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## Preserving history

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Over the last 50 years, civil rights litigation has spurred dramatic changes in American life, affecting hiring, housing, voting, education, law enforcement and the justice system itself.

The litigation has produced countless reams of important documents, which are difficult and time-consuming to find and search through. To remedy the problem — and preserve a critical part of our nation's history — a team of professors and students at the Washington University School of Law has created a free electronic library that opened to the public for the first time last month. The Civil Rights Litigation Clearinghouse, the brainchild of law professor Margo Schlanger, houses thousands of documents including settlements, court orders, opinions, case study research, key filings and other papers related to more than 1,000 civil rights cases. It can be accessed at [clearinghouse.wustl.edu](http://clearinghouse.wustl.edu).

The clearinghouse is impressive. Cases in the collection address issues as wide-ranging as immigration, policing, child welfare, disability rights, election and voting rights, jail and prison conditions, juvenile institutions, nursing homes, mental health facilities and school desegregation. The documents are of particular interest to historians, sociologists, judges, students, lawyers, policymakers and journalists.

The value of the clearinghouse can be seen through just one example. *Brown v. Board of Education* is the nation's most famous and seminal civil rights case, yet not all of the documents pertaining to the case have been easy to come by, Ms. Schlanger said. The 1954 Supreme Court decision that "separate is inherently unequal," and the 1955 decision announcing that remediation of Jim Crow school segregation should proceed "with all deliberate speed," have been readily available. But until the clearinghouse was created, other crucial documents — from the filing of the first complaint in Topeka in 1951 through final dismissal of the case in 1999 — were much more difficult to locate.

The clearinghouse is dedicated to injunctive litigation, that is to cases seeking policy change or change in the way a public institution operates, rather than monetary awards. For each of the categories, the goal is to include a "close-to-comprehensive catalog of the cases." The clearinghouse now posts at least partial information on 1,046 cases, and the number of cases is growing constantly.

The law school team assembled documents from various sources, including lawyers, the U.S. Department of Justice, a federal court electronic records system and the National Archives and Records Administration.

A proposal being considered by officials at the National Archives could result

in the destruction of some of those documents. The proposal covers more recent federal civil cases that never made it to trial, not just those involving civil rights. Destroying the records could make it difficult to assemble a paper trail of civil rights cases, making the work of the clearinghouse even more crucial.

Under the proposal, federal records of civil cases that did not go to trial would be destroyed after 20 years. Those eligible for destruction date from 1972 to 1986 and take up about 80,000 cubic feet of space, said Paul Wester, director of the modern records program at the National Archives. A final decision has not been made about the disposition of the records, Mr. Wester said.

Space and cost are legitimate concerns. In Washington alone, records in the National Archives total more than 6 billion pieces of paper, more than 11 million still pictures and millions of maps, charts, aerial photos and architectural and engineering plans.

We applaud the efforts of the professors and students at Washington University School of Law to preserve legal documents with great historic and cultural value. Washington University already has invested more than \$100,000 in the project. The clearinghouse is seeking grant money to keep operations going. As the National Archives wrestles with the issue of what to pitch and what to keep, it must make sure that important federal civil rights records — and the lessons they offer future generations — don't wind up in the shredder.

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