The Schechter Brothers’ Purpose

• **Compelling Question**
  - How can you defend your purpose in life?

• **Virtue: Purpose**

• **Definition** – Purpose is my answer to the question "why do I exist?" It is the reason for which I exist; it is my goal, that thing to which my actions are directed. It is our answer to the question “what are you for?”

• **Lesson Overview**
  - In this lesson, students will read about the struggles of the Schechter Brothers and how they refused to give up their values or compromise their purpose. Students will use this example to think about ways they can be purposeful in their own lives.

• **Objectives**
  - Students will analyze the purpose of the Schechter Brothers.
  - Students will evaluate the Supreme Court decision regarding the Schechter Brothers’ practices.
  - Students will act purposefully in their own lives.

• **Background**
  - As part of the New Deal legislation in the 1930s, Congress passed the National Industrial Recovery Act (NIRA), which they believed would help the faltering economy recover and grow. The National Recovery Administration (NRA) was an agency established to craft a multitude of codes and regulations for different industries to tell them how they should conduct their affairs in order to keep competition low and prices high.

  Joseph, Martin, Alex, and Aaron Schechter ran kosher butcher shops in Brooklyn, New York that followed the Jewish laws of *kashrut* Under *kashrut* customers could be assured that the animals were treated humanely and that no animal would pose a health risk to them. The customers themselves could also inspect the birds and reject any that seemed unfit to purchase. Under the NRA, customers could not inspect the chickens. The law forced the brothers to abandon their purposeful *kashrut* practices and it put their business in jeopardy.

• **Vocabulary**
  - New Deal
  - National Industrial Recovery Act
  - National Recovery Administration
  - Multitude
  - Kashrut
  - Kosher
  - Adhered
  - Swindling
  - Fraud
  - Embezzlement
  - Penalized
  - Merchandise
  - Faltering
  - Regulations
  - Codes
  - Dietary
  - Humanely
  - Tuberculosis
  - Devout
  - Ironically
  - Unconstitutional
  - Commerce Clause

• **Introduce Text**
  - Have students read the background and narrative, keeping the “Walk-In-The-Shoes” question in mind as they read. Then have them answer the remaining questions below.
• **Walk-In-The-Shoes Questions**  
  o As you read, imagine you are the protagonist.  
    ▪ What challenges are you facing?  
    ▪ What fears or concerns might you have?  
    ▪ What may prevent you from acting in the way you ought?

• **Observation Questions**  
  o What was the role of the Schechter brothers? Why was their identity important to the narrative?  
  o What was the Schechter brothers’ purpose?  
  o Why did the Schechter brothers decide to fight the NIRA and NRA in court?

• **Discussion Questions**  
  o Discuss the following questions with your students.  
    ▪ What is the historical context of the narrative?  
    ▪ What historical circumstances presented a challenge to the protagonist?  
    ▪ How and why did the individual exhibit a moral and/or civic virtue in facing and overcoming the challenge?  
    ▪ How did the exercise of the virtue benefit civil society?  
    ▪ How might exercise of the virtue benefit the protagonist?  
    ▪ What might the exercise of the virtue cost the protagonist?  
    ▪ Would you react the same under similar circumstances? Why or why not?  
    ▪ How can you act similarly in your own life? What obstacles must you overcome in order to do so?

• **Additional Resources**  
Handout A: The Schechter Brothers’ Purpose

Background

As part of the New Deal legislation in the 1930s, Congress passed the National Industrial Recovery Act (NIRA), which they believed would help the faltering economy recover and grow. The National Recovery Administration (NRA) was an agency established to craft a multitude of codes and regulations for different industries to tell them how they should conduct their affairs in order to keep competition low and prices high.

Joseph, Martin, Alex, and Aaron Schechter ran kosher butcher shops in Brooklyn, New York that followed the Jewish laws of kashrut. Under kashrut customers could be assured that the animals were treated humanely and that no animal would pose a health risk to them. The customers themselves could also inspect the birds and reject any that seemed unfit to purchase. Under the NRA, customers could not inspect the chickens. The law forced the brothers to abandon their purposeful kashrut practices and it put their business in jeopardy.

Narrative

The year was 1934, and Joseph, Martin, Alex, and Aaron Schechter found themselves in jail. The four brothers were businessmen who operated two poultry butcher shops in Brooklyn, New York. As observant Jews, their butcher shops were kosher and adhered to the Jewish laws of kashrut. Swindling customers, committing fraud, and embezzlement—these are a few of the crimes that normally send a businessperson to prison. The Schechter brothers, however, were not in jail for such dishonest behavior. Rather, they were penalized for offering safe, reliable merchandise to their customers.

During the administration of President Franklin D. Roosevelt, many who wielded political power were afraid that if businesses competed too much, the prices of their goods would stay too low. They thought that if the prices of goods and services were too low, incomes would also remain low. As part of the New Deal, Congress passed legislation called the National Industrial Recovery Act (NIRA), which they believed would help the faltering economy recover and grow. The National Recovery Administration (NRA) was an agency established by the Roosevelt Administration to craft a multitude of codes and regulations for different industries to tell them how they should conduct their affairs in order to keep competition low and prices high. The NRA was also tasked with making sure that all of these regulations and codes were followed. The goal of these new agencies and regulations was to prevent “unfair competition.”

The codes governing businesses were minute and specific. The one that applied to the Schechter brothers was called the “Code of Fair Competition for the Live Poultry Industry of the Metropolitan Area in and About the City of New York.” This code so strictly regulated the operations of the Schechter brothers’ butcher shops that it required them to violate some laws of kashrut that, as a kosher establishment, they were morally bound to uphold. It was part of the brothers’ purpose as owners of such a business to align with the kashrut practices.

The laws of kashrut were concerned with more than dietary standards alone. They also ensured that the animals being dealt with were treated humanely and that no animal would pose a health risk to consumers. One of these customs, for example, required that the Schechter brothers perform inspections of the birds’ lungs to prevent unhealthy poultry from being sold to customers. Similarly, the customers themselves could also inspect the birds and reject any that seemed unfit to purchase. This double inspection helped ensure that the customer was purchasing healthy poultry. One of the NRA codes, however, specified that no customer could choose or refuse individual birds; customers could purchase the birds only in whole- or half-coop units. This meant that, by law, customers were not allowed to check the chickens’ lungs for signs of tuberculosis. The Schechter brothers’ own internal inspection process—which was one reason many in the community chose to buy chicken from them—was now illegal.

When the government regulations forced the Schechter brothers to violate the requirements of their Jewish tradition, the purpose of their business, and the quality and safety of their products were compromised. Understandably, they lost a number of their devout Jewish customers. Those customers lost the benefits that came with the Schechters’ contribution to the community, as they had one less business from which to choose.
The Schechter brothers’ poultry shops underwent numerous inspections by the National Recovery Administration in 1934, and eventually they were taken to court for multiple violations of the NRA codes. Ironically, one of the violations cited against them was selling “unfit” poultry. They were accused of allowing customers to select their own chickens, refusing inspections by regulators, and selling chickens to unlicensed purchasers. Other accusations included “competing too hard” and keeping prices “too low.” The brothers were found guilty and sentenced to serve a short time in prison.

The Schechters knew that their purpose had been providing a safe and affordable product to their customers. They believed the government had stepped outside its constitutional boundaries and not only prevented them from adhering to their Jewish traditions and doing their jobs well, but penalized them for it. The four Schechter brothers and their lawyer persevered. Their fight did not make them popular. Politically-connected competitors who wanted to drive them out of business tried to intimidate them. The brothers even found their truck damaged and vandalized on one occasion.

But the Schechters’ determination eventually propelled their case, *A.L.A. Schechter Poultry Corporation v. United States*, to the Supreme Court. In 1935, the Supreme Court decided in favor of the Schechter brothers and ruled that the National Industrial Recovery Act was unconstitutional. The Court reasoned that Congress had gone too far in delegating its lawmaking power to the president. The National Recovery Act did not make regulations; it simply empowered the president to do so. This violated the Constitution’s separation of powers.

The Court also held that many of the rules, regulations, and codes put in place by the NRA were beyond the limits of what the national government could constitutionally regulate. While the Commerce Clause permits Congress to regulate interstate commerce, the Schechter brothers’ business operated only within New York. Congress had stepped outside its constitutional bounds. Not a single justice dissented.