

Lesson Plan
Franklin D. Roosevelt and the Supreme Court Packing Plan

Teacher Name: Marla Stewart
Course: American History

Grade level(s):7-9

Describe the classroom or homework activity to be performed (individual assignment, cooperative learning, cross curricular, technology based, using artifacts and/or primary sources, etc.)

- 1 Students will study excerpts from FDR's 1936 fireside chat about changing the supreme court and study editorial cartoons about reactions to it. They will discuss and evaluate the plan and analyze editorial cartoons. Students will participate in small group and whole class discussions based on part of a fireside chat and editorial cartoons.

Rationale (why are you doing this?)

- 1 This will show how FDR reacted when his programs were curtailed by the Supreme Court and how the public felt about this - basically that trying to get too much control over another branch, though probably constitutional, was not popular with the country.

Required time frame: one hour

Where in the teacher conference did you get the idea for this activity or assignment (speaker, document, photograph, activity, audio recording, other)?

This was not addressed directly, but kari Frederickson discussed critics such as Huey Long and Alonzo Hamby addressed problems of the New Deal

Lesson objectives – the student will:

- Discuss the the three branches of government
- Analyze FDR's Supreme Court packing plan
- Interpret political cartoons reacting to the plan
- Discuss this reaction and why FDR failed to get his plan

District, state, or national performance and knowledge standards/goals/skills met (be specific when referencing):

- Missouri SS2 1.10d. Explain how power is distributed among individuals and branches of government
- Missouri Social Studies 7a Use maps, graphs, statistical data, timelines,

- charts and diagrams to interpret, draw conclusions and make predictions
- Mo Social Studies 2d. Explain how power is distributed among individuals and branches of government

Secondary materials (book, article, video documentary, etc.) needed – cite title and other detailed information:

- Text book

Primary sources (document, photograph, artifact, diary or letter, audio or visual recording, etc.) needed – cite detailed information:

- Cartoons from the <http://newdeal.feri.org/court> and <http://xroads.virginia.edu/~MA02/volpe/newdeal/court.html> websites
- Quotes from FDR's March 9, 1937 fireside chat shown below

Fully describe the activity or assignment in detail. What will both you and the students do?

- Students will first read this excerpt from Franklin D. Roosevelt's March 9, 1937 fireside chat-- this was found at hpol.org/fdr/chat

"What is my proposal? It is simply this: whenever a judge or justice of any federal court has reached the age of seventy and does not avail himself of the opportunity to retire on a pension, a new member shall be appointed by the president then in office, with the approval, as required by the Constitution, of the Senate of the United States.

That plan has two chief purposes. By bringing into the judicial system a steady and continuing stream of new and younger blood, I hope, first, to make the administration of all federal justice, from the bottom to the top, speedier and, therefore, less costly; secondly, to bring to the decision of social and economic problems younger men who have had personal experience and contact with modern facts and circumstances under which average men have to live and work. This plan will save our national Constitution from hardening of the judicial arteries.

The number of judges to be appointed would depend wholly on the decision of present judges now over seventy, or those who would subsequently reach the age of seventy.

If, for instance, any one of the six justices of the Supreme Court now over the age of seventy should retire as provided under the plan, no additional place would be created. Consequently, although there never can be more than fifteen, there may be only fourteen, or thirteen, or twelve. And there

may be only nine. " Franklin D. Roosevelt, fireside chat -March 1937 (first fireside chat of second term)

Then in groups discuss these questions:

1. What is Roosevelt proposing?
2. Look at Article III of the United States Constitution. Does it appear that a constitutional amendment would be necessary to implement this plan?
3. What 2 reasons does Roosevelt have for this plan?
4. Who would appoint the new justices?
5. What do you think?
6. How would this affect Roosevelt's power? The Supreme Courts?

Discuss these aloud as a class and review what each branch does if necessary-- then direct the class to look in their texts and find out about the Supreme Court ruling on the AAA and NRA in 1935 and 1936.

Discuss any new ideas students might have about why FDR came up with this plan. Also-- have students read this quote,also from the same March 9, 1937 fireside chat:

"But since the rise of the modern movement for social and economic progress through legislation, the Court has more and more often and more and more boldly asserted a power to veto laws passed by the Congress and by state legislatures in complete disregard of this original limitation which I have just read.

In the last four years the sound rule of giving statutes the benefit of all reasonable doubt has been cast aside. The Court has been acting not as a judicial body, but as a policymaking body. "

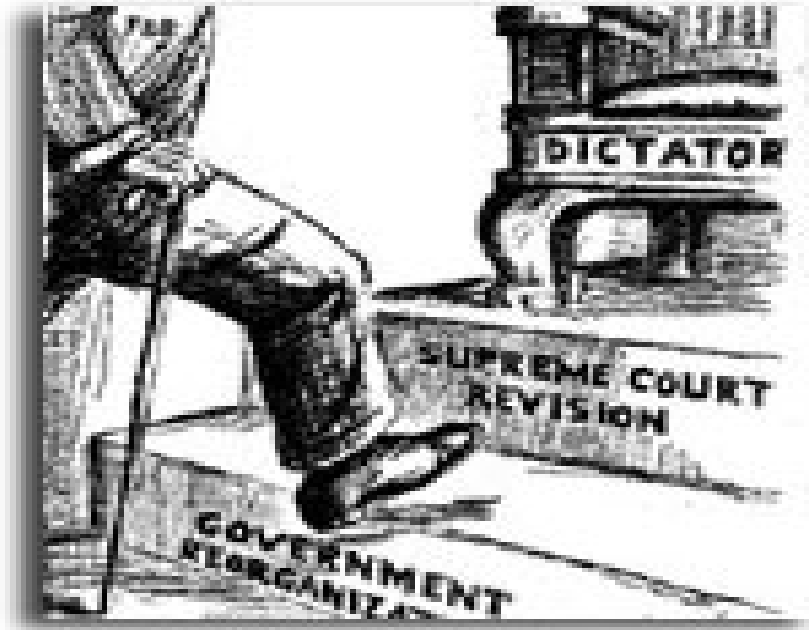
Discuss whether FDR is really trying to hide what he was doing, and how his appointing up to six new justices would affect the court's treatment of the New Deal programs. Point out that he is asking Congress for a law allowing this change. Discuss how all three branches are involved in the plan.

Show this cartoon from March 6, 1937 <http://newdeal.feri.org/court/051.htm> and have them discuss in groups how it reflects FDR's plan:



Now show the students these political cartoons about the plan and reactions to it, and discuss them as a class.

<http://xroads.virginia.edu/~MA02/volpe/newdeal/court.html>--click on the cartoon on lower left and discuss if the cartoonist is for the plan or not--How do you know? What does he not like about it?



<http://newdeal.feri.org/court/027.htm> --This is a baseball cartoon showing FDR threatening the court and some legislation declared unconstitutional-- discuss how each part relates to the people involved and the plan. (The cartoon is dated February 10, 1937-- FDR had actually spoken of the plan earlier than the fireside chat)



<http://newdeal.feri.org/court/047.htm>- In this New Deal cartoon with FDR and the plan as an Ark with public opinion as a flood- Discuss public opinion of Roosevelt's idea and compare it with the reaction to his banking holiday idea from his first fireside chat, which got favorable reaction and much cooperation.. February 28, 1937--LA Times



<http://newdeal.feri.org/court/021.htm>-- June 16, 1937 Washington Post.

Does this show the same reaction? Does it appear that the plan succeeded or failed? Discuss why the negative reaction-- The public seems to like most legislation to help them, but are they more critical of changing the strength of the 3 branches and meddling with the structure of the government? Explain that FDR went on to win two more elections. But the public can disagree with a president even though he and most of his ideas are popular. They felt this plan went too far.



June 16, 1937, Washington Post, "The Veterinary Says Your Horse Is Dead!"

There are many more cartoons on the new deal.feri.org/ court site which you

can add or substitute.

In the end, Congress did not pass this plan, but the Supreme Court did start to rule more favorably and a justice retired in 1937, allowing FDR to appoint a new justice. (Eventually, he got to appoint 8). They later were more favorable to New Deal Programs as shown in this cartoon which shows the court going along with new deal legislation-- dancing along to the new deal orchestra with some of his programs.

<http://newdeal.feri.org/court/069.htm> April 13, 1937



Assessment: fully explain your assessment method in detail or create and attach your scoring guide:

- For assesement, I would have the students analyze the following cartoon from the Richmond Times Feb 11, 1937 <http://newdeal.feri.org/court/028.htm> on their own by answering the following question:



Explain fully what Mr Pro means by explaining the plan and why some think it

would be good. Explain fully what Mr Con means by telling about the objections to the plan.

This would be graded on showing understanding of the plan and reactions, completeness, clarity and including details.