

Harold Leventhal Papers
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Washington, D.C.
2010

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Prepared by Manuscript Division staff

Finding aid encoded by Library of Congress Manuscript Division, 2011
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Collection Summary

Title: Harold Leventhal Papers

Inclusive Dates: 1932-1980

Bulk Dates: 1964-1979

ID No.: MSS59162

Creator: Leventhal, Harold, 1915-1979

Extent: 80,000 items

Extent: 236 containers

Extent: 94 linear feet

Language: Collection material in English

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

LC Catalog record: <https://lcn.loc.gov/mm81059162>

Summary: Lawyer and jurist. Chiefly correspondence, case files, notebooks and notes, and office files documenting Leventhal's service as judge on the United States. Court of Appeals for the District of Columbia Circuit; together with private correspondence, files from his legal practice in Washington, D.C., speeches and writings, and other papers.

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

Bastian, Walter M. (Walter Maximillian), 1891-1975--Correspondence.

Bazon, David L. (David Lionel), 1909-1993--Correspondence.

Burger, Warren E., 1907-1995--Correspondence.

Danaher, John Anthony, 1899- --Correspondence.

Douglas, Kirk, 1916- --Correspondence.

Fahy, Charles, 1892-1979--Correspondence.

Ginsburg, David, 1912-2010--Correspondence.

Jesus Christ--Nativity.

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

Kennedy, John F. (John Fitzgerald), 1917-1963--Correspondence.

Leventhal, Harold, 1915-1979.

Lusky, Louis--Correspondence.

McGowan, Carl, 1911-1987--Correspondence.

Pilpel, Harriet F.--Correspondence.

Reed, Stanley Forman, 1884-1980--Correspondence.

Sirica, John J.--Correspondence.

Sobeloff, Simon Ernest, 1894-1973--Correspondence.

Stone, Harlan Fiske, 1872-1946--Correspondence.

Tamm, Edward A. (Edward Allen), 1906- --Correspondence.

Wright, J. Skelly--Correspondence.

Organizations

American Telephone and Telegraph Company.

Democratic National Committee (U.S.)

Democratic National Convention (1964 : Atlantic City, N.J.)

Ginsburg and Leventhal.

Mississippi Freedom Democratic Party.

United States. Court of Appeals (2nd Circuit)

United States. Court of Appeals (District of Columbia Circuit)

United States. Office of Price Administration.

Yale University.

Subjects

Administrative law--United States.
Christmas.
Constitutional law--United States.
Criminal law--United States.
Local transit--Fares--Washington (D.C.)
Nuremberg War Crime Trials, Nuremberg, Germany, 1946-1949.
Pageants--Washington (D.C.)
Practice of law--Washington (D.C.)
Telephone--Rates--United States.
War crime trials--Germany.
Watergate Trial, Washington, D.C., 1973.

Occupations

Judges.
Lawyers.

Acquisition Information

The papers of Harold Leventhal, lawyer and jurist, were deposited in the Library of Congress in 1980 by his wife, Kathryn K. Leventhal.

Processing History

The Harold Leventhal Papers were processed in 1995 by Connie L. Cartledge with the assistance of Andrew M. Passett and Sherrilyn McCoy. The finding aid was revised in 2010.

Transfers

Sound 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

Copyright in the unpublished writings of Harold Leventhal in these papers and in other collections in the custody of the Library of Congress is reserved. Consult reference staff in the Manuscript Division for further information.

Access and Restrictions

Restrictions apply governing the use, photoduplication, or publication of items in this collection. Consult reference staff in the Manuscript Division for information concerning these restrictions. In addition, 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, Harold Leventhal Papers, Manuscript Division, Library of Congress, Washington, D.C.

Biographical Note

Date	Event
1915, Jan. 5	Born, New York, N.Y.
1934	A.B., Columbia University, New York, N.Y.
1936	LL.B, Columbia University, New York, N.Y. Admitted to New York state bar
1936-1937	Law clerk, Justice Harlan Fiske Stone, United States Supreme Court
1938	Law clerk, Justice Stanley Forman Reed, United States Supreme Court
1938-1939	Staff member, Office of Solicitor General
1939-1940	Chief of litigation, bituminous coal division, Department of the Interior
1940-1943	Assistant general counsel, Office of Price Administration
1945-1946	Staff member, Justice Robert H. Jackson, Nuremberg War Crime Trials
1946	Admitted to the District of Columbia Bar
1946-1965	Member, Ginsburg & Leventhal and successor law firms, Washington, D.C.
1948	Married Kathryn Kumler Executive officer, task force on independent regulatory commissions for the Hoover Commission
1951-1952	Chief counsel, Office of Price Stabilization
1952-1965	General counsel, Democratic National Committee
1957-1962	Visiting lecturer, Yale Law School, Yale University, New Haven, Conn.
1965-1979	Judge, United States Court of Appeals for the District of Columbia Circuit
1979, Nov. 20	Died, Washington, D.C.

Scope and Content Note

The papers of Harold Leventhal (1915-1979) span the years 1932-1980, with the majority of the papers concentrated in the period 1964-1979. The bulk of the material documents Leventhal's career as judge of the United States Court of Appeals for the District of Columbia, 1964-1979. The papers consist of five series: [Correspondence](#), [Private Legal Practice](#), [United States Court of Appeals File](#), [Speeches and Writings File](#), and [Miscellany](#).

The [Correspondence](#) series, 1940-1979, includes incoming and outgoing letters relating to personal and professional matters. An item worthy of special mention is a letter from actor Kirk Douglas to Leventhal reflecting on their friendship. It is attached to a 9 September 1976 letter of Leventhal to Douglas located in the folder "D" miscellaneous, 1974-1976.

Papers in the [Private Legal Practice](#) series, 1947-1966, reflect Leventhal's diverse legal practice as a member of the firm of Ginsburg and Leventhal. Leventhal provided counsel on rate-making theory for the American Telephone and Telegraph Company. In his capacity as general counsel to the Democratic National Committee, he played a critical part in the seating of the Mississippi Freedom Democratic Party delegation at the national party's convention in 1964 in Atlantic City, New Jersey. The files in this series are incomplete and do not fully record Leventhal's years as a private attorney, and there are only a few items relating to his major consumer case concerning the illegality of a District of Columbia transit bus fare increase (*Bebchick v. Public Utilities Commission*).

The [United States Court of Appeals File](#), 1932-1979, documents Leventhal's fourteen years of service as a federal appellate judge. This file consists of four subseries: [Correspondence](#), [Case File](#), [Notebooks and Notes](#), and [Office File](#). The [Correspondence](#) subseries, 1964-1979, includes incoming and outgoing memoranda primarily between Leventhal and his judicial colleagues. Arranged by court term, the memoranda reveal the spirited give and take of the members of the court when deciding cases. Correspondence in *Allen v. Morton* consists chiefly of letters from the public criticizing the court's prohibition of government sponsorship of the nativity scene in the Christmas pageant of peace near the White House in Washington, D.C.

The [Case File](#), 1932-1979, the largest subseries in the [Court of Appeals File](#), comprises almost half of the collection. It includes correspondence and memoranda, chiefly between judges, court clerks, and lawyers, as well as opinions (primarily

in draft form), orders, briefs, motions, reports, notes, and printed matter. The cases are arranged into three categories: general, Watergate, and district court and other circuit cases.

The general files category of the [Case File](#) comprises the bulk of the [Court of Appeals](#) series and is arranged chronologically by court term, September through June, and therein by case number. The numbering system of cases changed in the 1970 term, at which point cases were assigned numbers containing a yearly prefix. Since the number assignment apparently began in January by calendar year, cases sometimes have yearly prefixes which differ from their term, e.g. the 1970 term has some cases bearing the 1971 prefix. In addition, cases in the 1970 through 1973 terms have two styles of numbers because some cases were carried forward into later terms. Cases are filed by date of last court action. The general files reflect the diverse and intricate nature of the cases heard by the court of appeals in the areas of criminal law, constitutional law, and administrative law. Administrative law was Leventhal's principal interest, and he made many contributions to the field through his opinions, speeches, and writings. Many of the general case files are incomplete, however, and contain only a few items.

The remaining case files refer to the Watergate break-in litigation and to Leventhal's work on cases in the United States District Court for the District of Columbia and as a visiting judge for the United States Court of Appeals for the Second Circuit. These files provide extensive documentation of the court of appeals review of federal district judges' rulings relating to the 1972 break-in at the Democratic National Committee headquarters in the Watergate apartment complex and the cover-up of the burglary by government officials.

The final two subseries of the [United States Court of Appeals](#) File consist of [Notebooks and Notes](#) and an [Office File](#). The [Notebooks and Notes](#), 1965-1979, contain the detailed notes Leventhal took about the cases that came before him for oral argument and his notes taken in conference in three-judge panels or en banc when a case was heard by the entire court. The [Office File](#) subseries, 1936-1979, relates to Leventhal's administrative and professional duties as an appellate judge and chronicle his activities with various committees, bar associations, and law schools. Also reflected are topics of interest to him, such as the media, science, and attorneys' fees for public interest representation. There is some overlap between the [Office File](#) subseries and the [Private Legal Practice](#) series.

The [Speeches and Writings File](#), 1946-1980, documents Leventhal's busy schedule as a speaker and writer. The files contain correspondence, memoranda, and drafts and final copies and often include an extensive amount of research material. Speech texts are arranged by date of engagement, and articles are arranged by date of publication. A few of Leventhal's articles are interfiled with the speech texts, Set A, final copies. Notebooks in the writings file contain notes by Leventhal on a variety of topics and some of his jottings made while attending various meetings.

The final series, [Miscellany](#), 1940-1979, consists mainly of teaching material relating to Leventhal's appointment as a visiting lecturer at Yale University, 1957-1962. Other files document his service with the Office of Price Administration and as a member of the prosecution staff for the Nuremberg War Crime Trials.

Among the more significant and frequent of Leventhal's correspondents are Walter M. Bastian, David L. Bazelon, Warren E. Burger, John Anthony Danaher, Kirk Douglas, Charles Fahy, David Ginsburg, Lyndon B. Johnson, John F. Kennedy, Louis Lusky, Carl McGowan, Harriet F. Pilpel, Joseph Pois, Stanley Forman Reed, John J. Sirica, Simon Ernest Sobeloff, Harlan Fiske Stone, Edward A. Tamm, and J. Skelly Wright.

Arrangement of the Papers

The collection is arranged in five series:

- [Correspondence, 1940-1979](#)
- [Private Legal Practice, 1947-1966](#)
- [United States Court of Appeals File, 1932-1979](#)
- [Speeches and Writings File, 1946-1980](#)
- [Miscellany, 1940-1979](#)

Description of Series

Container	Series
BOX 1-15	<p><u>Correspondence, 1940-1979</u></p> <p>Correspondence and memoranda, including attachments and enclosures, between Leventhal and family, friends and acquaintances, lawyers, judges, acquaintances, and the public. Arranged alphabetically by name of person, organization, or subject.</p>
BOX 15-33	<p><u>Private Legal Practice, 1947-1966</u></p> <p>Correspondence, memoranda, briefs, judgments, testimony, transcripts, notes, background information, printed matter, and other legal documents pertaining to Leventhal's early career as a lawyer. Arranged alphabetically by name of person or organization, subject, or type of material.</p>
BOX 33-191	<p><u>United States Court of Appeals File, 1932-1979</u></p>
BOX 33-38	<p><u>Correspondence, 1964-1979</u></p> <p>Correspondence and memoranda between Leventhal and lawyers, judges, court staff, and the public relating to his activities as federal appellate judge. Arranged alphabetically by topic or type of material and therein chronologically.</p>
BOX 38-140	<p><u>Case File, 1932-1979</u></p> <p>Correspondence, memoranda, opinions, orders, briefs, motions, transcripts, reports, notes, printed matter, and other legal papers documenting Leventhal's tenure as a court of appeals judge. Arranged by category into general, Watergate, and district court and other circuit cases. The general cases are arranged chronologically by court term and therein by case number. The Watergate files are arranged alphabetically by topic or type of material; the cases are further arranged by case number. The district court and other circuit cases are arranged by case number.</p>
BOX 141-148	<p><u>Notebooks and Notes, 1965-1979</u></p> <p>Notebooks and notes about cases that came before the District of Columbia court of appeals. Arranged alphabetically by topic or type of material and therein chronologically.</p>
BOX 149-191	<p><u>Office File, 1936-1979</u></p> <p>Correspondence, memoranda, opinions, notes, reports, agendas and minutes of meetings, and printed matter. Arranged alphabetically by name of person or organization, topic, or type of material.</p>
BOX 191-230	<p><u>Speeches and Writings File, 1946-1980</u></p> <p>Correspondence, memoranda, speeches, articles, reviews, notes, research material, and printed matter. Filed in two categories: speech file and writings file. The speech file is arranged alphabetically by topic or type of material and therein chronologically. The speech texts are further divided into categories: set A, final copies, and set B, drafts and related material. The writings file is arranged alphabetically by type of material.</p>

BOX 230-236

Miscellany, 1940-1979

Correspondence, memoranda, notes, photographs, course outlines and examinations, background information, and printed matter.

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

Container List

Container	Contents
BOX 1-15	Correspondence, 1940-1979 Correspondence and memoranda, including attachments and enclosures, between Leventhal and family, friends and acquaintances, lawyers, judges, acquaintances, and the public. Arranged alphabetically by name of person, organization, or subject.
BOX 1	Auerbach, Carl, 1973-1978 "A" miscellaneous, 1956-1979 (2 folders) Bastian, Walter M. and Eva, 1958-1978 Bazelon, David L., 1956-1979, undated "B" miscellaneous 1956-1974 (4 folders)
BOX 2	1975-1979, undated (5 folders) Chayes, Abram, 1961-1977 Congratulatory letters re judiciary appointment, 1965 A-H (3 folders)
BOX 3	J-Z (4 folders) "C" miscellaneous, 1954-1979 (5 folders)
BOX 4	Danaher, John Anthony, 1965-1979 (2 folders) DiSalle, Michael V., 1956-1966, 1975-1978 "D-E" miscellaneous, 1955-1979, undated (8 folders) Finkelstein, Jerry, 1962-1979 Foreign visitors, 1973-1977 Fortas, Abe, 1961-1971
BOX 5	Francis, Charles I., 1957-1968 (2 folders) Friendly, Fred, 1976-1979, undated (2 folders) Frohlich, Newton, 1967-1978 "F" miscellaneous 1956-1977 (6 folders)
BOX 6	1978-1979, undated Gass, Oscar, 1950-1977 (3 folders) Gideon, David B., 1950-1975

Correspondence, 1940-1979

Container

Contents

	Ginsburg, David, 1968-1979, undated
	Groban, Robert S., 1959-1977
	"G" miscellaneous
	1946, 1956-1970
	(3 folders)
BOX 7	1971-1979
	(5 folders)
	"H" miscellaneous
	1946, 1954-1976
	(5 folders)
BOX 8	1977-1979, undated
	(2 folders)
	"I-J" miscellaneous, 1941-1946, 1954-1979
	(3 folders)
	Kimelman, Robert, 1965-1972
	"K" miscellaneous, 1955-1979, undated
	(5 folders)
BOX 9	"L" miscellaneous, 1946, 1955-1979
	(5 folders)
	MacKinnon, George E., 1973-1978, undated
	Malone, Lawrence E., 1975-1976
	McGowan, Carl, 1965-1979
	"M" miscellaneous
	1954-1961
	(2 folders)
BOX 10	1962-1979, undated
	(8 folders)
	"N" miscellaneous
	1948, 1957-1976
	(2 folders)
BOX 11	1977-1979, undated
	"O" miscellaneous, 1955-1979, undated
	(2 folders)
	Pilpel, Harriet F., 1955-1977
	Pois, Joseph, 1958-1979
	"P-Q" miscellaneous, 1946, 1954-1979
	(5 folders)
	"R" miscellaneous
	1946, 1954-1964
BOX 12	1965-1979
	(6 folders)
	Selden Society, London, England, 1965-1970
	Sirica, John J., 1965-1979
	Sobeloff, Simon Ernest, 1965-1967
	"S" miscellaneous
	1940, 1954-1963
	(2 folders)

Correspondence, 1940-1979

Container	Contents
BOX 13	1964-1979, undated (10 folders) Tamm, Edward A., 1965-1979 (2 folders)
BOX 14	"T" miscellaneous, 1957-1979 (3 folders) United Jewish Appeal of Greater Washington, D.C., 1965-1972 "U-V" miscellaneous, 1958-1979 (2 folders) Washington, George T. and Helen, 1965-1971 "W" miscellaneous, 1955-1979, undated (7 folders)
BOX 15	"Y-Z" miscellaneous, 1955-1979 (2 folders) Unidentified, 1949, 1961, 1970-1979
BOX 15-33	Private Legal Practice, 1947-1966 Correspondence, memoranda, briefs, judgments, testimony, transcripts, notes, background information, printed matter, and other legal documents pertaining to Leventhal's early career as a lawyer. Arranged alphabetically by name of person or organization, subject, or type of material.
BOX 15	American Telephone and Telegraph Co. Case material, undated (2 folders) Federal Communications Commission Correspondence, 1964 Meetings re interstate earnings, 1964 (2 folders) Presentations 1961-1963 (3 folders)
BOX 16	1964 General, 1961-1963 (2 folders) Notebook, 1962-1963 (2 folders) Bebchick, Leonard N., 1957-1964, undated
BOX 17	Briefs, list, undated Briefs and memoranda (bound), 1963-1964 (2 vols.)
BOX 18	Caribbean Federation for Mental Health of New York New York, N.Y., 1964 Cases <i>In re</i> Chesapeake & Potomac Tel. Co. rate case, 1963-1965 Vol. 1, briefs and rulings
BOX 19	Vol. 2, testimony of company

Private Legal Practice, 1947-1966

Container	Contents
BOX 20	Vol. 3, testimony of Public Utilities Commission and General Services Administration staff
BOX 21	Vol. 4, testimony re rate of return
BOX 22	Vol. 5, testimony of affiliates Vol. 6, phase II of proceeding
BOX 23	Vol. 7, research memoranda Fleming v. R. C. Williams & Co., 1947-1950 (2 folders) Lech v. McCann, 1963
BOX 24	Little Big Inch pipeline conversion project litigation Vol. 1, Federal Power Commission docket, 1954-1955 Vol. 2, administrative presentations, 1953-1956
BOX 25	Vol. 3, antitrust suit against Texas East Transmission Corp., summary judgment, 1954
BOX 26	Vol. 4, antitrust suit against Texas East Transmission Corp., summary judgment, 1954-1955
BOX 27	Little Big Inch pipeline conversion project litigation Vol. 5, City of Pittsburgh v. Federal Power Comm'n, 1955 Vol. 6, Federal Power Commission remand proceeding part A, 1956
BOX 28	Vol. 7, antitrust suit against Texas East Transmission Corp., 1954-1956 Vol. 8, Federal Power Commission remand proceeding part B, 1956-1957
BOX 29	Vol. 9, Federal Power Commission remand proceeding part B, 1956-1957
BOX 30	Vol. 10, Federal Power Commission remand proceeding, part B, 1956-1957 Vol. 11, Chotin Towing Corp. v. Federal Power Comm'n, 1957
BOX 31	Vol. 12, Chotin Towing Corp. v. Federal Power Comm'n, 1957 Vol. 13, memoranda to barge intervenors, 1955-1957
BOX 32	Vol. 14, chronology of activities by or in behalf of barge operators, 1957 Rosensteil v. Kaufman, 1959 Comparable earnings, 1962-1965 Cooper, Joseph D., 1960-1963, undated (2 folders) Democratic National Committee, 1953-1965, undated (2 folders)
BOX 33	Gibbs and Gideon (law firm), 1957-1961 Hausman, Robert M., 1963-1965 Hull, William J., 1958-1963 Kirwan, John and Rosemarie, 1963-1965 Magidson, Adolph, 1950-1962 Pensions, 1962 Schaffner, Bertram H., 1961-1964 (2 folders) Schaffner, Gertrude and Milton, 1959-1966, undated (3 folders) Signode Steel Strapping Co., 1960

Private Legal Practice, 1947-1966

Container

Contents

Spiegel Corp., undated

BOX 33-191

United States Court of Appeals File, 1932-1979

BOX 33-38

Correspondence, 1964-1979

Correspondence and memoranda between Leventhal and lawyers, judges, court staff, and the public relating to his activities as federal appellate judge.
Arranged alphabetically by topic or type of material and therein chronologically.

BOX 33

Allen v. Morton, 1973

General

1973-1976

BOX 34

1977-1979

(5 folders)

Memoranda (by court term)

1964-1967

(6 folders)

BOX 35

1968-1970

(7 folders)

1971

(1 folder)

BOX 36

(3 folders)

1972-1973

(5 folders)

BOX 37

1974-1976

(9 folders)

BOX 38

1977-1979

(4 folders)

BOX 38-140

Case File, 1932-1979

Correspondence, memoranda, opinions, orders, briefs, motions, transcripts, reports, notes, printed matter, and other legal papers documenting Leventhal's tenure as a court of appeals judge.

Arranged by category into general, Watergate, and district court and other circuit cases. The general cases are arranged chronologically by court term and therein by case number.

The Watergate files are arranged alphabetically by topic or type of material; the cases are further arranged by case number. The district court and other circuit cases are arranged by case number.

BOX 38

General

1964 September term

2577

In re Clifton

17358

Duesing v. Udall

17403

Douglass v. Udall [See 17358](#)

17404

Graham v. Udall [See 17358](#)

17405

Johnston v. Udall [See 17358](#)

18799

National Bank of Washington v. Zoning Comm'n of D.C.

18828

McGill v. United States

United States Court of Appeals File, 1932-1979

Container

Contents

	18829	Hinton v. United States See 18828
	18878	Jefferson v. United States
	18910	Heath v. United States
	18924	Cooper v. United States See 18878
	18947	Blow v. Ammerman
	18948	Blow v. Ammerman See 18947
	18967	Peterson v. Rivers
	18970	Ball v. United States
	18972	Mitchell v. District of Columbia
	18973	District of Columbia v. Mitchell See 18972
	18983	Heath v. United States See 18910
	18999	District of Columbia Nat'l Bank v. District of Columbia
	19034	Kaiser v. Fitzgerald
	19051	Retail Store Employees Union Local 400 v. National Labor Relations Bd.
	19064	Shimon v. United States
	19067	Nash v. United States See 18799
	19086	Howell v. Einbender
	19107	Herman v. Anacostia Chrysler-Plymouth
	19112	Barrett v. United States
	19118	Pancoastal Petroleum v. Udall
	19136	Pence v. Tobriner
	19159	Johnson v. United States
	19162	Hardy v. United States
	19176	Burke v. Upland Terrace
	19214	Springs v. Rogers
	19229	Tedesco v. United States
BOX 39	19231	Washington Bldg. Servs. v. United Janitorial Servs.
	19240	Powell v. District of Columbia Parole Bd.
	19258	McCoy v. United States
	19438	McCoy v. United States See 19258
	1965 September term	
	2746	Owings v. Secretary of the Air Force
	2768	Watkins v. United States
	17991	Harrison v. United States
	(2 folders)	
	18249	Henderson v. United States
	18363	Afro-American Publishing Co. v. Jaffe
	(2 folders)	
	18639	Oppenheimer v. District of Columbia
	18809	Lake v. Cameron
	18833	American Airlines v. Civil Aeronautics Bd.
	18834	American Airlines v. Civil Aeronautics Bd. See 18833
	18840	American Airlines v. Civil Aeronautics Bd. See 18833

United States Court of Appeals File, 1932-1979

Container

Contents

	18886	Langford v. Commissioners of Civil Serv.
	18955	Lorain Journal Co. v. Federal Communications Comm'n
	18957	WWIZ v. Federal Communications Comm'n See 18955
	18962	Pennewell v. United States
	18999	Smith v. Katzenbach
BOX 40	19006	Levin v. Joint Comm'n on Accreditation of Hosps.
	19007	Levin v. Doctors Hosp. See 19006
	19038	Black v. United States
	19085	Stone v. United States
	19155	Barnes v. Harkins
	19160	Brown v. United States
	19192	Owens v. United States
	19195	Hollingsworth v. United States
	19209	North Cent. Airlines v. Civil Aeronautics Bd.
	19213	Weinberg v. Macy
	19221	Corbett v. Federal Communications Comm'n
	19227	Warren v. United States
	19232	Snow v. District of Columbia
	19233	Snow v. District of Columbia See 19232
	19241	Sessoms v. United States
	19246	Govan v. United States
	19270	Cross v. United States
	19273	Schlaifer v. Washington
	19275	Baenitz v. Ladd
	19276	Goodyear Tire & Rubber Co. v. Commissioner
	19281	Bond v. United States
	19287	Salley v. United States
	19305	Hartz v. Colonial Ice Cream Co.
	19308	Mullin v. United States
	19311	Luff v. Luff
	19313	Barnes v. United States
	19316	Earl v. United States
	19320	Southerland v. United States
	19341	Kaufman v. McLaughlin Co.
	19351	Taylor v. United States
	19364	Briggs v. United States
	19365	Easter v. District of Columbia
	19367	DeGaster v. Fowler
BOX 41	19371	Cities of Canton, Cleveland, & Massillon v. Federal Power Comm'n
	19375	California Research Corp. v. Ladd
	19388	Shaffer v. White
	19391	Chappell v. United States

United States Court of Appeals File, 1932-1979

Container

Contents

19410	Davis v. Washington Metro. Area Transit Auth.
19425	District of Columbia v. Equitable Life Ins. Co.
19426	District of Columbia v. Equitable Life Ins. Co. See 19425
19439	Klissas v. Immigration & Naturalization Serv.
19447	Eastern Airlines v. Civil Aeronautics Bd.
19455	Johnson v. United States
19471	Nance v. United States
19484	Vauss v. United States
19485	Millmoe v. Toomey
19498	Glover v. United States
19509	Hedgepeth v. United States
19520	Stith v. United States
19540	Farrell v. United States
19545	Jackson v. United States
19547	Powell v. Paige
19550	Hinton v. United States
19557	Jennings v. United States
19568	Robinowitz v. Sholem
19577	Philadelphia Television Broadcasting Co. v. Federal Communications Comm'n
19583	Graves v. Central Charge Serv.
19591	Taggart v. United States
19592	Proctor v. United States See 19591
19593	Cunningham v. United States See 19591
19598	Central Charge Serv. v. Graves See 19583
19613	Jones v. United States
19616	United Auto. Workers v. National Labor Relations Bd.
19617	Commissioner v. Wolfe
19625	Yartzoff v. Gardner
19627	Abacoa Radio Corp. v. Federal Communications Comm'n
19635	Whittington v. District of Columbia
19636	National Labor Relations Bd. v. Aero Corp. See 19616
19637	United States Atl. & Gulf/Australia & New Zealand Conference v. Federal Maritime Comm'n
19642	Connors v. United States
19646	Parker v. United States
19671	Hinton v. Udall
19672	O'Connor v. United States
19674	Gray Properties v. Tobriner
19677	Reed Enters. v. Corcoran
19678	Holmes v. United States
19689	King v. United States
19692	Oil, Chem. & Atomic Workers Int'l Union Local 4-2432 v. National Labor Relations Bd.

United States Court of Appeals File, 1932-1979

Container

Contents

	19704	United States Atl. & Gulf/Australia & New Zealand Conference v. Federal Maritime Comm'n See 19637
	19713	Lattisaw v. Lattisaw
BOX 42	19718	Dudley v. United States
	19722	Luros v. Sirica See 19677
	19726	Hedgepeth v. United States See 19509
	19729	Thorpe v. Thorpe
	19746	Kelly v. United States
	19753	Chauffeurs, Teamsters & Helpers Local 200 v. National Labor Relations Bd.
	19760	Forbush v. United States
	19764	Gallagher v. Quinn
	19782	Powell v. National Sav. & Trust Co.
	19787	Dalmo Sales v. First Fed. Sav. & Loan Ass'n of Washington
	19793	Powell v. Zuckert
	19805	Barkley v. United States
	19858	Ritzenberg v. Noland Co.
	19865	Consolidated Gas Supply Corp. v. Udall
	19866	Consolidated Gas Supply Corp. v. Udall See 19865
	19911	Luckett v. United States
	19926	Madison v. United States
	19931	Sams v. United States
	19962	Walker v. United States
	19964	Pelletier v. United States
	19982	Nixon v. United States
	20613	United Aircraft Corp. v. McCullough
	1966 September term	
	2672	Brooks v. United States
	2705	Hinguazzo v. United States
	18921	United Steelworkers v. National Labor Relations Bd.
	19177	Tate v. United States
	19190	Petite v. United States
	19256	Harris v. United States
	19436	Hansford v. United States
	19452	Amalgamated Clothing Workers v. National Labor Relations Bd.
	19457	McCoy v. United States
	19514	Kelly v. United States
	19515	National Labor Relations Bd. v. Sagamore Shirt Co. See 19452
	19536	Samuel Blanken Co. v. Goldblatt See 20014
	19556	Edelin v. United States See 19177
	19586	Lomax v. United States
	19594	Hairston v. United States
	19641	King v. United States
	(2 folders)	

United States Court of Appeals File, 1932-1979

Container

Contents

	19662	Coleman v. United States
	19664	Thornton v. United States
	19685	Solomon v. Cameron
	19693	New Castle County Airport Comm'n v. Civil Aeronautics Bd.
	19725	Udall v. Littell
	19754	Grain Elevator, Flour & Feed Mill Workers v. National Labor Relations Bd.
	19757	Clifton v. United States
BOX 43	19801	Blair v. Freeman
	19816	Crawford v. United States
	19834	James v. Pennsylvania Gen. Ins. Co.
	19837	Stapf v. United States
	19847	Stapf v. United States See 19837
	19877	Jacobsen v. Jacobsen
	19878	Travel Consultants v. Travel Management Corp.
	19882	Salsbury v. United States
	19886	Johnson v. United States
	19887	Niagara Mohawk Power Corp. v. Federal Power Comm'n
	19889	Blount Bros. Constr. Co. v. Troitino
	19897	Amalgamated Clothing Workers v. National Labor Relations Bd.
	19902	Chambersburg Broadcasting Co. v. Federal Communications Comm'n
	19914	Epperson v. United States
	19927	Honour v. Ricks
	19935	Smith v. United States
	19940	National Labor Relations Bd. v. Hamburg Shirt Co. See 19897
	19968	Lapsley v. American Inst. of Certified Pub. Accountants
	19974	Lew v. Suffridge
	20001	Manning v. United States
	20008	Powell v. United States
	20014	Samuel Blanken Co. v. Goldblatt
	20026	Mathies v. United States
	20042	Holmes v. United States
	20060	Samuel Blanken Co. v. Shannon & Luchs See 20014
	20073	Weiss v. Perper
	20074	Margolius v. Perper See 20073
	20090	Underdown v. District of Columbia
	20107	Hardy v. Hardy
	20108	Woodard v. United States
	20109	Johnson v. United States See 20108
	20114	Dorsey v. Wright
	20122	Garnett v. United States
	20125	Ritz v. Civil Aeronautics Bd.
	20130	Wright v. United States See 20114

United States Court of Appeals File, 1932-1979

Container

Contents

	20137	United Auto. Workers v. National Labor Relations Bd.
	20146	Bruce v. United States
	20156	Harvey v. United States
	20160	Braniff Airways v. Civil Aeronautics Bd.
	20162	Bresnahan v. Cameron
	20178	Duncan v. United States
	20179	Duncan v. District of Columbia See 20178
	20181	Powell v. Committee on Admissions & Grievances
	20185	National Labor Relations Bd. v. Preston Prods. Co. See 20137
	20190	White v. United States
	20239	Brooks v. United States See 2672
	20241	Brooke v. United States
BOX 44	20247	Markus v. Penn Mut. Life Ins. Co.
	20266	Joyner v. United States
	20269	Young v. United States
	20277	Dunlap v. District of Columbia
	20279	Smith v. District of Columbia
	20280	Harrison v. United States
	20285	Harley v. United States
	20290	Aetna Casualty & Sur. Co. v. Circle Equip. Co.
	20297	Doyle v. Brenner
	20301	Preston Prods. Co. v. National Labor Relations Bd. See 20137
	20305	Greiser v. Brenner
	20307	Chapman v. United States
	20317	Witherspoon v. United States
	20324	Jalbert v. District of Columbia
	20356	Hinguazzo v. United States See 2705
	20359	Newberry v. Cohen
	20367	Booth Am. Co. v. Federal Communications Comm'n
	20371	Collins v. Cameron
	20384	Community Broadcasting Sys. v. Federal Communications Comm'n
	20398	WWIZ v. Federal Communications Comm'n
	20405	Blakey v. United States
	20408	Smith v. United States
	20413	Hull v. United States
	20414	American Export Isbrandtsen Lines v. Federal Maritime Comm'n
	20421	Bell v. United States
	20422	Harrison v. United States
	20460	Paton v. 20th Century Homes
	20468	Jackson TV Cable Co. v. Federal Communications Comm'n
	20469	Jones v. United States
	20474	Earnshaw v. United States

United States Court of Appeals File, 1932-1979

Container

Contents

	20487	Howell v. United States
	20495	Williams v. United States
	20501	Valley Nat'l Bank of Long Island v. Saxon
	20505	Blakey v. United States See 20405
	20526	International Woodworkers v. National Labor Relations Bd.
	20527	KXA, Inc. v. Federal Communications Comm'n
	20534	Sanders v. United States
	20535	Ross v. Sirica
	20541	Pharmaceutical Mfrs. Ass'n v. Gardner
	20563	Creek v. Stone
	20573	Dobson v. Cameron
	20576	Stultz v. Cameron See 20573
	20606	Brotherhood of Ry. & S.S. Clerks v. National Mediation Bd.
	20612	Mitchell v. United States
	20620	Fiduciary Counsel v. Wirtz
	20626	Phillips Petroleum Co. v. Brenner
	20634	Sikora v. Brenner
	20655	Price v. Williams
	20659	Worthy v. United States
	20665	United Steelworkers v. United States
	20677	Phillips Petroleum Co. v. Goodrich-Gulf Chems. See 20626
	20698	Maas v. Brenner
	20718	Brotherhood of R.R. Trainmen v. Atlantic Coast Line R.R.
	20740	Filmon Process Corp. v. Sirica
	20822	Nasiriddin v. Attorney Gen.
BOX 45	20842	Bernstein v. Connecticut House
	20864	Arduini v. Cameron
	20866	Brotherhood of R.R. Trainmen v. Chesapeake & Ohio R.R. See 20718
	20913	Bindery Workers Union Local 82 v. McCulloch
	20972	Levy v. Corcoran
	21124	Southern Ry. v. Brotherhood of Locomotive Firemen & Enginemen
	21873	Joseph v. Federal Communications Comm'n
	1967 September term	
	3012	Orr v. United States
	3110	Barnes v. Rodgers
	19247	Belton v. United States
	19408	Trans World Airlines v. Civil Aeronautics Bd.
	19501	Wilson v. United States
	19502	Allen v. United States See 19501
	19503	Nixon v. United States See 19501
	19562	Laughlin v. United States
	19563	Forte v. United States See 19562

United States Court of Appeals File, 1932-1979

Container

Contents

	19604	City of Chicago v. Federal Power Comm'n
	19688	Irby v. United States
	19707	Hatch v. Riggs Nat'l Bank
	19732	Sullivan v. Committee on Admissions & Grievances of the United States Dist. Ct. for the D.C.
	19836	Natural Gas Pipeline Co. v. Federal Power Comm'n See 19604
	19840	Volkswagonwerk Aktiengesellschaft v. Federal Maritime Comm'n
	19903	Austin v. United States See 21535
	20025	City of Los Angeles v. Federal Maritime Comm'n
	20079	Stone v. Brewster
	20152	Brotherhood of R.R. Trainmen v. Akron & Barberton Belt R.R.
	20158	Order of Ry. Conductors & Brakemen v. Akron & Barberton Belt R.R. See 20152
	20172	Akron & Barberton Belt R.R. v. Brotherhood of R.R. Trainmen See 20152
	20191	Akron & Barberton Belt R.R. v. Order of Ry. Conductors & Brakemen See 20152
	20192	Brotherhood of Locomotive Firemen & Enginemen v. Bangor & Aroostook R.R. See 20152
	20193	Brotherhood of Locomotive Firemen & Enginemen v. Atchison, Topeka & Santa Fe Ry. See 20152
	20203	Manbeck v. Ostrowski
	20207	Slater v. United States
	20215	Bangor & Aroostook R.R. v. Brotherhood of Locomotive Firemen & Enginemen See 20152
	20216	Atchison, Topeka & Santa Fe Ry. v. Brotherhood of Locomotive Firemen & Enginemen See 20152
	20229	Brotherhood of R.R. Trainmen v. Akron & Barberton Belt R.R. See 20152
	20232	Washington v. United States
BOX 46	20236	United Steelworkers v. National Labor Relations Bd.
	20243	Norman v. United States
	20244	Washington v. United States See 20243
	20245	O'Bery v. United States See 20243
	20249	Brotherhood of R.R. Trainmen v. Akron & Barberton Belt R.R. See 20152
	20259	Wise v. United States
	20283	Poppos v. Clark
	20288	Green v. United States
	20316	Brotherhood of Locomotive Firemen & Enginemen v. Bangor & Aroostook R.R. See 20152
	20325	Heard v. United States
	20327	Laughlin v. United States
	20357	Carsey v. United States
	20378	Southern Pac. Co. v. Brotherhood of Locomotive Eng'rs

United States Court of Appeals File, 1932-1979

Container

Contents

	20424	Springfield v. United States
	20433	Pea v. United States
	20448	Lynd v. Rusk
	20455	Wheatley v. Adler
	20463	Suggs v. United States
	20478	Freeman v. Seligson
	20506	Parman v. United States
	20529	Nuesse v. Camp
	20537	Paton v. District of Columbia
	20578	Duke Power Co. v. Federal Power Comm'n
	20584	Van Bourg v. Nitze
	20586	Industrial Workers of the World v. Clark
	20623	Bailey v. United States
	20628	Griffith v. United States
	20629	Ashe v. United States
	20633	Perry v. United States
	20663	Fuller v. United States
	20664	Upchurch v. United States
	20676	Wilkens v. United States
	20680	Briscoe v. United States
BOX 47	20691	Louisville Typographical Union 10 v. National Labor Relations Bd.
	20717	Hewitt v. Safeway Stores
	20720	Bethesda-Chevy Chase Broadcasters v. Federal Communications Comm'n
	20730	Ware v. Preston
	20749	Pinkney v. United States
	20758	Madison Courier v. National Labor Relations Bd. See 20691
	20760	City of Los Angeles v. Federal Maritime Comm'n
	20771	Greenwell v. United States
	20789	Gregory v. Secretary of State See 20448
	20790	Wittman v. Secretary of State See 20448
	20792	Kosberg v. Washington Hosp. Center
	20807	Liles v. United States
	20808	Johnson v. United States See 20807
	20810	Graves v. United States
	20826	Morse v. Moretti
	20832	Urgo v. McNamara
	20845	L. B. Wilson, Inc. v. Federal Communications Comm'n
	20852	Carrier Air Conditioning & Heating Co. v. Carrier Corp.
	20858	Aetna Casualty & Sur. Co. v. Walter Ogus, Inc.
	20859	Aetna Casualty & Sur. Co. v. Walter Ogus, Inc. See 20858
	20868	New York Foreign Freight Forwarders & Brokers Ass'n v. Federal Maritime Comm'n

United States Court of Appeals File, 1932-1979

Container

Contents

20881	Rouse v. Cameron
20882	Wilson v. Group Health Ass'n
20887	Wilson v. United States
20898	Massey v. District of Columbia Transit Sys.
20902	White v. District of Columbia Transit Sys. See 20898
20907	Harris v. United States
20920	Higgins v. United States
20925	Quick v. George C. Martin, Inc.
20932	National Distillers & Chem. Corp. v. Brenner
20949	Friend v. United States
20955	Allen v. United States
20967	Powell v. National Sav. & Trust Co.
20981	Calhoun v. United States
20991	Bamberger v. Clark
20992	McEachen v. United States
20994	Gross v. United States
21003	Massey v. George C. Martin, Inc. See 20925
21005	McLain v. American Sec. & Trust Co.
21006	Kinney of D.C., Inc. v. Foster
21007	Kinney of D.C., Inc. v. O'Donoghue See 21006
21011	Brooks v. United States
21022	Outward Continental N. Pac. Freight Conf. v. Federal Maritime Comm'n
21033	Blair v. United States
21034	Suggs v. United States See 21033
21047	Elam v. National Labor Relations Bd.
21055	Del Mar v. United States
21063	Valley Vision v. Federal Communications Comm'n
21070	Manor v. District of Columbia
21075	NAACP v. Gray
21090	David v. Coastline Purchasing Corp.
21105	Washington v. United States
21107	James v. United States
21108	Winston v. United States
21111	Moses-Ecco Co. v. Wilkins
21123	Christian Fundamental Church v. Federal Communications Comm'n
21128	Florida Prods. v. Curry
21140	Brunswick Exch. v. Hechinger
21143	Macklin v. United States See also 21144
21144	Macklin v. United States See also 21143
21153	American Fed'n of Television & Radio Artists v. National Labor Relations Bd.
21156	Donnell v. United States

United States Court of Appeals File, 1932-1979

Container

Contents

	21160	Halstead v. Refined Syrups & Sugars
	21169	Dunn v. Marsh
	21170	Brown v. Collins
BOX 48	21171	Thompson v. Evening Star Newspaper Co.
	21176	A. H. Belo Corp. v. National Labor Relations Bd. See 21047
	21181	Bland v. United States
	21184	Mathis v. United States
	21189	Collins v. First Nat'l Realty Corp. See 21170
	21192	Am-Chi Restaurant v. Simonson
	21195	Walutes v. Morrissette
	21200	Daniels v. United States
	21211	Papuchis v. Bresnahan
	21214	Jaeger v. United States
	21216	Prather v. District of Columbia
	21217	Sealand Serv. v. Federal Maritime Comm'n
	21232	Payne v. United States
	21233	Blue v. United States See 21232
	21234	Hair v. United States
	21305	Boston Shipping Ass'n v. Federal Maritime Comm'n
	21321	Tinch v. United States
	21325	Frishman v. Canadian Imperial Bank of Commerce
	21332	Canadian Imperial Bank of Commerce v. Frishman See 21325
	21339	Ringgold v. United States
	21344	Grennett v. United States
	21345	Harling v. United States
	21347	Boxley v. Rodgers
	21355	Wingo v. Washington
	21367	Honolulu Typographical Union v. National Labor Relations Bd.
	21369	National Labor Relations Bd. v. Sagamore Shirt Co.
	21373	National Airlines v. Civil Aeronautics Bd.
	21374	Delta Airlines v. Civil Aeronautics Bd. See 21373
	21392	Harris v. United States
	21399	Smith v. Hood
	21432	Hemphill v. United States
	21480	Foster v. Massey
	21496	Wood v. United States
	21527	Filmon Process Corp. v. Spellright Corp.
	21530	Lindberg v. Brenner
	21535	Austin v. United States
	21571	Russell v. United States
	21579	Calloway v. United States
	21580	McCowey v. United States See 21579
	21597	Lee v. United States See 21571

United States Court of Appeals File, 1932-1979

Container

Contents

	21609	Berryman v. Riggs Nat'l Bank
	21620	International Bhd. of Teamsters v. Brotherhood of Ry. Clerks
	21670	Frontier Airlines v. Civil Aeronautics Bd.
	21912	North Atl. Westbound Freight Ass'n v. Federal Maritime Comm'n
	22026	Marcey v. Harris
	Unnumbered cases	
	Identification cases	
	Parole board cases	
	1968 September term	
	3283	Williams v. United States
	3426	Sutherland v. McGarraghy
	19846	Clemons v. United States
	20057	Yost v. Sauter
	20538	Otey v. United States
	20619	Sera-Leyva v. United States
	20694	Carter v. United States
BOX 49	20812	Meehan v. Macy
	20888	Worthy v. United States See 20919
	20897	Powell v. McCormack
	20919	Ricks v. United States
	20927	Williams v. District of Columbia
	20954	Scott v. United States
	20980	Byum v. United States
	21001	Clark v. United States See 19846
	21072	Williams v. United States
	21086	Amalgamated Clothing Workers v. National Labor Relations Bd.
	21131	National Labor Relations Bd. v. Henry I. Siegel Co. See 21086
	21134	Wallace v. United States
	21135	Donohue v. United States See 21134
	21136	Bowie v. United States See 21134
	21138	Rocky Mountain Power v. Federal Power Comm'n
	21162	Hill v. United States
	21167	Smuck v. Hobson
	21168	Hansen v. Hobson See 21167 and See also 71-1554, 1971 September term
	21185	Fields v. District of Columbia
	21224	MG-TV Broadcasting Co. v. Federal Communications Comm'n
	21237	Tyler v. United States
BOX 50	21247	Gaither v. Myers
	21249	Hines v. United States See 19846
	21256	Flythe v. United States
	21277	Star Television v. Federal Communications Comm'n
	21316	Henry I. Siegel Co. v. National Labor Relations Bd. See 21086
	21327	Jackson v. United States

United States Court of Appeals File, 1932-1979

Container

Contents

21357	Murray v. United States
21377	Macklin v. United States
21386	Graham v. United States
21409	Atlantic Seaboard Corp. v. Federal Power Comm'n
21429	Kinard v. United States
21435	Johnson v. United States
21438	Watkins v. United States
21446	Freeman v. Ryan
21455	Monroe v. United States
21476	Radio Athens v. Federal Communications Comm'n
21483	Founding Church of Scientology v. United States
21501	Roberts v. McDonald
21505	Cunningham v. United States
21508	Epps v. United States
21515	Cunningham v. United States
21540	Local 120 (pipefitters) v. National Labor Relations Bd.
21541	Community Broadcasting v. Federal Communications Comm'n
21542	Citizens Television Corp. v. Federal Communications Comm'n See 21277
21543	Federal Broadcasting Sys. v. Federal Communications Comm'n See 21277
21544	Heritage Radio & Television Broadcasting Co. v. Federal Communications Comm'n See 21277
21545	Genesee Valley Television Co. v. Federal Communications Comm'n See 21277
21546	Main Broadcast Co. v. Federal Communications Comm'n See 21277
21547	Rochester Telecasters v. Federal Communications Comm'n See 21277
21550	Office of Professional Employees Int'l v. National Labor Relations Bd.
21551	Retail Store Employees Union v. National Labor Relations Bd. See 21615
21553	Walter v. United States
21572	Garris v. United States
21594	Frontier Broadcasting Co. v. Federal Communications Comm'n
21598	Frontier Broadcasting Co. v. Federal Communications Comm'n See 21594
21600	International Union of Elec. Workers v. National Labor Relations Bd.
21601	Thompson v. United States
21607	Fitzgerald v. Shafer
21615	National Labor Relations Bd. v. Kinter Bros.
21632	Olinger v. American Sav. & Loan Ass'n
21635	Davis v. Corrin

United States Court of Appeals File, 1932-1979

Container

Contents

21667	District of Columbia v. Orleans
21668	Michigan Gas & Elec. Co. v. Federal Power Comm'n
21675	Wilson v. United States
21681	Latney v. Ignatius
21685	United Fed'n of Postal Clerks v. Watson
21689	WAIT Radio v. Federal Communications Comm'n
21696	Pritchett v. United States
21701	Matthews v. United States
21705	Regency Elec. v. National Labor Relations Bd. See 21600
21710	Brotherhood of Locomotive Firemen & Enginemen v. National Labor Relations Bd. See 21550
21713	Wilson v. United States
21721	Gary v. Dane
21723	Davis v. United States
21731	Philson v. United States
21732	Matthews v. United States See 21731
21734	Doherty v. Fairall
21741	Rio Grande Family Radio Fellowship v. Federal Communications Comm'n
21759	Wright v. United States
21760	Gaydosh v. Lewis
21763	Joyner v. United States
21785	International Ladies Garment Workers Union v. National Labor Relations Bd.
21793	Rock Creek E. Neighborhood League v. Zuesse
21797	Amalgamated Clothing Workers v. National Labor Relations Bd.
21800	Greater S. E. Community Hosp. v. District Unemployment Compensation Bd.
21802	Autera v. Robinson
21809	Food Store Employees Local 347 v. National Labor Relations Bd.
21813	Brightheart v. McKay
21818	Mason v. United States
21819	Secretary of Defense v. Le Khac Bong
21828	Yui Fong Cheung v. Immigration & Naturalization Serv.
21832	Garland Knitting Mills v. National Labor Relations Bd. See 21785
21839	Spriggs v. United States
21840	Trane Co. v. National Labor Relations Bd. See 21540
21841	Mechanical Contractors Ass'n v. National Labor Relations Bd. See 21540
21842	Citizens for Allegan County v. Federal Power Comm'n
21849	Gaston v. United States
21853	Kee v. United States
21862	Allison v. United States
21866	Jones v. United States

United States Court of Appeals File, 1932-1979

Container

Contents

	21871	Pendergraph v. United States
	21876	James v. United States
	21877	Johnson v. United States See 21853
	21881	Hunt v. Murphy
	21899	Glen v. United States
	21902	Hayes v. Perotti
	21918	Ellis v. United States
	21919	Watkins v. United States See 21918
	21921	National Labor Relations Bd. v. Heck's, Inc. See 21809
	21938	Local 1325, Retail Clerks Ass'n v. National Labor Relations Bd.
	21943	Mordecai v. United States
	21952	Fuell v. United States
BOX 51	21967	Miller v. United States
	21969	Truck Drivers & Helpers Local 738 v. National Labor Relations Bd.
	21974	Thornton v. Cameron
	21987	Sanders v. United States
	22023	Pikes Peak Broadcasting Co. v. Federal Communications Comm'n
	22024	Sangre De Cristo Broadcasting Corp. v. Federal Communications Comm'n See 22023
	22028	District 50, United Mine Workers v. United Mine Workers
	22045	Union Storage Co. v. Smith
	22046	Adams v. United States
	22051	International Bhd. of Elec. Workers v. National Labor Relations Bd.
	22056	Johnson v. United States
	22087	General Motors v. R. E. Dietz Co.
	22090	Block-Southland Sportswear v. National Labor Relations Bd. See 21797
	22093	Celanese Corp. v. Brenner
	22095	Georgia Highway Express v. National Labor Relations Bd. See 21969
	22105	Melson v. Sard
	22110	Rende v. Kay
	22111	Geiger v. Brown
	22117	Stravakis v. Gardner
	22137	Walker v. United States
	22139	Jordan v. Acacia Mut. Life Ins. Co.
	22140	Sea Land Serv. v. Conner
	22142	Reservation Eleven Assocs. v. District of Columbia
	22157	Smith v. United States
	22158	Rozier v. United States See 22157
	22163	Ray v. United States
	22164	Free v. United States See 22163

United States Court of Appeals File, 1932-1979

Container

Contents

22183	Food Store Employees Local 347 v. National Labor Relations Bd. See 21809
22188	Honda v. Mitchell
22193	Honda v. Mitchell See 22188
22216	Earnhart v. United States
22219	Richmond v. United States
22221	Butler v. District of Columbia
22227	Coble v. United States
22243	Air Line Employees Ass'n v. Civil Aeronautics Bd.
22254	Harris v. United States
22270	Rossi v. Fletcher
22284	National Labor Relations Bd. v. Heck's, Inc. See 21809
22286	Puharick v. Brenner
22302	United States v. Harrison
22309	United States v. Tolbert
22313	Presto Mfg. Co. v. National Labor Relations Bd. See 22051
22318	Food Store Employees Local 347 v. National Labor Relations Bd. See 21809
22324	United States v. Dixon
22338	United States v. Bush
22346	Ramirez v. Immigration & Naturalization Serv.
22358	Banks v. United States
22361	United States v. Hamilton
22373	United States v. Carr
22411	Kearney v. United States
22414	National Labor Relations Bd. v. Heck's, Inc. See 21809
22440	Jordan v. Hurt
22447	United States v. Hurt See 22440
22487	United States v. Stewart
22614	United States v. McNeil
22616	Schraier v. Hickel
22630	National Ass'n of Gov't Employees v. White
22787	United States v. Green
22847	Air Reduction Co. v. Hickel
22906	Clark v. Brown
22983	Quaker Action Group v. Hickel
23268	Women Strike for Peace v. Hickel
1969 September term	
19549	Harris v. United States
20192	Brotherhood of Locomotive Firemen & Enginemen v. Bangor & Aroostook R.R.
20193	Brotherhood of Locomotive Firemen & Enginemen v. Atchison, Topeka & Santa Fe Ry. See 20192

United States Court of Appeals File, 1932-1979

Container

Contents

BOX 52

20215 Bangor & Aroostook R.R. v. Brotherhood of Locomotive Firemen & Enginemen [See 20192](#)

20216 Atchison, Topeka & Santa Fe Ry. v. Brotherhood of Locomotive Firemen & Enginemen [See 20192](#)

20953 Gross v. United States

21040 Curran v. Laird

21172 Pacific Seafarers v. Pacific Far E. Line

21179 Allen v. United States

21180 Caldwell v. United States [See 21179](#)

21452 Hopkins v. United States

21493 Spencer v. General Hosp. of D.C.

21511 Harris v. United States

21512 Samuel v. United States

21644 Shea v. Clark

21666 Pettyjohn v. United States

21706 Cities of Statesville, High Point, Lexington, Monroe, Shelby, and Albemarle v. Atomic Energy Comm'n

21725 Rodgers v. United States

21736 Dorman v. United States

21738 Palmer v. United States

21844 Power Planning Comm. v. Atomic Energy Comm'n [See 21706](#)

21847 Bartol v. United States

21848 Smith v. United States

21851 Johnson v. United States

21863 Bryant v. United States [See 22511](#)

21884 Nielsen v. Secretary of the Treasury

21885 Nielsen v. Secretary of the Treasury [See 21884](#)

21886 Nielsen v. Secretary of the Treasury [See 21884](#)

21891 Wilson v. United States [See 21848](#)

21936 Perry v. United States

21944 Mahoney v. United States

21962 Troupes v. International Restaurants Corp.

21972 International Ass'n of Machinists v. National Labor Relations Bd.

22048 Flowers v. United States

22068 Hinton v. United States

22070 Bradley v. United States

22073 Plasterers Local 79 v. National Labor Relations Bd.

22086 Drivers, Chauffeurs & Helpers Local 639 v. Penello

22088 Amalgamated Clothing Workers v. National Labor Relations Bd.

22102 Jones v. Schramm

22119 Gordon v. Federal Deposit Ins. Corp.

22128 Davis v. United States

22156 Johnson v. United States

22167 Whorton v. United States

United States Court of Appeals File, 1932-1979

Container

Contents

	22184	Easton Utils. Comm'n v. Atomic Energy Comm'n See also 21706
	22202	De Seversky v. Brenner
BOX 53	22203	Lee v. Habib
	22204	Lee v. Habib See 22203
	22215	Stroud v. United States
	22218	Long v. United States
	22247	Robinson v. United States
	22251	Cap Santa Vue v. National Labor Relations Bd.
	22252	Campbell v. National Labor Relations Bd. See 22251
	22262	Neff v. United States
	22268	Thompson v. Mazo
	22274	Sign & Pictorial Local 1175 v. National Labor Relations Bd.
	22318	Food Store Employees Local 347 v. National Labor Relations Bd.
	22325	United States v. Landry
	22331	United States v. Powell
	22334	United States v. Milhouse
	22335	United States v. Barbour
	22339	United States v. Malory
	22356	Heard v. United States
	22358	United States v. Banks
	22366	Kish v. United States
	22367	United States v. Carson See 22358
	22374	United States v. Williams
	22377	United States v. Robinson
	22378	United States v. Ferrell
	22383	United States v. Comer
	22393	Amalgamated Meat Cutters v. National Labor Relations Bd.
	22411	United States v. Kearney
	22414	National Labor Relations Bd. v. Heck's, Inc. See 22318
	22462	Lawson v. United States See 23317
	22465	United States v. Brooks
	22470	United States v. Curtis
	22477	United States v. Wilson
	22478	United States v. Wilson See 22477
	22480	Bullock v. United States
	22485	United States v. Marshall
	22494	O'Leary v. Securities & Exch. Comm'n
	22501	Amalgamated Clothing Workers v. National Labor Relations Bd.
	22502	Johnson v. Sard
	22511	United States v. Bryant
	22521	Goodman v. United States
	22535	United States v. Gilliam
	22545	United States v. Hooper

United States Court of Appeals File, 1932-1979

Container

Contents

	22547	United States v. Terry See 22511
	22550	United States v. Collins
	22568	McEwen Mfg. Co. v. National Labor Relations Bd. See 22088
	22569	McEwen Mfg. Co. v. National Labor Relations Bd. See 22088
	22574	Peoples v. United States Dept. of Agriculture
	22578	United States v. Malory See 22339
	22589	United States v. Smith
	22600	Goss v. United States See 23317
	22623	National Ass'n of Theatre Owners v. Federal Communications Comm'n
	22637	Winfield Mfg. Co. v. National Labor Relations Bd. See 22501
	22651	United States v. Carter
	22660	Miller v. Kennedy
	22665	Ackerly v. Ley
BOX 54	22675	Secretary of the Army v. Federal Power Comm'n
	22696	Gaddis v. Dixie Realty Co.
	22711	United States v. McKinney
	22732	United States v. Grant
	22734	United States v. Johnson
	22737	United States v. Stipp
	22743	United States v. Weaver
	22756	United States v. Orsinger
	22759	Berryman v. United States
	22764	United States v. Jackson
	22772	United States v. Thweatt
	22784	United States v. Thompson
	22790	Industrial Bank v. Federal Deposit Ins. Corp.
	22797	International Union of Elec. Workers v. National Labor Relations Bd.
	22819	United States v. Marcey
	22828	United States v. Patterson
	22831	United States v. Thompkins
	22833	Harris v. H. G. Smithy Co.
	22851	Merchants Mortgage Co. v. Bogan
	22863	Bryant v. United States See 22511
	22871	United States v. Anthony
	22880	Belsinger v. District of Columbia
	22881	United States v. Palmer See 21738
	22911	National Labor Relations Bd. v. Tiidee Prods. See 22797
	22919	United States v. Bussey
	22936	Marine Space Enclosures v. Federal Maritime Comm'n
	23009	United States v. Shulman
	23039	Cavanaugh v. District of Columbia
	23041	United States v. White

United States Court of Appeals File, 1932-1979

Container

Contents

	23047	United States v. Lewis
	23048	United States v. Williams
	23051	Pennsylvania Gas & Water Co. v. Federal Power Comm'n
	23052	Brown v. Garvey
	23053	Brown v. Carmack See 23052
	23077	United States v. Smith
	23087	United States v. Farese
	23088	United States v. Forrest
	23105	Medical Comm. for Human Rights v. Securities & Exch. Comm'n
	23106	United States v. Kirby
	23118	South Atl. & Caribbean Line v. United States
	23138	Roark v. Boyle
	23139	Reese v. Boyle See 23138
	23140	Fuller v. Boyle See 23138
	23144	West v. Washington
	23154	Charles River Civic Television v. Federal Communications Comm'n
	23159	WHDH v. Federal Communications Comm'n See 23154
	23168	United States v. Johnson
	23172	Greater Boston Television Co. v. Federal Communications Comm'n See 23154
	23173	United States v. Vereen
	23177	Fine v. McGuire
	23188	United States v. Breeden
	23195	United States v. Coleman
	23214	Norwood v. Jacobs
	23254	Hinton v. Hinton
	23283	United States v. Wilson
	23298	Graham v. District of Columbia
BOX 55	23302	Cy Ellis Raw Bar v. District of Columbia Redevelopment Land Agency
	23314	Nestor v. Hershey
	23317	Harden v. United States
	23326	High v. H. W. Contractors
	23328	Sandoz, Inc. v. Kaplan
	23335	Stuart v. Hoover
	23342	Local 636, United Ass'n of Journeymen v. National Labor Relations Bd.
	23346	United States v. Deans
	23347	United States v. Brown
	23349	Industrial Bank of Washington v. Tobriner
	23351	Marjorie Webster Junior College v. Middle States Ass'n of Colleges & Secondary Schools
	23356	Atchison & Keller v. District Unemployment Compensation Bd.

United States Court of Appeals File, 1932-1979

Container

Contents

	23371	United States v. Simms
	23378	Dixon v. Jacobs
	23382	United States v. Long
	23384	United States v. Hiet See 23347
	23400	Harris v. United States See 23039
	23409	International Ass'n of Machinists v. National Mediation Bd. See also 21972
	23412	Aerospace Workers v. National Mediation Bd. See 21972 and 23409
	23423	Allied Broadcasting v. Federal Communications Comm'n
	23426	Davis v. Ichord
	(2 folders)	
	23427	Young v. Ichord See 23426
	23439	Yablonski v. United Mine Workers
	23459	Vasquez v. Attorney Gen. of the United States
	23462	Lawson v. United States See 23317
	23466	International Bhd. of Teamsters v. National Labor Relations Bd.
	23489	Ford v. Jacobs See 23378
	23516	Lofty v. Marthinson
	23544	Allen v. Hickel
	23576	National Labor Relations Bd. v. Robertson Tank Lines See 23466
	23600	Sullivan v. John W. Glen, Inc.
	23647	Greyhound Computer Corp. v. CEIR, Inc.
	23697	United States v. Green
	23716	Women Strike for Peace v. Hickel
	23845	McSurely v. McClellan
	23850	Robinson v. Diamond Hous. Corp.
	23854	Scott v. United States
	23942	Contee Sand & Gravel Co. v. Russwine Constr. Corp.
	23944	Daoust v. Laird
BOX 56	24011	Doe v. General Hosp.
	24141	Bell v. Tsintolas Realty Co.
	24147	Coates v. Ruppert Real Estate See 24141
	24148	Coates v. Ruppert Real Estate See 24141
	24176	Washington Planning & Hous. Ass'n v. Kunzig
	24279	United States Servicemen's Fund v. Eastland See 24412
	24306	Liberation News Serv. v. Eastland
	24334	United States v. Bronson
	24377	Massachusetts Ave. Heights Citizens Ass'n v. Embassy Corp.
	24412	United States Servicemen's Fund v. Eastland
	24458	Thermal Ecology Must Be Preserved v. Atomic Energy Comm'n
	1970 September term	
	19532	Fuller v. United States
	(2 folders)	

United States Court of Appeals File, 1932-1979

Container

Contents

	20316	Brotherhood of Locomotive Firemen & Enginemen v. Bangor & Aroostook R.R.
	20889	Verkouteren v. District of Columbia
	20890	Oshinsky v. District of Columbia See 20889
	20891	Oshinsky v. District of Columbia See 20889
	20892	Oshinsky v. District of Columbia See 20889
	20893	Fenichel v. District of Columbia See 20889
	20894	Margolius v. District of Columbia See 20889
	21239	Matthews v. United States
	21408	Kleinbart v. United States
	21676	Bourne v. Washburn
	21703	Marshall v. United States
	21798	Matthews v. United States
	21799	Mitchell v. United States See 21798
BOX 57	21948	Bowles v. United States
	(2 folders)	
	21966	American Bakery & Confectionery Workers v. National Labor Relations Bd.
	22072	General Teamsters Local 992 v. National Labor Relations Bd.
	22073	Plasterers Local 79 v. National Labor Relations Bd.
	22089	National Labor Relations Bd. v. Beaver Bros. Baking Co. See 21966
	22098	Otey v. United States
	22238	Boyden v. Commissioner of Patents
	22317	Harvin v. United States
	22344	United States v. Clemons
	22345	United States v. Blyther See 22344
BOX 58	22476	United States v. Briscoe
	22484	United States v. Mangum
	22507	Alpher v. Preston
	22585	United States v. Heard
	22586	United States v. Heard See 22585
	22607	United States v. Brooks
	22654	United States v. Ashe
	22686	Clarke v. O'Connor
	22692	National Automatic Laundry & Cleaning Council v. Schultz
	22699	Lange v. United States
	22702	Tashof v. Federal Trade Comm'n
	22713	United States v. Isaac
	22762	National Labor Relations Bd. v. Pennsylvania Glass Sand Corp. See 22072
	22765	United States v. Delaney
	22768	United States v. Thomas
	22781	Knox Hill Tenant Council v. Washington

United States Court of Appeals File, 1932-1979

Container

Contents

	22793	United States v. Huff
	22799	Ballerina Pen Co. v. Kunzig
	22913	United States v. Daniels
	22917	United States v. Winston
	22918	United States v. Wiseman See 22913
BOX 59	22927	Maryland & D.C. Rifle & Pistol Ass'n v. Washington
	22930	Souza v. Corvick
	22956	Blackhawk Heating & Plumbing Co. v. Driver
	23014	Sebold v. Sebold
	23031	Imperial Ins. v. Employers Liab. Assurance Corp.
	23089	United States v. Isaac See 22713
	23094	United States v. Wilson
	23095	United States v. Whittaker See 23094
	23108	United States v. Hayward
	23127	United Mine Workers v. District 50, United Mine Workers
	23158	United States v. Norman See 71-1034
	23167	United States v. Lewis
	23178	United States v. Sinclair
	23179	Stahl v. United States
	23185	United States v. Whitaker
	23209	International Union of Elec. Workers v. National Labor Relations Bd.
	23221	United States v. Free
	23225	Carter v. Carlson
	23256	United States v. McCray
	23259	United States v. Monroe
	23266	Shenk v. Zoning Comm'r of D.C.
	23268	Brawner Bldg. v. Shehyn
BOX 60	23302	Cy Ellis Raw Bar v. District of Columbia Redevelopment Land Agency
	23321	National Labor Relations Bd. v. Tiidee Prods. See 23209
	23329	United States v. Kliegman
	23339	Yi Lau Au v. United States Immigration & Naturalization Serv.
	23352	Simpson v. United States
	23381	Federal Trade Comm'n v. Browning
	23399	Channel 16 of R.I. v. Federal Communications Comm'n
	23400	Harris v. United States
	23419	United States v. Waugh
	23422	Central Coast Broadcasters v. Federal Communications Comm'n
	23424	Cole v. McClellan
	23425	University Senate of the City Univ. of N.Y. v. McClellan See 23424
	23433	United States v. Davis
	23445	Desai v. Blondell

United States Court of Appeals File, 1932-1979

Container

Contents

	23448	Smith v. District Unemployment Compensation Bd.
	23467	United States v. Parker
	23492	Gulf Oil Corp. v. Hickel
BOX 61	23497	Vda de Janda v. Administration of Veterans Affairs
	23503	United States v. Lumpkins
	23558	United States v. Bryant
	23566	United States v. Boddie
	23578	United States v. Marshall See 21703
	23614	United States v. Harrington
	23622	Calloway v. Central Charge Serv.
	23625	Quaker Action Group v. Hickel
	23636	United States v. Gaither
	23651	United States v. Blair
	23652	United States v. Johnson
	23656	Lames v. United States
	23658	Abbett, Sommer Co. v. Securities & Exch. Comm'n
	23706	United States v. Sawyer
	23733	United States v. Henderson
	23738	Keys v. United States
	23764	United States v. Lewis See 23167
	23766	KSIG Broadcasting Co. v. Federal Communications Comm'n
	23771	United States v. Griffin
	23774	United States v. Reaves
	23797	United States v. Parker
	23800	United States v. Hallman
	23808	Fairmont Foods Co. v. Hardin
	23815	United States <i>ex rel.</i> Barr v. Resor
	23826	United States v. Wells
	23857	United States v. Williams
	23884	KIRO v. Federal Communications Comm'n
	23889	United States v. Edmonston
	23921	United States v. Wheeler
	23922	United States v. Stevenson
	23928	United States v. Holt
	23931	Dellinger v. Mitchell
BOX 62	23932	Bowman v. Redding Co.
	(2 folders)	
	23938	Douglas v. First Nat'l Realty Corp.
	23970	Meneses v. Secretary of Health, Education & Welfare
	23979	Sitwell v. George Washington Univ.
	23984	Dallas Mailers Union v. National Labor Relations Bd.
	23991	Kameny v. Thrower
	23993	Butterfield v. Attorney Gen. of the United States

United States Court of Appeals File, 1932-1979

Container

Contents

BOX 63

23995 Brotherhood of Locomotive Firemen & Enginemen v. Atchison,
Topeka & Santa Fe Ry.

24029 United States v. Worthey

24034 Karahaleos v. Secretary of Health, Education & Welfare

24037 United States v. Trantham

24038 United States v. Proctor [See 24037](#)

24057 Sindicato Puertorriqueno de Trabajadores v. Hodgson

24059 United States v. Hardy

24064 United States v. Brooks [See 22607](#)

24070 Berman v. Gelman

24123 United States v. Leonard

24133 *In re* Swicegood

24138 United States v. Briggs

24146 Diamond Constr. Corp. v. Excavation-Construction

24151 United States v. Weaver

24161 United States v. Bell

24168 National Tenants Org. v. Department of Hous. & Urban Dev.

24182 City of Portland v. Federal Maritime Comm'n

24208 Lawson v. Giant Food

24209 Sarl Elecs. v. Veterans of Foreign Wars of the United States

24219 Lawson v. Rock Creek Ginger Ale Co. [See 24208](#)

24222 GT & E Communications v. Federal Communications Comm'n

24230 United States v. Brown

24233 United States v. Edmonston [See 23889](#)

24246 Plains Television Corp. v. Federal Communications Comm'n

24267 United States v. Jefferson

24273 United States v. Hinkle

24288 United States v. Thomas

24289 United States v. Baber

24299 United States v. Peterson

24325 GT & E Communications v. Federal Communications Comm'n
[See 24222](#)

24355 United States v. Armstrong

24363 United States v. Gaskins

24373 Jones v. Rogers Memorial Hosp.

24408 United States v. Catlett [See 24029](#)

24410 United States v. Lumpkin

24420 United States v. Eichelberger

24480 United States v. Jackson

24487 Kucia v. Monsanto Chem. Co.

24521 Bangor & Aroostook R.R. v. Brotherhood of Locomotive Firemen
& Enginemen

24522 Bangor & Aroostook R.R. v. Brotherhood of Locomotive Firemen
& Enginemen [See 24521](#)

United States Court of Appeals File, 1932-1979

Container

Contents

	24523	Brotherhood of Locomotive Firemen & Enginemen v. Atchison, Topeka & Santa Fe Ry. See 24521
	24524	Brotherhood of Locomotive Firemen & Enginemen v. Atchison, Topeka & Santa Fe Ry. See 24521
	24578	United States v. Dorsey See also 24621
	24616	Nader v. Federal Aviation Admin.
	24621	United States v. Gethers
	24706	Schoonmaker Co. v. Resor
	24754	United States v. McElya
	24816	Ansara v. Eastland
	(2 folders)	
BOX 64	24848	Holm & Co. v. Hardin
	71-1027	Doe v. McMillan
	71-1030	Bradford v. Greene
	71-1034	United States v. Norman
	71-1183	Delaware & Hudson Ry. Co. v. United Transp. Union
	71-1293	Carr v. Laird
	71-1423	Blankenship v. Boyle
	71-1478	United States v. Washington Post Co.
	71-1499	<i>In re</i> Evans
	1971 September term	
	3684	Curtis v. United States
	17785	Greater Boston Television Corp. v. Federal Communications Comm'n See also 72-1196
	(2 folders)	
	17788	WHDH v. Federal Communications Comm'n See 17785
	20711	Hall v. United States
	21756	Young v. United States
	21757	Harris v. United States See 21756
BOX 65	21767	Confederated Salish & Kootenai Tribes of the Flathead Reservation v. Federal Power Comm'n See 21904
	21855	Chicquelo v. United States
	(3 folders)	
	21857	Johnson v. United States See 21756
	21904	Montana Power Co. v. Federal Power Comm'n
	(2 folders)	
	22062	Williams v. United States
	22099	Canterbury v. Spence
	22444	United States v. Mills
	22714	United States v. Brawner
	Briefs	
	(1 folder)	
BOX 66	(3 folders)	
	General	
	(3 folders)	

United States Court of Appeals File, 1932-1979

Container

Contents

BOX 67	(1 folder)	
	22717	United States v. Winzor
	22757	Baker v. Sard
	22758	Baker v. Sard See 22757
	22940	Austin v. United States
	23054	United States v. Harding
	23154	Charles River Civic Television v. Federal Communications Comm'n See 17785
	23159	WHDH v. Federal Communications Comm'n See 17785
	23172	Greater Boston TV Co. v. Federal Communications Comm'n See 17785
	23369	United States v. Gaines
	23379	United States v. Harding See 23054
	23490	Silber v. Richardson
	23594	National Life Ins. Co. v. Silverman
	23595	Carroll Arms Assocs. v. National Life Ins. Co. See 23594
	23634	International Bhd. of Elec. Workers v. National Labor Relations Bd.
	23732	United States v. Robinson
	23746	United States v. Bryant
	23748	Smith v. Arbaugh's Restuarant
	23798	United States v. Moore
	23951	United States v. Broadus
	23953	Civic Communications Corp. v. Federal Communications Comm'n
	24050	United States v. Butler
	24067	Alabama Power Co. v. Federal Power Comm'n
	24071	Northern Ind. Broadcasters v. Federal Communications Comm'n
	24113	Moore v. United States
	24114	Moore v. United States See 24113
BOX 68	24116	<i>In re</i> Parkwood
	24127	United States v. Gainey
	24128	United States v. Harling See 24127
	24161	United States v. Young
	24166	United States v. Thomas
	24175	United States v. Matthews
	24210	Huffman v. District Realty Title Ins. Corp.
	24217	Alton & S. Ry. v. International Ass'n of Machinists
	24236	United States v. Smith
	24248	Tutt v. Doby
	24258	Haines v. Department of Transp.
	24275	United States v. Bobbitt
	24285	Designers Guild v. Klavans
	24288	United States v. Thomas
	24292	Wilson v. Pinkett

United States Court of Appeals File, 1932-1979

Container

Contents

	24312	Quaker Action Group v. Hickel
	24318	United States v. Dougherty
	24319	United States v. Slaski See 24318
	24320	United States v. Begin See 24318
	24321	United States v. Moloney See 24318
	24322	United States v. O'Rourke See 24318
	24323	United States v. Melville See 24318
	24324	United States v. Malone See 24318
	24330	United States v. Sheffield
	24344	United Auto. Workers v. National Labor Relations Bd.
	24348	Connor v. United States
	24349	Connor v. United States See 24348
	24394	Lipscomb v. Lyon
	24450	Municipal Light Bds. v. Federal Power Comm'n
	24452	United States v. Brown
	24456	Von Sleichter v. United States
	24457	United States v. Williamson
	24459	Texas Int'l Airlines v. Civil Aeronautics Bd.
	24468	Udylite Corp. v. National Labor Relations Bd. See 24344
	24477	National Labor Relations Bd. v. Udylite Corp. See 24344
BOX 69	24485	Williams v. W.M.A. Transit Co.
	(2 folders)	
	24488	Fermin v. Richardson
	24492	Business Executives Move for Vietnam Peace v. Federal Communications Comm'n
	24493	Lipscomb v. Lyon See 24394
	24512	United States v. Russell
	24526	United States v. Parman
	24537	Democratic Nat'l Comm. v. Federal Communications Comm'n See 24492
	24550	Plaquemines Oil & Gas Co. v. Federal Power Comm'n
	24568	United States v. Brosky
	24569	United States v. Brosky See 24568
	24577	United Auto. Workers v. National Labor Relations Bd.
	24584	Yablonski v. United States
	24589	Shaheen v. Thrower
	24595	M. Steinthal & Co. v. Seamans
	24617	Anderson v. Laird
	24633	Gutierrez v. Commissioner
	24640	Jalil v. Hampton
	24688	United States v. Telfaire
BOX 70	24694	United States v. Brooks
	24704	Retail Clerks Union Local 1401 v. National Labor Relations Bd.

United States Court of Appeals File, 1932-1979

Container

Contents

	24705	Wheelabrator Corp. v. Chafee
	(2 folders)	
	24715	Ex-Cello Corp. v. National Labor Relations Bd. See 24577
	24747	United States v. Hayward
	24762	WAIT Radio v. Federal Communications Comm'n
	24764	City of Lafayette v. Securities & Exch. Comm'n
	24766	Daniels v. Laird
	24772	United States V. Knight
	24773	United States v. Johnson See 24772
	24777	United States v. Corley
	24801	Blackwell College of Business v. Attorney Gen. of the United States
	24803	United States v. Bundy
	24805	United States v. Williams
	24808	National Labor Relations Bd. v. Madison Courier
	24809	United States v. Robinson
	24810	United States v. McCaffity See 24809
	24811	United States v. Johnson See 24809
	24845	Quaker Action Group v. Morton
	24859	United States v. Kinnard
	(2 folders)	
	24860	United States v. Payne See 24859
	24862	Bulluck v. Washington
	24863	Freibaum v. Washington See 24862
	24864	Audette v. Greenwood
	24872	United States v. Williams See 22062
	24882	United States v. Blount
	24883	United States v. Williams See 24882
	24899	United States v. Kirkland See 24772
BOX 71	24913	Women Strike for Peace v. Morton
	24936	United States v. Gillum
	24959	Teston v. Carey
	24947	Audette v. Greenwood See 24864
	71-1003	Estate of Johnson v. Menes
	71-1011	Cannon v. Cannon
	71-1012	John H. Hampshire, Inc. v. Continental Casualty Co.
	71-1016	Federal Power Comm'n v. Louisiana Power & Light Co.
	71-1017	Robinson v. Rodgers
	71-1029	Rice v. Disabled Am. Veterans
	71-1035	United States v. Berry
	71-1041	City of Lafayette v. Federal Power Comm'n See 24764
	71-1057	United States v. Johnson
	71-1068	United States v. Payne
	71-1082	National Labor Relations Bd. v. Zinke's Food See 24704

United States Court of Appeals File, 1932-1979

Container

Contents

	71-1083	United States v. Freeman
	71-1084	United States v. Pleasant
	71-1087	Burlington N. v. Interstate Commerce Comm'n
	71-1089	Gardner & N. Roofing & Siding Corp. v. Federal Reserve Sys.
	71-1091	United States v. Kyle
	71-1092	United States v. Hill
	71-1099	United States v. Phillips
	71-1120	United States v. Johnson
	71-1122	United States v. Johnson See 71-1057
	71-1148	United States v. Hamilton
	71-1172	United States v. Weaver
	71-1178	United States v. Coleman
	71-1179	United States v. Fersner
	71-1199	Burlington N. v. Interstate Commerce Comm'n See 71-1087
	71-1220	United States v. Green
	71-1298	Public Serv. Comm'n v. Federal Power Comm'n
	71-1306	Monsanto Co. v. Federal Power Comm'n
	71-1341	United States v. Bryant
	71-1345	United States v. Ruth
	71-1365	Environmental Defense Fund v. Environmental Protection Agency
	71-1380	United States v. Smith
	71-1383	United States v. Todd
	71-1397	United States v. McKinney
	71-1399	How the Other Half Loves v. National Theater
	71-1418	Mayers v. Ridley
	71-1482	United States v. Harrison
	71-1483	United States v. Harrison See 71-1482
	71-1486	United States v. Cook
	71-1497	United States v. Thompson
	71-1554	Hobson v. Hansen See also 21167, 1968 September term
	71-1564	United States v. Williams
BOX 72	71-1573	United States v. Rucker
	71-1588	United States <i>ex rel.</i> Sarg v. Chafee
	71-1611	Federation of Homemakers v. Butz
	71-1656	United States v. Mack See 71-1057
	71-1671	<i>In re</i> Estate of Hall
	71-1672	United States v. McElveen See 71-1179
	71-1674	United States v. McElveen See 71-1179
	71-1685	United States v. Oden
	71-1708	Mink v. Environmental Protection Agency
	71-1732	Committee for Nuclear Responsibility v. Seaborg
	71-1798	<i>In re</i> Curry
	71-1822	Smyth v. Ryan

United States Court of Appeals File, 1932-1979

Container

Contents

	71-1851	American Fed'n of Gov't Employees v. Rogers
	71-1859	United States v. Schoefield
	71-2031	National Resources Defense Council v. Morton
	72-1115	Witherspoon v. Walsh
	72-1196	WHDH v. Federal Communications Comm'n See also 17785
	72-1392	Horne Bros. v. Laird
	1972 September term	
	23044	United States v. Reed
	(2 folders)	
	23414	United States v. Williams
	23528	United States v. Frazier
	23661	United States v. Hoston See 23044
	23734	United States v. Robinson
	23830	United States v. Howard
BOX 73	24085	United States v. Coefield See also 23044
	(2 folders)	
	24474	United States v. Williams See 23414
	24476	S.O.U.P., Inc. v. Federal Trade Comm'n
	24502	Ackerman v. Rose
	24646	United States v. Brown
	24658	Stebbins v. Keystone Ins. Co. See 71-1043
	24741	Puerto Rico v. Federal Maritime Comm'n
	24802	Hudson v. Capitol Cab Coop. Ass'n
	24817	United States v. Simpson
	24829	United States v. Gower
	24849	American Importers Ass'n v. Civil Aeronautics Bd.
	24914	United States v. Turner
	24938	United States v. Maynard
	24939	United States v. Gilbert See 24938
	71-1010	Pine View Gardens v. Mutual of Omaha Ins. Co.
	71-1022	Gordon v. Aetna Life Ins. Co.
	71-1033	United States v. Ashe
	(1 folder)	
BOX 74	(3 folders)	
	71-1043	Stebbins v. Insurance Co. of N. Am.
	71-1048	United States v. McClure
	71-1059	United States v. Caldwell
	71-1063	Finley v. Hampton
	71-1096	Blair v. Prudential Life Ins. Co.
	71-1100	Cooper v. Goodwin
	71-1195	Slowick v. Hampton
	71-1252	United States v. Moore
	Background information	

United States Court of Appeals File, 1932-1979

Container

Contents

	Drug abuse	
	(1 folder)	
BOX 75	(2 folders)	
	General	
	(3 folders)	
	United States district court transcript of proceedings	
BOX 76	Briefs	
	(2 folders)	
	General	
	(2 folders)	
	Working papers	
	(3 folders)	
BOX 77	71-1261	Mobil Oil Corp. v. Federal Power Comm'n
	71-1290	Kenny v. Hampton
	71-1317	United States v. Cooper
	71-1337	City of Lafayette v. Securities & Exch. Comm'n
	71-1377	United States v. Grady
	71-1410	Kennecott Copper Corp. v. Environmental Protection Agency
	71-1421	Dunphy v. Kavookian
	71-1485	Brewster v. Commissioner
	71-1490	United States v. Pickett
	71-1509	United States v. Ashe See 71-1033
	71-1525	Fields v. Schuyler
	71-1538	Estate of Burrough v. American Sec. & Trust Co.
	71-1559	International Bhd. of Elec. Workers Local 134 v. National Labor Relations Bd.
	71-1566	Milky Way Prods. v. Klassen
	71-1568	United States v. Brown
	71-1592	Pasternack v. Commissioner
	71-1601	Baltic Inv. Co. v. Perkins
	71-1604	Pulliam v. Pulliam
	71-1628	Lewin v. Wilson
	71-1632	Sullivan v. Murphy
	71-1636	United States v. Spear
	71-1650	Northeast Constr. Co. v. Romney
BOX 78	71-1655	Reges v. Sargent
	71-1663	Cefalo v. Moffett
	71-1675	Rice v. Pandolfi
	71-1691	United States v. Jones
	71-1710	United States v. Johnson
	71-1712	International Bhd. of Elec. Workers Local 134 v. National Labor Relations Bd. See 71-1559
	71-1746	<i>In re</i> Gates
	71-1750	Todd v. Hampton
	71-1761	United States v. Bland

United States Court of Appeals File, 1932-1979

Container

Contents

71-1801	United States v. Marshall
71-1821	United States v. Burks
71-1840	Rock Creek Ginger Ale Co. v. F. & M. Schaefer Brewing Co.
71-1860	United States v. Hoston
71-1865	United States v. Glenn
71-1891	Northeast Constr. Co. v. Romney See 71-1650
71-1893	Northeast Constr. Co. v. Romney See 71-1650
71-1909	Allen v. Morton
71-1915	United States v. Gilliam
71-1927	C. M. Clark Ins. Agency v. Maxwell
71-1929	Florida Power & Light Co. v. National Labor Relations Bd. See 71-1559
71-1941	Eastern Found. Co. v. Jack Norman Creswell Excess Ins. Co.
71-1977	Thomas v. Aetna Casualty & Sur. Co.
71-1979	United States v. Brown
71-1980	United States v. Hunter
71-1981	United States v. McKinney
71-2009	Firemen's Ins. Co. v. Washington
71-2010	Safeguard Mut. Ins. Co. v. Maxwell See 71-1927
71-2013	Hylton v. Fred Astaire Dance Studios
71-2023	<i>In re</i> Ballay
71-2053	United States v. Webb
71-2065	United States <i>ex rel.</i> Jacobs v. Froehlke
72-1003	United States v. Dodd
72-1021	United States v. Snow
72-1024	Holman v. Peoples Drug Stores
72-1026	Pacific Southwest Airlines v. Civil Aeronautics Bd.
72-1027	Marusa v. District of Columbia
72-1038	Local 422, United Auto. Workers v. National Labor Relations Bd.
72-1052	Deutsche Lufthansa Aktiengesellschaft v. Civil Aeronautics Bd.
72-1059	Margoles v. Johns
72-1061	United States v. Joyner
72-1062	Joyner v. Hardy See 72-1061
72-1064	Bias v. District of Columbia
72-1075	United States v. Matthews
72-1076	United States v. Ray See 72-1075
72-1087	Foley v. Hudson
72-1104	Page Communications Eng'rs v. Secretary of the Army
72-1106	United States v. Harrison
72-1107	United States v. Lightfoot See 72-1106
72-1126	United States v. Hicks
72-1131	United States v. Tate
72-1133	United States v. Coleman

United States Court of Appeals File, 1932-1979

Container

Contents

BOX 79	72-1150	National Labor Relations Bd. v. Schwartz Bros.
	72-1177	<i>In re</i> Estate of Russell v. Reynolds
	72-1178	Bustos v. Mitchell
	72-1179	Bustos v. United Farm Workers Org. Comm. See 72-1178
	72-1185	United States v. Abney
	72-1200	Bustos v. Mitchell See 72-1178
	72-1205	United States v. Mays
	72-1223	United States v. Carroll See 72-1205
	72-1232	United States v. Cecil
	72-1284	United States v. Jones See 71-1691
	72-1293	Municipal Elec. Util. Ass'n v. Federal Power Comm'n
	72-1299	Local Union 423, Laborers' Int'l Union v. National Labor Relations Bd.
	72-1312	American Servicemen's Union v. Mitchell
	72-1320	Waters v. Peterson
	72-1321	United States v. Dent
	72-1337	United States v. Leake
	72-1338	United States v. Williams
	72-1340	United States v. Jones See 72-1338
	72-1354	United States v. Thomas
	72-1361	United States <i>ex rel.</i> Checkman v. Laird
	72-1371	United States v. Lee
	72-1402	United States v. Johnakin
	72-1422	United States v. Person
	72-1429	Aetna Casualty & Sur. Co. v. Standard Constr. Co.
	72-1434	Fidelity Voices v. Federal Communications Comm'n
	72-1437	United States v. Byrd
	72-1449	United States v. Pettie
	72-1465	United States v. Estes
	72-1466	United States v. Johnson See 72-1465
	72-1468	United States v. Harrison
	72-1471	Mobil Oil Corp. v. Federal Power Comm'n
	72-1480	United States v. Crawford
	72-1481	United States v. Patrick
	72-1482	Schilt v. Duvall
	72-1496	United States v. Rosenbloom
	72-1500	International Tel. & Tel. Corp. v. Seaman
	72-1502	Hayes v. National Transp. Safety Bd.
	72-1510	Label, Inc. v. Edwards
	72-1517	International Harvester Co. v. Ruckelshaus
	72-1525	General Motors Corp. v. Ruckelshaus See 72-1517
	72-1529	Chrysler Corp. v. Ruckelshaus See 72-1517
	72-1534	United States v. Sanders

United States Court of Appeals File, 1932-1979

Container

Contents

	72-1542	United States v. Edwards
	72-1548	Environmental Defense Fund v. Environmental Protection Agency
	72-1581	United States v. Warren See 72-1075
	72-1593	United States v. Smith
	72-1600	United States v. Jarvis See 72-1593
	72-1606	United States v. Green
	72-1607	United States v. Joyner
	72-1616	Serv-Air, Inc. v. Seaman
	72-1664	Farrell Lines v. Federal Maritime Comm'n
	72-1717	United States v. Drew
	72-1719	United States v. Lewis
	72-1720	United States v. Lewis See 72-1719
BOX 80	72-1731	United States v. Barnes
	72-1745	United States v. Lee See 72-1719
	72-1768	United States v. Jennifer
	72-1776	United States v. Gray
	72-1823	United States v. Thomas See 72-1354
	72-1895	United States v. Graham See 72-1719
	72-1902	Coleman v. Woodworth
	72-1926	United States v. Caldwell
	72-1934	United States v. Scheer
	72-1964	United States v. Brown See 71-1979
	72-1976	United States v. Cooksey See 72-1934
	72-2054	Satiacum v. Laird
	72-2102	United States v. Orsinger
	72-2117	United States v. Bettis
	72-2126	Maryland Nat'l Park & Planning Comm'n v. United States Postal Serv.
	72-2200	United States v. Kernan
	73-1005	United States v. Harrington
	73-1625	Small Bedding Mfrs. Emergency Council v. Consumer Prod. Safety Comm'n
	73-1657	Consumers Union of United States v. Consumer Prod. Safety Comm'n See 73-1625
	73-1676	Williams v. Phillips
	1973 September term	
	23781	Huffman v. United States
	23782	Pryba v. United States See 23781
	71-1026	Weisberg v. Department of Justice
	71-1352	United States v. Tillman
	(2 folders)	
	71-1356	United States v. Jeffries See 71-1456
	71-1401	United States v. Marshall See 71-1456
	71-1456	United States v. Henson

United States Court of Appeals File, 1932-1979

Container

Contents

BOX 81

71-1465 United States v. Bennett
71-1497 United States v. Brown [See 71-1456](#)
71-1550 Food Store Employees Union Local 347 v. National Labor Relations Bd.
71-1609 Progressive Labor Party v. Committee on Internal Sec. of the United States House of Representatives
71-1641 United States v. Stanley
71-1693 National Peace Action Coalition v. Committee on Internal Sec. of the United States House of Representatives [See 71-1609](#)
71-1707 Edwards v. Warner
71-1717 People's Coalition for Peace & Justice v. Committee on Internal Sec. of the United States House of Representatives [See 71-1609](#)
71-1719 United States v. Patterson
71-1740 United States v. Williams
71-1743 Valley Gas Co. v. Federal Power Comm'n
71-1745 United States v. Lemonakis
71-1768 Menard v. Kleindienst
71-1774 United States v. Enten [See 71-1745](#)
71-1804 United States v. Perkins
71-1830 California v. Federal Power Comm'n
71-1857 United States v. Fulton [See 71-1641](#)
71-1916 United States v. Paul
71-1931 Tenants' Council of Tiber Island-Carrollsborg Square v. Romney
71-1934 Gayer v. Schlesinger
71-1935 Ulrich v. Schlesinger [See 71-1934](#)
71-2003 United States v. Butler
71-2034 United States Servicemen's Fund v. Eastland [See 71-1609](#)
72-1033 Western Airlines v. Civil Aeronautics Bd.
72-1056 Rose v. Associated Anesthesiologists
72-1130 United States v. Greene
72-1213 Brody v. Cottrell Co.
72-1259 *In re* Bradford
72-1362 Washington Post v. Kleindienst
72-1377 Laborers' Dist. Council v. Construction Contractors Council
72-1390 United States v. Thompson
72-1458 Taro v. Chesapeake
72-1490 Taro v. Chesapeake [See 72-1458](#)
72-1494 Hodgson v. International Union of Dist. 50, Allied & Technical Workers
72-1544 Edge v. Union Medical Center
72-1552 Wolpe v. District of Columbia
72-1579 United States v. Addison
72-1611 Day v. United States
72-1657 Close v. United States

United States Court of Appeals File, 1932-1979

Container

Contents

BOX 82

72-1678 United States v. Raymond [See 72-1579](#)
72-1694 United States v. Ammidown
72-1695 United States v. Ammidown [See 72-1694](#)
72-1710 Elliott v. Michael James, Inc.
72-1713 Industrial Union Dep't v. Hodgson
72-1793 Friedman v. Agronsky
72-1796 Wilderness Soc'y v. Morton
72-1820 Wentworth v. Schlesinger [See 71-1934](#)
72-1824 Liberty Mut. Ins. Co. v. State Farm Mut. Auto.Ins. Co.
72-1842 United States v. McEachin
72-1843 Phoenix Assurance Co. v. Potomac Sand & Gravel Co.
72-1854 National Org. for the Reform of Marijuana Laws v. Ingersoll
72-1864 Chemetron Corp. v. United States Dep't of Health, Educ. & Welfare
72-1866 Cooper Laboratories v. Food & Drug Admin.
72-1916 Woodward v. Rogers
72-1921 United States v. Murphy
72-1933 United States v. Smith
72-1975 National Ass'n of Sec. Dealers v. Securities & Exch. Comm'n
72-1990 United States v. Hinkle
72-2017 Greensboro Television Co. v. Federal Communications Comm'n
72-2032 South Ga. Natural Gas Co. v. Federal Power Comm'n
72-2033 United States v. Scott
72-2049 TV 9 v. Federal Communications Comm'n
72-2063 Taxay v. United States
72-2079 United States v. Marshall
72-2123 United States v. Fields
72-2128 Runyon v. District of Columbia
72-2140 BASYAP, Inc. v. District of Columbia City Council
72-2169 Marcello v. Saxbe
72-2178 United States v. Byrd
72-2193 United States v. Woods
72-2201 United States v. Harris
72-2214 United States v. General Tire & Rubber Co.
72-2217 Chemetron Corp. v. United States Dep't of Health, Educ. & Welfare [See 72-1864](#)
72-2227 United States v. Shuler
73-1029 United States v. Thomas
73-1053 United States v. Phillips
73-1109 United States v. Capies
73-1114 United States v. Wright
73-1124 United States v. Capies [See 73-1109](#)
73-1127 United States v. March
73-1141 Anonymous v. Kissinger

United States Court of Appeals File, 1932-1979

Container

Contents

	73-1156	United States v. Greene
	73-1159	Rhode Island Consumers' Council v. Federal Power Comm'n
	73-1180	McNeilly v. Green
	73-1217	United States v. Perry
	73-1273	Adams v. Richardson
	73-1279	Hartigh v. Latin
	73-1286	United States v. McBride
	73-1287	United States v. Richardson See 73-1286
	73-1302	United States v. Hockaday See 73-1217
	73-1306	United States v. Thacker See 73-1217
	73-1328	Haney v. C. & O. R.R.
	73-1346	American Civil Liberties Union v. Federal Communications Comm'n
BOX 83	73-1377	Delta Airlines v. Civil Aeronautics Bd.
	73-1378	United States v. Jones
	73-1403	United States v. Coates
	73-1451	Monarch Ins. Co. v. District of Columbia
	73-1452	United States v. Bryant
	73-1506	Memphis Light, Gas & Water Div. v. Federal Power Comm'n
	73-1581	Hess & Clark v. Food & Drug Admin.
	73-1589	Vineland Laboratories v. Weinberger See 73-1581
	73-1592	Miller v. District of Columbia
	73-1614	Apton v. Wilson
	(2 folders)	
	73-1615	Kuhn v. Wilson See 73-1614
	73-1740	Marsh v. Hollingsworth See 73-1279
	73-1751	United States v. Mickel
	73-1808	United States v. Turner
	73-1835	Pennsylvania v. Lynn
	73-2087	Gerstenfeld v. Gerstenfeld
	1974 September term	
	71-1529	Truck Drivers Union Local 413 v. National Labor Relations Bd.
	71-1856	United States v. Dancy
	71-1861	United States v. McKinley
	71-1862	United States v. Washington See 71-1861
	71-1987	United States v. Washington See 71-1861
	71-2058	Bullock v. Mumford
	72-1073	Portland Cement Ass'n v. Train
	72-1143	United States v. McKinley See 71-1861
	72-1396	Quinn v. Butz
	72-1473	United States v. Allen
	72-1533	United States v. Poole
	72-1738	United States v. Robinson See 72-1887
	72-1782	United States v. Lee

United States Court of Appeals File, 1932-1979

Container	Contents		
BOX 84	72-1792	Neidhart v. Neidhart	
	72-1887	United States v. Belt	
	72-1932	United States v. Lee	
	73-1017	Baltimore & Ohio Ry. v. Alabama Great S. R.R.	
	73-1034	Starnes v. McGuire	
	73-1057	Citizens Comm. to Save WEFM v. Federal Communications Comm'n	
	73-1090	Center for Nat'l Policy Review on Race & Urban Issues v. Weinberger	
	73-1095	Consumers Union v. Kissinger	
	73-1115	Schuck v. Butz	
	73-1165	United States v. Lewis	
	73-1167	United States v. Walls See 73-1165	
	73-1168	United States v. Peterson	
	73-1181	George Hyman Constr. v. Spiroll Corp. See 72-1792	
	73-1205	United States v. Oliver See 74-1811	
	73-1270	Pete v. United Mine Workers	
	73-1271	United States v. Knight	
	73-1272	United States v. Johnson See 73-1271	
	73-1274	United States v. Kirkland See 73-1271	
	73-1388	Public Serv. Comm'n v. Federal Power Comm'n	
	73-1393	Kiser v. United Mine Workers See 73-1270	
	BOX 85	73-1436	Alabama Power Comm'n v. Federal Power Comm'n
		73-1519	United States v. Jackson
		73-1521	United States v. Gross
		73-1571	United States v. Cox
		73-1626	Transcontinental Gas Pipe Line Corp. v. Federal Power Comm'n
		73-1635	United States v. Crowder
		73-1636	United States v. Gilchrist
		73-1655	United States v. West
		73-1693	United States v. Bailey
		73-1714	Continental Air Lines v. Civil Aeronautics Bd.
		73-1718	Continental Air Lines v. Civil Aeronautics Bd. See 73-1714
		73-1764	Enterprise Ass'n of Steam Pipefitters, Local 638 v. National Labor Relations Bd.
		73-1786	United States v. Hunter
73-1792		Consumers' Union of the United States v. Federal Power Comm'n	
73-1796		Scanwell Laboratories v. Thomas	
73-1806		United States v. Gaither	
73-1812		Knight v. Jackson	
73-1827		Small v. Hart See 73-1034	
73-1829		Texas Int'l Airlines v. Civil Aeronautics Bd.	
73-1832		United States v. Sloan See 73-1693	
73-1847		Zweibon v. Mitchell See also 77-1325	

United States Court of Appeals File, 1932-1979

Container

Contents

BOX 86

73-1850 Local 294, Int'l Bhd. of Teamsters v. National Labor Relations Bd.
73-1857 Linsker v. Commissioner
73-1866 Friends of the Earth v. Atomic Energy Comm'n
73-1868 City of El Paso v. Civil Aeronautics Bd. [See 73-1829](#)
73-1873 United States v. Leftwich
73-1881 Stewart v. Federal Communications Comm'n
73-1906 National Tire Dealers & Retreaders Ass'n v. Toms
73-1913 Wolfe v. Froehlke
73-1918 United States v. Finance Comm. to Re-Elect the President
73-1952 Iowa Indep. Bankers v. Board of the Fed. Reserve Sys.
73-1965 Kim v. United States Immigration & Naturalization Serv.
73-1971 Home Indem. Co. v. Cussin
73-1979 LaMade v. Wilson
73-1985 American Century Mortgage Investors v. Washington
73-1986 Ruppert v. Washington [See 73-1985](#)
73-1999 Consolidated Edison Co. v. Federal Power Comm'n
73-2002 Suskind v. Colquit
73-2008 Hanover Ins. Co. v. Southeast Constr. Co.
73-2009 Consumer Fed'n of Am. v. Federal Power Comm'n
73-2016 Alabama Power Comm'n v. Federal Power Comm'n [See 73-1436](#)
73-2028 Truck Drivers Local 705 v. National Labor Relations Bd.
73-2044 Air Line Pilots Ass'n Int'l v. Civil Aeronautics Bd.
73-2089 Brown v. District of Columbia Transit Sys.
73-2090 Henry v. Federal Power Comm'n
73-2096 PAM News Corp. v. Butz
73-2097 United States v. Pollock
73-2105 United States v. Brock
73-2123 F. E. Gregory & Sons v. Walter
73-2139 United States v. Turner
73-2149 United States v. Hart
73-2152 Matthews v. Walter
73-2181 Air Lines Pilots Ass'n v. Civil Aeronautics Bd.
73-2205 Ethyl Corp. v. Environmental Protection Agency
73-2207 Conway Corp. v. Federal Power Comm'n
73-2213 Fidelity Television v. Federal Communications Comm'n
73-2226 United States v. Watkins
73-2228 United States v. Burton
73-2231 United States v. Bloom
73-2241 Hall v. United States Civil Serv. Comm'n
73-2247 Beranek v. Klassen
73-2248 Beranek v. Klassen [See 73-2247](#)
73-2249 Beranek v. Klassen [See 73-2247](#)

United States Court of Appeals File, 1932-1979

Container

Contents

BOX 87	73-2256	National Broadcasting Co. v. Federal Communications Comm'n	
	(2 folders)		
	73-2260	Shapiro v. Commissioner	
	74-1052	Childs v. United States Bd. of Parole	
	74-1137	Douglass v. First Nat'l Realty Corp.	
	74-1148	Nazareno v. Attorney Gen. of the United States	
	74-1160	Gulf States Utils. Co. v. Federal Power Comm'n	
	74-1189	United States v. Smith	
	74-1192	International Eng'g Co. v. Richardson	
	74-1196	United States v. Henson	
	74-1259	Local 441, Int'l Bhd. of Elec. Workers v. National Labor Relations Bd.	
	74-1305	United States v. Lee See 72-1782	
	74-1322	Haviland v. Butz	
	74-1333	United States v. Sutton	
	74-1334	United States v. Jenkins See 74-1333	
	74-1335	United States v. Stroy	
	74-1375	United States v. Jenkins See 74-1333	
	74-1389	Sierra Club v. Morton	
	74-1413	United States v. Butler	
	74-1426	Witte v. Commissioner	
	74-1430	Brown v. Hardy	
	74-1433	Natural Resources Defense Council v. Fri See also 74-1538	
	74-1439	Riggs Nat'l Bank v. Brown	
	74-1471	United States v. Wiley	
	74-1472	United States v. Stone	
	74-1498	United States v. Robbins	
	74-1509	North N.Y. Sav. Bank v. Federal Sav. & Loan Ins. Corp.	
	BOX 88	74-1538	Natural Resources Defense Council v. Train See also 74-1433
		(2 folders)	
		74-1539	Regal Constr. Co. v. Cornell & Co.
		74-1556	Roofers Local 116 v. National Labor Relations Bd.
		74-1572	Air Line Pilots Ass'n Int'l v. Civil Aeronautics Bd.
		74-1600	Continental Trailways v. Civil Aeronautics Bd. See 74-1572
74-1609		Israel v. Baxter Laboratories	
74-1612		United States v. Ross	
74-1634		Fickie v. Rody	
74-1649		United States v. Smith	
74-1656		General Motors Corp. v. United States	
74-1663		United States v. Blakeney	
74-1705		Arkansas v. Weinberger	
74-1711		United States v. Blake	
74-1759		Ranco, Inc. v. National Labor Relations Bd.	
74-1804	Congressional Quarterly v. Weare		

United States Court of Appeals File, 1932-1979

Container

Contents

	74-1811	United States v. Oliver
	74-1870	United States v. Quick
	74-1873	David B. Lilly Co. v. Renegotiation Bd.
	74-1888	United States v. Shrypeck
	74-1907	United States v. Williams
	74-1924	Environmental Defense Fund v. Environmental Protection Agency
	74-1955	United States v. Thomas
	74-1998	United States v. Alston
	74-1999	United States v. Harrison
	75-1105	Society for Animal Rights v. Schlesinger
	75-1117	United States v. Brown
	1975 September term	
	72-1186	United States v. Cozzens
	72-1625	S. & G. Inv. Co. v. Home Fed. Sav. & Loan Ass'n
	72-1665	Allison v. Secretary of the Navy
	72-1873	<i>In re</i> Dunn
	73-1144	Local 644, United Bhd. of Carpenters & Joiners v. National Labor Relations Bd.
	73-1504	United States v. Vines See 75-1486
	73-1505	United States v. Simpson See 75-1486
	73-1975	Presley v. Swain See 74-1832
	73-2072	Hackley v. Roudebush
BOX 89	73-2221	United States v. Johnson
	74-1025	Delevay v. Weinberger
	74-1133	Southern Motor Carriers Rate Conference v. Interstate Commerce Comm'n
	74-1151	Granfield v. Catholic Univ.
	74-1152	Broderick v. Catholic Univ. See 74-1151
	74-1191	Jonal Corp. v. District of Columbia
	74-1208	Accuracy in Media v. Federal Communications Comm'n
	74-1337	Ripon Soc'y v. National Republican Party
	74-1343	Consolidated Gas Supply Corp. v. Federal Power Comm'n
	74-1358	Ripon Soc'y v. National Republican Party See 74-1337
	74-1393	Columbia Gas Transmission Corp. v. Federal Power Comm'n See 74-1343
	74-1395	Memphis Light, Gas & Water Div. v. Federal Power Comm'n See 74-1343
	74-1463	Louisiana v. Federal Power Comm'n See 74-1343
	74-1489	United Gas Pipe Line Co. v. Federal Power Comm'n See 74-1343
	74-1518	Kirk v. Kleindienst
	74-1571	Charlton v. Federal Trade Comm'n
	74-1601	WBEN v. Federal Communications Comm'n
	74-1605	District of Columbia Redevelopment Land Agency v. Two Parcels of Land in Square 239, D.C.

United States Court of Appeals File, 1932-1979

Container

Contents

	74-1606	District of Columbia Redevelopment Land Agency v. Two Parcels of Land in Square 239, D.C. See 74-1605
	74-1642	United States v. Carter
	74-1643	United States v. Metropolitan Assocs. See 74-1642
	74-1651	Continental Air Lines v. Civil Aeronautics Bd.
	74-1722	Washington Metro. Area Transit Auth. v. Amalgamated Transit Union
	74-1741	Richardson v. Hampton
	74-1751	Slovak v. Butterfield
	74-1766	Rust Craft Broadcasting v. United States
	74-1778	United States v. Bradshaw
	74-1832	Palmore v. Superior Ct. of the D.C.
	74-1835	Moten v. Bricklayers, Masons & Plasterers Int'l Union
	74-1837	Moten v. Bricklayers, Masons & Plasterers Int'l Union See 74-1835
	74-1844	Indiana & Mich. Elec. Co. v. Federal Power Comm'n
	74-1852	Vymetalik v. Secretary of Commerce
BOX 90	74-1879	Dishner v. Muffett
	74-1887	United States v. General Motors Corp.
	74-1891	National Treasury Employees Union v. Nixon
	74-1895	Alianza Federal De Mercedes v. Federal Communications Comm'n
	74-1899	Expeditions Unlimited Aquatic Enters. v. Smithsonian Inst.
	74-1910	Agosti v. Huger
	74-1942	Lyon v. Carey
	74-1945	Aviation Consumer Action Project v. Timm
	74-1959	Rahm v. National Transp. Safety Bd.
	74-1961	Big Valley Cablevision v. Federal Communications Comm'n
	74-1975	Ditlow v. Simon
	74-1978	Goudie v. Sears, Roebuck & Co.
	74-1980	Sindicato Puertorriqueno de Trabajadores v. Brennan
	74-2000	United States v. Smith
	74-2025	Public Citizen v. Simon
	74-2057	Matthews v. Weinberger
	74-2060	Phillips v. Ford
	74-2086	Citizens Ass'n of Georgetown v. Washington
	74-2088	Kerr-McGee Corp. v. Morton
	74-2093	United States v. Arnold
	74-2105	Columbia Gas v. Federal Power Comm'n
	74-2132	Evening Star Newspaper Co. v. Kemp
	74-2135	Texas Gas Group v. Federal Power Comm'n See 74-2105
	75-0083	Doe v. Martin
	75-0131	Drug & Toilet Preparation Traffic Conference v. Interstate Commerce Comm'n See 74-1133

United States Court of Appeals File, 1932-1979

Container

Contents

	75-1009	United States v. Watts
	75-1018	Cargill v. Federal Maritime Comm'n
	75-1031	Vaughn v. Rosen
	75-1039	National Broadcasting Co. v. Golden Palace
	75-1060	Local Union 103 v. National Labor Relations Bd.
	75-1061	Buckley v. Valeo
	(2 folders)	
	75-1065	Oil, Chemical & Atomic Workers v. National Labor Relations Bd.
	75-1079	Turzillo v. Mergentime
	75-1080	Turzillo v. Mergentime See 75-1079
	75-1083	Straus Communications v. Federal Communications Comm'n
	75-1084	Straus Communications v. Federal Communications Comm'n See 75-1083
	75-1108	Baton Rouge Marine Contractors v. Federal Maritime Comm'n See 75-1018
BOX 91	75-1111	United States v. Wilkerson
	75-1119	Fields v. Garrell
	75-1198	Byrd v. Cafritz Co.
	75-1202	Algonquin SNG v. Federal Energy Admin.
	75-1209	United States v. Johnson
	75-1210	United States v. Hill
	75-1235	Pickus v. United States Bd. of Parole
	75-1236	Radio Corp. of Am. Global Communications v. Federal Communications Comm'n
	75-1237	Radio Corp. of Am. Global Communications v. Federal Communications Comm'n See 75-1236
	75-1238	Western Union Tel. Co. v. Federal Communications Comm'n See 75-1236
	75-1239	Western Union Tel. Co. v. Federal Communications Comm'n See 75-1236
	75-1241	American Satellite Corp. v. Federal Communications Comm'n See 75-1236
	75-1242	American Satellite Corp. v. Federal Communications Comm'n See 75-1236
	75-1260	Berkshire Gas Co. v. Federal Power Comm'n
	75-1285	United States v. Babcock
	75-1309	Bamford v. Federal Communications Comm'n
	75-1310	S. C. Loveland Co. v. United States
	75-1329	Graham v. American Psychiatric Ass'n
	75-1336	United States v. Todd
	75-1340	Ford Motor Co. v. Coleman
	75-1359	Yocum v. Washington
	75-1366	Rothblatt v. Nixon
	75-1399	Public Citizen v. Coleman
	75-1447	Puget Sound Traffic Ass'n v. Civil Aeronautics Bd.

United States Court of Appeals File, 1932-1979

Container

Contents

	75-1486	United States v. Simpson
	75-1510	Common Carrier Conference v. United States
	75-1529	Pennsylvania v. Interstate Commerce Comm'n
	75-1533	United States v. Gumaer
	75-1535	United States v. Robinson
	75-1562	Gardner v. Federal Communications Comm'n
	75-1591	United States v. Gorham
	75-1599	Richardson v. Howard Univ.
	75-1607	Stearns v. Veterans of Foreign Wars
	75-1725	Cardinale v. Washington Technical Inst.
	75-1738	United States v. Broidy
	75-1739	United States v. Washington
	75-1762	Timpany v. Rail Servs. Planning Office <i>See</i> 75-1529
	75-1786	Independent Bankers Ass'n v. Smith
	75-1816	SCM Corp. v. United States Int'l Trade Comm'n
	75-1853	<i>In re</i> Buckingham Super Markets
	75-1929	United States v. Price
	75-1939	United States v. Mills
	75-2014	United States v. Myers
	75-2223	United States v. Pinkney
	76-1027	United States v. Gordon
	76-1120	Certified Color Mfrs. Ass'n v. Matthews
	76-1395	Adams v. Matthews
	1976 September term	
	71-1828	Texas Gulf Coast Area Rate Case (Public Serv. Comm'n v. Federal Power Comm'n)
BOX 92	71-2059	Southland Mfg. Co. v. National Labor Relations Bd.
	73-1652	Illinois Citizens Comm. for Broadcasting v. Federal Communications Comm'n
	(2 folders)	
	73-1991	McSurely v. McClellan
	73-1998	Franklin v. Rumsfeld
	73-2277	Local 627, Int'l Union of Operating Eng'rs v. National Labor Relations Bd.
	74-1411	Cities of Batavia, Geneva, Naperville, Rock Falls, St. Charles & Rochelle, Ill. v. Federal Power Comm'n
	74-1547	Federal Trade Comm'n v. Texaco
	74-1709	International Union of Elec. Workers v. National Labor Relations Bd.
	74-1713	Mann v. Securities & Exch. Comm'n
	74-1735	United States v. Tindle
	74-1812	National League of Cities v. Marshall
	74-1825	National Labor Relations Bd. v. Premier Corp. <i>See</i> 74-1709
	74-1834	Waters v. United States Comm'n on Civil Rights

United States Court of Appeals File, 1932-1979

Container

Contents

	74-1851	George v. Local 639, Teamsters Union
	74-1853	National Org. for Women v. Federal Communications Comm'n
	74-1854	Diener v. Sade
	74-1901	Premier Corp. v. National Labor Relations Bd. See 74-1709
	74-1904	Camenisch v. United States
	74-1920	Patterson v. District of Columbia Bd. of Parole
	75-1024	Texas Gas Exploration Corp. v. Federal Power Comm'n
	75-1032	Fitzgerald v. Seamans
	75-1056	International Ass'n of Machinists v. National Labor Relations Bd.
	75-1281	Massachusetts v. Simon
	75-1282	Algonquin SNG v. Simon See 75-1281
	75-1317	United States v. Tindle See 74-1735
	75-1339	United States v. Purry See 75-1595
	75-1378	Bell v. Rumsfeld
	75-1380	United States v. Wanzer
	75-1393	Wehner v. Levi
	75-1468	Culver v. Secretary of the Air Force
	75-1495	United States v. Brackett
	75-1500	United States v. Stoddard See 75-1595
	75-1515	Concerned About Trident v. Schlesinger
	75-1544	Wager v. Pro
	75-1563	Teleprompter Cable Communication Corp. v. Federal Communications Comm'n
BOX 93	75-1581	Brooklyn Union Gas Co. v. Federal Power Comm'n
	75-1595	United States v. Bailey
	75-1626	United States Steel Corp. v. Federal Power Comm'n
	75-1636	Consumers Union of United States v. Federal Power Comm'n
	75-1655	<i>In re</i> Knable
	75-1695	City of Los Angeles v. Adams
	75-1732	Young v. United States
	75-1751	United States v. General Motors
	75-1752	General Motors v. Brinegar See 75-1751
	75-1775	Diggs v. Dent
	75-1822	Investment Co. Inst. v. Board of Governors
	75-1830	Kappleman v. Delta Airlines
	75-1882	Parkhill Trucking v. Interstate Commerce Comm'n
	75-1897	Oetiker v. Werke
	75-1911	Tenneco Oil Co. v. Federal Power Comm'n See 75-1636
	75-1912	Belco Petroleum Corp. v. Federal Power Comm'n See 75-1636
	75-1921	Heumann v. National Airlines
	75-1930	Grigsby v. Sterling Drug Co.
	75-1953	Securities & Exch. Comm'n v. General Refractories Co.
	75-1976	Trans-Bay Eng'rs v. Hills

United States Court of Appeals File, 1932-1979

Container

Contents

	75-2016	Doe v. McMillan
	75-2034	Black v. Sheraton Corp.
	75-2039	Black v. United States See 75-2034
	75-2069	Clark v. King
	75-2081	Central Calif. Communications Corp. v. Federal Communications Comm'n See also 75-2247
	75-2082	Central Calif. Communications Corp. v. Federal Communications Comm'n See 75-2081
	75-2096	Colonial Refrigerated Transp. v. United States
	75-2105	American Pub. Gas Ass'n v. Federal Power Comm'n
	75-2110	Chesapeake & Ohio Ry. v. Interstate Commerce Comm'n
	75-2114	Northwest Marine Iron Works v. United States
	75-2152	City of Huntingburg v. Federal Power Comm'n
	75-2182	Sherwood v. Kissinger
	75-2203	Quaker Action Group v. Andrus
	75-2237	United States v. Société Anonyme Française M. Bril & Co.
	75-2247	Central Calif. Communications Corp. v. Federal Communications Comm'n See also 75-2081
	75-2255	United States v. Sheridan
BOX 94	75-2259	Environmental Defense Fund v. Environmental Protection Agency (7 folders)
BOX 95	75-2270	Chicago & N.W. Transp. Co. v. United States
	75-2284	Crum v. Commissioner
	76-0524	Pennsylvania v. Mathews
	76-1005	American Inst. for Shippers' Ass'ns v. Interstate Commerce Comm'n
	76-1023	United States v. National Soc'y of Professional Eng'rs
	76-1024	United States v. Tate
	76-1025	Thomas v. Cullinane
	76-1029	Public Utils. Comm'n v. Federal Power Comm'n
	76-1054	McCarthy v. Levi
	76-1055	Shepard v. Air Freight Clearings
	76-1061	Securities & Exch. Comm'n v. General Refractories Co. See 75-1953
	76-1068	Watergate W. v. Watergate Improvement Assocs.
	76-1079	Castro Convertible Corp. v. Phoenix Mut. Life Ins. Co.
	76-1100	United States v. Williams
	76-1103	United States v. Boone
	76-1109	Unisphere Tanker Corp. v. Commodity Credit Corp.
	76-1124	Cormier v. Diamond Tours
	76-1127	Commerical Union Ins. Co. v. Hair, Inc.
	76-1168	United States v. Coates
	76-1181	Butz v. Train See 75-2259
	76-1187	Tatum v. Morton

United States Court of Appeals File, 1932-1979

Container

Contents

	76-1200	Transcontinental Gas Pipe Line Corp. v. Federal Power Comm'n
	76-1202	United States v. Fraley
	76-1221	Marquis Who's Who v. North Am. Assocs.
	76-1234	Henery v. Rumsfeld
	76-1237	Scattergood v. Washington Hosp. Center
	76-1241	Delta Air Lines v. Civil Aeronautics Bd.
	76-1242	Cosmetic, Toiletry & Fragrance Ass'n v. Schmidt
	76-1245	Velsicol Chem. Corp. v. Environmental Protection Agency <i>See</i> 75-2259
	76-1246	Velsicol Chem. Corp. v. Train <i>See</i> 75-2259
	76-1290	United States v. Fensterwald
	76-1300	Condec Corp. v. Kaiser Aluminum & Chem. Sales
	76-1305	United States v. Simmons
	76-1309	Delta Air Lines v. Civil Aeronautics Bd. <i>See</i> 76-1241
	76-1310	Federal Employees Pay Council v. Hampton
	76-1323	United States v. Wiggins
	76-1346	United Auto. Workers v. National Right to Work Legal Defense & Educ. Found.
	76-1357	Philadelphia Gas Works v. Federal Power Comm'n
	76-1402	Sanford v. Howard Univ.
	76-1403	United States v. Fields
	76-1420	United States v. Glenmore
	76-1429	Delta Air Lines v. Civil Aeronautics Bd. <i>See</i> 76-1241
	76-1435	Great E. Communications Co. v. Federal Communications Comm'n
	76-1460	Popelka Trucking Co. v. United States
	76-1473	Texas-Continental Express v. United States <i>See</i> 76-1460
	76-1488	Chem-Haulers v. Interstate Commerce Comm'n
	76-1523	United States v. Reese
	76-1530	United Auto. Workers v. National Right to Work Legal Defense & Educ. Found. <i>See</i> 76-1346
	76-1542	Jacksonville Port Auth. v. Adams
	76-1551	CRST, Inc. v. Interstate Commerce Comm'n
	76-1566	Weissman v. Central Intelligence Agency
	76-1602	Delta Air Lines v. Civil Aeronautics Bd. <i>See</i> 76-1241
	76-1604	District of Columbia Fed'n of Civic Ass'ns v. Adams
	76-1625	Bowles v. Strickland
	76-1627	Spiegel Trucking Co. v. National Labor Relations Bd.
BOX 96	76-1629	United States v. Woods
	76-1631	United States v. Lee <i>See</i> 76-1629
	76-1644	United States v. Robinson
	76-1652	Nestler v. Exxon Corp.
	76-1657	W. J. Digby, Inc. v. Interstate Commerce Comm'n

United States Court of Appeals File, 1932-1979

Container

Contents

	76-1669	International Union of Operating Eng'rs Local 400 v. National Labor Relations Bd.
	76-1694	American Pub. Gas Ass'n v. Federal Power Comm'n
	76-1750	United States v. Riley
	76-1752	United States v. Walker
	76-1754	United States v. Walker See 76-1752
	76-1757	Huber v. Hampton
	76-1760	National Citizens Comm. for Broadcasting v. Federal Communications Comm'n
	76-1822	United States v. Blackwell
	76-1825	Clark v. Valeo
	76-1840	United States v. Moore
	76-1848	Mercado v. Claytor
	76-1890	United States v. Farrell
	76-1915	McCarthy v. Federal Communications Comm'n
	76-1932	Martin Marietta Corp. v. Evening Star Newspaper
	76-1956	Public Serv. Comm'n v. Federal Power Comm'n
	76-1957	Public Serv. Comm'n v. Federal Power Comm'n See 76-1956
	76-1969	United States v. Grover
	76-1970	National Ass'n of Regional Councils v. Train
	76-2000	American Pub. Gas Ass'n v. Federal Power Comm'n
	77-1436	United States v. Watts
	77-1618	Martin Marietta Corp. v. Evening Star Newspaper See 76-1932
	1977 September term	
	73-1338	Public Serv. Comm'n v. Federal Energy Regulatory Comm'n
	73-1847	Zweibon v. Mitchell See 77-1325
	74-1662	Holtze v. Equitable Life Assurance Soc'y of the United States
	74-1773	United States v. Nelson
	75-1115	Pappas Television v. Federal Communications Comm'n
	75-1116	Pappas Television v. Federal Communications Comm'n See 75-1115
	75-1214	National Wildlife Fed'n v. Coleman See 77-1562
	75-1350	Campbell v. McGruder
	75-1408	Pappas Television v. Federal Communications Comm'n See 75-1115
BOX 97	75-1488	Female Union Band Ass'n v. Unknown Heirs at Law
	75-1489	Norris v. Unknown Heirs at Law See 75-1488
	75-1611	American Fed'n of Grain Millers v. National Labor Relations Bd.
	75-1619	United States v. Scios
	(2 folders)	
	75-1621	M & H Produce Co. v. Knebel
	75-1704	District 6, United Mine Workers v. United States Dep't of the Interior Bd. of Mine Operations Appeals
	75-1715	United States v. Montgomery

United States Court of Appeals File, 1932-1979

Container

Contents

	75-1766	United States v. Myles See 77-1527
	75-1767	Elizabethtown Gas Co. v. Federal Power Comm'n
	75-1945	New England Power Co. v. Federal Energy Regulatory Comm'n
	75-1971	Female Union Band Ass'n v. Unknown Heirs at Law See 75-1488
	75-1972	Norris v. Unknown Heirs at Law See 75-1488
	75-1974	Dellums v. Powell
	75-2183	United States v. Certain Land in Square 724, D.C.
	75-2200	Collins Sec. Corp. v. Securities & Exch. Comm'n
	75-2224	Environmental Defense Fund v. Costle
	75-2273	Campbell v. McGruder See 75-1350
	76-1010	Pappas Television v. Federal Communications Comm'n See 75-1115
	76-1030 (2 folders)	ASARCO, Inc. v. Environmental Protection Agency
BOX 98	76-1032	Elmore v. United States
	76-1037	Sierra Club v. Environmental Protection Agency See 76-1030
	76-1081	Community-Service Broadcasting of Mid-America v. Federal Communications Comm'n
	76-1225	Youngstown Cartage Co. v. Interstate Commerce Comm'n
	76-1227 (2 folders)	Turner v. Federal Trade Comm'n
	76-1278	Nassar & Co. v. Securities & Exch. Comm'n
	76-1368	Local 259, Graphic Arts Int'l Union v. National Labor Relations Bd.
	76-1374	Jackson v. Hampton
	76-1411	Rieser v. District of Columbia
	76-1412	Rieser v. District of Columbia See 76-1411
	76-1462	Igonia v. Califano
	76-1465	Elizabethtown Gas Co. v. Federal Power Comm'n See 75-1767
	76-1475	National Labor Relations Bd. v. Amsterdam Printing & Litho Corp. See 76-1368
	76-1494	Pappas Television v. Federal Communications Comm'n See 75-1115
	76-1525	National Resources Defense Council v. United States Nuclear Regulatory Comm'n
	76-1533	Husovosky v. United States
	76-1534	Husovosky v. United States See 76-1533
	76-1536	Nassar & Co. v. Securities & Exch. Comm'n See 76-1278
	76-1557	Sierra Club v. Interstate Commerce Comm'n
	76-1710	Inmates, D.C. Jail v. Jackson
	76-1712 (2 folders)	United States v. American Tel. & Tel.
	76-1722	Retail Clerks Local 588 v. National Labor Relations Bd.
	76-1726	Henderson v. Milobsky

United States Court of Appeals File, 1932-1979

Container	Contents	
BOX 99	76-1741 (2 folders)	United States v. Maturo
	76-1759	Ginsburg, Feldman & Bress v. Federal Energy Admin.
	76-1785	B. J. McAdams, Inc. v. Interstate Commerce Comm'n See also 78-1288
	76-1829	Alaska v. Kleppe
	76-1852	Gutierrez v. Knebel
	76-1883	Public Citizen v. Kennedy
	76-1891	Rubin v. Evening Star
	76-1909	Unification Church v. Attorney Gen. of the United States
	76-1920	United States v. Vecchiarello See 76-1741
	76-1921	United States v. Vecchiarello See 76-1741
	76-1924	Gulmatico v. Califano
	76-1926	Council of Forest Indus. of British Columbia v. Interstate Commerce Comm'n
	76-1927	Abbott Sec. Corp. v. New York Stock Exch.
	76-1929	Pennsylvania Pub. Util. Comm'n v. Interstate Commerce Comm'n
	76-1938	Marshall County Broadcasting Co. v. Federal Communications Comm'n
	76-1939	Maddox v. Bano
	76-1945	Sherrill v. Knight
	76-1995	Central Power & Light Co. v. Federal Energy Regulatory Comm'n
	76-2012	City of Altus v. Federal Energy Regulatory Comm'n See 76-1995
	76-2021	National Auto. Dealers Ass'n v. Board of Governors of the Fed. Reserve Sys.
	76-2029	United States v. District of Columbia
	76-2030	District of Columbia v. Landmark Servs. See 76-2029
	76-2038	Newman & Pemberton Corp. v. Interstate Commerce Comm'n
	76-2042	Pappas Television v. Federal Communications Comm'n See 75-1115
	76-2043	Braniff Airways v. Civil Aeronautics Bd.
	76-2060	Davis v. United States
	76-2067	National Motor Freight Traffic Ass'n v. United States
	76-2089	County of Los Angeles v. Adams
	76-2094	Northern Ill. Gas Co. v. Federal Energy Regulatory Comm'n
	76-2095	Northern Ill. Gas Co. v. Federal Energy Regulatory Comm'n See 76-2094
	76-2152	Sweatt v. United States Navy
	77-1002	March v. United States
	77-1021	Oglethorpe Elec. Membership Corp. v. Federal Energy Regulatory Comm'n
77-1108	Ewanco v. Commissioner of Patents	
BOX 100	77-1112	United States v. Adams
	77-1128	United States v. Bell
	77-1136	United States v. Smith

United States Court of Appeals File, 1932-1979

Container

Contents

77-1170	United States v. Gonzales
77-1174	National Auto Research Publications v. United States Postal Serv. See 77-1848
77-1177	Nassar & Co. v. Securities & Exch. Comm'n See 76-1278
77-1190	United States v. Allen
77-1213	United States v. Russell
77-1222	American Train Dispatchers Ass'n v. Interstate Commerce Comm'n
77-1228	Baker v. Central Intelligence Agency
77-1236	Austasia Intermodal Lines v. Federal Maritime Comm'n
77-1256	Shippers Truck Serv. v. Interstate Commerce Comm'n
77-1260	Household Goods Carriers v. Interstate Commerce Comm'n
77-1263	Hilyer v. Howat Concrete Co.
77-1264	Hilyer v. Howat Concrete Co. See 77-1263
77-1265	Hilyer v. Howat Concrete Co. See 77-1263
77-1267	Hilyer v. Howat Concrete Co. See 77-1263
77-1271	Mason v. Carter
77-1275	Bristol Myers Co. v. Federal Trade Comm'n
77-1279	Schwartz v. Federal Power Comm'n
77-1289	Staub v. Johnson
77-1300	Jolly v. Listerman
77-1325	<i>In re Zweibon</i> See also 73-1847
77-1337	Youngstown Cartage Co. v. Interstate Commerce Comm'n See 76-1225
77-1342	Carey v. United Mine Workers Ass'n
77-1356	Household Goods Carriers v. Interstate Commerce Comm'n See 77-1260
77-1362	Nassar v. Securities & Exch. Comm'n See 76-1278
77-1370	Carey v. United Mine Workers Ass'n See 77-1342
77-1374	United States v. Irby
77-1395	Industrial Union Dept. v. Bingham
77-1400	Asai v. Immigration & Naturalization Serv. See 76-1909
77-1401	Ray v. Turner
77-1409	Morgan v. Western Union Tel. Co.
77-1412	United States v. Short
77-1418	Holder v. Secretary of the Army
77-1419	National Pub. Radio v. Bell
77-1424	North Cent. Airlines v. Civil Aeronautics Bd.
77-1433	United States v. Robinson
77-1441	F & B/CECO v. National Labor Relations Bd.
77-1474	Stebbins v. Equal Employment Opportunity Comm'n
77-1507	United States v. Benlizar
77-1516	American Petroleum Inst. v. Occupational Safety & Health Admin. See 77-1395

United States Court of Appeals File, 1932-1979

Container

Contents

	77-1517	Community Telecasters v. Federal Communications Comm'n
	77-1524	Johnson v. Cleland
	77-1525	Inmates, D.C. Jail v. Jackson See 76-1710
	77-1527	United States v. Myles
	77-1562	National Wildlife Fed'n v. Federal Highway Admin.
	77-1569	United States v. Hicks
	77-1588	United States v. Riggin
	77-1606	United States v. Davis
	77-1637	Chauffeurs Local 633 v. National Labor Relations Bd.
	77-1642	Williams v. Claytor
	77-1643	Dendy v. Washington Hosp. Center
	77-1734	United States v. Boney
	77-1826	Ferri v. Buckley
	77-1848	Standard Rate & Data Serv. v. United States
	77-1857	United States v. Crockett
	77-1892	Holland-Rantos Co. v. United States Dept. of Health, Educ. & Welfare
BOX 101	77-1912	United States v. Williams
	77-1933	United States v. Quinn See 77-1857
	77-1960	Adams v. Vance
	77-2129	United States v. Howie
	1978 September term	
	75-1090	Continental Air Lines v. Civil Aeronautics Bd.
	75-1308	Syracuse Coalition for the Free Flow of Information in the Broadcast Media v. Federal Communications Comm'n
	75-1391	Pacifica Found. v. Federal Communications Comm'n
	(2 folders)	
	75-1612	Brown v. Morris Cafritz Memorial Hosp.
	75-1748	National Labor Relations Bd. v. Blevins Popcorn Co. See also 75-1611, 1977 term
	75-1792	National Black Media Coalition v. Federal Communications Comm'n
	75-1867	New York Freight Forwarders & Brokers Ass'n v. Interstate Commerce Comm'n
	76-1142	Ashton v. Bell
	76-1308	Forsham v. Califano
BOX 102	76-1352	Public Serv. Comm'n v. Federal Energy Regulatory Comm'n
	76-1379	Merrill v. Federal Open Mkt. Comm. of the Fed. Reserve Sys.
	76-1455	Foster v. Maryland State Sav. & Loan Ass'n
	76-1647	Berlin Democratic Club v. Brown
	76-1666	Perricone v. Secretary of the Army
	76-1692	WNCN Listeners Guild v. Federal Communications Comm'n
	(3 folders)	
	76-1714	United States v. Fulcher
	76-1716	Securities & Exch. Comm'n v. Arthur Young & Co.

United States Court of Appeals File, 1932-1979

Container	Contents	
BOX 103	76-1724 Chatham v. Securities & Exch. Comm'n	
	76-1742 Central Fla. Enters. v. Federal Communications Comm'n	
	76-1800 Goland v. Central Intelligence Agency	
	76-1865 McCarthy v. Carter	
	76-1940 Baylor Univ. Medical Center v. National Labor Relations Bd. (2 folders)	
	76-1967 Sedgwick v. Superior Ct. of the D.C.	
	76-1968 Plumbers & Steamfitters Local 342 v. National Labor Relations Bd. (2 folders)	
	76-2009 White Mountain Broadcasting Co. v. Federal Communications Comm'n	
	76-2015 Retail Store Employees Union Local 1001 v. National Labor Relations Bd.	
	76-2027 National Land for People v. Bureau of Reclamation	
	76-2048 Atchison, Topeka & Santa Fe Ry. v. Interstate Commerce Comm'n	
	76-2090 Castagna v. Sears, Roebuck & Co.	
	BOX 104	76-2118 Coe v. Califano
76-2135 Smith v. Pro Football, Inc.		
76-2138 Farmers Union Cent. Exch. v. Federal Energy Regulatory Comm'n (2 folders)		
76-2142 Phillips v. Bureau of Prisons		
77-1008 Lee v. Ply*Gem Indus.		
77-1152 National Ass'n for Better Broadcasting v. Federal Communications Comm'n		
77-1187 National Ass'n of Recycling Indus. v. Interstate Commerce Comm'n		
77-1193 National Ass'n of Recycling Indus. v. Interstate Commerce Comm'n See 77-1187		
77-1216 ASG Indus. v. Consumer Prod. Safety Comm'n		
77-1225 Marks v. Central Intelligence Agency		
77-1238 Flat Glass Ass'n v. Consumer Prod. Safety Comm'n See 77-1216		
77-1240 Jordan v. United States Dep't of Justice (2 folders)		
77-1283 Cook Indus. v. Secretary of Agriculture		
77-1292 Institute of Scrap Iron & Steel v. Interstate Commerce Comm'n See 77-1187		
BOX 105		77-1302 Exxon Corp. v. Federal Trade Comm'n
		77-1328 Durbin Paper Stock Co. v. Interstate Commerce Comm'n See 77-1187
		77-1353 Freight Forwarders Inst. v. Interstate Commerce Comm'n See 75-1867
	77-1355 Lee v. Flintkote Co. See 77-1008	
	77-1404 United States v. Bailey	
	77-1430 Stewart v. District of Columbia	

United States Court of Appeals File, 1932-1979

Container	Contents
	77-1443 American Sec. Council Educ. Found. v. Federal Communications Comm'n (2 folders)
	77-1458 Blanco Oil Co. v. Federal Energy Regulatory Comm'n
	77-1476 Kemp v. Brown
	77-1489 National Resources Defense Council v. United States Nuclear Regulatory Comm'n
	77-1496 Tennessee Gas Pipeline Co. v. Federal Energy Regulatory Comm'n (3 folders)
	77-1498 Tennessee Gas Pipeline Co. v. Federal Energy Regulatory Comm'n See 77-1496
	77-1550 Guardian Fed. Sav. & Loan Ass'n v. Federal Sav. & Loan Ins. Corp.
BOX 106	77-1566 Tennessee Gas Pipeline Co. v. Federal Energy Regulatory Comm'n
	77-1568 Jalil v. Hampton
	77-1576 National Resources Defense Council v. Seaman See 77-1489
	77-1590 National Retired Teachers Ass'n v. United States Postal Serv. (2 folders)
	77-1605 United States v. Jacobs
	77-1611 Defenders of Wildlife v. Andrus
	77-1616 Rhodia, Inc. v. Food & Drug Admin. (2 folders)
	77-1628 United States v. Anaconda Co. Wire & Cable Div.
	77-1636 Edison Pharmaceutical Co. v. Food & Drug Admin.
	77-1653 Tennessee Gas Pipeline Co. v. Federal Energy Regulatory Comm'n See 77-1496
	77-1665 Carolina, Clinchfield & Ohio Ry. v. Interstate Commerce Comm'n
	77-1712 Transcontinental Gas Pipe Line Co. v. Federal Energy Regulatory Comm'n See 77-1496
	77-1719 Michigan Wis. Pipeline Co. v. Federal Energy Regulatory Comm'n See 77-1496
BOX 107	77-1777 Wisconsin Elec. Power Co. v. Federal Energy Regulatory Comm'n
	77-1787 WLLE v. Federal Communications Comm'n
	77-1821 New York State Teamsters Conference Pension & Retirement Fund v. Pension Benefit Guar. Corp.
	77-1825 Cities of New London & Shawano, Wis. v. Federal Energy Regulatory Comm'n See 77-1777
	77-1862 Investment Co. Inst. v. Board of Governors of Fed. Reserve Sys.
	77-1867 United States Brewers Ass'n v. Environmental Protection Agency
	77-1908 Tidewater Management Servs. v. Marshall
	77-1921 Wisconsin Elec. Power Co. v. Federal Energy Regulatory Comm'n See 77-1777
	77-1938 Smith v. National Labor Relations Bd.
	77-1961 Association of Am. R.Rs. v. Interstate Commerce Comm'n
	77-1974 Purolator Corp. v. Interstate Commerce Comm'n

United States Court of Appeals File, 1932-1979

Container

Contents

	77-1979	Branch 6000, Nat'l Ass'n of Letter Carriers v. National Labor Relations Bd.
	(2 folders)	
BOX 108	77-2018	Leefer v. Fletcher
	77-2045	Cities of New London & Shawano, Wis. v. Federal Energy Regulatory Comm'n See 77-1777
	77-2068	Leefer v. Fletcher See 77-2018
	77-2070	Houston Lighting & Power Co. v. United States
	77-2071	Arizona Elec. Power Coop. v. United States See 77-2070
	77-2088	Roelofs v. Secretary of the Air Force
	77-2110	American Ass'n of Marriage & Family Counselors v. Brown
	77-2126	Jacksonville Port Auth. v. Adams
	77-2127	City of Los Angeles v. Adams See 77-2126
	77-2128	Dade County, Fla. v. Adams See 77-2126
	77-2138	County of Los Angeles, Calif. v. Marshall
	(2 folders)	
	78-1001	Compania de Gas de Nuevo Laredo v. Federal Energy Regulatory Comm'n
	78-1020	Leneweaver v. Washington Metro. Area Transit Auth.
	78-1028	Chemical Leaman Tank Lines v. Interstate Commerce Comm'n
	78-1029	C & H Transp. Co. v. Interstate Commerce Comm'n
	78-1051	Machine Printers & Engravers Ass'n v. Marshall
	78-1059	Arco Auto Carriers v. Interstate Commerce Comm'n
	78-1061	Thurston Motor Lines v. United States
	78-1074	Goodson v. Railroad Retirement Bd.
	78-1093	Pitsker v. Blumenthal
	78-1094	Wagstaff v. Department of the Treasury
BOX 109	78-1114	United States v. Johnson
	78-1127	Ward v. Postal Rate Comm'n
	78-1134	Green v. Bell
	78-1143	Murphy v. SCA/Shayne Bros.
	78-1168	Henry Pollack, Inc. v. Blumenthal
	78-1196	Agricultural Transp. Alliance v. United States
	78-1209	Physicians Nat'l House Staff Assoc. v. Murphy
	78-1217	Dickinson Broadcasting Corp. v. Federal Communications Comm'n
	78-1225	Heartland Farm Lines v. Interstate Commerce Comm'n See 78-1196
	78-1226	President v. Vance
	78-1227	Marquette v. United States See 78-1196
	78-1248	Defenders of Wildlife v. Andrus See 77-1611
	78-1258	Murphy v. Department of the Army
	78-1263	Board of Trade Clearing Corp. v. Commodity Futures Trading Comm'n

United States Court of Appeals File, 1932-1979

Container

Contents

	78-1269	Minnesota v. United States Nuclear Regulatory Comm'n
	(2 folders)	
	78-1288	B. J. McAdams, Inc. v. Interstate Commerce Comm'n <i>See also</i> 76-1785
	78-1289	Stone Trucking Co. v. Interstate Commerce Comm'n
	78-1304	United States v. Robinson
	78-1321	United States v. Britt
	78-1389	United States v. Bowens
	78-1448	National Ass'n of Greeting Card Publishers v. United States Postal Serv.
	(2 folders)	
	78-1456	United States v. Watson
BOX 110	78-1460	Control Data Corp. v. Washington Metro. Area Transit Auth.
	78-1464	United States v. Washington
	78-1470	Todd v. Campbell
	78-1492	United States v. Lyon <i>See</i> 78-1464
	78-1540	Jackson v. Meredith
	78-1556	Porter County Chapter of the Izaak Walton League of Am. v. Nuclear Regulatory Comm'n
	(2 folders)	
	78-1559	Illinois v. Nuclear Regulatory Comm'n <i>See</i> 78-1556
	78-1575	Town of E. Hartford v. Harris
	78-1576	Natural Resources Defense Council v. Seamans <i>See</i> 77-1489
	78-1577	Meister v. Ranch Restaurant
	78-1586	Federal Trade Comm'n v. Wearly
	78-1601	United States v. Pleasant
	78-1612	United States v. Kim
	78-1666	National Ass'n of Farmworker Orgs. v. Marshall
	78-1698	Natural Resources Defense Council v. Seamans <i>See</i> 77-1489
	78-1699	Amolsch & Madden, Inc. v. Federal Trade Comm'n
	78-1711	United States v. Burks
	78-1726	United States v. Richardson
	78-1727	United States v. Kelly
	78-1734	United States v. Bryant
	78-1753	Midwestern Gas Transmission Co. v. Federal Energy Regulatory Comm'n
	(3 folders)	
	78-1775	Midwestern Gas Transmission Co. v. Federal Energy Regulatory Comm'n <i>See</i> 78-1753
BOX 111	78-1777	Inflated Prods. Co. v. Brown
	78-1789	Michigan Wis. Pipe Line Co. v. Federal Energy Regulatory Comm'n <i>See</i> 78-1753
	78-1851	Civil Aeronautics Bd. v. Deutsche Lufthansa Aktiengesellschaft
	(2 folders)	
	78-1863	Gulf & W. Indus. v. United States

United States Court of Appeals File, 1932-1979

Container	Contents
	78-1875 Brigadier Indus. Corp. v. Federal Trade Comm'n
	78-1878 Brigadier Indus. Corp. v. Federal Trade Comm'n See 78-1875
	78-1882 Misko v. United States
	78-1907 United States v. Irby
	78-1916 McSurely v. Adams
	78-1945 United States v. Mooney
	78-1947 Laham v. Meredith
	78-2032 New England Coalition on Nuclear Pollution v. United States Nuclear Regulatory Comm'n See 78-1269
	78-2204 United States v. Davis
	78-2239 Nassar & Co. v. Securities & Exch. Comm'n
	78-2243 Goldberg v. Dart Drug
	79-1009 Jackson v. Carlson
	79-1028 Environmental Defense Fund v. Higginson
	79-1048 United Steelworkers v. Occupational Safety & Health Admin.
	79-1171 Louisville & Nashville R.R. v. Sullivan
	79-1176 Roosevelt Campobello Int'l Park Comm'n v. United States Environmental Protection Agency
BOX 112	79-1352 Western Union Tel. Co. v. Federal Communications Comm'n (2 folders)
	79-1383 United States v. Kelly See 78-1727
	79-1564 American Fed'n of Labor-Congress of Indus. Orgs. v. Kahn
	79-1694 Rhone-Poulenc, Inc. v. Food & Drug Admin.
	79-1706 Vineland Labs v. Food & Drug Admin. See 79-1694
	79-1712 Burlington N. v. United States
	1979 September term
	72-1283 United States v. Decoster (2 folders)
	73-1629 United States v. Wood (2 folder)
BOX 113	(2 folder)
	75-1871 Sierra Club v. Kleppe
	75-2248 Mourning v. National Labor Relations Bd.
	76-1446 United States v. Bullock (4 folders)
	76-1457 United States v. Floyd See 76-1446
	76-1461 United States v. Nobles See 76-1446
BOX 114	76-1554 United Auto Workers v. Marshall
	76-1735 Sea Island Broadcasting Corp. v. Federal Communications Comm'n
	77-1249 United States v. Federal Communications Comm'n
	77-1351 Copeland v. Marshall (2 folders)
	77-1496 Tennessee Gas Pipeline Co. v. Federal Energy Regulatory Comm'n (2 folders)

United States Court of Appeals File, 1932-1979

Container	Contents
	77-1565 Klapac v. McCormick
	77-1712 Transcontinental Gas Pipe Line Corp. v. Federal Energy Regulatory Comm'n <i>See also</i> 77-1496
BOX 115	77-1959 Director, Office of Workers' Compensation Programs v. Potomac Elec. Power Co.
	77-1984 Baxter v. Claytor
	77-2017 Winston v. Smithsonian Science Information Exch.
	77-2023 Monsanto Co. v. Kennedy (2 folders)
	77-2080 Roelofs v. Secretary of the Air Force
	77-2116 <i>In re</i> Buckingham Super Markets
	78-1002 Citizens to Save Spencer Co. v. United States Env'tl. Protection Agency (3 folders)
BOX 116	(1 folder)
	78-1006 Alabama Power Co. v. Costle Background information (2 folders)
	Briefs Dec 1978 Mar. 1979 (3 folders)
BOX 117	(6 folders)
BOX 118	(1 folder)
	Apr. 1970 (5 folders)
BOX 119	Consolidated certificates of counsel Environmental Protection Agency Review of regulations Joint appendix (3 folders)
BOX 120	(1 folder) Legislative history appendix (2 folders)
	General Nov. 1978-Sept. 1979 (2 folders)
BOX 121	Oct. 1979, undated (6 folders)
	Notebooks (1 folder)
BOX 122	(4 folders)
	Petition for rehearing (2 folders)
BOX 123	(2 folders)
	78-1021 District of Columbia Medicaid Transp. v. Washington Metro. Area Transit Auth.

United States Court of Appeals File, 1932-1979

Container

Contents

	78-1032	Federal Trade Comm'n v. Anderson
	(3 folders)	
	78-1048	Federal Trade Comm'n v. Granville See 78-1032
	78-1076	United States v. Bullock See 76-1446
	78-1077	United States v. Floyd See 76-1446
	78-1078	United States v. Nobles See 76-1446
	78-1085	Anderson v. United States Dep't of the Treasury
	78-1102	Shea-S and M Ball v. Massman-Kiewit-Early
	78-1105	Spirides v. Reinhardt
BOX 124	78-1106	Investment Annuity, Inc. v. Blumenthal
	78-1155	Safeway Trails v. National Labor Relations Bd.
	78-1290	Director, Office of Workers' Compensation v. Cooper
	78-1293	United States v. Fearwell
	78-1322	Namar Foods v. Rosenzweig
	78-1364	Coca-Cola Co. v. Federal Trade Comm'n
	(5 folders)	
BOX 125	Coca-Cola Co. v. Federal Trade Comm'n	
	(2 folders)	
	78-1369	Kentucky <i>ex rel.</i> Stephens v. Nuclear Regulatory Comm'n
	78-1395	Krughoff v. Cullinane
	78-1421	Southern Ry. v. Seaboard Coast Line R.R.
	(2 folders)	
	78-1436	Hanson v. Hoffman
	78-1465	Broadbent v. Organization of Am. States
BOX 126	78-1505	Aluminum Co. v. Interstate Commerce Comm'n
	78-1506	Teamsters, Local 20 v. National Labor Relations Bd.
	78-1513	Central Transp. v. Interstate Commerce Comm'n
	78-1544	PepsiCo v. Federal Trade Comm'n See 78-1364
	78-1545	PepsiCo v. Federal Trade Comm'n See 78-1364
	78-1552	C & H Transp. v. Interstate Commerce Comm'n
	78-1623	Executive Limousine Serv. v. Adams
	78-1624	Washington Metro. Area Transit Comm'n v. Adams See 78-1623
	78-1686	Mobilfone Serv. v. Federal Communications Comm'n
	78-1725	National Labor Relations Bd. v. Preston Trucking Co. See 78-1506
	78-1750	Jolly v. Listerman
	78-1797	Schuler v. United States
	78-1840	Halas v. Banner
	78-1850	Daniel v. Jeyakaran See 78-1322
	78-1892	Postow v. Oriental Bldg. Ass'n
	(2 folders)	
	78-1903	Miner v. Federal Communications Comm'n
	78-1906	Chemidus Wavin, Ltd. v. Robintech
	78-1909	Chemidus Wavin, Ltd. v. Robintech See 78-1906
	78-1917	United States Elecs. v. Davis

United States Court of Appeals File, 1932-1979

Container	Contents
	78-1925 Ricks v. Federal Communications Comm'n
	78-1954 District 1199E, Nat'l Union of Hosp. & Health Care Employees v. National Labor Relations Bd.
	78-1972 National Wildlife Fed'n v. United States
	78-1975 Sami v. United States
	78-2005 Price v. Franklin Inv. Co.
BOX 127	78-2030 Committee to Protect First Amendment Rights of Employees of the Dep't of Agriculture v. Bergland
	78-2080 Martin Tractor Co. v. Federal Election Comm'n
	78-2155 St. Louis-San Francisco Ry. v. Interstate Commerce Comm'n See 78-1505
	78-2245 Northwest Airlines v. Civil Aeronautics Bd.
	78-2264 Walter M. Ballard Co. v. Supreme Equip. & Sys. Corp.
	78-2327 United States v. Diggs
	(2 folders)
	79-0085 National Labor Relations Bd. v. Blevins Popcorn Co.
	79-1011 Morrison-Knudsen Co. v. Washington Metro. Area Transit Auth.
	79-1085 McCord v. Bailey
	(2 folders)
BOX 128	79-1104 American Petroleum Inst. v. Costle
	79-1117 Association of Nat'l Advertisers v. Federal Trade Comm'n
	(3 folders)
	79-1166 United States v. Ray
	79-1228 National Congress of Hispanic Am. Citizens v. Marshall
	79-1284 United States v. Frady
	79-1317 McDonnell Douglas Corp. v. National Labor Relations Bd. See 75-2248
	79-1363 Quy v. Air America
	79-1366 Quy v. Air America See 79-1363
	79-1373 United States v. Crawford
	79-1375 United States v. Garris
	79-1427 United States v. Coleman
BOX 129	79-1554 Connecticut Bankers Ass'n v. Board of Governors of the Fed. Reserve Sys.
	79-1646 Gulf & W. Indus. v. United States
	79-1768 Energy Action Educ. Found. v. Andrus
	79-1787 Energy Action Educ. Found. v. Andrus See 79-1768
	79-2170 O'Hair v. Andrus
	(2 folders)
	79-2246 Goldwater v. Carter
	(2 folders)
	79-2359 Jackalone v. Andrus
	(2 folders)
	Undated
	21492 Millard v. Harris

United States Court of Appeals File, 1932-1979

Container

Contents

	76-1982	United Glass & Ceramic Workers v. Marshall
BOX 130	Watergate Cases	
	72-2210	United States v. Liddy, 1972
	72-2211	<i>In re</i> Los Angeles Times See 72-2210
	73-1020	United States v. Liddy, 1973-1974
	73-1562 (3 folders)	<i>In re</i> Grand Jury Proceedings Liddy, 1973-1974
	73-1564 (2 folders)	United States v. Liddy, 1973-1974
	73-1565 1973 (3 folders)	United States v. Liddy See also 73-2199
BOX 131	(3 folders) 1974-1975 (2 folders)	
	73-1935 (2 folders)	Nader v. Butz, 1973
	73-1962	Nixon v. Sirica District court documents, 1973 (1 folder) (2 folders)
BOX 132	General 1973 (4 folders)	
BOX 133	(4 folders) 1974, undated	
	73-1967	United States v. Sirica See 73-1962
	73-1989	<i>In re</i> Grand Jury Proceedings See 73-1962
	73-2074	Hunt v. United States, 1973-1974
	73-2086	Senate Select Comm. on Presidential Campaign Activities v. Nixon, 1973
	73-2185 1973-1974 (2 folders)	United States v. Barker
BOX 134	1974-1975 (2 folders)	
	73-2186	United States v. Martinez See 73-2185
	73-2187	United States v. Sturgis See 73-2185
	73-2188	United States v. Gonzalez See 73-2185
	73-2199 (2 folders)	United States v. Hunt, 1973-1974 See also 73-1565
	73-2252 1974 (3 folders)	United States v. McCord

United States Court of Appeals File, 1932-1979

Container	Contents
BOX 135	1974-1975 (3 folders) 74-1258 Senate Select Comm. on Presidential Campaign Activities v. Nixon District court documents, 1974 General, 1974 (4 folders)
BOX 136	(1 folder) 74-1364 Haldeman v. Sirica Background information, 1955, 1961 District court documents, 1974 (2 folders) General, 1974 (2 folders) 74-1427 United States v. Ehrlichman, 1974 74-1492 Mitchell v. Sirica 74-1532 Nixon v. Sirica, 1974 74-1618 <i>In re</i> Grand Jury Subpoena Duces Tecum to Nixon, 1974, undated (2 folders) 74-1648 United States v. Chapin 74-1753 <i>In re</i> Grand Jury Subpoena Duces Tecum to Nixon See 74-1618 74-1769 United States v. DeDiego, 1974 74-1882 United States v. Ehrlichman, 1975-1976 (2 folders) 74-1883 United States v. Barker See 74-1882 74-1884 United States v. Martinez See 74-1882 74-1885 United States v. Liddy See 74-1882
BOX 137	74-1949 Mitchell v. Sirica, 1974 75-1063 Nixon v. Richey, 1975 75-1753 United States v. Liddy, 1975-1976 76-1371 Open Am. v. Watergate Special Prosecution Force, 1976 General, 1932-1975, undated (5 folders) Impeachment committee, 1974 Post pardon mandamus cases 1974 (3 folders)
BOX 138	1974, undated (2 folders) District court and other circuit cases United States Court of Appeals for the Second Circuit 35353 Hellenic Lines v. Embassy of Pakistan, 1970-1972 (2 folders) 72-1052 Papilsky v. Berndt, 1972 72-1110 United States <i>ex rel.</i> Frasier v. Henderson, 1972, undated 72-1168 United States v. Escobar, 1972, undated

United States Court of Appeals File, 1932-1979

Container	Contents
BOX 139	72-1174 United States <i>ex rel.</i> Rogers v. LaVallee, 1972
	72-1185 <i>In re</i> Cavanaugh, 1972, undated
	72-1226 United States <i>ex rel.</i> Bully v. Henderson, 1972
	72-1259 Heart Disease Research Found. v. General Motors Corp., 1970-1972, undated
	72-1403 United States v. Manfredonia, 1972
	72-1430 United States v. Taylor, 1971-1972, undated
	72-1484 United States <i>ex rel.</i> Caruth v. LaVallee, 1972, undated
	United States District Court for the District of Columbia
	74-180 Smith v. United States, 1974
	74-195 Penn Cent. Co. v. Brinegar See 74-180
	74-1133 Middle Atl. Conference Cent. States Motor Freight Bureau v. United States, 1974
	82-66 Hobson v. Hansen, 1966-1968
	101-66 Alaska v. United States, 1966, undated
202-69 Stewart v. Washington, 1969	
292-66 Apache County v. United States, 1966, undated	
320-66 Elmore County v. United States, 1966	
339-71 National Motor Freight Traffic Ass'n v. Interstate Commerce Comm'n, 1971-1972	
637-72 Altoona Trans-Audio Corp. v. Kleindienst, 1971-1972, undated	
1077-70 OD v. Wilson, 1970-1971, undated	
1094-69 Trainor v. Washington, 1969, undated	
1198-66 Wake County v. United States, 1966-1967	
1235-65 National Motor Freight Traffic Ass'n v. United States, 1966, undated	
BOX 140	1355-69 Green v. Kennedy, 1967-1971, undated (2 folders)
	1776-73 Southern Ry. v. United States, 1973-1979
	1833-71 Amalgamated Meat Cutters v. Connally, 1970-1971, undated (2 folders)
	2007-68 Haskett v. Washington, 1968-1969, undated
	2047-60 Alley v. Central Dispensary & Emergency Hosp., 1960-1965, undated
	2906-60 Unkle v. Realty Bldg., 1965, undated
	3002-67 Bellei v. Rusk, 1966-1969
	3130-70 Lester v. Board of Elections, 1970-1972, undated
BOX 141-148	Notebooks and Notes, 1965-1979 Notebooks and notes about cases that came before the District of Columbia court of appeals. Arranged alphabetically by topic or type of material and therein chronologically.
BOX 141	Argument notes (by court term) General 1965-1966 (5 folders)

United States Court of Appeals File, 1932-1979

Container

Contents

	1967 (1 folder)
BOX 142	(1 folder) 1968-1969 (5 folders)
BOX 143	1970-1972 (7 folders)
BOX 144	1973-1975 (6 folders)
BOX 145	1976-1977 (5 folders)
	1978 (1 folder)
BOX 146	(1 folder) 1979 Leventhal's opinions, 1965-1969 (6 folders)
BOX 147	Conference notebooks (by court term) 1966-1973 (6 folders)
BOX 148	1974-1979 (6 folders) Miscellaneous, 1966-1968
BOX 149-191	Office File, 1936-1979 Correspondence, memoranda, opinions, notes, reports, agendas and minutes of meetings, and printed matter. Arranged alphabetically by name of person or organization, topic, or type of material.
BOX 149	Abortion, 1966-1971 Administrative appellate court, proposed, 1969-1974, undated (2 folders) Administrative Conference of the United States Administrative Conference Act, 1977 (2 folders) Committee on Judicial Review 1972-1975 (2 folders)
BOX 150	1979 General, 1971-1979 (3 folders) Administrative law, 1965-1978, undated Advisory Council for Appellate Justice Appellate Court Energies Subcommittee, 1971-1974 (2 folders) Committee on Implementation of Standards for the Administration of Criminal Justice, 1972-1973 General

United States Court of Appeals File, 1932-1979

Container	Contents
	1971 (2 folders)
BOX 151	1972-1975 (6 folders)
BOX 152	Meetings, 1972-1975 (10 folders)
BOX 153	National Conference on Appellate Justice, 1975 (4 folders)
	American Jewish Committee, New York, N.Y., 1958-1967 (2 folders)
	American Law Institute, Philadelphia, Pa., 1974-1977
	American University, Washington, D.C., "The Law and History," television program, 1973
	Appellate Procedure, 1977-1978
BOX 154	System, proposals and improvements, 1978
	Appointment to judiciary, 1964-1965 (2 folders)
	Arbitration, 1975
	Aspen Institute for Humanistic Studies, Aspen, Colo., 1976-1978 (3 folders)
	Attorneys' fees for public interest representation General, 1975-1978, undated (2 folders)
	Senate Judiciary Committee, Subcommittee on Administrative Practice and Procedures Administrative Conference of the United States, debate, 1971-1975
BOX 155	General, 1971-1977 (2 folders)
	Gulf Oil Corp. case, 1971-1976
	Bail, 1964-1972 (2 folders)
	Bakke v. Regents of the Univ. of Calif. <i>See Container 182, Regents of the Univ. of Calif. v. Bakke</i>
	Bar associations American Bar Association Center for Administrative Justice, 1976-1977, undated General, 1956-1978 (2 folders)
	Legislative drafting panel, 1971
	Meetings, 1971-1976 (2 folders)
	Association of the Bar of the City of New York, N.Y. Special Committee on Penology 1976
BOX 156	1977-1978 (2 folders)
	Bar Association of the District of Columbia Administrative law section, 1963-1965

United States Court of Appeals File, 1932-1979

Container

Contents

	Ethics, 1961-1964, 1976 (3 folders)
	General, 1962-1964
	Junior bar section, 1963-1966
	Federal Bar Association
	District of Columbia chapter, 1958-1966
	Younger Federal Lawyers Awards, 1970
	International Bar Association, 1967, 1973
BOX 157	Burger, Warren E., 1965-1978 (2 folders)
	Center for International Studies, New York University, New York, N.Y., 1970-1975
	Class actions, 1977-1978, undated (2 folders)
	Cohen, Benjamin V., 1969, 1977, undated
	College of the Virgin Islands, St. Thomas, Virgin Islands, 1965-1973
	Columbia University School of Law, New York, N.Y.
	Alumni Association, 1955-1977 (2 folders)
BOX 158	Board of Visitors, 1973-1976
	Center for Law and Economic Studies, 1975-1978 (2 folders)
	<i>Columbia Journal of Law and Social Problems</i> , 1969-1972
	Horace W. Carpentier lecture series
	Case material, 1974-1978
	Correspondence, 1974-1979
	Federal Communications Commission material, 1970-1974, undated
	Ideas, 1974-1977, undated
	Miscellaneous, undated
	Conferences
	1966, Appellate Judges Conference of the Section of Judicial Administration, American Bar Association, Montreal, Canada
	1968, Conference on the Evolving Territorial Status of the Virgin Islands, St. Thomas, Virgin Islands (1 folder)
BOX 159	(2 folders)
	1970, Judges Conference on the Future of the World Court, New York University, New York, N.Y. (2 folders)
	1973, Council on Legal Education for Professional Responsibility Conference, Buck Hills, Pa.
	1974, Development of wage price policy in the United States, University of Massachusetts, Boston, Mass. (4 folders)
BOX 160	(1 folder)
	1975
	Administrative Law Judges Conference, Williamsburg, Va. (3 folders)
	Federal Appellate Judges Conference, Washington, D.C.

United States Court of Appeals File, 1932-1979

Container

Contents

	National Conference of Boards of Contract Appeals Conference, Washington, D.C. Washington Conference on the Media and the Law, Hot Springs, Va. (2 folders)
	1976
BOX 161	Columbia University Center for Law and Economic Studies Conference on Government Informational Needs and Business Disclosure, Airlie, Va. Florida Conference on the Media and the Law, Miami, Fla. Duty to client versus duty to public (3 folders) Duty to deliver legal services (2 folders) Duty to guarantee competent counsel General (2 folders)
BOX 162	(2 folders) Self-regulation Health, Education and Welfare Law Conference, Washington, D.C. Role of Law and Science in Weather Modification, Duke University, Durham, N.C.
	1978
BOX 163	American Enterprise Institute for Public Policy Research's Conference on the Role of the Judiciary in America (2 folders) (3 folders) Fifty-fifth American Assembly, Improving Energy Efficiency, Columbia University, New York, N.Y. Northern California Conference on the Media and the Law 1979, Columbia University Center for Law and Economic Studies Conference on International Business Regulation of Restrictive Business Practices (3 folders)
BOX 164	Confessions, 1962-1966 Cornell University Law School, Ithaca, N.Y., Advisory Council, 1975-1978 (5 folders) Cosmos Club, Washington, D.C., 1978-1979 Council on Legal Education for Professional Responsibility, New York, N.Y., 1972-1977 Council on the Role of Courts, 1979 (2 folders)
BOX 165	(1 folder) Court reorganization of the District of Columbia, 1969-1972 Crime and corrections workshop, 1969-1971 (3 folders) Criminal Justice Criminal Justice Act Advisory board, 1971-1976 General 1964-1965 1966 (1 folder)

United States Court of Appeals File, 1932-1979

Container

Contents

BOX 166	(1 folder) 1967-1979 (3 folders) General, 1965-1971 Law, 1966-1973 Procedure, 1967-1968 Deregulation 1975
BOX 167	1975-1976 (2 folders) Drugs, 1971-1972 Education, undergraduate, 1977 En bancs, 1958, 1965-1979, undated (3 folders) Equal protection, 1971
BOX 168	Ethics Ohio, 1974-1978 Professional, 1966 Experts, 1966-1967 Federal Judicial Center, Washington, D.C., 1967-1971, 1977 Freed, Daniel J., 1969 Gellhorn, Walter, dedication issue of the <i>Columbia Law Review</i> , 1966, 1974-1975, undated Guilty pleas, 1969-1971 Hatch Act, 1975-1976, undated (2 folders) Hoffman, Malcolm A., talk club, 1977-1979 Humor, 1975-1976, undated
BOX 169	Illinois v. City of Milwaukee, 1977-1978 (2 folders) India, 1978, undated Indictment delays, 1965 Indigents, 1966-1972 Insanity, 1968, 1976 Institute for Energy Analysis, Washington, D.C., 1975-1977 Internal Revenue Service, 1967 Invitations 1965-1978 (4 folders)
BOX 170	1979, undated Judges/justices Edgerton, Henry White, 1965-1970 Fahy, Charles, 1965-1978, undated General, 1968-1973, undated Greene, Harold H., 1966-1975 Holtzoff, Alexander, 1966-1969, undated Reed, Stanley Forman

United States Court of Appeals File, 1932-1979

Container

Contents

	Dinners, 1953-1957, 1963-1976, undated (5 folders)
	General, 1955-1971, 1977-1978, undated
BOX 171	Luncheons, 1976-1978, undated
	Stone, Harlan Fiske, 1963-1966, 1975-1977
	Judicial
	Administration, 1972-1977, undated
	Biography, 1971-1977, undated
	Conferences
	District of Columbia Circuit
	Committee on the Administration of Justice under Emergency Conditions, 1971-1973
	Meetings
	1966
	Executive session
	General
	(2 folders)
BOX 172	Topics committee
	1969
	1978-1979
	(4 folders)
	United States
	Advisory Committee on Appellate Rules, 1978-1979
	General, 1971-1973
	Subcommittee on Procedures and Methods to the Committee to Consider Standards for Admission to Practice in the Federal Courts
	1975-1977
BOX 173	1977
	Ethics, 1962-1979, undated
	(2 folders)
	Public report of income, 1970-1978
	Salaries, 1974-1977
	(2 folders)
	Selection, 1977-1979, undated
	Tenure, 1976-1977, undated
BOX 174	Judicial Improvement Act, 1979
	Jury
	Grand, 1976
	Instruction, 1971-1972
	Questionnaires, 1974
	Selection, 1972-1978
	Jurisprudence, 1971-1975, undated
	Juvenile court, 1967
	Kadish, Mortimer R., and Sanford H. Kadish, <i>Discretion to Disobey</i> , 1971-1975
	(2 folders)
	Kasha, Lawrence, 1978-1979
	Kastenmeier, Robert W., 1977-1978

United States Court of Appeals File, 1932-1979

Container

Contents

	Law clerks
	Applications and notes, 1970, 1977-1979, undated
	General, 1968-1979, undated
	(2 folders)
BOX 175	Staff files
	A-M, 1963-1979, undated
	(7 folders)
BOX 176	P-W, 1967-1979, undated
	(4 folders)
	Legal
	Education, 1973-1977
	Profession, 1970-1978, undated
	Library of Congress Law Advisory Group
	1976-1977
	(2 folders)
BOX 177	1977-1978, undated
	(2 folders)
	Lottery, 1979, undated
	Luck and probability, 1965-1968, 1974, undated
	Lusky, Louis, 1959-1978, undated
	(3 folders)
	Mandamus, 1968
	Marriage ceremonies, 1965-1978, undated
BOX 178	Media and the law, 1974-1979, undated
	Mental health, 1967-1970
	Misconduct rules, 1979
	Moot court
	American Patent Law Association, Arlington, Va., 1977, undated
	American University, Washington, D.C., 1967
	Arizona State University, Tempe, Ariz., 1976
	Catholic University of America, Washington, D.C., 1971-1978, undated
	Columbia University, New York, N.Y., 1967-1973
	Duke University, Durham, N.C., 1966-1967
	George Washington University, Washington, D.C., 1975
	Georgetown University, Washington, D.C., 1968-1971, 1977
	Harvard University, Cambridge, Mass., 1972
BOX 179	Howard University, Washington, D.C., 1967
	Junior Bar Section of the Bar Association of the District of Columbia, Washington, D.C.,
	1966-1967
	Northwestern University, Chicago, Ill., 1977
	Philip C. Jessup International Law Moot Court Competition, Washington, D.C.,
	1975-1976
	University of Chicago, Chicago, Ill., 1972-1973, 1979
	University of Michigan, Ann Arbor, Mich., 1975-1976
	University of Pennsylvania, Philadelphia, Pa., 1972
	University of Virginia, Charlottesville, Va., 1966-1967, 1975
	Van Vleck Case Club, Washington, D.C., 1965

United States Court of Appeals File, 1932-1979

Container

Contents

	Washington & Lee University, Lexington, Va., 1975
	Yale University, New Haven, Conn., 1970-1979, undated
	Morality, 1971
	Narcotics, 1965-1970
	National Court of Appeals, 1976-1978, undated
	National Research Council, Washington, D.C., 1976
	Notes, undated
	(2 folders)
	Obscenity, 1973-1977, undated
BOX 180	Office for Improvements in the Administration of Justice, 1977-1979
	Opinions
	Leventhal, 1976-1977, undated
	Unpublished, 1971-1977
	Vacating, 1971
	Parole board, 1974-1977
	Patents
	Appeals, 1972, 1978
	General, 1967
	Patent Law Reform Bill, S. 2504, 1973
	Payoffs, 1976
	Police, 1936, 1966-1978
	(2 folders)
	Political
	Reform, 1978
	Trials, 1970
	Poverty, 1971
	Presidential power symposium, Duke University, Durham, N.C., 1976
	(1 folder)
BOX 181	(2 folders)
	President's Commission on Law Enforcement and Administration of Justice, 1965-1968
	President's Reorganization Project, 1977
	Press
	General, 1975-1979, undated
	Newsman's privilege, 1973-1978, undated
	(2 folders)
	Privacy, 1967, 1979, undated
	Public defender service, 1965-1973
BOX 182	Public interest lawyers, 1966-1975, undated
	(2 folders)
	Recognizance, 1970
	Recusal, 1970-1979, undated
	Regents of Univ. of Calif. v. Bakke, 1977-1978
	Reports
	Case backlog, 1965-1971
	Leventhal opinions, 1976
	Rules, proposed rule 30, 1966-1970
	Science and law

United States Court of Appeals File, 1932-1979

Container

Contents

	General
	1969-1975
BOX 183	1975-1979, undated (5 folders)
	National Research Council meeting, Washington, D.C., 1977 (1 folder)
BOX 184	(2 folders) Science court colloquium, 1975-1977, undated Screening recommendations for cases 1969-1972 (4 folders)
BOX 185	1973-1978, undated (4 folders) Search and seizure, 1969-1970 Security, 1971-1976 Seminars 1958, 1967-1969 (2 folders)
BOX 186	1970-1977 (6 folders)
BOX 187	1978-1979 (2 folders) Sentencing, 1966-1977, undated Settlement, 1977-1979, undated Social research, 1976-1978, undated Solicitor general, 1972-1975 Specialized courts, 1977-1978 Speedy trials, 1971-1979 Staff Hochman, Trudy, 1965-1970 Jacobson, Clarence A., 1965-1969 Kaplan, Fern, 1977
BOX 188	Robinson, Carl, 1976-1979, undated Status sheets, cases decided, 1965 Sunshine Act, 1976 Supreme Court, judicial review of statutes, proposed symposium, 1978, undated Tennis, 1970-1980 Transcripts, 1973-1979 Trial delays, undated Tribe, Lawrence, lectures, 1978 Tribunals Expert, 1968-1976, undated Mixed, 1977 United States attorneys, 1967-1975, undated (2 folders)
BOX 189	United States Court of Appeals for the District of Columbia Circuit Circuit executive, 1971-1979

United States Court of Appeals File, 1932-1979

Container

Contents

	Clerk of the court, 1965-1979
	General, 1952, 1965-1979, undated
	History, 1976-1977
	Survey, 1969-1970
	United States Court of Patents and Appeals, judicial conference, 1976-1978
	United States District Court for the District of Columbia, 1971-1979
	University of Chicago Law School, Chicago, Ill., visiting committee, 1973-1976, undated
	University of Miami School of Law, Miami, Fla., Fourth Economics Institute for Federal Judges, 1979
BOX 190	Virgin Islands, 1966-1971
	Visitors' Services Center, District of Columbia Jail, 1970-1973, undated
	War crimes, 1966
	Washington Hebrew Congregation, Washington, D.C., 1965-1971
	Washington Honors School, George Washington University, Washington, D.C., 1965-1967, undated
	Washington Theater Club, Washington, D.C., 1965-1974, undated (4 folders)
BOX 191	Washington World Conference on World Peace through Law, Washington, D.C., 1965 (2 folders)
	Weinberg, Harry, 1961-1974, undated
	Weisman, Lawrence I., 1958-1968, undated
BOX 191-230	Speeches and Writings File, 1946-1980
	Correspondence, memoranda, speeches, articles, reviews, notes, research material, and printed matter.
	Filed in two categories: speech file and writings file. The speech file is arranged alphabetically by topic or type of material and therein chronologically. The speech texts are further divided into categories: set A, final copies, and set B, drafts and related material. The writings file is arranged alphabetically by type of material.
BOX 191	By Leventhal
	Speech file
	Announcements and programs, 1976-1977
	Notes, undated
	Research material
	Criminal responsibility and the penal code, 1955, undated
	Eyewitness testimony, 1947, 1966, undated
	Miscellaneous
	1961-1979 (3 folders)
BOX 192	Undated
	Nuisance actions, undated
	Science and law
	1974-1976 (3 folders)
	1977 (2 folders)
BOX 193	(2 folders)

Speeches and Writings File, 1946-1980

Container

Contents

	1979, undated (2 folders)
	Texts
	Set A, final copies (includes selected articles)
	Index, undated 1946-1965 (3 folders)
BOX 194	1966-1972 (9 folders)
BOX 195	1973-1975 (9 folders)
BOX 196	1976-1977 (3 folders)
	Set B, drafts and related material
	1964
	1965
	Apr.-Sept. (6 folders)
BOX 197	Oct. (2 folders)
	1966
	Feb.-Oct. (7 folders)
BOX 198	Nov.
	1967 (6 folders)
	1968
	Apr.-July (3 folders)
BOX 199	Aug. (2 folders)
	1969 (4 folders)
	1970
	May (3 folders)
BOX 200	(2 folders)
	June-Nov. (7 folders)
	1971
	Mar. (1 folder)
BOX 201	(6 folders)
	Apr.
	May (3 folders)
BOX 202	(7 folders)
BOX 203	(1 folder)

Speeches and Writings File, 1946-1980

Container

Contents

	Oct. (3 folders)
	1972
	Aug. (3 folders)
BOX 204	Sept. 1973
	Apr.-May (4 folders)
	Aug. (2 folders)
BOX 205	(2 folders) Oct.-Nov. (2 folders)
	1974 (3 folders)
	1975
	Jan.-Mar. (3 folders)
	Apr. (2 folders)
BOX 206	(2 folders)
	July
	Aug. (4 folders)
BOX 207	(1 folder) Sept.-Dec. (5 folders)
	1976
	Feb.-Apr. (2 folders)
BOX 208	June-Sept. (6 folders)
	1977
	Mar. May (2 folders)
BOX 209	(2 folders) Aug.-Sept. (4 folders)
	Oct. (2 folders)
BOX 210	(3 folders) Nov. (2 folders)
	1978
	Feb.

Speeches and Writings File, 1946-1980

Container	Contents
	Apr. (3 folders)
BOX 211	(6 folders)
BOX 212	(6 folders)
BOX 213	(3 folders)
	June (4 folders)
BOX 214	(3 folders)
	Aug.-Oct. (6 folders)
BOX 215	Nov. 1979 Jan.-May (8 folders)
	Sept. (2 folders)
BOX 216	(4 folders)
	Oct. (3 folders)
BOX 217	(6 folders)
BOX 218	(6 folders)
	Nov. (1 folder)
BOX 219	(6 folders)
	1980, undated (2 folders)
BOX 220	Writings file Articles and related material 1964-1967 (9 folders)
	1973 (1 folder)
BOX 221	(1 folder)
	1974-1975 (5 folders)
	1976 Feb. (2 folders)
BOX 222	(1 folder)
	Spring 1977 Jan.
	Apr. (4 folders)
BOX 223	(3 folders)
	1978 1979 Feb.

Speeches and Writings File, 1946-1980

Container

Contents

	Fall
	(2 folders)
BOX 224	(1 folder)
	Undated
	Topical notebooks
	Administrative Conference of the United States, 1976-1978
	Administrative law, 1972-1977, undated
	Administrative law/constitutional law/criminal law, undated
	Administrative law/science, undated
	American Bar Association meetings, London, England, and Montreal, Canada, 1971-1975
BOX 225	Appellate advocacy, 1977
	Art, 1968
	Courts, role of, 1979
	Energy, 1978, undated
	Federal Bar Association, 1975
	Government regulations, 1977
	Jests and anecdotes, undated
	Judges, English, 1976
BOX 226	Judicial
	General, undated
	Role in society, 1978
	Justice, discretionary, undated
	Justices, Jewish, 1979
	Lectures, 1978
	Legal profession, 1974-1976
	Miscellaneous, 1965-1979, undated
BOX 227	Press, 1974
	Readings, 1967-1968, undated
	Science, 1976-1978
	(2 folders)
	Seminars, 1970-1972
	Social research, 1978
	Stone, Harlan Fiske, 1975
BOX 228	Other
	<i>Arizona Law Review</i> , 1973-1974
	Copyright, 1976-1978
	Miscellaneous, 1976, undated
	Prefaces, 1977
	(2 folders)
	Reviews, 1968-1979
	(4 folders)
	Science manuscript, 1978
	(3 folders)
BOX 229	(3 folders)
	United Nations Social Defence Research Institute, Rome, Italy, 1972-1974
	<i>Yale Law Journal</i> , 1958-1967

Speeches and Writings File, 1946-1980

Container

Contents

	Unidentified, 1972-1973, undated
	By others
	Speeches, 1968-1976, undated (2 folders)
	Writings
	1966-1977
BOX 230	1978, undated (2 folders)
BOX 230-236	Miscellany, 1940-1979 Correspondence, memoranda, notes, photographs, course outlines and examinations, background information, and printed matter. Arranged alphabetically by name of organization, topic, or type of material.
BOX 230	Art seminars, 1966-1977, undated (2 folders)
	Awards and honors, 1953, 1959, 1971-1979, undated
	Family, 1940, 1946-1947, 1969, 1976-1979
	Inaugural ceremonies, 1961-1965
	Miscellaneous, 1962, 1975-1976
	Nuremberg trials, 1945-1946, undated
	Office of Price Administration, 1940-1948
BOX 231	Photographs, 1949-1956, 1976-1979, undated
	Real estate, 1968-1973, undated
	Teaching file
	Administrative law class, 1972-1979, undated (3 folders)
	Friendly, Fred, seminars, 1971-1976
	Miscellaneous, 1978-1979, undated
	Notre Dame Law School, Notre Dame, Ind., 1977-1979, undated (1 folder)
BOX 232	(1 folder)
	Princeton University, Princeton, N.J., 1967-1968 (2 folders)
	Public utilities seminar, Pacific Telephone and Telegraph Co., Palo Alto, Calif., 1964
	Yale University, New Haven, Conn.
	Air rates
	1952-1958 (2 folders)
BOX 233	1959-1962, undated (3 folders)
	Boiler fuel issue, 1955-1961, undated
	Certificates
	1951-1958 (2 folders)
BOX 234	1959-1962, undated
	General, 1951, 1960-1962
	Public Control of Business Division, 1958-1961, 1966

Miscellany, 1940-1979

Container Contents

	undated
	Rate regulation
	Allocation of costs, 1952-1961, undated
	Miscellaneous, 1957-1961
	Rate base, 1957-1961, undated
	Rate of return, 1953-1961
	State cases, 1956-1958
	Natural gas producers
	1947-1948, 1955-1957
BOX 235	1958-1964
	(6 folders)
BOX 236	Undated
	(2 folders)
	Relationship to antitrust laws, 1956-1961, undated
	(2 folders)