

Cornell Law School

Concept Proposal for



**Charles Evans Hughes Center
for the Study of the Structural Constitution**



Cornell University
Law School

Introduction

The prospect of a new center focusing on the structural constitution is a source of growing excitement among Law School and University leadership. We recognize the enormity of the opportunity: to become a leading voice in one of the most important conversations in modern legal theory, to foster greater intellectual diversity across our campuses and to raise the level of debate, teaching and scholarship not only in the Law School, but in affiliated disciplines around the University.

The Charles Evans Hughes Center we envision will be a hub of groundbreaking research and praxis, attracting a wide range of leading scholars, judges, activists and government officials to engage with the idea of structuralism and its role in the great American experiment. Specifically, the Center will promote teaching, scholarship, and debate based on close reading of the Constitution – reading informed by knowledge of the historical context of the Constitution’s original framing and ratification – with a particular focus on the structural features of the Madisonian system, characterized by its separation of powers among the Legislative, Executive, and Judicial branches.

An Intellectual Home

Cornell Law School is uniquely suited to this project. Since its founding in 1865, Cornell University has been viewed as an American institution with far-reaching influence and innovative approaches to higher education. Cornell Law School occupies a vital position in this broader university ecosystem, serving as an intellectual center where issues of vital public importance are discussed. Indeed, the founding charge of the Law School was, in part, to prepare lawyers who were “large minded and morally-based” and we continually strive to honor that purpose by nurturing a deeply engrained ethos of intellectual rigor and viewpoint diversity. In furtherance of this commitment,

Cornell Law School proposes to establish a new Charles Evans Hughes Center for the Study of the Structural Constitution (“Hughes Center”).

Hughes was for many years a member of the Cornell Law School faculty, where he taught Myron Taylor (inspiring Taylor to donate money for the Law School’s dormitory in Hughes’s honor). Notably, as Chief Justice of the United States during the early years of the New Deal, Hughes wrote the unanimous Supreme Court opinion in the 1935 case of *Schechter Poultry v. United States*, which invalidated the National Industrial Recovery Act on structural constitutional grounds as an unconstitutional delegation of legislative authority to the executive branch. Later, Hughes shrewdly defended the independence of the Supreme Court against Roosevelt’s court-packing plan, which was itself in part a reaction to the decision in *Schechter Poultry*.

To establish the Hughes Center as the preeminent voice in the study of constitutional legal theory, Cornell Law School seeks comprehensive funding to support the essential positions of its associated Law faculty, administrators, and staff, as well as its curricular offerings, including a clinical education component, and enrichment programming, such as conferences, faculty colloquia, and lecture series featuring external speakers. We envision the sum of these complementary parts becoming a powerful and influential educational resource for Cornell Law students and, through its public outreach activities, for the nation as a whole. Altogether, these offerings will reinforce Cornell Law School’s standing among Constitutional legal scholars and stake its claim as the institution of choice for training J.D. candidates who seek a deep understanding of the structural features of the U.S. Constitution.

Foundational Goals

Cornell Law School's foundational goals for the Hughes Center will ensure that the Center will be an effective educational resource immediately upon opening its doors.

Those goals include:

- Advancing scholarship focused on the study of the structural elements of the U.S. Constitution, with an emphasis on excavating the original understanding of those pieces;
- Offering courses, seminars, and symposia about constitutional law and interpretive approaches to the U.S. Constitution that engage the full spectrum of philosophical premises and ideological approaches to that enterprise;
- Bringing to Cornell Law School visiting professors, distinguished fellows, and guest lecturers to teach and speak on issues of constitutional law, and on diverse interpretive approaches to the Constitution (a cognate example is the current Distinguished Jurist Lecture Series, which would become a programming feature under the umbrella of the Hughes Center); and
- Organizing conferences, roundtables, distinguished lectures, and other events that address issues related to understanding the philosophical underpinnings of the structural principles articulated in the U.S. Constitution, and how those premises affect the scope and implementation of Constitutional rights.

Structure and Budget

The building blocks of Hughes Center will be:

- Chaired professor: teacher-scholar whose research and teaching focus on the study of the structural features of the United States Constitution. This professor will be the intellectual heart of the center and the architect of its scholarly program. For that reason, we propose using a portion of the initial gift to establish a named and endowed chair, because attracting a candidate equal to

this opportunity will require the kind of prestige and resources that such a position confers. Among the thinkers we would consider for the role are Ilya Somin, Michael Rappaport, Gary Lawson and Michael Ramsey. It's clear that the field of worthy candidates, though necessarily limited, contains some exciting possibilities.

- A center director and a program director to develop programming, including elements of clinical education, public outreach, and publication of new scholarship; and to superintend its curricular offerings and perform annual reporting to its donor-stakeholders about the Center's activities;
- A group of visiting professors and fellows – established scholars and distinguished practitioners – who will be in residence at Cornell for a semester or even a full year whenever possible, on the model of the fellows in residence at Princeton's James Madison Program. Visiting Professors would teach courses at the Law School on a reduced load. Fellows would focus on their individual research projects in alignment with the Center's mission. Both cohorts would collaborate with faculty and students from the Law School and around Cornell to explore ideas related to structuralism. We envision a rich array of programming, including colloquia, seminars and conferences in Ithaca, at Cornell's New York City campuses and in Washington, D.C. Here too, the investment of resources on the scale we have discussed will be critical. Recruiting scholars, judges and practitioners of the caliber we seek entails making it attractive for them to leave their home institutions to relocate to Ithaca for an extended period and offsetting the expenses that they will incur in the process. But doing so will pay dividends long after that initial investment. Our aspiration is that the Hughes Center will become a locus of activity for the structuralist movement, with a sort of gravitational pull attracting the very best of those at its heart. In short, Cornell

Law School will become a destination, or least a necessary stop, on the intellectual journey undertaken by structuralism's proponents.

- Of course, creating a home worthy of those thinkers requires infrastructure. Thus, in addition to the faculty and visitors, we envision a full-time administrative staff person to support the permanent and visiting scholars, and assist with executing events and managing the logistical details associated with a robust visitor program. To provide the Hughes Center with a visible and appropriate physical space, we would reconstruct and/or repurpose a suitable area inside Myron Taylor Hall. Finally, we would devote resources to curricular development, enrichment programming, clinical education, and public outreach. All of these components, if well-executed, will work together to ensure that the Charles Evans Hughes Center becomes the preeminent force in the legal academy for the study and promotion of structuralism.

Total start-up costs for the Center will be approximately \$15M over a five-year period (see Appendix A for budget detail). Of that total, we would direct \$5M to create an endowed chair, which will be necessary to recruit and retain a scholar of the stature we envision. The remainder of the funds will be deployed to support the establishment and growth of the Center.

Vision for Growth

This proposal outlines the foundational elements of a thriving and influential academic center, one which will quickly become a prominent voice within the legal academy and the broader conversation on American politics. Those elements represent the first chapter of what we envision to be an enduring narrative. As that first chapter unfolds, we will assess and refine the Center's structure and operations, increasing its reach.

Ultimately, we will seek to endow the key aspects of the Hughes Center, insulating it from the vicissitudes of shifting funding priorities and ensuring a lasting impact.

Conclusion

Cornell Law School is the ideal location for the proposed center. As an Ivy League law school located in an idyllic, rural environment, Cornell is the only elite law school not closely tied to a metropolitan region. This makes it the perfect environment for the kind of scholarly community envisioned for the Hughes Center. Scholars who come to Ithaca to participate in the Hughes Center programming will encounter a retreat-like environment that lends itself to deep reflection. Cornell's university-wide commitment to intellectual engagement across the full spectrum of political viewpoints would reinforce the mission of the Hughes Center. Existing programs, such as the Law School's First Amendment Clinic, the Peter and Marilyn Coors Conversation Series, and the Program in Freedom and Free Societies would prove valuable collaborators to help extend the reach of the Hughes Center across campus and into the undergraduate community.

The faculty and deans of Cornell Law School, and the provost and president of Cornell University, appreciate your interest in this proposal and are grateful for your consideration of the opportunity it presents.

Thank you for your support of Cornell Law School.

Preliminary Budget

Personnel (salary and benefits)	Year 1
Faculty Lead	\$ 472,500
Center Director	\$ 337,500
Visiting Scholars	\$ 540,000
Program Director (staff)	\$ 128,250
Admin	\$ 70,200
<i>Personnel sub-total</i>	<i>\$ 1,548,450</i>
<u>Space and Operations</u>	
Itasca Space	\$ 50,000
NYC Space & Support	
Office space & IT support	\$ 20,000
Admin Support	\$ 5,000
Supplies and equipment	\$ 25,000
Travel:	
International	\$ 52,500
Domestic	\$ 27,500
Research:	
Outreach	\$ 15,000
Publication	\$ 25,000
Marketing:	\$ 45,000
Conferences	\$ 100,000
<i>Operations sub-total</i>	<i>\$ 365,000</i>
<i>Law School Administrative Support</i>	<i>\$ 90,000</i>
Total Budget	\$ 2,003,450

Note: budget will increase annually to reflect 2-3% growth in compensation.