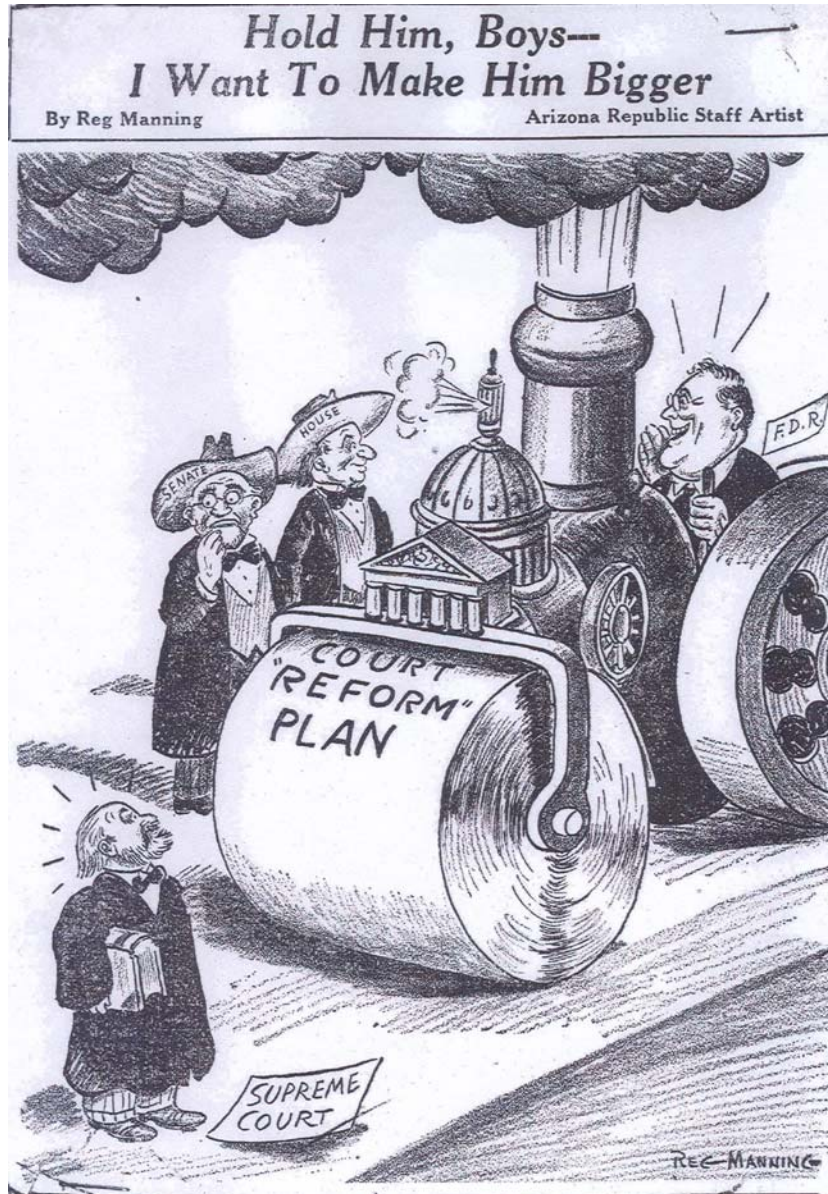




Curriculum Guide

The Presidency and the Supreme Court

Franklin D. Roosevelt Presidential Library and Museum



The Presidency and the Supreme Court

Overview: The Supreme Court

Overview: The New Deal and the Supreme Court

Overview: "Court Packing" : The Judicial Reorganization Plan



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The Presidency and the Supreme Court

Overview: The Supreme Court

"The Judicial Power of the United States shall be vested in one supreme Court and in such inferior Courts as the Congress may from time to time ordain and establish."

So says Article III of the Constitution of the United States. Article III (the Judiciary), Article II (the Executive), and Article I (the Legislature) comprise the three branches of the United States government.

The concept of the *separation of powers* entrusts each branch with certain rights and responsibilities, while the concept of *checks and balances* assures that each branch is tempered by certain limits and constraints. Upon these concepts, and within these branches, the business of American democracy has been carried forth for over two and a quarter centuries.

The Supreme Court is the highest judicial body of the federal government. It consists of one chief justice and eight associate justices and is charged with the task of interpreting the Constitution of the United States, federal law, and federal statute and treaties.

With the Judiciary Act of 1789, Congress created the 'inferior courts' which constitute the three-leveled federal system that we have today. The primary courts of fact are the 94 District Courts, followed by the 13 Circuit Courts of Appeal, and at the top, the Supreme Court.

In its early days the Supreme Court was not as respected or prestigious as it would later become. Many early justices left the court for more 'meaningful' positions. But slowly, with cases such as *Marbury v. Madison* (1803) and *Fletcher v. Peck* (1810) the Court carved out a purpose and proved its worth.

Over its long tenure the Supreme Court has predominately followed a course of judicial restraint or constructionism; that is, it has favored a narrow interpretation of the Constitution. At other times it has engaged in judicial activism, allowing for a far broader interpretation of the Constitution and the powers provided there.



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The Presidency and the Supreme Court

Overview: The New Deal and the Supreme Court

When Franklin Roosevelt took office in 1933, the United States was suffering the greatest economic crisis in its history: a quarter of the population was unemployed, banks had failed, and many homes and farms were being lost to foreclosure. Private businesses and local governments were unable to deal effectively with the Great Depression.

Roosevelt's New Deal put the power of the federal government behind economic recovery. In a dynamic series of laws and executive actions, the government instituted work relief programs, bank and finance reform, farm prices support, mortgage relief, business and industrial regulation, and labor and wages reform. Initially, the Court lent its support to the New Deal, issuing in 1934 a series of decisions suggesting a generous conception of governmental power. These decisions, however, were based on narrow majorities that began to splinter by 1935 with the defection of Justice Owen J. Roberts to the conservative viewpoint.

On "Black Monday"—May 27, 1935—the Court overturned two key pieces of New Deal legislation: the National Industrial Recovery Act and the Federal Farm Bankruptcy Act. In response, FDR condemned the Justices' "horse and buggy definition of interstate commerce."

The Court continued its assault in 1936, striking down the Agricultural Adjustment Act. In an important decision against the Tennessee Valley Authority, Chief Justice Hughes even encouraged dissenting shareholders to sue corporate officers who failed to oppose the New Deal.



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The Presidency and the Supreme Court

Overview: "Court Packing": The Judicial Reorganization Plan

In November 1936, Roosevelt won a sweeping reelection victory. Following this popular mandate, he boldly proposed to reorganize the federal judiciary by adding a new justice each time a justice reached age 70 and failed to retire. In this manner, the influence of older justices, including a number of conservatives, could be superseded by younger Roosevelt appointees supportive of the New Deal.

Although this judiciary reform proposal was widely opposed by the public, the press, and Congress, who referred to it as the "Court Packing Plan," the Supreme Court quickly reversed course and began to uphold New Deal legislation. In 1937, the Court upheld a state minimum wage law similar to one it had struck down the previous year. In another landmark decision, the Court recognized Congress' ability to regulate labor-management relationships affecting interstate commerce.

Many factors may have contributed to the "switch in time that saved nine" by Justice Roberts and others, including the popular will expressed in Roosevelt's 1936 landslide and his threat to reorganize the Court. Whatever the cause, the constitutional revolution of 1937 resulted in a Supreme Court that consistently embraced an expansive view of the federal government's role in regulating and influencing private economic activities.

Franklin Roosevelt appointed more justices than any president since Washington. Among his eight notable appointments were loyal New Dealers Hugo Black, Felix Frankfurter, William O. Douglas, Frank Murphy and Robert H. Jackson. In 1941, Roosevelt elevated Justice Harlan Fiske Stone, a progressive Republican, to the chief justiceship and appointed Senator James F. Byrnes to the Court. Roosevelt's final Court appointment, in 1943, was Justice Wiley B. Rutledge.