



FDR and Chief Justice Hughes: The President, the Supreme Court, and the Epic Battle Over the New Deal

James F. Simon

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By the author of acclaimed books on the bitter clashes between Jefferson and Chief Justice Marshall on the shaping of the nation's constitutional future, and between Lincoln and Chief Justice Taney over slavery, secession, and the presidential war powers. Roosevelt and Chief Justice Hughes's fight over the New Deal was the most critical struggle between an American president and a chief justice in the twentieth century.

The confrontation threatened the New Deal in the middle of the nation's worst depression. The activist president bombarded the Democratic Congress with a fusillade of legislative remedies that shut down insolvent banks, regulated stocks, imposed industrial codes, rationed agricultural production, and employed a quarter million young men in the Civilian Conservation Corps. But the legislation faced constitutional challenges by a conservative bloc on the Court determined to undercut the president. Chief Justice Hughes often joined the Court's conservatives to strike down major New Deal legislation.

Frustrated, FDR proposed a Court-packing plan. His true purpose was to undermine the ability of the life-tenured Justices to thwart his popular mandate. Hughes proved more than a match for Roosevelt in the ensuing battle. In grudging admiration for Hughes, FDR said that the Chief Justice was the best politician in the country. Despite the defeat of his plan, Roosevelt never lost his confidence and, like Hughes, never ceded leadership. He outmaneuvered isolationist senators, many of whom had opposed his Court-packing plan, to expedite aid to Great Britain as the Allies hovered on the brink of defeat. He then led his country through World War II.

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