

Court Packing: FDR vs. Checks and Balances
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Goal: Students will analyze documents related to Franklin Roosevelt's court-packing plan in 1937. After this analysis, they will better understand the plan and its perceived attack on the concept of checks and balances.

Essential Questions

1. What was Roosevelt's court packing plan?
2. How did the plan violate the principle of checks and balances?
3. What are the roles of the president and of the federal court system? How and why do they sometimes conflict with one another?

Lesson

1. Give students background information about Franklin Roosevelt's court-packing plan. Discuss why Roosevelt was so frustrated with the Supreme Court and how Supreme Court use of judicial review was derailing several New Deal programs.

Background Information:

In 1937, Franklin Roosevelt became increasingly frustrated with the actions of the conservative Supreme Court and its exercise of its judicial review power to strike down important New Deal programs, such as the Agricultural Adjustment Act and the National Recovery Act. Feeling confident following a landslide victory in the 1936 election, Roosevelt proposed a plan to add an additional federal judge for each federal judge over the age of seventy. This plan would add six new justices to the U.S. Supreme Court. Roosevelt hoped that adding these new justices would help to ensure that New Deal legislation would remain intact and not be declared unconstitutional. This plan came to be known as "court packing."

2. Distribute a copy of each of the three political cartoons from 1937 dealing with the court-packing plan. Have students work individually or in small groups to answer the

five questions associated with the cartoons as well as fill out a cartoon analysis worksheet for each one.

Political Cartoon Questions

1. What does the first cartoon symbolize? Why is the Executive figure (Roosevelt) larger than the others? What is the purpose of the Executive figure's message to the Judicial figure?
 2. In the second cartoon, who is Roosevelt being modeled after? Why is he being modeled after that person?
 3. What group is being "saved" in each of the panels? Who are they being saved from?
 4. Who does the magician symbolize in the third cartoon? Why is he so surprised?
 5. Why would the public be negative regarding Roosevelt's plan? Are there any potential constitutional controversies with the plan? Explain.
3. Distribute Stuart Chase's Letter to the New York Times. Have students read the letter, complete the document analysis worksheet and discuss the following questions:
1. What groups does Chase identify as needing help?
 2. How do you think that Roosevelt's plan will potentially help them?
 3. Who are the "five old gentlemen" that the author is referring to?
 4. Why does the author feel that a constitutional amendment is not a good solution to the problem?

Assessment

Students should write a letter to the editor (as if it were 1937) explaining the court packing plan and whether it is / is not appropriate and necessary to help the country.

Materials

Cartoon 1: <http://newdeal.feri.org/court/toons/126.jpg>

Cartoon 2: <http://newdeal.feri.org/court/toons/020.jpg>

Cartoon 3: <http://newdeal.feri.org/court/toons/038.jpg>

Stuart Chase letter: <http://newdeal.feri.org/court/chase.htm>

Cartoon Analysis Worksheet:

http://www.archives.gov/education/lessons/worksheets/cartoon_analysis_worksheet.pdf

Document Analysis Worksheet:

http://www.archives.gov/education/lessons/worksheets/written_document_analysis_worksheet.pdf