behavior I do not know!—but a caricature nevertheless. To the extent that contemporary authors have accepted Roosevelt’s framing of this debate (and Taft is partially responsible for permitting him to get away with it), Roosevelt has won through his pen what he was unable to win on the political battlefields of 1912—vindication of his split with Taft and the Republican Party.

There is, however, another larger truth illustrated by this “textbook Taft,” a truth that students of American politics seem unable to escape—i.e., that Americans remain schizophrenic in their attitude towards strong national leadership. We want presidents, it would appear, who respect the Constitution and the limitations it places on the use of power; but as the popularity of the “stewardship theory” indicates, we also want presidents who will ride to our rescue and use their powers to actively advance the welfare of the people when necessary. The “textbook Taft” and the “textbook Roosevelt,” at least with respect to their theories of presidential power, are complementary reflections of this American ambivalence towards executive leadership. If we did not have these theories to compare, we would have to invent them, so representative are they of our national attitudes towards leadership.

If, then, Taft was deficient in anything, it was in those political skills one would ordinarily expect a popularly elected official to have developed well before running for the presidency. It was not his “literalist” theory of power that caused him grief; it was his inexperience in elective politics, his temperament shaped by a

lifetime of association with the judicial branches of government, and his undeveloped sense of public relations that made it very difficult—virtually impossible, in retrospect—for him to translate his intellectual beliefs in a strong presidency into equally effective action.

When he entered the presidency, for example, he brought with him no conscious policy of public relations towards the newspapers and magazines of his period, this at the very moment when muckraking was reaching a fever pitch. Roosevelt had been his *de facto* press agent while Taft had been in the Cabinet, but when Roosevelt stepped down, Taft was left alone to learn the hard way what most new presidents have already learned in a lifetime of elective politics—that effectively projecting a positive presidential image is one of the most important substantive accomplishments of any administration and a prerequisite for sustained success in other areas.

The mottos men live and die for reveal a great deal about their fundamental beliefs and attitudes. Taft’s attitude towards criticism and public relations was epitomized by the words of Lincoln which had been photographed and kept on his White House desk:

If I were to try to read, much less answer, all the attacks made on me, this shop might as well be closed for any other business. I do the very best I know how—the very best I can; and I mean to keep on doing so until the end. If the end brings me out all right, what is said against me won’t amount to anything. If the end brings me out wrong, ten angels swearing I was right would make no difference.⁹

Obviously, Taft refused to take his press relations as seriously as had Roosevelt. He refused to trumpet again and again what he intended to do. He was content to announce his commitment to a policy, and then wait for the appropriate time when he would then deliver on his promise. Naively, he felt that his record would ultimately speak for itself and vindicate his strategy. His accomplishments would somehow, he felt, be “self-explanatory.”¹⁰

To actively use and manipulate the press of the country appeared almost Machiavellian to him. It would be a form of “playing to the gallery.”

It was only after the sobering mid-term election defeats of 1910 suffered by regular Republicans across the country that Taft began to reconsider his initial strategy of ignoring press relations; and although improvements in his publicity efforts were noticeable thereafter, they were too little and too late. It was only after his crushing defeat in 1912 that he finally admitted where he had gone wrong. He had brought to the presidency the publicity habits of a judge:

When the judgment of the court was announced and the opinion filed it was supposed that all parties in interest would inform themselves as to the reasons for the action taken. Newspaper men and other publishers and writers for the public know, however, that the people do not learn the facts and arguments on any subject by one announcement, and that it needs a constant effort of iteration and reiteration to send the matter home to the people whom it is wished to reach.¹¹

Enlightenment had come too late. Taft’s initial attitude towards publicity had been appropriate for a federal judge with lifetime tenure; it was highly inappropriate to the most vulnerable elected official in the United States. It is clear that Taft did learn, the hard way, what Roosevelt had earlier once tried to teach him — that “it is not only necessary to do exactly what is right, but to do it so that the knaves can-

not mislead the fools into believing it to be wrong.”¹² It is because Taft learned this lesson too late in his presidency that he became a one term president. It is because he was not a skillful leader of public opinion that his remarkable knowledge of public affairs, his experience, his talents, and his integrity, in the end, produced a fascinating but disappointing presidency.

Notes

1. As quoted in Donald F. Anderson, *William Howard Taft* (Ithaca, Cornell University Press, 1973), 275.
2. William Howard Taft, *Four Aspects of Civic Duty* (New York: Scribner’s, 1906), 26–27.
3. As quoted in Anderson, *Taft*, 232.
4. *Ibid.*, 195.
5. See Thomas A. Bailey, *Presidential Greatness* (New York: Appleton-Century-Crofts: 1966), 23–25.
6. For examples of this “textbook” approach, see Louis W. Koenig, *The Chief Executive* (New York: Harcourt Brace Jovanovich, 1981), 16–18; Richard M. Pious, *The American Presidency* (New York: Basic Books, 1979), 43, 47–48; Rexford G. Tugwell, *The Enlargement of the Presidency* (New York: Octagon Books, 1977), 303, 306–307; Joseph E. Kallenbach, *The American Chief Executive* (New York: Harper & Row, 1966), 246; Clinton Rossiter, *The American Presidency* (New York: Mentor, 1962), 98–99; and Edward S. Corwin, *The President: Office and Powers, 1787–1957* (New York: New York University Press, 1957), 152–53.
7. Theodore Roosevelt, *Theodore Roosevelt: An Autobiography* (New York: Macmillan, 1913), 388–89.
8. William Howard Taft, *Our Chief Magistrate and His Powers* (New York: Columbia University Press, 1916), 139–40.
9. As quoted in Anderson, *Taft*, 201.
10. *Ibid.*, 218.
11. *Ibid.*, 235.
12. *Ibid.*, 235.