

**John Payton Papers**  
**A Finding Aid to the Collection in the Library of Congress**



**Manuscript Division, Library of Congress**  
**Washington, D.C.**  
**2015**

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## Collection Summary

**Title:** John Payton Papers

**Span Dates:** 1913-2012

**Bulk Dates:** (bulk 1992-2012)

**ID No.:** MSS85923

**Creator:** Payton, John, 1946-2012

**Extent:** 5,000 items

**Extent:** 35 containers plus 1 oversize

**Extent:** 14 linear feet

**Language:** Collection material in English

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

**LC Catalog record:** <https://lccn.loc.gov/mm2014085923>

**Summary:** Civil rights attorney and president and director-counsel of the NAACP Legal Defense and Educational Fund. Speeches, legal material, documents from the 1994 election in South Africa, correspondence, biographical material, writings, photographs, and other papers relating primarily to Payton's career beginning in 1992.

## 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

Payton, John, 1946-2012.

### Organizations

Chicago (Ill.)--Trials, litigation, etc.

Claiborne Hardware Co.--Trials, litigation, etc.

District of Columbia--Trials, litigation, etc.

District of Columbia. Office of the Corporation Counsel.

Greater Washington Board of Trade--Trials, litigation, etc.

J.A. Croson Company--Trials, litigation, etc.

NAACP Legal Defense and Educational Fund.

National Association for the Advancement of Colored People--Trials, litigation, etc.

Richmond (Va.)--Trials, litigation, etc.

South Africa. Independent Electoral Commission.

Southern Africa Project (Lawyers' Committee for Civil Rights Under Law)

University of Michigan--Trials, litigation, etc.

### Subjects

Affirmative action programs in education--Michigan.

Affirmative action programs--United States.

African Americans--Civil rights.

Boycotts--Mississippi--Port Gibson.

Civil rights--United States.

Construction contracts--Virginia--Richmond.

Discrimination against people with disabilities--Washington (D.C.)

Discrimination in education--United States.

Discrimination in employment--Illinois--Chicago.

Discrimination in higher education--Michigan.

Education--United States.

Elections--South Africa.

Law--United States.

Law--Washington (D.C.)

Minorities--Civil rights--United States.

Minority business enterprises--Virginia--Richmond.  
Public contracts--Virginia--Richmond.  
Race discrimination--Illinois--Chicago.  
Race discrimination--Mississippi--Port Gibson.  
Race discrimination--United States.  
Race discrimination--Virginia--Richmond.  
Race discrimination--Washington (D.C.)  
Universities and colleges--Admission--Michigan.

### **Places**

Chicago (Ill.)--Trials, litigation, etc.  
Richmond (Va.)--Trials, litigation, etc.  
South Africa--Politics and government--1994-  
United States--Race relations.  
Washington (D.C.)--Trials, litigation, etc.

### **Occupations**

Civil rights leaders.  
Lawyers.

## **Provenance**

The papers of John Payton, civil rights attorney and president and director-counsel of the NAACP Legal Defense and Educational Fund, were given to the Library of Congress by his wife, Gay J. McDougall, in 2014.

## **Transfers**

Items have been transferred from the Manuscript Division to other custodial divisions of the Library. Sketches have been transferred to the Prints and Photographs Division. Videotapes and DVDs have been transferred to the Motion Picture, Broadcasting, and Recorded Sound Division. All transfers are identified in these divisions as part of the John Payton Papers.

## **Related Material**

Related collections in the Manuscript Division include the records of the [NAACP](#) and the records of the [NAACP Legal Defense and Educational Fund](#) .

## **Copyright Status**

Copyright in the unpublished writings of John Payton 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**

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

## **Preferred Citation**

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

## Biographical Note

Date	Event
1946, Dec. 27	Los Angeles, Calif.
1973	B.A., literature, Pomona College, Claremont, Calif.
1973-1974	Awarded Thomas J. Watson fellowship to study West African literature
1977	J.D., cum laude, Harvard Law School, Cambridge, Mass.
1977-1978	Clerk for Cecil F. Poole, judge of the U.S. District Court for the Northern District of California
1978-2008	Member and later partner, Wilmer, Cutler, and Pickering law firm, Washington, D.C., later WilmerHale; leave of absence, 1991-1994; headed the litigation department, 1998-2000
1979	Admitted to bar, U.S. District Court of Appeals for the District of Columbia
1982	Admitted to bar, U.S. Supreme Court Served as one of the attorneys for the petitioners in <i>NAACP v. Claiborne Hardware Co.</i> , a boycott case from Mississippi
1988	Argued <i>City of Richmond v. J. A. Croson Co.</i> , a case involving a minority set-aside program, before the U.S. Supreme Court
1991	Marriage to Gay J. McDougall
1991-1994	Corporation counsel, District of Columbia
1993	Nominated by President Bill Clinton to head the Civil Rights Division of the U.S. Department of Justice as assistant attorney general; withdrew
1994	Member of election observation team, Lawyers' Committee for Civil Rights Under Law, Southern Africa Project, monitoring elections in South Africa
1998-2003	Lead counsel for University of Michigan, Ann Arbor, Mich., in <i>Gratz v. Bollinger</i> and <i>Grutter v. Bollinger</i> , cases involving admission policies Argued <i>Gratz v. Bollinger</i> before the U.S. Supreme Court
2008-2012	President and director-counsel, NAACP Legal Defense and Educational Fund
2010	Lead counsel for African-American firefighters in <i>Lewis v. City of Chicago</i> , winning the right for the firefighters to sue for discrimination
2012, Mar. 22	Died, Baltimore, Md.

## Scope and Content Note

The papers of John Adolphus Payton (1946-2012) span the years 1913-2012, with the bulk of the material dating from 1992 to 2012. The papers are organized alphabetically by type of material or topic and thereunder alphabetically or chronologically.

Payton was a civil rights attorney and an advocate for equality and the protection of minorities. He pursued his advocacy while in private practice and as the president and director-counsel of the NAACP Legal Defense and Educational Fund. Payton was also at the center of several important affirmative action cases. Most notable are the University of Michigan cases, *Gratz v. Bollinger* and *Grutter v. Bollinger*, the Virginia case, *City of Richmond v. J. A. Croson Co.*, and the Illinois case, *Lewis v. City of Chicago*.

Speeches, dating from 1987 to 2012, comprise the majority of the collection, with a partial index compiled by Payton covering the years 1992-2007. Numbered among the speeches are interviews of Payton and his testimonies before the United States Congress. He spoke at various occasions on the outcome and implication of the University of Michigan cases and the *Richmond* case, but also on the election in South Africa in 1994, civil rights, affirmative action, education, and the law. Included with the speeches are drafts, correspondence, notes, programs, and newspaper clippings. A copy of the speech is not always present.

The legal file, dating from 1976 to 2012, contains mostly bound volumes of legal documents and printed briefs from cases in which Payton either represented a litigant or was a party to an *amicus* brief. Among the cases are the Michigan cases, the *Richmond* case, *NAACP v. Claiborne Hardware Co.*, cases from Payton's tenure as the corporation counsel of the District of Columbia including *District of Columbia v. Greater Washington Board of Trade*, and cases in which he was involved during

his years as the president and director-counsel of the NAACP Legal Defense and Educational Fund, including *Lewis v. City of Chicago*.

In 1994, Payton was a member of the election observation team sent by the Lawyers' Committee for Civil Rights Under Law, Southern Africa Project, to monitor the first free elections in South Africa. His wife, Gay J. McDougall, was director of the project. The files include sample ballots, reports, briefing books, manuals and handbooks, notes, memorabilia, South African newspapers, newspaper clippings, and government publications. Included also is material from the Independent Electoral Commission, a commission on which McDougall was the only American.

Rounding out the collection are writings from the 1980s and later, biographical information, general correspondence, congratulatory letters, course material from classes taught by Payton, and photographs.

## **Arrangement of the Papers**

The papers are organized alphabetically by type of material or topic and thereunder alphabetically or chronologically.

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BOX 1	Assistant attorney general for civil rights, nomination
BOX 1	Application, 1993
BOX 1	Correspondence, 1992-1994
BOX 1	General, 1989-1993, undated
BOX 1	Biographical information
BOX 1	Certificates and diplomas, 1977-1982, 1989, 2005, 2012 <i>See Oversize</i>
BOX 1	Clippings, 1993-1999, 2010-2012
BOX 1	Fellowships from Thomas J. Watson Foundation, 1969-1973
BOX 1	Genealogy, 2005
BOX 1	Corporation counsel, District of Columbia
BOX 1	Miscellany, 1993
BOX 1	Resignation, 1994
BOX 1	Testimonies of staff, 1991-1993 (2 folders)
BOX 2	Course material
BOX 2	Color Blindness and the Constitution, Georgetown University, Washington, D.C., Fall 1990
BOX 2	Constitution and Democracy, Howard Law School, Washington, D.C., Spring 2007
BOX 2	General correspondence, 1993-2007
BOX 2	Legal file
BOX 2	Bound volumes
BOX 2	Butler v. Meese, 1974, 1984-1995 (1 vol.)
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BOX 6	(1 vol.)
BOX 6	Mozert v. Hawkins County Public Schools, 1983-1987 (1 vol.)
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BOX 8	(1 vol.)
BOX 9	(1 vol.)
BOX 10	(1 vol.)
BOX 10	NAACP v. Claiborne Hardware Co., 1981-1982 (1 vol.)
BOX 11	(1 vol.)
BOX 12	Sharpe v. International Brotherhood of Electrical Workers, Local 26, 1985-1990 (1 vol.)
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BOX 18	Vazin v. Tuskegee University, 1990-1991

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BOX 20	Miscellany
BOX 20	Gratz v. Bollinger, 2003-2008, undated
BOX 20	Lewis v. City of Chicago, 2010, undated
BOX 20	NAACP Legal Defense and Educational Fund, president and director-counsel, 2007
BOX 20	Acceptance speech
BOX 20	Congratulatory correspondence
BOX 20	Miscellany
BOX 20	Notes, 1994-1998, undated
BOX 20	Photographs and sketches, 1988-1992, 2011, undated <i>See also Oversize</i>
BOX 21	Research material
BOX 21	Miscellany, 1913-1916, 1950, 1992-2004, undated
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BOX 21	United States Supreme Court, 2002, undated
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BOX 22	Feb.-Mar. (3 folders)
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BOX 23	(1 folder)
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BOX 23	Notebooks and notes, 1994
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BOX 23	Speeches and writings
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BOX 25	1999-2000 (16 folders)
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BOX 26	2002 (14 folders)
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BOX OV 1	Oversize
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