

NHD PERFORMANCE SCRIPT COVER PAGE

Please Note: All text in this template must be in 12 point font.
 Times New Roman, Arial, or Calibri fonts accepted.

PLEASE make a copy of this template before editing.

PERFORMANCE INFORMATION	
Project Title	Justice Louis Brandeis: Breaking Economic, Religious, and Political Barriers
Student Name(s)	Jack Granahan
Division	Senior Individual
Performance Runtime	9:54
Thesis	As the first Jewish Supreme Court Justice, Louis Brandeis broke the religious barrier on the bench. He also broke the Supreme Court's barrier between Democrats and Republicans by achieving bipartisan support for New Deal policies, and he broke an untouched economic barrier by helping to implement minimum wage laws and working hours limits.

PERFORMANCE OVERALL SCENARIO	
Story Setting(s)	Timeframe
Justice Brandeis' office	February 13, 1939 - November 13, 1956
Story Synopsis	
<p>On the day of his retirement, February 13, 1939, Justice Louis Brandeis tells the story of his life and career as a lawyer, how he became the first Jew to serve on the Supreme Court of the United States, and how his decisions on the bench were directly responsible for the implementation of the New Deal. Two decades after Brandeis' death, on the 100th anniversary of Brandeis' birth, Justice Felix Frankfurter returns to Brandeis' former office to explain his relationship with and admiration for Brandeis, as well as the legacy that Brandeis left behind. He also explains how Brandeis broke religious, political, and economic barriers.</p>	

CHARACTERS		
Character	Performer	Description/background for the character
Louis Brandeis	Jack Granahan	Louis Brandeis is the first Jewish Supreme Court justice, responsible for important rulings on cases related to individual liberties and the New Deal. A native of Louisville, Kentucky, Brandeis speaks with a light Southern/Transatlantic accent. During his retelling of his life, he wears a judge's robe.
Felix Frankfurter	Jack Granahan	Felix Frankfurter is the third Jewish Supreme Court justice, as well as a student and personal friend of Louis Brandeis. An Austrian immigrant to the Lower East Side of Manhattan, Frankfurter has a noticeable New York City accent. During his

		explanation of Brandeis' legacy, he wears a suit and tie, along with pince-nez glasses.
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OVERALL STAGE SETTING

Describe the Stage(s) of the Performance Add Photo of Stage (if possible)	Color Use Scheme	
<p>Louis Brandeis' small law office, filled with legal documents and law books, and dotted with framed photos of Brandeis' political allies and heroes. It contains a table (serving as a desk), and an empty box that will be filled up with Brandeis' belongings.</p>	Background Design	Office setting, easels used in place of walls.
	Props	Small table to serve as a desk, three easels to serve as walls, a large box, a framed map of Kentucky, a framed Harvard diploma, several framed photos of Brandeis' political allies, a penholder, 9 blue pens, 4 red pens, 2 black pens, a small wastebasket, a folded Israeli flag in a transparent case, a framed photo of Louis Brandeis.

COSTUMES & PROPS BY SCENE

Please add or remove costume & props by scene as needed. This is only a template.

Scene #	1-9	
Costume(s) Visual(s) or Costume(s) Description(s)	Set Design & Props	
<p>Judge's robe</p>	Background Design	Office setting, easels used in place of walls.
	Props	Small table to serve as a desk, three easels to serve as walls, large box, framed map of Kentucky, framed Harvard diploma, several framed photos of Brandeis' political allies, penholder, 9 blue pens, 4 red pens, 2 black pens, small wastebasket, folded Israeli flag in a transparent case.

COSTUMES & PROPS BY SCENE

Scene #	10	
Costume(s) Visual(s) or Costume(s) Description(s) <small>If costumes and props remain the same, write "same as scene # in the boxes below"</small>	Set Design & Props	
<p>Suit and pince-nez glasses</p>	Background Design	Office setting, easels used in place of walls.
	Props	Small table to serve as a desk, three easels to serve as walls,

		framed photo of Louis Brandeis.
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PERFORMANCE SCRIPT BY SCENES

Please add or remove scene pages as needed. This is only a template.

SCENE 1 - SCENARIO

Purpose of the Scene	Key Elements	
To introduce the reason for Brandeis' appearance, as well as the thesis.	Setting	Brandeis' office
	Timeframe	February 13, 1939
	Characters	Louis Brandeis
Summary of the Scene		
Louis Brandeis enters his office for the final time to pack up his belongings, as he is retiring from the Supreme Court. He mentions the barriers he broke (religious, political, and economic) while on the Supreme Court, before reminiscing about his entire life and career.		

DIALOGUE - SCENE 1

Character & Action	Dialogue
Louis Brandeis (Jack Granahan) <i>(Brandeis enters his office for the final time, wearing a judge's robe. He appears solemn while reminiscing about his time on the Supreme Court.)</i>	My name is Louis Dembitz Brandeis, and I regret to inform everyone that, on this blessed February day in the year of our Lord, 1939, I will be retiring from my position as an Associate Justice of the Supreme Court. As the first Jewish Supreme Court justice, I broke the religious barrier on the bench. I also broke the Supreme Court's barrier between Democrats and Republicans by achieving bipartisan support for New Deal policies, and I broke an untouched economic barrier by helping to implement minimum wage laws and working hours limits. Today, I'm here in my office to pack up my belongings for the last time. Before I resign, I feel it's appropriate to say a little about my life.

SCENE 2 - SCENARIO

Purpose of the Scene	Key Elements	
To explain Brandeis' early life, and how it shaped his life as a Jew.	Setting	Brandeis' office
	Timeframe	February 13, 1939
	Characters	Louis Brandeis
Summary of the Scene		
While packing up his map of Kentucky, Louis Brandeis discusses his birth, his Jewish faith, and his family's flight to Indiana.		

DIALOGUE - SCENE 2

Character & Action	Dialogue
Louis Brandeis (Jack Granahan) <i>(Brandeis walks behind his desk, and takes a large framed map of Kentucky off of the wall (easel). He looks at it briefly.)</i>	I was born on November 13, 1856, in Louisville, Kentucky. I was named after the same man that my hometown was named after. Apparently, my family thought I looked like Louis XIV as a baby... I don't see it.
Louis Brandeis (Jack Granahan) <i>(Brandeis places the map in the box.)</i>	Both of my parents were secular Jewish immigrants from Bohemia, and I was raised in the faith. We were a strictly abolitionist family, and when the Civil War broke out, we were driven out of town, and forced to move to Indiana.

SCENE 3 - SCENARIO

Purpose of the Scene	Key Elements	
To explain Brandeis' education and early legal career, and how it influenced his support of pro bono legal defense.	Setting	Brandeis' office
	Timeframe	February 13, 1939
	Characters	Louis Brandeis
Summary of the Scene		
While packing up his Harvard diploma, Louis Brandeis discusses his high school, college, and law school education, as well as his pioneering of pro bono legal defense.		

DIALOGUE - SCENE 3

Character & Action	Dialogue
Louis Brandeis (Jack Granahan) <i>(Brandeis walks to the wall (easel) on his left and removes his framed Harvard diploma from the wall (easel).)</i>	Despite this, I still graduated high school at the top of my class when I was only 14. I went to Harvard Law School, where I earned the highest GPA in the school's history (well, for now at least).
Louis Brandeis (Jack Granahan) <i>(Brandeis places the diploma in the box.)</i>	I soon became a lawyer, and I started doing pro bono work, leading my clients to call me "the people's lawyer". This idea of defending clients who couldn't afford to pay for counsel was unheard of at the time, and I was among the first lawyers to promote it.

SCENE 4 - SCENARIO

Purpose of the Scene	Key Elements	
To explain Brandeis' connection to Theodore Roosevelt, Woodrow Wilson, and the progressive movement, as well as his founding of the first citizens' lobby and appointment to the Supreme Court.	Setting	Brandeis' office
	Timeframe	February 13, 1939
	Characters	Louis Brandeis
Summary of the Scene		
<p>While packing up photographs of Presidents Theodore Roosevelt and Woodrow Wilson, Louis Brandeis discusses his support of progressivism, his personal relationship with Roosevelt, and how he founded a citizens' lobby to combat big business (one of his broken barriers). He also explains his views on President Woodrow Wilson, and Wilson's decision to nominate Brandeis as a Supreme Court justice.</p>		

DIALOGUE - SCENE 4

Character & Action	Dialogue
<p>Louis Brandeis (Jack Granahan) <i>(Brandeis walks back over to his desk and picks up a framed photo of Theodore Roosevelt.)</i></p>	<p>Around the turn of the century, I became interested in the idea of progressivism, promoted by none other than President Theodore Roosevelt. Now, Teddy's personality was very insufferable at times, but he had some really solid ideas. I sympathized with his goal of breaking up large corporations and protecting small businesses. I started a citizen's lobby, the first in US history, with the goal of putting pressure on trusts and monopolies.</p>
<p>Louis Brandeis (Jack Granahan) <i>(Brandeis carries the photo of Roosevelt to the other side of his desk, and picks up a framed photo of Woodrow Wilson.)</i></p>	<p>Because of this, I really caught the attention of President Woodrow Wilson. Unlike Teddy, Woodrow was a very friendly fellow. But he was also a bit of a war hawk, and let's just say that his thoughts about African-Americans would be right at home back down in Louisville.</p>
<p>Louis Brandeis (Jack Granahan) <i>(Brandeis places both photos in the box.)</i></p>	<p>But I digress. On January 28, 1916, President Wilson nominated me to become a Supreme Court justice! I was the first Jew to ever serve in the position.</p>

SCENE 5 - SCENARIO

Purpose of the Scene	Key Elements	
To explain Brandeis' first rulings as a Supreme Court justice, as well as his frequent voting with Justice Oliver Holmes Jr.	Setting	Brandeis' office
	Timeframe	February 13, 1939
	Characters	Louis Brandeis
Summary of the Scene		
While packing up a photograph of himself sitting next to Justice Oliver Holmes Jr., Louis Brandeis talks about the two justices' mutual support of individual liberties, which caused them to vote together in most cases. He also sets the stage for him to explain the Three Musketeers voting bloc.		

DIALOGUE - SCENE 5

Character & Action	Dialogue
Louis Brandeis (Jack Granahan) <i>(Brandeis picks up a framed photo of Oliver Holmes Jr. from his desk.)</i>	In my first cases on the bench, I almost always voted alongside Republican Justice Oliver Holmes Jr, despite being a Democrat myself. We agreed that the fundamental right to free speech should not be interfered with. In the 1920 case of Gilbert v. Minnesota, which dealt with the legality of opposing the military draft, both of us dissented from the majority, by saying that the law was unconstitutional. We were also very adamant about the right to privacy, as shown by the landmark 1928 case of Olmstead v. United States. The verdict, which ruled the wiretapping of phone calls to be constitutional, was once again dissented by Holmes and I.
Louis Brandeis (Jack Granahan) <i>(Brandeis places the photo in the box.)</i>	After Justice Holmes stepped down from his seat in 1932, I began assembling my team of classical liberal justices. Our collective goal was to affirm the constitutional rights of Americans, as well as to implement the New Deal policies signed by President Franklin Roosevelt, so as to help the nation recover from the Great Depression.

SCENE 6 - SCENARIO

Purpose of the Scene	Key Elements	
To explain the voting blocs of the Supreme Court during Brandeis' tenure.	Setting	Brandeis' office
	Timeframe	February 13, 1939
	Characters	Louis Brandeis
Summary of the Scene		
<p>While packing up photographs of the various Supreme Court justices who served alongside himself, Louis Brandeis talks about the different voting alliances of the Supreme Court during his time on the bench. These include the Three Musketeers (Justices Brandeis, Cardozo, and Stone), the Four Horsemen (Justices Butler, McReynolds, Sutherland, and van Devanter), and the swing votes (Chief Justice Hughes and Justice Roberts).</p>		

DIALOGUE - SCENE 6

Character & Action	Dialogue
<p>Louis Brandeis (Jack Granahan) <i>(Brandeis appears to reach into a desk drawer (under table) and takes out framed photos of Benjamin Cardozo and Harlan Stone. They appear to be well-kept and in very good condition. He places each one down on the left side of his desk as he says their name.)</i></p>	<p>This voting bloc consisted of myself, Democratic Justice Benjamin Cardozo (who was also Jewish), and Republican Justice Harlan Stone. Many people began calling us the Three Musketeers! Pretty impressive, I'd say.</p>
<p>Louis Brandeis (Jack Granahan) <i>(Brandeis takes out framed photos of Pierce Butler, James McReynolds, George Sutherland, and Willis van Devanter. They appear to be dusty and in noticeably very poor condition compared to the Three Musketeers' photos. He places each one down on the right side of his desk as he says their name.)</i></p>	<p>We were opposed by the conservative Four Horseman, which included Republican Justices Pierce Butler, James McReynolds, George Sutherland, and Willis van Devanter.</p>
<p>Louis Brandeis (Jack Granahan)</p>	<p>Chief Justice Charles Hughes and Justice Owen Roberts were Republicans, but their moderate values led to them serving as swing votes.</p>

(Brandeis takes out framed photos of Charles Hughes and Owen Roberts. They appear to be in fair condition, appropriate for the amount of time they were kept in the drawer. He places each one down in the middle of his desk as he says their name.)

SCENE 7 - SCENARIO

Purpose of the Scene	Key Elements	
To explain the power held by each voting bloc on the Supreme Court, as well as the events of Black Monday.	Setting	Brandeis' office
	Timeframe	February 13, 1939
	Characters	Louis Brandeis
Summary of the Scene		
While still packing up the photographs of the justices, and examining a newspaper about Black Monday, Louis Brandeis explains how the makeup of the Supreme Court gave the Four Horsemen more voting power than the Three Musketeers, and how this led to the Supreme Court ruling against many New Deal policies.		

DIALOGUE - SCENE 7

Character & Action	Dialogue
Louis Brandeis (Jack Granahan) <i>(Brandeis slides the photo of Chief Justice Hughes towards the Three Musketeers, and slides the photo of Justice Roberts towards the Four Horsemen.)</i>	But even with this balance, it was impossible for us to gain a majority without swaying both Chief Justice Hughes and Justice Roberts. In most cases pertaining to the New Deal, Hughes would vote alongside us, while the more conservative Roberts voted with the Four Horsemen.
Louis Brandeis (Jack Granahan) <i>(Brandeis takes a newspaper dated May 28, 1935 with the headline: "Enforcement of All Codes Suspended by Richberg as Supreme Court Unanimously Scraps the NRA; Frazier-Lemke Farm Mortgage Act Ruled Invalid" out of the drawer and holds it for the audience to see.)</i>	Because of this, President Roosevelt saw policy after policy shot down by the Supreme Court. He even referred to May 27, 1935 as Black Monday, since three New Deal laws were shot down in just one day.
Louis Brandeis (Jack Granahan) <i>(Brandeis throws the newspaper into a garbage can as he says he doesn't need to keep it, but leaves the photos on his desk.)</i>	In turn, Roosevelt started planning a way to have his policies passed by any means possible. But when I heard what he came up with, I thought he was out of his mind. Hmmm. I don't think I need to keep this.

SCENE 8 - SCENARIO

Purpose of the Scene	Key Elements	
To explain the court-packing scheme and how it led up to the case of West Coast Hotel Company v. Parrish, in which Brandeis helped to break economic barriers by paving the way for the first minimum wage laws.	Setting	Brandeis' office
	Timeframe	February 13, 1939
	Characters	Louis Brandeis
Summary of the Scene		
<p>Louis Brandeis uses his collection of pens to demonstrate the effect that the court-packing scheme would have. He explains why he believes that the court-packing scheme would be unconstitutional, and what would need to happen for President Roosevelt to abandon the plan. He also discusses the events and outcome of West Coast Hotel Company v. Parrish, in which he convinced Justice Roberts to side with the Three Musketeers.</p>		

DIALOGUE - SCENE 8

Character & Action	Dialogue
Louis Brandeis (Jack Granahan) <i>(Brandeis lifts up a penholder from his desk containing 4 red pens (the Four Horsemen), 3 blue pens (the Three Musketeers), and 2 black pens (Hughes and Roberts).)</i>	<p>In 1937, President Roosevelt proposed the Judicial Procedures Reform Bill. However, I'd rather call it what it truly is: the court-packing scheme. Under the provisions of the court-packing scheme, the sitting president would be allowed to appoint up to 6 additional justices to the bench, bringing the total number up from 9 to 15. Let's say these pens represent the current Supreme Court.</p>
Louis Brandeis (Jack Granahan) <i>(Brandeis drops another 6 blue pens into the penholder.)</i>	<p>Now, let's say President Roosevelt could appoint another 6 justices. See how much of a difference it makes? This was exactly his reasoning. He proposed the bill so he could finally appoint more justices to get his policies passed.</p>
Louis Brandeis (Jack Granahan) <i>(Brandeis places the pens back onto his desk.)</i>	<p>Now, we all saw this as unconstitutional. It would allow the president to have more control over the Supreme Court, essentially undermining the separation of powers. I realized that, for Roosevelt to abandon the bill, we would need to begin passing New Deal legislation. With this came perhaps the most important case in my time in the Supreme Court: West Coast Hotel Company v. Parrish.</p>
Louis Brandeis (Jack Granahan) <i>(Brandeis steps out from behind his desk.)</i>	<p>By this time, the state of Washington had set a mandatory minimum wage for workers of \$14.50 per week. A hotel maid by the name of Elsie Parrish sued her employer for not paying her the required wage. This seemed like yet another New Deal case that would be ruled against us, and yet another step towards the inevitable court-packing scheme.</p>

<p>Louis Brandeis (Jack Granahan) <i>(Brandeis slides the photo of Justice Roberts on his desk towards the photos of the Three Musketeers and Chief Justice Hughes, signifying Roberts' switch in the Parrish case.)</i></p>	<p>But against all odds, I was able to convince Roberts that, shall we not uphold the minimum wage law, Roosevelt would march relentlessly on with the court-packing scheme.</p>
<p>Louis Brandeis (Jack Granahan) <i>(Brandeis takes a newspaper dated March 29, 1937 with the headline: "Minimum Wage and Rail Labor Acts Held Valid" out of the drawer and holds it for the audience to see.)</i></p>	<p>In a 5-4 majority, led by none other than yours truly, Louis Brandeis, the Supreme Court ruled in favor of Elsie Parrish, and state minimum wage laws were cemented as constitutional.</p>
<p>Louis Brandeis (Jack Granahan) <i>(Brandeis places the newspaper in the box.)</i></p>	<p>It was, as Chief Justice Hughes called it, "the switch in time that saved nine."</p>

SCENE 9 - SCENARIO

Purpose of the Scene	Key Elements	
To mention Brandeis' support of Zionism and facilitate his resignation.	Setting	Brandeis' office
	Timeframe	February 13, 1939
	Characters	Louis Brandeis
Summary of the Scene		
<p>While packing up the pens he used in his demonstration, Louis Brandeis mentions how, after the Parrish case, Justice Roberts began voting alongside the Three Musketeers, leading President Roosevelt to abandon the court-packing plan. While packing up his Israeli flag, he talks about his support of the establishment of a Jewish state, and he announces his retirement, before saying a Goethe quote and leaving his office for the final time.</p>		

DIALOGUE - SCENE 9

Character & Action	Dialogue
<p>Louis Brandeis (Jack Granahan) <i>(Brandeis dramatically drops the penholder containing the 15 pens into the box.)</i></p>	<p>Following this decision, Roberts consistently voted in favor of New Deal policies. President Roosevelt finally abandoned the court-packing scheme.</p>
<p>Louis Brandeis (Jack Granahan) <i>(Brandeis walks over to the wall (easel) on his left and removes a transparent case containing a folded Israeli flag.)</i></p>	<p>With the New Deal in place, I began to focus on foreign matters. I became an outspoken supporter of Zionism, an ideology that calls for the establishment of a state for the Jews.</p>
<p>Louis Brandeis (Jack Granahan) <i>(Brandeis places the case in the box, and places the photos of the 8 other justices he served with in the box.)</i></p>	<p>While I will continue my work on that front for as long as I am able to, I am here to announce something else.</p>
<p>Louis Brandeis (Jack Granahan) <i>(Brandeis looks around to make sure he packed up everything he wanted.)</i></p>	<p>Due to my advanced age, I now see it as necessary to step down from the Supreme Court.</p>
<p>Louis Brandeis (Jack Granahan) <i>(Brandeis removes his robe, places it in the box, picks up</i></p>	<p>To my successor, remember the words of Goethe: "in der beschränkung zeigt sich erst der meister". The master always focuses on the small things.</p>

*the box, and "disappears"
behind an easel.)*

SCENE 10 - SCENARIO

Purpose of the Scene	Key Elements	
To explain Brandeis' legacy, and the barriers he broke.	Setting	Brandeis' office
	Timeframe	November 13, 1956
	Characters	Felix Frankfurter
Summary of the Scene		
<p>Felix Frankfurter returns to Louis Brandeis' office in 1956, on the 100th anniversary of Brandeis' birth. There, he mentions the date and location of Brandeis' death, before discussing the relationship between the two. To emphasize the religious barrier that Brandeis broke, Frankfurter lists off the Jewish justices (himself included) who succeeded Brandeis, and he talks about how Brandeis (a Democrat) encouraged bipartisanship by voting with Republican justices Oliver Holmes Jr. and Harlan Stone, thereby breaking a political barrier. Finally, he discusses Brandeis' pioneering of citizens' lobbies, how Brandeis brought Zionism, previously exclusive to Europe, to America, and how Brandeis broke an economic barrier by helping to institute the first minimum wage laws.</p>		

DIALOGUE - SCENE 10

Character & Action	Dialogue
<p>Felix Frankfurter (Jack Granahan) <i>(Frankfurter enters from behind the back easel, wearing a suit and pince-nez glasses, and carrying a framed photo of Brandeis.)</i></p>	<p>Hello. I am Justice Felix Frankfurter. Louis Brandeis was a personal friend of mine, but sadly, he passed away in Washington, DC on October 5, 1941 at the age of 84. The last letter he sent to me called me "half brother, half son to him".</p>
<p>Felix Frankfurter (Jack Granahan) <i>(Frankfurter smiles faintly as he lists off the names of the justices who Brandeis paved the way for.)</i></p>	<p>Today, November 13, 1956, would have been his 100th birthday, so I think it's a good time to talk about the impact he left behind. Brandeis broke the religious barrier on the bench, and showed Jewish lawyers and magistrates around the country that it was possible for them to serve on the Supreme Court. He paved the way for many other Jewish justices, including his fellow Musketeer Benjamin Cardozo, Abe Fortas, Arthur Goldberg, and of course myself, Felix Frankfurter.</p>
<p>Felix Frankfurter (Jack Granahan) <i>(Frankfurter winks to the audience, as if he's saying something that he isn't supposed to know)</i></p>	<p>I hear that these days, Steven Breyer, Elena Kagan, and Ruth Bader Ginsburg are also currently on the Supreme Court.</p>
<p>Felix Frankfurter (Jack Granahan)</p>	<p>Brandeis brought the idea of Zionism, which was previously limited to Europe, to the United States. He pioneered the idea of pro bono legal defense, and he established the first citizen's lobby in</p>

(Frankfurter places a large framed photo of Brandeis onto his desk.)

America. He also broke a political barrier by showing that bipartisanship gets results, as shown by his frequent voting with Republican Justices Oliver Holmes and Harlan Stone. He even taught me that it's okay to not even affiliate with any party, because honestly, the whole system is meshugganah. And of course, anyone who makes their living by working a minimum wage job has him to thank. **His devotion to workers' rights led him to relentlessly and successfully fight for minimum wages** in the Parrish case, **breaking the economic barrier** created by big business. Calling his work influential and barrier-breaking is an understatement; he effectively shaped the lives of Americans even to this day. Goodbye Louis, and thank you.

Justice Louis Brandeis:

Breaking Economic, Religious, and

Political Barriers

Jack Granahan

Senior Division

Individual Performance

Process Paper: 500

I chose to explore the life and work of Supreme Court Justice Louis Brandeis because it presented the opportunity to research an influential legal figure who broke barriers in many ways. He paved the way for other Jewish justices to serve on the Supreme Court, and his decisions in New Deal cases influenced labor laws that remain in effect to this day, including a minimum wage and maximum hours per week. As a person of the Jewish faith, as well as a minimum wage worker, I identified with Brandeis and found he influenced several aspects of my life.

I started conducting research by finding a book about Brandeis, *Louis D. Brandeis: A Life* by Melvin Urofsky. I then decided to look into each of the justices who had a role in Brandeis' tenure on the Supreme Court, including his fellow "Three Musketeers", the "Four Horsemen", Chief Justice Charles Hughes, and Justice Owen Roberts. I was able to learn more in depth about the cases that Brandeis influenced, such as *Olmstead v. United States* (wiretapping) and *West Coast Hotel Co. v. Parrish* (minimum wage). Conveniently, the University of Louisville has an entire library of Brandeis' speeches and letters. I used the program NoodleTools to organize and cite my sources. I conducted two interviews: one with Mr. Urofsky (who was called "the gold standard of Brandeis scholars" by Columbia University in 2011), and University of Louisville law librarian Scott Campbell.

I decided to create a performance because it allowed me to give a more personal effect to the story of Louis Brandeis. It also gave me the opportunity to properly convey his personality, as well as his social and political beliefs. After completing my preliminary research on Brandeis, I began writing my performance script and memorizing it. I originally wanted to narrate the entire performance from the point of view of Justice Felix Frankfurter. However, I eventually

decided to have Brandeis narrate his own life, while Frankfurter explained Brandeis' legacy.

This arrangement allowed me to give a personal effect to Brandeis' life, but still accounted for an explanation of his impact on society.

As the first Jewish Supreme Court Justice, Louis Brandeis broke the religious barrier on the bench. He also broke the Supreme Court's barrier between Democrats and Republicans by achieving bipartisan support for New Deal policies, and he broke an untouched economic barrier by helping to implement minimum wage laws and working hours limits. There have been 7 other Jewish justices on the Supreme Court, including three sitting justices (Breyer, Ginsburg, and Kagan) as of 2020, several of whom have cited Brandeis as their inspiration. His introduction of Zionism in the United States resulted in the movement's expansion, which ultimately led to the creation of the state of Israel in 1948. Brandeis also paved the way for several decisions that fortified the constitutional rights to free speech and privacy, and he was one of the first lawyers to perform pro bono work, a legal concept that is still popular today.

Annotated Bibliography

Primary Sources

Benjamin Cardozo. Supreme Court Collection, CQPress,
library.cqpress.com/scc/file.php?path=/images/Biographical_Encyclopedia_of_the_Supreme_Court/bioenc_im116.1.jpg. Accessed 23 Feb. 2020.

This is a photograph of Benjamin Cardozo. It helped me visualize an important justice to Brandeis and fellow member of the Three Musketeers, Brandeis' voting bloc that on the Supreme Court that supported New Deal policies.

Brandeis, Louis D. "Other People's Money, and How the Bankers Use It." *Harper's Weekly*, 29 Nov. 1913,
louisville.edu/law/library/special-collections/the-louis-d.-brandeis-collection/other-peoples-money-by-louis-d.-brandeis. Accessed 24 Feb. 2020.

This is a political magazine article written by Louis Brandeis during his campaigning for President Woodrow Wilson. It helped me understand Brandeis' views on the big banks in relation to the New Deal, and how the banks' influence hurt the economy.

Brandeis, Louis D. "An Exhortation to Organized Labor." 5 Feb. 1905. *Brandeis School of Law*, edited by Louis D. Brandeis, U of Louisville,
louisville.edu/law/library/special-collections/the-louis-d.-brandeis-collection/an-exhortation-to-organized-labor-by-louis-d.-brandeis. Accessed 24 Feb. 2020.

This is Louis Brandeis' address to the Boston Central Labor Union. It helped me understand Brandeis' support for labor unions and the unions' positive impact on society.

Brandeis, Louis D. "The Desirable Industrial Peace." 25 Apr. 1905. *Brandeis School of Law*, U of Louisville,
louisville.edu/law/library/special-collections/the-louis-d.-brandeis-collection/the-desirable-industrial-peace-by-louis-d.-brandeis. Accessed 24 Feb. 2020.

This is Louis Brandeis' address to the Industrial Department of the National Civic Federation. It helped me understand Brandeis' idea of keeping the balance between economic liberty and workers' rights.

Brandeis, Louis D. "What Loyalty Demands." 28 Nov. 1905. *Brandeis School of Law*, U of Louisville, louisville.edu/law/library/special-collections/the-louis-d.-brandeis-collection/what-loyalty-demands-by-louis-d.-brandeis. Accessed 24 Feb. 2020.

This is Louis Brandeis' address to the New Century Club on the 250th anniversary of the settlement of the Jews in the United States. It helped me understand Brandeis' unique relationship with the Jewish religion despite his secular upbringing.

Brandeis, Louis D. "The Jewish Problem: How to Solve It." 25 Apr. 1915. *Brandeis School of Law*, U of Louisville, louisville.edu/law/library/special-collections/the-louis-d.-brandeis-collection/the-jewish-problem-how-to-solve-it-by-louis-d.-brandeis. Accessed 24 Feb. 2020.

This is Louis Brandeis' address to the Eastern Council of Reform Rabbis. It helped me understand Brandeis' support of Zionism and a Jewish state, including his support of the Balfour Declaration, which mandated the creation of a Jewish state from British territory.

Brandeis, Louis D. "The Regulation of Competition versus the Regulation of Monopoly." 1 Nov. 1912. *Brandeis School of Law*, U of Louisville, louisville.edu/law/library/special-collections/the-louis-d.-brandeis-collection/the-regulation-of-competition-versus-the-regulation-of-monopoly-by-louis-d.-brandeis. Accessed 24 Feb. 2020.

This is Louis Brandeis' address to the Economic Club of New York. It helped me understand Brandeis' negative views on trusts and monopolies, as opposed to his positive views on small businesses.

Brandeis, Louis D. "A Speech on Suffrage." 12 Oct. 1915. *Brandeis School of Law*, U of Louisville, louisville.edu/law/library/special-collections/the-louis-d.-brandeis-collection/speech-on-suffrage-by-louis-d.-brandeis. Accessed 24 Feb. 2020.

This is Louis Brandeis' address to the Tremont Temple. It helped me understand his support of women's suffrage and his ideas on how to implement it, even in heavily opposed states.

Brandeis, Louis D. "A Speech on Voting." 2 Dec. 1904. *Brandeis School of Law*, U of Louisville, louisville.edu/law/library/special-collections/the-louis-d.-brandeis-collection/public-school-association-speech. Accessed 24 Feb. 2020.

This is Louis Brandeis' address to the Public School Association. It helped me understand his beliefs on the importance of voting in a representative democracy, even if an individual does not want to participate in "dirty politics".

Brandeis, Louis D. *Business--A Profession*. 1914.

This is a book by Louis Brandeis, which serves as a collection of his speeches and articles about business. It helped me understand his concerns about trusts, unions, and life insurance, such as how large trusts prevent the prosperity of small businesses.

Brandeis, Louis D., and Samuel Warren. "The Right to Privacy." *Harvard Law Review*, vol. 4, no. 193, 15 Dec. 1890, louisville.edu/law/library/special-collections/the-louis-d.-brandeis-collection/the-right-to-privacy. Accessed 24 Feb. 2020.

This is a legal journal article written by Brandeis and his colleague Samuel Warren. It helped me understand what led Brandeis to make his decision in the *Olmstead v. United States* case: his overwhelming support for the Fourth Amendment.

Charles Evans Hughes. *HISTORY*, A&E Television Networks, 9 Nov. 2009, www.history.com/.image/ar_16:9%2Cc_fill%2Ccs_srgb%2Cg_faces:center%2Cq_auto:good%2Cw_768/MTU3ODc5MDgzNDgwMjYyMzY3/cehughes.png. Accessed 23 Feb. 2020.

This is a photograph of Charles Hughes. It helped me visualize the Chief Justice of the Supreme Court for most of Brandeis' tenure, who frequently voted with the Three Musketeers.

"Enforcement of All Codes Suspended by Richberg as Supreme Court Unanimously Scraps the NRA; Frazier-Lemke Farm Mortgage Act Ruled Invalid." *The Washington Post*, 28 May 1935. *Washington Post*, www.washingtonpost.com/history/2019/03/12/dear-democrats-fdrs-court-packing-scheme-was-humiliating-defeat/. Accessed 20 May 2020.

This is a newspaper headline about the events of May 27, 1935, known as Black Monday, on which three New Deal policies were ruled invalid in just one day. It helped me visualize the impact of such a detrimental event, which in turn helped me understand why Black Monday was such a crippling blow to President Roosevelt, leading him to propose the court-packing plan.

Felix Frankfurter, 1956. American History Museum, Smithsonian Institution, americanhistory.si.edu/brown/history/5-decision/images/frankfurter-lg.jpg. Accessed 23 Feb. 2020.

This is a photo of Felix Frankfurter. It helped me visualize Frankfurter, a friend and assistant of Brandeis, so I could more accurately portray him in my performance.

Franklin D. Roosevelt. The Independent, static.independent.co.uk/s3fs-public/thumbnails/image/2009/01/16/17/114104.bin?w968h681. Accessed 24 Feb. 2020.

This is a photograph of President Franklin Roosevelt. It helped me visualize the important political figure who supported the court-packing scheme, which led to Brandeis' decisions in the switch in time that saved nine and the ruling of minimum wage laws as constitutional.

George Sutherland. Supreme Court Collection, CQPress, library.cqpress.com/scc/file.php?path=/images/Biographical_Encyclopedia_of_the_Supreme_Court/bioenc_im517.1.jpg. Accessed 23 Feb. 2020.

This is a photograph of George Sutherland. It helped me visualize an important political rival of Brandeis and member of the Four Horsemen, the conservative voting bloc on the Supreme Court that opposed the Three Musketeers.

Harlan Fiske Stone. Columbia 250, Columbia University,
c250.columbia.edu/images/c250_celebrates/remarkable_columbians/240x240_bio_stone.jpg. Accessed 23 Feb. 2020.

This is a photograph of Harlan Stone. It helped me visualize an important justice to Brandeis and a fellow member of the Three Musketeers.

James C. McReynolds. US Civil Liberties,
uscivil liberties.org/uploads/posts/2013-11/1385473118_james-c.-mcreynolds.jpg.
Accessed 23 Feb. 2020.

This is a photograph of James McReynolds. It helped me visualize an important political rival of Brandeis and member of the Four Horsemen.

Levy, David W. *Letters of Louis D. Brandeis*. Albany, State U of New York, 1973.

This is a multivolume set of books containing letters from Louis Brandeis. It helped me understand the personal relationship he held with Felix Frankfurter, who he called "half brother, half son".

Louis D. Brandeis. Brandeis University,
www.brandeis.edu/about/images/louis-d-brandeis-portrait.jpg. Accessed 23 Feb. 2020.

This is a photo of Louis Brandeis. It helped me visualize Brandeis so I could more accurately portray him in my performance.

Louis D. Brandeis Wilson's Choice for Supreme Bench. Institute for Justice,
ij.org/sc_courting_history/the-dramatic-story-of-the-first-senate-confirmation-hearings-for-a-supreme-court-nominee-courtinghistory/. Accessed 9 Dec. 2019.

This is a photo of a newspaper article with the headline "Louis D. Brandeis Wilson's Choice for Supreme Bench". The language used in the article helped me understand the conservative, government-weary political climate of the 1910s, and the stigma surrounding Jewish lawyers and judges.

"Minimum Wage and Rail Labor Acts Held Valid." The Seattle Daily Times, 29 Mar. 1937. Washington Secretary of State, www.sos.wa.gov/_assets/legacy/aotc/elsie-parrish.pdf. Accessed 20 May 2020.

This is a newspaper headline from March 29, 1937 about the case of West Coast Hotel Company v. Parrish. It helped me understand the impact in the media of such a crucial Supreme Court case to the fight for a minimum wage.

Oliver Holmes Jr. Lapham's Quarterly, www.laphamsquarterly.org/contributors/holmes-jr. Accessed 23 Feb. 2020.

This is a photograph of Oliver Wendell Holmes Jr., a long-time political ally of Louis Brandeis. It helped me visualize the important justice with whom Brandeis frequently voted in constitutional cases.

Owen J. Roberts. Penn Today, U of Pennsylvania, penntoday.upenn.edu/sites/default/files/images/Record-story_13.jpg. Accessed 23 Feb. 2020.

This is a photograph of Owen Roberts. It helped me visualize an important moderate justice and crucial swing vote that led to a New Deal victory in the switch in time that saved nine.

Pierce Butler. SAGE Knowledge, Sage Publications, sk.sagepub.com/images/the-supreme-court-justices/9781608718337-p318-1.jpg. Accessed 23 Feb. 2020.

This is a photograph of Pierce Butler. It helped me visualize an important political rival of Brandeis and member of the Four Horsemen.

Theodore Roosevelt. National Park Service, www.nps.gov/articles/images/Theodore-Roosevelt_1.jpg?maxwidth=650&autorotate=false. Accessed 24 Feb. 2020.

This is a photograph of President Theodore Roosevelt. It helped me visualize the important political figure who influenced the progressive beliefs that appealed to Louis Brandeis.

Theodor Herzl. Center for Israel Education, israeled.org/wp-content/uploads/2013/11/Herzl.jpg.
Accessed 24 Feb. 2020.

This is a photograph of Hungarian Jewish writer and founder of Zionism, Theodor Herzl. It helped me visualize the important activist who influenced the Zionist views of Louis Brandeis, leading him to support the cause into his later life.

United States, Congress, Senate, Committee on the Judiciary. *Reorganization of the Federal Judiciary*. Government Publishing Office, 14 June 1937. 75th Congress, 1st session, Senate Report 711.

This is a copy of Senate Report 711 regarding President Roosevelt's court-packing plan, provided to me by my interviewee, Scott Campbell. It showed me the opinions of various Senate members on the plan, and the efforts Brandeis took to oppose the plan, including co-authoring a letter to President Roosevelt from Chief Justice Charles Hughes.

Willis van Devanter. WyoHistory, Wyoming State Historical Society,
www.wyohistory.org/sites/default/files/styles/small/public/vandevanter1_0.jpg?itok=-QTMUiem. Accessed 23 Feb. 2020.

This is a photograph of Willis van Devanter. It helped me visualize an important political rival of Brandeis and member of the Four Horsemen.

Woodrow Wilson. Washington Post,
www.washingtonpost.com/wp-apps/imrs.php?src=https://arc-anglerfish-washpost-prod-washpost.s3.amazonaws.com/public/77GSECXEMQI6RN2ZHWEKLTU6DE.jpg&w=767
. Accessed 24 Feb. 2020.

This is a photograph of President Woodrow Wilson. It helped me visualize the important political figure who nominated Brandeis to the Supreme Court, due to the progressive political beliefs held by both men.

Secondary Sources

Atwell, Mary Welek. "Louis Brandeis." *The First Amendment Encyclopedia*, Middle Tennessee State University, www.mtsu.edu/first-amendment/article/1316/louis-brandeis. Accessed 23 Feb. 2020.

This is a blog page about Louis Brandeis and the cases he ruled on. It helped me understand his strong support of the First Amendment.

"Benjamin N. Cardozo." *Oyez*, www.oyez.org/justices/benjamin_n_cardozo. Accessed 6 Jan. 2020.

This is a legal biography of Benjamin Cardozo. It helped me understand the work and ideas of a very important colleague of Brandeis and a fellow member of the Three Musketeers bloc.

"A Birthday Salute to Louis Brandeis." *Constitution Daily*, National Constitution Center, 13 Nov. 2019, constitutioncenter.org/blog/a-birthday-salute-to-louis-brandeis/. Accessed 23 Feb. 2020.

This is a blog post from Constitution Daily, detailing the career of Louis Brandeis. It helped me understand his pro bono work as a lawyer, and how it affected his ideals, such as making him more supportive of economic relief policies.

"Buck v. Bell." *Oyez*, www.oyez.org/cases/1900-1940/274us200. Accessed 27 Jan. 2020.

This is a legal outline of the Buck v. Bell case, which dealt with the constitutionality of sterilization. It helped me understand how Brandeis' values, including his belief in personal freedom affected his decision on Buck, as well as his later decisions.

Campbell, Scott. E-mail interview. 30 Mar. 2020.

This is an interview via email with University of Louisville librarian Scott Campbell. He helped me understand how Justice Brandeis broke barriers in his legal career prior to serving on the Supreme Court, by pioneering the idea of pro bono work in law firms, and how his review of campaign financing led to the ongoing debate over whether or not big money should be involved in politics.

"Charles E. Hughes." *Oyez*, www.oyez.org/justices/charles_e_hughes. Accessed 27 Jan. 2020.

This is a legal biography of Charles Hughes. It helped me understand the work and ideas of the Chief Justice of the Supreme Court during the Parrish case who, along with Justice Roberts, sided with the Three Musketeers and helped the minimum wage law succeed.

"George Sutherland." *Oyez*, www.oyez.org/justices/george_sutherland. Accessed 27 Jan. 2020.

This is a legal biography of George Sutherland. It helped me understand the work and ideas of Brandeis' biggest rivals on the bench, the Four Horsemen.

Hamm, Andrew. "Kagan and Urofsky Share Admiration for Justice Louis Brandeis." *SCOTUSblog*, 20 Oct. 2016, www.scotusblog.com/2016/10/kagan-and-urofsky-share-admiration-for-justice-louis-brandeis/. Accessed 12 Apr. 2020.

This is a blog post about a discussion between Melvin Urofsky (whom I interviewed for my performance) and Supreme Court Justice Elena Kagan, in which both express their admiration for Justice Brandeis. It helped me understand how much Brandeis truly contributed to the Supreme Court, from his defense of workers' rights to his support of judicial bipartisanship.

"Harlan Fiske Stone." *Oyez*, www.oyez.org/justices/harlan_fiske_stone. Accessed 6 Jan. 2020.

This is a legal biography of Harlan Stone. It helped me understand the work and ideas of a very important colleague of Brandeis and a fellow member of the Three Musketeers bloc.

Ho, Daniel E., and Kevin M. Quinn. "Did a Switch in Time Save Nine?" *Journal of Legal Analysis*, vol. 2, no. 69, 1 Jan. 2010. *Stanford Law School*, law.stanford.edu/publications/did-a-switch-in-time-save-nine/. Accessed 23 Feb. 2020.

This is a journal issue about the switch in time that saved nine, a crucial case that staved off the court-packing scheme. It helped me understand the role Louis Brandeis, Owen Roberts, and President Roosevelt had in the case.

"James C. McReynolds." *Oyez*, www.oyez.org/justices/james_c_mcreynolds. Accessed 27 Jan. 2020.

This is a legal biography of James McReynolds. It helped me understand the work and ideas of Brandeis' biggest rivals on the bench, the Four Horsemen.

"The Legacy of Supreme Court Justice Louis Brandeis." Hosted by Jeffrey Rosen. *90.9 WBUR*, 24 May 2016. *90.9 WBUR*, www.wbur.org/radioboston. Accessed 6 Jan. 2020.

This is a radio show episode about the legacy of Louis Brandeis. It helped me understand how people are honoring his life to this day, such as with the establishment of Brandeis University.

"Louis D. Brandeis." *Oyez*, www.oyez.org/justices/louis_d_brandeis. Accessed 6 Jan. 2020.

This is a legal biography of Louis Brandeis. This source primarily described Brandeis' education and accolades.

"Oliver W. Holmes, Jr." *Oyez*, www.oyez.org/justices/oliver_w_holmes_jr. Accessed 27 Jan. 2020.

This is a legal biography of Oliver Holmes, Jr. It helped me understand the work and ideas of one of Brandeis' earliest judicial allies.

"Olmstead v. United States." *Legal Information Institute*, Cornell Law School, www.law.cornell.edu/supremecourt/text/277/438. Accessed 23 Feb. 2020.

This is a legal review of *Olmstead v. United States*. It helped me understand how Justice Brandeis and Justice Holmes dissented in this important case that dealt with the legality of wiretapping.

"On this day, Louis D. Brandeis confirmed as a Supreme Court Justice." *Constitution Daily*, National Constitution Center, 1 June 2019, constitutioncenter.org/blog/louis-brandeis-confirmed-as-justice. Accessed 23 Feb. 2020.

This is a blog post about Louis Brandeis' confirmation to the Supreme Court. It helped me understand the negative, antisemitic reactions that many people had to the new justice.

"Our Namesake: Louis D. Brandeis." *Brandeis University*,
www.brandeis.edu/about/louis-brandeis.html. Accessed 6 Jan. 2020.

This is a brief description of Louis Brandeis on the website for Brandeis University. It helped me understand the classical liberal, constitutionalist values Brandeis stood for.

"Owen J. Roberts." *Oyez*, www.oyez.org/justices/owen_j_roberts. Accessed 27 Jan. 2020.

This is a legal biography of Owen Roberts. It helped me understand the work and ideas of perhaps the most crucial swing justice on the bench during the Parrish case, and how the court-packing scheme led him to side with the Three Musketeers in the case.

"Pierce Butler." *Oyez*, www.oyez.org/justices/pierce_butler. Accessed 27 Jan. 2020.

This is a legal biography of Pierce Butler. It helped me understand the work and ideas of Brandeis' biggest rivals on the bench, the Four Horsemen.

Reel, Frank. "When a Switch in Time Saved Nine." *The New York Times*, 10 Nov. 1985. *The New York Times*,
www.nytimes.com/1985/11/10/opinion/l-when-a-switch-in-time-saved-nine-143165.html
. Accessed 27 Jan. 2020.

This is a New York Times article detailing "the switch in time that saved nine", which led to the affirmation of minimum wage laws as constitutional. It informed me about one of the most influential cases of Louis Brandeis' tenure on the Supreme Court.

"Revisiting the Tenure of Supreme Court Justice Louis Brandeis, the 'Jewish Jefferson.'" *Fresh Air*, NPR, 7 June 2016. *NPR*,
www.npr.org/2016/06/07/481076322/revisiting-the-tenure-of-supreme-court-justice-louis-brandeis-the-jewish-jeffers. Accessed 23 Feb. 2020. Transcript.

This is an NPR radio episode about Louis Brandeis and his legacy. It helped me understand what is being done to remember the life and work of Brandeis, including the 2009 addition of stamps with Brandeis' face on them by USPS.

"Schenck v. United States." *Oyez*, www.oyez.org/cases/1900-1940/249us47. Accessed 27 Jan. 2020.

This is a legal outline of the Schenck v. United States case. It informed me about one of Brandeis' first cases that he presided over, and how it affected his later cases, by leading him to vote more in favor of personal freedom.

Urofsky, Melvin. Telephone interview. 1 Apr. 2020.

This is an interview with author and American University history professor Melvin Urofsky, referred to as "the gold standard of Brandeis scholars" by Columbia University. He helped me understand Brandeis' impact on the modern world through helping to implement anti-trust laws, creating the first citizen's lobby in America, and being one of the first people to promote the idea of Zionism (an ideology previously limited to Europe) in the United States.

Urofsky, Melvin. *Louis D. Brandeis: A Life*. Pantheon Books, 2009.

This is a book detailing the life and accolades of Louis Brandeis. It provided me with very much information about his personal life, as well as the work he did on the Supreme Court, such as his childhood fascination with German literature and music.

"West Coast Hotel Company v. Parrish." *Oyez*, www.oyez.org/cases/1900-1940/300us379. Accessed 27 Jan. 2020.

This is a legal outline of the West Coast Hotel Company v. Parrish case. It helped me understand one of the most influential New Deal cases that were decided by the Three Musketeers, and Brandeis' role in the case.

"Willis Van Devanter." *Oyez*, www.oyez.org/justices/willis_van_devanter. Accessed 27 Jan. 2020.

This is a legal biography of Willis Van Devanter. It helped me understand the work and ideas of Brandeis' largest rivals on the bench, the Four Horsemen.