

## Roosevelt's Grab for Power

"The only thing we have to fear is fear itself" - Franklin D. Roosevelt in his first Inaugural address March 4th 1933. The Great Depression was still raging as President Roosevelt entered his second term in the White House, winning yet another landslide election in 1936. Millions of Americans were still without work and the dustbowl left much of the Midwest vacant as dust storms destroyed crop and farmers flocked to California in search of a new beginning. Life certainly wasn't easy by any means but, with the reelection of FOR, it appeared as if there was still hope.

To say that Franklin was loved by the American public is an understatement. In his first 100 days in office his administration passed legislation that aimed to stabilize industrial and agricultural production, create jobs and stimulate immediate recovery for Americans across the nation. All the while, FDR kept the public informed on progress via his fireside chats. But more importantly, he gave them a hope which hadn't been there with the previous president. Much progress had been made as Roosevelt's first term came to a close. However, some will argue that much of his legislation did nothing but strip Americans of the one true thing that made them "American"- their ability to help themselves instead of relying on the federal government to come to their aid. In the defense of Roosevelt, many will say he had no choice and did everything he could to aid the Americans across the nation in a time of great fear and desperation.

All seemed well as Roosevelt entered his second term, unaware of the great troubles waiting down the road concerning his legislation. All throughout his first term FDR clashed with the Supreme Court, and in particular, four of the more conservative minded justices, nicknamed "The Four Horsemen", who continually attempted to shoot down legislation vital to FDR's "New Deal". Some examples would be the National Recovery Administration (NRA), and the Agricultural Adjustment Administration (AAA). Angered by his inability to push any significant legislation through, Roosevelt decided to take action. As he told the press, the court had created a "no-man's-land" where no Government- State or Federal-can function." With the help of his Attorney General, Homer Cummings, Roosevelt secretly devised a plan to reform the courts.

On February 5th, 1937 the plan was announced to the shock of Congress as well as much of the nation. Roosevelt used the justices ages against them stating that for every justice above the age of 70 he should be allowed to appoint a justice of his own choosing. This would move the current number of nine justices to a maximum of 16. Not only did he request to appoint as many as six additional justices but also 44 new judges to the lower federal courts. He justified this request by stating that the shortage of judges had resulted in many delays within congress because they were overburdened. Roosevelt also stated, "A part of the problem of obtaining a sufficient number of judges to dispose of cases is the capacity of the judges themselves, this brings forward the question of aged or infirm judges-a subject of delicacy and yet one which requires frank discussion." Basically his reasoning for the reformation of the courts was based on the justices perceived inability to complete their jobs efficiently and in a timely manner. Roosevelt's message touched off the greatest struggle in our history among the three branches of government.

After a 168 day battle, the court finally shot down FDR's court-packing request. Many in the Senate saw his request as a ruse to hide the real objective which was indeed to pack the courts in his favor. FDR's scheme, said the Senate Judiciary Committee, was "a measure which should be so emphatically rejected that its parallel will never again be presented to the free representatives of the free people of America." In simpler words, the court made it quite obvious that Roosevelt's request was one which never should have been asked in the first place. Thankfully, due to the system of "checks and balances" between the legislative and executive branches of government, balance was again restored and a clear message was sent to future presidents concerning the courts.

In the Federalist Papers No. 51, James Madison's famous quote, "If all men were angels no government would be necessary" comes back to prove a point, especially in this particular case. Politics are not always cut and dry and without the Separation of Powers many politicians and government officials would indeed step outside the boundaries and abuse their power; Thankfully, the founders of the constitution foresaw this issue and created a government in which it is extremely hard to abuse one's power and get away with it. In this example we see an ambitious, and somewhat sneaky Roosevelt attempt to exceed his executive power by packing the court in his favor. Thankfully due to the "checks" that the other two branches have upon the executive branch, this conflict was effectively tabled and discarded. Without this system, the rights of United States citizens would be in danger of exploitation at the very hands of those officials sworn to protect them.

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