

**Byron R. White Papers**  
**A Finding Aid to the Collection in the Library of Congress**



**Manuscript Division, Library of Congress**  
**Washington, D.C.**  
**2003**

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Prepared by Harry G. Heiss with the assistance of Kathleen Kelly and Robert Vietrogoski  
Revised and expanded by Harry G. Heiss with the assistance of Jennifer Bridges and John Monagle

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Revised 2012 April

## Collection Summary

**Title:** Byron R. White Papers

**Span Dates:** 1961-1993

**ID No.:** MSS77264

**Creator:** White, Byron R., 1917-2002

**Size:** 183,500 items

**Size:** 858 containers

**Size:** 361.4 linear feet

**Language:** Collection material in English

**Location:** Manuscript Division, Library of Congress, Washington, D.C.

**LC Catalog record:** <https://lccn.loc.gov/mm88077264>

**Summary:** Associate justice of the United States Supreme Court, United States deputy attorney general, lawyer, naval intelligence officer, Rhodes scholar, and professional football player. Opinion files and related administrative records documenting cases heard during White's tenure on the Supreme Court, including material on cases involving the "Miranda law", abortion, child pornography, freedom of speech, homosexuality, racial bias, and liability of news organizations.

## Selected Search Terms

The following terms have been used to index the description of this collection in the LC Catalog. They are grouped by name of person or organization, by subject or location, and by occupation and listed alphabetically.

### People

White, Byron R., 1917-2002.

### Organizations

United States. Supreme Court.

### Subjects

Abortion--United States.

Child pornography--United States.

Constitutional law--United States.

Freedom of speech--United States.

Homosexuality--Law and legislation--United States.

Judicial opinions--United States.

Law--Cases--United States.

Law--United States.

Police questioning--United States.

Press--Liability (Law)

Racism--United States.

### Occupations

Football players.

Judges.

Justices, U.S. Supreme Court.

Lawyers.

Public officials.

## Provenance

The papers of Byron R. White, professional football player, lawyer, deputy attorney general of the United States, and associate justice of the United States Supreme Court, were given to the Library of Congress by White in 1988 and 1993.

## Processing History

Part I of the papers of Byron R. White was arranged and described in 1992. Additional material received in 1993 was processed as Part II in 1995. This register was revised in 2000 and in 2003.

## Copyright Status

Copyright in the unpublished writings of Byron R. White in these papers and in other collections in the custody of the Library of Congress has been dedicated to the public.

## Access and Restrictions

The papers of Byron R. White are open to research. Researchers are advised to contact the Manuscript Reading Room prior to visiting. Many collections are stored off-site and advance notice is needed to retrieve these items for research use.

## Preferred Citation

Researchers wishing to cite this collection should include the following information: Container number and roman numeral designating the Part, Byron R. White, Papers, Manuscript Division, Library of Congress, Washington, D.C.

## Biographical Note

| Date           | Event                                                                           |
|----------------|---------------------------------------------------------------------------------|
| 1917, June 8   | Born, Fort Collins, Colo.                                                       |
| 1938           | B.A., University of Colorado, Boulder, Colo.                                    |
| 1938-1939      | Football player, Pittsburgh Steelers, National Football League, Pittsburgh, Pa. |
| 1939           | Rhodes scholar, Oxford University, Oxford, England                              |
| 1940-1942      | Football player, Detroit Lions, National Football League, Detroit, Mich.        |
| 1942-1945      | United States Naval Intelligence, Pacific Theater                               |
| 1946           | J.D., Yale Law School, New Haven, Conn.                                         |
| 1946           | Married Marion Lloyd Stearns                                                    |
| 1946-1947      | Clerk to chief justice, U.S. Supreme Court                                      |
| 1947-1960      | Attorney, Lewis, Grant & Davis, Denver, Colo.                                   |
| 1961-1962      | Deputy U.S. attorney general                                                    |
| 1962-1993      | Associate justice, U.S. Supreme Court                                           |
| 2002, April 15 | Died, Denver, Colo.                                                             |

## Scope and Content Note

The papers of Byron R. White (1917-2002) span the years 1961-1993. The collection documents White's tenure as an associate justice of the United States Supreme Court from his appointment by John F. Kennedy in 1962 through his retirement from the bench in 1993. [Part I](#) of the papers contains opinion files and related administrative records for the 1962-1983 court terms. [Part II](#) contains additional administrative records for the 1962-1983 court terms as well as opinion files and related administrative records for the 1984-1992 court terms.

[Part I](#) of the collection contains numerous opinions written by White on the social, political, and economic issues that came before the court during the 1962-1983 court terms. His dissenting opinion in the *Miranda v. Arizona* file opposed the court's ruling that people who are arrested must be told of their constitutional right against self-incrimination before police may question them. White's opposition to the constitutional right to an abortion is reflected in the *Roe v. Wade* file. In *New York v. Ferber*, White voted with the majority in deciding that the First Amendment did not protect speech and expression

in works featuring sexual performances by children under age sixteen. Included in the records of that case is his opinion written for the court that child pornography, even when not legally obscene, could be outlawed.

Files in [Part II](#) focus on cases brought before the Supreme Court between the 1984 and 1992 court terms. Among these are White's majority opinion in *Bowers v. Hardwick* in which he wrote for the court in 1986 that consenting adults have no constitutional right to private homosexual conduct. In the file on *Wards Cove Packing Co. v. Atonio* is White's majority opinion written in 1989 that established criteria for the use of statistical evidence by workers claiming racial bias. The *Cohen v. Cowles Media Co.* file documents the decision that news organizations can be sued for breaking a promise and disclosing a confidential source. In writing for the majority in that case in 1991, White said "the First Amendment does not confer on the press a constitutional right to disregard promises that would otherwise be enforced under state law." Files on the 1992 Mississippi desegregation case, *United States v. Fordice*, include White's majority opinion that to desegregate state-run colleges and universities, a state has a responsibility to do more than simply "[abolish] the legal requirement that whites and blacks be educated separately and [establish] racially neutral policies."

The collection contains opinion files and administrative files arranged chronologically by court term. The opinion files document cases considered by the court with memoranda and drafts of majority opinions, dissents, and concurrences that were circulated among justices. While the circulations are typed or printed, many contain handwritten notes and other marginalia made by White or his clerks. The opinion files are segregated by appellate, miscellaneous, and original dockets. Beginning with the 1970 term, the miscellaneous docket was replaced by the *in forma pauperis* docket.

Administrative files consist of case assignment lists, circulation records, conference lists, schedules of court hearings, decision statistics, per curiams, and some docket sheets. In addition, there are numerous memoranda and reports generated by various officers of the court, including the administrative assistant to the chief justice, administrative officer, clerk, legal officer, librarian, marshal, nurse, personnel administrator, public information officer, and reporter. The files also include information on selected cases, especially in topical files such as "capital cases" and "drug cases."

## Organization of the Papers

The collection is organized in two series:

- [Part I: Case Files, 1961-1984](#)
- [Part II: Case Files, 1962-1993](#)

## Description of Series

### Container

BOX I:1-I:651

### Series

#### **Part I: Case Files, 1961-1984**

For each court term the case files include both administrative files and opinion files. The administrative files consist of case assignment lists, circulation records, conference lists, schedules of court hearings, decision statistics, per curiams, and docket sheets as well as memoranda and reports generated by various officers of the court. Opinion files consist of memoranda and drafts of majority opinions, dissents, and concurrences that were circulated among justices. The opinion files are segregated by docket type: appellate, miscellaneous (terms 1961-1969), *in forma pauperis* (terms 1970-1983), and original.

The case files are arranged chronologically by court term, alphabetically thereunder by type of docket, then by docket number.

BOX II:1-II:207

#### **Part II: Case Files, 1962-1993**

For each court term the case files include both administrative files and opinion files. The administrative files consist of case assignment lists, circulation records, conference lists, schedules of court hearings, decision statistics, and per curiams as well as memoranda and reports generated by various officers of the court. The opinion files consist of memoranda and drafts of majority opinions, dissents, and concurrences that were circulated among justices. Opinion files are segregated by docket type: appellate, *in forma pauperis* (i.e., miscellaneous), and original.

The case files are arranged chronologically by court term, alphabetically thereunder by type of docket, then by docket number.

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| BOX I:1-I:651 | <p><b>Part I: Case Files, 1961-1984</b></p> <p>For each court term the case files include both administrative files and opinion files. The administrative files consist of case assignment lists, circulation records, conference lists, schedules of court hearings, decision statistics, per curiams, and docket sheets as well as memoranda and reports generated by various officers of the court. Opinion files consist of memoranda and drafts of majority opinions, dissents, and concurrences that were circulated among justices. The opinion files are segregated by docket type: appellate, miscellaneous (terms 1961-1969), <i>in forma pauperis</i> (terms 1970-1983), and original.</p> <p>The case files are arranged chronologically by court term, alphabetically thereunder by type of docket, then by docket number.</p>                                                                                                                                                                                                                     |
| BOX I:1       | <p>October term, 1961</p> <p>Administrative files</p> <p>Assignment lists, 1962</p> <p>Conference lists, 1962<br/>(2 folders)</p> <p>Miscellany, 1962</p> <p>Opinions</p> <p>Appellate docket</p> <p>61-4 Brown Shoe Co. v. United States<br/>(3 folders)</p> <p>61-8 Russell v. United States<br/>(4 folders)</p> <p>61-9 Shelton v. United States <a href="#"><i>See same container, 61-8</i></a></p> <p>61-10 Whitman v. United States <a href="#"><i>See same container, 61-8</i></a></p> <p>61-11 Liveright v. United States <a href="#"><i>See same container, 61-8</i></a></p> <p>61-12 Price v. United States <a href="#"><i>See same container, 61-8</i></a></p> <p>61-13 Chauffeurs Local 795 v. Yellow Lines</p> <p>61-19 Kennedy v. Mendoza-Martinez <a href="#"><i>See Containers I: 9-10, 62-2</i></a></p> <p>61-20 Rusk v. Cort <a href="#"><i>See Containers I: 9-10, 62-2</i></a></p> <p>61-22 Scholle v. Hare</p> <p>61-40 Beck v. Washington<br/>(2 folders)</p> <p>61-44 NAACP v. Gray <a href="#"><i>See Container I: 10, 62-5</i></a></p> |
| BOX I:2       | <p>61-46 Hutcheson v. United States<br/>(3 folders)</p> <p>61-78 Boldblatt v. Town of Hempstead</p> <p>61-79 Lehigh Valley Coop. v. United States<br/>(3 folders)</p> <p>61-101 Goldlawr, Inc. v. Heiman</p> <p>61-113 Malone v. Bowdoin</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

## Part I: Case Files, 1961-1984

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| BOX I:3 | 61-123      | Manual Enterprises v. Day                                                  |
|         | (2 folders) |                                                                            |
|         | 61-124      | Creek Nation v. United States                                              |
|         | 61-128      | Gojack v. United States <a href="#"><i>See Container I: 1, 61-8</i></a>    |
|         | 61-138      | Idlewild Bon Voyage Liquor Corp. v. Epstein                                |
|         | 61-144      | State Bd. of Ins. v. Todd Shipyards                                        |
|         | 61-157      | Coppedge v. United States                                                  |
|         | 61-158      | Carnley v. Cochran                                                         |
|         | (1 folder)  |                                                                            |
|         | (1 folder)  |                                                                            |
|         | 61-159      | Lynch v. Overholser                                                        |
|         | (2 folders) |                                                                            |
|         | 61-166      | Marine Eng'rs Beneficial Ass'n v. Interlake S.S. Co.                       |
|         | 61-187      | California v. Federal Power Comm'n                                         |
|         | 61-190      | United States v. Davis                                                     |
|         | 61-205      | Free v. Bland                                                              |
|         | 61-214      | Hohensee v. News Syndicate                                                 |
|         | 61-222      | National Labor Relations Bd. v. Katz                                       |
|         | 61-224      | Hanover Bank v. Commissioner                                               |
|         | 61-236      | Lanza v. New York                                                          |
|         | (2 folders) |                                                                            |
|         | 61-241      | Sunkist Growers v. Winckler & Smith Co.                                    |
|         | 61-242      | Glidden Co. v. Zdanok                                                      |
| BOX I:4 | (2 folders) |                                                                            |
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|         | 61-244      | Dairy Queen v. Wood                                                        |
|         | 61-255      | United States v. Gilmore <a href="#"><i>See Container I: 12, 62-21</i></a> |
|         | 61-256      | United States v. Patrick <a href="#"><i>See Container I: 12, 62-22</i></a> |
|         | 61-268      | Davis v. United States <a href="#"><i>See Container I: 3, 61-190</i></a>   |
|         | 61-283      | Salem v. United States Lines                                               |
|         | 61-286      | United States v. Diebold, Inc.                                             |
|         | 61-304      | Continental Ore Co. v. Union Carbide                                       |
|         | (6 folders) |                                                                            |
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|         | 61-323      | Vaughan v. Atkinson                                                        |
|         | 61-358      | Guzman v. Pichirilo                                                        |
|         | 61-369      | Wood v. Georgia                                                            |
|         | 61-384      | Commissioner v. Bilder                                                     |
|         | 61-396      | Rudolph v. United States                                                   |
|         | 61-400      | Central R.R. v. Pennsylvania                                               |
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## Part I: Case Files, 1961-1984

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|         | (1 folder)           |                                                                                      |
| BOX I:6 | (1 folder)           |                                                                                      |
|         | 61-436               | Grumman v. United States                                                             |
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|         | 61-454               | Silber v. United States                                                              |
|         | 61-464               | National Labor Relations Bd. v. Washington Aluminum Co.                              |
|         | 61-468               | Engel v. Vitale                                                                      |
|         | (3 folders)          |                                                                                      |
|         | 61-475               | Gallegos v. Colorado                                                                 |
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|         | 61-480               | Morales v. City of Galveston                                                         |
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|         | 61-488               | United States v. Wise                                                                |
|         | 61-493               | Enochs v. Williams Packing Co.                                                       |
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|         | 61-554               | Robinson v. California                                                               |
|         | (2 folders)          |                                                                                      |
|         | 61-598               | Drake Bakeries v. Local 50, American Bakery Workers Int'l                            |
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|         | 61-604               | Porter v. Aetna Casualty Co.                                                         |
|         | 61-648               | Beard v. Stahr                                                                       |
|         | 61-726               | Shubin v. United States Dist. Court                                                  |
|         | 61-762               | United States v. Kniss                                                               |
|         | 61-773               | Taylor v. Louisiana                                                                  |
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|         | 61-794               | United States v. Georgia Pub. Serv. Comm'n                                           |
|         | 61-796               | New York Cent. R.R. v. United States                                                 |
|         | 61-836               | WMCA, Inc. v. Simon                                                                  |
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|         | 61-907               | Handelsbureau La Mola v. Kennedy                                                     |
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|         | 61-959               | Gray v. Sanders                                                                      |
|         | Miscellaneous docket |                                                                                      |
|         | 61-180, Misc.        | Idlewild Bon Voyage Liquor Corp. v. Bicks <a href="#">See Container I: 2, 61-138</a> |
|         | 61-227, Misc.        | Torrance v. Callenius                                                                |
|         | 61-311, Misc.        | Kemp v. United States                                                                |
|         | 61-388, Misc.        | Winters v. Ohio                                                                      |
|         | 61-396, Misc.        | Byrnes v. Walker                                                                     |
|         | 61-447, Misc.        | Hartman v. United States                                                             |

## Part I: Case Files, 1961-1984

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|          | 61-602, Misc.                 | Chaapel v. Cochran                                                    |
|          | 61-634, Misc.                 | Ragan v. Cox                                                          |
|          | 61-725, Misc.                 | Tomich v. Montana                                                     |
|          | 61-773, Misc.                 | Garrett v. United States                                              |
|          | 61-841, Misc.                 | Seeliz v. United States                                               |
|          | 61-890, Misc.                 | Gideon v. Cochran                                                     |
|          | 61-965, Misc.                 | Elchuk v. United States                                               |
|          | 61-1191, Misc.                | Maraker v. United States                                              |
|          | 61-1234, Misc.                | Ali v. United States <i>See same container; 61-1191, Misc.</i>        |
|          | 61-1274, Misc.                | Gilliam v. United States                                              |
|          | 61-1357, Misc.                | Whitus v. Balkcom                                                     |
|          | Original docket               |                                                                       |
|          | 61-8, Orig.                   | Arizona v. California                                                 |
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|          | October term, 1962            |                                                                       |
|          | Administrative files          |                                                                       |
|          | Assignment lists, 1962        |                                                                       |
|          | Circulation lists, 1962-1963  |                                                                       |
|          | (2 folders)                   |                                                                       |
|          | Conference lists, 1962-1963   |                                                                       |
|          | (5 folders)                   |                                                                       |
|          | (2 folders)                   |                                                                       |
|          | Goldberg, Arthur J., n.d.     |                                                                       |
|          | Miscellany, 1962-1963         |                                                                       |
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|          | (3 folders)                   |                                                                       |
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|          | 62-2                          | Kennedy v. Mendoza-Martinez                                           |
|          | (6 folders)                   |                                                                       |
|          | (1 folder)                    |                                                                       |
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|          | 62-5                          | NAACP v. Button                                                       |
|          | (5 folders)                   |                                                                       |
|          | 62-6                          | Gibson v. Florida Comm.                                               |
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|          | 62-8                          | Townsend v. Sain                                                      |
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## Part I: Case Files, 1961-1984

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|          | 62-14<br>(4 folders) | Mercantile Nat'l Bank v. Langdeau                                                |
|          | 62-15                | Republic Nat'l Bank v. Langdeau <i>See same container, 62-14</i>                 |
|          | 62-16<br>(5 folders) | Shotwell Mfg. Co. v. United States                                               |
|          | 62-18                | United States v. National Dairy Corp.                                            |
|          | 62-19<br>(2 folders) | Paul v. United States                                                            |
|          | 62-20                | Randolph v. Virginia                                                             |
|          | 62-21                | United States v. Gilmore                                                         |
|          | 62-22                | United States v. Patrick                                                         |
|          | 62-23<br>(4 folders) | Pan American World Airways v. United States                                      |
|          | 62-24                | Halliburton Oil Co. v. Reily                                                     |
|          | 62-25                | Presser v. United States                                                         |
|          | 62-26                | Griffin v. Maryland                                                              |
|          | 62-27<br>(2 folders) | Burlington Truck Lines v. United States                                          |
| BOX I:13 | (2 folders)          |                                                                                  |
|          | 62-28                | General Drivers Local 554 v. United States <i>See Containers I: 12-13, 62-27</i> |
|          | 62-29                | Henry v. Virginia                                                                |
|          | 62-31                | Dugan v. Rank                                                                    |
|          | 62-33                | Inces S.S. Co. v. International Maritime Workers Union                           |
|          | 62-34<br>(2 folders) | Douglas v. California                                                            |
|          | 62-35<br>(4 folders) | Yellin v. United States                                                          |
|          | 62-36<br>(3 folders) | Wong Sun v. United States                                                        |
|          | (2 folders)          |                                                                                  |
|          | 62-37                | Hewitt-Robins v. Eastern Freight-Ways                                            |
| BOX I:14 | 62-38                | Los Angeles Meat and Provision Drivers Union v. United States                    |
|          | 62-39<br>(3 folders) | Gastelum-Quinones v. Kennedy                                                     |
|          | 62-40                | Gilbertville Trucking Co. v. United States                                       |
|          | 62-41                | Foman v. Davis                                                                   |
|          | 62-42                | United States v. Loew's, Inc.                                                    |
|          | 62-43                | Loew's, Inc. v. United States <i>See same container, 62-42</i>                   |
|          | 62-44                | C & C Super Corp. v United States <i>See same container, 62-42</i>               |
|          | 62-45<br>(3 folders) | Florida Lime and Avocado Growers v. Paul                                         |
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**Part I: Case Files, 1961-1984****Container                      Contents**

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|          | 62-50       | City of Pittsburgh v. Tennessee Gas Transmission Co. <i>See same container, 62-48</i> |
|          | 62-51       | City of Fresno v. California                                                          |
|          | 62-52       | Best v. Humboldt Placer Mining Co.                                                    |
|          | 62-53       | Ker v. California                                                                     |
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|          | 62-54       | White Motor Co. v. United States                                                      |
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|          | 62-57       | Cleary v. Bolger                                                                      |
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|          | 62-58       | Lombard v. Louisiana                                                                  |
|          | 62-59       | Simler v. Conner                                                                      |
|          | 62-60       | Thompson v. Virginia                                                                  |
|          | 62-61       | International Ass'n of Machinists v. Central Airlines                                 |
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|          | 62-62       | Northern Natural Gas v. Kansas                                                        |
|          | 62-63       | Ford v. Ford                                                                          |
|          | 62-64       | Michigan Nat'l Bank v. Hills <i>See Container I: 15, 62-55</i>                        |
|          | 62-65       | Weyerhaeuser S.S. Co. v. United States                                                |
|          | 62-66       | Gober v. City of Birmingham                                                           |
|          | 62-67       | Shuttlesworth v. City of Birmingham                                                   |
|          | 62-68       | Wright v. Georgia                                                                     |
|          | 62-69       | United States v. Sampson                                                              |
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| BOX I:17 | 62-71       | Peterson v. City of Greenville                                                        |
|          | 62-72       | Wisconsin v. Federal Power Comm'n                                                     |
|          | (2 folders) |                                                                                       |
|          | 62-73       | California v. Federal Power Comm'n <i>See same container, 62-72</i>                   |
|          | 62-74       | Long Island Lighting Co. v. Federal Power Comm'n <i>See same container, 62-72</i>     |
|          | 62-75       | Schroeder v. City of New York                                                         |
|          | 62-76       | Gallick v. Baltimore & Ohio R.R.                                                      |
|          | (5 folders) |                                                                                       |
|          | 62-77       | Jones v. Cunningham                                                                   |
|          | 62-78       | Pearlman v. Reliance Ins. Co.                                                         |
|          | 62-79       | Wood v. Virginia                                                                      |
|          | 62-80       | Schlude v. Commissioner                                                               |
|          | (2 folders) |                                                                                       |
| BOX I:18 | 62-81       | United States v. Georgia Pub. Serv. Comm'n                                            |

## Part I: Case Files, 1961-1984

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|           | 80-6434     | Brown v. Wainwright                                          |
|           | 80-6451     | Gibson v. Blackburn <i>See Container I: 561, 80-2169</i>     |
|           | 80-6504     | Reed v. Ajello <i>See Container I: 561, 80-2169</i>          |
|           | 80-6508     | Woodruff v. Allsbrock <i>See Container I: 561, 80-2169</i>   |
|           | 80-6586     | Dillard v. Marks <i>See Container I: 561, 80-2169</i>        |
|           | 80-6680     | McElroy v. United States                                     |
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|           | 80-6714     | Freeman v. Oliver <i>See Container I: 561, 80-2169</i>       |
|           | 80-6732     | Vinson v. Raines <i>See Container I: 561, 80-2169</i>        |
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|           | 81-5071     | Henson v. Redman <i>See Container I: 561, 80-2169</i>        |
|           | 81-5082     | Perkins v. Raines <i>See Container I: 561, 80-2169</i>       |
|           | 81-5104     | Barry v. New Jersey                                          |
|           | 81-5114     | Tibbs v. Florida                                             |
|           | 81-5118     | Dixon v. Raines <i>See Container I: 561, 80-2169</i>         |
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|           | 82-1271<br>(2 folders) | Immigration and Naturalization Serv. v. Delgado                                                                           |
|           | 82-1273                | Maine v. Thornton <a href="#"><i>See Container I: 625, 82-15</i></a>                                                      |
|           | 82-1278                | Abrams v. Martin <a href="#"><i>See Container I: 632, 82-1248</i></a>                                                     |
|           | 82-1295                | Escambia County v. McMillan <a href="#"><i>See also Container I: 637, 82-1711</i></a>                                     |
|           | 82-1326<br>(2 folders) | Secretary of Interior v. California                                                                                       |
|           | 82-1327                | Western Oil and Gas Ass'n v. California <a href="#"><i>See same container, 82-1326</i></a>                                |
| BOX I:634 | 82-1330                | Thigpen v. Roberts                                                                                                        |

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#### Part II: Case Files, 1962-1993

For each court term the case files include both administrative files and opinion files. The administrative files consist of case assignment lists, circulation records, conference lists, schedules of court hearings, decision statistics, and per curiams as well as memoranda and reports generated by various officers of the court. The opinion files consist of memoranda and drafts of majority opinions, dissents, and concurrences that were circulated among justices. Opinion files are segregated by docket type: appellate, *in forma pauperis* (i.e., miscellaneous), and original.

The case files are arranged chronologically by court term, alphabetically thereunder by type of docket, then by docket number.

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