

Thurgood Marshall

A Register of His Papers in the Library of Congress

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Allyson H. Jackson, Susie H. Moody, Andrew M. Passett,
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Latest revision: 2004-11-04

Collection Summary

Title: Papers of Thurgood Marshall

Span Dates: 1949-1991

Bulk Dates: (bulk 1961-1991)

ID No.: MSS81427

Creator: Marshall, Thurgood, 1908-1993

Extent: 173,700 items; 579 containers plus 1 oversize; 231.6 linear feet

Language: Collection material in English

Repository: Manuscript Division, Library of Congress, Washington, D.C.

Abstract: Lawyer, judge, solicitor general, and Supreme Court justice. Correspondence, memoranda, case files, legal papers, and subject files relating to Marshall's career as a federal judge, solicitor general, and associate justice of the Supreme Court.

Selected Search Terms

The following terms have been used to index the description of this collection in the Library's online catalog. They are grouped by name of person or organization, by subject or location, and by occupation and listed alphabetically therein.

Names:

Marshall, Thurgood, 1908-1993

Davis, Benjamin O. (Benjamin Oliver), 1912- --Correspondence

Doar, John, 1921- --Correspondence

Franklin, John Hope, 1915- --Correspondence

Goldberg, Arthur J.--Correspondence

Johnson, Lyndon B. (Lyndon Baines), 1908-1973--Correspondence

Lumbard, J. Edward (Joseph Edward), 1901- --Correspondence

Powell, Adam Clayton, 1908-1972--Correspondence

Rowan, Carl Thomas--Correspondence

Wilkins, Roy, 1901- --Correspondence

United States. Court of Appeals (2nd Circuit)

United States. Solicitor General

United States. Supreme Court

Subjects:

Capital punishment

Civil rights

Criminals--Civil rights--United States

Minorities--Civil rights--United States

Poor--Civil rights--United States

Occupations:

Jurists

Lawyers

Administrative Information

Provenance:

The papers of Thurgood Marshall, lawyer, judge, solicitor general, and associate justice of the United States Supreme Court, were given by Marshall to the Library of Congress in 1991.

Processing History:

The papers of Thurgood Marshall were arranged and described in 1992. A description of the collection appears in *Library of Congress Acquisitions: Manuscript Division*, 1991, pp. 28-32.

Transfers:

Sound recordings have been transferred to the Library's Motion Picture, Broadcasting and Recorded Sound Division where they are identified as a part of the Marshall Papers.

Copyright Status:

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

Preferred Citation:

Researchers wishing to cite this collection should include the following information: Container number, Thurgood Marshall Papers, Manuscript Division, Library of Congress, Washington, D.C.

Biographical Note

<i>Date</i>	<i>Event</i>
1908, July 2	Born, Baltimore, Md.
1929	Married Vivian G. Burey (died 1955)
1930	A.B., Lincoln University, Chester, Pa.
1933	L.L.B., Howard University, Washington, D.C.
1933-1937	Practiced law in Baltimore, Md.
1934	Counsel for the Baltimore, Md., branch of the NAACP
1936-1938	Assistant special counsel for the NAACP
1938-1950	Special counsel for the NAACP
1940-1961	Executive director and general counsel for the NAACP Legal Defense and Education Fund
1946	Received the Spingarn Medal
1951-1953	Visited Japan and Korea to investigate court-martial cases involving African-American soldiers
1954	Argued the case of <i>Brown v. Board of Education</i> before the Supreme Court and won the decision outlawing racially segregated public schools
1955	Married Cecilia A. Suyat
1961-1965	Judge, United States Court of Appeals for the Second Circuit
1965-1967	United States Solicitor General
1967-1991	Associate justice, United States Supreme Court
1991	Retired from the Supreme Court

Scope and Content Note

The papers of Thurgood Marshall (1908-1993) span the years 1949-1991, with the bulk of the items ranging from 1961 to 1991. The majority of the papers document Marshall's career as a judge of the United States Court of Appeals for the Second Circuit, 1961-1965; as United States Solicitor General, 1965-1967; and as an associate justice of the Supreme Court of the United States, 1967-1991. The papers consist of four series: [United States Court of Appeals File](#), [United States Solicitor General File](#), [Supreme Court File](#), and [Miscellany](#). Records related to Marshall's early career with the National Association for the Advancement of Colored People (NAACP) are located in the Library's collections of the NAACP and the NAACP Legal Defense and Education Fund. The Library holds the papers of a number of Supreme Court justices and federal appeals court judges that may be of related research interest.

The [United States Court of Appeals File](#), 1957-1965, documents Marshall's four years of service as an appellate judge on the Court of Appeals for the Second Circuit. Papers in this series are divided into three subseries: [General Correspondence](#), [Administrative File](#), and [Miscellany](#). The Library received no material concerning Marshall's nomination to the appeals court. The [General Correspondence](#) subseries, 1961-1965, includes incoming and outgoing letters between Marshall and judges, lawyers, court staff, law professors, government officials, friends, and the general public. The letters pertain primarily to Second Circuit administrative business and other professional matters.

The [Administrative File](#) subseries, 1961-1965, includes correspondence, memoranda, opinions, orders, case files, notes, minutes of meetings, background information, and printed matter. Papers are arranged chronologically by court term, September through June, and therein alphabetically by type of material, with the exception of files from the 1962 term which began in October. There is some overlap of files between the terms since the court's work at times continued as late as August and with court business from that term carried over to the succeeding term. The majority of these files document Marshall's duties as a judge, although there are papers pertaining to his professional activities and interests in the judicial conference and judicial council of the Second Circuit. The "General" folders in each term contain a list of the cases heard by the Second Circuit court and a summary of the disposition of the cases. The appeals and motions memoranda provide a substantive record of the day-to-day work of the court. Papers relating to cases are scattered throughout the Administrative File with only a few cases having separate case files.

The [Miscellany](#) subseries, 1957-1965, consists chiefly of correspondence, memoranda, writings, and other material relating to Marshall's personal activities and interest in various organizations during his tenure on the court of appeals. The miscellaneous papers also contain correspondence, writings, and legal material pertaining to various civil rights issues.

The [United States Solicitor General](#) series, 1965-1967, includes correspondence, memoranda, case files, notes, background material, and other items chronicling Marshall's duties as solicitor general. The majority of the papers consist of case files arranged chronologically by court term, October through late June or early July, and therein by case number. Case numbers for these files were supplemented by a two-digit prefix number supplied by Manuscript Division staff to assist in identifying the term in which the case was argued similar to the docket numbering system begun by the Supreme Court in its 1971 term. Although Marshall represented the government in a wide variety of cases, much of his success occurred in the field of civil rights in cases such as *United States v. Guest*, *Reitman v. Mulkey*, and *United States v. Price*, and in voting rights cases such as *Katzenbach v. Morgan* and *Harper v. Virginia Board of Elections*. The "White House" folder in this series contains correspondence between Marshall and Lyndon B. Johnson and other government officials. A memorandum from Marshall to the president concerns Marshall's discussions with civil rights leaders about voter registration problems.

The [Supreme Court File](#), 1967-1991, constitutes by far the largest part of the collection. Documenting Marshall's twenty-four years as a Supreme Court justice, the series is divided into four subseries: [General Correspondence](#), [Case File](#), [Dockets](#), and [Miscellany](#). The [General Correspondence](#) subseries, 1967-1991, contains incoming and outgoing letters primarily from the general public and organizations concerning requests and invitations to speak. Also included is correspondence pertaining to Marshall's retirement. Many of the birthday and retirement letters contain comments about ways in which Marshall's service on the Court inspired or influenced the writers.

The [Case File](#) subseries, 1967-1991, consists of administrative and opinion files. The administrative files include correspondence, memoranda, bench memoranda, certiorari memoranda, conference memoranda, opinions, orders, conference

and order lists, motions, applications, disbarments, schedules, lists, and other material relating to cases heard by the court and to various administrative matters. There is some overlap between these files since administrative business and individual cases often continued to the next term.

Opinion files constituting the bulk of the [Case File](#) subseries include correspondence, memoranda, and notes exchanged chiefly between Marshall, clerks, and other justices; draft opinions; final printed opinions; and related material. The files are arranged chronologically by term, October through late June or early July, and therein numerically by docket number. Exceptions to this order include opinions and other documents generated after July which are usually filed in the previous court term, i.e., an opinion written in August 1979 is filed in the October 1978 term. As in the Solicitor General series, docket numbers of the appellate and *in forma pauperis* cases from 1967 to 1970 were supplemented by a two-digit prefix number supplied by Manuscript Division staff to assist in identifying the term in which cases are located.

The opinion files generally document Marshall's many concurrences with the majority position of the court during his early years and the increase in his dissents as the court's position changed during the latter part of his tenure. The papers reflect Marshall's strong advocacy of the rights of minority and disadvantaged individuals, his support for the rights of criminal defendants, and his arguments against capital punishment as a cruel and unusual form of punishment.

The [Dockets](#) subseries, 1967-1991, provides a record of the name and docket number of individual cases and indicates how the justices voted on a case. The [Miscellany](#) subseries, 1967-1991, consists chiefly of office files relating to Marshall's administrative duties and professional activities while on the court. The files reflect his activities and service on judicial committees and commissions and his interest in topics such as the creation of a national court of appeals (mini-courts) and rule changes in the legal system.

The final series in the papers, [Miscellany](#), 1949-1963, includes correspondence, diary notes, speeches, resolutions, and other material pertaining to Marshall's activities prior to his appointment to the court of appeals.

Significant and frequent correspondents include Benjamin O. Davis (1912-), John Doar, John Hope Franklin, Arthur J. Goldberg, Lyndon B. Johnson, J. Edward Lumbard, Adam Clayton Powell, Carl T. Rowan, and Roy Wilkins.

Organization of the Papers

The collection is arranged in five series:

- [United States Court of Appeals File, 1957-1965, n.d.](#)
- [United States Solicitor General File, 1965-1967, n.d.](#)
- [Supreme Court File, 1967-1991, n.d.](#)
- [Miscellany, 1949-1963](#)
- [Oversize, 1967, 1991](#)

Description of Series

<i>Container</i>	<i>Series</i>
BOX 1-24	<u>United States Court of Appeals File, 1957-1965, n.d.</u>
BOX 1-7	<u>General Correspondence, 1961-1965, n.d.</u> Correspondence and memoranda, including attachments, between Marshall and judges, lawyers, court staff, law professors, government officials, friends, and the general public. Arrangement is alphabetical by topic or name of person or organization and chronological therein.
BOX 8-21	<u>Administrative File, 1961-1965</u> Correspondence, memoranda, opinions, orders, petitions, motions, minutes of meetings, notes, lists, background information, and printed matter. Arrangement is chronological and therein by topic or type of material.
BOX 22-24	<u>Miscellany, 1957-1965, n.d.</u> Correspondence, memoranda, writings, notes, resolutions, minutes of meetings, background material, certificates, printed matter, and other items. Arrangement is alphabetical by topic or type of material and chronological therein.
BOX 25-28	<u>United States Solicitor General File, 1965-1967, n.d.</u> Correspondence, memoranda, briefs, motions, petitions, transcripts, statements for oral arguments, notes, background information, certificates, and printed matter. Arrangement is alphabetical by topic or type of material, with case files grouped chronologically by term.
BOX 29-579	<u>Supreme Court File, 1967-1991, n.d.</u>
BOX 29-39	<u>General Correspondence, 1967-1991, n.d.</u> Incoming and outgoing letters, including attachments, from members of Congress, government officials, acquaintances, and the general public. Arrangement is alphabetical by type of correspondence and therein chronological.
BOX 39-540	<u>Case File, 1967-1991</u> Correspondence; memoranda; opinions in various stages of completion; orders; bench, conference, and certiorari memoranda; motions; briefs; applications; disbarments; schedules; lists; printed matter; and other material. Arrangement is chronological by term and therein by two subseries, administrative file and opinion file. The administrative file is arranged alphabetically by type of material or topic and chronologically or numerically by docket number therein. Opinions are arranged alphabetically by type of case--appellate, <i>in forma pauperis</i> or miscellaneous, and original--and therein numerically by docket number.
BOX 540-566	<u>Dockets, 1967-1991</u> Docket sheets arranged chronologically by term and therein alphabetically by type of case--appellate, <i>in forma pauperis</i> or miscellaneous, and original--and therein by docket number.
BOX 567-579	<u>Miscellany, 1967-1991, n.d.</u> Correspondence, memoranda, writings, interviews, committee papers, notes, background material, invitations, and printed matter.

Arrangement is alphabetical by type or topic of material or name of individual and therein chronological.

BOX 579

Miscellany, 1949-1963

Correspondence, diary notes, speeches, resolutions, certificates, and other items prior to Marshall's appointment as a federal judge.

Arrangement is alphabetical by topic or type of material.

BOX OV 1

Oversize, 1967, 1991

Oversize material consisting of certificates and resolutions.

Organized and described according to the series, folders, and boxes from which the items were removed.

Container List

<i>Container</i>	<i>Contents</i>
BOX 1-24	United States Court of Appeals File, 1957-1965, n.d.
BOX 1-7	General Correspondence, 1961-1965, n.d. Correspondence and memoranda, including attachments, between Marshall and judges, lawyers, court staff, law professors, government officials, friends, and the general public. Arrangement is alphabetical by topic or name of person or organization and chronological therein.
BOX 1	Administrative Office of the Courts, 1961-1965 (3 folders) Advisory Committee for the Peace Corps, Africa Lawyers Project, 1963 Africa trip, 1963 Association of the Bar of the City of New York, New York, N.Y., 1963-1964 "A" miscellaneous, 1961-1965 (4 folders) Books USA, Washington, D.C., 1963-1964 (2 folders)
BOX 2	"B" miscellaneous, 1961-1965 (3 folders) Clark, Charles E., 1962-1963 Clerk's office, 1961-1965 "C-E" miscellaneous, 1961-1965, n.d. (8 folders)
BOX 3	Freedman, James O., 1961-1964 Friendly, Henry J., 1962-1965 "F-G" miscellaneous, 1961-1965 (6 folders) Hall of Fame for Great Americans, New York, N.Y., 1962-1965 (4 folders)
BOX 4	Hays, Paul R., 1962-1965 "H-I" miscellaneous, 1961-1965 (5 folders) John Fitzgerald Kennedy Library, Boston, Mass., 1964-1965 "J" miscellaneous, 1961-1965 (2 folders) Kaufman, Irving R., 1962-1965 "K-L" miscellaneous, 1961-1965 (5 folders)
BOX 5	Moore, Leonard P., 1963-1965 "M-Mc" miscellaneous, 1961-1965 (4 folders) New School for Social Research, New York, N.Y., 1965

United States Court of Appeals File, 1957-1965, n.d.

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BOX 8	September term 1961 Case file Alvado v. General Motors Corp. Empresa Hondurena de Vapores v. McLeod Fitzgerald v. United States Lines Foti v. Immigration & Naturalization Serv. Great Atl. & Pac. Tea Co. v. Local 10, Am. Bakery & Confectionery Workers Int'l Harrington v. Sharff <i>For additional material see same container, United States v. New York Foreign Trade Zone Operators</i> McLeod v. Business Mach. & Office Appliance Mechanics Bd. Local 459 Muniz v. United States <i>See same container, Winston v. United States</i> Puddu v. Royal Netherlands S.S. Co. Securities & Exch. Comm'n v. Capital Gains Research Bureau United States v. Jones United States v. New York Foreign Trade Zone Operators Winston v. United States Yen v. Immigration & Naturalization Serv. <i>See same container, Foti v. Immigration & Naturalization Serv.</i> Docket disqualifications "D-F" miscellany General Judicial Conference of the Second Circuit
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United States Court of Appeals File, 1957-1965, n.d.

Container

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	(3 folders)
	Weekly
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	(6 folders)
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	(2 folders)
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	(7 folders)
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	Atlantic City Elec. Co. v. General Elec. Co.
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United States Court of Appeals File, 1957-1965, n.d.

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United States Court of Appeals File, 1957-1965, n.d.

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BOX 16	6 Jan.-8 June 1964 (8 folders) Motions Other 30 Dec. 1963-15 July 1964 (4 folders) Weekly 14 Oct. 1963-27 Jan. 1964 (5 folders)
BOX 17	9 Mar.-8 June 1964 (6 folders) "M-N" miscellany Opinions General (2 folders) Unfiled after sixty days argument Pro se Orders Rules "P-Z" miscellany (2 folders) September term 1964 "A-B" miscellany Case file

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BOX 21	Weekly
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	Opinions
	General (2 folders)
	Unfiled after sixty days argument
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United States Court of Appeals File, 1957-1965, n.d.

Container

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	"R-U" miscellany
BOX 22-24	Miscellany, 1957-1965, n.d. Correspondence, memoranda, writings, notes, resolutions, minutes of meetings, background material, certificates, printed matter, and other items. Arrangement is alphabetical by topic or type of material and chronological therein.
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BOX 24	Lincoln University, Lincoln University, Pa., 1961-1963 (2 folders) Masons, 1961-1965 (5 folders) Notes and jottings, n.d. Regional Plan Association, New York, N.Y., 1965 Writings By Marshall, n.d. By others, 1957-1964 Unidentified, n.d.
BOX 25-28	United States Solicitor General File, 1965-1967, n.d. Correspondence, memoranda, briefs, motions, petitions, transcripts, statements for oral arguments, notes, background information, certificates, and printed matter. Arrangement is alphabetical by topic or type of material, with case files grouped chronologically by term.
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United States Solicitor General File, 1965-1967, n.d.

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United States Solicitor General File, 1965-1967, n.d.

Container

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White House, 1965-1967

BOX 29-579

Supreme Court File, 1967-1991, n.d.

BOX 29-39

General Correspondence, 1967-1991, n.d.

Incoming and outgoing letters, including attachments, from members of Congress, government officials, acquaintances, and the general public.
Arrangement is alphabetical by type of correspondence and therein chronological.

BOX 29

Alphabetical file, 1968-1991, n.d.

 Birthday

 July 1991

 (7 folders)

BOX 30

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 (2 folders)

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Chronological file, 1967-1991, n.d.

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BOX 34

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 (9 folders)

BOX 35

 Jan. 1986-May 1987

 (10 folders)

BOX 36

 June 1987-Dec. 1988

 (11 folders)

BOX 37

 Jan. 1989-Feb. 1990

 (11 folders)

BOX 38

 Mar. 1990-Apr. 1991

 (10 folders)

BOX 39

 May 1991-Oct. 1991, n.d.

 (5 folders) *See also Oversize*

BOX 39-540

Case File, 1967-1991

Correspondence; memoranda; opinions in various stages of completion; orders; bench, conference, and certiorari memoranda; motions; briefs; applications; disbarments; schedules; lists; printed matter; and other material.

Arrangement is chronological by term and therein by two subseries, administrative file and opinion file. The administrative file is arranged alphabetically by type of material or topic and chronologically or numerically by docket number therein. Opinions are arranged alphabetically by type of case--appellate, *in forma pauperis* or miscellaneous, and original--and therein numerically by docket number.

Supreme Court File, 1967-1991, n.d.

Container

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	67-21	Zschernig v. Miller
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Oversize, 1967, 1991

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General Correspondence

Chronological file

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