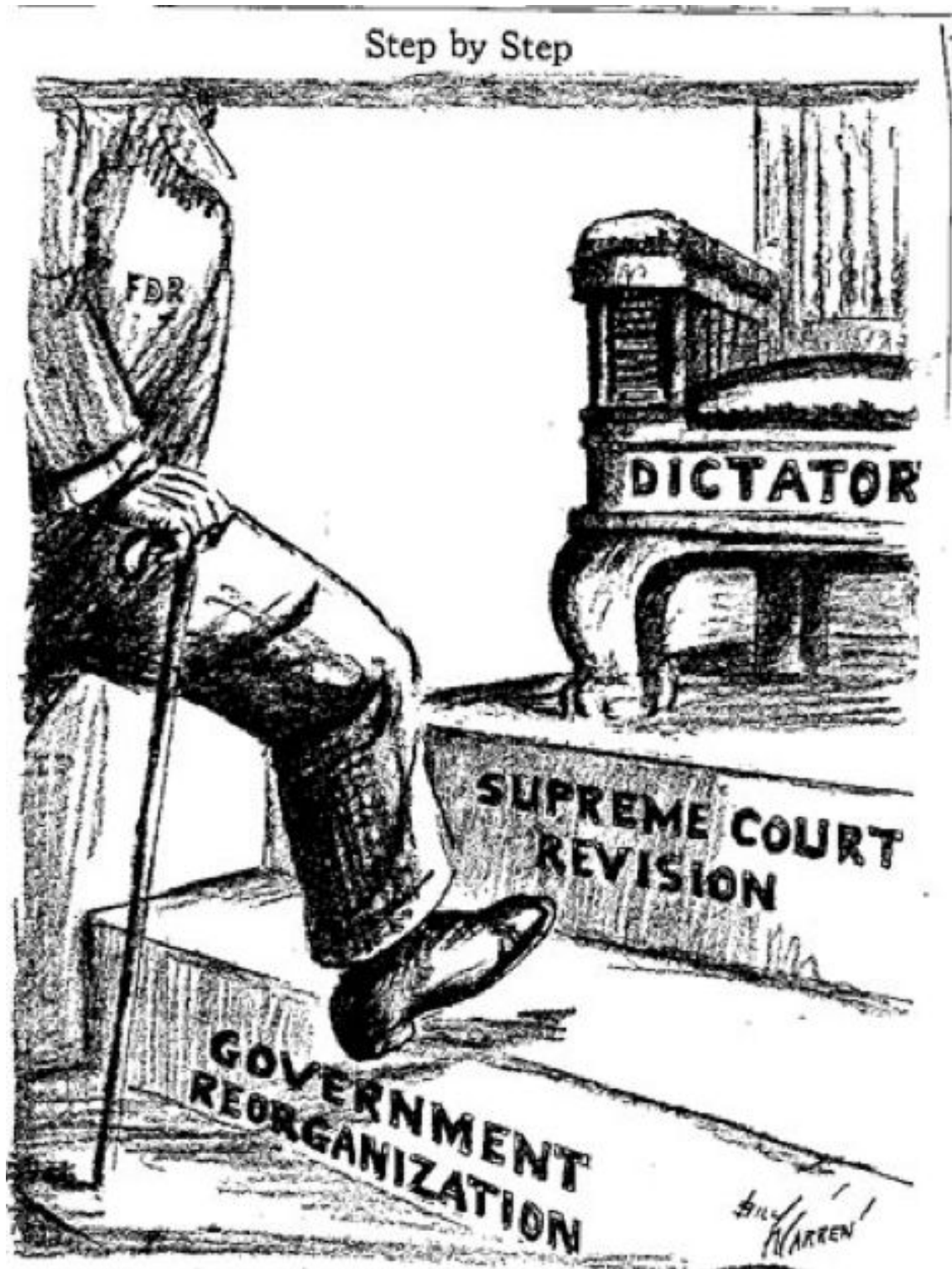


Document 1: Step by Step, 2/11/37, By Warren in the *Buffalo News*



Source: Court Packing - Judicial Reorganization and the End of the New Deal. University of Virginia. 15 Dec. 2009 <<http://xroads.virginia.edu/~MA02/volpe/newdeal/court.html>>.

DOCUMENT #2: George Creel was a publicist, writer, and ad man who during World War I, had handled all American war propaganda. In 1937 he was close to Roosevelt, who often used Creel's column in Collier's as a trial balloon for ideas. Thus, Creel wrote several early articles on the Supreme Court and was privy to inside information before Roosevelt announced his Court bill. From George Creel's Rebel at Large.

Our discussions about the Court plan, prior to its introduction in the Senate, were most revealing. It was not only his belief in himself -- a confidence in his decisions that was not shaken by a single doubt -- but the very evident assumption that he did not need to support his wishes by argument or appeal. Enough for him just to state the wish or give the order. For example, when I asked him if he meant to discuss the Court bill with members of Congress and party leaders before its introduction, he shrugged off the question as if it dealt with an unimportance.

The President's failure to make the matter a subject of conference stirred resentments that were not abated by his subsequent course. Tommy Corcoran was designated as a "royal messenger" to whip recalcitrants into line and when this failed, the White House let it be known that "disloyal Senators" would not receive any patronage favors in the future.

DOCUMENT #3: From Samuel Rosenman, Working with Roosevelt. (1952).

The message placed great emphasis -- almost the major emphasis -- on the fact that all the federal justices were overworked, and that as a result calendars were clogged and decisions delayed. We had a lengthy discussion of the advisability of using that approach rather than the direct one that because of the age of the present justices, the Court needed and could be given a fresh and more resilient out-look by the addition of younger men. Richberg, Reed, and I thought that that should be the major approach. But Cummings was confident of his facts and of the reasons -- overworked judges. The whole plan appealed to Roosevelt as a subtle device for getting what he wanted without being charged with "packing" the Court because of disagreement with the trend of its decisions. It was hard to understand how he expected to make people believe that he was suddenly interested primarily in delayed justice rather than in ending tortured interpretation of the Constitution; but the cleverness, the too much cleverness, appealed to him.

DOCUMENT #4:

Qualifying Test

2/12/37 By Brown in the *New York Herald-Tribune*

QUALIFYING TEST FOR SUPREME COURT JOBS



DOCUMENT #5: Raymond Moley was one of Roosevelt's original "braintrusts" in the early years of the New Deal. By 1937 he was drifting away from Roosevelt. When the Court bill was presented, Moley fought hard against it. In the following selection from his book After Seven Years (1939) he analyzes Roosevelt's personality.

Whether or not Roosevelt realized that the plan he championed that day was an assault upon a fundamental principle in American government is another question.... Neither Corcoran nor Cummings objected to it as the violation of a constitutional tradition as binding as a written provision of the Constitution... The simple principle that democracy exists only in so far as its objectives are attained in terms of its own institutions --- this is not necessarily known to the connoisseur of historical anecdotes.

But even if it had been, how much of an obstacle would it have been to a man who believed himself the personification of the will of the majority? Passionately convinced as Roosevelt was, of the essential purity and rectitude of his intentions, how could he have been expected to remember the injunction in the Federalist.... Completely assured as he was that he himself embodied the desire for progressivism -- that he was progressivism -- how could he have been expected to consult those men, many of them immediately within reach at the other end of Pennsylvania Avenue, who might have refreshed his memory?

And so came the second tactical blunder in the proceeding -- the failure to take counsel with the congressional leaders on the assumption that they would not dare to oppose his wishes....

DOCUMENT #6: Harold Ickes was head of the P.W.A. and later became Secretary of the Interior. He kept a diary, a valuable tool for historians. From Harold Ickes, The Secret Diary, Saturday, February 6, 1937.

The president had called up together to read to us the message that he was about to send to Congress calling for a drastic reorganization of the judiciary... My own feeling is that the reforms as to structure and procedure advocated by the President are fully justified. I do not believe that eventually we can work out our constitutional salvation without a far-reaching amendment. As a preliminary to reading us his message, the President said that he had considered and put aside the idea of amending the Constitution. As he put it: "Give me ten million dollars and I can prevent any amendment to the Constitution from being ratified by the necessary number of states."

DOCUMENT #7: "He Just Ain't Fast Enough," 2/9/37 By Homan in the *Brooklyn Citizen*



Document Analysis Response (Cognitive Strategy)

Document #1 (Forming Interpretations)

I think this represents _____ because _____.

Document #2 (Relating Personally to the Problem)

This reminds me of _____ because _____.

Document #3 (Revising Meaning)

At first I thought _____, but now I _____.

Document #4 (Important Elements)

The most important elements of this political cartoon are _____.

Document #5 (Seeking Help from Peers)

Something that is still not clear is _____ because _____.

My peer thinks the answer is _____.

Document #6 (Summarizing)

In a nutshell, this says that _____ because he states _____.

Document #7 (Asking Questions)

I wonder why _____, because _____

