

William J. Brennan, Jr.

A Register of His Papers in the Library of Congress

**Prepared by Audrey Walker and Michael Spangler with the
assistance of Andrew M. Passet and Catherine Wilkins-
Susynski**

**Revised and expanded by Michael Spangler with the
assistance of Sherralyn McCoy, Susie Moody, Dan Oleksiw,
Kathleen Price, Sheri Shepherd, Marjorie Torney, Lena
Wiley, and Chanté Wilson**



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Collection Summary

Title: Papers of William J. Brennan

Span Dates: 1945-1998

Bulk Dates: (bulk 1956-1990)

ID No.: MSS52266

Creator: Brennan, William J. (William Joseph), 1906-1997

Size: 379,000 items; 1,087 containers; 434.8 linear feet

Language: Collection material in English

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

Abstract: Associate justice of the United States Supreme Court. Correspondence, legal case files, speeches and writings, administrative files, printed matter, and newspaper clippings related to Brennan's activities as 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:

Brennan, William J. (William Joseph), 1906-
Bazelon, David L. (David Lionel), 1909- --Correspondence
Black, Hugo LaFayette, 1886-1971--Correspondence
Cahn, Edmond Nathaniel, 1906-1964--Correspondence
Crystal, Daniel--Correspondence
Di Lascia, Alfred--Correspondence
Douglas, William O. (William Orville), 1898- --Correspondence
Edwards, George C. (George Clifton), 1914---Correspondence
Ernst, Morris Leopold, 1888- --Correspondence
Finley, Robert C.--Correspondence
Freund, Arthur J.--Correspondence
Freund, Paul Abraham, 1908- --Correspondence
Gallagher, Frank T.--Correspondence
Goldberg, Arthur J.--Correspondence.
King, Donald Barnett--Correspondence
Knopf, Alfred A., 1892-1984--Correspondence
Lewis, Anthony, 1927- --Correspondence
Marshall, Thurgood, 1908-1993--Correspondence
Moynihan, Daniel P. (Daniel Patrick), 1927- --Correspondence
Murphy, Walter F., 1929- --Correspondence
Oliver, John W. (John Watkins), 1914-1990 --Correspondence
O'Meara, Joseph, 1898- --Correspondence
Pollak, Louis H.--Correspondence
Reitz, Curtis R.--Correspondence
Schaefer, Walter V. (Walter Vincent), 1904- --Correspondence
Schwartz, Bernard, 1923- --Correspondence
Segal, Bernard G. (Bernard Gerard), 1907-1997--Correspondence
Vanderbilt, Arthur T., 1888-1957--Correspondence
Van Dusen, Francis L.--Correspondence
Walsh, Brian, 1918- --Correspondence
Warren, Earl, 1891-1974--Correspondence
Weigel, Stanley A. (Stanley Alexander), 1906-1999--Correspondence
Wright, Charles Alan--Correspondence
Wright, J. Skelly--Correspondence

United States. Supreme Court.

Subjects:

Affirmative action programs
Apportionment (Election law)
Capital punishment
Due process of law
Freedom of association
Freedom of speech
Judicial opinions--United States
Labor laws and legislation
Obscenity (Law)
Poor--Civil rights--United States
Privacy, Right of
Searches and seizures
Sex discrimination

Occupation:

Jurists

Administrative Information

Provenance:

The papers of William J. Brennan, Jr., associate justice of the United States Supreme Court, were given to the Library of Congress by Brennan from 1967 to 1998. Part I was received in several installments from 1967 to 1990. Part II was received in 1993 and 1998.

Processing History:

Part I of the papers of William J. Brennan, Jr., was arranged and described between 1967 and 1992 and reorganized in 2001. Part II was processed in 1998.

Transfers:

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

Copyright Status:

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Preferred Citation:

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Biographical Note

<i>Date</i>	<i>Event</i>
1906, Apr. 25	Born, Newark, N.J.

1928	B. S., Wharton School of Finance, University of Pennsylvania, Philadelphia, Pa. Married Marjorie Leonard (died 1982)
1931	LL. B., Harvard University School of Law, Cambridge, Mass.
1931-1949	Member, law firm of Pitney, Hardin, Ward and Brennan, Newark, N.J.
1932	Admitted to the New Jersey bar
1942-1945	Served in Ordnance Department, United States Army
1949-1950	Judge, Law Division, New Jersey Superior Court
1950-1952	Judge, Appellate Division, New Jersey Superior Court
1952-1956	Associate justice, New Jersey Supreme Court
1956-1990	Associate justice, United States Supreme Court
1983	Married Mary Fowler
1990	Retired
1993	Awarded Presidential Medal of Freedom
1997, July 24	Died, Washington, D.C.

Scope and Content Note

The papers of William J. Brennan, Jr. (1906-1997), span the years 1945-1998, with the bulk of the material concentrated in the period 1956-1990. The collection represents his public service as associate justice of the United States Supreme Court from his appointment in 1956 to his retirement in 1990. Part I contains most of Brennan's [Case File](#) and a small [Miscellany](#) series. Part II is organized in the following series: [Case File](#), [Case Histories](#), [Correspondence File](#), [Members of the Court](#), [Law Clerks](#), [Administrative File](#), [Speeches, Writings, and Events](#), and [Miscellany](#).

Part I

The [Case File](#) constitutes the bulk of Part I and forms an extensive record of Brennan's jurisprudence on the Supreme Court for more than thirty years. His judicial philosophy emerged soon after his appointment, and he subsequently proved to be a key member of Chief Justice Earl Warren's court. After Warren's retirement, Brennan continued as a leading exponent of liberal jurisprudence on the courts of Warren E. Burger and William H. Rehnquist. While the Case File evinces Brennan's judicial philosophy through his numerous written opinions, it also reveals his participation and influence in the Court's deliberations. The Case File is arranged chronologically by the Court's annual October terms, 1956-1989. Material is arranged in an administrative file and opinion file within each term.

The administrative files include docket sheets with conference notes, memoranda to the conference, conference lists, motions, order lists, and background material. Notable in this file are the docket sheets which contain the name and docket number of each case, votes by the justices regarding the disposition of the case, and Brennan's handwritten notes recording the positions of other justices during Court conferences in which the justices decided which cases were to be heard, debated and determined the outcome of individual cases, and assigned the writing of opinions to specific justices. Background material is filed under topical headings pertaining to such issues as capital punishment, reapportionment, and obscenity. Beginning in the 1970s, the files expand to include motions, assignment lists, circulation records, and other material. Certiorari memoranda, bench

memoranda, and other writings and analyses by Brennan's clerks are generally absent from the case file except for those included in the 1986-1989 terms.

Opinion files for individual cases constitute a large and substantive portion of the Case File and are arranged numerically by docket number within each term. Composed primarily of opinions, dissents, and concurrences in various stages of preparation, the files illustrate the opinion-writing process from initial handwritten drafts and emended circulating copies to the final printed opinion. Memoranda, informal notes from justices, certiorari memoranda and briefs by clerks, correspondence, printed matter, and related background material are also included. The opinion files document the disparate personalities and philosophies on the Court, legal debates, and the consensus-building process. Numerous applications for stays of execution during the 1980s depict the Court's struggle with the constitutionality of capital punishment. Prominent cases in the opinion files include *Roth v. United States*, *Baker v. Carr*, *New York Times v. Sullivan*, *Griswold v. Connecticut*, *Roe v. Wade*, *United States v. Nixon*, and *Buckley v. Valeo*.

The Court's expanding caseload in the late 1960s and 1970s is reflected in the increasing number of opinion files carried over from one term to the next. In general, opinion files are located within the term in which the Court issued its final decision. A few cases, however, have related material located in previous terms. In many instances, when opinion files were carried over to the next term, corresponding docket sheets were also moved forward. Two digit prefix numbers indicating the term in which the opinion file is located, similar to the docket numbering system implemented by the Court during the 1971 term, have been added to docket numbers for opinion files created during the 1956-1970 terms.

The [Miscellany](#) series includes a speech by Brennan and related matter regarding capital punishment, background material concerning the use of advertising in the legal profession, and correspondence and other items relating to the Judicial Conference of United States Bicentennial Committee.

Part II

The [Case File](#) in Part II is a small supplement to the Case File in Part I and is similarly arranged in an administrative file and opinion file. The administrative file includes bench memoranda for the 1956 term and material relating to capital punishment and obscenity cases. The opinion file contains additional material pertaining to *United States v. Nixon* and *Buckley v. Valeo*.

The [Case Histories](#) for the 1958-1989 terms complement the Case File. These annual reviews of the Court's work by Brennan and his clerks provide personal perspectives on the deliberations and decisions in prominent cases before the Court. The narratives describe in detail the discussions in conference, the evolution of opinions as they were circulated among the chambers, the role of clerks in the deliberative process, and how the Court conducted its business in general.

The [Correspondence File](#) is extensive and spans Brennan's entire career on the Court as well as his retirement. Correspondence with state and federal judges, law school administrators and faculty, attorneys in private practice, and journalists reflect the depth of Brennan's interest in legal matters. Though much of the correspondence is routine, many letters discuss issues in the law and the administration of the courts. Few pursuits outside the law are manifest in these letters, though correspondence with professional organizations, friends, and family is also contained in the series. The file is arranged in two groups: Set I spans primarily the era of the Warren and Burger courts; Set II covers chiefly the Rehnquist court. Many correspondents are represented in both sets.

Notable in the correspondence are letters exchanged with Arthur T. Vanderbilt early in Brennan's career on the Supreme Court. Vanderbilt was chief justice of the New Jersey Supreme Court while Brennan served on that court and both worked to secure judicial reform in that state. There is also correspondence with the legal scholar Paul A. Freund, who supplied Brennan with many law clerks from Harvard Law School. Other prominent and frequent correspondents include David L. Bazelon, Edmond N. Cahn, Daniel Crystal, Alfred Di Lascia, George Edwards, Morris L. Ernst, Robert C. Finley, Arthur J. Freund, Frank T. Gallagher, Donald B. Kipp, Alfred A. Knopf, Anthony Lewis, Daniel P. Moynihan, Walter F. Murphy, Joseph O'Meara, John W. Oliver, Louis H. Pollak, Curtis R. Reitz, Walter V. Schaefer, Bernard Schwartz, Bernard G. Segal, Francis L. Van Dusen, Brian Walsh, Stanley A. Weigel, Charles Alan Wright, and J. Skelly Wright.

The [Members of the Court](#) series is generally personal and social in nature and reflects the relations Brennan developed with his fellow justices. All the justices he served with are represented in the files, which include correspondence, handwritten notes, copies of speeches and writings by the justices, tributes, memorials, and printed matter.

Material in the [Law Clerks](#) series is chiefly personal and illustrates Brennan's continuing relations with former clerks, who apprise him of personal milestones and career developments. The files include correspondence, copies of speeches and writings

by the clerks, photographs, and printed matter, most of which postdates the clerk's work on the Court. Paul A. Freund's correspondence recommending students to Brennan is contained in the miscellaneous files. The series is arranged in two groups: Set I relates to clerks who served with Brennan on the Warren and Burger courts; clerks represented in Set II are from the period of the Rehnquist court.

The [Administrative File](#) contains material regarding the functions of the Court's support staff, including the offices of the clerk, marshal, librarian, reporter of decisions, legal office, and curator, supplemented by memoranda to the conference from various justices. The series also includes files pertaining to rules for the Supreme Court and other units of the federal judiciary.

The [Speeches, Writings, and Events](#) series documents the development of Brennan's jurisprudence through his public speaking and published articles. His early interest in judicial reform is revealed in speeches delivered in 1955 concerning pretrial demonstrations. Remarks before appellate judges in July 1965 pertain to increased application of the Bill of Rights in state criminal trials. The speech files include drafts from various stages of preparation to the final printed copy supplemented with related correspondence, scheduling material, and background matter. Also included are files pertaining to interviews, conferences, seminars, awards, moot courts, and other public engagements.

The [Miscellany](#) series includes biographical material, financial records, retirement messages, material relating to the American Bar Association and other organizations, photographs, newspaper clippings, and printed matter.

Organization of the Papers

The collection is organized in two parts composed of seven series:

- [Part I: Case File, 1956-1990, n.d.](#)
- [Part I: Miscellany, 1968-1989, n.d.](#)
- [Part II: Case File, 1956-1990, n.d.](#)
- [Part II: Case Histories, 1958-1989](#)
- [Part II: Correspondence File, 1946-1998, n.d.](#)
- [Part II: Members of the Court, 1945-1998, n.d.](#)
- [Part II: Law Clerks, 1956-1998, n.d.](#)
- [Part II: Administrative File, 1957-1998, n.d.](#)
- [Part II: Speeches, Writings, and Events, 1948-1997, n.d.](#)
- [Part II: Miscellany, 1949-1997, n.d.](#)

Description of Series

Container

BOX I:1-861

Series

Part I: Case File, 1956-1990, n.d.

Applications, argument lists, assignment lists, certiorari memoranda, law clerks' memoranda re argued cases, conference lists, docket sheets with conference notes, memoranda, motions, notes, opinions in various stages of preparation, printed matter, and related background material.

Organized chronologically by annual October term and assembled thereunder in administrative files and opinion files. Administrative files are arranged alphabetically by type of material or subject matter and chronologically or numerically therein. Opinion files are arranged as received in four categories of cases including applications, original jurisdiction, appellate, and miscellaneous or *in forma pauperis* and filed numerically by docket number within each category. Unnumbered cases are filed previous to numbered cases and arranged alphabetically by case name. Dockets are arranged in a similar pattern.

BOX I:862-864

Part I: Miscellany, 1968-1989, n.d.

Correspondence, speech, reports, and memoranda.

Arranged alphabetically by type of material or subject and chronologically therein.

BOX II:1-5

Part II: Case File, 1956-1990, n.d.

Bench memoranda, correspondence, opinions in various stages of preparation, printed matter, legal briefs, and background material grouped into administrative and opinion files.

Administrative files arranged alphabetically by type of material or topic and chronologically therein. Opinion files arranged numerically by docket number.

BOX II:6-8

Part II: Case Histories, 1958-1989

Printed annual reviews of the Court's terms by Brennan and his clerks.

Arranged chronologically by October term.

BOX II:9-106

Part II: Correspondence File, 1946-1998, n.d.

Letters received, copies of letters sent, and appended related matter.

Arranged in two groups: Set I spans the period from December 1946 to May 1986 and principally concerns the Warren and Burger courts; Set II spans the period from June 1986 to January 1998 and chiefly covers the Rehnquist court. Material within each set is arranged alphabetically by name of person, name of organization, or topic, and chronologically thereunder.

BOX II:107-115

Part II: Members of the Court, 1945-1998, n.d.

Correspondence to, from, and concerning the justices with whom Brennan served, as well as handwritten notes, copies of justices' speeches, newspaper clippings, and related printed matter.

Arranged alphabetically by name of justice and chronologically thereunder.

BOX II:116-132

Part II: Law Clerks, 1956-1998, n.d.

Correspondence to and from Brennan's law clerks with related attachments, printed writings by clerks, newspaper clippings, photographs, and miscellaneous printed matter.

Arranged in two groups: Set I includes clerks whose service occurred during the period of the Warren and Burger courts, 1956-1985; Set II relates to clerks who served during the Rehnquist court, 1986-1996. Material in both sets is arranged alphabetically by name of clerk or topic and chronologically thereunder.

BOX II:133-147

Part II: Administrative File, 1957-1998, n.d.

Memoranda, correspondence, rules for the Supreme Court and federal judiciary, files related to offices of the Court, reports, court statistics, financial reports, printed matter, and background material.

Arranged alphabetically by topic, name of office within the Court, or type of material and chronologically thereunder.

BOX II:148-208

Part II: Speeches, Writings, and Events, 1948-1997, n.d.

Drafts of speeches, lectures, interviews, and articles including related correspondence, printed matter, scheduling material, photographs, and background data. Files also contain material related to awards, participation in moot courts, and social engagements.

Arranged chronologically. Additional files include a compilation of printed speeches, drafts, lists of speeches, and writings concerning Brennan and are arranged alphabetically by topic or type of material following the chronological file.

BOX II:209-223

Part II: Miscellany, 1949-1997, n.d.

Material related to Brennan's appointment to and retirement from the Court, biographical material, financial records, newspaper clippings, photographs, and items pertaining to organizations.

Arranged alphabetically by name of organization, type of material, or topic and chronologically thereunder.

Container List

<i>Container</i>	<i>Contents</i>
BOX I:1-861	<p>Part I: Case File, 1956-1990, n.d.</p> <p>Applications, argument lists, assignment lists, certiorari memoranda, law clerks' memoranda re argued cases, conference lists, docket sheets with conference notes, memoranda, motions, notes, opinions in various stages of preparation, printed matter, and related background material.</p> <p>Organized chronologically by annual October term and assembled thereunder in administrative files and opinion files. Administrative files are arranged alphabetically by type of material or subject matter and chronologically or numerically therein. Opinion files are arranged as received in four categories of cases including applications, original jurisdiction, appellate, and miscellaneous or <i>in forma pauperis</i> and filed numerically by docket number within each category. Unnumbered cases are filed previous to numbered cases and arranged alphabetically by case name. Dockets are arranged in a similar pattern.</p>
BOX I:1	<p>October term 1956</p> <p>Administrative file</p> <p>Bench memoranda <i>See also Container II:1, same heading</i></p> <p>Dockets</p> <p>Unnumbered</p> <p>12 Orig. to 14 Orig.; 55-235 to 55-713</p> <p>56-1 to 56-1108</p> <p>(3 folders)</p> <p>56-1 Misc. to 56-838 Misc.</p> <p>Memoranda to the conference, 1956-1957</p>
BOX I:2	<p>Opinions</p> <p>11 Orig. United States v. Louisiana</p> <p>55-312 Ohio Power Co. v. United States</p> <p>55-701 Reid v. Covert</p> <p>55-713 Kinsella v. Krueger <i>See same container, 55-701</i></p> <p>56-2 Holophane Co. v. United States</p> <p>56-3 United States v. E. I. du Pont de Nemours & Co.</p> <p>(3 folders)</p> <p>56-5 Konigsberg v. State Bar</p> <p>56-9 United States v. Shotwell Mfg. Co.</p> <p>56-10 United States v. Shotwell Mfg. Co. <i>See same container, 56-9</i></p> <p>56-13 Walker v. City of Hutchinson</p> <p>56-15 Yates v. United States</p> <p>56-16 Butler v. Michigan</p>
BOX I:3	<p>56-17 United States v. Bergh</p> <p>56-18 United States v. Western Pac. R.R.</p> <p>56-20 Mesarosh v. United States</p> <p>56-21 Bank of Am. Nat'l Trust & Sav. Ass'n v. Parnell</p>

Part I: Case File, 1956-1990, n.d.

Container

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	56-22	Bank of Am. Nat'l Trust & Sav. Ass'n v. First Nat'l Bank <u><i>See same container, 56-21</i></u>
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	56-25	Putnam v. Commissioner
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	56-31	Massachusetts Bonding & Ins. Co. v. United States
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	56-39	United States v. Plesha
	56-40	Amalgamated Meat Cutters v. National Labor Relations Bd.
	56-41	Amalgamated Meat Cutters Local 427 v. Fairlawn Meats <u><i>For additional material see Container I:5, 56-280</i></u>
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	56-162	Kremen v. United States
	56-175	Sweezy v. New Hampshire
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Part I: Case File, 1956-1990, n.d.

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Part I: Case File, 1956-1990, n.d.

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	57-11	Youngdahl v. Rainfair, Inc.
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	57-19	Nishikawa v. Dulles
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Part I: Case File, 1956-1990, n.d.

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	57-32	United States <i>ex rel.</i> Lee Krun Hoy v. Murff
	57-33	Wilson v. Loew's, Inc.
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Part II: Speeches, Writings, and Events, 1948-1997, n.d.

Drafts of speeches, lectures, interviews, and articles including related correspondence, printed matter, scheduling material, photographs, and background data. Files also contain material related to awards, participation in moot courts, and social engagements.

Arranged chronologically. Additional files include a compilation of printed speeches, drafts, lists of speeches, and writings concerning Brennan and are arranged alphabetically by topic or type of material following the chronological file.

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Chronological file

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(17 folders)

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1957
(19 folders)

BOX II:150

1958-1959
(22 folders)

BOX II:151

1960
(15 folders)

BOX II:152

1961
Feb.
(2 folders)

July
(6 folders)

BOX II:153

(1 folder)
Sept.-Nov.
(7 folders)

BOX II:154

1962
Jan.
(9 folders)

BOX II:155

(3 folders)
Feb.-July
(4 folders)

Aug.
(1 folder)

BOX II:156

(3 folders)
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(3 folders)

1963
Jan.-May
(8 folders)

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July
(6 folders)

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(6 folders)
Aug.-Sept.
(4 folders)

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Part II: Speeches, Writings, and Events, 1948-1997, n.d.

Container

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	1989
	Jan.-Mar. (7 folders)
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	May (3 folders)
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Appendix: Legal Abbreviations

Legal term	Abbreviation
Administrat [ive, ion]	Admin.
Administrat [or, rix]	Adm'[r,x]
Agriculture	Agric.
America [n]	Am.
Associate	Assoc.
Association	Ass'n
Atlantic	Atl.
Authority	Auth.
Automobile	Auto.
Avenue	Ave.
Board	Bd.
Brotherhood	Bhd.
Brothers	Bros.
Building	Bldg.
Central	Cent.
Chemical	Chem.
Commission	Comm'n
Commissioner	Comm'r
Committee	Comm.
Company	Co.
Consolidated	Consol.
Construction	Constr.
Cooperative	Coop.
Corporation	Corp.
Department	Dep't
Development	Dev.
Distribut [or, ing]	Distrib.
District	Dist.
Division	Div.
East [ern]	E.
Education [al]	Educ.
Electric [al, ity]	Elec.
Electronic	Elec.
Engineer	Eng'r
Engineering	Eng'g
Enterprise	Enter.
Environment	Env't
Environmental	Envtl.
Equipment	Equip.
Exchange	Exch.
Execut [or, rix]	Ex'[r,x]
Federal	Fed.
Federation	Fed'n
Financ [e, ial, ing]	Fin.
Foundation	Found.
General	Gen.
Government	Gov't

Legal term	Abbreviation
Guaranty	Guar.
Hospital	Hosp.
Housing	Hous.
Incorporate	Inc.
Indemnity	Indem.
Independent	Indep.
Industr [y, ies, ial]	Indus.
Institut [e, ion]	Inst.
Insurance	Ins.
International	Int'l
Investment	Inv.
Liability	Liab.
Limited	Ltd.
Litigation	Litig.
Machine [ry]	Mach.
Manufacturer	Mfr.
Manufacturing	Mfg.
Market	Mkt.
Marketing	Mktg.
Metropolitan	Metro.
Municipal	Mun.
Mutual	Mut.
National	Nat'l
North [ern]	N.
Organiz [ation, ing]	Org.
Pacific	Pac.
Product [ion]	Prod.
Public	Pub.
Railroad	R.R.
Railway	Ry.
Refining	Ref.
Road	Rd.
Savings	Sav.
Securit [y, ies]	Sec.
Service	Serv.
Society	Soc'y
South [ern]	S.
Steamship [s]	S.S.
Street	St.
Surety	Sur.
System [s]	Sys.
Tele [phone, graph]	Tel.
Transport [ation]	Transp.
University	Univ.
Utility	Util.
West [ern]	W.