

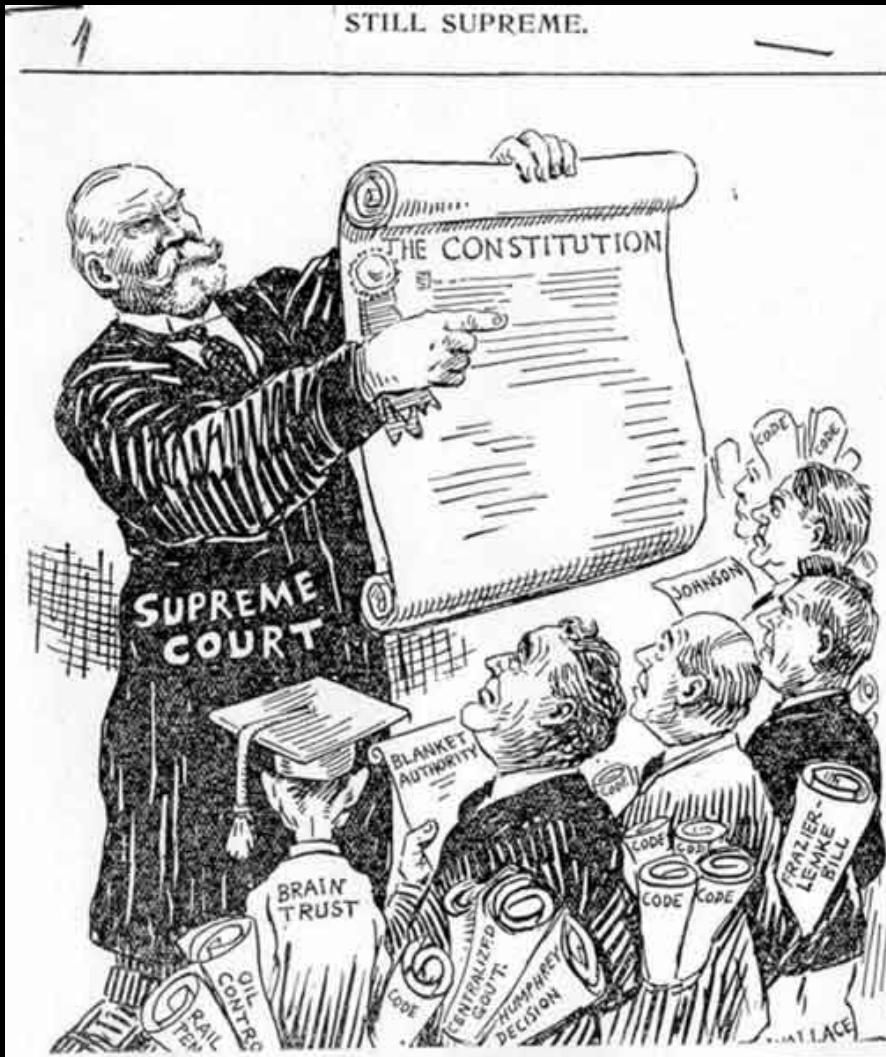
*** No *virtual* office hours tonight ***

**but regular office hours (2-3:30) will take
place as usual**

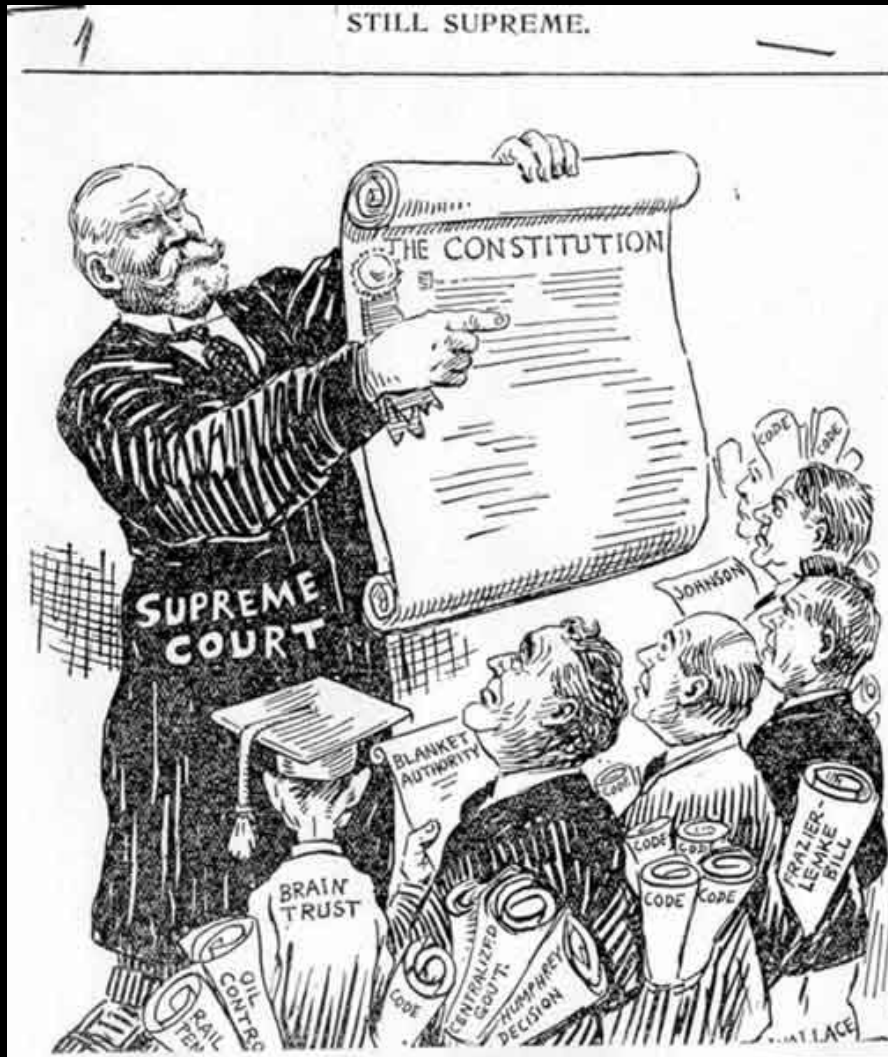
The New Deal

- Banking and Currency rules
- Agriculture Adjustment Act (AAA)
- National Recovery Administration (NRA)
and National Industrial Recovery Act (NIRA)
- Tennessee Valley Authority (TVA)

Supreme Court Objections to New Deal:

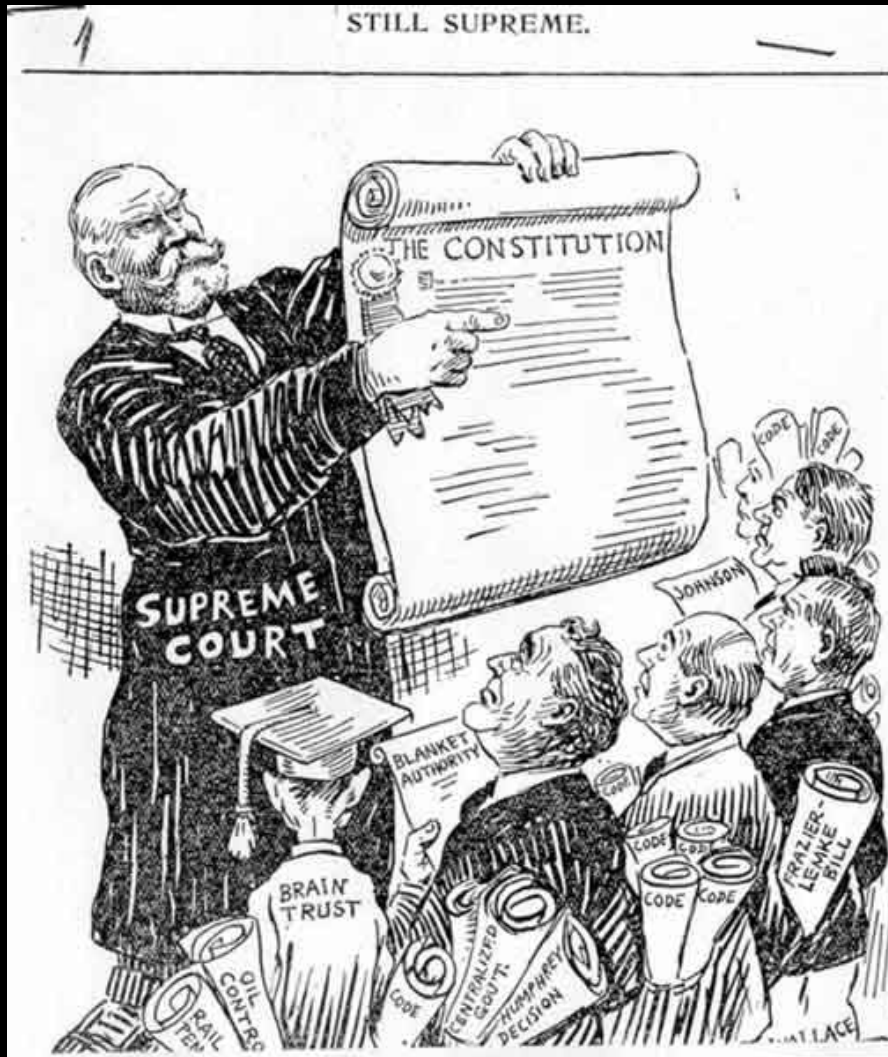


Supreme Court Objections to New Deal:



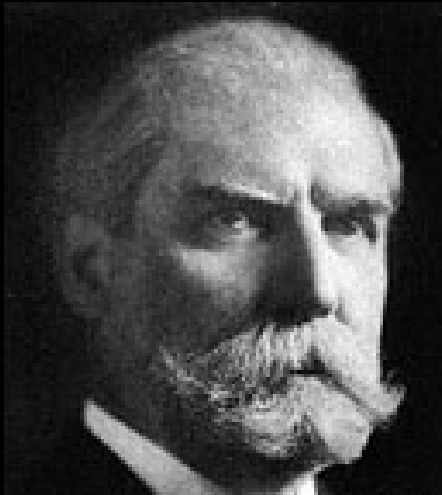
- 1) Does the National Government have the power to do this at all?

Supreme Court Objections to New Deal:



- 1) Does the National Government have the power to do this at all?
- 2) Even if national govt. has this power,
 - Does President, alone, have this power?
 - Can Congress delegate its power to the President?

Schechter Poultry v United States (1935) the 'sick chicken' case



Chief Justice
Charles Evans
Hughes

for a *unanimous*
court



Black Monday:

Louisville Bank v Radford

(mortgage relief for bankrupt farmers)

Humphrey's Executor v U.S.

(Executive Power to replace key regulators)

Schechter Poultry Corp v. U.S.

(NRA)

All declared Unconstitutional - May 27, 1935

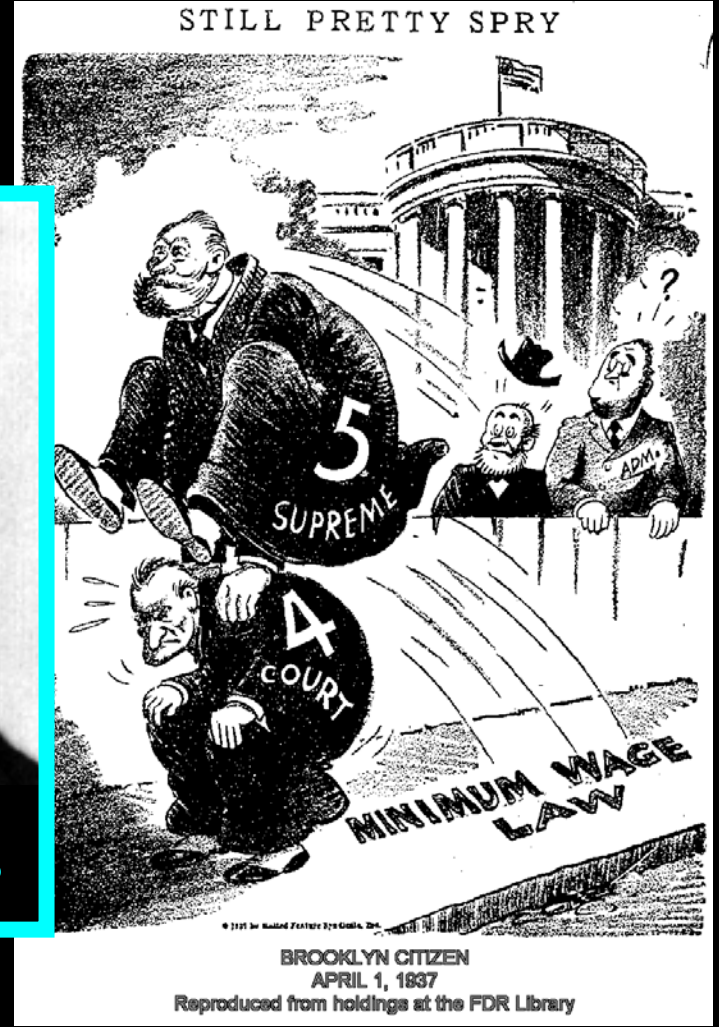
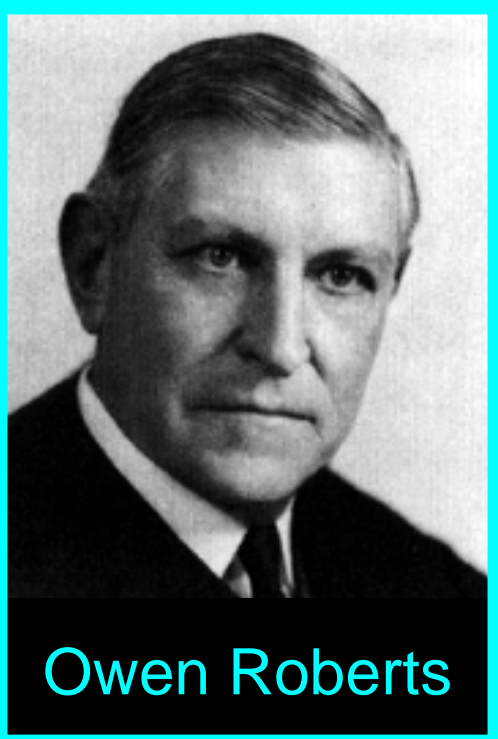
NEVER SATISFIED







The Switch in Time that Saved the Nine?



NLRB v. Jones & Laughlin Steel (1937)



Van Devanter

McReynolds

Butler

Sutherland

Regulation
upheld, 5-4

Dissenting

“A more indirect interference with interstate commerce, or a more definite invasion of the power reserved to the states is difficult if not impossible to imagine.”

- Justice McReynolds, dissenting

Gibbons v. Ogden (1824)

EC Knight *DISSENT* (1895)

United States v Darby (1941)

Deference to Congress - Political Process Path

National legislation is allowed where any sort of connection to an enumerated power (like Commerce) can be established ... unless less Constitution explicitly prohibits

United States v. Darby (1941)

**Regulation
upheld 9-0**

“Whatever their motive and purpose, regulations of commerce which do not infringe some constitutional prohibition are within the plenary power conferred on Congress by the Commerce Clause.”

Carter v. Carter Coal Co. (1936)

5-4 against regulation

NLRB v. Jones & Laughlin Steel (1937)

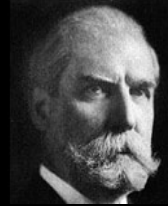
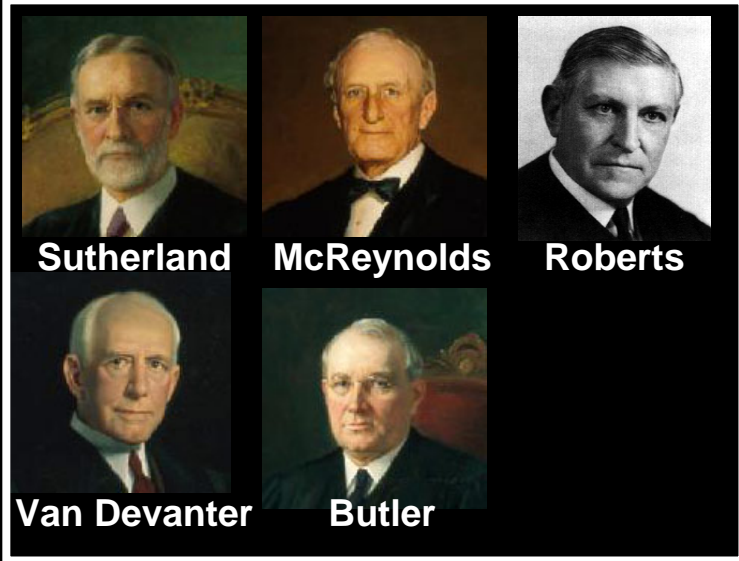
5-4 in favor of regulation

United States v. Darby (1941)

9-0 in favor of regulation



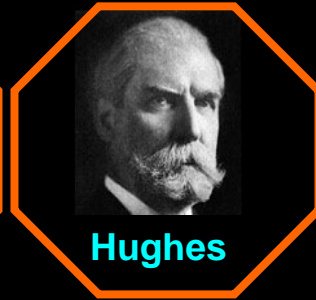
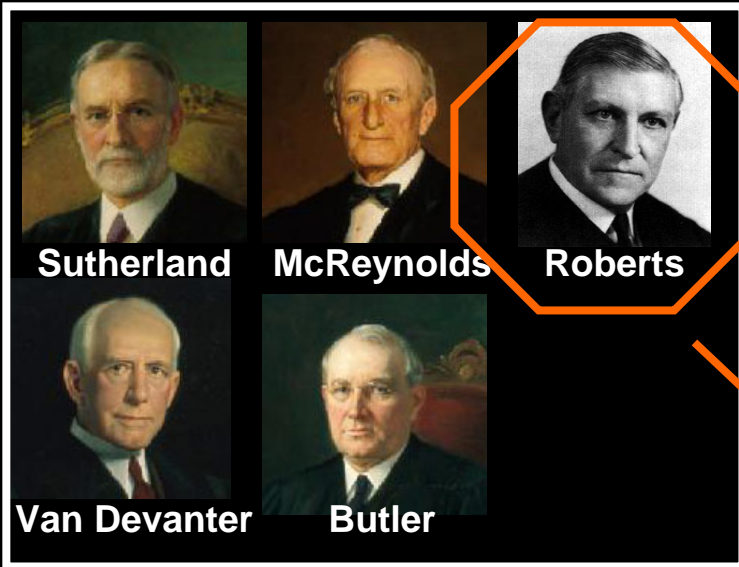
Carter v. Carter Coal Co. (1936)



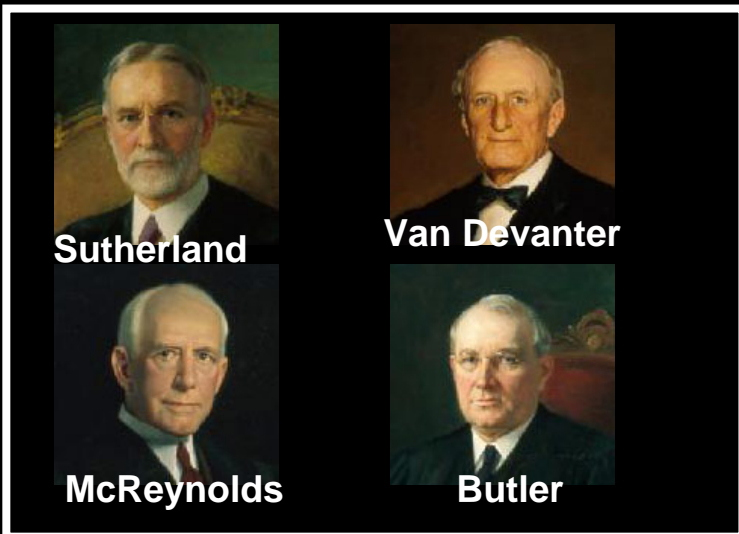
Hughes



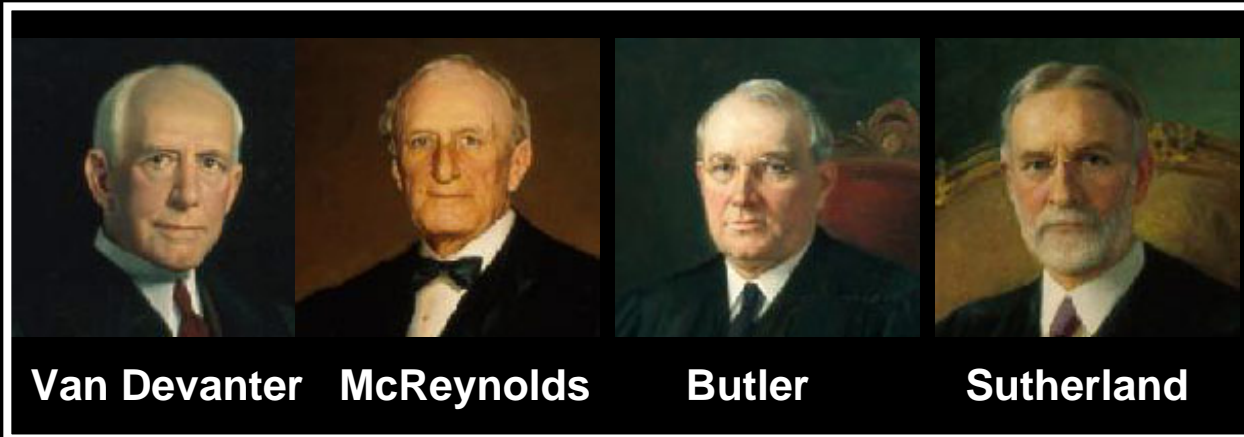
Carter v. Carter Coal Co. (1936)



NLRB v. Jones & Laughlin Steel (1937)



NLRB v. Jones & Laughlin Steel (1937)



**Regulation
Upheld
5-4**

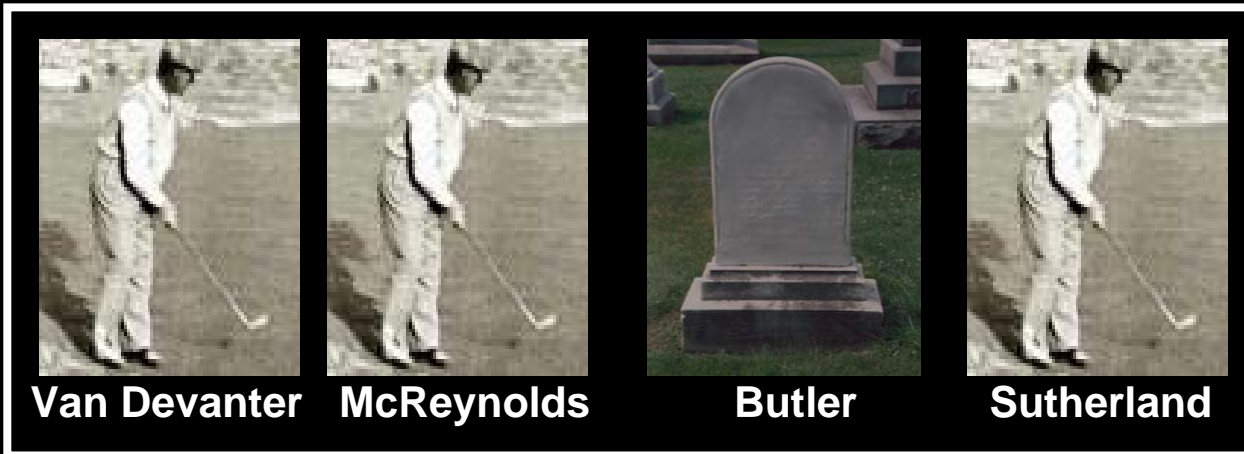
Dissenting

United States v Darby Lumber Co. (1940)

?

**Regulation
Upheld
9-0**

NLRB v. Jones & Laughlin Steel (1937)



Van Devanter

McReynolds

Butler

Sutherland

Regulation
Upheld

5-4

Dissenting

United States v Darby Lumber Co. (1940)

Regulation
Upheld

9-0

NLRB v. Jones & Laughlin Steel (1937)



Van Devanter



McReynolds



Butler



Sutherland

Regulation Upheld

5-4

Dissenting

United States v Darby Lumber Co. (1940)



Hugo Black



Byrnes



Murphy



Reed

Regulation Upheld

9-0

Replaced by FDR

Deference to Congress - Political Process Path

National legislation is allowed where any sort of connection to an enumerated power (like Commerce) can be established ... unless less Constitution explicitly prohibits

EC Knight *DISSENT* (1895)

United States v Darby (1941)

Wickard v. Filburn (1942)