

Review

LETTER TO THE EDITOR:

CORRECTION BY RAYMOND LOUW

Dear Editor

I have to confess to making a serious error in the article you published under the heading "Meddling with the Constitutional Court" and request an opportunity to correct it.

In the article I referred to the attempt by US President Roosevelt to pack the US Supreme Court with judges who would support him. I said that he was thwarted because the judges adopted the court's mantle of independence. However, retired Constitutional Court judge Albie Sachs has corrected me.

Judge Sachs put it this way:

Raymond, your normal accuracy has escaped you, which weakens your powerful piece re threats to the Constitutional Court.

Roosevelt indeed threatened to pack the Supreme Court, which in a series of decisions that have since

(been) castigated by most commentators, was striking down eminently progressive laws passed by Congress as part of the New Deal, on the basis that they constituted forms of social engineering that violated fundamental rights to liberty.

Roosevelt's threat of packing, however, did the trick: one of the nine Justices swapped horses, and the New Deal legislation finally got through. The crisis was over. As one writer observed, a switch in time saved nine.

I had accepted information supplied to me by a fellow journalist who had worked several years in America and who I thought was accurate. Of course, as a journalist I should have checked. Indeed, I could kick myself because my argument would have been strengthened if I said Roosevelt's ploy had succeeded!

Raymond Louw

Cedric Nunn

