

Topic:

The Supreme Court,
Roosevelt, and the New Deal

Time:

2-3 class
periods

Historical

Period:
1930

Core:

US I 6120 - 0603
US II 6250 - 0603
Gov. 6210 - 0104

Objectives:

1. Students will have greater understanding of judicial review.
2. Students will practice critical thinking skills.

Procedure:

1. Read background sheet.
2. Discussion on background sheet and reading about Roosevelt, the New Deal, and the Great Depression.
3. Distribute the *Schechter Poultry* case summary.
4. Distribute case decision.
5. Have students fill in case study sheet as they read the poultry case.
6. Discuss the decision; what is students' decision and why?
7. Introduce the importance of the Supreme Court and how the Court hears and decides a case.
8. Explain the structure of the Judicial Branch by passing out chart, Handout 5, and having class discussion.
9. How does a case reach the Supreme Court? Follow the case *Gideon v. Wainwright* by referring to the chart on "How a Case Gets to the Supreme Court," Handout 6. It also may be helpful to pass out, perhaps before this, "Steps of a Trial," Handout 7, and "Appellate courts," Handout 8, so students can see all of this in detail.
10. To illustrate this activity, a video tape on the *Gideon* case is available from the Utah Law-Related Education Project.
11. You may want the students to read the decision, Handout 4, or you may want them to fill out the case study sheet and then read the decision.

Handouts/Worksheets:

1. Background sheet
2. *Schechter Poultry Corp. v. the United States*
3. Case Study Sheet (For more detailed instructions, see "Teaching Strategies" at the front of this manual.)
4. Decision -- *Schechter Case*
5. Structure of the Judicial Branch
6. How a Case Reaches the Supreme Court
7. Steps in a Trial
8. Appellate Courts

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INTRODUCTION

The year was 1933. The economy of the United States was a disaster. Fifteen million men were unemployed, and one out of every four workers was without any means of support. Millions who were working were barely earning enough to stay alive. Many even went so far as to sell apples on street corners to earn money for themselves and their families. Many banks failed, and customers lost their life savings. The period was called the Great Depression.

This lesson uses an early New Deal Supreme Court case to involve students in the case study method. It also provides the opportunity to introduce or briefly summarize the judicial system generally. A teacher may take either approach — use this lesson as a catalyst for more in-depth study of the court system or use it as a brief overview.

HANDOUT 1

THE NIRA (NATIONAL INDUSTRIAL RECOVERY ACT) AND THE NRA (NATIONAL RECOVERY ASSOCIATION)

In 1933, America had a new President with new ideas. He offered Americans a “New Deal” for everyone. During those first hundred days of his administration, many laws were passed to change the way Americans did business. One such law was the National Industrial Recovery Act:

Section 1: A national emergency (resulting in) widespread unemployment and disorganization of industry, which . . . affects the public welfare and (lowers) the standards of living of the American people, is hereby declared to exist. It is hereby declared to be the policy of Congress to remove (blocks) to the free flow of interstate . . . commerce (business between states) . . . to provide for the general welfare by promoting . . . cooperative action among trade groups, to (encourage) united action of labor and management under . . . governmental . . . supervision, to eliminate unfair (competition), to promote the fullest possible (use) . . . of industries, to avoid (unnecessary stoppage) of production . . . to increase the (purchase) of industrial and agricultural products by increasing (buying) power, to reduce . . . unemployment, to improve standards of labor, and otherwise (help) industry and conserve natural resources.

Questions for Discussion

1. In simple terms, what was Roosevelt trying to say?
2. Where does Congress get the authority to pass such laws? Where in the Constitution? Cite the source.

To achieve these goals, the Act created the NRA which encouraged business firms to create associations or trade organizations for their industries. These associations would propose fair corporate codes, or agreements, spell out minimum wage standards and pricing rules as well as advertising guidelines, production goals and sales practices. Companies would agree to do business according to these codes and that, in turn, would help the economy by removing unnecessary competition. If a company signed the association code, they could display the symbol of the NRA, “The Blue Eagle.” Shoppers would look for the symbol before buying anything. Stores who would not follow these codes were boycotted. Many business people objected to the government regulations, which were rules having the force of law. Some began to question whether the NRA was constitutional or not. The first case to question Roosevelt’s New Deal came before the Court: The Case of Some Sick Chickens.

Questions for Discussion

1. What are the good and bad aspects of the NRA?
2. Did the NRA, or perhaps even the President, have the authority to make regulations like these association codes?

SCHECHTER POULTRY CORPORATION v. UNITED STATES

The NRA Live Poultry Code covered the selling of chickens. Chicken producers who signed the Code agreed to sell only healthy chickens that passed government inspection. They also agreed to pay fair wages and charge the same prices to all their customers.

In 1933, the Schechter Poultry Corporation, one of the largest slaughter houses in New York, signed the NRA Code. However, later the government accused the company of sixty violations of the Code, including paying low wages, favoring certain customers, and selling several tons of chickens infected with tuberculosis. When people heard the accusations of wrongdoing which were indictments brought into court against the company, people stopped buying chickens. Therefore, the whole poultry industry of the United States suffered.

During the trial, the judge dropped twenty-seven out of sixty counts against the Schechters. They were found innocent on fourteen of the remaining charges, but were convicted on the rest. They appealed and many more convictions were reversed, except one. They were found guilty of selling sick chickens. The Schechters took their case to the Supreme Court of the United States.

Arguments for the Plaintiff, Schechter Poultry Corporation

Plaintiff maintained that all lower court convictions should be reversed because the NRA Codes were unconstitutional.

1. Why? Plaintiff argued that codes were laws, but neither the President nor the business associations had authority to make laws. The Constitution says that only Congress can make laws.
2. The Federal Government did not have the authority to regulate intrastate commerce (that is business within a state). This corporation only slaughtered and sold chickens in the State of New York.

Arguments for the Defendant

Defendant argued that the convictions should stand for three reasons:

1. Codes were not laws, but regulations that were necessary to carry out the NIRA, which was a law passed by Congress.
2. The Federal Government did have authority within a state to control intrastate and interstate commerce because the chickens came from other states and, therefore, Congress can regulate the handling and sale of those same chickens within the State of New York.
3. The Depression was an emergency that required the Constitution to “bend” a little so that the economy could recover.

HANDOUT 3

Student's Name _____ Date _____

CASE STUDY SHEET

Case Name _____

Court _____

Decision Date _____

Facts:

Legal Issues:

Decision:

Court's Reasoning:

Student's Comments:

DECISION
SCHECHTER POULTRY CORP. v. UNITED STATES

On May 27, 1935, the United States Supreme Court handed down its decision:

1. The Court agreed with the Corporation that the codes were in fact laws, and Congress did not have the authority to grant law-making powers to the President.
2. The Court also agreed with the plaintiff that the federal government did not have the authority to regulate the corporation because the chickens never crossed state lines after the company received them.
3. The Court disagreed with the federal government that the Depression was such an emergency that the Constitution had to be bent. In the words of the Court, “Extraordinary conditions do not create or enlarge Constitutional power.”

On March 9, 1937, Roosevelt spoke to the American people in a “fireside chat” and suggested that perhaps it was time to change the balance of power and “stack the Court.”

STRUCTURE OF THE JUDICIAL BRANCH

FEDERAL AND UTAH STATE COURT SYSTEMS

United States Supreme Court

Tries lawsuits between the states. May review decisions of federal appellate courts and specialized federal courts. May review decisions of the highest court of appeals in a state if a constitutional question or federal law is involved.

Utah Supreme Court

(Highest State Court)

U. S. Circuit Court of Appeals

Hears appeals from U. S. district courts and reviews decisions of federal administrative agencies.

Primarily hears appeals from the Appeals Court, first degree or capital felony cases and complex civil appeals from the District Court, and some cases directly from state agencies.

U. S. District Courts (Federal Trials)

Try both civil and criminal cases and serve as bankruptcy and admiralty courts as well. May review decisions of federal administrative agencies.

Court of Appeals

Hears appeals regarding decisions made in District Court and Juvenile Court. It also hears appeals regarding the decisions of most state agencies. It does not, however, hear any cases involving charges of first degree or capital (death penalty involved) felonies.

FEDERAL CASES

District Courts

Highest level of trial court in Utah. Have original jurisdiction in all civil and criminal matters, unless otherwise noted in Utah Constitution or statute.

Juvenile Courts

Have authority to handle cases involving juveniles under the age of 18 who have committed a crime or who are beyond the control of their parents.

Justice Courts

Are established by counties and municipalities and have authority to deal with class B and C misdemeanors, violations of ordinances, small claims, and infractions committed within their territorial jurisdiction.

Court

Commissioners

STATE CASES

HOW A CASE REACHES THE SUPREME COURT

While there are certain cases that can be brought directly to the Supreme Court, the majority of cases are brought on appeal. If either party in a case is unhappy with the decision of a lower court, it has the right to appeal that decision to a higher court. An appeal is not a new trial, but rather a reexamination of the evidence, procedures and legal or constitutional principles on which the decision was based in the previous trial.

Only a very small percentage of cases appealed are considered by the U. S. Supreme Court. Generally speaking, the Court will be inclined to hear a case if it involves a basic constitutional principle, an important question of federal law or a conflict between state and federal law. Appeals are brought to the U. S. Supreme Court from the highest courts in each state or from lower federal courts. The diagram below illustrates these two paths by which a case reaches the Supreme Court.

From State Supreme Court

Gideon v. Wainwright

Accused of a crime

June 1961 — Clarence Earl Gideon was arrested and charged with breaking and entering the bay harbor poolroom in Panama City, Florida.



Trial in State Circuit Court

1961 — Gideon was too poor to afford a lawyer, but his request for a court-appointed lawyer was rejected. Judge Robert L. McCrary cited Florida state law and the 1942 U. S. Supreme Court decision of *Betts v. Brady*. Gideon served as his own lawyer, but lost the case. He was found guilty and given the maximum five-year sentence.



Appeal to the State Supreme Court

October 1961 — The Supreme Court of the State of Florida denied Gideon’s petition of appeal. It upheld the lower court’s ruling that there was no legal requirement to appoint a lawyer for Gideon.



Appeal to the United States Supreme Court

June 1962 — The U. S. Supreme Court agreed to hear the *Gideon* case in its next session.

June 1962 — The Supreme Court appointed Abe Fortas, a prominent Washington attorney, to represent Gideon. Despite its own *Betts v. Brady* decision, the Supreme Court had traditionally appointed lawyers for poor defendants.

January 1963 — Oral arguments were heard between Abe Fortas and Florida Assistant Attorney General Bruce Jacob.



The Supreme Court Decides

March 1963 — The Court ruled in favor of Gideon, holding that he was entitled to a court-appointed lawyer. They directed the State of Florida to give Gideon a new trial and to appoint a lawyer to represent him. The greater effect was that all persons would be guaranteed a lawyer.

August 1963 — Gideon was represented by a court-appointed lawyer at a new trial in the Circuit Court of Florida. He was found not guilty.

From Federal District Court

Brown v. Board of Education

“My Rights Have Been Violated”

September 1950 — An eight-year-old black student named Linda Brown was denied admission to an all-white elementary school in Topeka, Kansas.



Trial in Federal District Court

February 1951 — Her father, Oliver Brown, and 12 other black parents sued the city’s Board of Education in the United States District Court. The case was officially titled *Brown v. Board of Education of Topeka, Kansas*.



Appeal to the United States Supreme Court

While many cases must be appealed from district court to the court of appeals, this case was appealed directly to the Supreme Court.

June 1952 — The Supreme Court agreed to hear the Brown case.

December 1952 — Arguments were heard from lawyers for both sides. However, the Court was divided and unable to arrive at a decision.

December 1953 — A year later, arguments were again heard for both sides. During that time, a significant change had occurred on the Court. Chief Justice Fred Vinson had died in September and President Eisenhower had appointed Earl Warren to replace him.



The Supreme Court Decides

May 1954 — By a 9 to 0 vote, the Supreme Court overruled the district court’s decision. It stated that segregated schools were unconstitutional because segregation “deprives children of the minority group of equal educational opportunities.” It nullified the “separate but equal” principle of the 1896 *Plessy v. Ferguson* case.

STEPS IN A TRIAL

Trials proceed according to established rules set by statutory laws which are enforced by the judge.

1. Opening Statements Attorneys for each side make statements to inform the court and jurors of the nature of the case, the evidence they will present, and the facts they expect to prove.

2. Examination of Witnesses

 Plaintiff's/Prosecutor's Witnesses The plaintiff/prosecutor calls his/her witnesses for direct examination (questioning) to state what they know about the alleged crime or injury. The defense attorney can cross-examine those witnesses. Then the plaintiff/prosecutor may reexamine his/her witnesses.

 Defense Witnesses Then, the defense calls his/her witnesses to give testimony to disprove the plaintiff's/prosecutor's case and to establish the defendant's case. The plaintiff/prosecutor may cross-examine the witnesses. Then the defense may re-examine his/her witnesses.

 Rebuttal When the defense has presented all its witnesses, the plaintiff/prosecutor may again call witnesses to rebut new information introduced by the defense's witnesses.

3. Closing Statements Both attorneys summarize the evidence and arguments presented in favor of their cases.

4. Instructions to the Jurors The judge instructs the jurors as to the laws and rules which apply to the evidence presented and the different verdicts the jury may return. In civil cases, a preponderance of the evidence favoring one side must be determined. In criminal cases, the defendant must be found guilty beyond a reasonable doubt.

5. The Verdict

Criminal Cases: In criminal cases, there are three possible verdicts:

Guilty: Two determinations must be reached for a guilty verdict: (a) the law has been broken, and (b) the evidence showed that the person named as defendant committed the act beyond a reasonable doubt.

Not Guilty: For a not guilty verdict to be returned, the jurors must simply feel that the state has not convinced them beyond a reasonable doubt of the guilt of the defendant.

Not Guilty by Reason of Insanity: For a not guilty by reason of insanity verdict, the jury or the judges must determine that the defendant was suffering from a mental disorder at the time that the act was committed.

Civil Cases: In civil cases, verdicts must be within the boundaries defined by the judge relative to the case in question. There are numerous possibilities.

6. Sentence or Judgment In the case of a guilty verdict in criminal cases, the judge will impose a sentence upon the convicted defendant which may be a prison term, probation, fine, or other judgment, such as restitution.

In civil cases, a judgment is entered which requires the defendant to pay a specified amount or specific performance or injunction.

APPELLATE COURTS

Appellate Court is a court which considers alleged legal errors in the trial court proceedings. In Utah, the appeal is to the next higher court (Handout 5).

How a case is appealed

Appeal is filed

In a civil case, either party may appeal. In most criminal cases, only the defendant may appeal. In an appeal, the plaintiff or defendant alleges there is legal error in trial court proceedings* and asks to have the judgment reviewed by a higher court.

Attorneys file legal briefs containing their arguments as to why the trial court's decision should or should not be set aside. Opinions in other cases are cited as precedents to help convince the court.

Hearing

The plaintiff/prosecutor and defendant may present oral arguments to show why the decision of the lower court should be sustained or overruled. Transcript of the original trial may be reviewed.

Decision is made

The court renders a decision.

*If a convicted defendant finds new evidence, that is evidence that was not in existence or able to be discovered before the trial, the defendant may enter a motion for a new trial. The judge then would rule whether or not a new trial would be set. This is not an appeal. If the judge denies the motion for a new trial, the defendant could then appeal, alleging the judge made a legal error in denying the motion.