

Wiley Rutledge

A Register of His Papers in the Library of Congress

**Prepared by Allan Teichroew and David Mathisen
Revised and expanded by Patrick Kerwin**



**Manuscript Division
Library of Congress**

Washington, D.C.

2000

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Latest revision: 2004-08-13

Collection Summary

Title: Papers of Wiley Rutledge

Span Dates: 1912-1984

Bulk Dates: (bulk 1935-1951)

ID No.: MSS38737

Creator: Rutledge, Wiley, 1894-1949

Size: 76,100 items; 233 containers; 93.2 linear feet

Language: Collection material in English

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

Abstract: 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 genres and listed alphabetically therein.

Names:

Rutledge, Wiley, 1894-1949

Apple, Clay R.--Correspondence

Black, Hugo LaFayette, 1886-1971-Correspondence

Brudney, Victor-Correspondence

Burton, Harold H. (Harold Hitz), 1888-1964 -Correspondence

Croft, Huber O. (Huber Ogilvie), 1896- -Correspondence

Douglas, William O. (William Orville), 1898- -Correspondence

Edgerton, Henry White, 1888-1970-Correspondence

Frankfurter, Felix, 1882-1965-Correspondence

Freund, Arthur J.-Correspondence

Frey, A. B. (Abraham B.)-Correspondence

Fuchs, Ralph Follen, 1899- -Correspondence

Gavit, Bernard Campbell, 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 Houghwout, 1892-1954-Correspondence

Ladd, Mason-Correspondence

Lashly, Jacob M. (Jacob Mark), 1882-1967 -Correspondence

Lindgreen, Edna-Correspondence

Mann, W. Howard-Correspondence

Miller, Justin, b. 1888-Correspondence

Murphy, Frank, 1890-1949-Correspondence

Norris, George W. (George William), 1861-1944-Correspondence

O'Meara, Joseph R.-Correspondence

Person, Seymour Howe, 1879-1957-Correspondence

Pryor, John C. (John Carlisle), 1883-1979-Correspondence

Rutledge, Dwight-Correspondence

Rutledge, Ivan C.-Correspondence

Rutledge, Wiley Blount-Correspondence

Smith, Luther Ely, 1873-1951-Correspondence

Stearns, Robert L. (Robert Lawrence), b. 1892-Correspondence

Stephens, Harold M. (Harold Montelle)-Correspondence

Stone, Harlan Fiske, 1872-1946-Correspondence
Vinson, Fred M., 1890-1953-Correspondence
Wheaton, Carl, 1889- -Correspondence
Williams, Tyrrell, b. 1875 -Correspondence
Wirtz, Willard, 1912- -Correspondence
Wolfson, Richard F.-Correspondence
Yamashita, Tomobumi,1885-1946 --Trials, litigation, etc.
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--Study and teaching
Law and economics
Military law
New Deal, 1933-1939
Right to counsel
Searches and seizures
Self-incrimination
War crimes trials
United States--Politics and government--1933-1945

Occupations:

Educators
Jurists
Lawyers

Administrative Information

Provenance:

The papers of Wiley Rutledge, 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.

Processing History:

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

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 in these papers and in other collections of papers in the custody of the Library of Congress has been dedicated to the public.

Preferred Citation:

Researchers wishing to cite this collection should include the following information: Container number, Wiley Rutledge 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 1912-1984, 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. His papers consist of eight series organized as [Family Papers](#), [General Correspondence](#), [United States Court of Appeals File](#), [Supreme Court File](#), [Academic File](#), [Speeches and Writings](#), and [Miscellany](#) and an [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 [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.

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 eight series:

- [Family Papers, ca. 1920-1949, n.d.](#)
- [General Correspondence, 1926-1951, n.d.](#)
- [United States Court of Appeals File, 1939-1949, n.d.](#)
- [Supreme Court File, 1942-1949](#)

- Academic File, ca. 1925-1940, n.d.
- Speeches and Writings File, 1912-1949, n.d.
- Miscellany, ca. 1915-1959, n.d.
- Addition, 1923-1984, n.d.

Description of Series

<i>Container</i>	<i>Series</i>
BOX 1-2	<p><u>Family Papers, ca. 1920-1949, n.d.</u></p> <p>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.</p>
BOX 2-47	<p><u>General Correspondence, 1926-1951, n.d.</u></p> <p>Correspondence sent and received and related matter. Organized alphabetically by name of correspondent, organization, or subject of communication.</p>
BOX 48-91	<p><u>United States Court of Appeals File, 1939-1949, n.d.</u></p>
BOX 48-88	<p><u>Case File, 1939-1943, n.d.</u></p> <p>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.</p>
BOX 89-91	<p><u>Office File, 1939-1949, n.d.</u></p> <p>Correspondence, applications, lists, legal documents, slip sheets, and miscellaneous administrative matter. Organized alphabetically by topic or type of material.</p>
BOX 92-177	<p><u>Supreme Court File, 1942-1949</u></p> <p>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.</p>
BOX 178-201	<p><u>Academic File, ca. 1925-1940, n.d.</u></p> <p>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.</p>
BOX 201-208	<p><u>Speeches and Writings File, 1912-1949, n.d.</u></p> <p>Handwritten, typed, printed, and near-print copies of speeches and writings, including speech notes and reference material. Organized alphabetically by title or subject.</p>
BOX 209-218	<p><u>Miscellany, ca. 1915-1959, n.d.</u></p> <p>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.</p>

BOX 219-233

Addition, 1923-1984, n.d.

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.

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