

FDR: Abuse of Power?

Background:

On February 5, 1937, President **Franklin Roosevelt** announces a controversial plan to expand the Supreme Court to as many as 15 judges, allegedly to make it more efficient. Critics immediately charged that Roosevelt was trying to "**pack**" **the court** and thus neutralize Supreme Court justices hostile to his **New Deal**.

During the previous two years, the high court had struck down several key pieces of New Deal legislation on the grounds that the laws delegated an **unconstitutional** amount of authority to the executive branch and the federal government. Flushed with his landslide reelection in 1936, President Roosevelt issued a proposal in February 1937 to provide retirement at full pay for all members of the court over 70. If a justice refused to retire, an "assistant" with full voting rights was to be appointed, thus ensuring Roosevelt a liberal majority. Most Republicans and many Democrats in Congress opposed the so-called "**court-packing**" plan.

In April, however, before the bill came to a vote in Congress, two Supreme Court justices came over to the liberal side and by a narrow majority upheld as constitutional the National Labor Relations Act and the Social Security Act. The majority opinion acknowledged that the national economy had grown to such a degree that **federal regulation** and control was now warranted. Roosevelt's reorganization plan was thus unnecessary, and in July the Senate struck it down by a vote of 70 to 22. Soon after, Roosevelt had the opportunity to nominate his first Supreme Court justice, and by 1942 all but two of the justices were his appointees.

Answer the following questions about FDR:

1. What was the "court packing bill"?
2. How could some see this as an abuse of power?

3. Cartoon Analysis: What is the message of this cartoon?
What does it say about how people felt about FDR and his attempt to "pack the court"?

