

COLUMNISTS

From FDR to Trump: Both faced court rulings in fast-paced early presidency

Opinion

By Robert Weiner and Khel Gordhan

Guest columnists



Every day, it seems like the Trump administration faces another new legal conflict. While the Supreme Court has blocked Trump's freeze on funding to USAID, several pending lawsuits between the Trump administration and the courts continue to be fought. Among them are suits against the administration's discrimination against trans people, mass firing of federal workers, and preventing DOGE from gaining access to Americans' Social Security information. This whirlwind of court cases has occurred only within Trump's first 100 days in office.

The fate of the Tennessee Valley Authority (TVA), an iconic symbol as a New Deal-era agency that is a [key](#) supplier of electricity to 10 million people in seven states, [also hangs in the balance](#). While this 10,000-strong organization is no longer funded by Congress, the TVA board is still subject to the whims of the Trump administration. While the president's attention has been in legal conflicts elsewhere, this symbol of the New Deal might be next.



To students of history, however, this legal war between the executive and judicial branches is familiar. President Franklin D. Roosevelt faced similar pushback from the courts when implementing his New Deal policies in the early years of his presidency. Standing in his way were the “Four Horseman” of the conservative members of the Supreme Court, including James Clark McReynolds, an associate justice from Tennessee.

In 1933 after taking office, FDR established the National Industrial Recovery Act (NIRA) to regulate industry, establish codes for fair competition, and protect labor rights. However, in May 1935, in *Schechter Poultry Corp. v. United States*, the Supreme Court [ruled](#) the NIRA unconstitutional, arguing it gave the president too much legislative power.

FDR also faced similar [trouble](#) with the Agriculture Adjustment Act (AAA), which was intended to provide economic relief for farmers by increasing their purchasing power by reducing the surplus of agricultural products. The Supreme Court would later block this act in *U.S. v. Butler*.

Frustrated with the two cornerstones of the New Deal being scuttled, FDR proposed during one of his iconic “fireside chats” to pack the Supreme Court. The hope was that his legislation would go through unimpeded with more progressive justices on the bench.

However, this went against the bipartisan consensus that the judicial branch should remain separate from partisan politics. The bill died in the Senate with strong encouragement from the Judiciary Committee. As the committee [wrote](#) in a report on the issue, “The bill is an invasion of judicial power such as has never before been attempted in this country. It is essential to the continuance of our constitutional democracy that the judiciary be completely independent of both the executive and legislative branches of the government.”

While the courts won the battle to prevent packing the court, FDR would ultimately win the larger war to influence policy. The president would live to appoint many of the court's replacements and also pushed many of his New Deal policies across the finish line. Among them is Social Security, which [covers](#) an average of 69 million Americans per month this year. Likewise, when TVA was passed in 1933, the program did not face any pushback from the courts and faithfully aided Tennesseans.

The same cannot be said for Trump's agenda. The recent DOGE-mandated [closing](#) of Social Security offices in major cities has put a significant strain on the agency's responsiveness to citizens. This has worrying consequences for Tennessee, [as](#) one in five Tennesseans depend on Social Security. A 2023 study from [Smart Asset](#) also demonstrates that 48.15% of the income of Nashville's elderly comes from Social Security.

Trump also seems to ignore anything impeding his plans, going forward with deporting two planeloads of alleged Venezuelan gang members despite a court order finding the act unconstitutional. Trump [then](#) declared that the judge who went against him should be impeached. In response, Chief Justice John Roberts rebuked this comment, [saying](#) "For more than two centuries, it has been established that impeachment is not an appropriate response to disagreement concerning a judicial decision. The normal appellate review process exists for that purpose."

While it can be argued that FDR's programs were an expansion of executive power, they have no doubt aided the lives of Americans long after his death. The same cannot be said for Trump's ever-expanding grip over the executive branch, which comes from the opposite side of the philosophical fence. Blocking vital agencies from helping Americans, like Social Security, only serves to destroy the work of every president and Congress – trying to supersede all history, hearings, science, and studies.



Robert Weiner was spokesman for the White House Drug Office, the Chief of Staff of the House Aging Committee and Health Subcommittee under Sen. Claude Pepper (D-Florida), and the spokesman for the House Government Operations Committee. He was also spokesman/senior staff for Congressmen John Conyers and Charles Rangel, Sen. Ted Kennedy, and four-Star Gen. Barry McCaffrey.



Khel Gordhan is a senior policy analyst at Robert Weiner Associates and Solutions for Change Foundation. He is Debate Club chairman and political science major at Illinois Wesleyan University.