

Wiley Rutledge, Jr., Papers

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Prepared by Allan Teichroew and David Mathisen
Revised and expanded by Connie L. Cartledge and Patrick Kerwin

Collection Summary

Title: Wiley Rutledge, Jr., Papers

Span Dates: 1909-1984

Bulk Dates: (bulk 1935-1951)

ID No.: MSS38737

Creator: Rutledge, Wiley, Jr., 1894-1949.

Size: 76,245 items ; 235 containers ; 94 linear feet

Language: Collection material in English

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

Summary: Educator, jurist, and lawyer. Correspondence, family papers, court files, academic files, speeches and writings, and others papers documenting Rutledge's career as professor and dean of the State University of Iowa College of Law (1935-1939), associate justice for the United States Court of Appeals for the District of Columbia (1939-1943), and associate justice of the United States Supreme Court (1943-1949).

Selected Search Terms

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

People

Apple, Clay R., 1891-1988--Correspondence.
Black, Hugo LaFayette, 1886-1971--Correspondence.
Brudney, Victor, 1917-2016--Correspondence.
Burton, Harold H. (Harold Hitz), 1888-1964--Correspondence.
Croft, Huber O. (Huber Ogilvie), 1896- --Correspondence.
Douglas, William O. (William Orville), 1898-1980--Correspondence.
Edgerton, Henry White, 1888-1970--Correspondence.
Frankfurter, Felix, 1882-1965--Correspondence.
Freund, Arthur J., 1891-1975--Correspondence.
Frey, A. B. (Abraham B.)--Correspondence.
Fuchs, Ralph F., 1899-1985--Correspondence.
Gavit, Bernard C., 1893-1954--Correspondence.
Gillette, Guy M. (Guy Mark), 1879-1973--Correspondence.
Groner, Duncan L. (Duncan Lawrence), 1873-1957--Correspondence.
Haskell, Henry Joseph, 1874-1952--Correspondence.
Jackson, Robert H., 1892-1954--Correspondence.
Ladd, Mason, 1898-1980--Correspondence.
Lashly, Jacob M. (Jacob Mark), 1882-1967--Correspondence.
Lindgreen, Edna--Correspondence.
Mann, W. Howard--Correspondence.
Miller, Justin, 1888-1973--Correspondence.
Murphy, Frank, 1890-1949--Correspondence.
Norris, George W. (George William), 1861-1944--Correspondence.
O'Meara, Joseph R., Jr., 1898- --Correspondence.
Person, Seymour Howe, 1879-1957--Correspondence.
Pryor, John C. (John Carlisle), 1883-1979--Correspondence.
Rutledge, Dwight J., approximately 1914- --Correspondence.
Rutledge, Ivan C., approximately 1916- --Correspondence.
Rutledge, Wiley Blount, Sr., 1861-1944--Correspondence.
Rutledge, Wiley, Jr., 1894-1949.
Smith, Luther Ely, 1873-1951--Correspondence.
Stearns, Robert L. (Robert Lawrence), 1892- --Correspondence.
Stephens, Harold M. (Harold Montelle)--Correspondence.

Stevens, John Paul, 1920- --Correspondence.
Stone, Harlan Fiske, 1872-1946--Correspondence.
Vinson, Fred M., 1890-1953--Correspondence.
Wheaton, Carl, 1889- --Correspondence.
Williams, Tyrrell, 1875- --Correspondence.
Wirtz, Willard, 1912-2010--Correspondence.
Wolfson, Richard F.--Correspondence.
Yamashita, Tomobumi, 1885-1946--Trials, litigation, etc.

Organizations

American Bar Association.
Association of American Law Schools.
Iowa State Bar Association.
National Conference of Commissioners on Uniform State Laws.
State University of Iowa. College of Law--Faculty.
United States. Court of Appeals (District of Columbia Circuit)
United States. Supreme Court.

Subjects

Child labor--Law and legislation.
Church and state.
Constitutional law.
Corporations--United States.
Freedom of speech.
Japanese Americans--Evacuation and relocation, 1942-1945.
Judicial power.
Law and economics.
Law--Study and teaching.
Military law.
New Deal, 1933-1939.
Right to counsel.
Searches and seizures.
Self-incrimination.
War crimes trials.

Places

United States--Politics and government--1933-1945.

Occupations

Educators.
Jurists.
Lawyers.

Administrative Information

Provenance

The papers of Wiley Rutledge, Jr., law professor, university administrator, associate justice of the United States Court of Appeals, and associate justice of the Supreme Court, were given to the Library of Congress from 1980 to 1985 by his wife, Annabel Rutledge, and others. A small addition was given to the Library in 1996 by Edna Lindgreen. One item was given to the Library by John M. Ferren in 2009 as an addition, and two small additions were given to the Library in 2014 by Daniel Rutledge Pollitt, grandson of Rutledge.

Processing History

The papers of Wiley Rutledge, Jr., were arranged and described in 1980. Additions were processed in 1987, 1999, and 2016.

Transfers

Photographs have been transferred to the Library's Prints and Photographs Division where they are identified as part of these papers.

Copyright Status

Copyright in the unpublished writings of Wiley Rutledge, Jr., in these papers and in other collections of papers in the custody of the Library of Congress has been dedicated to the public.

Access and Restrictions

The papers of Wiley Rutledge, Jr., 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, Wiley Rutledge, Jr., Papers, Manuscript Division, Library of Congress, Washington, D.C.

Biographical Note

<i>Date</i>	<i>Event</i>
1894, July 20	Born, Cloverport, Ky.
1914	A.B., University of Wisconsin, Madison, Wisc.
1915-1922	Taught high school in Indiana, New Mexico, and Colorado
1917	Married Annabel Person
1922	LL.B., University of Colorado, Boulder, Colo. Admitted to Colorado bar
1922-1924	Engaged in private law practice, Boulder, Colo.
1924-1935	Associate professor of law, University of Colorado, Boulder, Colo.
1926-1935	Professor of law, Washington University, St. Louis, Mo.; Dean of the School of Law, 1931-1935
1931-1943	Commissioner, National Conference of Commissioners on Uniform State Law, representing Missouri, 1931-1935, and Iowa, 1937-1943
1935-1939	Professor of law and dean, College of Law, University of Iowa, Iowa City, Iowa
1939-1943	Associate justice, United States Court of Appeals for the District of Columbia
1943-1949	Associate justice, United States Supreme Court
1949, Sept. 10	Died, York, Me.

Scope and Content Note

The papers of Wiley Blount Rutledge (1894-1949) span the years 1909-1984, with the bulk of the items concentrated in the period 1935-1951. Rutledge was professor and dean of the University of Iowa College of Law in 1939 when appointed by President Franklin D. Roosevelt to the United States Court of Appeals for the District of Columbia. Elevated to the Supreme Court in February 1943, he served as associate justice of the high court until his death in 1949. The papers are in English and are organized in the following series: [Family Papers](#), [General Correspondence](#), [United States Court of Appeals File](#), [Supreme Court File](#), [Academic File](#), [Speeches and Writings](#), and [Miscellany](#), [1999 Addition](#), and [2016 Addition](#).

The papers treat most aspects of Rutledge's public career from 1935 onward but are especially complete for the period of his judicial appointments. The [Court of Appeals](#) and [Supreme Court](#) files include material Rutledge accumulated for those decisions in which he wrote an opinion or exercised influence. Rutledge kept incoming notes and letters and retained copies of most of his outgoing communications and writings, including intracourt memoranda, working drafts of opinions, case memoranda or certiorari, summaries of lawyers' opinions, and conference proceedings. Although most of this material is in the two court series, important communications about his work as a jurist are also contained in the [General Correspondence](#). Among acquaintances in whom Rutledge confided was Ralph F. Fuchs, a friend from Washington University in St. Louis, where Rutledge taught before moving to Iowa. Other correspondents whose letters appear throughout the collection include W. Willard Wirtz, a future secretary of labor whom Rutledge had hired while dean at the University of Iowa; Huber O. Croft and Mason Ladd, also from Iowa; and Arthur J. Freund, Luther Ely Smith, and Tyrrell Williams, friends from St. Louis days. A third group of insiders was comprised of a chosen few law clerks: Victor Brudney, W. Howard Mann, John Paul Stevens, and Richard Wolfson.

The World War II setting of Rutledge's terms on the federal bench generated numerous controversial issues documented in various parts of the [Supreme Court File](#). Decided between 1943 and 1949 were more than a dozen free speech and church-state disputes plus landmark cases concerning search and seizure actions, the right to counsel, and self-incrimination. Also at issue was the relationship between the scope of military authority and the inviolability of certain constitutional principles. Rutledge was engaged in the court's review of the war crimes trial of Japanese General Tomayuki Yamashita and the decisions regarding the internment of Japanese-Americans. His dissent in the Yamashita judgment drew a particularly strong public response, as did another sensitive issue, his disagreement with the majority in *Everson v. Board of Education* in which the court condoned the limited authorization of incidental public funds to parochial schools.

Another prominent topic in the [Supreme Court File](#) and other series is the legal review of New Deal agencies and their administrative powers. Rutledge's views on the role of the judiciary and a regulated economy, for instance, can be discerned from notes of talks and manuscripts of articles in the [Speeches and Writings File](#). Rutledge was not a prolific writer, but he contributed book reviews to law journals and spoke out on child labor laws, the direction and quality of legal education, and the role of business corporations in American life. A file of particular significance contains a series of special lectures he delivered at the University of Kansas in 1946, one of which was later published as *A Declaration of Legal Faith*.

The [Academic File](#) includes notes, clippings, and secondary material Rutledge collected while developing lectures and building a casebook on corporate law as a faculty member at the University of Colorado beginning in 1924. Other subjects concern his administrative functions at the University of Iowa and Washington University in St. Louis and reports he wrote on subjects such as child labor laws and the statewide organization of the Iowa Bar Association. Letters on these and related topics are also contained in the [General Correspondence](#), as are frequent communications with former students and exchanges with fellow legal experts concerning Rutledge's involvement with national law organizations, including the American Bar Association, the Association of American Law Schools, and the Conference of Commissioners on Uniform State Laws.

The [Family Papers](#), though not extensive, include Rutledge's correspondence with his father, Wiley Blount Rutledge, Sr., and with his two half-brothers, Dwight and Ivan C. Rutledge. Letters to and from several cousins and correspondence with former Michigan Congressman Seymour H. Person, a brother-in-law whom Rutledge wrote to about legal as well as family matters, are also present.

The [1999 Addition](#) consists largely of family papers, general correspondence, and Supreme Court case files that complement similar series and files in the main portion of the collection. The miscellany section of the addition includes papers of Edna Lindgreen, Rutledge's former secretary, which contains correspondence with Rutledge and other related material.

The majority of the [2016 Addition](#) is comprised of family papers. The family papers for this addition consist mainly of personal letters between Rutledge and his wife, Annabel. Most of the letters relate to family matters and local news, although they include letters relating to their courtship prior to their marriage in 1917. Letters written by Rutledge in May 1939, describe his first few days as a judge on the United States Court of Appeals and his impressions of some of the judges of that court. A letter in general correspondence from Thomas E. Waggaman, a Supreme Court marshal, writes to Rutledge about Rutledge's reimbursement to attend the funeral of Justice Frank Murphy in 1949. Waggaman also includes details pertaining to the confirmation hearings of Tom C. Clark to fill Murphy's vacancy on the Supreme Court.

Correspondents in the collection include Clay R. Apple, Abraham P. Frey, Bernard C. Gavit, Guy M. Gillette, Henry J. Haskell, Jacob M. Lashly, Edna Lindgreen (his secretary), George W. Norris, Joseph R. O'Meara, Jr., John C. Pryor, Robert L. Stearns, and Carl Wheaton. Among the judges with whom Rutledge served and whose names appear prominently in the papers are Hugo LaFayette Black, Harold Burton, William O. Douglas, Henry W. Edgerton, Felix Frankfurter, Duncan L. Groner, Robert H. Jackson, Justin Miller, Frank Murphy, Harold M. Stephens, Harlan F. Stone, and Fred M. Vinson.

Organization of the Papers

The collection is arranged in nine series:

- [Family Papers, circa 1920-1949](#)
- [General Correspondence, 1926-1951](#)
- [United States Court of Appeals File, 1939-1949](#)
- [Supreme Court File, 1942-1949](#)
- [Academic File, circa 1925-1940](#)
- [Speeches and Writings File, 1912-1949](#)
- [Miscellany, circa 1915-1959](#)
- [1999 Addition, 1923-1984](#)
- [2016 Addition, 1909-1948](#)

Description of Series

Container

Series

BOX 1-2

Family Papers, circa 1920-1949

Correspondence sent and received, biographical items, and miscellaneous material.
Organized into correspondence and subject file groupings and alphabetically therein by name of person or type of material.

BOX 2-47

General Correspondence, 1926-1951

Correspondence sent and received and related matter.
Organized alphabetically by name of correspondent, organization, or subject of communication.

BOX 48-91

United States Court of Appeals File, 1939-1949

BOX 48-88

Case File, 1939-1943

Appellate court case files including correspondence sent and received; handwritten, typed, and printed decisions; and arguments, briefs, notes, administrative records and documents, and miscellaneous material.
Organized by year and alphabetically by name of case therein.

BOX 89-91

Office File, 1939-1949

Correspondence, applications, lists, legal documents, slip sheets, and miscellaneous administrative matter.
Organized alphabetically by topic or type of material.

BOX 92-177

Supreme Court File, 1942-1949

Notes, opinions, correspondence, case files, case memoranda, certiorari, legal arguments and briefs, assignment and conference lists, circuit court administrative files, and miscellaneous material.
Organized chronologically by court term and alphabetically by topic or case therein.

BOX 178-201

Academic File, circa 1925-1940

Course materials including book notes and clippings; other handwritten, printed, and near print matter used in the compilation of a casebook; and writings, research material, and correspondence relating to university and law school functions and to special bar association or political projects.
Organized alphabetically by type or subject of material.

BOX 201-208

Speeches and Writings File, 1912-1949

Handwritten, typed, printed, and near-print copies of speeches and writings, including speech notes and reference material.
Organized alphabetically by title or subject.

BOX 209-218

Miscellany, circa 1915-1959

Correspondence, lists, medical data, calendars, teacher's grade books, fragmentary notes and jottings, address lists, memorial articles and volumes by others about Rutledge, and miscellaneous clippings, printed matter, and other material.
Organized alphabetically by type or topic of material.

BOX 219-233

1999 Addition, 1923-1984

Family papers, correspondence, Supreme Court and United States Court of Appeals case files, and miscellaneous material.

Organized alphabetically by type of material and alphabetically therein.

BOX 234-235

2016 Addition, 1909-1948

Family papers, correspondence, and books.

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

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BOX 48-91 **United States Court of Appeals File, 1939-1949**

BOX 48-88 **Case File, 1939-1943**
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BOX 57	Fletcher v. Evening Star Newspaper Co. (2 folders)
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	Goodacre v. Panagopoulos
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	Hohenthal v. Smith (2 folders)
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BOX 160	(1 folder)
	Parker v. Illinois

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	Republic Natural Gas Co. v. Oklahoma (4 folders)
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	Black Diamond S.S. Corp. v. Stewart & Sons
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	Commissioner v. Culbertson
	Cosmopolitan Shipping Co. v. McAllister
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	Historical summary of corporations
	Incorporations, conditions and compliance
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BOX 194	Sociology State as legal entity Stock ownership Thought, methods and forms Torts Transfer of shares Trust elements Unemployment Unincorporated associations Unincorporated associations and legal entities Unincorporated institutions (2 folders)
BOX 195	Watered stock Wills (3 folders) Executed legal documents Legal forms Miscellany
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BOX 197	(7 folders)
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BOX 199	Missouri welfare laws, 1935 (2 folders) Public utilities report, 1935 Workmen's compensation (3 folders)
BOX 200	University of Iowa, Iowa City, Iowa, 1935-1938

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BOX 205	Mb-Sig (16 folders)
BOX 206	Sih-Sp (13 folders)
BOX 207	Sp-V (18 folders)
BOX 208	W-Z (12 folders)
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Miscellany, circa 1915-1959

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Christmas card lists
Daily calendars
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- BOX 210** 1939-1940
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- BOX 211** Memorials to Rutledge
Harvard Law Review, 1949
Indiana Law Journal, 1950
- BOX 212** *Iowa Law Review*, 1950
Supreme Court, 1951-1955
University of Colorado, Boulder, Colo., 1958-1959
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- BOX 213** Feb. 1943-Mar. 1944
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- BOX 214** Apr. 1944-Dec. 1945
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- BOX 215** Jan. 1946-Oct. 1947
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- BOX 217** Periodicals, pamphlets, etc.
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Railroad schedules
Scraps, notes, address lists, etc.
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- BOX 219-233** **1999 Addition, 1923-1984**
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and miscellaneous material.
Organized alphabetically by type of material and alphabetically therein.
- BOX 219** Family Papers
Correspondence
"Aunt Bessie," 1939 [surname unidentified]

Edens, Mayme, 1941-1948
 Hefley, Charles and Maude, 1943-1944
 Rutledge, Annabel P., and children, 1926, 1939-1944
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 Rutledge, D. Lofton, 1943
 Rutledge, Dwight, 1939-1948, undated
 Rutledge, Ivan C., 1944-1948
 Rutledge, J. Arthur, 1944-1946
 Rutledge, Jean Ann, 1939
 Rutledge, Judy Wiley, 1944
 Rutledge, Mary Lou, 1939
 Rutledge, Neal, 1939
 Rutledge, Samuel A. (Albert) and Jane, 1939-1944
 Rutledge, Wiley B., Sr., 1935-1944, undated
 Smith, Le Roy J. and Helen, 1941, undated
 Tamsey, "Miss", 1944
 Thacker, Lorena, 1941
 Thompson, Grace, 1941-1948, undated
 Wigginton, E. Z., 1939
 Wigginton, J. L. (Lud), 1939
 Wigginton, James W., 1939, undated
 Wigginton, Leon, 1946, undated
 Genealogy, 1938-1947, undated
 General Correspondence
 Adams, Alva B. A., 1923
 Anderson, Clinton P., 1945
 Austin, Warren R., 1946
 "A" miscellaneous, 1928-1940
 Black, Hugo LaFayette, 1949
 Brant, Irving N., 1939-1949
 Burke, Edward R., 1940
 Byrnes, James F., 1945-1947
 "B" miscellaneous, 1928-1945
 Caulfield, Henry S., 1939
 Clark, Tom C., 1947-1948, undated
 Clifford, Clark M., 1945
 "C" miscellaneous, 1945-1948
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 Davies, Joseph E., 1945
 Delmar Baptist Church, St. Louis, Mo., 1928
 Douglas, William O., 1939-1949
 Edgerton, Henry W., 1939
 Ethical Society of St. Louis, St. Louis, Mo., 1934
 Evans, Luther H., 1948
 Farley, James A., 1941
 France, Ambassade aux Etats-Unis, 1947

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Frankfurter, Felix, 1939
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"G" miscellaneous, 1932-1949, undated
Hannegan, Robert E., 1945-1946
Hill, Lister, 1943
Holt, Ivan Lee, undated
Hoover, J. Edgar, 1938-1941
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"H" miscellaneous, 1930-1942, undated
Ickes, Harold L. and Jane, 1947-1949
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Kefauver, Estes, 1948
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La Follette, Robert M., 1946
"L" miscellaneous, 1931-1947
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"P" miscellaneous, 1941-1949
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Roosevelt, Eleanor, 1945
Roosevelt, Franklin D., 1939-1942
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Stephens, Harold M., 1940-1949
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Stettinius, Edward R. (1900-1949), 1944
Stone, Harlan F., 1943-1945
"S" miscellaneous, 1930-1948
Thurman, William, 1943
Truman, Harry S., 1943-1945
University of Colorado, Boulder, Colo., 1927-1944
University of Iowa, Iowa City, Iowa, 1935-1939
"U" miscellaneous, 1935-1943
Vinson, Fred M., 1949
Wallace, Henry Agard, 1944-1946
"W" miscellaneous, 1926-1949
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 Direct Sales Co. v. United States
 Falbo v. United States
 Galloway v. United States
 General Trading Co. v. State Tax Comm'n
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 Mortensen v. United States

BOX 222 Owens v. Union Pac. R.R. Co.
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 Arenas v. United States
 Ashcraft v. Tennessee
 B. F. Goodrich Co. v. United States
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 Cornell Steamboat Co. v. United States
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