

August 7, 1939

[Judicial Reorganization]

FDR Speech File

1238

STATEMENT BY THE PRESIDENT

August 7, 1939.

It is worth recording that today, August 7, 1939, deserves special recognition because it marks the final objective of the comprehensive proposal for judicial re-organization which I made to the Congress on February 5, 1937. The country is naturally concerned with the attainment of proper objectives rather than any one of many possible methods proposed for the accomplishment of the end.

1. Two and a half years ago I proposed the extension to the Justices of the Supreme Court of retirement privileges then available to other Federal Judges. Such an Act was passed March 1, 1937.

2. I called ~~the~~ attention to the unwarranted attitude of the Supreme Court with reference to its exercise of constitutional powers. Measures of social and economic reform were being impeded or defeated by narrow interpretations of the Constitution, and by the assumption on the part of the Supreme Court of legislative powers which properly belonged to the Congress. It is true that the precise method, which I recommended, was not adopted, but the objective, as every person in the United States knows today, was achieved.

The results are not even open to dispute. Attacks recently made on the Supreme Court itself by ultra-conservative Members of the Bar indicate how fully our liberal ideas have already prevailed.

3. I called attention to the congested dockets of the Federal Courts, delay in disposing of cases, the need of new blood in the Judiciary Branch of the Government, and the need of additional Judges. Since then twenty-five additional Judges have been provided for by the Congress, and a bill authorizing five more awaits my signature. The congested dockets and the delay have been already almost eliminated.

4. I called attention to the need for greater flexibility in the Judicial system so that Judges could be more readily assigned to areas where the Courts were excessively in arrears. Under the Act of August 24, 1937 a welcome improvement was made in this feature of our Judicial system.

5. I called attention to the intolerable situation when constitutional questions involving Federal statutes were passed on in private litigation, and recommended that no decision, injunction or decree on constitutional grounds should be permitted without previous notice to the Attorney General and an opportunity for the United States to be heard. By the Act of August 24, 1937, the Attorney General was given the right to intervene in litigation between private parties involving constitutionality of Federal statutes, and limitations were placed on the issuance of

injunctions in similar cases in the lower Court.

6. I called attention to the need for direct and immediate appeal to the Supreme Court in cases involving constitutionality of Federal statutes, such cases to take precedence over all other matters pending in that Court. This right of direct appeal was established by the ~~same~~ Act of August 24, 1937 and is now the law of the land.

7. I called attention to the need of the Judiciary itself for effective machinery for overseeing its own dockets and expediting its own affairs. This very day I have, with great satisfaction, approved an Act which sets up an administrative office for the Judiciary.

Thus have been enacted into law six of the actual recommendations made by me more than two years ago -- and the seventh recommendation has been accomplished through the opinions of the Supreme Court itself.

August 7, 1939

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It is worth recording that today, August 7, 1939, deserves special recognition because it marks the final objective of the comprehensive proposal for judicial reorganization which I made to the Congress on February 5, 1937. The country is naturally concerned with the attainment of proper objectives rather than any one of many possible methods proposed for the accomplishment of the end.

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STATEMENT BY THE PRESIDENT

(To the Press)

August 7, 1939.

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