Four 20th Century Controversies and One Genuine Character

The Fromm Institute
Spring 2015
Professor Curtis Caton

Justice James McReynolds (1862-1946)
(1914-41)
Justice Louis Brandeis (1856-1941) (1916-39)

Justice Benjamin Cardozo (1870-1938) (1932-38)
Roosevelt, The New Deal and Court-Packing

- Supreme Court invalidates several laws passed by Congress to devise national solutions to the economic crisis.
- Frustrated Roosevelt, following 1936 landslide re-election, proposes to expand number of Supreme Court justices.
- The 1937 “switch in time that saves nine” takes a new approach to both Commerce Clause and “liberty of contract” cases; former expanded, latter abandoned.
- Ironically, without expansion of the Court, Roosevelt gets to make a record number of appointments.

The U.S. Supreme Court in 1937

Justice William O. Douglas (1898-1980) (1939-75)
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