Guide to the Charles Edward Clark Papers

MS 1344

by Mary Benjamin, Teresa Hsu, Matthew Bartley and John Dojka

March 1982

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Collection Overview

REPOSITORY: Manuscripts and Archives
Yale University Library
P.O. Box 208240
New Haven, CT 06520-8240
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CALL NUMBER: MS 1344

CREATOR: Clark, Charles Edward, 1889-1963

TITLE: Charles Edward Clark papers

DATES: 1900–1968

BULK DATES: 1935–1963

PHYSICAL DESCRIPTION: 59.75 linear feet (145 boxes)

LANGUAGE: English

SUMMARY: The bulk of the papers date from 1935-1963 and reflect Clark’s position as reporter on the United States Supreme Court’s Advisory Committee on Rules for Civil Procedure (1935-1956) and as associate judge of the Court of Appeal for the Second Circuit (1939-1963). The papers contain his files for the Committee on Rules for Civil Procedure including preparatory papers, committee proceedings, rule draft reports and correspondence. His years on the Second Circuit Court are documented with complete case and motion files, docket books and correspondence. Also in the papers are extensive research files on law administration, automobile accidents, Puerto Rican courts and the reorganization of state departments in Connecticut. Clark served on Connecticut commissions in 1935-1936 and 1949-1951. His voluminous correspondence (ca. 9 feet) with local and political figures spans the years 1920-1963 and includes Benjamin Cardozo, Felix Frankfurter, Augustus Hand, Learned Hand, Oliver Wendell Holmes, Milton Friedman, James W. Moore, Franklin D. Roosevelt and Harlan Stone. There is only a small amount of personal correspondence or papers from his law school career, either as student, professor or dean. (For this period, see the Yale University Archives.) There are, however, family records, financial papers, account books, photographs, biographical newspaper clippings and a bibliography of his work compiled by Solomon Smith in 1968.

ONLINE FINDING AID: To cite or bookmark this finding aid, please use the following link: http://hdl.handle.net/10079/fa/mssa.ms.1344

Requesting Instructions
To request items from this collection for use in the Manuscripts and Archives reading room, please use the request links in the HTML version of this finding aid, available at http://hdl.handle.net/10079/fa/mssa.ms.1344.
Administrative Information

Immediate Source of Acquisition
The materials in Series IV, relating to the United States Supreme Court Advisory Committee on Rules for Civil Procedure, were donated to the Yale University Library by Charles E. Clark during the 1940’s and 50’s. The bulk of the papers, Series I, II, III, V, and VI were donated to the Yale University Library by Elias Clark in 1982.

Conditions Governing Access
The materials are open for research.

Conditions Governing Use
Copyright has been transferred to Yale University.

Preferred Citation
Charles Edward Clark Papers (MS 1344). Manuscripts and Archives, Yale University Library.

Biographical / Historical
Charles Edward Clark was born in Woodbridge, Connecticut on December 9, 1889, the son of Samuel Orman and Pauline C. Marquand Clark. He graduated from Yale College in 1911 and Yale Law School in 1913; in the same year he was admitted to the Connecticut bar.

In 1919, after six years of private practice in New Haven, Clark was appointed to the faculty of the Yale Law School as assistant professor. He was promoted to associate professor in 1922, full professor in 1923, the Lines Professorship in 1927, and Sterling Professor of Law in 1929.

He served as Dean of the Law School from 1929 to 1939, one of the most productive and critical periods in the School’s history. The Sterling Law Buildings were completed in 1931 and the Faculty of Law expanded. Clark’s term as Dean was notable for a reorganization of the School’s curriculum to place more emphasis on the social functions of the law, including the interrelation between law and commerce, sociology, medicine, psychology, and economics.

Clark was active in Connecticut politics and served on several committees seeking to improve the State’s administrative and judicial systems; these included the Commission on Reorganization of State Executive Departments 1935-1936 and the Commission on State Government Reorganization 1949-1951.
Nationally, Clark was best known for his service on the United States Supreme Court’s Advisory Committee on Civil Procedure from 1935 to 1956. In his capacity as committee reporter he became the principal architect of the Federal Rules of Civil Procedure, which were adopted for all Federal trial courts and copied by many state courts.

In 1939 he was appointed associate judge of the United States Court of Appeal for the Second Circuit (New York, Connecticut, and Vermont). From 1954 to 1959 he was chief judge of the Court. He resumed his seat as associate judge until his death on December 13, 1963.

Clark was the author of numerous articles and books, including *Code Pleading*, 1928; *Real Covenants*, 1929; and *Cases on Pleading and Procedure*, 2 vols. 1930, 1933.

For further biographical detail see the section of biographical newspaper clippings 1907-1963 in Series VI.

**Scope and Contents**

The documentation for Clark’s career prior to his appointment to the Second Circuit Court of Appeals in 1939 is fragmentary. Only a few pieces of memorabilia and correspondence have survived from his six years (1913-1919) of private law practice. From his years as a faculty member and Dean of the Yale Law School (1919-1939) approximately five inches of correspondence and several sections of research files have been preserved. The bulk of his administrative files as Dean are missing and presumed to have been destroyed. Researchers interested in the academic portion of Clark’s career should consult the records of University Presidents James R. Angell and Charles Seymour; the University Provosts; and the members of the Law School Faculty.

Fortunately, the records relating to Clark’s work as reporter for the United States Supreme Court’s Advisory Committee on Civil Procedure (1935-1956) have survived intact.

In marked contrast to the materials from Clark’s academic career, the documentation for his years on the Second Circuit Court of Appeals is both detailed and extensive.

The Clark Papers are organized in six series:

**Series I** GENERAL CORRESPONDENCE

**Series II** UNITED STATES COURT OF APPEALS FOR THE SECOND DISTRICT 1939-1963

**Series III** RESEARCH FILES

**Series IV** UNITED STATES SUPREME COURT ADVISORY COMMITTEE ON RULES FOR CIVIL PROCEDURE 1935-1936

**Series V** BIBLIOGRAPHY AND WRITINGS

**Series VI** PERSONAL CORRESPONDENCE, MEMORABILIA, FAMILY PAPERS

The materials in Series I, GENERAL CORRESPONDENCE 1920-1963, are subdivided into two sections. Correspondence 1920-1939 contains the relatively few letters which have survived from Clark’s pre-Court of Appeals career and includes the correspondence relating to his court appointment. Correspondents of note include Benjamin Cardozo, Homer Cummings, Felix Frankfurter, Oliver Wendell Holmes, Franklin D. Roosevelt (telegrams), and Harlan Stone.

Correspondence 1939-1963 reflects Clark’s interest and work on a broad range of legal and judicial issues. The correspondence was written and received in his capacity as a lawyer and judge, but it is not specifically concerned with Second Circuit work (see below, Series II). Among the correspondents of note are: Thurman Arnold, Edwin Borchard, Jerome Davis, William O. Douglas, Felix Frankfurter, James W. Moore, Eugene Rostow, Frederick Rodell, Potter Stewart, and Harlan Stone.

Series II, UNITED STATES COURT OF APPEALS FOR THE SECOND DISTRICT 1939-1963, provides virtually complete documentation of Clark’s years on the court. The records are subdivided into eight sections:
Docket books
Case files
Motion files
Correspondence with Court of Appeals judges
General court business correspondence
Circuit Council
Judicial Conference
Law Clerks

Series III, RESEARCH FILES, contains correspondence, memoranda, notes, and report drafts relating to Clark’s legal research as a scholar and as a member of various research groups and professional committees. The series is subdivided into eleven sections:

Law administration, the National Commission on Law Observance and Enforcement 1929-1933 study of federal law administration.

Social trends, the President’s Research Committee on Social Trends’ data collection on social change in the United States, 1930-1933. Clark, with William O. Douglas, was principal investigator for law and legal institutions.

Automobile accidents, research conducted during 1929-1933 by the Commission to Study Compensation for Automobile Accidents, under the auspices of the Council for Research in the Social Sciences of Columbia University.

Connecticut Commission on the Reorganization of State Departments, Clark was Vice-Chairman 1935-1936.


American Bar Association, Coordination Committee, 1934-1935 study of plans for reorganizing the American Bar Association.

American Bar Association, Committee on Co-operation with the Bench and Bar, Clark was Chairman 1934-1936.

Puerto Rican Courts, Clark’s study of the Puerto Rican judicial system and correspondence with members of the Puerto Rican judiciary and bar association 1949-1963.


Institute of Judicial Administration, Inc., 1953-1963, studies, minutes of meetings, correspondence relating to Clark’s work as a member of the Institute’s Board of Fellows.

Miscellaneous topics including the Connecticut Judicial Council 1927-1930; research memoranda related to the business of federal courts 1934; Code Pleading research notes 1927-1928; National Conference of Commissions on Uniform State Laws, Committee on Corpus and Law, 1927-1933; research notes and memoranda relating to President Roosevelt’s plan for reorganization of the Supreme Court, 1937.

Series V, BIBLIOGRAPHY AND WRITINGS, contains a copy of a bibliography of Clark’s work compiled by Solomon Smith in 1968 and several drafts of addresses and articles. Copies of the bulk of Clark’s writings are not present in the series, but are accessible through normal bibliographic channels.

Series VI, PERSONAL CORRESPONDENCE, MEMORABILIA, FAMILY RECORDS, is subdivided into ten sections: Personal Correspondence 1915-1962, much of which concerns routine family and personal business; Correspondence of Dorothy Clark 1955-1967, containing letters from Thurman Arnold and a series of letters from Clark’s friends and associates after his death, commenting on the significance of his work; Testimonials and resolutions, by professional and academic groups in honor of Clark; Photographs, primarily portraits and of Clark with colleagues and associates; Law School examinations, given by Clark while a faculty member; School and professional memorabilia; Biographical newspaper clippings 1907-1963, useful for an overview of Clark’s many professional activities; Financial records; Family records; and Diplomas and award certificates.

Arrangement
**Collection Contents**

**Series I. Correspondence**

8' (20 boxes)

Series I is subdivided into two sections: General Correspondence 1920-1939 and General Correspondence 1939-1963. Within each section materials are arranged alphabetically. The number of letters from major correspondents is contained in parentheses before inclusive dates.

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- General court business correspondence
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**Charles Edward Clark papers**

**MS 1344**

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- Automobile accidents, 1929-1933
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- **Dorothy Clark correspondence 1955-1967**
- **Testimonials and resolutions in honor of C.E. Clark**
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- **Biographical newspaper clippings**
- **Financial records**
- **Diplomas and awards**

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Accession 1984-M-002. Additional material

0.75 linear feet (2 boxes)

Papers concerning Clark’s World War II activities on the Advisory Board on Just Compensation and National War Labor Board.

Received from Morris Cohen, Law School Library, 1983 Aug 25.

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Accession 2014-M-012. Additional material

0.02 linear feet (1 envelope)

This accession consists of photographs of Charles Edward Clark, as well as newspaper clippings and correspondence.

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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
Judges
Law
Lawyers

Geographic Names
Connecticut -- Politics and government
Puerto Rico -- Politics and government

Genres / Formats
Account books
Photoprints

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Acheson, Dean, 1893-1971
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Borchard, Edwin, 1884-1951
Cardozo, Benjamin N. (Benjamin Nathan), 1870-1938
Clark, Charles Edward, 1889-1963
Clark, Mary D.
Clark, Pauline C. Marquard
Clark, Samuel Orman, 1900-1975
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Frank, Jerome, 1889-1957
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Medina, Harold R. (Harold Raymond), 1888-1990
Moore, James William, 1905-1994
Roosevelt, Franklin D. (Franklin Delano), 1882-1945
Smith, J. Joseph, 1904-
Stewart, Potter
Stone, Harlan Fiske, 1872-1946
Swan, Thomas W. (Thomas Walter), 1877-1975
Waterman, Sterry R.
Wright, Charles Alan, 1927-2000

Families
Clark family

Corporate Bodies
United States. Supreme Court
Yale Law School
Yale University -- Faculty