

# The supreme court reborn by william e leuchtenburg

Law



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Questions and Answers Chief Justice Hughes' dissent in the Rail Pension Case revealed that his fundamental objection to Roberts' majority opinion focused on:

- A. Roberts' holding that the Rail Pension Act violated the due process clause of the fifth amendment of the U. S. Constitution.
- B. Roberts' holding that the Act was not a proper regulation of interstate commerce.
- C. Roberts' objection to the Act's provision that required employers to provide a pension for employees who had been dismissed.

Answer A- this is because the amendment catered for the protection against abuse of government's authority relating to legal procedures.

2. The Supreme Court's decision in the 1935 Rail Pension case disappointed FDR because he believed:

- A. the Rail Pension Act provided a well-drafted support for the constitutionality of that act.
- B. that Justice Owen Roberts was positioning himself to become a candidate for president in the 1936 election.
- C. the Rail Pension Act bore a close resemblance to the pending social security bill.

Answer C- this is because private-sector workers had a separate social security plan as compared to employees on the public-sector.

3. FDR's announcement of the " court packing plan" was greeted by

- A) an intense response from both the public and the United States Congress
- B) an unfavorable reaction by the press and the public.
- C) assurances from observers that the bill would be passed by Congress.

D) a wide-spread split in public opinion

E) all of the above.

Answer B - this is because he proved to act against his doctrine of democracy. His assigned top positions to persons with questionable backgrounds for example Hugo Black to the position of the US Supreme Court.

4. FDR's announced reason for proposing legislation to reform the judiciary, on February 5, 1937, was

A) his belief that his landslide victory in the 1936 presidential campaign entitled him to a court composed of members who favored the legislative agenda he had run on.

B) that the federal courts in general had allowed litigation to be delayed.

C) that the conservative justices on the Supreme Court had been the driving factor in the striking down of so much New Deal legislation.

D) that the Supreme Court had just nullified another piece of New Deal legislation.

Answer D- this is because the Supreme Judges had in unison agreement nullified a section of the New Deal legislation by majority vote.

5. According to Leuchtenburg, the decisions handed down by the Supreme Court in April and May of 1937

A) seemed to conflict with the Court's decisions in the previous two years, but in reality, could be interpreted as just a development of doctrine.

B) seemed to reflect a change of view by Owen Roberts, but Roberts did not change at all because earlier decisions by Roberts were entirely procedural.

C) when compared to decisions made in 1935 and 1936, marked an historic

change in constitutional doctrine.

Answer C - this is because this is not Leuchtenburg's opinion in reference to p. 142, the fifth chapter. Leuchtenburg goes ahead defending Robert.

6. When FDR, in March of 1937, abandoned his initial rationale for reform of the federal courts,

- A) his antagonists withdrew their opposition to the reform.
- B) his antagonists felt FDR was now showing proper regard for the judiciary.
- C) both his supporters and those opposed to the bill found the new rationale acceptable.
- D) those who remained in opposition did so because they resented any attempt by the President to change an institution created by the framers of the Constitution.

Answer B - this is because his initial opinion was not in line with reforms of the judiciary.

7. Although the Court-packing plan was never passed, all was not lost for FDR, according to Leuchtenburg, because the same court that reversed itself on the issue of the minimum wage law

- A) ruled favorably on every one of the New Deal laws whose constitutionality was challenged.
- B) expanded the commerce power and the taxing and spending power.
- C) has, since 1937, refused to strike down a single piece of Congressional legislation constraining business.
- D) acquired five new justices.
- E) all of the above

Answers B - this is because the president's aim was to off-set the role of the

government in controlling the economy. This would enhance taxing and commerce power

8. Although the new decisions, and the announced retirement of Justice Willis Van Devanter seemed to undercut the chances of passing the court packing plan, FDR continued to press for passage for all but one of the following reasons. Which one was not part of his reasoning?

A) He did not know how long Hughes could keep Roberts in line, or how long Hughes will remain a liberal.

B) He felt he had proved that the problem was with the Court and not with the Constitution and so it made sense to attempt to seek ways of controlling the courts.

C) FDR believed that the country was not yet with him on this issue.

D) FDR had promised to offer the next available seat on the Court to a conservative.

Answer D - this is because he wanted to fix an individual of his own choice to impact court decisions.

9. According to Leuchtenburg, the legislation introduced under the urging of the newly elected Roosevelt administration in the first 100 days following the March 1933 inauguration " raised a formidable challenge to the traditional doctrines of the Supreme Court." According to Leuchtenburg, which of the following doctrines was not challenged?

A) The doctrines concerning the power of Congress to regulate interstate commerce.

B) The doctrines concerning the power of Congress to raise taxes and spend for the general welfare.

- C) The doctrines concerning the concept of Dual Federalism.
- D) The doctrines concerning the power of judicial review.
- E) The doctrines concerning the concept of the freedom of contract.

Answer E - this is in reference to the emphasis laid upon it by the author. It is also evident that USA has been exercising freedom of contract all through.

10. Although Leuchtenburg admits that the fight over FDR's Court- packing plan had a number of disruptive effects on FDR's subsequent efforts to enact his policies, Leuchtenburg believes that, in at least one respect, the "Supreme Court donnybrook" was a success for FDR because

- A) it legitimated a vast expansion of the power of government in American life.
- B) according to Homer Cummings, it reversed the constitutional trends of the past twenty-five years.
- C) according to Edwin S. Corwin, it enabled the National Government to employ any and all of its powers to forward any and all objectives of good government.
- D) it speeded the acceptance of a new role for government and change in the ordering of property rights.
- E) all of the above

Answer E - this is because the above are inclusions of his policies. a

11. Owen Roberts, in his Butler opinion striking down the Agricultural Adjustment Act, restricted Congress's use of its power to tax and spend for the general welfare because he found its use in the act to actually be an attempt to exercise a power reserved for the state. That reserved power was

- A) the power to set minimum prices for milk
- B) the power to regulate the health of farm animals.
- C) the power to set limits on agricultural production.
- D) the power to tax agricultural processing.

Answer C- this was to enhance the sustainability of the agricultural sector.

12. According to Leuchtenburg, the extent of the shift by the Supreme Court with regard to these doctrines can be demonstrated by comparing the opinions of the Court before and after the

- A) appointment by FDR of Hugo Black to the Court in August of 1938.
- B) landslide electoral victory of FDR in the 1936 election.
- C) switch by Justice Owen Roberts with regard to the Court's doctrine concerning the interstate commerce clause of the U. S. Constitution.
- D) announcement by FDR of the court-packing bill.

Answer B - because it was the era when the government interfered with economic policies.

13. In the chapter devoted to “ The Case of the Wenatchee Chambermaid,” the Tipaldo decision declares that the decision in Adkins and the reasoning upon which it rests clearly shows that

- A) the minimum wage law written by Congress to regulate businesses in the District of Columbia was unconstitutional because it exercised a power clearly reserved for exercise exclusively by the individual states.
- B) the State is without power by any form of legislation to prohibit, change or nullify contracts between employers and adult women workers as to the amount of wages to be paid.
- C) the Constitution has established that employee and employer do not have

an equivalent right to bargain about wages.

Answer A- this is reference to the congress's powers.

14. Beginning with the Wagner Act decisions handed down on April 12, 1937 the Supreme Court adopted a new interpretation of the interstate commerce clause involving

A) The distinction between direct and indirect effects of regulated activities on interstate commerce.

B) The distinction between manufacturing and commerce.

C) The constitutionality of using the commerce power to regulate labor relations.

D) The ability of Congress to determine whether a particular activity affects interstate commerce.

E) all of the above.

Answer C- this is because commerce was one of the fields that required reforms

15. In Chapter 8, Leuchtenburg offers evidence in support of his conviction that the Supreme Court's decisions in the spring of 1937 were such an about-face on constitutional doctrines that those decisions amounted to a Constitutional Revolution. With regard to the most prominent cases, certain doctrines were apparently contradicted. Which of the following accurately portrays the pairing of case and doctrine?

A) Parrish v West Coast Hotel revised the doctrines concerning the due process clause of the Fifth and Fourteenth Amendments.

B) The Wagner Act cases revised the doctrines concerning the regulation of interstate commerce.



- C) The Social Security cases revised doctrines concerning the power to tax.
- D) All of the above.

Answer C-this is because the interstate commerce clause had the most important powers delegated by the founders to the congress.

16. In support of a constitutional revolution in 1937, Leuchtenburg finds that Hughes's position on the scope of the commerce power, in 1937, to be in conflict with his position taken prior to 1937. Which of the following groups of cases is most often sighted as evidence of his about face?

- A) Adkins, Tipaldo and West Coast Hotel.
- B) Schechter, Carter Coal and Jones and Laughlin
- C) Butler, Nebbia, Rail Pension Case, Tipaldo and West Coast Hotel.

Answer B- this is because case laws are used to bring about equality.

Therefore, the case sighted to give evidence correlates with the group.

Works cited

Leuchtenburg, William. The Supreme Court Reborn. USA: Oxford University Press, 1996.