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

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Copyright in the unpublished writings of Byron R. White in these papers and in other collections in the custody of the Library of Congress has been dedicated to the public.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

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<tr>
<th>Date</th>
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<tr>
<td>1917, June 8</td>
<td>Born, Fort Collins, Colo.</td>
</tr>
<tr>
<td>1938</td>
<td>B.A., University of Colorado, Boulder, Colo.</td>
</tr>
<tr>
<td>1939</td>
<td>Rhodes scholar, Oxford University, Oxford, England</td>
</tr>
<tr>
<td>1940-1942</td>
<td>Football player, Detroit Lions, National Football League, Detroit, Mich.</td>
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<tr>
<td>1942-1945</td>
<td>United States Naval Intelligence, Pacific Theater</td>
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<tr>
<td>1946</td>
<td>J.D., Yale Law School, New Haven, Conn.</td>
</tr>
<tr>
<td>1946</td>
<td>Married Marion Lloyd Stearns</td>
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<tr>
<td>1946-1947</td>
<td>Clerk to chief justice, U.S. Supreme Court</td>
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<tr>
<td>1961-1962</td>
<td>Deputy U.S. attorney general</td>
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<tr>
<td>1962-1993</td>
<td>Associate justice, U.S. Supreme Court</td>
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<tr>
<td>2002, April 15</td>
<td>Died, Denver, Colo.</td>
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Scope and Content Note


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**
<table>
<thead>
<tr>
<th>Container</th>
<th>Series</th>
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<td><strong>BOX I:1-I:651</strong></td>
<td><strong>Part I: Case Files, 1961-1984</strong></td>
</tr>
<tr>
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<td>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), <em>in forma pauperis</em> (terms 1970-1983), and original. The case files are arranged chronologically by court term, alphabetically thereunder by type of docket, then by docket number.</td>
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<td>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, <em>in forma pauperis</em> (i.e., miscellaneous), and original. The case files are arranged chronologically by court term, alphabetically thereunder by type of docket, then by docket number.</td>
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## Container List

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## Part I: Case Files, 1961-1984

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**Miscellaneous docket**

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- 80-2, Orig. Michigan v. Illinois *See same container, 80-1, orig.*
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**October term, 1981**

**Administrative files**

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- Assignment lists, 1981-1982
- Cases held for other decisions, 1981-1983, n.d.
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- Cases in which Sandra Day O'Connor was disqualified, 1981
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- Hearing lists and schedules, 1981-1982
- Legal office, 1981-1982
- Marshal's office, 1981-1982
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  - (1 folder)
- (2 folders)

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| | 80-11 Merrion v. Jicarilla Apache Tribe  
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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 curiam 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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    Miscellany, 1962-1963

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    Miscellany, 1963-1964

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    Miscellany, 1966-1967

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(1 folder)

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|           | Rehearings, 1984 |
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83-86, Orig.       Louisiana v. Mississippi
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