Judicial Dependence: Assessing Senator Burton Wheeler's Role in Preserving Judicial Independence Amid the New Deal Constitutional Crisis

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On March 10, 1937, Senator Burton Wheeler (D-MT) delivered a fiery speech in Chicago opposing President Franklin Delano Roosevelt's Judicial Procedures Reform Bill of 1937, commonly referred to as the "court-packing plan." If approved by Congress, the plan would have allowed Roosevelt to expand the Supreme Court by up to six additional justices, creating a fifteen-member Court. Such an overhaul would have enabled Roosevelt to alter the Court's ideological makeup by nominating jurists more inclined to uphold the constitutionality of his economic legislation, a challenge he had consistently faced with the Court. Wheeler, one of Roosevelt's most ardent political supporters, found the proposal reprehensible and vigorously campaigned against its passage. An ominous warning from the conclusion of his Chicago speech captured his concern: "Create now a political court to echo the ideas of the Executive and you have created a weapon."[1] For this warning, and other similar statements, Wheeler is conventionally credited with leading the congressional resistance to the court-packing plan. As the most outspoken member of Congress on the issue, Wheeler undoubtedly played a major role in preventing its passage. However, the historical record suggests that Congress's rejection of the plan hardly resulted in the preservation of judicial independence that Wheeler had hoped for. Instead, the Court's opinion in *NLRB v. Jones & Laughlin Steel Corp.* demonstrates how the political branches could effectively influence the Court to bring about practical change in constitutional interpretation and practice without resorting to the formal amendment process.

President Herbert Hoover's failure to provide broad economic relief during the Great Depression paved the way for Roosevelt's landslide victory in the 1932 election. Campaigning on a promise of "a new deal for the American people," Roosevelt argued that the federal

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[1] Burton K. Wheeler, "Speech Opposing Roosevelt's Court-Packing Plan," in *Great Depression and the New Deal*, Brooklyn College (CUNY), accessed December 6, 2025, https://academic.brooklyn.cuny.edu/history/johnson/wheeler.htm.

government should further intervene in the national economy to promote stability and security.[2] He advocated for the rapid creation of public works programs, social safety nets, and business regulations that could be swiftly enacted by Congress and signed into law. Roosevelt continued to advocate for these policies leading up to the election of 1936, where he, once again, secured a significant electoral victory, losing only two states: Vermont and Maine. His reelection as an incumbent led Roosevelt to believe that the people had given him a direct mandate to implement New Deal legislation. Yet, even with Democratic control of the executive branch and Democratic majorities in both houses of Congress, the administration struggled to enforce several economic policies despite their broad public support. These failures came at the hands of the Supreme Court, Roosevelt's most formidable legislative obstacle.

The divided Court under Chief Justice Charles Evans Hughes invalidated a substantial portion of Roosevelt's early legislative agenda, much of which involved federal regulation of commercial activity. These cases were frequently decided by narrow five-to-four or six-to-three votes, underscoring the stark differences in constitutional interpretation among the justices. Justices George Sutherland, James Clark McReynolds, Willis Van Devanter, and Pierce Butler constituted the conservative, anti-New Deal bloc of the Court, commonly referred to as the "Four Horsemen."[3] In contrast, Justices Harlan Fiske Stone, Louis Brandeis, and Benjamin Cardozo, known as the "Three Musketeers," formed the Court's liberal, pro-New Deal bloc. Chief Justice

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[2] Library of Congress, "Franklin Delano Roosevelt and the New Deal," *United States History Primary Source Timeline: Great Depression and World War II, 1929–1945*, accessed December 13, 2025, https://www.loc.gov/classroom-materials/united-states-history-primary-source-timeline/great-depression-and-world-war-ii-1929-1945/franklin-delano-roosevelt-and-the-new-deal/.

[3] Peter Irons, *A People's History of the Supreme Court: The Men and Women Whose Cases and Decisions Have Shaped Our Constitution* (Penguin Books, 2000), 302.

Hughes and Justice Roberts, both former corporate attorneys,[4] "occupied the crucial middle ground," possessing the power to determine "whether a law would be upheld or rejected."[5] This very bench voted to limit Roosevelt's ability to unilaterally regulate commerce through executive orders, to prevent federal regulation of commercial activity outside of the "stream of commerce," and to exclude manufacturing from enforcement of federal commercial regulation. [6] The Court also struck down several other statutes on federalism and Commerce Clause grounds. From Roosevelt's perspective, these rulings represented judicial interference with the interventionist mandate he had been given in 1932. Meanwhile, the Court's majority felt as though they were upholding the true will of the people by enforcing ratified constitutional limitations on the federal government, regardless of contemporary economic concerns and political pressures.

As Roosevelt's frustrations with the Court's numerous anti-New Deal decisions mounted, he unveiled his court-packing plan on February 5, 1937, in direct response to what he viewed as judicial obstruction. This plan, Roosevelt believed, was a method by which he could legally secure ideological change on the Court, resulting in the revolutionary economic change the people had so clearly desired. In its early stages, Roosevelt defended the proposal by asserting that the Court was overwhelmed by its docket and that appointing additional justices would enable the aging members of the bench to resolve cases more efficiently.[7] Yet, in a fireside chat delivered on March 9, 1937, Roosevelt admitted that "we have… reached the point as a nation where we must take action to save the Constitution from the Court and the Court from itself,"

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[4] Irons, *A People's History of the Supreme Court*, 297.
[5] Harry L. Pohlman, *Constitutional Debate in Action: Governmental Powers* (Rowman & Littlefield, 2025), 51.
[6] *Panama Refining Co. v. Ryan*, 293 U.S. 388 (1935); *A.L.A. Schechter Poultry Corp. v. United States*, 295 U.S. 495 (1935); *Carter v. Carter Coal Co.*, 298 U.S. 238 (1936).
[7] Stuart Banner, *The Most Powerful Court in the World: A History of the Supreme Court of the United States* (Oxford University Press, 2024), 322.

and that "we want a Supreme Court which will do justice under the Constitution and not over it." Roosevelt concluded with an invocation of one of the greatest principles in American constitutionalism: "we want a government of laws and not of men."[8] Although early estimates of congressional support suggested that the bill might pass, skepticism was widespread.[9] Former President Hoover urged Congress to allow the people time to consider the proposal, a more moderate position than many Republican congressmen had adopted.[10] The president of the American Federation of Investors condemned the plan as "a step toward dictatorship."[11] A Gallup public opinion poll taken one month after the proposal was introduced suggested that only forty-seven percent of adults favored the plan.[12] Senator Burton Wheeler claimed that "Crisis, power, haste, and hate, was the text from which the President preached," and stated that a constitutional amendment was the only "real reform."[13]

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[8] Franklin D. Roosevelt, "Fireside Chat No. 9: On the Reorganization of the Judiciary," March 9, 1937, *Presidential Speeches*, Miller Center, University of Virginia, accessed December 7, 2025, https://millercenter.org/the-presidency/presidential-speeches/march-9-1937-fireside-chat-9-court-packing.

[9] Alfred F. Flynn, "Change in Supreme Court Seems Favored in Congress: Poll Shows 28 Senators Definitely Favorable to Measure With 15 Against – Little House Opposition," *Wall Street Journal*, February 6, 1937, https://dickinson.idm.oclc.org/login?url=https://www.proquest.com/newspapers/change-supreme-court-seems-favored-congress/docview/129850023/se-2?accountid=10506.

[10] "Aim to Pack Court, Declares Hoover: Roosevelt Move Transcends Any Partisanship Question, Ex-President Holds," *New York Times*, February 6, 1937, https://dickinson.idm.oclc.org/login?url=https://www.proquest.com/newspapers/aim-pack-court-declares-hoover/docview/102018056/se-2?accountid=10506.

[11] "Hoover to Speak Here Tonight on Court Proposal: Ex-President to Address Union League Club," *Chicago Daily Tribune*, February 20, 1937, https://dickinson.idm.oclc.org/login?url=https://www.proquest.com/newspapers/hoover-speak-here-tonight-on-court-proposal/docview/181867126/se-2?accountid=10506.

[12] Lydia Saad, "Gallup Vault: A Supreme Court Power Play," *Gallup*, February 26, 2016, https://news.gallup.com/vault/189617/supreme-court-power-play.aspx.

[13] Wheeler, "Speech Opposing Roosevelt's Court Packing Plan."

Wheeler's criticism did not end there. Following the introduction of the court-packing plan, he reached out to Chief Justice Hughes to solicit a letter on behalf of the Court that could directly refute Roosevelt's stated justifications. Hughes agreed and sent Wheeler a letter proclaiming that "an increase in the number of Justices of the Supreme Court… would not promote the efficiency of the Court." Instead, Hughes argued, "there would be more Judges to hear, more Judges to confer, more Judges to discuss, more Judges to be convinced and to decide," thereby slowing down, rather than expediting, the adjudicative process.[14] Although Hughes consulted only Justices Van Devanter and Brandeis before sending the letter, he nonetheless implied that it reflected the unanimous view of the Court, a mischaracterization that Wheeler later repeated.[15] Despite this inaccuracy, Wheeler entered the letter into the congressional record on March 29, 1937, during a Senate debate on the proposal. In doing so, he hoped to rally both his Democratic colleagues and public opinion against the plan in defense of an independent judiciary, a feature of American government he felt Roosevelt had inappropriately threatened.

In his biography, *Yankee from the West* (1962), Wheeler explained why his "first real break" with Roosevelt occurred over the court-packing plan. He expressed his outrage at the proposal, condemning it as "an unsubtle and anti-[constitutional] grab for power which would destroy the Court as an institution," against which he "would have to do everything [he] could to fight the plan."[16] Wheeler's opposition was both political and personal. Politically, he thought

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[14] *Congressional Record*, 75th Cong., 1st sess., March 29, 1937, vol. 81, pt. 3, https://www.congress.gov/75/crecb/1937/03/29/GPO-CRECB-1937-pt3-v81-7.pdf.
[15] David M. O'Brien and Gordon Silverstein, *Constitutional Law and Politics: Struggles for Power and Governmental Accountability*, vol. 1, 12th ed. (W. W. Norton & Company, 2023), 583.
[16] Burton Wheeler and Pauly F. Healy, *Yankee from the West: The Candid, Turbulent Life Story of the Yankee-born U.S. Senator from Montana* (Doubleday, 1962), 319.

the plan would be disastrous for Roosevelt and the Democratic party more broadly. Prior to the 1936 election, Wheeler heard rumors about a court-packing plan and consulted Roosevelt's legal advisors, stating that "[tampering] with the Court would be the surest way" for Roosevelt to lose the upcoming election as "the Court was like a religion to the American people."[17] Personally, it appears that Wheeler maintained a similar reverence for the Court as an unbiased, apolitical player in government. His deep convictions in the sanctity of the Court as an independent institution, as well as his concerns regarding Roosevelt's increasingly "demagogic" rhetoric, helped Wheeler stand firm against the plan, a position that the majority of his Democratic colleagues disagreed with.[18] Most importantly, Wheeler affirmed to his colleagues and constituents that he "put [his] trust in laws rather than in men."[19]

These tensions directly shaped the legal environment in which *Jones & Laughlin* was litigated. The case arose from a labor dispute at the steel manufacturing plant owned and operated by the Jones & Laughlin Steel Corporation in Aliquippa, Pennsylvania. In 1935, the corporation discharged ten employees known to have engaged in union activity, whereupon the employees filed suit against the corporation under the National Labor Relations Act of 1935 (NLRA). That Act prevented "any person from engaging in any unfair labor practice… affecting commerce," which included the termination of employees for the purposes of discouraging union organization.[20] Although Jones & Laughlin maintained that the dismissals were unrelated to unionization, the National Labor Relations Board (NLRB), a federal quasi-judicial body established to enforce the NLRA, ruled otherwise. The Board ordered the reinstatement of the

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[17] *Id*. at 320.
[18] *Id*. at 325.
[19] *Id*. at 326.
[20] *National Labor Relations Board v. Jones & Laughlin Steel Corp.*, 301 U.S. 1, 30 (1937).

terminated employees with back pay, an order with which the corporation refused to comply. As a result, the Board appealed to the Fifth Circuit Court of Appeals to have its ruling enforced. However, the Fifth Circuit refused to enforce the Board's orders, ruling that the corporation's conduct could only be regulated under state law, effectively invalidating a major portion of the NLRA. The Board appealed to the Supreme Court, which granted their writ of certiorari in late 1936.[21]

In its brief to the Court, the NLRB contended that the NLRA fell within Congress's authority under the Commerce Clause. The Board relied heavily on *Stafford v. Wallace* (1922), in which the Court held that exclusively intrastate commercial activity may be subject to federal regulation when it forms part of the "stream of commerce."[22] Applying that framework, the NLRB argued that although the employer-employee dispute at the Aliquippa plant was local in character, the facility and its products were deeply involved in interstate commerce. They justified this claim by pointing out that the plant received raw materials from outside Pennsylvania and sold its finished steel products across state lines. As a result, a strike at the plant could have a "paralyzing effect on interstate commerce" resulting from the "complete cessation of business."[23] Moreover, the Board asserted that because Congress could "control" disruptions to interstate trade, it also possessed a corresponding "preventative power" to regulate business practices likely to produce such disruptions.[24] Therefore, the NLRA, the Board maintained, represented a valid exercise of Congress's preventative authority under the Commerce Clause and was entirely constitutional.

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[21] O'Brien and Silverstein, *Constitutional Law and Politics*, 590.
[22] *Stafford v. Wallace*, 258 U.S. 495 (1922).
[23] *Brief for the National Labor Relations Board*, *National Labor Relations Board v. Jones & Laughlin Steel Corp.*, October Term 1936, 21, https://hdl.handle.net/2027/coo.31924050075898.
[24] *Brief for the NLRB*, *Jones & Laughlin*, 11.

Conversely, the Jones & Laughlin Steel Corporation argued that the NLRA was "in reality, a labor statute, and not a true regulation of interstate commerce."[25] While conceding that Congress possessed broad authority to regulate interstate trade, the company maintained that the NLRA was an impermissible extension of that power into purely local activity far beyond the scope of the Commerce Clause. Jones & Laughlin further rejected the Board's assertion that a congressional power to "control" interstate commerce necessarily implied a corresponding "preventative power," noting that nowhere does the Constitution authorize Congress to "move in on purely local activities because they might conceivably affect the current of interstate trade…."[26] The corporation also contended that the NLRA infringed upon the substantive due process right to freedom of contract and therefore should be subjected to the most intense judicial scrutiny, which the NLRB did not directly confront in its brief.[27] In addition, Jones & Laughlin relied significantly on the Court's decision in *Carter v. Carter Coal Company* (1936), which classified manufacturing as a local activity outside the stream of interstate commerce and thus beyond the reach of federal regulation. Echoing language from *Carter*, the company emphasized that "the distinction between the direct and indirect effect turns, not upon the magnitude of either the cause or the effect, but entirely upon the manner in which the effect has been brought about."[28] In citing this excerpt, Jones & Laughlin sought to narrow the dispositive question to whether the conduct being regulated had a direct or indirect effect on interstate commerce, rather than concerning the Court with the impact a strike might bring.

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[25] Pohlman, *Constitutional Debate in Action*, 73.
[26] Pohlman, *Constitutional Debate in Action*, 80.
[27] Pohlman, *Constitutional Debate in Action*, 80.
[28] Pohlman, *Constitutional Debate in Action*, 76.

By a five-to-four vote, the Three Musketeers, joined by Chief Justice Hughes and Justice Roberts, decisively reversed the Fifth Circuit's decision, holding that "the [NLRA] may be construed as to operate within the sphere of constitutional authority."[29] Although the Court declined to determine whether the Aliquippa plant itself was engaged in interstate commerce, it reasoned that "if [activities] have such a close and substantial relation to interstate commerce that their control is essential or appropriate to protect that commerce from burdens and obstructions, Congress cannot be denied the power to exercise that control."[30] Under this standard, the majority concluded that labor unrest at the Aliquippa plant could impose serious burdens on interstate commerce and that the Jones & Laughlin Steel Corporation was subject to the provisions of the NLRA.[31] The Court also reframed Jones & Laughlin's freedom-of-contract argument by claiming that labor regulations, through the promotion of collective bargaining, helped stabilize the inherent power imbalance between employers and employees, thereby facilitating, rather than infringing upon the right.[32] Nonetheless, Hughes made an effort to contain the inevitable expansion of federal power that he foresaw. He cautioned that Congress's power to regulate activities affecting interstate commerce "must be considered in the light of our dual system of government" to avoid "[obliterating] the distinction between what is national and what is local," thereby creating a "completely centralized government."[33] This principle, however, carried little weight in subsequent cases.

The Four Horsemen's dissent, authored by Justice McReynolds, expressed strong disagreement with the majority and articulated a much narrower understanding of the Commerce

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[29] *Jones & Laughlin*, 301 U.S. at 30.
[30] *Id*. at 37.
[31] *Id*. at 41.
[32] *Id*. at 45.
[33] *Id*. at 37.

Clause. It argued that "it is unreasonable and unprecedented" to hold that Congress has the authority to regulate exclusively intrastate activity.[34] Extending the majority's framework to its extreme, the dissent maintained that virtually "anything–marriage, birth, death–may in some fashion affect commerce."[35] Instead, McReynolds and his fellow conservatives reasoned that only those activities which could produce a proximate or direct effect on interstate commerce may be regulated by Congress.[36] Not only did the dissent believe that the Aliquippa plant was not engaged in interstate commerce, but argued that if it were, a labor strike would not result in a direct burden on interstate commerce under their rule. Furthermore, the dissent criticized the majority for "unduly [abridging]" the "fundamental" right to contractual freedom, asserting that the NLRA improperly interfered with private employers' ability to manage their property and select employees freely.[37]

The reactions to the Court's opinion were mixed. The *Wall Street Journal* warned that "the reach of federal authority has been extended by this decision beyond the limitation generally supposed to have hemmed it in."[38] *The Washington Post* expressed uncertainty, observing that "how far the Federal Government may go in the exercise of the power which the Supreme Court now concedes it to possess will be determined only by experimentation." The same article also suggested that lawyers across the country felt as though the foundation for federal control over large portions of industry had been formed by the decision.[39] At the White House, President

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[34] *NLRB v. Jones & Laughlin Steel Corp*., 301 U.S. 1, 99 (1937) (McReynolds, J., dissenting).
[35] *Id*.
[36] *Id*. at 96.
[37] *Id*. at 103.
[38] "The Federal Power Broadens," *Wall Street Journal*, April 13, 1937, https://dickinson.idm.oclc.org/login?url=https://www.proquest.com/newspapers/federal-power-broadens/docview/129842246/se-2?accountid=10506.
[39] Franklyn Waltman, "Commerce Control Fight Old as Nation: Jefferson, Marshall Bickered Over Scope of Federal Power; Issue Which Resulted in Civil War Now Splits Country Once

Roosevelt considered the ruling to be a strategic maneuver, but a bittersweet victory. Frustrated that the favorable ruling might detract support for his court-packing plan, Roosevelt alleged that the decision "was political, purely, engineered by the Chief Justice."[40]

In the wake of the decision, Senator Wheeler declared, "I feel now there can be no excuse left for wanting to add six new members to the Supreme Court."[41] As the Court began acquiescing to Roosevelt's pressure and opposition to Court expansion under the leadership of Wheeler grew, the Senate Judiciary Committee released a scathing report on the plan, recommending its rejection on June 7, 1937.[42] Forty-five days later, the Senate decisively rejected the bill by a vote of seventy to twenty.[43] Wheeler expressed satisfaction at the idea that the Court seemed to be favorably receiving New Deal policies without legislative interference from the president.[44] However, his claim that rejecting the plan upheld the Court's independence from any outside influences fails to fully acknowledge the complexity surrounding the Court's holding.

More. Labor Freedom Seen In Ruling by Hughes Jones & Laughlin Steel Case Recalls Stand of Greatest Chief Justice; Is Certain to Be Milestone in American History," *The Washington Post*, April 18, 1937, https://dickinson.idm.oclc.org/login?url=https://www.proquest.com/newspapers/commerce-control-fight-old-as-nation/docview/150897345/se-2?accountid=10506.

[40] Daniel B. Moskowitz, "1937 Labor Board Case Upheld Workers' Right to Organize," *HistoryNet*, April 23, 2020, accessed December 14, 2025, https://www.historynet.com/1937-labor-board-case-upheld-workers-right-to-organize/.

[41] *Id*.

[42] U.S. Senate Committee on the Judiciary, Reorganization of the Federal Judiciary, S. Rep. No. 711, 75th Cong., 1st sess. (1937), accessed December 14, 2025, https://www.govinfo.gov/content/pkg/SERIALSET-10076_00_00-356-0711-0000/pdf/SERIALSET-10076_00_00-356-0711-0000.pdf.

[43] Cornell Law Library, "*This Day in Legal History: FDR Court-Packing Plan Rejected*," Cornell Law School Legal Information Institute, July 22, 2010, https://blog.law.cornell.edu/library/2010/07/22/this-day-in-legal-history-fdr-court-packing-plan-rejected/#:~:text=On%20this%20day%20in%20history,aligned%20with%20his%20economic%20reforms.

[44] Wheeler, *Yankee from the West*, 339.

Undeniably, the Court's decision in *Jones & Laughlin* represented a major shift, but why? The Great Depression, which was in its eighth year, was still raging and showed no signs of ending soon; the makeup of the Court remained unchanged, and the legislation under review was similar to that of other New Deal policies the Court had already stricken down only months prior. Then, suddenly, only two months after Roosevelt threatened to strip the Court of its power to meet his policy goals, the two justices once considered swing votes began voting consistently in Roosevelt's favor, making significant concessions to the government and imposing few limits upon federal authority. This sequence of events suggests that, although the plan was never enacted, as Wheeler had hoped, the fear of its potential enactment played a role in subverting the Court's independence. Assuming that Wheeler truly wanted to prevent the president's control over the judicial branch, it seems odd that he would be so elated by a decision clearly motivated, at least in part, by intimidation on the part of the executive branch. This poses a new question: was Wheeler worried about the true preservation of judicial independence, or the mere perception of that preservation? While it is nearly impossible to determine what Wheeler's true stance on this issue was, his views on *Jones & Laughlin* should make readers wonder to what extent he was acting as a dedicated patriot, and to what extent he was maneuvering as a political strategist.

Although the court-packing plan was rejected, the Court's decision in *Jones & Laughlin* was a victory for the Roosevelt administration, primarily because it altered several existing constitutional law doctrines. First, it altered a previous conception of the substantive due process right to contractual freedom, which had long functioned as a major obstacle to pro-union legislation.[45] In *Jones & Laughlin*, the Court effectively inverted that framework, holding that

[45] *Coppage v. Kansas*, 236 U.S. 1, 30 (1915).

rather than interfering with contractual liberty pro-union regulation directly supported it. Second, the Court transformed Commerce Clause adjudication by broadening the scope of permissible federal regulation. Prior to *Jones & Laughlin*, Congress's authority was generally confined to activities within the "stream of commerce."[46] This framework was later reaffirmed by the Court.[47] However, the majority in *Jones & Laughlin* extended federal power beyond that model by permitting regulation of intrastate activities that exerted a close and substantial effect on interstate commerce. As a result, the constitutional inquiry shifted from whether an activity was formally interstate or intrastate to whether its impact on interstate commerce was sufficiently significant to justify federal intervention. Third, this broadened standard consequently removed the existing distinction between manufacturing and commerce, thereby undermining a central limitation on congressional authority. Yet, the significance of *Jones & Laughlin* extended beyond doctrinal revision alone.

The public sector, and especially the working class, experienced changes as well. When the NLRA was enacted on July 5, 1935, relatively few businesses complied with its provisions. Much of this defiance can be attributed to both the Court's willingness to strike down, and history of striking down, New Deal legislation, and the fact that federal courts around the country issued nearly one hundred injunctions against the Act.[48] Once the Supreme Court deemed the Act constitutional, industries across the country exhibited swift compliance. This shift is reflected in the dramatic growth of union membership, which rose from approximately 3.85 million laborers in 1936 to 6.76 million in 1937. Additionally, real wages increased by

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[46] *Swift & Co. v. United States*, 196 U.S. 375 (1905).
[47] *Stafford*, 258 U.S. 495.
[48] Todd C. Neumann, Jason E. Taylor, and Jerry L. Taylor, "The Behavior of the Labor Market between *Schechter* (1935) and *Jones & Laughlin* (1937)," *Cato Journal* 32, no. 3 (2012): 612.

about thirty percent in the three months following the Court's ruling.[49] While the federal government's economic policies likely contributed to these figures, their proximity to the *Jones & Laughlin* decision suggests that the ruling itself played a meaningful role in strengthening the bargaining abilities of workers. In fact, only one month after the ruling, thousands of employees at Jones & Laughlin's Aliquippa plant threatened to strike unless the company agreed to negotiate with union representatives.[50]

Although *Jones & Laughlin* reshaped public life and constitutional doctrine, its most enduring consequences were arguably political. Conflict between the executive and judicial branches was hardly unheard of when Roosevelt took office. Presidents Thomas Jefferson, Andrew Jackson, and Abraham Lincoln each famously clashed with the Court on occasion. Roosevelt's confrontation, however, was distinct in that it threatened to upend the Court's institutional structure to achieve politically favorable rulings moving forward. This was a step further than any of his predecessors listed above, who merely ignored or threatened to ignore an opinion, had taken. This episode demonstrates the extraordinary leverage a determined president could exert over the judiciary and raised serious concerns about the Court's independence and legitimacy. While it had been long understood that judicial decisions could be politically motivated, the blunt strategic maneuvering exhibited in *Jones & Laughlin* seemed unprecedented. Critics contended that the Court had acquiesced to political pressures, allowing for rapid expansion of the administrative state. Whether or not this claim is warranted, the conflict left a lasting imprint on the Court's reputation. At the same time, the controversy

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[49] *Id*. at 617.
[50] "Steel Strike Plan Waits on Parley: Murray Confers Tomorrow With Jones & Laughlin Chairman on Contract," *New York Times*, May 11, 1937, https://dickinson.idm.oclc.org/login?url=https://www.proquest.com/newspapers/steel-strike-plan-waits-on-parley/docview/102259478/se-2?accountid=10506.

revealed a deep public commitment to constitutional norms. The court-packing plan was widely rejected, not because Roosevelt or his policies were unpopular, but because many Americans and legislators viewed the proposal itself as a threat to the integrity of a core constitutional institution. In this sense, the struggle proved that even amid economic crises and intense political differences, the public's trust and reverence in the Constitution's processes and institutions reigned supreme.

These developments, and the circumstances under which they came about, reveal a broader truth about constitutional government: meaningful change is often achieved, not through the formal amendment process, but through political conflict, societal evolution, textual interpretation, and popular demand. The Supreme Court's decision in *NLRB v. Jones & Laughlin Steel Corp.* exemplifies each of these dynamics. Although Roosevelt's court-packing plan ultimately failed, due in large part to the principled opposition of Senator Burton Wheeler and other defenders of constitutional norms, his attempts to restructure the Court had virtually immediate and extremely substantive impacts. The executive branch pressured a divided Court into submission, clearing the way for greater congressional authority to intervene in both the national and state economies to bring relief to a struggling populace. Additionally, Wheeler's opposition and purported satisfaction with these rulings are somewhat paradoxical in that his resistance to the court-packing plan prevented legally codified intimidation of the Court, but solidified the de facto influence that political branches may have on the institution. For these reasons, *Jones & Laughlin* remains a landmark decision, not simply for the controversy it provoked, but for the lasting impact it had on American institutions, people, and the Constitution itself.