

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

PHO 364991

FOR NPS USE ONLY
RECEIVED JUL 13 1976
DATE ENTERED OCT 22 1976

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

SEE INSTRUCTIONS IN *HOW TO COMPLETE NATIONAL REGISTER FORMS*
TYPE ALL ENTRIES -- COMPLETE APPLICABLE SECTIONS

1 NAME

HISTORIC

McReynolds House

AND/OR COMMON

Same

2 LOCATION

STREET & NUMBER

West side South Main Street

NOT FOR PUBLICATION

CITY, TOWN

Elkton

CONGRESSIONAL DISTRICT

01

STATE

Kentucky

VICINITY OF

CODE
021

COUNTY
Todd

CODE
219

3 CLASSIFICATION

CATEGORY

- DISTRICT
- BUILDING(S)
- STRUCTURE
- SITE
- OBJECT

OWNERSHIP

- PUBLIC
- PRIVATE
- BOTH
- PUBLIC ACQUISITION**
- IN PROCESS
- BEING CONSIDERED

STATUS

- OCCUPIED
- UNOCCUPIED
- WORK IN PROGRESS
- ACCESSIBLE**
- YES: RESTRICTED
- YES: UNRESTRICTED
- NO

PRESENT USE

- AGRICULTURE
- MUSEUM
- COMMERCIAL
- PARK
- EDUCATIONAL
- PRIVATE RESIDENCE
- ENTERTAINMENT
- RELIGIOUS
- GOVERNMENT
- SCIENTIFIC
- INDUSTRIAL
- TRANSPORTATION
- MILITARY
- OTHER:

4 OWNER OF PROPERTY

NAME

Eugene N. Luck

STREET & NUMBER

South Main Street

CITY, TOWN

Elkton

STATE

Kentucky

5 LOCATION OF LEGAL DESCRIPTION

COURTHOUSE,
REGISTRY OF DEEDS, ETC.

Todd County Courthouse

STREET & NUMBER

Public Square

CITY, TOWN

Elkton

STATE

Kentucky

6 REPRESENTATION IN EXISTING SURVEYS

TITLE

Survey of Historic Sites in Kentucky

DATE

1971

FEDERAL STATE COUNTY LOCAL

DEPOSITORY FOR
SURVEY RECORDS

Kentucky Heritage Commission

CITY, TOWN

Frankfort

STATE

Kentucky

7 DESCRIPTION

CONDITION

EXCELLENT
 GOOD
 FAIR

DETERIORATED
 RUINS
 UNEXPOSED

CHECK ONE

UNALTERED
 ALTERED

CHECK ONE

ORIGINAL SITE
 MOVED DATE _____

DESCRIBE THE PRESENT AND ORIGINAL (IF KNOWN) PHYSICAL APPEARANCE

The McReynolds House, occupied since about 1964 by the family of Eugene N. Luck, is situated two blocks south of the Todd County Courthouse on the main north-south street of Elkton, a prototypical Kentucky county seat. The town, with its 1856 courthouse (with fashionable Second Empire tower added after the Civil War during which the courthouse was the scene of much activity; listed on the National Register on August 22, 1975), is located in the middle of the crossroads. The town remains today approximately the same size and population as a century ago. Although both are modest, Todd County lies in the once-rich plantation belt along the south central border of Kentucky whose culture still retains much of the Southern flavor its proximity to northwestern Tennessee evokes. Elkton is also the northern terminus of a spur of the Louisville and Nashville Railroad.

It was in this context that Dr. John Oliver McReynolds, father of Justice James Clark McReynolds, built a dwelling about 1860. The house consisted of a substantial two-story brick main block with a fairly high hipped roof topped by a flat deck. The front has three widely-spaced bays with a central entrance. Although the window frames are very plain, the stolidity of the main portion was originally relieved, not only by the surviving panelled cornice with its delicate but few paired brackets, but also by an elaborate three-bay wooden porch with carved and turned posts (see copy of photograph from 1941 newspaper article). There was a frame wing on the west side with a lattice-work porch. The interior of the house has the conventional central-hall layout.

Both the interior and the exterior of the house have been somewhat changed by the present owner, who purchased the house from the McReynolds estate. The red brick has been painted white, the Victorian porch replaced by a single-bay, flat-topped portico on stubby fluted columns, the front door colonialized. The frame west wing has been rebuilt in brick to house a combination family room and kitchen. The once-prized white picket fence of Justice McReynolds has been removed. Nevertheless, most of the changes are only 20th-century equivalents of the 19th-century features; much of the original substantial character of the house remains.

8 SIGNIFICANCE

| PERIOD | | AREAS OF SIGNIFICANCE -- CHECK AND JUSTIFY BELOW | | | |
|---|---|--|---|---|--|
| <input type="checkbox"/> PREHISTORIC | <input type="checkbox"/> ARCHEOLOGY-PREHISTORIC | <input type="checkbox"/> COMMUNITY PLANNING | <input type="checkbox"/> LANDSCAPE ARCHITECTURE | <input type="checkbox"/> RELIGION | |
| <input type="checkbox"/> 1400-1499 | <input type="checkbox"/> ARCHEOLOGY-HISTORIC | <input type="checkbox"/> CONSERVATION | <input checked="" type="checkbox"/> LAW | <input type="checkbox"/> SCIENCE | |
| <input type="checkbox"/> 1500-1599 | <input type="checkbox"/> AGRICULTURE | <input type="checkbox"/> ECONOMICS | <input type="checkbox"/> LITERATURE | <input type="checkbox"/> SCULPTURE | |
| <input type="checkbox"/> 1600-1699 | <input type="checkbox"/> ARCHITECTURE | <input type="checkbox"/> EDUCATION | <input type="checkbox"/> MILITARY | <input checked="" type="checkbox"/> SOCIAL/HUMANITARIAN | |
| <input type="checkbox"/> 1700-1799 | <input type="checkbox"/> ART | <input type="checkbox"/> ENGINEERING | <input type="checkbox"/> MUSIC | <input type="checkbox"/> THEATER | |
| <input checked="" type="checkbox"/> 1800-1899 | <input type="checkbox"/> COMMERCE | <input type="checkbox"/> EXPLORATION/SETTLEMENT | <input type="checkbox"/> PHILOSOPHY | <input type="checkbox"/> TRANSPORTATION | |
| <input checked="" type="checkbox"/> 1900- | <input type="checkbox"/> COMMUNICATIONS | <input type="checkbox"/> INDUSTRY | <input checked="" type="checkbox"/> POLITICS/GOVERNMENT | <input type="checkbox"/> OTHER (SPECIFY) | |
| | | <input type="checkbox"/> INVENTION | | | |

SPECIFIC DATES 1860

BUILDER/ARCHITECT Unknown

STATEMENT OF SIGNIFICANCE

This substantial brick house was built in 1860, just before the Civil War, by Dr. John Oliver McReynolds, town physician and father of United States Supreme Court Associate Justice James Clark McReynolds (1862-1946). Dr. McReynolds practiced medicine in Elkton for more than half a century. He was the physician for almost every family in Elkton. Justice McReynolds was born in this house, spent his youth there, returned often during summers throughout his life, and is said always to have considered the house his home. A member of the Supreme Court from his appointment by President Woodrow Wilson until his retirement at the age of 78 in 1941, Justice McReynolds was known as a "radical conservative" and was one of the leading judicial objectors to New Deal legislation under President Franklin D. Roosevelt.

James Clark McReynolds was born on February 3, 1862, during the Civil War. Todd County, of which Elkton is the county seat, was also the birthplace of Jefferson Davis, Confederate President, and retains to this day its sympathy with the South and in particular resembles the culture of Tennessee which the county borders. His father firmly believed that every man should be able to work with his hands, so he apprenticed James in his youth to a carpenter. The younger McReynolds demonstrated his proficiency by building the picket fence that stood for many years in front of the house. Dr. McReynolds also did not neglect his son's formal education because he sent him to Vanderbilt University in Nashville, Tennessee, where the young man graduated in 1882 as valedictorian of his class, an honor graduate, and a recipient of the Founder's Medal for scholarship. He completed his professional training at the Law School of the University of Virginia where he finished the requirements in 1884 for a law degree in two years instead of the prescribed three years.

After practicing law in Nashville, Tennessee for two years, in 1886 McReynolds spent some time in Washington, D. C., as a private secretary to U. S. Senator Howell Jackson of Tennessee. After this he returned to private practice in Nashville and from 1899 to 1903 served as a Professor in the Vanderbilt School of Law. In 1903, Philander C. Knox, Attorney-General in the cabinet of President Theodore Roosevelt, named him an Assistant Attorney-General. In that capacity until 1907, he attacked

(continued)

9 MAJOR BIBLIOGRAPHICAL REFERENCES

Daniel, W.E. "McReynolds to Return to Elkton Home," Owensboro Messenger. January 26, 1941.

Daniels, Josephus. The Life of Woodrow Wilson. Chicago: John C. Winston Co., 1924.

Douthat, James W. "McReynolds to Quit Bench after Colorful Career." Owensboro Messenger. January 26, 1941. (continued)

10 GEOGRAPHICAL DATA

ACREAGE OF NOMINATED PROPERTY 1 acre

UTM REFERENCES

| | | | | | | | | | | |
|---|------|---------|----------|-----|-----|-------|---|------|---------|----------|
| A | 1,6 | 4,8,6 | 1,7,0 | 4,0 | 7,3 | 2,8,0 | B | | | |
| | ZONE | EASTING | NORTHING | | | | | ZONE | EASTING | NORTHING |
| C | | | | | | | D | | | |

VERBAL BOUNDARY DESCRIPTION

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

| STATE | CODE | COUNTY | CODE |
|-------|------|--------|------|
| STATE | CODE | COUNTY | CODE |

11 FORM PREPARED BY

NAME / TITLE

Dr. Calvin Jones

WEL

ORGANIZATION

Kentucky Heritage Commission

DATE

June 1976

STREET & NUMBER

104 Bridge Street

TELEPHONE

(502) 564-3741

CITY OR TOWN

Frankfort

STATE

Kentucky

12 STATE HISTORIC PRESERVATION OFFICER CERTIFICATION

THE EVALUATED SIGNIFICANCE OF THIS PROPERTY WITHIN THE STATE IS:

NATIONAL

STATE

LOCAL

As the designated State Historic Preservation 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.

STATE HISTORIC PRESERVATION OFFICER SIGNATURE

Eldred W. Melton

TITLE

State Historic Preservation Officer

DATE 7/8/76

FOR NPS USE ONLY

I HEREBY CERTIFY THAT THIS PROPERTY IS INCLUDED IN THE NATIONAL REGISTER

James G. [Signature]

DATE 10/22/76

ATTEST: DIRECTOR, OFFICE OF ARCHEOLOGY AND HISTORIC PRESERVATION

DATE 10/15/76

KEEPER OF THE NATIONAL REGISTER

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McReynolds House

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several monopolies, including a tobacco monopoly. Following his service in this capacity he again resumed the private practice of law until 1913, on this occasion in New York City. During this period, as a private attorney, he continued to assist both the Theodore Roosevelt and Taft administrations in their prosecution of anti-trust suits.

When Woodrow Wilson became president in 1913 he wanted a learned lawyer for Attorney-General of the United States who had no corporate leanings and who would be guided by the philosophy of the law rather than precedent. This led him to appoint James Clark McReynolds to that important post. As Attorney-General for only a year, McReynolds disturbed U. S. Senators who charged that he was using secret agents to spy on federal judges and to influence their decisions. He also defied them by refusing in the public interest to supply information that was demanded of him.

In 1914 President Wilson appointed him to the Supreme Court "with evident relief and a disregard for the interests of the country," in the opinion of former Secretary of State Dean Acheson. Mr. Acheson, who was a friend of Justice McReynolds for many years, wrote of him in his book, Morning and Noon. His description is particularly interesting and expresses well many of McReynolds' human quirks, foibles and eccentricities:

Justice McReynolds' views were rigid and ultra-conservative, his temperament was passionate...and as he himself put it, "an amorphous dummy unspotted by human emotion" is not "a becoming receptacle for judicial power."

His prejudices extended to women lawyers; whenever a woman rose to address the Court, he pushed back his chair and left the Bench. Conversely, he had a penchant for gallant remarks to ladies.

The Justice enjoyed social relations in congenial company. Always courtly, he could be kindly and amusing. His Sunday morning breakfasts for young people were famous and good fun unless an unfortunate, forgetful student absent-mindedly smoked a cigarette. He organized and paid for annual trips to the circus for the pages of the Court. He gave to national charities and to local charities in Elkton, some of which were contributions to the American Red Cross, the Negro schools, a gift of land to

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Glenwood Cemetery, and a \$5,000 legacy to the Christian Church. He also contributed generously to benevolent societies. Although he never married he loved children and during World War II he supported 33 British orphans and personally corresponded with each of them.

McReynolds' chief claim to fame, undoubtedly, rests on his opposition as a Supreme Court Justice to the New Deal legislation of President Franklin D. Roosevelt. As one of the conservative "Four Horsemen" on the Court during 1935-36, he helped to declare unconstitutional several important acts of the New Deal Congress. In fact, never before in American history had the Supreme Court worked such havoc with a legislative program as it did in 1935 and 1936 with that of the New Deal, nor in so short a time invalidated so many acts of Congress.

In the few cases when the Court upheld New Deal legislation, McReynolds took an adamant stand against the majority, dissenting with tremendous invective. He became famous for such ultraconservative statements as "the end of the Constitution. . . . An Alien influence has prevailed" and "As for the Constitution, it does not seem too much to say that it is gone. Shame and humiliation are upon us now."

When Roosevelt decided to move against the Court with his famous "court-packing" bill of 1937 he took puckish delight in the fact that the plan Attorney-General Homer Cummings finally hit upon was based upon a recommendation made in 1913, albeit in a different form, by none other than Justice McReynolds while he was serving as U.S. Attorney-General under President Wilson. Roosevelt's plan, however, did not meet with the general approval of the majority of the people but the threat of it evidently had its influence on the "nine old men" and from 1937 on more court decisions were favorable to the Roosevelt Administration's legislation. As one commentator of the time quipped: "A switch in time saved nine" but McReynolds never changed. After this when it became evident that he was doomed to be a member of the minority in Court decisions regarding the New Deal a newspaperman reported his behavior to one of the National legislators:

Old McReynolds was sore as hell, speaking like he seldom speaks, very loud, gyrating like you Congressmen and Senators do on the floor, and poking his pencil angrily at the crowd as he shouted his opinion, without reading it, and his speech was a good deal different from the written one.

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Dean Acheson made an interesting evaluation of McReynolds' judicial career: He noted that "Justice McReynolds was woefully miscast on the Supreme Court. He acquired a reputation from his deficiencies and became a figure with which law professors frightened their students. Abilities and talents were obscured which might have brought him as substantial distinction and real regard in a less exalted position."

In January 1941 Justice McReynolds retired from the Supreme Court at the age of 78 after completing more than 27 years as a member of that distinguished tribunal. He was welcomed back to Todd County by The Owensboro Messenger which wished him a happy 79th birthday in his own home. He died in Washington, D.C., on August 24, 1946. His body was brought home to Elkton and lay in state at the Christian Church where he had attended services each summer when he made his annual visits.

It is interesting to speculate on what caused McReynolds, undoubtedly a man of scholarly abilities and a well-educated lawyer, to change from a progressive of the Theodore Roosevelt era and a liberal of Woodrow Wilson's time to an arch-conservative during the New Deal period. Perhaps it was not he who changed but rather the spirit of the age and he was either unwilling or unable to change with it. Whatever was the case he remains an interesting and notable historical figure. The old house where McReynolds passed his boyhood and returned to in his annual summer visits and after he retired was left to his sister, Mrs. Mary Belle McReynolds Zaricore, upon his death. She lived there the remainder of her life and bequeathed it to another brother, Dr. Robert Phillips McReynolds, whose home was in California. After his death the house was sold in 1964 to Eugene Luck, the present owner, who is a merchant farmer and trader in Elkton.

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Gardener, Woodford L., Jr. "Kentucky Justices on the United States Supreme Court,"
Register of the Kentucky Historical Society, Vol LXX (April 1972), p. 135.

Leuchtenburg, William E. Franklin D. Roosevelt and the New Deal. New York: Harper
Torchbooks, 1963, pp. 143-144 and 232-236.

Morrison, Samuel Eliot, Henry Steele Commager, and William E. Leuchtenburg.
The Growth of the American Republic. Sixth Edition New York: Oxford University
Press, 1969, Vol. II, pp. 511-518.

Williams, Marion. The Story of Todd County, Kentucky, 1820-1970. Nashville: Parthenon
Press, 1972.

The original form was prepared by George Street Boone, who supplied much, but not
all, of the information on which the present form was based.