

Morgan vs. Hennigan Working Files

1975 - 1993; bulk: 1975-1980

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Office of the General Counsel: Boston Public Schools

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Collection Summary

Creator:	Office of the General Counsel: Boston Public Schools	Abstract:
Title:	Morgan vs. Hennigan Working Files	The General Counsel of the Boston Public Schools, today known as the Office of Legal Advisors, played an instrumental role in the Morgan desegregation case, collecting information for the bench counsel hired to represent the school defendants. Morgan vs. Hennigan Working Files document the work of this office from 1975 to 1993, constituting the day-to-day activities engaged in by the General Counsel on the Morgan case, as well as several other cases the school was involved in during this time period. The series provides researchers with a behind-the-scenes perspective of the drafting of the Unified Facilities Plan, affirmative action in faculty hiring, the student assignment plans, etc. that cannot be found in the official court records.
Physical Description:	23 cubic feet	
Language:	English	
Repository:	City of Boston, Office of the City Clerk, Archives and Records Management Division 201 Rivermoor St. West Roxbury, MA 02132 archives@cityofboston.gov	

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Morgan Case History

On March 15, 1972, the Harvard Center for Law and Education filed suit against the City of Boston's School Committee alleging de jure segregation in the Boston Public Schools. The case, filed on behalf of 15 parents and their 43 children is named for the lead plaintiff, Tallulah Morgan and James Hennigan, who was then president of the Boston School Committee. Morgan vs. Hennigan was decided in favor of the plaintiffs by Judge W. Arthur Garrity on June 21, 1974. Garrity stated in his ruling that the School Committee had maintained de facto segregation.

The General Counsel (OGC) of the Boston Public Schools, now known as the Legal Advisors Office, was involved in the Morgan desegregation case a consultant for defense attorneys. OGC members gathered and provided information including statistics, plans and reports generated by Boston Public Schools. Attorneys working for OGC at this time included Michael Betcher, Marien Evans and John L. Keefe.

Dimento and Sullivan represented the Superintendent and the School Department as Special Defendants Counsel, from 1975 to 1976. In 1976, the court found it a conflict of interest to have the same firm represent both the school superintendent and the school committee with respect to the receivership of South Boston High School. On January 13, 1976, Dimento and Sullivan terminated their representation of Superintendent Marion Fahey in her role as receiver of South Boston High. Nutter, McClellan and Fish took over as defense counsel of receivership at this time. Goodwin, Proctor and Hoar then became defense counsel for the schools.

The Federal District Court of Massachusetts identified twelve monitoring objectives for desegregation that the Office of General Counsel focused their research on, as part of the disengagement process. The monitoring areas included: student assignments, school capacities and program locations; faculty and administrative staff; special desegregation measures at specific schools; special education; bilingual education; vocational and occupational education; student transportation; construction, renovation and closing of school facilities; school safety and security; student discipline; institutional pairings; court ordered parent and student organizations.

For a complete historical timeline of the Morgan Case, see Desegregation-era Records collection

For more information on the Morgan Case, see Related Material

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Parties Involved in Morgan Case

Party

Affiliation

Center for Law and Education

Original Plaintiffs: Black Children and Parents

NAACP Special Contributions Fund

Original Plaintiffs: Black Children and Parents

Foley, Hoag and Eliot

Original Plaintiffs: Black Children and Parents

El Comite De Padres Pro Defensa de la Educacion Bilingue: Doyle, Playter, Novick and Berkin

Plaintiff-Intervenor

Boston School Committee and the Superintendent of Boston Public Schools

School Defendants

Commissioner of the Public Facilities Department

City Defendants

Mayor of Boston

City Defendants

Massachusetts Board of Education and the Commissioner of Education for the Commonwealth of Massachusetts

State Board

Boston Teachers' Union

Limited Interveners

Concerned Black Educators

Limited Interveners

BASAS Boston Association of School Administrators and Supervisors

Limited Interveners

Limited Interveners only participated in the dispute resolution and modification process when matters relating to their concerns were at issue.

The State Board were not found responsible for the maintenance of the segregated school system in Boston, but were retained to help develop a remedy.

Source: *Procedural Manual for Monitoring Dispute Resolution and Modification of Federal Desegregation Court Orders in the Boston Public Schools*. Massachusetts Department of Education. May 1983

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Scope and Content

This collection has been arranged in five series spanning from 1975 to 1993: Office of Superintendent's Morgan Case Master File; Morgan Case Files; Log Officer's Correspondence File; Subject File; and Lawsuits Other Than Morgan. The working papers in the case files contain drafts, memos, notes, etc. documenting the thought process behind the official record. Papers in this collection include original drafts of defendants' answers to complaints; orders; memoranda; motions; depositions; rulings; appeals; various drafts of student assignment plans; various drafts of unified facilities plans; newspaper clippings; case related research; correspondence; briefs and research

The original order was maintained as much as possible for its evidentiary value of documenting the myriad of issues the Office of General Counsel engaged in on a daily basis. Some files were shifted to consolidate a topic. Date spans overlap from box to box, as do subjects.

The Morgan Case Files seem to have been collected separately from the Office of Superintendents Morgan Case Master File. Main topics of the Morgan Case Files include: The Unified Facilities Plan, Affirmative Action, School Closings, Finances, Log Officers' Files, and Student Assignments.

The Office of Superintendents Morgan Case Master File contains correspondence between defense counsel and the superintendent, court submissions, reports and working papers. Included in this sub-series, are the papers of outside counsel Dimento and Sullivan; Nutter, McClennen and Fish and Goodwin; Proctor and Hoar.

Also of interest is the Lawsuits Other Than Morgan series. This series contains case files on several unsuccessful collateral attacks on the Morgan Case. Alan O'Dea vs. Massachusetts Board of Education, a collateral attack on district court orders of Morgan vs. Hennigan. In 1975, O'Dea sued the state on behalf of the parents and children in the city of Boston, challenging that the Racial Imbalance Act was unconstitutional as it was implemented by Arthur Garrity's court orders. Similar cases to this are Katz vs. Garrity, 1975 and Callinan vs. Garrity, 1975. All of these cases were eventually dismissed. Yet another case of interest in this series is Mitchell vs. the City of Boston School Committee, 1975, in which the city was sued for its policy of lending books to parochial schools. The case was ruled against the plaintiffs. Finally, in Kelly vs. Anrig, parents and students of South Boston sought to restrain involuntary busing. They also lost the case.

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Related Material

[Allen v. McDonough Working Case files](#)

[Office of General Counsel records](#)

[Desegregation-era Records collection](#)

[Citywide Parents Council records](#)

[Department of Implementation records](#)

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Access Restrictions

Some records within this collection are restricted as mandated by FERPA guidelines and the Public Records Law (MGL C.4, s. 7, cl.26). Contact archivist for further information.

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Written by Sheila R. Spalding
Encoded by Sheila R. Spalding, Fall 2004.