Age of Roosevelt(s)

Teaching American History’s Historical Literacy Project

Presenter: Fran O’Malley
Delaware Social Studies Education Project
University of Delaware
Activity: Previewing Content

- ABC Book for the Age of Roosevelt

- Identify one fact/event associated with the Age of Roosevelt for each letter of the alphabet.
Presentation Targets: Benchmarks

- History 2, 4-5: Examine historical materials...and analyze change over time.

- History 1, 6-8: Examine historical materials...and analyze change over time.

- History 1, 9-12 Analyze historical materials to trace the development of an idea or trend across space or...time to explain patterns of continuity and change.
Pre-Reading Prediction

15 year old    ambitious
business       start
cut            lawns
deal           $5.50
Cultivating Connections

Cutting Deals

- What changed in the story?
- “It’s my business.” Did Max have a reasonable point?
- Was Carlo being fair in asking for a new deal?
- Did Carlo’s father, Robert, have a right to step in?
Political Spectrum (one, cliff notes version)

<table>
<thead>
<tr>
<th>Liberals</th>
<th>Conservatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>More inclined to regulate the economy/business.</td>
<td>More inclined to support a free market, “hands-off” approach.</td>
</tr>
</tbody>
</table>
Analyzing Documents: Campaign Speeches

Franklin Delano Roosevelt
Democrat

Herbert Hoover
Republican

Role Play: Campaign Speeches
Analysis: Complete a Venn Diagram

FDR

similarities

Hoover
Analyze Election Maps

1924
Calvin Coolidge (R) v John Davis (D)

1928
Herbert Hoover (R) v Alfred Smith (D)

1932
Herbert Hoover (R) v Franklin Roosevelt (D)
Mining Big Ideas

- American people have signaled their desire for change (a “new Deal”).

- Do the election maps/results suggest a change in the public’s support for political philosophies?
A Dynamic Duo

The Chambermaid and the Federal Government
Focus Benchmark

History 1 [Chronology]:

The “Do:” Students will analyze historical materials to trace the development of an idea or trend across space or over a prolonged period of time in order...

The “Know:” …to explain patterns of historical continuity and change.
Theme of Freedom

**Then**
Walton Hamilton  
(economist 1927)

“Liberty of contract has been made the be-all and end-all of personal freedom...”

**Now**
Eric Foner  
(historian 2009)

“A definition of freedom reigned supreme that celebrated the unimpeded reign of economic enterprise yet tolerated the surveillance of private life and individual conscience.”
Building “prior” knowledge

- Laissez faire.
- liberty (freedom) of contract.
- Stare decisis.
Text to Text Connection

Cutting Deals

- What “freedom” was Max reminding Robert about?

- Where in the Constitution is this freedom guaranteed?
Chronology Activity

Chronology of Court Decisions and Executive Plans

- **Lochner Decision (April 17, 1905)**
  - U.S. Supreme Court declares (5-4) NY state maximum hour law unconstitutional.
  - Cites concept of "freedom of contract."

- **Adkins Decision (1923)**
  - Court strikes down (5-3) a minimum wage law passed by Congress for Washington, DC.
  - Court cites the Lochner decision.

- **Owen Roberts** becomes Associate Justice on U.S. Supreme Court.

- **Morehead v. New York (June 1, 1936)**
  - Court (5-4) cites the Adkins decision in striking down a minimum wage law passed in New York.
  - Justice Owen Roberts votes with the majority in striking down the NY minimum wage law.

- **West Coast Hotel v. Parrish Argued before the U.S. Supreme Court (December 16-17, 1936)**
  - Supreme Court conference votes 4-4 with Owen Roberts voting to uphold the minimum wage law.
  - Justice Stone absent due to illness.

- **FDR's Court Reform** bill introduced (February 5, 1937)
  - Plan to add one new justice to the Court for every justice over age 70.
  - Would increase the Court from 9 to 15 justices.
  - A.K.A. "Court Packing Plan."

- **West Coast Hotel v Parrish decision handed down** (March 29, 1937)

Is there a pattern of continuity or change? Explain the pattern.
Big Idea

The “Lochner era.”

During the first 1/3\textsuperscript{rd} of the 20\textsuperscript{th} Century, Courts tended to constrain attempts to regulate the economy. Conversely, they privileged liberty of contract.
Methods: Court Simulation Strategies

Simulation Strategies

- **Mock Trial** – simulates *trial* court proceedings.

- **Moot Court** – simulates *appeals* court proceedings.

- **Pro Se Court** - mini-mocks or mini-moots. 1 judge, 2 attorneys.
<table>
<thead>
<tr>
<th>Chambermaid</th>
<th>Wages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Discharged</td>
<td>Sued</td>
</tr>
<tr>
<td>$.22</td>
<td>Minimum wage</td>
</tr>
<tr>
<td>$17</td>
<td>Washington</td>
</tr>
</tbody>
</table>
Simulation Preparation

Case Study Reading: West Coast Hotel v Parrish Case Summary
Pro Se: Preparation for Moot

Count Off 1,2,3

- Role #1: Judge.
- Role #2: Attorney for West Coast Hotel.
- Role #3: Attorney for Ms. Parrish.
Moot Court

Roles

- 2 Attorneys from Role 2 pool for West Coast Hotel.
- 2 Attorneys for Ms. Parrish from Role 3 pool.
- Rest: Justices from Role 1 pool are lead justices and question attorneys first. Secondary justices may ask questions not already asked.
Procedures

1. Attorneys for West Coast present their case.
2. Justices ask questions.
3. Attorneys for Ms. Parrish present their case.
4. Justices ask questions.
5. Justices conference, render opinion(s).
Avoiding the Sin of Presentism

Judicial Philosophies (1937)

1. **Conservatives** ("four horsemen" – Sutherland, McReynolds, Butler, VanDevanter).

2. **Liberals** ("three musketeers" – Cardozo, Stone, Brandeis).

3. **Swing voters** (C.J. Hughes & Roberts).
Debrief: Supreme Court Shocker

- **West Coast Hotel v Parrish decision handed down** (March 29, 1937)
  - Justice Owen Roberts votes with the majority, as does Justice Stone, in overturning the Adkins decision.
  - Chief Justice Charles Evans Hughes writes the majority opinion: “What is this freedom (i.e. “liberty of contract)?...The Constitution does not speak of freedom of contract…”
  - “Lochner era” ends.

- **FDR’s Court Reform bill returned to committee** (July 22, 1937)
“A switch in time saved nine.”

Table Talk

1. Did Justice Roberts switch his vote in response to President Roosevelt’s pressure (e.g. the “court packing plan”)?

2. How should history textbooks present FDR in light of the “court packing” plan?

3. How should history present Justice Roberts in light of his “switch?”

4. Why might historians disagree about these questions?
Thinking Chronologically: Extension

- In what way may our conceptions of liberal, conservative...have changed or remained the same over time?
- Has the dominant political philosophy of the country changed or remained the same since 1932?
- Are we in the midst of another shift?
Misconceptions

- Lots of people committed suicide after the crash.
- Hoover did nothing.
- Stock market crash started the Great Depression.