

# **A Consequential Friendship: President Wilson and Supreme Court Justice Louis D. Brandeis**

**By Edward F. Gerber and Zachary Burt**

Special thanks to Louis D. Brandeis's grandson and longtime National Trust for Historic Preservation attorney and Woodrow Wilson House Advisory Council member, Frank Gilbert, as well as historian and Woodrow Wilson House Advisory Council member Professor John Milton Cooper, Jr., author of *Woodrow Wilson: A Biography*, as well as other books on American history. Both were interviewed for this story in April 2021 by Edward F. Gerber, longtime member of the Wilson House Advisory Council, and Zachary Burt, Wilson House Scholar and graduate student in historic preservation at Goucher College.

It is undeniable that President Woodrow Wilson and his administration had a significant influence – both good and bad – on American political development and culture, from Wilson's Progressive Era economic reforms and his leadership at the Paris Peace Conference following World War I to the Wilson Administration's promotion of segregation in the federal workforce. Another important legacy of President Wilson is his three appointments to the Supreme Court. Of particular interest is Wilson's appointment of Associate Justice Louis D. Brandeis in 1916, who became one of the most significant individuals to have served on the Supreme Court. Notably, Justice Brandeis was the first Jewish member of the high court. Two letters Wilson wrote in 1915 and 1916, regarding Brandeis, reveal a warm friendship between the two – and a president who was in awe of Brandeis's intellect and abilities. Most importantly, this consequential friendship changed American history as it reframed federal policy on monetary and regulatory issues.

Wilson first met Brandeis in the summer of 1912. Wilson, the then-governor of New Jersey, had just won the Democratic presidential nomination and was staying with his family on the Jersey Shore. According to historian John Milton Cooper, Jr., this was a "meeting of the minds," where Brandeis shared his views on economic policy, particularly in relation to regulating the trusts. Brandeis had made a mark over the previous years as a progressive attorney – most famous for his fact-based Brandeis Brief that changed the American legal landscape – and had penned various articles in publications of the day. He accepted public interest cases and was, therefore, called "The People's Lawyer" for championing American's fair wages and work hours. So, despite having not met before, Wilson would have known of Brandeis.

Brandeis's policy views appealed to Wilson and helped shape his 1912 political platform, known as the New Freedom. The two also had much in common in their personal and professional backgrounds. They had southern connections and were intellectuals who had moved to the northeast. Wilson was born in Staunton, Virginia, and had lived throughout the South before going to Princeton University in New Jersey – first as a student, then as a professor, and finally as university president. Brandeis was from Louisville, Kentucky, and had attended Harvard Law School in Cambridge, Massachusetts, before eventually settling in Boston.

Once Wilson won the 1912 election against incumbent president William Howard Taft and former president Theodore Roosevelt, he would have preferred to see Brandeis in the cabinet,

likely as attorney general. However, this did not happen. Nonetheless, Brandeis' ideas continued to shape economic policy, as Wilson and Congress established the Federal Reserve System and the Federal Trade Commission.

On January 30, 1915, William Hitz, an attorney and future federal judge, wrote to Wilson. Hitz had nominated Brandeis to join the Cosmos Club, an exclusive Washington, DC men's club, as a non-resident member (since Brandeis lived in Boston). He wrote about "opposition" to Brandeis's membership and asked for Wilson's help – without Brandeis knowing of either the opposition or the request.

As requested, Wilson, a member of the Cosmos Club, contacted the Admissions Committee two days later and vouched for Brandeis's membership. Wilson wrote, "I know Mr. Brandeis and hold him in the highest personal esteem, and believe that his admission to the Club would not only be an act of justice to him but would add a member of very fine quality to its list." Brandeis was successful in gaining membership to the Cosmos Club. Here, we see Wilson and Brandeis's friendship on display and Wilson's positive view of Brandeis. The letter shows a personal side of the president and adds to Wilson's complexity as a historical figure.

One year later, Wilson appointed Brandeis to the Supreme Court. Cooper says that the appointment was a "bombshell." Brandeis was opposed by former president and future Supreme Court Chief Justice Taft, as well as the influential American Bar Association. Cooper says that although there was an "undercurrent" of anti-Semitism, the opposition was generally in regard to his progressive legal record – both of which had been voiced by members of the Cosmos Club.

As the nomination fight dragged on through the winter and spring of 1916, Wilson wrote a glowing letter to the Senate Judiciary Committee on May 5, 1916. Wilson once again vouched for his friend's character. He listed his many accomplishments, including "his ability as the people's advocate when public interests call for an effective champion." Wilson described Brandeis as a "friend of justice and of men," and also wrote, "In every matter in which I have made test of his judgment and point of view I have received from him counsel singularly enlightening, singularly clear-sighted and judicial, and, above all, full of moral stimulation. He is a friend of all just men and a lover of the right, and he knows more than how to talk about the right - he knows how to set it forward in the face of its enemies." This is a president who is not only fighting for his Supreme Court nominee but also his dear friend and advisor.

The letter also reveals Brandeis's well-known reputation. Wilson wrote, "For the whole country is aware of his quality and is interested in this appointment." Wilson said, "He is exceptionally qualified." He continued: "I cannot speak too highly of his impartial, impersonal, orderly, and constructive mind, his rare analytical powers, his deep human sympathy, his profound acquaintance with the historical roots of our institutions and insight into their spirit."

Less than a month later, on June 1, 1916, Brandeis was finally confirmed by the United States Senate and became the first Jewish justice of the court – a milestone in Jewish American history. Brandeis served on the court until 1939 and passed away in 1941. He was a strong and influential progressive voice, and his appointment to the Supreme Court is widely praised by historians and scholars.

Wilson and Brandeis had forged a strong friendship in a relatively short period of time, and the letters show a president – and an academic – who admired his appointee’s skill and intellect. When reading the two letters, one cannot help but think of Professor Wilson at Princeton writing a letter of recommendation for a top student. Most importantly, their relationship would forever change American politics. This less-discussed aspect of Wilson’s presidency is revealing and an important historical note that should be highlighted.

On a personal level, the Wilson and Brandeis families remained close long after the deaths of both men. While being interviewed for this story, Frank Gilbert, Brandeis’s grandson, shared an amusing anecdote illustrating this enduring friendship. In 1950, on a cold winter day, when Gilbert was leaving Washington, DC for his home in Boston, he stopped at the Wilson House to say goodbye to Edith Wilson. She was surprised to see that he did not have a topcoat and quickly gave him one of President Wilson’s – further highlighting this consequential friendship.