

**NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY - NOMINATION FORM**

(Type all entries - complete applicable sections)

STATE: Massachusetts	
COUNTY: Barnstable	
FOR NPS USE ONLY	
ENTRY NUMBER	DATE

1. NAME

COMMON:

AND/OR HISTORIC:
Louis Brandeis House

2. LOCATION

STREET AND NUMBER: **Neck Lane, north side of Cedar Street, 8 miles SW
of Stage Harbor Road intersection**

CITY OR TOWN:
Chatham

STATE Massachusetts	CODE	COUNTY: Barnstable	CODE
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3. CLASSIFICATION

CATEGORY (Check One)	OWNERSHIP	STATUS	ACCESSIBLE TO THE PUBLIC
<input type="checkbox"/> District <input type="checkbox"/> Site <input type="checkbox"/> Object <input checked="" type="checkbox"/> Building <input type="checkbox"/> Structure 	<input type="checkbox"/> Public <input checked="" type="checkbox"/> Private <input type="checkbox"/> Both 	<input checked="" type="checkbox"/> Occupied <input type="checkbox"/> Unoccupied <input type="checkbox"/> Preservation work in progress 	Yes: <input type="checkbox"/> Restricted <input type="checkbox"/> Unrestricted <input checked="" type="checkbox"/> No
PRESENT USE (Check One or More as Appropriate)			
<input type="checkbox"/> Agricultural <input type="checkbox"/> Commercial <input type="checkbox"/> Educational <input type="checkbox"/> Entertainment 	<input type="checkbox"/> Government <input type="checkbox"/> Industrial <input type="checkbox"/> Military <input type="checkbox"/> Museum 	<input type="checkbox"/> Park <input checked="" type="checkbox"/> Private Residence <input type="checkbox"/> Religious <input type="checkbox"/> Scientific 	<input type="checkbox"/> Transportation <input type="checkbox"/> Other (Specify) _____ <input type="checkbox"/> Comments _____

4. OWNER OF PROPERTY

OWNER'S NAME:
Mrs. Paul Raushenbush

STREET AND NUMBER:
2110 Villas Avenue

CITY OR TOWN:
Madison

STATE:
Wisconsin 53711

5. LOCATION OF LEGAL DESCRIPTION

COURTHOUSE, REGISTRY OF DEEDS, ETC.:
Selectmen's Office - Town of Chatham

STREET AND NUMBER:
Town Hall - Main Street

CITY OR TOWN:
Chatham

STATE:
Massachusetts

6. REPRESENTATION IN EXISTING SURVEYS

TITLE OF SURVEY:

DATE OF SURVEY: Federal State County Local

DEPOSITORY FOR SURVEY RECORDS:

STREET AND NUMBER:

CITY OR TOWN:

STATE:

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7. DESCRIPTION

CONDITION	(Check One)					
	<input type="checkbox"/> Excellent	<input checked="" type="checkbox"/> Good	<input type="checkbox"/> Fair	<input type="checkbox"/> Deteriorated	<input type="checkbox"/> Ruins	<input type="checkbox"/> Unexposed
	(Check One)			(Check One)		
	<input checked="" type="checkbox"/> Altered	<input type="checkbox"/> Unaltered	<input type="checkbox"/> Moved	<input checked="" type="checkbox"/> Original Site		

DESCRIBE THE PRESENT AND ORIGINAL (if known) PHYSICAL APPEARANCE

The Brandeis house stands at the end of a sandy road near the Oyster River, southwest of Chatham. It is surrounded by a large field, fringed with pines and scrub timber, but because of the tall, dense hedge which screens the dwelling, only the gable roof is visible from the approach. The hedge, planted during Brandeis' lifetime, has now reached a height of some twelve feet.

The life-style of Louis Brandeis is accurately reflected in his Cape Cod home, a spartan, forthright, shingled structure, one-and-a-half stories high, with six-over-six sash windows flanked by blue, louvered blinds. The main portion of the house, apparently built in the early 19th century, is typical of the area's vernacular architecture. It is characteristically rectangular in shape, with a symmetrical, five-bay facade and a steeply-pitched roof, from which projects a central chimney stack. The shed dormers on both slopes of the roof were probably added a short time prior to Brandeis' purchase of the property, as was the two-story rear kitchen and dormitory wing, and so also the single-story rear dependency which sits at right angles to the main structure and contains a laundry, a maid's room, three guest rooms, and a garage. About twenty-five feet northwest, another rustic, shingled outbuilding once provided additional summer sleeping quarters. Formerly, a windmill, situated between the sleeping hut and the house, supplied the water for household use. In 1944, however, three years after Brandeis' death, the windmill was destroyed by a hurricane.

The dwelling has undergone only minimal structural change. The deteriorated condition of the wooden floor and roof of the porch, which once extended across the front and the southwest side of the house, has necessitated its removal in recent years. Even so, the framing--the square wooden posts and the plate which tops them--was left intact, and today encloses a brick-paved patio. This porch was only partially roofed, the area to either side of the doorway above the front windows, being left uncovered and the rafters exposed in the manner of a trellis. Brandeis' glassed-in study at the north end of the porch, off the bedroom he occupied in later years, is structurally undisturbed.

The low, six-paneled front door, with its narrow sidelights, opens into a central passage which is half the depth of the house and abuts against the chimney-stack. Doors to either side of the passage lead respectively to the living room on the left and the bedroom on the right. In turn, each of these rooms connects with the long dining area across the back. Off the northeast corner of the bedroom is a closet and a small bath.

SEE INSTRUCTIONS

8. SIGNIFICANCE

PERIOD (Check One or More as Appropriate)

- | | | | |
|--|---------------------------------------|---------------------------------------|--|
| <input type="checkbox"/> Pre-Columbian | <input type="checkbox"/> 16th Century | <input type="checkbox"/> 18th Century | <input checked="" type="checkbox"/> 20th Century |
| <input type="checkbox"/> 15th Century | <input type="checkbox"/> 17th Century | <input type="checkbox"/> 19th Century | |

SPECIFIC DATE(S) (If Applicable and Known) **1922 - 1941**

AREAS OF SIGNIFICANCE (Check One or More as Appropriate)

- | | | | |
|---|---|---|--|
| <input type="checkbox"/> Aboriginal | <input type="checkbox"/> Education | <input checked="" type="checkbox"/> Political | <input type="checkbox"/> Urban Planning |
| <input type="checkbox"/> Prehistoric | <input type="checkbox"/> Engineering | <input type="checkbox"/> Religion/Philosophy | <input type="checkbox"/> Other (Specify) _____ |
| <input type="checkbox"/> Historic | <input type="checkbox"/> Industry | <input type="checkbox"/> Science | _____ |
| <input type="checkbox"/> Agriculture | <input type="checkbox"/> Invention | <input type="checkbox"/> Sculpture | _____ |
| <input type="checkbox"/> Architecture | <input type="checkbox"/> Landscape Architecture | <input checked="" type="checkbox"/> Social/Humanitarian | _____ |
| <input type="checkbox"/> Art | <input type="checkbox"/> Literature | <input type="checkbox"/> Theater | _____ |
| <input type="checkbox"/> Commerce | <input type="checkbox"/> Military | <input type="checkbox"/> Transportation | _____ |
| <input type="checkbox"/> Communications | <input type="checkbox"/> Music | | |
| <input type="checkbox"/> Conservation | | | |

STATEMENT OF SIGNIFICANCE

"If we hold with Burke," writes Alpheus Mason, the principal biographer of Louis Brandeis, "that the standard of a statesman is the 'disposition to preserve and the ability to improve, taken together,' then Brandeis met that test."¹ The great juror stands as one of modern America's greatest defenders of the value of the single human being and the validity of freedom of choice. "Individual worth remained his favorite theme, human dignity his unvarying touchstone."² With Oliver Wendell Holmes, Jr., Brandeis stood in the vanguard of the movement to smash the mechanistic social Darwinism that dominated legal thinking at the beginning of the 20th century. His concern was translated into action in his fight for Progressive reform in Boston, and his famous dissents as a Supreme Court Justice were destined to become in later years the law of the land, vindicating his profound concern for the sympathetic application of human laws to human problems. Affirmed Chief Justice Earl Warren in 1956, "He proved not only the right to dissent in America, but also that dissent can be constructive."³

More than anywhere else, the old whaling village of Chatham on Cape Cod is intimately associated with the life of Justice Brandeis. He and his wife came to Chatham for the first time in the summer of 1922, and liked the place so well that the next year they purchased a modest, remotely-situated house on the Oyster River, to which they returned annually from their Washington apartment for the rest of their lives. Brandeis worked unremittingly on law cases through the Chatham summers, but in the "bare, familiar surroundings,"⁴ he also found time to relax and be with his family. Men from all walks of life

¹ Alpheus T. Mason, Brandeis: A Free Man's Life (New York: The Viking Press, 1946), p. 644.

² Ibid.

³ Quoted in Catherine Owens Peare, The Louis D. Brandeis Story (New York: Thomas Y. Crowell Co., 1970), "Epilogue" (no page number).

⁴ Mason, p. 582.

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9. MAJOR BIBLIOGRAPHICAL REFERENCES

Knefsky, Samuel J. The Legacy of Holmes and Brandeis. New York: The Macmillan Co., 1956.
 DeHaas, Jacob, Louis D. Brandeis, New York: Block Publishing Co., 1929.
 Mason, Alpheus, Brandeis: A Free man's Life, New York: The Viking Press, 1946.
 Morison, Samuel Eliot, Henry B. Commager, and William E. Leuchtenburg. The Growth of the American Republic, Sixth edition (vol. II). New York: Oxford University Press, 1969.
 Peare, Catherine Owens, The Louis Brandeis Story, New York: Thomas Y. Crowell Crowell Company, 1970.

10. GEOGRAPHICAL DATA

LATITUDE AND LONGITUDE COORDINATES DEFINING A RECTANGLE LOCATING THE PROPERTY			O R	LATITUDE AND LONGITUDE COORDINATES DEFINING THE CENTER POINT OF A PROPERTY OF LESS THAN TEN ACRES		
CORNER	LATITUDE	LONGITUDE		LATITUDE	LONGITUDE	
	Degrees Minutes Seconds	Degrees Minutes Seconds		Degrees Minutes Seconds	Degrees Minutes Seconds	
NW	0 ' "	0 ' "		41° 40' 23"	69° 59' 00"	
NE	0 ' "	0 ' "				
SE	0 ' "	0 ' "				
SW	0 ' "	0 ' "				

APPROXIMATE ACREAGE OF NOMINATED PROPERTY: **8**

LIST ALL STATES AND COUNTIES FOR PROPERTIES OVERLAPPING STATE OR COUNTY BOUNDARIES

STATE:	CODE	COUNTY	CODE

11. FORM PREPARED BY

NAME AND TITLE: **Robert Gamble and Chris Redburn - Historic Sites Survey**

ORGANIZATION: **National Park Service** DATE: _____

STREET AND NUMBER: **1100 L Street, N.W.**

CITY OR TOWN: **Washington** STATE: **D.C.** CODE: _____

12. STATE LIAISON OFFICER CERTIFICATION **NATIONAL REGISTER VERIFICATION**

As the designated State Liaison Officer for the National Historic Preservation Act of 1966 (Public Law 89-665), I hereby nominate this property for inclusion in the National Register and certify that it has been evaluated according to the criteria and procedures set forth by the National Park Service. The recommended level of significance of this nomination is:

National State Local

Name _____

Title _____

Date _____

I hereby certify that this property is included in the National Register.

 Chief, Office of Archeology and Historic Preservation

Date _____

ATTEST:

 Keeper of The National Register

Date _____

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Louis Brandeis House

(Continuation Sheet)

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7. Description (Continued)

A chairrail encircles the living room, and a plain, vernacular mantel-piece, somewhat Federal in feeling, surrounds the fireplace opening. Here and in the dining room, the wallpaper was removed and the walls painted during the late 1940's. The simplicity of the living room woodwork is matched by that of the dining room, the focal point of which is another, larger fireplace.. Because they often enjoyed watching the sun as it sank behind the woods to the west, Justice and Mrs. Brandeis built a small, glazed alcove off the southwest corner of the room.

Adjacent to the door which goes into the low spacious, old-fashioned kitchen at the back of the house, another doorway conceals an enclosed secondary stairway to the upper rear bedrooms. The main stairway, in the entrance passage, rises in two short, very steep, and narrow flights against the chimney. Visible from the foot of the stairway is a line drawing of Sir Thomas More, hung against the chimney wall at the first turn of the steps. This is one of several pictures and family photographs that have been in the house for many years. On the second floor, there are a number of small bedrooms, all uniformly simple, and sparsely furnished. On the west side of the stair landing at the front of the upper floor is Mrs. Brandeis' bedroom and study, still much as it was during her lifetime.

A path winds from the cluster of buildings a short distance through the woods along the Oyster River to the weathered boathouse used by Brandeis. Although somewhat dilapidated, the structure is still very sound.

At the death of Mrs. Brandeis, nee Alice Goldmark, in 1945, the Chatham house passed to the eldest daughter, Elizabeth Brandeis Raushenbush. Mrs. Raushenbush still owns the property, and today it is used by the family in much the same way as it has been for half a century.

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(Number all entries)

(1)

8. Significance (Continued)

visited him there, "sought his advice and found it generously given."⁵ Writes Mason, "Brandeis' life at Chatham was typical of the man's deep love of simplicity and reflected the universal element of greatness-- the capacity to stand alone, to be independent of the activities and judgments of the rest of mankind."⁶ The house and its setting remain little-changed today, and Brandeis, descendants still spend a portion of each year there.

BIOGRAPHY

Louis Brandeis was born in Louisville, Kentucky, in 1856, the son of cultivated Bohemian Jewish parents who had immigrated to America from Prague in 1849. Schooled in Louisville and in Germany, he was admitted to Harvard Law School in 1873 and graduated three years later at the head of his class. He was a "character in his own way," wrote a fellow student, "--one of the most brilliant legal minds they have ever had here!"⁷ After Harvard, Brandeis embarked upon a legal career in St. Louis, but soon returned to Boston.

There he developed a large and successful private practice, and soon became well-known for his gratis defense of the public interest. As attorney for the New England Policy-Holders' Protective Committee, he unearthed sufficient evidence against the Equitable Life Assurance Society of New York to initiate a legislative investigation. To replace the corrupt insurance system, he then created a plan for savings-bank life insurance which was inaugurated in Massachusetts in 1907. As the Progressive movement reached full tide, Brandeis also became involved in the problems of railroad rate regulation, labor-management relations, and wage and hour laws.

⁵ Ibid. Articulate visitors recorded vivid impressions of Brandeis at Chatham. In 1929, Jacob DeHaas wrote: "In an old sweater under his heavy tweed jacket, cap on head, he saunters through the berry paths that lead from his Chatham home to the river inlet and to a chosen companion reveals his longings, hopes, and aspirations." (see Mason, p. 593). On November 23, 1926, Robert W. Bruere penned a letter to Brandeis: "I rarely go to my desk or face the perplexities of day-to-day decisions without walking with you again over the dunes of Chatham and hearing you meditate aloud on 'the things worth living for.'" (see Ibid., p. 643.)

⁶ Ibid., p. 582, quoting in part Philip Bernstein, "My Pilgrimage to Brandeis," in The Reconstructionist, December 1941.

⁷ William E. Cushing, quoted in *ibid.*, p. 3.

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(Number all entries)

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8. Significance (Continued)

His name first became nationally-known with the publication in 1914 of a study called *Other People's Money and How the Bankers Use It*--a popular and devastating attack on corporate power. The book proved instrumental in effecting the passage of both the Clayton Act and the Federal Trade Commission Act, and was but one of many ways in which Brandeis played a decisive role in the development of Woodrow Wilson's "New Freedom." Buttressing the philosophical ties between the two men--the President and the jurist--was a close and deepening personal friendship. It was Brandeis who convinced Wilson that the power of big business must be curbed through trust-busting rather than mere regulation.

Wilson's appointment of Brandeis to the Supreme Court on January 28, 1916 was an unequivocal endorsement of liberal reform. Both because of Brandeis' views and because he was the first Jew to sit on the high court, his appointment aroused a storm of protest among large segments of the nation's legal establishment, and precipitated an appalling outburst of anti-Semitism. Given a voice and a vote in the citadel of corporate power, Brandeis continued to wage his struggle against privilege and enforced conformity. Fittingly, one of those whom he had come to admire most from the past was Sir Thomas More. On numerous issues involving human welfare and the right of dissent, he and Justice Holmes stood against the majority of the Court. Whitney v. California (1927), one of his most famous opinions, he argued that free speech must not in any way be impaired unless there existed a "clear and present danger."

Although Brandeis did not support all of the legislative measures of the New Deal period, much of the legislation enacted during Roosevelt's famous First Hundred Days reflected his influence through his followers, Felix Frankfurter of Harvard Law School, Benjamin Cohen, and Thomas Corcoran. As Morison and Commager have remarked, in the hands of such men as Brandeis and Holmes, "sociological jurisprudence was a program as well as a method. It held that truth of law, like truth in general, was something to be found by experience; that good law was what worked best for society; and that the actual⁸ day-by-day workings of the law were more important than abstractions."

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Samuel Eliot Morison, Henry Steele Commager, and William E. Leuchtenburg, The Growth of the American Republic, Sixth edition Vol. II, (New York: Oxford University Press, 1969), p. 209.

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(3)

8. Significance (Continued)

After twenty-three years on the Supreme Court, Brandeis retired in February of 1939. Two years later, on October 5, 1941, he died in Washington. As did few of his contemporaries, he had perceived the perils of the industrial revolution in America, and foresaw that newly-discovered forces of energy could have only such social usefulness and man chose to provide. Toward the preservation, amid this development, of the values requisite to the enhancement of human life, he directed his magnificent intellect. "His vision, his ideal," concludes his biographer, "was of a community within which the individual would develop as a human being; his final value was the common man."⁹

⁹

Mason, p. 644.