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THE ROOSEVELT COURT

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On August 12, 1937, after nearly four and a half years in office, Franklin D. Roosevelt finally named his first appointee to the U.S. Supreme Court. In a move that shocked supporters and opponents alike, the president sent to the Senate the name of Hugo LaFayette Black, the senator from Alabama who had been a vociferous proponent of the New Deal and of Roosevelt's controversial court-packing plan. After Black came one opening after another, and, in the end, Roosevelt made nine appointments to the nation's high court, more than any other chief executive save George Washington.

Contemporaries saw the long list of Roosevelt nominees as proof that the president had won the bitter fight with the Court that had erupted into a constitutional crisis in the spring of 1937. Although there is some recent scholarship to suggest that the Court was not as ideologically opposed to New Deal reform as had previously been assumed,¹ at the time both conservatives and liberals saw the Court as standing athwart Roosevelt's efforts to implement New Deal programs.

The Court, after narrowly approving two state reform measures, a Minnesota mortgage moratorium² and a New York milk-pricing statute,³ seemingly turned against all efforts to deal with the economic crisis. First it invalidated a New York model minimum-wage law that even conservative newspapers and the Republican presidential candidate, Alf M. Landon, considered reasonable.⁴ When the Court began to hear cases involving federal legislation in December 1934, the administration not only faced a hostile