

Office of the General Counsel

1975-1998; bulk: 1976-1990

Boston Public Schools: Desegregation-era Records Collection

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Project funded by a grant from the National Historic Publications and Records Commission (NHPRC)

Collection Summary

Creator:	Office of the General Counsel, Boston Public Schools	Abstract:
Title:	Office of the General Counsel	The Office of General Counsel (OGC), today known as the Office of Legal Advisors (OLA), has a mission to "provide quality legal services to the Superintendent of Schools and the Boston School Committee in a manner that is best aligned with the goals of improving teaching and learning within the Boston Public Schools". The OGC played an instrumental role in both the Morgan desegregation case (1974 - 1994) and the Allen special education case (1976 - 1996). The Office of General Counsel records group documents the work of this department on both cases, as well as their work on a few lesser-known cases.
Physical Description:	43 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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Agency Note

The Office of General Counsel, now known as the Office of Legal Advisors (OLA), has a mission to "provide quality legal services to the Superintendent of Schools and the Boston School Committee in a manner that is best aligned with the goals of improving teaching and learning within the Boston Public Schools".

"The Office of Legal Advisor is a six-attorney legal department providing a full range of legal services, including representation of the Boston Public Schools in litigation in federal and state court and in arbitrations and various administrative agencies at the federal, state, and municipal level, including the Labor Relations Commission, the Massachusetts Commission Against Discrimination, and the Bureau of Special Education Appeals, among others. OLA attorneys provide representation and legal advice in areas of practice such as education law (including collective bargaining, union grievances, and employee discipline), civil rights, contracts, and municipal law (including public procurement), among many others. The Office also provides legal advice regarding the development and analysis of policies and issues of compliance with federal and state laws. In addition, the Office conducts training on various legal issues and developments in the law for principals and headmasters and other departments and staff".

The Office General Counsel played an instrumental role in both the Morgan desegregation case (1974 - 1994) and the Allen special education case (1976 - 1996). Attorneys in this office defended the school system against collateral damages during the Allen case, while they simultaneously dealt with collecting and providing information to defense attorneys in the Morgan case. Also during this time period, the OGC handled several other lawsuits.

Defense attorneys who represented Boston Public Schools in these cases included Michael Betcher (1976-84), Marien E. Evans (1985-1992), and John L. Keefe.

Source: Diane DiIanni, Legal Advisor. Boston Public Schools website. (Retrieved October, 2004).

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Scope and Content

The Office of the General Counsel records group dates from 1975 to 1998, is comprised of 43 cubic feet and includes working case files on the Morgan vs. Hennigan case in which the Boston Public Schools were found to have de facto segregation. Also in the General Counsel's files are the working papers from the Allen vs. McDonough case which resulted in the schools being required to provide better services to all special needs students.

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 when he decided that the School Committee had engaged in segregation. The School Department's Morgan v. Hennigan legal case files amount to approximately 23 cubic feet.

Two years later the Massachusetts Advocacy Center and the Boston Advisory Group on Chapter 766 Litigation also successfully sued the School Committee for non-compliance with the special needs education law passed by the Massachusetts legislature in 1972. Bringing the Special Education program into State compliance under the orders of Allen v. McDonough became inextricably bound with the work of bringing racial balance to the schools under the desegregation orders of Morgan v. Hennigan. The School Department's Allen v. McDonough legal case files amount to 20 cubic feet.

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Related Material

[Desegregation-era Records](#)

[Department of Implementation records](#)

[Citywide Parents Council records](#)

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Acquisition Information

The Desegregation-era Records Collection came to the City Archives in two accessions; one in 2003, and the other in 2004. The OGC records were included in this accession. They were previously housed in the basement of the Boston Public Schools administrative headquarters.

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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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Appraisal Information

The collection was reduced from approximately 50 cubic feet to 43 after processing. Duplicate materials, carbon copies, blank forms, and personal papers were disposed of during processing.

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Description of Record Groups

I. Morgan Case Working Files, 1975-1993

The Morgan Case Working Files were processed by Sheila R. Spalding (23 cubic feet).

II. Allen Case Working Files, 1976-1998

The Allen case records were processed by Gail O'Hare Barry (20 cubic feet).

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