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DESEGREGATING DALLAS SCHOOLS: THE LITIGATION ARCHIVES

Gail M. Daly

SOUTHERN Methodist University's Underwood Law Library is the home of the archives of the *Tasby*¹ case, which led to federal court supervision of the desegregation of the Dallas Independent School District for a period of thirty-three years. The case was filed in 1970 and became progressively more complex as the courts determined how and when DISD would be fully integrated. In March of 1981, Judge Barefoot Sanders, a United States District Court judge in the Northern District of Texas was assigned the *Tasby* litigation and would continue to oversee it for the next twenty-two years.

Judge Sanders donated his papers related to the *Tasby* case to the Underwood Law Library in 2004, just a year after he had granted DISD's motion to dismiss the desegregation order, stating that "the segregation prohibited by the United States Constitution, the United States Supreme Court and federal statutes no longer exists in the DISD." He felt it important that materials from this landmark case and this period in the history of Dallas be preserved for future scholars, and that Southern Methodist University's Dedman School of Law was the appropriate home for them. This substantial collection comprises approximately 150 linear feet of court documents, statistical data related to DISD, Judge Sanders' own notes concerning the litigation, and contemporaneous newspaper and other articles.

In addition to Judge Sanders' papers, he encouraged others associated with the litigation to donate their records, so that everything could be collected in a single location. Consequently, the Law Library's collection also includes archives from the parties in the case. The *Tasby* plaintiffs were represented by several attorneys, some of whom worked for Dallas Legal Services, the Mexican-American Legal Defense Educational Fund, and the NAACP Legal Defense and Education Fund. Edward B. Cloutman, III, was the plaintiffs' lead attorney throughout the case, and he generously donated his files to the Law Library in October of 2004.

1. See *Tasby v. Moses*, 265 F. Supp. 2d 757 (N.D. Tex. 2003); *Tasby v. Gonzalez*, 972 F. Supp. 1965 (N.D. Tex. 1997); *Tasby v. Wollery*, 869 F. Supp. 454 (N.D. Tex. 1994); *Tasby v. Edwards*, 807 F. Supp. 421 (N.D. Tex. 1992); *Tasby v. Wright*, 630 F. Supp. 597 (N.D. Tex. 1986); 550 F. Supp. 262 (N.D. Tex. 1982); *Tasby v. Estes*, 498 F. Supp. 1130 (N.D. Tex. 1980); 416 F. Supp. 644 (N.D. Tex. 1976); 412 F. Supp. 1192 (N.D. Tex. 1976); 342 F. Supp. 945 (N.D. Tex. 1971).

The Dallas Independent School District was represented in the *Tasby* litigation by the law firm of Strasburger & Price, with Robert Hyer Thomas serving as DISD's lead trial attorney. Strasburger & Price donated its *Tasby* files to the Law Library in December of 2004. These files contain approximately sixty-six linear feet of materials.

Over the course of eighteen months, a professional archivist assisted by staff of the Underwood Law Library unpacked the materials from all donors, sorted them, logged them in, and transferred them to acid-free storage boxes. Duplicates were weeded, records were organized chronologically, and cross references were inserted wherever necessary.

Major documents were identified for digitization and entered on a web site dedicated to the *Tasby* project.² Included in the documents made available online are the original complaint, the defendant's original answer, and a series of subsequent court judgments, opinions, and orders. The website also contains links to primary materials already available on the Internet at official judicial sites. Additional items are available to scholars working on site at the Underwood Law Library. Among these additional items are personal papers of Judge Sanders and Mr. Cloutman, and a wealth of analytical data compiled by the school district during the course of the litigation in response to Judge Sanders' guidelines.

Throughout the course of the project, the library staff discovered that meeting and talking with the actual parties in this historic case—Judge Sanders, Mr. Cloutman, and Mr. Thomas—was a benefit that brought these dusty archives to life and made their significance real. All of the parties were equally interested in ensuring the project's success, and all were dedicated to making the collection as complete as possible. These special people, and all of the individuals and the individual stories that made possible the desegregation of the Dallas Independent School District, are the essence of the material on the shelves in the Underwood Law Library.

The papers are culturally, legally, and historically of vital importance, not just in their significance to Dallas, but also in relation to the history of desegregation in the United States as a whole. The Underwood Law Library is committed to preserving the documents from this landmark case and making them widely available to all.

The leadership of Judge Sanders in proposing this project, his cooperation in donating his files to the Underwood Law Library, and the unprecedented cooperation of the parties in the case to donate their archives as well, ensure that the resource will provide a complete record of one of the most significant desegregation cases in American history.

2. SMU Underwood Law Library, *Desegregating Dallas Schools: The Litigation Archives*, <http://library.law.smu.edu/disd/> (last visited Apr. 2, 2009).