

FDR and the Nine Old Men - Part I

Lead: In 1935 and 1936 the U.S. Supreme Court struck down important pieces of President Franklin Roosevelt's legislative agenda. The New Deal was in peril and FDR decided to take on the Court.

Intro. *A Moment in Time* with Dan Roberts.

Content: Franklin Roosevelt came to his political majority during the heady adolescence of progressivism in America. Under his Presidential cousin Teddy and Woodrow Wilson, the constitutional power of the President

was interpreted broadly and the role of the Federal government was expanded. Anti-trust legislation to a certain degree began to reign in the power of corporations, with the Interstate Commerce Act the government began to regulate the passage of goods within the nations, and the Federal Reserve began to introduce some regulation to the banking system.

While Governor of New York during the early days of the Great Depression, Roosevelt did not hesitate to institute unemployment relief, land management and public power development. He had an expansive view of governmental power. In the words of Arthur Schlesinger, Jr. he

avored the concentration of power at whatever level of government he happened to be serving at the time.

Franklin Roosevelt brought this optimism about elastic government into the White House in 1933, and with the nation facing its greatest economic disaster, began to press for legislation to address national problems. Measure after measure, law after law, plus executive orders in a constant stream began to pour out of the White House and Capitol Hill. If people were not actually being helped by this legislative torrent, at least it seemed as though the administration was aware of people's struggle and was moving to do something about it.

Then, in 1935 and 1936, the New Deal hit the wall. More specifically, the nine justices of the U.S. Supreme Court began to declare important parts of FDR's program to be unconstitutional. Concern began to spread in the administration about the possible destruction of its whole legislative enterprise. Next time: Nine old men.

At the University of Richmond, this is Dan Roberts.

Resources

Kyvig, David. "The Road Not Taken," *Political Science Quarterly* 103 (3, Fall, 1989), 463-481.

Schlesinger, Arthur M., Jr. "Roosevelt and the Courts," *Society* 24 (November - December, 1986), 53-57.

"F.D.R.'s Scheme (expanding size of U.S. Supreme Court),"
***Time* 124, (October 8, 1984), 34.**

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