

Guide to the John Hart Ely Papers

MS 1976



compiled by Michael Lotstein

April 2011

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Collection Overview

REPOSITORY: Manuscripts and Archives
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CALL NUMBER: MS 1976

CREATOR: Ely, John Hart, 1938-

TITLE: John Hart Ely papers

DATES: 1833-2003

PHYSICAL DESCRIPTION: 19.25 linear feet (32 boxes)

LANGUAGE: English

SUMMARY: The John Hart Ely papers consists of teaching files, research papers, drafts of articles, legal briefs, professional and personal correspondence, and video tapes documenting Ely's legal and teaching career. The bulk of the collection contains accumulated notes and research materials pertaining to Ely's writings on constitutional law from 1968 to 2003.

ONLINE FINDING AID: To cite or bookmark this finding aid, please use the following link: <https://hdl.handle.net/10079/fa/mssa.ms.1976>

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Key to the container abbreviations used in the PDF finding aid:

b. box
f. folder

Administrative Information

Immediate Source of Acquisition

Gift of Robert D. Ely, 2010-2011.

Conditions Governing Access

The computer files in Accession 2012-M-023 are closed until processed. All other materials are open to research.

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Preferred Citation

John Hart Ely Papers (MS 1976). Manuscripts and Archives, Yale University Library.

Biographical / Historical

John Hart Ely was born in New York City on December 3, 1938. He received his A.B. from Princeton University in 1960 and LL.B. from Yale Law School in 1963. He held the following academic appointments: professor, Yale Law School, 1968-1973; professor, Harvard Law School, 1973-1982; professor, Stanford Law School, 1982-1996, dean of the Stanford Law school from 1982-1987; and professor, University of Miami School of Law, 1996-2003.

In 1962 he clerked for Abe Fortas and assisted with drafting a brief on behalf of Clarence Gideon who had been tried and convicted without legal representation. The next year, Gideon's conviction was overturned by the United States Supreme Court when the landmark case of *Gideon v. Wainwright* held that underprivileged citizens accused of serious crimes are entitled to legal representation paid for by the government. After graduating from Yale Law School, he served as the youngest member of the Warren Commission that investigated the assassination of President John F. Kennedy, and clerked with Chief Justice Earl Warren. Shortly after, he served in the Army in the military police. He also served as a criminal defense lawyer in San Diego where he both helped to form and worked with the Federal Defenders Office. In 1975 he left academia briefly to work for the U. S. Department of Transportation serving as legal counsel to Secretary William Coleman; Ely was involved in litigation relating to landing rights in the United States for the Concorde, the supersonic transport.

Ely's most important work was in constitutional law and he was best known for his book, *Democracy and Distrust: A Theory of Judicial Review* (Harvard, 1980), which won the Order of the Coif Triennial Book Award. His other books include *War and Responsibility* (Princeton, 1993) and *On Constitutional Ground* (Princeton, 1996).

Ely died on October 25, 2003, in Miami, Florida.

Scope and Contents

The John Hart Ely papers consists of teaching files, research papers, drafts of articles, legal briefs, professional and personal correspondence, and video tapes documenting Ely's legal and teaching career. The bulk of the collection contains accumulated notes and research materials pertaining to Ely's writings on constitutional law from 1968 to 2003.

Arrangement

The papers are arranged by topic and additional material.

Collection Contents

Inventory, 1833-2003

Course books		
b. 1, f. 1-2	Advanced constitutional law	1995
b. 1, f. 3-4	Gerrymanders, Stanford University	1995
b. 1, f. 5-6	War and the constitution	1980s
b. 1, f. 7	War powers litigation seminar, University of Miami Law School	1994
b. 1, f. 8-9	Underwater treasure, Stanford University	1996
b. 1, f. 10-11	<i>Admiralty Cases and Material</i> , Second Edition, Part I English	1986
b. 1, f. 12-13	<i>The Law and Democracy</i>	1998
b. 2, f. 1	Constitutional theory seminar, Harvard Law School	1982 spring
b. 2, f. 2-3	<i>Foreign Relations and National Security Law</i> , Part I English	1987
b. 2, f. 4-5	<i>Conflict of Laws</i> , 5th Edition, Part I English	1993
b. 2, f. 6-7	<i>Criminal Law and Procedure</i> English	Undated
b. 2, f. 8	Comparative constitutional law, University of Miami Law School	1999
b. 2, f. 9-10	Constitutional law	1979 summer
b. 2, f. 11-12	National Security Law	1990
Teaching and law school documents		
b. 3, f. 1-2	Constitutional law, Aspen	2001
b. 3, f. 3-4	Election law	1995
b. 3, f. 5	<i>The Law and Democracy</i> , Part I	2002
Law schools		
b. 3, f. 6	Recommendations	1993-2003
b. 3, f. 7	Law school rankings	2001
Legal education		
b. 3, f. 8-9	Speakers	1998-2000
b. 3, f. 10	Tamar Frankel vita	2002
b. 3, f. 11	Georgetown	1994

Teaching and law school documents > Legal education (continued)

b. 3, f. 12	Stanford Law School course roster	1996 spring
b. 3, f. 13	Boston College Paris proposal	Undated
b. 3, f. 14	Lectures invited to give	1995
b. 3, f. 15	Dray	1986
b. 3, f. 16	East Palo Alto clinic	1985-1986
b. 3, f. 17	Foley, Hoag, & Eliot	1979-1980
b. 3, f. 18	Ackerman	1983-1989
b. 3, f. 19	Teaching	Undated
b. 3, f. 20	Association of American Law Schools (AALS) Special Committee on Placement	1985
b. 3, f. 21	Writing projects for students, etc.	Undated
b. 3, f. 22	Clinical teaching ("everyone should do it")	1983
	Yale Law School	
b. 3, f. 23	National security litigation: reports of the Bosnia team	1994
b. 3, f. 24	Civil complaint vs. President Clinton re: Bosnian independence	1992
b. 3, f. 25	North Atlantic Treaty Organization (NATO): legal authorization of United States military force, notes and research	1994
b. 3, f. 26	Tom Campbell's 1998 Bosnia resolution	1998
b. 3, f. 27	<i>Campbell v. Clinton</i> English	2000
	Law School course files and research	
	Teaching materials	
b. 4, f. 1	Constitutional law: teaching materials	Circa 2001
b. 4, f. 2	Spring 2000 exam [explanation of answers]	2000
b. 4, f. 3	Top Tens (Constitutional law I)	Undated
b. 4, f. 4	Exam questions, constitutional law	1987-2002
b. 4, f. 5	U.S. Constitutional Law II-A supplementary materials	2002
b. 4, f. 6	Assignment: Lochner	2002 March 5
b. 4, f. 7	University of Miami Law School Constitutional Law II exam	2002 May 8
b. 4, f. 8	Recommendations: former students, etc.	2001-2002
b. 4, f. 9	Teaching technique	1999
b. 4, f. 10	Non-constitutional law exams	1977-1999

Law School course files and research > Teaching materials (continued)

b. 4, f. 11	Teaching materials, unpublished (by others)	2002
b. 4, f. 12	University of Virginia School of Law independent study paper on Roe (Liz Magill)	1993
Courses (done)		
b. 4, f. 13	Constitution and the Electoral Process	2002 fall
b. 4, f. 14	Constitutional Law II	2002
b. 4, f. 15	Art Law	2001 spring
b. 4, f. 16	Courses taught	Undated
b. 4, f. 17	Admiralty	1994
b. 4, f. 18	Conflicts notes, Stanford Law School	1995-1996
b. 4, f. 19	Constitutional Law I, Miami	1995 spring
Constitutional Law II		
b. 4, f. 20	2001 English	2001
b. 4, f. 21	2000 English	2000
b. 4, f. 22	1999 English	1999
b. 4, f. 23	Election	2000
b. 4, f. 24	Independent study	1999-2000
b. 4, f. 25	Judicial enforcement of immoral laws	Circa 1999
b. 4, f. 26	John F. Kennedy seminar	2000
b. 4, f. 27	Final exam questions and answers, National Security Law	1991 May 20
b. 4, f. 28	National Security Litigation seminar, Yale Law School	1994
b. 4, f. 29	Slavery, etc. course	1999
b. 4, f. 30	Underwater treasure	1999
Bibliographic analysis		Circa 1985-circa 2000
b. 4, f. 31	T	
b. 4, f. 32	V	
b. 4, f. 33	W	
b. 4, f. 34	Z	
b. 4, f. 35	Professor John Hart Ely	1996

Law School course files and research (continued)

Gerrymandering		
b. 4, f. 36	Texas	1997
b. 4, f. 37	North Carolina	1997
b. 4, f. 38	Georgia	1997
b. 4, f. 39	Facts bearing on gerrymanders	1996-1998
b. 4, f. 40	Edited drafts of <i>Stanford Law Review</i> (SLR) article on gerrymandering	Circa 1997
b. 4, f. 41	Random districting programs	1997
b. 4, f. 42	Transparencies	Circa 1997
b. 4, f. 43	Proportional representation (P.R.)	1997
b. 4, f. 44	Influence district study	Circa 1997
b. 4, f. 45	Influence districts	Circa 1995
b. 4, f. 46	Gerrymanders: notes on articles	1996-1997
b. 4, f. 47	Re-election of incumbents (after districts invalidated)	1996
Campaign finance		
b. 5, f. 1	Laws	1994-1997
b. 5, f. 2	Legislation	1983-2002
b. 5, f. 3	Capital punishment news clipping	Undated
b. 5, f. 4	Central Intelligence Agency (CIA)	2000
Chadha		
b. 5, f. 5	Notes and drafts	1989
b. 5, f. 6	Chadha Project	1995
b. 5, f. 7	Child custody (taking children away)	1995
b. 5, f. 8	Citation studies	2000
b. 5, f. 9	Clinton, Bill	1997
b. 5, f. 10	Cocaine: federal sentencing guideline case study	1995
b. 5, f. 11	Concorde: talk	1978
b. 5, f. 12	Conflicts, decline of	1990
Congress		
b. 5, f. 13	General	1994-1995
b. 5, f. 14	As clowns (not dodgers, clowns)	1983-1991

Law School course files and research > Congress (continued)

b. 5, f. 15	Hiding from decision (includes errand boy/ombudsman stuff)	1988-1991
b. 5, f. 16	Ducking / president over-reaching	1995
b. 5, f. 17	Congressional committees	1990-1994
b. 5, f. 18	<i>Cooper v. Aaron</i> English	2002
b. 5, f. 19	Criminal defense work	2001
b. 5, f. 20	Talks about <i>Democracy and Distrust</i> and related subjects	1981-2000
b. 5, f. 21	De facto / de jure	1987
b. 5, f. 22	Dostoyevsky and McCullers	Circa 1990s
b. 5, f. 23	Dostoyevsky / McCullers	1981
b. 5, f. 24	"Draft" article: reinstating the draft English	1994
b. 5, f. 25	Professional journals, comparative numbers (more law reviews)	1995
b. 5, f. 26	Piece on judicial behavior in immoral regimes	Undated
b. 5, f. 27	Dred Scott	1998-1999
b. 5, f. 28	Eisenhower	Circa 1997
b. 5, f. 29	Emporia and Scotland Neck (motive and S.C.s)	Undated
b. 5, f. 30	Environment	1995
b. 5, f. 31	Ethnicity	1984
b. 5, f. 32	Foreign policy: policy	1994
b. 5, f. 33	Gerrymanders	1997-2002
b. 5, f. 34	Habermas and Ely	1998
b. 5, f. 35	Hate crimes	2000
b. 5, f. 36	Housing segregation and voting districts	Circa 1997
b. 5, f. 37	Hume	1999
b. 5, f. 38	Humor	1969-1998
b. 5, f. 39	Impeachment	1998
b. 5, f. 40	Noncriminal incarceration	2000
b. 5, f. 41	Inheritance taxes	2001
b. 5, f. 42	Initiatives and referenda	2002
b. 5, f. 43	Isolationism	Undated

Law School course files and research (continued)

b. 5, f. 44	Criticism of "not talking regarding: judicial review, instead regarding: constitution"	Undated
b. 5, f. 45	<i>Paula Jones v. Clinton</i> English	1995
b. 5, f. 46	"Power to the Voters" English	2000
b. 5, f. 47	Talks regarding: judicial review	Undated
b. 5, f. 48	RFK (Robert F. Kennedy)	2000
b. 5, f. 49	King, Martin Luther	1999
b. 5, f. 50	Legitimacy	1995
b. 5, f. 51	Lying by government officials (including regarding: wars)	1990
b. 5, f. 52	Magill	Circa 2000
b. 6, f. 1	Agendas of Appointments Committee	1989-1990
b. 6, f. 2	Committees	1982-1986
b. 6, f. 3	Common Cause	1989-1990
b. 6, f. 4	Early American conflicts doctrine	Undated
b. 6, f. 5	Fight regarding: consent of instructor racial selection	1985-1990
b. 6, f. 6	Conservatives, silencing of A copy of this material is available in digital form from Manuscripts and Archives. Contact Manuscripts and Archives at beinecke.library@yale.edu to request access to the digital copy.	1989
b. 6, f. 7	Constitutional theory seminar (Stanford Law School)	1982-1983
b. 6, f. 8	Constitutional and international law (Franck and Glennon), spring 1989	1988-1989
b. 6, f. 9	Cooper, Edward	1991
b. 6, f. 10	Critical legal studies	1984
b. 6, f. 11	Constitution and economic (business) interests [talk]	1980
b. 6, f. 12	Daniels, Ernie	1982-1989
b. 6, f. 13	Dreyfus California Tax Exempt Bond Fund	1984
b. 6, f. 14	Facial neutrality, requirement of - not easily avoidable (answer to Parker's point)	Undated
b. 6, f. 15	Federal courts	1976
b. 6, f. 16	Federalism (values of, if any)	1981
b. 6, f. 17	Fifth Amendment	1965-1986

Law School course files and research (continued)

b. 6, f. 18	Financing legal education	1982
b. 6, f. 19	Harvard Law School (HLS)	1980-1984
b. 6, f. 20	International law	1985-1986
b. 6, f. 21	Hiss, Alger	Undated
b. 6, f. 22	History Book Club	1995
b. 6, f. 23	Holmes Devise job	1991
b. 6, f. 24	Hoover activities questionnaire	1990-1991
b. 6, f. 25	Hoover Institute	1987-1989
b. 6, f. 26	Inheritance	1971-1984
b. 6, f. 27	International law	1987
b. 6, f. 28	Insanity	1966
b. 6, f. 29	<i>Johnson v. Board of Education</i> (panel) English	1983
b. 6, f. 30	LSC curriculum	1989
b. 6, f. 31	Lectures, etc. invited to give	1984-1990
b. 6, f. 32	Legal malpractice	Undated
b. 6, f. 33	Liberty, equality, and subjectivity	1985-1986
b. 6, f. 34	K. MacKinnon	1989
b. 6, f. 35	McFarland funding of East Palo Alto Community Project (EPA)	1985-1986
b. 6, f. 36	Matsuda	1989-1991
b. 6, f. 37	Ken and Harle Montgomery, May 27, 1983	1982-1983
b. 6, f. 38	National security litigation: seminar, Georgetown	1993-1994
b. 6, f. 39	New York Law School	1988
b. 6, f. 40	Outside evaluations, need for	Undated
b. 6, f. 41	Miranda piece follow-up	1998
b. 6, f. 42	Drafts: War Powers Resolution piece (Columbia)	Undated
b. 6, f. 43	Drafts of "VN" [Viet Nam] pieces (Vietnam)	Undated
b. 6, f. 44	<i>Virginia Law Review</i> and <i>Yale Law Journal</i> : mechanics and draft	1987-1991
b. 6, f. 45	Reactions to Column (<i>Columbia Law Review</i>) piece A copy of this material is available in digital form from Manuscripts and Archives. Contact Manuscripts and Archives at beinecke.library@yale.edu to request access to the digital copy.	1988-1991

Law School course files and research (continued)

b. 6, f. 46	"Ely Bill" English	1989
b. 6, f. 47	Feedback on VN-1 and VN-2	1990
b. 6, f. 48	Reactions to <i>Los Angeles Times</i> piece (Kuwait)	1990
b. 6, f. 49	Virginia article followup	1991
b. 6, f. 50	W & R [<i>War and Responsibility</i>]: additional stuff	1999
b. 6, f. 51	Hill - Thomas piece A copy of this material is available in digital form from Manuscripts and Archives. Contact Manuscripts and Archives at beinecke.library@yale.edu to request access to the digital copy.	1992
b. 6, f. 52	<i>Herald</i> piece (teams and trials) English	1997
b. 6, f. 53	<i>Harvard Law Review</i> (HLR) Standing piece English	1997-1998
b. 6, f. 54	Inquisitorial systems, principally French	1960-1983
b. 6, f. 55	Reprints, SLR, Gerrymanders	Undated
b. 6, f. 56	Roe, should it be overturned? (Stanford LS correspondence)	1989
b. 6, f. 57	Issacharoff and Karlan	1998
b. 6, f. 58	"Parties Play Voting Rights Role Reversal" English	2001
b. 6, f. 59	More regarding: Bandemer and "political gerrymandering" as a defense	1998-1999
b. 6, f. 60	<i>On Constitutional Ground</i> reviews English	1996-1997
b. 6, f. 61	Brown and Loving	1998
b. 6, f. 62	Monica Lewinsky research articles and correspondence	1999
b. 6, f. 63	Monica - full version	1999
b. 6, f. 64	Mixed government	1999
b. 6, f. 65	"Brown" opinion book (Balkin) English	2000
b. 6, f. 66	"Ely's Wager" - article research and correspondence English	2002
b. 6, f. 67-69	Elder law titles: research	2000
b. 6, f. 70	Agriculture exclusion	1966
b. 6, f. 71	American Indian legal problems	1971
b. 6, f. 72	Rose Bird campaign	1985-1986

Law School course files and research (continued)

b. 6, f. 73	American Law Institute (ALI)	1988
b. 6, f. 74	Black Panther trial, New Haven	1970
b. 6, f. 75-76	Appointments Committee	1990-1991
b. 6, f. 77	Austin, Regina	1991
b. 6, f. 78	Brilmayer	1980-1982
b. 6, f. 79	Burger court (speeches)	1971, undated
b. 6, f. 80	Carter, Barry	1990
b. 6, f. 81	Center for Advanced Study in the Behavioral Sciences	1988
b. 6, f. 82	Center for National Security Studies	1992
b. 6, f. 83	CHIC - Kent grades	Undated
b. 6, f. 84	Child beating	1963-1965
b. 7, f. 1	<i>Bush v. Gore</i> : J. H. Ely reviews of articles and research materials with notes English	2000-2001
b. 7, f. 2	Election 2000	2001
b. 7, f. 3	Fisher (Kansas Press)	2002
b. 7, f. 4	Grading curves (University of Miami)	1998-1999
b. 7, f. 5	Health law	2001
b. 7, f. 6	Pardons	2001
b. 7, f. 7	Second course (descriptions)	Circa 2001
b. 7, f. 8	Seminar: Initiatives and Referenda	Undated
b. 7, f. 9	Stanford memos and lists (current)	1991-1992
b. 7, f. 10	Letters regarding: Stanford	1981
b. 7, f. 11	<i>Stanford Law Journal</i>	1989-1990
b. 7, f. 12	Teaching methods	1983
	Constitutional law	
b. 7, f. 13	Exams	1968-2001
b. 7, f. 14	Model answers	1989-1990
b. 7, f. 15	Con Law II	2003
	University of Miami	
b. 7, f. 16	Law Review committee	2002-2003
b. 7, f. 17	Law School - current memos and information	1997-2003

Law School course files and research (continued)

b. 7, f. 18	Overbreadth	Undated
b. 7, f. 19	Panama City	1990
b. 7, f. 20	"Brad Perry" English	1982-1984
	Placement	
b. 7, f. 21	General	Circa 1981-1984
b. 7, f. 22	Discrimination charges	1986
b. 7, f. 23	Pre-solicitation letter(s)	1982-1986
	Prince Building	
b. 7, f. 24	Money invested (basis)	1979-1981
b. 7, f. 25	Sale and after	1982
b. 7, f. 26	Taxes (real estate)	1979-1981
b. 7, f. 27	Transfer documents, etc./mortgage	1979-1982
b. 7, f. 28	Political analysis and philosophy	1964-1984
b. 7, f. 29	Memos on new "political correctness" of SLS	1989
b. 7, f. 30	Public interest law firm (PILF)	1991-1993
b. 7, f. 31	Public interest placement	1983-1989
b. 7, f. 32	University of Puerto Rico	1987
b. 7, f. 33	Race relations	1984
b. 7, f. 34	Random choice	Undated
b. 7, f. 35	Rawls	1973
b. 7, f. 36	Reaccreditation report (Stanford Law School)	1987
b. 7, f. 37	Reagan Library	1983
b. 7, f. 38	Reasonable doubt	1991
b. 7, f. 39	Rehnquist	1986
b. 7, f. 40	Separation of powers	1968
b. 7, f. 41	Sidak	1991
b. 7, f. 42	Social Security	1988-1991
b. 7, f. 43	Speeches as SLS dean (record)	1982-1987
b. 7, f. 44	"Roadblocks and the Law of Arrest" English	1962

Law School course files and research (continued)

b. 7, f. 45	State of school speeches	1982-1986
	Students, SLS	
b. 7, f. 46	Characters of	1985
b. 7, f. 47	Speech to incoming	1982-1986
b. 7, f. 48	Time capsule (misc.)	1980-1988
b. 7, f. 49	Transportation (rail)	1985
b. 7, f. 50	Trial advocacy	1991
b. 7, f. 51	Visa (Chase): Budget Rent-a-Car theft	1990-1991
	War and Constitution	
b. 7, f. 52	Changes to materials (and notes for teaching)	1979-1980
b. 7, f. 53	Class notes	1989-1990
b. 7, f. 54	Warren A copy of this material is available in digital form from Manuscripts and Archives. Contact Manuscripts and Archives at beinecke.library@yale.edu to request access to the digital copy.	1963-1978, undated
b. 7, f. 55	Comments on Weisberg ("Discretion")	Undated
b. 7, f. 56	Weiss, Jonny	1981, 1990
b. 7, f. 57	White, Byron	1979-1985
b. 7, f. 58	Yeats Project	1983-1987
b. 8, f. 1	Michelman correspondence, University of Miami	2000
b. 8, f. 2	Margarine: research and legal opinions	1999
b. 8, f. 3	Military tribunals (taking juries in questionable cases)	2001
b. 8, f. 4	Mines (land) and war powers	1998
b. 8, f. 5	Mootness (capable of repetition)	Circa 1994
b. 8, f. 6	Why not live your morals?	1981, 1987
b. 8, f. 7	Motivation	1982
b. 8, f. 8	Litigation techniques, lectures	1969-1985
b. 8, f. 9	Parties, political	1998-2001
b. 8, f. 10	Perry's new book	1993
b. 8, f. 11	Plane crashes	1998
b. 8, f. 12	Plebiscites	1970-2002

Law School course files and research (continued)

b. 8, f. 13	Plyler piece	1982
b. 8, f. 14	Confusion of policy analysis with constitutional analysis (both ways) and legal and moral questions	Undated
b. 8, f. 15	Pragmatism	1995
b. 8, f. 16	Presidents	1996
b. 8, f. 17	Press, freedom of	1994
b. 8, f. 18	Public defender elections	1998-1999
b. 8, f. 19	Reagan court op-ed piece	1984
b. 8, f. 20	"Correct that resumé" (Bosnia) English	1994
b. 8, f. 21	Revenge as "justice"	1979-2000
b. 8, f. 22	Second Amendment	1968-2000
b. 8, f. 23	"Second edition" notes (<i>Democracy and Distrust</i>) English	1980-1992
b. 8, f. 24	Rosen, Jeff, response to	Undated
b. 8, f. 25	Round, Tom (representation-reinforcement)	2002
b. 8, f. 26	"Scalia" piece English	1986
b. 8, f. 27-29	Shaming punishments: research papers	1990-1998
b. 8, f. 30	Shaming	1997
b. 8, f. 31	Shapiro piece	1984-2000
b. 8, f. 32	<i>Soldier of Fortune Magazine</i> court cases	1987-1988
b. 8, f. 33	Taller candidate wins	1996-1997
Research background files		
b. 9, f. 1	Abortion and crime article research	1975-2000
b. 9, f. 2	Affirmative action	1978-1979
b. 9, f. 3	Airline security	2001-2002
b. 9, f. 4	Amendments, constitutional, unratified	Circa 1976
b. 9, f. 5	Amish	2000
b. 9, f. 6	Animal rights	2002
b. 9, f. 7	Arms dealing	1992
b. 9, f. 8	Arms trade, international	1991

Research background files (continued)

b. 9, f. 9	Ashcroft (etc.) locking people up post-9/11	2003
b. 9, f. 10-11	Assassination ban	1981, 1993
b. 9, f. 12	Blackmail conundrum	Circa 1997
b. 9, f. 13	Boerne and Flores (XIV s5 and religion)	1997-1998
b. 9, f. 14	Bowers piece	1988-1991
b. 9, f. 15	Bush v. Gore	2001-2002
	Cambodia	
b. 9, f. 16	Secret bombing	1969-1973
b. 9, f. 17	Press coverage of bombing	1969
b. 9, f. 18-22	Campaign finance	1997-1998
	Central Intelligence Agency (CIA)	
b. 9, f. 23	General	1994-1996
b. 9, f. 24	War Powers Resolution (WPR)	1985
b. 9, f. 25	Secret funding of CIA, etc., constitutionality of	1975
b. 9, f. 26	Clinton and war powers	1993
b. 9, f. 27	Covert war	1989
b. 9, f. 28	Cuba	1992
b. 9, f. 29	Defense budget	1992-1994
b. 9, f. 30	Dellums and Ange complaints	1994
b. 9, f. 31	Draft	Undated
b. 9, f. 32	Eisenhower	1991
b. 9, f. 33	Emergency powers	1993
b. 9, f. 34	Executive's domestic powers in wartime	Undated
b. 9, f. 35	War of the future	1988-1992
b. 9, f. 36	Gays in the military	1993-1997
b. 9, f. 37	Haiti	1993-1994
b. 9, f. 38	Intelligence budget, secrecy of	1994
b. 9, f. 39	International law (general)	Undated
b. 9, f. 40	VNA: international law	Undated
b. 9, f. 41-42	Isolationism article	1965-1990

Research background files (continued)

b. 9, f. 43	JFK and withdrawal from Viet Nam (Vietnam)	1992
b. 9, f. 44	Korea	1995
b. 9, f. 45	Kuwait, etc.	1990-1991
	Laos	
b. 9, f. 46	Coverage elsewhere than <i>New York Times</i>	1964-1989
b. 9, f. 47	<i>New York Times</i> coverage English	1969-1970
b. 9, f. 48	<i>Economist's</i> coverage English	1962-1969
b. 9, f. 49	<i>Washington Post</i> and UPI (United Press International) on start of bombing	1964
b. 9, f. 50	Latin America, US military intervention in	1994
b. 9, f. 51	Military as cautious on military involvement [in Middle East]	1990
b. 9, f. 52	MIAs (soldiers missing in action)	1992-1996
b. 9, f. 53	Murder programs, US involvement in (Indonesia)	1990
b. 9, f. 54	Control over National Guard	1988
b. 9, f. 55	Nuclear war	1989
b. 9, f. 56	Eliminating nuclear capacity of other countries	Undated
b. 9, f. 57	Pacifism	1963-1985
b. 9, f. 58	Peacetime development of forces	1988
b. 10, f. 1	Persian Gulf naval war	1987-1988
b. 10, f. 2	Poems, anti-war	1984
b. 10, f. 3	Practice, outline concerning	Undated
b. 10, f. 4	POWs/MIAs (prisoners of war/missing in action)	1995
b. 10, f. 5	Rosenbergs	1977-1990
b. 10, f. 6	Secrecy in government	1994
b. 10, f. 7	Somalia	Circa 1995
b. 10, f. 8	State action	1979-1986
b. 10, f. 9	Strategic Defense Initiative (SDI)	1983-1992
b. 10, f. 10	Speeches on war	1988-1995
b. 10, f. 11-12	Term limits	1991-1997
b. 10, f. 13	Terrorism, war on	2001-2002

Research background files (continued)

b. 10, f. 14	Bush's anti-terror programs	2001
b. 10, f. 15	Treasure	1997
b. 10, f. 16	Tribe, Laurence H.	1986-2000
b. 10, f. 17	Talks concerning war	Undated
b. 10, f. 18	Troxel piece: SDP (substantive due process) parental rights	1973-2000
b. 10, f. 19	Treason	Undated
b. 10, f. 20	Treaties, mutual cooperation and security	1960
b. 10, f. 21	"U.N. (United Nations) charter as authorization" argument English	1990
b. 10, f. 22	UN as war-authorized	1993
Utilitarianism		
b. 10, f. 23	Democracy, utilitarianism, and judicial review: overall outlines	Circa 1981
b. 10, f. 24	I. Why Democracy?	1981-1983
b. 10, f. 25	II. Democracy as applied utilitarianism	Undated
b. 10, f. 26	III. Critiques of utilitarianism	1979-1981
b. 10, f. 27	IV. Critiques of way system operates	Undated
b. 10, f. 28	Problems with the utilitarian-democratic translation (including personal-external preferences)	1981
b. 10, f. 29	V. Judicial review as response to defects in applied utilitarianism	1981-1982
b. 10, f. 30	Intensity and democracy	Circa 1982
b. 10, f. 31	Intensity piece	1982
b. 10, f. 32	Equality and democracy piece (bumped by Dworkin piece)	1983
b. 10, f. 33	Dworkin's writings	Undated
Articles, book chapters, and notes: arranged by author's name		
b. 10, f. 34	A	1980
b. 10, f. 35	B	1965-1973
b. 10, f. 36	C	1971
b. 10, f. 37	D	Undated
b. 10, f. 38	F	1978
b. 10, f. 39	G	1977-1978
b. 10, f. 40	H	1967-1985

Research background files > Utilitarianism > Articles, book chapters, and notes: arranged by author's name (continued)

b. 11, f. 1	K	1981
b. 11, f. 2-3	L	1956-1977
b. 11, f. 4	M	1962-1980
b. 11, f. 5	N-O	1971, 1974
b. 11, f. 6-8	P	1970-1979
b. 11, f. 9-10	R	1965-1984
b. 11, f. 11-12	S-W	1930-1981
Vietnam		
b. 11, f. 13	VNA: what actions need congressional approval? (scope)	1990
b. 11, f. 14	VNB: "overall" outlines and ideas	1986-1990
b. 11, f. 15	War and democracy	1995 May-June
<i>War and Responsibility</i>		
b. 11, f. 16	Second edition	1991-1995
b. 11, f. 17	Reviews	1993-1995
b. 11, f. 18	Typos to be corrected	1993-1994
War powers		
b. 11, f. 19	Post-book	1991-2001
b. 11, f. 20	Correspondence with Dellinger re: U.S. forces deployment to Haiti	1994-1995
b. 11, f. 21	War and women: think piece	1990-1991
b. 11, f. 22	Wealth disparity	1995
b. 11, f. 23	Welfare	1997
b. 11, f. 24	HHW (Harry H. Wellington) talk, New York Law School	2000
b. 11, f. 25	Women's role: 1992 election and choice	1992
b. 11, f. 26	Yoo, John	1998
A copy of this material is available in digital form from Manuscripts and Archives. Contact Manuscripts and Archives at beinecke.library@yale.edu to request access to the digital copy.		
Reviews and notes Arranged alphabetically by author.		
b. 12, f. 1	Abrams-Atwood	1954-1992
b. 12, f. 2	Bailyn-Bestor	1920-1989
b. 12, f. 3	Bickel-Bronner	1948-1990

Reviews and notes (continued)

b. 12, f. 4	Calhoun-Cooperstein	1953-1990
b. 12, f. 5	Corwin-Crovitz	1914-1990
b. 12, f. 6	Dahl-Dyer	1957-1984
b. 12, f. 7	Eagleton-Emerson	1938-1977
b. 12, f. 8	Fairman-Fuller	1937-1992
b. 12, f. 9	Gaddis-Gunther	1938-1991
b. 12, f. 10	Halberston-Hyman	1909, 1968-1990
b. 12, f. 11	Ides-Isaacson	1984-1992
b. 12, f. 12	Javits-Jurrow	1929-1989
b. 12, f. 13	Kahin-Kunland	1956-1992
b. 12, f. 14	Lafeber-Lyons	1962-1990
b. 12, f. 15	MacPherson-Maurice	1962-1990
b. 12, f. 16	Mayo-Moynihan	1933-1991
b. 12, f. 17	Nagel-Note	1968-1991
b. 12, f. 18	Ono-O'Toole	1965-1991
b. 12, f. 19	Paige-Purcell	1955-1990
b. 12, f. 20	Ratner-Rutland	1953-1991
b. 12, f. 21	Sanford-Smyrl	1964-1992
b. 12, f. 22	Sofaer-Szuls	1833-1988
b. 12, f. 23	Tenbroek-Tushnet	1909-1975
b. 12, f. 24	Unger	1975
b. 12, f. 25	Warren-Wright	1923-1978
Drafts of articles and reviews, and feedback		
b. 13, f. 1	Feedback regarding: Roe piece	1973
b. 13, f. 2	Feedback on "motive" piece	1970-1981
b. 13, f. 3	Harris and Wyman piece: drafts	1971
b. 13, f. 4	Harris piece: feedback	1971, 1974
b. 13, f. 5	Early drafts of Roe piece	1973
b. 13, f. 6	Sex as suspect classification	1971
b. 13, f. 7	Early drafts of Erie piece	Circa 1973

Drafts of articles and reviews, and feedback (continued)

b. 13, f. 8	Feedback on Erie piece	1974-1980
	DeFunis piece Case deals with racial discrimination.	
b. 13, f. 9	Early drafts	1974
b. 13, f. 10	Feedback	1974-1975
	Warren tribute	
b. 13, f. 11	Early drafts	Undated
b. 13, f. 12	Feedback	Undated
b. 13, f. 13	Lovett piece: early draft, feedback The article deals with separation of powers.	1963-1976
b. 13, f. 14	Warren Commission op-ed piece	1975
	Flag piece	
b. 13, f. 15	First drafts	1975
b. 13, f. 16	Feedback	1975
b. 13, f. 17	Busing: op-ed	1977
b. 13, f. 18	Readers' reports	1979
b. 13, f. 19	Lectures: Indiana, Maryland, Samuel Fox Mordecai	1978, undated
b. 13, f. 20	Indiana	1978
b. 13, f. 21	Feedback	1978
b. 13, f. 22	Maryland	1978
b. 13, f. 23	Feedback	1978-1979
b. 13, f. 24	United States Constitution paper Article written in response to one by Professor Murphy.	Undated
b. 13, f. 25	<i>San Diego Law Review</i> : motivation analysis	1978
b. 13, f. 26	Feedback on Foreward (<i>Harvard Law Review</i>)	1979
b. 13, f. 27	Feedback on book A copy of this material is available in digital form from Manuscripts and Archives. Contact Manuscripts and Archives at beinecke.library@yale.edu to request access to the digital copy.	1959, 1978-1983
b. 13, f. 28	AEI paper	1982, undated
b. 13, f. 29	Abortion: op-ed piece	1981
b. 13, f. 30	New York University (NYU) paper: "Democracy and the Right to be Different"	1981

Drafts of articles and reviews, and feedback (continued)

b. 13, f. 31	"On Constitutional Nihilism" English	1981
	Conflicts	
b. 13, f. 32-34	Drafts: "Choice of Law and the State's Interest in Protecting Its Own" and "Interest Analysis and 'False Conflicts': Will Understanding Our Problems Really Make Them Go Away?"	1981, undated
b. 14, f. 1	Feedback	1982, 1987
b. 14, f. 2	Talk	Undated
b. 14, f. 3	Tresolini lecture notes	Undated
b. 14, f. 4	"The New Attainder - of Form and Function" English	Circa 1963
b. 14, f. 5	Dworkin piece: drafts Includes feedback on article.	1983-1984
b. 14, f. 6	Feedback on <i>New Republic</i> piece	1988
b. 14, f. 7	Shapiro piece (and <i>Yale Law Journal</i> celebration)	1990-1991
	University of Virginia piece	
b. 14, f. 8	Drafts	1976-1991
b. 14, f. 9	Feedback	1991
b. 14, f. 10	Article on David Hume: drafts and correspondence	1967
b. 14, f. 11	Letter to <i>New York Times</i> regarding: creche case	1984
b. 14, f. 12-15	Motive and constitutional law: draft research papers	Undated
b. 14, f. 16	Interview notes and correspondence	1966, 1975
b. 14, f. 17	<i>Free Press</i> article English	1966
b. 14, f. 18	Congressional privilege: draft opinion article	Undated
b. 14, f. 19	Book of things	Undated
b. 14, f. 20	Donald Stewart	1996
b. 14, f. 21	Ideas for fiction; places to publish?	Undated
b. 14, f. 22	Possible non-legal articles	1995, undated
b. 14, f. 23	National Security Agency NSA, etc.	1976-1983
b. 14, f. 24	Stewardesses	1986 June
	Doctors	
b. 14, f. 25	Attitudes	Undated

Drafts of articles and reviews, and feedback > Doctors (continued)

b. 14, f. 26	Waiting for	Undated
b. 14, f. 27	Fiction by others	2001
b. 14, f. 28	History/philosophy, "humorous"	Undated
b. 14, f. 29	Line of succession	1979, 1990
	Princeton article	
b. 14, f. 30	Drafts, etc.	1985-1990
b. 14, f. 31	Piece	1985
	Public defender files and court clerk materials	
b. 15, f. 1	California State Superior Court: reporter's partial transcript, <i>California v. Robert Gonzalez</i> Ely acted for the defense.	1968 May 24
b. 15, f. 2	Municipal Court, San Diego Judicial District: <i>California v. James Sullivan</i> , preliminary hearing	1968 March 14-15
	State of California, Fourth Appellate District	
b. 15, f. 3-4	<i>California v. Frank White</i> , reporters' transcript English	1968 May 1-8
b. 15, f. 5	<i>Kenneth Sanberg v. California</i> , writ of prohibition English	1968 May
	United States District Court	
	Southern California	
b. 15, f. 6	<i>United States of America (USA) v. Edward Wilson, Jeffrey Herwitz</i>	1967 July 26-27
b. 15, f. 7	<i>USA v. Apolonio Gomez-Vazquez</i>	1967 April 12
b. 15, f. 8	District of Columbia: <i>Ronald Delmus v. George Bush</i> , amicus curiae brief and civil action opinion	1990
	United States Court of Appeals, Ninth Circuit	
b. 15, f. 9	<i>Billy Joe Martin v. USA</i> : appellant's brief and reply brief English	1968 March-May
b. 15, f. 10	<i>Oscar John Huguez v. USA</i> : appellant's brief and reply brief English	1967
b. 15, f. 11	<i>American-Arab Anti-Discrimination Committee v. Janet Reno</i> , amicus curiae brief English	1994 October 7
	United States Supreme Court	
b. 15, f. 12-13	<i>Billy Joe Martin v. USA</i> English	1968 August-October

Public defender files and court clerk materials > United States Supreme Court (continued)

b. 15, f. 14	Clippings regarding: opinions	1965-1968
b. 15, f. 15	<i>Kent v. USA</i> (Justice Warren's dissent); Roscoe Barrow English	1965 March 2, undated
b. 15, f. 16	<i>Drews v. Maryland</i> English	1965
b. 15, f. 17	<i>Hanna v. Plumer</i> English	1965
b. 15, f. 18	<i>Udall v. Tallman</i>	1964-1965
b. 15, f. 19	<i>Zemel v. Rusk</i>	1965 March-May
b. 15, f. 20	<i>USA v. Brown</i>	1965
b. 15, f. 21	Opinions in cases handled (published)	1968-1969
b. 15, f. 22-23	Federal Defenders, Inc. (FDI) memos	1966-1968
b. 15, f. 24	Gray Cary memos (antitrust, contracts)	1963
b. 15, f. 25	Neighborhood Legal Services Program (NLSP) evaluation	1966
b. 15, f. 26	<i>Rex v. Preston</i> Moot court presentation of 1770 Boston Massacre case, filmed for Georgia Educational Television Network.	1976
United States Department of Transportation (USDOT) files		
<i>v. Environmental Defense Fund</i> regarding: Concorde		
b. 16, f. 1	Notes and briefs	1976
b. 16, f. 2	Court briefs and proceedings	1976
b. 16, f. 3	1975 Aviation Act, USDOT statements, and media coverage transcripts	1975-1976
b. 16, f. 4	Congressional hearings on environmental impact of supersonic travel	1975-1976
b. 16, f. 5-6	Memorandum regarding: Concorde opinion	1975-1976
b. 16, f. 7	Oversight hearings on National Environmental Policy Act: notes and transcripts	1974-1975
b. 16, f. 8-9	Intervention briefs	1976
b. 16, f. 10	<i>Environmental Defense Fund v. USDOT</i> and USDOT documents concerning Concorde litigation English	1976
b. 16, f. 11	Ely scrapbook: USDOT correspondence, media releases, news clippings, personal photos and memorabilia	1975-1976
b. 16, f. 12	Views of Saipan service and railroad regulations	1976

Video recordings

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Boston Massacre Trial [commercially produced]

b. 17	<p>Part I 1 Videocassette (<i>U-matic</i>) 1:01:00 Duration (<i>HH:MM:SS.mmm</i>)</p> <p>As a preservation measure, original materials, as well as preservation and duplicating masters, may not be used. Digital access copies must be provided for use. Contact Manuscripts and Archives at beinecke.library@yale.edu to request access.</p> <p>A copy of this material is available in digital form from Manuscripts and Archives.</p>	1976 December 14
b. 17U	<p>Use copy 1 Videocassette (<i>VHS</i>)</p>	
b. 18	<p>Part II 1 Videocassette (<i>U-matic</i>) 0:51:42 Duration (<i>HH:MM:SS.mmm</i>)</p> <p>As a preservation measure, original materials, as well as preservation and duplicating masters, may not be used. Digital access copies must be provided for use. Contact Manuscripts and Archives at beinecke.library@yale.edu to request access.</p> <p>A copy of this material is available in digital form from Manuscripts and Archives.</p>	1976 December 14
b. 18U	<p>Use copy 1 Videocassette (<i>VHS</i>)</p>	
b. 19	<p>Jimmy Carter, Ralston Lecture, Kresge Auditorium 1 Videocassette (<i>VHS</i>) 1:29:00 Duration (<i>HH:MM:SS.mmm</i>)</p> <p>As a preservation measure, original materials, as well as preservation and duplicating masters, may not be used. Digital access copies must be provided for use. Contact Manuscripts and Archives at beinecke.library@yale.edu to request access.</p> <p>A copy of this material is available in digital form from Manuscripts and Archives.</p>	1987 March 10
b. 20	<p>C-SPAN State Department [commercially produced] 1 Videocassette (<i>VHS</i>) 1:07:00 Duration (<i>HH:MM:SS.mmm</i>)</p> <p>As a preservation measure, original materials, as well as preservation and duplicating masters, may not be used. Digital access copies must be provided for use. Contact Manuscripts and Archives at beinecke.library@yale.edu to request access.</p> <p>A copy of this material is available in digital form from Manuscripts and Archives.</p>	1994 July 13

Video recordings (continued)

b. 21	<p>Currie Lecture, Duke Law School [commercially produced] <i>1 Videocassette (VHS) 1:00:00 Duration (HH:MM:SS.mmm)</i></p> <p>As a preservation measure, original materials, as well as preservation and duplicating masters, may not be used. Digital access copies must be provided for use. Contact Manuscripts and Archives at beinecke.library@yale.edu to request access.</p> <p>A copy of this material is available in digital form from Manuscripts and Archives.</p>	1973
<hr/> The Landing of the Concorde - SST at Kennedy [commercially produced]		
b. 22	<p>Tape 1 <i>1 Videocassette (VHS) 1:02:00 Duration (HH:MM:SS.mmm)</i></p> <p>As a preservation measure, original materials, as well as preservation and duplicating masters, may not be used. Digital access copies must be provided for use. Contact Manuscripts and Archives at beinecke.library@yale.edu to request access.</p> <p>A copy of this material is available in digital form from Manuscripts and Archives.</p>	1976 February 25
b. 23	<p>Tape 2 <i>1 Videocassette (VHS) 0:56:37 Duration (HH:MM:SS.mmm)</i></p> <p>As a preservation measure, original materials, as well as preservation and duplicating masters, may not be used. Digital access copies must be provided for use. Contact Manuscripts and Archives at beinecke.library@yale.edu to request access.</p> <p>A copy of this material is available in digital form from Manuscripts and Archives.</p>	1976 February 25
b. 24, 27, 26, 25	<p>Law Review War Powers Symposium, Room 109 <i>4 Videocassettes (VHS) 7:39:00 Duration (HH:MM:SS.mmm)</i></p> <p>As a preservation measure, original materials, as well as preservation and duplicating masters, may not be used. Digital access copies must be provided for use. Contact Manuscripts and Archives at beinecke.library@yale.edu to request access.</p> <p>A copy of this material is available in digital form from Manuscripts and Archives.</p>	1995 February 24
<hr/> Massachusetts School of Law Educational Forum: The War Power [commercially produced]		
b. 28	<p>Show #39, Part 1 <i>1 Videocassette (VHS) 1:02:00 Duration (HH:MM:SS.mmm)</i></p> <p>As a preservation measure, original materials, as well as preservation and duplicating masters, may not be used. Digital access copies must be provided for use. Contact Manuscripts and Archives at beinecke.library@yale.edu to request access.</p> <p>A copy of this material is available in digital form from Manuscripts and Archives.</p>	Undated

Video recordings > Massachusetts School of Law Educational Forum: The War Power [co [...]
(continued)

b. 29	<p>Show #40, Part 2 <i>1 Videocassette (VHS) 1:01:00 Duration (HH:MM:SS.mmm)</i></p> <p>As a preservation measure, original materials, as well as preservation and duplicating masters, may not be used. Digital access copies must be provided for use. Contact Manuscripts and Archives at beinecke.library@yale.edu to request access.</p> <p>A copy of this material is available in digital form from Manuscripts and Archives.</p>	Undated
b. 30	<p>Ras Mohamed: John Ely with Iman <i>1 Videocassette (VHS) 0:22:31 Duration (HH:MM:SS.mmm)</i></p> <p>As a preservation measure, original materials, as well as preservation and duplicating masters, may not be used. Digital access copies must be provided for use. Contact Manuscripts and Archives at beinecke.library@yale.edu to request access.</p> <p>A copy of this material is available in digital form from Manuscripts and Archives.</p>	1998 February 7
b. 31	<p>Remembering Slavery, Ira Berlin (ed.) <i>1 Videocassette (VHS) 2:31:00 Duration (HH:MM:SS.mmm)</i></p> <p>As a preservation measure, original materials, as well as preservation and duplicating masters, may not be used. Digital access copies must be provided for use. Contact Manuscripts and Archives at beinecke.library@yale.edu to request access.</p> <p>A copy of this material is available in digital form from Manuscripts and Archives.</p>	Undated

Accession 2012-M-023: Additional Material, 1974-circa 2001

The computer files are closed until processed.

b. 1, f. 1	Research paper: The Consitutionality of "Benign" Racial Discrimination	1974
b. 1, f. 2	General counsel, U.S. Department of Transportation, confirmation hearing prep materials and correspondence	1975
b. 1, f. 3	Edited research paper: Judicial Review of Suspicious Classifications: Why is Classification by Race "Suspect," and Should Classification by Sex Similarly be Subjected to Extraordinary Scrutiny?	Undated
b. 2-5	Computer files The materials include writings, course materials and correspondence on 158 5.25" computer disks. The computer files are closed until processed.	Circa 1989-2001

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.

Subjects

Concorde (Jet transports)
Constitutional law -- United States
Judicial review -- United States
Law -- Study and teaching -- United States
War and emergency powers -- United States --
History

Names

Coleman, William T. (William Thaddeus),
1920-2017
Ely, John Hart, 1938-
Fortas, Abe, 1910-1982

Corporate Bodies

Harvard Law School
Stanford University. School of Law
United States. Department of Transportation
University of Miami. School of Law
Yale Law School