

(Fac-Staff)

ANGOFF, GOLDMAN, MANNING, PYLE & WANGER  
COUNSELLORS AT LAW

SIDNEY S. GRANT (1906-1957)  
SAMUEL E. ANGOFF  
ALBERT L. GOLDMAN  
ROBERT D. MANNING  
WARREN H. PYLE  
E. DAVID WANGER  
JOHN F. MCMAHON  
JOSEPH G. SANDULLI  
JOANNE F. GOLDSTEIN  
JAMES O. HALL

44 SCHOOL STREET  
BOSTON, MASSACHUSETTS 02108  
723-5500

FILED  
CLERK'S OFFICE  
MAY 8 12 18 PM '75  
U.S. DISTRICT COURT  
DISTRICT OF MASS

May 8, 1975

Stephen A. Moynahan, Jr., Esq.  
Clerk, U.S. District Court  
1525 U.S. Post Office & Courthouse  
Boston, Massachusetts

**DOCKETED**

Re: Morgan v. Kerrigan  
CA 72-911-G

Dear Mr. Moynahan:

I would appreciate you informing the Court that the Teachers Union desires to be heard on the entry of Administrator Appointment, Recruitment and Desegregation, transmitted (R-845) by Plaintiffs for filing on May 7, 1975.

Hopefully, in the next two (2) weeks, Plaintiffs and the other parties may confer as to the given proposed order's terms as they have done in the past with other staff orders. That procedure has benefited the court and counsel and promises to continue to do so.

Very truly yours,

*John F. McMahon*  
(bmt)  
John F. McMahon

smf

cc: All Counsel of Record

886

R-847



*Finances*  
*Account*  
F 71

FILED  
CLERK'S OFFICE  
MAY 8 3 45 PM '75  
U.S. DISTRICT COURT  
DISTRICT OF MASS

**DOCKETED**

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

TALLULAH MORGAN, ET AL., )  
Plaintiff )  
V. )  
JOHN J. KERRIGAN, ET AL., )  
Defendants )

CIVIL ACTION NO. 72-911-G

DEFENDANT SCHOOL COMMITTEE'S MOTION  
FOR CLARIFICATION OF DESEGREGATION FINANCING

The Defendant School Committee hereby moves the Court for clarification of responsibility for financing the expenses of desegregation incurred in compliance with the Court's orders and assigns as grounds therefor the following:

Budgetary difficulties of immense magnitude have developed in the School Department of the City of Boston as a result of expenditures necessitated by the Court's orders with respect to desegregation.

As of January 15, 1975, the cumulative total spent for desegregation was, in the 1974-1975 school year, \$4,689,921.25. This figure had increased to \$6,361,367.00 as of March 15, 1975. Based upon an average of prior expenditures, the cost of desegregation

887

2-848



activities to the Boston Public Schools is approximately \$250,000 per week. Thus, the projected minimum cost to the School Department for desegregation in the fiscal year 1974-1975 will be \$10,000,000. (See letters of John H. McGrann to James J. Sullivan, Jr. and Philip T. Tierney, dated February 20, 1975, and April 14, 1975, copies of which are attached hereto and marked Exhibits A and B).

There is no appropriation for desegregation activities in the General School Purpose Budget for the fiscal year 1974-1975. This absence resulted in large part from the fact that the budget for the School Department must be submitted to the Mayor by the first Monday of each April (and was so submitted on the first Monday of April, 1974). The opinion and order of the Court was not rendered until June 21, 1974.

The financial plight of the School Department has been further aggravated by the objection of the Mayor, acting through Edward T. Sullivan, to the School Department's preliminary estimate of proposed expenditures for the 1975-1976 school year, the total of \$158.9 million being "completely unacceptable and far beyond the means and resources of this city" (letter from Edward T. Sullivan to William J. Leary, a copy of which is attached hereto and marked Exhibit C).



Moreover, the Mayor is

" . . . . concerned about current expenditures which are being made under the general category of desegregation-related activities.

"We intend to question any order of the School Committee which would increase this year's costs even if it is asserted to have been made in compliance with an order of the Federal Court. "

"Unless such orders are documented, the Auditor will be instructed not to fund them. Even with documentation, we shall exercise independent judgment as to whether the order is necessary to satisfy the Court." (emphasis added) Id.

The Court has repeatedly held that the primary responsibility for desegregating the schools lies with the School Committee and that the School Committee is clearly charged with the affirmative duty to take whatever steps might be necessary to implement desegregation. In consideration of the fact that after approval by the School Committee, funds for desegregation can be disbursed for payment only by the Mayor and administrative departments under only his control, the office of the Mayor should not be permitted to interject its "independent judgment" into an area where any needless delay or uncertainty will exacerbate an already critical situation.

Of even greater concern is the failure of the Commonwealth of Massachusetts acting through the State Board of Education to comply fully with its statutorily mandated responsibility for the funding of desegregation pursuant to M.G.L. c. 15 §1I (as amended

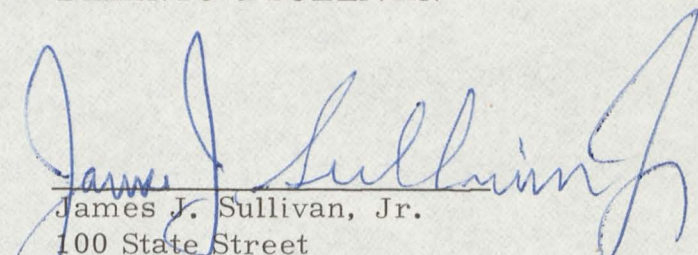


by c. 636 of the Acts of 1974).

In view of the foregoing it is of the utmost importance that the Court confront and resolve the issue not only of who is to shoulder the fiscal burden of desegregation but, more importantly, from whence the money is going to come. The coffers of the City of Boston are not bottomless; nor are they under the complete control of the School Committee. This is certainly one of the "practicalities" of the situation to which the Court must address itself.

By its attorney,

DiMENTO & SULLIVAN



James J. Sullivan, Jr.  
100 State Street  
Boston, MA 02109  
Telephone: 523-5253

Dated: May 8, 1975



# BOSTON PUBLIC SCHOOLS



EDUCATIONAL PLANNING CENTER  
JOSEPH F. CAREY, DIRECTOR

February 20, 1975

ASSOCIATE DIRECTORS  
JOHN R. COAKLEY  
ROBERT L. MURRAY

ASSISTANT DIRECTOR  
JOHN R. GOLNER

Mr. James J. Sullivan, Jr.  
100 State Street  
Boston, Massachusetts 02109

Dear Mr. Sullivan:

I am responding to your request of Friday, February 14, 1975, regarding information on the cost of desegregation in The Boston Public Schools.

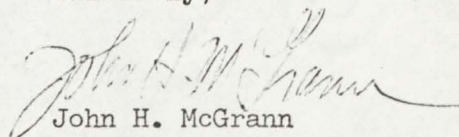
As of January 15, 1975, the cumulative total for desegregation was \$4,689,921.25. The approximate cost for buses in this stated figure is \$1,950,000.

Based upon the expenditures in the past, it is apparent that desegregation activities are costing the Boston Public Schools close to \$250,000. per week. Therefore, it is estimated that the minimum cost for desegregation for the fiscal year 1974-75 will be \$10,000,000.

The General School Purpose Budget for the fiscal year 1974-75 from which money is now being expended did not include any appropriation for desegregation activities. This deficit spending could cause school services to be curtailed prior to the normal school closing in June.

For your further information, I am enclosing a memorandum addressed to the Superintendent of Schools dated January 30, 1975, which gives a detailed breakdown of the desegregation activities.

Sincerely,

  
John H. McGrann

Enc.

A



THE SCHOOL COMMITTEE OF THE CITY OF BOSTON



BOSTON PUBLIC SCHOOLS  
EDUCATIONAL PLANNING CENTER  
JOSEPH F. CAREY, DIRECTOR

ASSOCIATE DIRECTORS  
JOHN R. COAKLEY  
ROBERT L. MURRAY

ASSISTANT DIRECTOR  
JOHN R. GOLNER

April 14, 1975

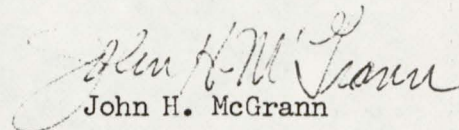
Philip Tierney  
DiMento and Sullivan  
100 State Street  
Boston, MA 02109

Dear Mr. Tierney:

Herbert C. Hambelton, Executive Administrative Assistant to the Superintendent of Schools requested that I provide you with the Cost of Desegregation. The total cost as of March 15, 1975 is \$6,361,367. Of this amount, the approximate cost for buses based upon a rate of \$25,000 per day is \$2,825,000.

If I can be of any further assistance, do not hesitate to call.

Sincerely,

  
John H. McGrann

JHMcG/mrg

B



CITY OF BOSTON SUPERINTENDENT OF SCHOOLS  
BOSTON



MAR 7 4 03 PM '75

ONE CITY HALL SQUARE  
BOSTON, MASS. 02201  
722-4100

EDWARD T. SULLIVAN  
DIRECTOR

ADMINISTRATIVE  
SERVICES DEPARTMENT

March 7, 1975

William J. Leary,  
Superintendent of Schools  
Boston School Department  
15 Beacon Street  
Boston, Massachusetts

Dear Dr. Leary:

The preliminary estimate of proposed expenditures for the 1975-1976 school year totalling \$158.9 million is completely unacceptable and far beyond the means and resources of this city.

I call your attention to the fact that this represents an increase of \$28 million or 20.5% over the current year and would represent a tax rate increase of \$17.

This astounding increase in projected costs is particularly disturbing in the light of the large decrease in the number of pupils which has taken place since June 1974 and the further uncertainty as to pupil numbers in the fall of 1975.

I am in favor of reasonable pupil-teacher ratios, comparable to those in suburban cities and towns, and we have no desire to profit from the exodus of pupils from the Boston Schools, but there has to be a correlation between the total number of pupils and the total number of teachers.

I would urge that you and your staff begin immediately a strong and determined effort to bring the estimates down to a figure which reflects the reduced size of the school system in terms of pupil numbers and consider the ability of the city to sustain the costs.

I am also concerned about current expenditures which are being made under the general category of desegregation-related activities.

We intend to question any order of the School Committee which would increase this year's costs even if it is asserted to have been made in compliance with an order of the federal court.

Unless such orders are documented, the Auditor will be instructed not to fund them. Even with documentation, we shall exercise independent judgment as to whether the order is necessary to satisfy the court.



Dr. William J. Leary

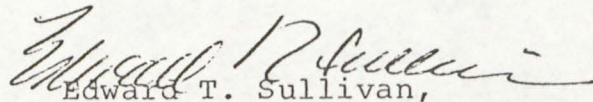
-2-

February 28, 1975

We ask you further to reexamine the need for special staff assigned since last September to various phases of the desegregation effort. In some instances we are sure that circumstances have changed and personnel could be returned to regular duties.

In short, we ask you to cooperate with us in making sure that Boston's very limited resources are very carefully spent so that in delivering educational services we are concerned not only with quality but also with efficiency and total cost.

Very truly yours,

  
Edward T. Sullivan,  
Director

ETS:el



CERTIFICATE OF SERVICE

I, *Philip T. Tierney*, hereby certify that I have this day served the attached document upon the parties by causing to be delivered in hand or by causing to be mailed, postage prepaid, a copy thereof to counsel of record:

Richard W. Coleman, Esquire  
Segal, Roitman & Coleman  
11 Beacon Street  
Boston, MA 02108

Thayer Fremont-Smith, Esquire  
Choate, Hall & Stewart  
28 State Street  
Boston, MA 02109

Herbert P. Gleason, Esquire  
Corporation Counsel  
City Law Department  
Room 615  
City Hall  
Boston, MA 02201

Ms. Silke M. Hansen  
Education Specialist  
Community Relations Service  
Room 1304  
150 Causeway Street  
Boston, MA 02114

John D. Leubsdorf, Esquire  
Foley, Hoag, Eliot  
Ten Post Office Square  
Boston, MA 02109

Sandra L. Lynch, Esquire  
Legal Office  
Massachusetts Department of  
Education  
182 Tremont Street  
Boston, MA 02111

John F. McMahon, Esquire  
Angoff, Goldman, Manning, Pyle &  
Wanger  
44 School Street  
Boston, MA 02109

Jeanne Mirer, Esquire  
Massachusetts Chapter  
National Lawyers Guild  
595 Massachusetts Avenue  
Cambridge, MA 02139

Dated:

*May 8, 1975*

*Philip T. Tierney*  
DiMENTO & SULLIVAN  
100 State Street  
Boston, MA 02109  
Telephone: 523-5253



# Boston Police

154 Berkeley Street  
Boston, Massachusetts 02116  
617-536-6700 Emergency 911

FILED  
May 6, 1975  
MAY 8 1 57 PM '75  
U.S. DISTRICT COURT  
DISTRICT OF MASS

DOCKETED

MEMO TO: THE POLICE COMMISSIONER  
FROM: THE SUPERINTENDENT IN CHIEF  
SUBJECT: DEPLOYMENT OF POLICE FOR SOUTH BOSTON

SIR:

LISTED BELOW, PER MEMO REQUEST DATED JANUARY 7, 1975,  
IS A BREAKDOWN OF POLICE OFFICERS AT SOUTH BOSTON FOR THE SCHOOL  
DESEGREGATION PROGRAM: Monday May 5, 1975

	BOSTON	STATE	MDC
<u>SOUTH BOSTON HIGH SCHOOL</u> (INSIDE)	<u>20</u>	<u>132</u>	<u>13</u>
<u>SOUTH BOSTON AREA</u>	<u>27</u>	<u>83</u>	<u>25</u>
<u>MOTORCYCLES</u>	20AM <u>33</u> 13PM	<u>          </u>	<u>11</u>
<u>MOUNTED</u>	<u>          </u>	<u>          </u>	<u>          </u>
TOTALS	80	215	49
TI..... 344			

JOSEPH M. JORDAN  
SUPERINTENDENT IN CHIEF  
BUREAU OF FIELD SERVICES

888

RECEIVED.

DATE:

A-849



# Boston Police

154 Berkeley Street  
Boston, Massachusetts 02116  
617-536-6700 Emergency 911

May 7, 1975

MEMO TO: THE POLICE COMMISSIONER  
FROM: THE SUPERINTENDENT IN CHIEF

SUBJECT: DEPLOYMENT OF POLICE FOR SOUTH BOSTON

SIR:

FILED  
MAY 8 1 57 PM '75  
U.S. DISTRICT COURT  
DISTRICT OF MASS

DOCKETED

LISTED BELOW, PER MEMO REQUEST DATED JANUARY 7, 1975,  
IS A BREAKDOWN OF POLICE OFFICERS AT SOUTH BOSTON FOR THE SCHOOL  
DESEGREGATION PROGRAM: Tuesday May 6, 1975

	BOSTON	STATE	MDC
<u>SOUTH BOSTON HIGH SCHOOL</u> (INSIDE)	<u>20</u>	<u>132</u>	<u>13</u>
<u>SOUTH BOSTON AREA</u>	<u>26</u>	<u>83</u>	<u>24</u>
<u>MOTORCYCLES</u>	21 AM <u>33</u> 12 PM		<u>11</u>
<u>MOUNTED</u>			
TOTALS	79	215	48
TT....	342		

*Joseph M. Jordan*

JOSEPH M. JORDAN  
SUPERINTENDENT IN CHIEF  
BUREAU OF FIELD SERVICES

RECEIVED.

DATE:



FILED  
CLERK'S OFFICE

MAY 9 10 24 AM '75

U.S. DISTRICT COURT  
DISTRICT OF MASS

*Censuses*

**DOCKETED**

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

TALLULAH MORGAN, ET AL.,     )  
                                  Plaintiffs     )  
   )  
V.                                     )     CIVIL ACTION NO. 72-911-G  
   )  
JOHN J. KERRIGAN, ET AL.,     )  
                                  Defendants     )

DEFENDANT SCHOOL COMMITTEE'S REPORT  
ON THE COMPILATION OF DATA

On February 25, 1975, the Court entered an Order for  
Census of Hispanic children.

Pursuant to said Order a census was conducted by the  
Defendant School Committee.

At a hearing on April 23, 1975, the Court requested counsel  
for the Defendant School Committee to inform El Comite of the  
status of the compilation of data derived from the aforesaid census.

Immediately thereafter, Defendant School Committee commu-  
nicated the Court's request to the Superintendent by letter dated  
April 23, 1975, a copy of which is attached hereto and marked "A".

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A-850

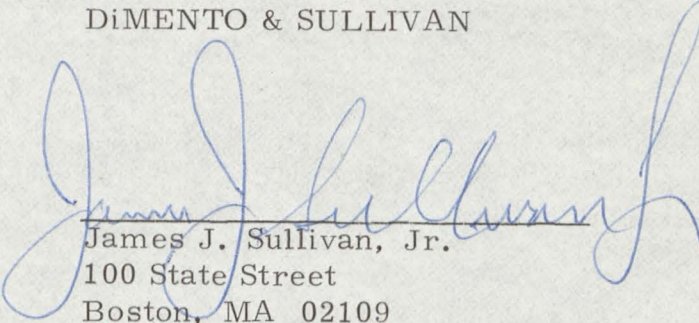


EAGLE-A  
32A-1975

Under cover letter dated May 7, 1975, a copy of which is attached hereto and marked "B", the Superintendent supplied counsel for the Defendant School Committee with a written report detailing the status of the compilation of data derived from the census. A copy of said written report is attached hereto and marked "C".

By its attorney,

DiMENTO & SULLIVAN



James J. Sullivan, Jr.  
100 State Street  
Boston, MA 02109  
Telephone: 523-5253

Dated: May 8, 1975



April 23, 1975

William J. Leary, Superintendent  
Boston Public Schools  
11 Beacon Street  
Boston, Massachusetts 02108

Re: Census of Hispanic Children

Dear Mr. Leary:

At today's hearing, Judge Garrity requested this office to inform counsel for El Comite of the status of the compilation of data derived from the recent census of Hispanic children.

In order to comply with the Court's request, please have the appropriate personnel in the department transmit to this office a written report in this matter.

Very truly yours,

DIMENTO & SULLIVAN

James J. Sullivan, Jr.

JJS:nl

cc: Jeanne Mirer, Esquire  
Massachusetts Chapter  
National Lawyers Guild  
595 Massachusetts Avenue  
Cambridge, Massachusetts 02139

A



—THE SCHOOL COMMITTEE OF THE CITY OF BOSTON



BOSTON PUBLIC SCHOOLS  
OFFICE OF THE SUPERINTENDENT  
WILLIAM J. LEARY, ED.D.

May 7, 1975

James J. Sullivan, Esquire  
DiMento & Sullivan  
100 State Street  
Boston, Massachusetts 02109

Dear Mr. Sullivan:

On April 23, 1975, your office informed the Boston School Department of Judge Garrity's request to have counsel for El Comite informed of the status of the compilation of data derived from the recent census of Hispanic children.

The written report you requested, prepared by the Department of Attendance, is attached.

Very truly yours,

*William J. Leary*  
WILLIAM J. LEARY

Superintendent of Public Schools

mh  
Enc.

B



# THE SCHOOL COMMITTEE OF THE CITY OF BOSTON



BOSTON PUBLIC SCHOOLS  
ATTENDANCE DEPARTMENT  
JAMES R. FLEMING  
COORDINATOR

May 5, 1975

To: Miss Marion Fahey - Associate Superintendent  
From: James R. Fleming  
Subject: Census of Hispanic Children

In response to DiMento & Sullivan's letter of April 23, 1975 requesting a written report of the status of the compilation of data derived from the recent census of Hispanic children, the following report is submitted.

A first set of tabulations from a preliminary separation and analysis of the data collected from the Hispanic households that responded to the survey and were interviewed has been compiled.

The numbers and categories reported as not enrolled in school or having special needs is as follows.

1. 47 Hispanic children age 3 through 21 were reported as having special needs.
2. 27 Hispanic children of compulsory school age were reported as not enrolled in any school.
3. 9 Hispanic children age 16 and over were reported as not enrolled in any school.
4. 36 Hispanic children who will become 6 years of age during 1975 and must attend school in September 1975 were reported as not enrolled in any school.
5. 216 Hispanic children born after January 1, 1970 were reported as not enrolled in any school.

The 47 Hispanic children with special needs have been referred through Dr. Casey's office to the appropriate school Core Evaluation Team for an evaluation and servicing of the special needs reported.

The Attendance and Bi-Lingual Departments are jointly investigating and enrolling in school the 27 Hispanic children of compulsory school age.



The parents of the 36 Hispanic children who must attend school in September 1975 are being contacted and advised of this requirement by the Attendance and Bi-Lingual Departments.

A list of the 225 Hispanic children who are not required to attend school this year (1975) is being compiled so that the Attendance and Bi-Lingual Departments may contact and advise their parents of the educational opportunities that are available in the Boston Public Schools for children of limited English speaking ability.



CERTIFICATE OF SERVICE

I, PHILIP T. TIERNEY, hereby certify that I have this day served the attached document upon the parties by causing to be delivered in hand or by causing to be mailed, postage prepaid, a copy thereof to counsel of record:

Richard W. Coleman, Esquire  
Segal, Roitman & Coleman  
11 Beacon Street  
Boston, MA 02108

Thayer Fremont-Smith, Esquire  
Choate, Hall & Stewart  
28 State Street  
Boston, MA 02109

Herbert P. Gleason, Esquire  
Corporation Counsel  
City Law Department  
Room 615  
City Hall  
Boston, MA 02201

Ms. Silke M. Hansen  
Education Specialist  
Community Relations Service  
Room 1304  
150 Causeway Street  
Boston, MA 02114

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Foley, Hoag, Eliot  
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Sandra L. Lynch, Esquire  
Legal Office  
Massachusetts Department of  
Education  
182 Tremont Street  
Boston, MA 02111

John F. McMahon, Esquire  
Angoff, Goldman, Manning, Pyle &  
Wanger  
44 School Street  
Boston, MA 02109

Jeanne Mirer, Esquire  
Massachusetts Chapter  
National Lawyers Guild  
595 Massachusetts Avenue  
Cambridge, MA 02139

Dated: May 9, 1975

Philip T. Tierney  
DiMENTO & SULLIVAN  
100 State Street  
Boston, MA 02109  
Telephone: 523-5253



WILLIAM HOWARD TAFT MIDDLE SCHOOL  
Bi-Racial Council  
20 Warren Street  
Brighton, Mass. 02135

FILED *MISC-Live*  
CLERK'S OFFICE  
MAY 9 9 35 AM '75  
U.S. DISTRICT COURT  
DISTRICT OF MASS

May 8, 1975

Honorable J. Arthur Garrity  
U. S. District Court  
McCormack Building  
Post Office & Courthouse Building  
Boston, Massachusetts 02109

DOCKETED

Sir:

We the parents of the William Howard Taft Middle School Bi-Racial Council are concerned about the already bused children from the South End and Back Bay Area.

In any new plan, these children shall be changed from District 1 and assigned to District 8.

These children and their parents have worked hard to make desegregation work. Now they shall suffer the injustice of not remaining where they will see Phase I work to everyone's benefit.

Between the 6th and 8th grade, which are the grades of this school, these youngsters go from children to young teenagers and young adults. This entails a change in their bodies and minds. The security needed in their lives at this time could best be maintained if they remain in the Taft Middle School where they have experienced a positive acceptance as human beings. To throw them into a negative situation of not being accepted by another community may change their lives, never to return to open-mindedness. These are the future citizens of Boston, Massachusetts and the United States of America and we have to consider the effects this will have on these children.

These children have been active in sports after school because their parents do not have fear of this community, but do have fears of the proposed area they are to be assigned.

Children need education but they also have to have activities after school in which to cement the feeling of participation and belonging to their school.



It is sad to think, when things work well, that because children have tried, they have to suffer. There appears to be no consideration for these parents and children. No one, in high office, seems to care what happens to their future.

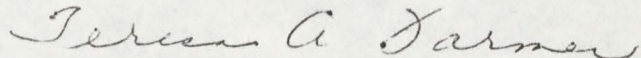
Consideration for these children to remain in this school should be pondered and the consequence weighed. Which is more important for these children, a positive outlook or instilling a negative one? Do not hurt what has been accomplished, in a small way, to help make the accomplishments grow so that pleasant memories are what these children shall remember.

Some of the tensions in this school at this time can be related to the fact that these children do not know what is to happen to their lives in September.

They are old enough to understand the implication of what is to come. Responsibility of harming these children and parents are not ours, but your decision.

To have feelings for children seems to be an unique quality that not all possess but we hope consideration for the feelings of these children are taken into account by the court, by letting them remain in the Taft Middle School.

Respectfully yours,



Teresa Farmer  
Taft Middle School  
Bi-Racial Council

TF/ar

cc: ~~✓~~Masters (2)  
~~✓~~Experts (2)  
J. Liburd, Dept. of Justice  
Taft Bi-Racial Council (2)  
CPAC  
CPI



Plan

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

DOCKETED

.....  
TALLULAH MORGAN, et al.,  
Plaintiffs  
v.  
JOHN J. KERRIGAN, et al.,  
Defendants  
.....

FILED  
MAY 9 2 28 PM '75  
U.S. DISTRICT COURT  
DISTRICT OF MASS.  
CIVIL ACTION  
NO. 72-911-G

PLAINTIFFS' MOTION FOR LEAVE TO SUBMIT DOCUMENTS

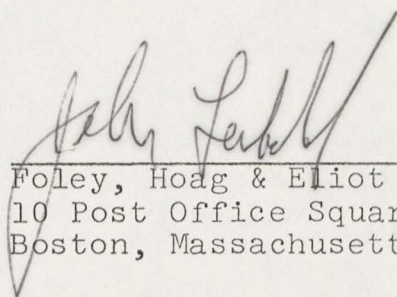
Plaintiffs move for leave to submit the attached newspaper articles in support of their pending request for discovery by Dean Dentler of any justification for the Masters Plan's retention of racially identifiable schools. (See Plaintiffs' Statement of Objections to the Masters' Phase II Desegregation Plan ..., 4/7/75, pp. 8-32; Notice of Taking Deposition, 4/7/75; statements during April 15, 1975 hearing (transcript not yet available); transcript of April 18, 1975 hearing, pp. 57-61; Plaintiffs' Objections to and Comments on the Draft Revisions of Masters' Report Dated April 17, 1975, 4/22/75, pp. 1-2.) The statements reported in the articles add to indications in the Plan itself (e.g., pp. 22, 38, 42, Appendix E) that what plaintiffs consider the failure of the Plan to achieve the greatest practicable actual



desegregation is related to the ascription of legally improper weight in its preparation to such factors as the preservation of community lines, the conciliation of resistance to desegregation, the avoidance of noncontiguous zones, pairing and clustering, and nonuniform grade structures, and matters not properly established on the record.

Respectfully submitted,

J. Harold Flannery (Lawyers' Committee for Civil Rights Under Law);  
Laurence S. Fordham, John Leubsdorf  
(Foley, Hoag & Eliot);  
Robert Pressman, Eric E. Van Loon  
(Center for Law & Education);  
Rudolph F. Pierce (Keating, Perretta  
& Pierce);  
Roger I. Abrams (Case Western  
Reserve University);  
Thomas M. Simmons (Collins &  
Simmons);  
Nathaniel R. Jones (N.A.A.C.P.)



---

Foley, Hoag & Eliot  
10 Post Office Square  
Boston, Massachusetts 02109



# A look behind scenes of Phase 2

By James Worsham  
Globe Staff

The six men would sit around a table and talk about their Phase 2 plan for desegregating Boston's schools. The various proposals they had rejected still lay before them. One called for "magnet schools."

"How do we make a magnet school?" one asks.

Another replies: "How about using the talents of the colleges and universities?"

"There is some of that now," rejoins another, "but not that much to be meaningful systemwide. The difficulty now is that it's spread throughout the system, and it's hard to say how much a college is doing."

Still another responds: "Maybe we need some accountability. If the colleges and universities had specific responsibilities, they might welcome it. They would know the specifics."

"What about pairing?" another suggests.

That was typical of the way the six masters and experts went about formulating their own Phase 2 proposal to submit to US District Judge W. Arthur Garrity Jr., according to master Edward J. McCormack.

The proposal calls for 10 zones — nine neighborhood and one city-wide — with racial guidelines for each zone (varying from 25 to 95 percent white), and estimates the required busing to be between 10,700 and 14,900 students.

It also proposes program options for parents and sets up a court-appointed citywide council to monitor implementation.

And it calls for the participation of business and labor — and prestigious colleges and universities in the Boston area, one of the things the masters and experts themselves added.

"You feed off one another," South Boston born McCormack said. "A question might generate a thought." But the plan, he added, was a "collective decision" by six "compatible people."

"We started out with the basic premise of 'desegregate and defuse' — a phrase Frank Keppel (a master) used that I think is appropriate — and to improve the quality of education," he added.

McCormack's comments came last week in the first of an interview he has been giving since becoming a master. The former Massachusetts attorney general defended the proposal in which he had a leading role in forming — both

during the 11 days of masters' hearings and during discussions that led to the masters' own proposal.

The 51-year-old McCormack — former officeholder and candidate, row lawyer and real estate man — was one of four masters appointed by Garrity to judge the various

proposals submitted to him and, if they were rejected, to recommend an alternate desegregation proposal for this fall.

The other three — former state Supreme judicial Court Justice Jacob Spiegel, former US Education Comr. Francis Keppel and Harvard Education

Prof. Charles Willie — all declined to be interviewed because the plan is still pending before Garrity, although their work is complete.

But McCormack, a 1941 graduate of South Boston High, the scene of violence last fall and the heart of antibusing sentiment, was seen by some political observers as a "bridge" between the panel of masters and experts and the people of Boston.

The nephew of former US House Speaker John W. McCormack, he had gotten to know the city during three successful campaigns for Boston City Council and victories in 1958 and 1960 for state attorney general.

In 1962, he lost the Democratic nomination for the US Senate to Edward Kennedy, but a picture on McCormack's office wall shows the two in 1966 — seated on a couch, just before a television appearance in which Kennedy backed McCormack's unsuccessful bid for governor.

In the interview last week, McCormack said he believes the masters' proposal is on solid grounds, despite the high white percentages for schools in East Boston, South Boston and West Roxbury.

Educational aspects of the proposal, he said, can be legally justified because they were proposed originally by the School Committee in its proposal, which the masters rejected. Zonal and citywide councils, he argued, are needed because "people want a say in their affairs, even if advisory."

Fingering a cigar that occasionally burned out, McCormack sat back in the chair he used as attorney general — now in his office in the real estate firm of Continental Wing-

ate Co. Inc., of which he is senior vice president — and defended the proposal.

"It's not as easy for those who have advocated parental choices, program choices and magnet schools to say the main thrust (of the plan) is bad, because the main thrust is theirs," he said.

If the School Committee had not recommended those things in its Jan. 27 plan the masters found inadequate, he said, the panel could not have included them in its proposal. "It's their idea. It gives us legal justification for using them," he added.

But, he said, Phase 2 "couldn't come at a worse time," with campaigns for mayor, City Council and School Committee heading into the final days before the Sept. 23 primary.

"People who have based their campaigns on opposition to desegregation are going to oppose this plan as they would oppose any plan," he said.

McCormack staunchly defends the variance in ethnic percentages among the nine "zones" the plan creates for the Boston school system. "We were not terribly impressed with playing a numbers game," he said, noting that the Charlotte, N.C., desegregation order said percentages could be used as a "starting point" but not as the basis for desegregating a school system.

Where does he think the masters' plan is "weakest legally?"

"I don't know," McCormack replied.

He said the masters were "open to attack" if "you look at it that you've got to have a certain percentage in every school in the city."

"If you accept the NAACP's stand on the mixing of races, then this plan does not conform

with respect to a numbers game," he added. If the aim is to improve quality education, he said, "this plan does it and does it very well."

McCormack said the antibusing forces have three major concerns: That elementary children go to neighborhood or community schools, the option for parents to choose a particular program if it is available and the degree of busing.

"If you can desegregate and keep cohesiveness and have, as much as possible, youngsters walking to school — that's what we tried to do," he said.

He was critical of the Dec. 16 plan — drawn up by the School Department staff and rejected by the committee — for its six zones, each of which included a part of the city's black sections without regard to any community or neighborhood.<sup>3</sup>



he masters and ex-  
ts, McCormack said,  
ed more closely at  
ghborhoods and cance  
with districts that  
led to keep areas to-  
her with some histori-  
or political or homoge-  
s" districts and to look  
what the situation  
ght be in five or 10  
rs."  
asked if he expected  
stility" in Charlestown  
fall, McCormack said

"no." Charlestown is in-  
cluded in a district with  
the North End, South End,  
Roxbury and Madison  
Park. Neighboring East  
Boston is a district by it-  
self, with a 95 percent  
white ratio.

The plan calls for bus-  
ing all ninth graders from  
South Boston, East Boston,  
Charlestown and Roxbury  
high schools to a down-  
town site in the Sawyer  
buildings, leaving all those  
high schools only grades  
10 to 12.

The situation will be  
different from South Bos-  
ton this year in that  
no freshmen will be at-  
tending any of those  
schools.

"The people I tal'ed to  
in Southie said they never  
had a problem with blacks  
there . . . It's not the

blacks coming in, it's the  
white going out," he said,  
noting that black students  
were taking white stu-  
dents' seats there.

"The tensions that have  
developed there will take  
two or three years to  
heal," he said, "and it will

take a lot of human rela-  
tions counseling."

The "greatest pressure"  
he faced, McCormack said,  
was not to eliminate the  
seventh and eighth grades  
of the Latin schools. You  
never realize how many  
people went to Latin  
school," he said.

He insisted the mas-  
ters were "not trying to tear  
down the academic excel-  
lence of the Latin schools"  
but rather to open them  
up more to blacks and  
other minorities. McCor-  
mack said the masters  
hoped to "strengthen the

middle schools" (grades 6-  
8) and to have more exam-  
high schools oriented to-  
ward preparing students  
for college.  
The masters also reject-  
ed a proposal to include  
the sixth grades in the

Latin schools in line with  
a uniform grade structure  
of K-5, 6-8 and 9-12. He  
said the masters, in their  
plan, also said a year of  
post-graduate study at the  
Latin schools was "some-  
thing to consider."



# McCormack as a master: It was a job with no rest

By James B. Worsham  
Globe Staff

What was the job of being a master like?

Just after being named, Edward J. McCormack said, the masters visited US Judge W. Arthur Garrity Jr., who gave them a 2-foot-high stack of documents. His June 21 finding, the Denver case it was largely based on, the Circuit Court decision upholding it and dozens of plans, partial proposals and critiques from the seven parties in the case.

The days before the hearings began Feb. 10 was a "very intensive study period" for McCormack. Before being named a master, he had only been following the busing story as a concerned citizen... heightened by the fact I was a former elected official.

He had read newspaper accounts and had talked to friends across the city... "People I grew up with or became friendly with."

During the hearings, McCormack took the leading role in asking various experts some of the critical questions, often rephrasing lawyers' questions for the witnesses.

There was no rest, and the law and real estate business had to wait until the masters' job was finished, he said.

"You did nothing else. You couldn't do anything else. When you finished the hearings, you were reading. There was so much homework."

"You were out of your vocation from Feb. 10 until the draft report was filed," he said.

As the hearings began, the masters had expert Robert Dentler's critiques of both the School Committee plan and the Dec. 16 proposal and later the critique of the NAACP plan. They provided "stimulants" in seeking clarification of points from witnesses, but "we made our own notes on areas we would examine," McCormack said.

After the masters found the three major proposals before them—the NAACP plan, the school Committee plan and the Dec. 16 plan—all "inadequate" the first part of the masters' job was done. "It then changed," he said, "from that of a quasijudicial role to one of architects of a plan."

At this point, McCormack went to Garrity to ask for some ground rules on talking to people about ideas and proposals for the master's plan. Garrity, he said, "suggested we not meet with parties to the hearings." The masters could talk to other people, he said, but only to counsel for the parties.

He added that during the 11 days of hearings the masters did not question the experts on the proposals "or do anything that could be viewed as arriving at a conclusion."

At one point, the masters refused to attend a meeting with Gov. Michael Dukakis and Educational Affairs Secretary Paul Parks because Education Comr. Gregory Anrig was present. Anrig and the state Board of Education were parties to the hearings.

They met, however, with Dukakis and Parks the next day.

McCormack said at one point he did attend a meeting at which Boston Schools Supt. William J. Leary was present. The meeting of 50 principals, headmasters, assistant superintendents and associate superintendents had been requested by experts Dentler and Marvin Scott to gather more information toward coming up with the nine neighborhood zones.

McCormack said he arrived after the session started and recalls only that he might have shaken hands with Leary. Leary does not even recall that and said he said nothing that wasn't heard by everyone else there.

Although Leary as superintendent is a co-defendant in the case before Garrity, McCormack said, the masters did not consider Leary "a party to our hearings... at all times it was the Boston School Committee" being represented by the attorney, he said.

At the end of the meeting, the experts and McCormack asked that those present not talk to the press about what was discussed and the experts' thinking on the plan. The story never leaked out, he said, and that was "remarkable."

With Garrity's "suggestion" in mind, McCormack said, he often wondered if he would ever run into another "party" to the case, the mayor of Boston.

"I kept thinking I'm going to run into Kevin White since we run in the same circles. And I kept wondering what if he says 'how's it going?' But it never happened."

In the writing of the plan, the duties were shared. Spiegel prepared most of the rough draft of the critique of the three plans, contained in the first 31 pages of the report, and Dentler wrote the rough draft of the recommendations.

The masters and experts would then go through the whole report page by page, McCormack said, and he did the "smooth finishing." He said the final version, both of the draft report and the final report submitted to Garrity, "might not resemble (the early versions) in language, but they do include all substantive decisions."

The masters did not meet with Garrity—except

for McCormack's visit, he said—until just before they made the plan public. With one exception, the only semiofficial contacts

were asking his law clerk for legal documents or decisions.

That one exception: The NAACP had asked Garrity

to stop the School Department from sending out acceptances to students for entering seventh and ninth grades at the Latin schools

this fall.

They told Garrity's law clerk they were "contemplating" dropping the seventh and eighth grades

from the Latins and failure to grant the NAACP motion would "frustrate" the plan. Garrity granted the motion, and the masters did recommend dropping the two grades.

The next time they met with Garrity, McCormack recalls, was the day before their plan was made public, when they explained to him what they wanted him to order for Boston Phase 2 this fall.



# Willie describes how masters arrived at school proposal

By Muriel Cohen  
Globe Staff

Harvard University Prof. Charles V. Willie, one of four desegregation masters appointed by US District Judge W. Arthur Garrity Jr., yesterday defended the masters' proposal as consistent with the spirit of the landmark US Supreme Court school desegregation decision in *Brown vs. Board of Education* 21 years ago.

"We were trying to save Boston from tearing itself apart on a phony issue like busing," said Willie in discussing the plan he helped draft as a basis for a citywide desegregation plan to be ordered by Garrity for next September.

"If we don't deal in equitable solutions, we will simply increase the bitterness in the city. Our plan was designed to avoid feelings of being put upon," Willie said.

The masters submitted their recommendations on March 31, and the proposals immediately became controversial because of the wide variances in black, white and minority racial percentages projected for 10 proposed school districts.

Willie said it was important to interpret to the community the reasoning behind the masters' plan as Garrity prepares to issue his final order.

A Syracuse University sociologist and researcher on leave at the Harvard School of Education, Willie stressed a number of key conclusions upon which the masters designed their plan:

—A 20 percent white or black minority is a minimum required to integrate a school.

—Boston Latin School and Boston Latin Academy should add a postgraduate year to prepare students from district high schools to attend college.

—Diversity rather than strict racial balance should govern a desegregation order.

—Parents and students should have educational options.

—An experimental program in freshman studies should be provided for 9th graders from South Boston, East Boston, Charlestown and Roxbury at a downtown site.

Willie disclosed that his own research led to the recommendations for varying racial percentages in school districts.

From studies he made in 1969 and published the following year, Willie concluded that 20 percent represents the "critical mass" necessary for a minority to have impact on a classroom.

"Anything below that is tokenism," he said, and he also made clear that he had not determined what the maximum should be.

This data is the background for districts such as the Burke, with a 25 percent white minority projected.

"It is important for people to experience being in the minority," Willie continued.

In his first extensive interview on the substance of the masters' plan, Willie said the masters also were governed by an interest in preserving community school districts, in creating advisory councils and in protecting the rights and responsibilities of the elected School Committee.

"We tried to hold on to what was there," Willie continued. "The important issue, as the masters saw it, was how to help develop a school system worthy of educating the city's children. We tried to shift the issue from busing to quality education.

"We believe this is the intent of the court decision: to achieve quality education for black and white children," he said.

Addressing the heart of the controversy over differing racial percentages in school districts, Willie said: "To make the racial composition of each school primary and the education secondary is not in the spirit of the Supreme Court ruling on *Brown vs. Board of Education*."

In that case the high court ruled that maintenance of separate but equal schools for blacks and white was a violation of constitutional guarantees of equality of opportunity.

An important consideration, Willie said, was to preserve peace in the city so "we wouldn't go through next fall the difficulties we had last fall under Phase 1."

Willie said the masters had no ideological differences and that they worked together well, reaching their decisions by negotiation and consensus.

He said he was disturbed at inferences that East Boston would be eliminated from the plan. He said magnet schools were deliberately located in East Boston and Charlestown, homogeneous white neighborhoods, to draw minority students.

The plaintiff black parents in the desegregation suit argued before Garrity in hearings on the plan that the proposals were inequitable because they placed the burden on busing on minority children, closed schools in minority neighborhoods and left schools that were predominantly white or predominantly black.

The controversial percentage range suggested by the masters ran from 95 percent white in East Boston to 25 percent white in the Burke district.

Garrity subsequently directed the two court appointed experts who had worked with the masters to revise the plan. Their draft eliminated the Burke district and evened out some diverse racial percentages to come closer to the 51 percent white, 36 percent black and 13 percent other minorities projected as citywide enrollment next fall.

Willie yesterday questioned the elimination of the Burke district. "All they did," he said, "was take the black children and distribute them around the city.

"If we are talking about equity, we could eliminate the West Roxbury district (82 to 90 percent white) and send the white children around the city.

"My judgment is that neither (approach) is necessary."

The four masters completed their official responsibility to the court with submission of their plan.

Shortly thereafter Willie refused to discuss the plan, saying he would prefer to wait until the judge's final order. Last week he told one of his seminars at the Harvard Graduate School of Education that he was ready "to go public" with his views on the work of the masters.

He will speak tomorrow to a public affairs audience at the Massachusetts College of Pharmacy and Thursday at a session of the Graduate School of Education.

Willie predicted some of the universities and colleges asked to work with the Boston schools may drop out because of lack of money or finances.

But he pointed out that a number of private institutions would cooperate to help keep the city cool. After all, he said, students will not be anxious to enroll in schools in a city torn by troubles over desegregation.



## Willie calls for calm integration

By Muriel Cohen  
Globe Staff

One of four masters who drafted a school desegregation plan for Boston for US District Judge W. Arthur Garrity Jr. yesterday called on the citizens of the city to integrate schools next fall peacefully.

Harvard Prof. Charles V. Willie told a youthful audience at the Massachusetts College of Pharmacy that the masters "were trying to build a sense of community" in the plan they drafted.

Willie refused to comment on revisions in the plan requested by Garrity, which substantially changed the district racial percentages proposed by the masters.

For the second time this week, he defended the March 31 proposal by the masters as consistent with constitutional requirements for equal educational opportunity.

He explained that the masters deliberately permitted racially diverse districts such as East Boston with a maximum of 95 percent white students and the Burke district where the blacks would be a 75 percent majority.

He said he advocated such divergencies from citywide ratios on the basis of his own research which indicated that a 20 percent minority was the minimum for effective desegregation.

Speaking of the predominantly black district, which has been eliminated under the most recent revision, Willie said: "It would do whites good to experience being a minority. I have been a minority all my life and have not suffered.

"The arrogance and self-centeredness of the majority that has persevered over the year does not admit that there is something to be learned from the minority. If this message could get through to the citizens of Boston, there would be less concern where their children would go to school next year."

He called unfounded "the conventional racist wisdom that says whites will not attend predominantly black schools or schools in black neighborhoods."

Willie said that the masters had visited a number of schools during their deliberations and found the Trotter School in a black neighborhood of Roxbury had drawn a number of white children from South Boston and other sections of the city because of the quality of the education.

He also attacked theories that schools get better in relation to a rise in white enrollment.

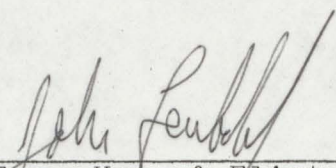
Willie said that the masters did not have accurate data on which to work. He said it was unfortunate that they had not had an opportunity to revise their plan with data only recently made available by a court order.

"The masters were not married to any racial ratios," he said. They were governed by a principle that would produce good schools rather than by racial percentages," he said.



CERTIFICATE OF SERVICE

On May 9, 1975, a copy of Plaintiffs' Motion For Leave To Submit Documents was served on Sandra L. Lynch, Esquire, Mass. Department of Education, 182 Tremont Street, Boston, Massachusetts; John F. McMahon, Esquire, Angoff, Goldman, Manning, Pyle and Wanger, 44 School Street, Boston, Massachusetts; Thayer Fremont-Smith, Esquire, Choate, Hall & Stewart, 28 State Street, Boston, Massachusetts; James J. Sullivan, Esquire, DiMento & Sullivan, 100 State Street, Boston, Massachusetts; Kevin F. Moloney, Esquire, City of Boston Law Department, City Hall, Boston, Massachusetts; Richard W. Coleman, Esquire, Segal, Roitman & Coleman, 11 Beacon Street, Boston, Massachusetts; Ms. Silke M. Hansen, Community Relations Service, 150 Causeway Street, Boston, Massachusetts; and Jeanne Mirer, Esquire, National Lawyers Guild, 595 Massachusetts Avenue, Cambridge, Massachusetts.



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DEBORAH A. WILLARD

May 9, 1975

Stephen A. Moynahan, Jr., Esquire  
Clerk  
U. S. District Court  
1525 U. S. POCH  
Boston, MA 02109

Re: Morgan v. Kerrigan  
CA No. 72-911-G

FILED  
MAY 9 3 56 PM '75  
U.S. DISTRICT COURT  
DISTRICT OF MASS

DOCKETED

Dear Mr. Moynahan:

I would appreciate your bringing to the Court's attention a mistake in Plaintiffs' Response to Teachers Union's Opposition to Proposed Order on Teacher Assignment and Transfer, filed May 6, 1975. On page 6, the sentence just before the asterisk contains three references to "a percentage of untenured teachers". In each reference, "untenured teachers" is wrong and "tenured teachers" should be substituted. ✓

Mr. McMahon's letter to you of May 8, 1975, expresses the hope that the parties may confer out of court on the terms of the proposed order concerning administrators filed by plaintiffs on May 7. While plaintiffs share this hope, and counsel is prepared to participate in such conferences, plaintiffs oppose any delay of the Court's proceedings on the draft order for the purposes of such conferences. The draft order was circulated on March 13, 1975 to counsel for the School Committee, Teachers Union and Administrators Union, with a cover letter requesting comments and conferences. No comments have been received, nor has any counsel contacted counsel for plaintiffs to arrange for a meeting.

Very truly yours,

*John Leubsdorf*  
John Leubsdorf

JL:dd

cc: Counsel of Record

892

12-853



UNITED STATES DISTRICT COURT  
for the  
DISTRICT OF MASSACHUSETTS

FILED  
CLERK'S OFFICE

MAY 10 2 56 PM '75

U.S. DISTRICT COURT  
DISTRICT OF MASS

**DOCKETED**

C.A. 72-911-G

TALLULAH MORGAN, et al.,  
Plaintiffs  
v.  
JOHN J. KERRIGAN, et al.,  
Defendants

PLAINTIFFS' MOTION FOR LEAVE TO TAKE DEPOSITIONS  
AND FOR AN ORDER TO SHOW CAUSE

Plaintiffs move that the Court enter orders:

- (a) requiring Rita Graul and Virginia Sheehy to appear  
before the Court on Monday, May 12, 1975, at 10:00 a.m.  
and show cause, if any they have, why plaintiffs' counsel  
should not be permitted to take their depositions  
starting at 10:00 a.m. on May 14, 1975, at the offices  
of Foley, Hoag & Eliot, 10 Post Office Square, Boston;
- (b) providing for the service on Mrs. Graul and Mrs. Sheehy  
by US Marshall of the appended order to show cause;
- (c) allowing plaintiffs' counsel to take the depositions  
as set forth in (a) above; and
- (d) granting such further relief as justice may require,  
including adding persons as defendants and issuing  
orders to enforce the December 17, 1974 order  
on safety, if appropriate.

In support of this motion, plaintiffs allege:

1. On December 17, 1974, this Court entered an "Order on

Motion for Relief Concerning Security", providing in part:

3. The city defendants shall see to it that the police  
prevent, with appropriate enforcement in accordance with  
their powers and duties under Mass. G.L. c. 41, sec. 98,  
Mass. G.L. c. 269, sec. 1 et seq., Mass. G.L. c. 272, sec.  
53 et seq., Mass. G.L. c. 272, sec. 40, and other applicable  
statutes: (a) all gathering- of three or more people and all  
violent conduct, noise audible within the school, picketing,  
signs or other conduct likely to disturb classes, within  
100 yards of any public school building in South Boston  
and within 50 yards of any other public high school or  
middle school building elsewhere in the City of Boston at  
any time between 7:00 A.M. and 4:00 P.M. on a school day; and  
(b) all gatherings of three or more people engaged in or  
threatening to engage in violent conduct on or along any  
route used to transport students into or out of South

**DOCKETED**

7-883 854



Boston between 7:00 and 9:30 A.M. and between 1:00 and 4:00 P.M. on a school day and at any other time when such routes are used.

This quoted portion of the December 17 order was based on evidence that crowds in the vicinity of South Boston High School at the time of the arrival of black students and during the school day had substantially and materially interfered with the educational program, and threatened the safety of black students and teachers. In addition, there have been since September 1974 repeated incidents of violence and disruption relating to the enforcement of this Court's orders in South Boston. which have resulted in physical injuries to black students and their deterrence from exercising Constitutional rights, and which have required the Court to grant relief.

2. On information and belief (see attachment one), on Thursday, May 8, 1975, at some time between 7:00 and 9:00 A.M., a crowd of several hundred persons gathered within 100 yards of South Boston High School and was thereafter dispersed by police.

3. On information and belief (see attachment two), on Wednesday, May 7, 1975, persons were urged to gather outside South Boston High School on May 8, 1975 by leaflets and persons using a sound truck.\*On information and belief (see attachment two), a person working for the "South Boston Information Center" encouraged persons to gather outside South Boston High School on May 8.

4. On information and belief (see attachment three), Rita Graul and Virginia Sheehy are officers of the South Boston Information Center, Inc. Rita Graul is the Regional Representative of the South Boston Home and School Association; on information and belief, Virginia Sheehy is an official of that Association.

5. On information and belief (see attachments four, five and six), the South Boston Information Center, the South Boston Home and School Association, and Rita Graul have in other instances promoted illegal protest activities--especially violation of laws concerning school attendance--in circumstances in which unlawful conduct was imminently likely to occur, and did occur.

\*On information and belief (see attachment 2A), this occurred after a crowd had gathered outside South Boston High School, and had been moved from in front of the school by police.



6. The purpose of the proposed depositions is to secure information concerning the events described above, and concerning the possibilities of interference with the Court's order of December 17, the need for further orders, and illegal activities obstructing the exercise by members of the plaintiff class of their constitutional rights pursuant to the Court's orders.

Respectfully submitted,

J. Harold Flannery (Lawyers' Committee  
for Civil Rights Under Law);  
Laurence S. Fordham, John Leubsdorf.  
(Foley, Hoag & Eliot);  
Robert Pressman, Eric E. Van Loon  
(Center for Law & Education);  
Rudolph F. Pierce (Keating, Perretta  
& Pierce);  
Roger I. Abrams (Case Western Reserve  
University);  
Thomas M. Simmons (Collins and  
Simmons); and  
Nathaniel R. Jones (N.A.A.C.P.)

*Robert Pressman*

---

Robert Pressman  
Center for Law & Education  
Harvard University, Larsen Hall  
Cambridge, Massachusetts 02138





Helmeted state troopers face crowd outside South Boston High School. (Globe photo by Bill Ryerson)

## Police control crowd near So. Boston High

State and Boston police dispersed a demonstration by about 500 white students and neighbors outside South Boston High School yesterday morning as black students arrived in buses.

Police Supt. Joseph Jordan said about 270 officers, including motorcycle and mounted men, pushed the demonstrators back about a block to clear a path for the black students. He said there were no arrests or injuries.

Jordan and school officials said the demonstration was linked to an incident on Wednesday, when a black student, Siegfried Golston, 17, of Dorchester allegedly unfurled a Progressive Labor Party banner inside the school.

Golston said he had taken part last Saturday in the party's "national march against racism" in South Boston, which was marked by sporadic violence.

Golston and two white students, Thomas Barrett, 17, and Ronald Doyle, 19, both of South Boston,

were arrested Wednesday after a fight. Goldston was charged with disorderly conduct and disrupting a school assembly, Barrett with disorderly conduct and Doyle with assault and battery.

All three entered pleas of innocent in South Boston District Court and were released on personal recognizance. Their cases were continued to May 20.

Wednesday's incident apparently prompted some white students to distribute leaflets that night, urging people to "keep the Communists out of our schools and our kids out of court."

Jordan said he was being interviewed by Gary Armstrong, a black reporter for WNAC-TV, yesterday morning when a small group of whites taunted and spat upon Armstrong. Tactical Patrol police escorted Armstrong from the scene.

When classes ended at 2 p.m., black students were escorted to buses without incident as police and several dozen white area residents looked on.

Boston Globe, May 9,  
1975, page 5



AFFIDAVIT OF ROBERT PRESSMAN

1. On May 10, 1975, I spoke with a source who does not want to be identified because of fear of harassment. In the past, the source has received in connection with the matter of school desegregation harassing phone calls, the source's car has been stoned and the source has been insulted.

2. The source told me that on Wednesday, May 7, 1975, persons told the source by telephone that a sound truck or trucks was travelling the streets of South Boston telling people to be at South Boston High School on May 8, 1975, at 7:30 a.m. to keep the communists out of school. Ultimately, approximately 15 persons informed the source about the sound truck(s).

3. After receiving some of the reports referred to in paragraph (3), the source called the South Boston Information Center (269-8585) between 3:30 and 4:00 on May 7. The source was told to be at South Boston High School the next morning and to "call your friends."

4. The source has a copy of a leaflet which the source was informed was distributed in South Boston on May 7. It reads as

ATTACHMENT TWO



follows: "People of Southie- If you care you'll be there outside Southie H. S. May 8th 7 a.m. (Thurs.) Keep the communists out of our schools and our kids out of court."

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Robert Pressman

County of Middlesex

Commonwealth of Massachusetts

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John Renshaw  
Notary Public

May 10, 1975

Attachment One



## 1 black, 2 white students arrested after incidents at S. Boston High

By Anson Smith  
Globe Staff

Two white students from South Boston and a black student from Dorchester were arrested yesterday at South Boston High School for allegedly participating in altercations inside the building.

Arraigned around noon in South Boston District Court on charges arising from the scuffles were white students Thomas Barrett, 17, of I street, and Ronald Doyle, 19, of East Third street, and black student Siegfried Golston, 17, of Mt. Vernon street.

Doyle was charged with punching a fourth student.

James M. Fortes, 15, a black, of Glenburne street, Roxbury. The other two cases to next Thursday. The three youths were released on personal recognizance.

Barrett and Golston were both charged with disorderly conduct in connection with a book-throwing incident in the school's basement at about 10:30 a.m.

Earlier in the day, Golston had been waving the flag of the Progressive Labor Party (PLP) in the building but, he said in an interview, he put it in his pocket when advised to do so by Headmaster William Reid.

Golston said he was a participant in the party's "national march against racism" in South Boston last Saturday.

The party, a pro-Chinese faction expelled from the Communist Party in 1962, is currently considered militantly leftist by its own members and others.

Also lodged against Goldston was a charge of disrupting an assembly of students.

All three defendants pleaded innocent to the charges. Doyle's case, involving the felony of assault and battery, was continued to May 20, and

About 1:45 p.m. yesterday, school officials said, some 100 adult residents of the area gathered outside the high school to protest the incidents which took place earlier. Police moved them a block from the building, where they continued their demonstration until school ended at 2:15.

Last evening, boys and girls in South Boston handed out circulars calling on the people of the district to attend a protest meeting scheduled for 7 a.m. today outside the high school.

The circular concluded with the words: "Keep the Communists out of our schools and our kids out of court."



## Hub police offer \$1000 for no-busing lawyer

By Walter Haynes  
Globe Staff

The Boston Police Patrolmen's Assn. (BPPA) voted unanimously on Wednesday to reaffirm a decision to donate \$1000 to a South Boston-based antibusing group.

Chester Broderick, chairman, yesterday said the donation had been first approved in November at a monthly meeting of association representatives.

Broderick had refused to reveal the donation last month because the antibusing groups that had been considered for the donation were not properly chartered.

"Last month the information the representatives had was that the South Boston Information Center was hiring a constitutional lawyer to fight Judge W. Arthur Garrity's decision," Broderick said.

"I contacted ROAR (Return Our Alienated Rights) and the South Boston Information Center but found their fund was not specifically earmarked for that purpose."

ROAR, listed as being incorporated, Wednesday at the secretary of state's office, had tried unsuccessfully to secure the services of US Sen. Sam Ervin (D-N.C.).

Broderick said the donation will be held in abeyance "until a group is properly chartered and a fund specifically earmarked for a constitutional lawyer."

A written protest against the association's donation was lodged on Monday by the Massachusetts Assn. of Afro-American Police, Inc., saying the donation "damages the relationship between white and minority officers."

"The vote will cause a polarization of white officers against minority officers," Valmore Williams, vice president of the more than 100-member statewide group, said.

Broderick said the donation is not a "black and white" issue but an expression of feeling against the Federal court ruling on busing.

An aide in Secretary of State John F. X. Davoren's office said the South Boston Information Center

had been properly incorporated.

"They brought in their papers yesterday," John Tierney of the legal division said.

"For all intent and purposes, except for a review and investigation of their charter, they are incorporated."

The information center lists as its president Virginia M. Sheehy of 11 Grimes st., South Boston, and its vice president as Rita B. Gaul of 7 Grimes st., South Boston.

A floor director at the South Boston Information Center, who asked not to be named, said Wednesday the center had been taking contributions for a fund to hire a constitutional lawyer since the first week of October.

Last week John Leubsdorf, a lawyer for the NAACP, criticized the BPPA for the racial remarks and antibusing articles in the union's periodical, "The Pax Centurion."

Last Friday before Judge W. Arthur Garrity, Jr., he said he was prepared to show evidence that Boston Police were "not enthusiastic" about their duties in the schools.

"I felt the paper showed that many of the union members were upset about the busing issue. I was prepared to give more evidence, but Judge Garrity did not wish to see it."

Broderick, who did not know of last Friday's session, said the paper is staffed by volunteers and contains articles contributed by union members "with documentation."

Broderick said he expects the donation to be made when ROAR or the South Boston Information Center "specifically" earmarks funds for a constitutional lawyer.




AFFIDAVIT OF PATRICIA LOMANS

1. I am a student at Northeastern Law School and a part-time employee of the Center for Law and Education.

2. In December 1974 and January 1975 I drove along Dorchester Street and East Broadway in South Boston and observed in the windows of businesses 13 signs like the one which is attachment A hereto. I also observed 16 signs in businesses which were similar to the attachment, but read "We Support the South Boston School Boycott" (printed) "South Boston Information Center" (handwritten).

3. Attachment six to Plaintiffs' Motion for Leave to Take Depositions and for an Order to Show Cause is a clipping from the South Boston Tribune of September 26, 1974, which I secured.

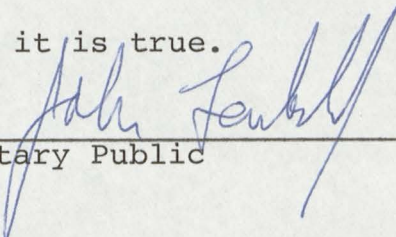
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County of Middlesex

Commonwealth of Massachusetts

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\_\_\_\_\_  
Notary Public

May 10, 1975

ATTACHMENT FOUR



**\$**

**WE**

**\$**

**SUPPORT**

**THE**

**COMMUNIST PROPAGANDA**



**SOUTH BOSTON**

**SCHOOL**

**BOYCOTT**



# BOYCOTT

*South Boston  
Home and School  
Information Center  
269-8585*



# MARCH!!

On Friday, October 4th, 1974, The South Boston Home And School Association will join other anti-busing organizations throughout the COUNTRY in observing NATIONAL BOYCOTT DAY. All school children, public and private, are urged to stay home.

All working people, Unions and organizations are asked to participate.

The NATIONAL BOYCOTT originated in Denver, Colorado and is supported by Ohio, Kentucky, Memphis Tennessee, Dallas Texas, And San Francisco California.

We are joining hands across the country to show the ENTIRE NATION that we oppose the forced busing of our school children.

All residents are urged to meet at Marine Park in front of the bandstand at 10:00 A.M. for a rally. A march to the High School will follow. This march is endorsed by the South Boston Home And School Association so all should feel free to attend. It is our right as citizens of this country to peacefully assemble and to express our concerns. Remember, it all started here almost 200 years ago when our forefathers stood up against the tyranny and oppression from across the sea. Boston is often called "THE CRADLE OF LIBERTY--and LIBERTY, FREEDOM, AND JUSTICE FOR ALL is the basic reason that we oppose the unjust court edicts that have been imposed upon us who choose to live in the city of Boston. All one has to do to escape the forced busing orders is to move to the suburbs.

## WHY SHOULD THE CITY BEAR THE BURDEN?

DO REMEMBER, NATIONAL BOY COTT DAY IS FRIDAY, OCTOBER 4th.

SUPPORT YOUR NEIGHBORHOOD AND YOUR NEIGHBORHOOD CHILDREN!!

STAY HOME FROM SCHOOL AND STAY HOME FROM WORK. IT IS NOT TOO MUCH TO ASK OF ALL WHO REALLY CARE!!

SEE YOU AT THE MARCH!!

ATTACHMENT FIVE



Fourth and Atlantic streets.  
All types of interesting and  
useful articles will be on sale,  
with every article a bargain.  
In addition there will be a Craft  
Table and new items which will  
make lovely Christmas gifts.  
Good used clothing will also  
be sold and there will be a Snack  
Bar offering light refreshments.  
The Women's Guild asks the  
public to keep the date, October  
19, in mind.

**DRIVE SAFELY**

make reservations by sending a  
check (\$15 a person / \$25 a  
couple) payable to Mass.  
Citizens For Life, to conference  
coordinator, Mrs. Mary  
Phalon; 62 Willow St.; Woburn,  
Ma. 01801. Further information  
may be obtained by calling the  
Massachusetts Citizens For Life  
office in Framingham at 872-  
5433.

Monday at 4:30 p.m. is the  
deadline for Tribune news copy

**Lovely  
Body!**

● **FLATTEN TUMMIES**

● **LOSE INCHES**

**325-2775 SOUTH  
BOSTON**

9/26

# THE REGIONAL REPRESENTATIVE OF THE **SOUTH BOSTON HOME AND SCHOOL ASSN.**

**WISHES TO EXTEND HER WARMEST APPRECIATION  
TO THE PARENTS WHO COOPERATED IN THE  
BOYCOTT OF OUR SCHOOLS**

**I WANT TO MAKE IT VERY CLEAR, PARENTS ARE  
TO MAKE THE FOLLOWING DECISIONS - THEY AND  
THEY ALONE HAVE THIS RIGHT.**

- 1. MONDAY, SEPTEMBER 30th GRADES K 1-5 IN OUR  
NEIGHBORHOOD SCHOOLS MAY RETURN TO SCHOOL.  
THIS INCLUDES LATIN AND TECHNICAL SCHOOLS.**
- 2. AN EXTENDED BOYCOTT IS URGED TO CONTINUE IN  
GRADES 6-8 AND 9-12. WE EXPECT THE PARENTS OF  
OUR NEIGHBORHOOD STUDENTS TO SUPPORT AND  
PUBLICLY INVOLVE THEMSELVES WITH OUR 6-8 AND  
9-12 STUDENTS. THEY NEED OUR CONTINUED SUPPORT.**

**SEVENTY STUDENTS HAVE BEEN TESTED AND OUR ENERGIES ARE NOW  
DIRECTED TOWARDS HELPING MORE BUSED STUDENTS.**

**WE ARE LIMITED TO PUBLIC MEETINGS, BUT WE WILL USE OUR LOCAL  
NEWSPAPER AND "HOME AND SCHOOL BLOCK CAPTAINS" TO GIVE YOU  
INFORMATION AS SOON AS IT BECOMES AVAILABLE TO US.**

**MARY BINDA, ALICE TALLENT, JOAN McEVEN, KATHY McDONALD,  
WILL KEEP YOU UP TO DATE ON THEIR SUCCESS.**

**SUPPORT  
YOUR  
SOUTH BOSTON HOME  
And SCHOOL ASSOCIATION!**



CERTIFICATE OF SERVICE

The attached document was mailed to the following  
counsel on May 10, 1975:

Richard W. Coleman, Esq.  
Segal, Roitman & Coleman  
11 Beacon Street  
Boston, Mass. 02108

John F. McMahon, Esq.  
Angoff, Goldman, Manning,  
Pyle & Wanger  
44 School Street  
Boston, Mass. 02108

James J. Sullivan, Jr. Esq.  
DiMento & Sullivan  
100 State Street  
Boston, Mass. 02109

Ms. Silke M. Hansen  
Education Specialist  
Community Relations  
Service, Room 1304  
150 Causeway Street  
Boston, Mass. 02114

Sandra L. Lynch, Esq.  
Legal Office  
Massachusetts Department  
of Education  
182 Tremont Street  
Boston, Mass. 02111

Kevin Moloney, Esq.  
City Law Department  
City Hall  
Boston, Massachusetts

Richard Hiller, Esq.  
Puerto Rican Legal Defense Fund  
815 Second Avenue  
New York, New York

Timothy J. W. Wise, Esq.  
Assistant Attorney General  
131 Tremont Street  
Boston, Massachusetts

Jeanne Mirer, Esq.  
Massachusetts Chapter of the  
National Lawyers Guild  
595 Massachusetts Avenue  
Cambridge, Massachusetts

Thayer Fremont-Smith, Esq.  
Choate, Hall & Stewart  
28 State Street  
Boston, Massachusetts

Robert Pressman  
Robert Pressman  
Center for Law & Education



UNITED STATES DISTRICT COURT  
for the  
DISTRICT OF MASSACHUSETTS

FILED  
CLERK'S OFFICE  
MAY 10 2 56 PM '75  
U.S. DISTRICT COURT  
DISTRICT OF MASS

-----  
TALLULAH MORGAN, et al., )  
Plaintiffs ) C.A. 72-911-G  
v. )  
JOHN J. KERRIGAN, et al., )  
Defendants )  
-----

**COPY**

PLAINTIFFS' MOTION FOR LEAVE TO TAKE DEPOSITIONS  
AND FOR AN ORDER TO SHOW CAUSE

Plaintiffs move that the Court enter orders:

- (a) requiring Rita Graul and Virginia Sheehy to appear  
before the Court on Monday, May 12, 1975, at 10:00 a.m.  
and show cause, if any they have, why plaintiffs' counsel  
should not be permitted to take their depositions  
starting at 10:00 a.m. on May 14, 1975, at the offices  
of Foley, Hoag & Eliot, 10 Post Office Square, Boston;
- (b) providing for the service on Mrs. Graul and Mrs. Sheehy  
by US Marshall of the appended order to show cause;
- (c) allowing plaintiffs' counsel to take the depositions  
as set forth in (a) above; and
- (d) granting such further relief as justice may require,  
including adding persons as defendants and issuing  
orders to enforce the December 17, 1974 order  
on safety, if appropriate.

In support of this motion, plaintiffs allege:

1. On December 17, 1974, this Court entered an "Order on  
Motion for Relief Concerning Security", providing in part:

3. The city defendants shall see to it that the police  
prevent, with appropriate enforcement in accordance with  
their powers and duties under Mass. G.L. c. 41, sec. 98,  
Mass. G.L. c. 269, sec. 1 et seq., Mass. G.L. c. 272, sec.  
53 et seq., Mass. G.L. c. 272, sec. 40, and other applicable  
statutes: (a) all gathering- of three or more people and all  
violent conduct, noise audible within the school, picketing,  
signs or other conduct likely to disturb classes, within  
100 yards of any public school building in South Boston  
and within 50 yards of any other public high school or  
middle school building elsewhere in the City of Boston at  
any time between 7:00 A.M. and 4:00 P.M. on a school day; and  
(b) all gatherings of three or more people engaged in or  
threatening to engage in violent conduct on or along any  
route used to transport students into or out of South



Boston between 7:00 and 9:30 A.M. and between 1:00 and 4:00 P.M. on a school day and at any other time when such routes are used.

This quoted portion of the December 17 order was based on evidence that crowds in the vicinity of South Boston High School at the time of the arrival of black students and during the school day had substantially and materially interfered with the educational program, and threatened the safety of black students and teachers. In addition, there have been since September 1974 repeated incidents of violence and disruption relating to the enforcement of this Court's orders in South Boston. which have resulted in physical injuries to black students and their deterrence from exercising Constitutional rights, and which have required the Court to grant relief.

2. On information and belief (see attachment one), on Thursday, May 8, 1975, at some time between 7:00 and 9:00 A.M., a crowd of several hundred persons gathered within 100 yards of South Boston High School and was thereafter dispersed by police.

3. On information and belief (see attachment two), on Wednesday, May 7, 1975, persons were urged to gather outside South Boston High School on May 8, 1975 by leaflets and persons using a sound truck.\*On information and belief (see attachment two), a person working for the "South Boston Information Center" encouraged persons to gather outside South Boston High School on May 8.

4. On information and belief (see attachment three), Rita Graul and Virginia Sheehy are officers of the South Boston Information Center, Inc. Rita Graul is the Regional Representative of the South Boston Home and School Association; on information and belief, Virginia Sheehy is an official of that Association.

5. On information and belief (see attachments four, five and six), the South Boston Information Center, the South Boston Home and School Association, and Rita Graul have in other instances promoted illegal protest activities--especially violation of laws concerning school attendance--in circumstances in which unlawful conduct was imminently likely to occur, and did occur.

\*On information and belief (see attachment 2A), this occurred after a crowd had gathered outside South Boston High School, and had been moved from in front of the school by police.



6. The purpose of the proposed depositions is to secure information concerning the events described above, and concerning the possibilities of interference with the Court's order of December 17, the need for further orders, and illegal activities obstructing the exercise by members of the plaintiff class of their constitutional rights pursuant to the Court's orders.

Respectfully submitted,

J. Harold Flannery (Lawyers' Committee  
for Civil Rights Under Law);  
Laurence S. Fordham, John Leubsdorf.  
(Foley, Hoag & Eliot);  
Robert Pressman, Eric E. Van Loon  
(Center for Law & Education);  
Rudolph F. Pierce (Keating, Perretta  
& Pierce);  
Roger I. Abrams (Case Western Reserve  
University);  
Thomas M. Simmons (Collins and  
Simmons); and  
Nathaniel R. Jones (N.A.A.C.P.)

*Robert Pressman*

Robert Pressman  
Center for Law & Education  
Harvard University, Larsen Hall  
Cambridge, Massachusetts 02138





Helmeted state troopers face crowd outside South Boston High School. (Globe photo by Bill Ryerson)

## Police control crowd near So. Boston High

State and Boston police dispersed a demonstration by about 500 white students and neighbors outside South Boston High School yesterday morning as black students arrived in buses.

Police Supt. Joseph Jordan said about 270 officers, including motorcycle and mounted men, pushed the demonstrators back about a block to clear a path for the black students. He said there were no arrests or injuries.

Jordan and school officials said the demonstration was linked to an incident on Wednesday, when a black student, Siegfried Golston, 17, of Dorchester allegedly unfurled a Progressive Labor Party banner inside the school.

Golston said he had taken part last Saturday in the party's "national march against racism" in South Boston, which was marked by sporadic violence.

Golston and two white students, Thomas Barrett, 17, and Ronald Doyle, 19, both of South Boston,

were arrested Wednesday after a fight. Goldston was charged with disorderly conduct and disrupting a school assembly, Barrett with disorderly conduct and Doyle with assault and battery.

All three entered pleas of innocent in South Boston District Court and were released on personal recognizance. Their cases were continued to May 20.

Wednesday's incident apparently prompted some white students to distribute leaflets that night, urging people to "keep the Communists out of our schools and our kids out of court."

Jordan said he was being interviewed by Gary Armstrong, a black reporter for WNAC-TV, yesterday morning when a small group of whites taunted and spat upon Armstrong. Tactical Patrol police escorted Armstrong from the scene.

When classes ended at 2 p.m., black students were escorted to buses without incident as police and several dozen white area residents looked on.

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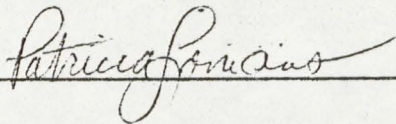
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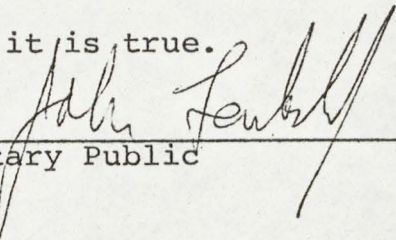
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Notary Public

May 10, 1975

ATTACHMENT FOUR



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**SUPPORT**

**THE**

**COMMUNITY PROGRAM**



**SOUTH BOSTON**

**SCHOOL**

**BOYCOTT**



# BOYCOTT

*South Boston  
Home and School  
Information Center  
269-8585*



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DO REMEMBER, NATIONAL BOY COTT DAY IS FRIDAY, OCTOBER 4th.

SUPPORT YOUR NEIGHBORHOOD AND YOUR NEIGHBORHOOD CHILDREN!

STAY HOME FROM SCHOOL AND STAY HOME FROM WORK. IT IS NOT TOO MUCH TO ASK OF ALL WHO REALLY CARE!!

SEE YOU AT THE MARCH!!

ATTACHMENT FIVE



Fourth and Atlantic streets.  
All types of interesting and useful articles will be on sale, with every article a bargain. In addition there will be a Craft Table and new items which will make lovely Christmas gifts. Good used clothing will also be sold and there will be a Snack Bar offering light refreshments. The Women's Guild asks the public to keep the date, October 19, in mind.

**DRIVE SAFELY**

make reservations by sending a check (\$15 a person / \$25 a couple), payable to Mass. Citizens For Life, to conference coordinator, Mrs. Mary Phalon; 62 Willow St.; Woburn, Ma. 01801. Further information may be obtained by calling the Massachusetts Citizens For Life office in Framingham at 872-5433.

Monday at 4:30 p.m. is the deadline for Tribune news copy

**Lovely  
Body!**

● **FLATTEN TUMMIES**

● **LOSE INCHES**

**325-2775 SOUTH  
BOSTON**

9/26

# THE REGIONAL REPRESENTATIVE OF THE **SOUTH BOSTON HOME AND SCHOOL ASSN.**

**WISHES TO EXTEND HER WARMEST APPRECIATION  
TO THE PARENTS WHO COOPERATED IN THE  
BOYCOTT OF OUR SCHOOLS**

**I WANT TO MAKE IT VERY CLEAR, PARENTS ARE  
TO MAKE THE FOLLOWING DECISIONS - THEY AND  
THEY ALONE HAVE THIS RIGHT.**

- 1. MONDAY, SEPTEMBER 30th GRADES K 1-5 IN OUR  
NEIGHBORHOOD SCHOOLS MAY RETURN TO SCHOOL.  
THIS INCLUDES LATIN AND TECHNICAL SCHOOLS.**
- 2. AN EXTENDED BOYCOTT IS URGED TO CONTINUE IN  
GRADES 6-8 AND 9-12. WE EXPECT THE PARENTS OF  
OUR NEIGHBORHOOD STUDENTS TO SUPPORT AND  
PUBLICLY INVOLVE THEMSELVES WITH OUR 6-8 AND  
9-12 STUDENTS. THEY NEED OUR CONTINUED SUPPORT.**

**SEVENTY STUDENTS HAVE BEEN TESTED AND OUR ENERGIES ARE NOW  
DIRECTED TOWARDS HELPING MORE BUSED STUDENTS.**

**WE ARE LIMITED TO PUBLIC MEETINGS, BUT WE WILL USE OUR LOCAL  
NEWSPAPER AND "HOME AND SCHOOL BLOCK CAPTAINS" TO GIVE YOU  
INFORMATION AS SOON AS IT BECOMES AVAILABLE TO US.**

**MARY BINDA, ALICE TALLENT, JOAN McEVEN, KATHY McDONALD,  
WILL KEEP YOU UP TO DATE ON THEIR SUCCESS.**

**SUPPORT  
YOUR  
SOUTH BOSTON HOME  
And SCHOOL ASSOCIATION!**



UNITED STATES DISTRICT COURT  
for the  
DISTRICT OF MASSACHUSETTS

-----  
TALLULAH MORGAN, et al.,        )  
                                  )       C.A. 72-911-G  
                          Plaintiffs   )  
                                  )         
                          v.            )  
                                  )         
JOHN J. KERRIGAN, et al.,       )  
                                  )         
                          Defendants   )  
                                  )         
-----

ORDER TO SHOW CAUSE

Based upon Plaintiffs' Motion for Leave to Take Depositions and for an Order to Show Cause, it is hereby ORDERED:

1. Rita Graul and Virginia Sheehy shall appear before the Court at 10:00 A.M. on May 12, 1975, in courtroom \_\_\_\_\_ and show cause, if any they have, why plaintiffs' counsel should not be permitted to take their depositions commencing at 10:00 A.M. May 14, 1975 at the offices of Foley, Hoag & Eliot, 10 Post Office Square, Boston.

2. A hearing shall be held on plaintiffs' motion in said courtroom starting at 10:00 A.M. on Monday, May 12, 1975.

3. The Marshall shall forthwith serve copies of plaintiffs' motion and this order on Rita Graul, 7 Grimes Avenue, South Boston and Virginia Sheehy, 11 Grimes Avenue, South Boston.

\_\_\_\_\_  
U.S. District Judge

May , 1975



CERTIFICATE OF SERVICE

The attached document was mailed to the following  
counsel on May 10, 1975:

Richard W. Coleman, Esq.  
Segal, Roitman & Coleman  
11 Beacon Street  
Boston, Mass. 02108

John F. McMahon, Esq.  
Angoff, Goldman, Manning,  
Pyle & Wanger  
44 School Street  
Boston, Mass. 02108

James J. Sullivan, Jr. Esq.  
DiMento & Sullivan  
100 State Street  
Boston, Mass. 02109

Ms. Silke M. Hansen  
Education Specialist  
Community Relations  
Service, Room 1304  
150 Causeway Street  
Boston, Mass. 02114

Sandra L. Lynch, Esq.  
Legal Office  
Massachusetts Department  
of Education  
182 Tremont Street  
Boston, Mass. 02111

Kevin Moloney, Esq.  
City Law Department  
City Hall  
Boston, Massachusetts

Richard Hiller, Esq.  
Puerto Rican Legal Defense Fund  
815 Second Avenue  
New York, New York

Timothy J. W. Wise, Esq.  
Assistant Attorney General  
131 Tremont Street  
Boston, Massachusetts

Jeanne Mirer, Esq.  
Massachusetts Chapter of the  
National Lawyers Guild  
595 Massachusetts Avenue  
Cambridge, Massachusetts

Thayer Fremont-Smith, Esq.  
Choate, Hall & Stewart  
28 State Street  
Boston, Massachusetts

Robert Pressman  
Robert Pressman  
Center for Law & Education



ORIGINAL

UNITED STATES DISTRICT COURT  
for the  
DISTRICT OF MASSACHUSETTS

-----  
TALLULAH MORGAN, et al.,  
Plaintiffs  
v.  
JOHN J. KERRIGAN, et al.,  
Defendants  
-----

C.A. 72-911-G

**DOCKETED**

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3. The Marshall shall forthwith serve copies of plaintiffs' motion and this order on Rita Gaul, 7 Grimes Avenue, South Boston and Virginia Sheehy, 11 Grimes Avenue, South Boston.

W. Arthur Larrey Jr.  
U.S. District Judge

May 10, 1975

894

*Handwritten signature*



UNITED STATES DISTRICT COURT  
for the  
DISTRICT OF MASSACHUSETTS

-----  
TALLULAH MORGAN, et al.,                     )  
  )  
  ) Plaintiffs                     ) C.A. 72-911-G  
  )  
  ) v.                                 )  
  )  
JOHN J. KERRIGAN, et al.,                    )  
  ) Defendants                    )  
-----

ORDER TO SHOW CAUSE

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3. The Marshall shall forthwith serve copies of plaintiffs' motion and this order on Rita Graul, 7 Grimes Avenue, South Boston and Virginia Sheehy, 11 Grimes Avenue, South Boston.

W. Arthur Garrity, Jr.  
U.S. District Judge

May 10, 1975

A TRUE COPY ATTEST:  
George F. McGrath, Clerk  
U. S. District Court  
Dist. of Massachusetts

Stephen A. Moynahan, Jr.  
Deputy Clerk  
STEPHEN A. MOYNAHAN, JR.



# Boston Police

154 Berkeley Street  
Boston, Massachusetts 02116  
617-536-6700 Emergency 911

May 8, 1975

FILED  
OFFICE  
10 11 AM '75  
U.S. DISTRICT COURT  
DISTRICT OF MASS

DOCKETED

MEMO TO: THE POLICE COMMISSIONER  
FROM: THE SUPERINTENDENT IN CHIEF  
SUBJECT: DEPLOYMENT OF POLICE FOR SOUTH BOSTON  
SIR:

LISTED BELOW, PER MEMO REQUEST DATED JANUARY 7, 1975,  
IS A BREAKDOWN OF POLICE OFFICERS AT SOUTH BOSTON FOR THE SCHOOL  
DESEGREGATION PROGRAM: Wednesday May 7, 1975

	BOSTON	STATE	MDC
<u>SOUTH BOSTON HIGH SCHOOL</u> (INSIDE)	<u>20</u>	<u>135</u>	<u>13</u>
<u>SOUTH BOSTON AREA</u>	<u>24</u>	<u>80</u>	<u>24</u>
<u>MOTORCYCLES</u>	20AM <u>34</u> 14PM		<u>12</u>
<u>MOUNTED</u>			
TOTALS	78	215	49
TT.....	342		

*Joseph M. Jordan*

JOSEPH M. JORDAN  
SUPERINTENDENT IN CHIEF  
BUREAU OF FIELD SERVICES

895

RECEIVED.

DATE:

A-856  
84



# Boston Police

154 Berkeley Street  
Boston, Massachusetts 02116  
617-536-6700 Emergency 911

May 9, 1975

MEMO TO: THE POLICE COMMISSIONER  
FROM: THE SUPERINTENDENT IN CHIEF  
SUBJECT: DEPLOYMENT OF POLICE FOR SOUTH BOSTON  
SIR:

FILED  
MAY 12 10 11 AM '75  
U.S. DISTRICT COURT  
DISTRICT OF MASS  
DOCKETED

LISTED BELOW, PER MEMO REQUEST DATED JANUARY 7, 1975,  
IS A BREAKDOWN OF POLICE OFFICERS AT SOUTH BOSTON FOR THE SCHOOL  
DESEGREGATION PROGRAM: Thursday May 8, 1975

	BOSTON	STATE	MDC
<u>SOUTH BOSTON HIGH SCHOOL</u> (INSIDE)	<u>20</u>	<u>134</u>	<u>12</u>
<u>SOUTH BOSTON AREA</u>	<u>159</u>	<u>81</u>	<u>25</u>
<u>MOTORCYCLES</u> 20AM 13PM	<u>33</u>	<u>          </u>	<u>12</u>
<u>MOUNTED</u>	<u>          </u>	<u>          </u>	<u>          </u>
Totals	212	215	49

TT..... 476

*Joseph M. Jordan*

JOSEPH M. JORDAN  
SUPERINTENDENT IN CHIEF  
BUREAU OF FIELD SERVICES

RECEIVED. \_\_\_\_\_ DATE: \_\_\_\_\_



Morgan et al v. Kerrigan et al  
C.A. 72-911-G

MEMORANDUM

May 12, 1975

TO: Judge W. Arthur Garrity  
FROM: Marvin B. Scott, <sup>1128</sup> Court Appointed Expert  
SUBJECT: Entries for Pay and Expense Report

1. Robert Dentler worked full days on May 4, 5, 6, 7, 8, and 9	6 x 200 = \$1,200
2. Marvin Scott worked full days on May 5, 6, 7, 8, 9, and 10	6 x 100 = 600
3. Nadine Houston worked full days on May 4, 5, 6, 7, 8, 9, and 10	7 x 40 = 280
4. Gail Walcott worked 1 full day on May 8	1 x 30 = 30
5. Jane Barbato worked 1 full day on May 9	1 x 30 = 30
	<u>\$2,140</u>

5/12/75

Approved for payment and so ordered.  
Garrity, T.

DOCKETED

896

A-857





OFFICE OF THE COMMISSIONER

*The Commonwealth of Massachusetts*

*Department of Education*

*182 Tremont Street*

*Boston, 02111*

Exam + RW  
FILED  
CLERK'S OFFICE

MAY 12 12 10 PM '75

U. S. DISTRICT COURT  
DISTRICT OF MASS

May 12, 1975

DOCKETED

Mr. Stephen Moynahan  
Clerk, U.S. District Court  
1525 U.S. P.O. & C.H.  
Boston, Massachusetts

Re: Morgan v. Kerrigan,  
C.A. 72-911-G

Dear Mr. Moynahan:

Because it appears that there may have been a misunderstanding by one counsel of a position held by the State Board of Education, I wished to send this letter of clarification to the Court. The State Board of Education does not oppose the continuation of advanced work classes on a desegregated basis. The State Board does, as stated in oral argument, feel that extension of the Latin Schools down to the sixth grade would be educationally unsound where the tracking of students to the Latin Schools through fourth and fifth grade advanced work classes would start in the third grade. For this reason the Board opposed extension of the Latin Schools to include a sixth grade. The Board did propose that there be a middle school with a curriculum emphasizing the classics. This does not mean, nor was it meant to imply, that the State Board opposes the continuation of advanced work classes on a desegregated basis. I hope that this will clarify any possible misunderstanding.

Sincerely,

*Sandra L. Lynch*

Sandra L. Lynch  
Counsel, State Defendants

SLL/kal  
cc: All parties

898

A-858



UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
CLERK'S OFFICE

MAY 12 3 24 PM '75

U.S. DISTRICT COURT  
DISTRICT OF MASS

TALLULAH MORGAN, et al.,

Plaintiffs

v.

JOHN J. KERRIGAN, et al.,

Defendants

CIVIL ACTION  
NO. 72-911-G

DOCKETED

PLAINTIFFS' TENTH MOTION FOR DOCUMENTARY  
DISCOVERY, AND MOTION FOR OTHER DISCOVERY

Plaintiffs move that an order be entered:

(a) requiring the School Committee defendants to allow counsel for plaintiffs to inspect and copy all applications made to the Committee since August 1, 1974 for approval of schools under Mass. G.L. c. 76, sec. 1, and all written material in the Committee's custody relating to such applications or to action on them;

(b) requiring that, to the extent this information is not set forth in documents required to be discovered under paragraph (a) above, the School Committee file a statement indicating: the name of each such application for approval of any school under G.L. c. 76, sec. 1 made since August 1, 1974; the name or names of the applicants; the location, grade levels, proposed admissions criteria, capacity and name of the proposed school; and the nature and date of any School Committee action taken on the application;

(c) allowing plaintiffs to apply hereafter for costs and attorney fees on this motion; and

(d) granting such other relief as may be proper.

DOCKETED

898

6/6/75

After hearing motion allowed as to paragraph (c) and denied without prejudice as to paragraph (b) - and so ordered. Garrity, J.

A-859



In support of this motion, plaintiffs state as follows:

1. Under Mass. G.L. c. 76, sec. 1, all children of certain ages must attend either a public school or a private school approved by the local School Committee. This motion seeks information concerning applications for such approval made to the Boston School Committee since August 1, 1974.

2. Plaintiffs requested the School Committee defendants to discover the information sought by this motion in a letter dated February 19, 1975 (copy attached). No reply to this letter has been received. Counsel for plaintiffs has spoken to counsel for the School Committee about the letter, and was told that it has been forwarded to the school department.

3. The information sought by this motion is relevant. Desegregation of public schools has frequently been accompanied by the establishment of racially identifiable private schools, and Courts have granted relief against school and other officials participating in such interference with, or dilution of, desegregation decrees. E.g., Gilmore v. City of Montgomery, 417 U.S. 556, 568-69, 571 (1974); United States v. State of Mississippi, 499 F.2d 425 (5 Cir. 1974). Officials, moreover, must investigate in advance the probable impact of their acts on desegregation, as part of their overall affirmative duty to desegregate. McNeal v. Tate County School Dist., 460 F.2d 568, 571-72 (5 Cir. 1972); Graves v. Walton County Board of Education, 465 F.2d 887 (5 Cir. 1972). And relief has sometimes been awarded directly against private schools. United States v. State of Mississippi, supra, 499 F.2d at 431-32; see

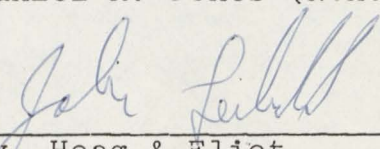


McCrary v. Runyon, 43 U.S.L.W. 2440 (4 Cir. 1975). Here, newspaper reports (copy attached) indicate that efforts are under way to set up private schools with the purpose and effect of avoiding this Court's desegregation orders. The present discovery motion is intended to obtain facts relating to such efforts from the School Committee (whose approval is needed before students may enroll in private schools without violating school attendance laws), and to ascertain whether the School Committee is performing its duties under federal law (and the Massachusetts truancy laws) in connection with the approval of such private schools.

4. The information sought is not privileged or subject to the work product rule. Indeed, while state law does not control, most or all of what is sought constitutes public records which any citizen has a right to inspect, even without a showing of relevance. Mass. G.L. c. 4, sec. 7, twenty-sixth, c. 66, sec. 10. There is thus no significant countervailing interest to be weighed against plaintiffs' interest in discovery.

Respectfully submitted,

J. Harold Flannery (Lawyers' Committee for Civil Rights Under Law);  
Laurence S. Fordham, John Leubsdorf  
(Foley, Hoag & Eliot);  
Robert Pressman, Eric E. Van Loon  
(Center for Law & Education);  
Rudolph F. Pierce (Keating, Perretta  
& Pierce);  
Roger I. Abrams (Case Western  
Reserve University);  
Thomas M. Simmons (Collins & Simmons); and  
Nathaniel R. Jones (N.A.A.C.P.)

  
\_\_\_\_\_  
Foley, Hoag & Eliot  
10 Post Office Square  
Boston, Massachusetts 02109



February 19, 1975

Philip Tierney, Esquire  
DiMento & Sullivan  
100 State Street  
Boston, MA 02109

Re: Morgan v. Kerrigan

Dear Mr. Tierney:

I would much appreciate receiving from you information concerning any applications to the Boston School Committee which may have been made since August 1, 1974 for approval of schools under Mass. G.L. c. 76, sec. 1. In particular, I would like to know: the date of each such application; the name or names of the applicants; the location, grade levels, proposed admissions criteria, capacity and name of the proposed school; and the nature and date of any School Committee action taken on the application. I would also like to be allowed to inspect and copy any such applications, or material relating to such applications or to action on them, in the School Committee's custody.

This request is made because counsel for plaintiffs have received reports of proposals to set up private schools to accommodate children of parents opposed to the present and forthcoming integration plans. As you know, the establishment of such schools would raise various issues of state and federal law.

Many thanks for your help.

Very truly yours,

John Leubsdorf

JL:dd



# Some look to private schools as alternative

By Nick King  
Globe Staff

Until last fall, Mary Binda thought South Boston was an ideal place to raise a family — the close-knit Telegraph Hill neighborhood, nearness of the swimming beach and public schools for her four children within walking distance of their three-decker home.

Outwardly nothing has changed. But three of her children now get their schooling elsewhere — avoiding what their 38-year-old mother calls "the chaos and confusion" of the Federal court order desegregating Boston schools by busing.

Now Mrs. Binda dreams of making things the way they were. She is attempting to start a community private school in South Boston.

"It's upsetting, not knowing what school your child will be ordered to attend next year. They're bounced around like elastics," Mrs. Binda said yesterday. Rather than be bused like 17,000 other students

this year, one of her children attends a private school in Back Bay, another goes to the Copley Square High School and a third has moved in with relatives in a Boston suburb.

Mrs. Binda is not alone in wanting to keep children near home. Parents in at least four predominantly white Boston neighborhoods, fearing their children are among the 31,000 who may be bused next fall, are trying to set up private academies.

Although none is actually operating, three of the schools are incorporated — the South Boston Heights Academy, the Hyde Park Academy and the Noddle Isle Academy in East Boston — and a group of residents is seeking corporation status for a Dorchester academy. Recently, the first three also incorporated collectively as the Massachusetts Independent School Assn.

"This allows us to set up a cooperative clearing house for hiring

teachers and purchasing supplies. It will help save money," William R. Brunco, organizer of the private school movement in East Boston, said yesterday.

However, none of the proposed schools has yet hired teachers or settled on a location.

According to president Henry A. Lodge, Hyde Park Academy is trying to buy, for \$50,000, a one-story building owned by the New England Telephone Co. at 14 Everett street, near Cleary Square. Lodge said he is still looking for a second school site.

Lodge expects nearly 500 students whose parents have expressed interest in the academy to attend the school this fall. Tuition would be \$576 for the first child in a family and \$420 for any others. Teachers would be paid \$6000 a year.

Overall, however, efforts to get the four private academies started have been hampered by lack of funds and by uncertainty of the con-

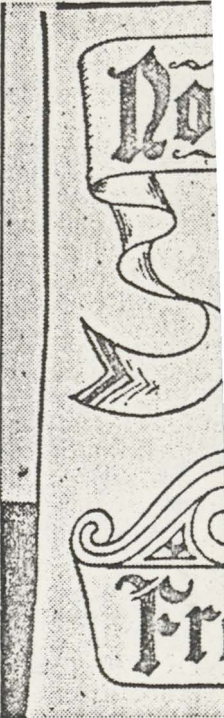
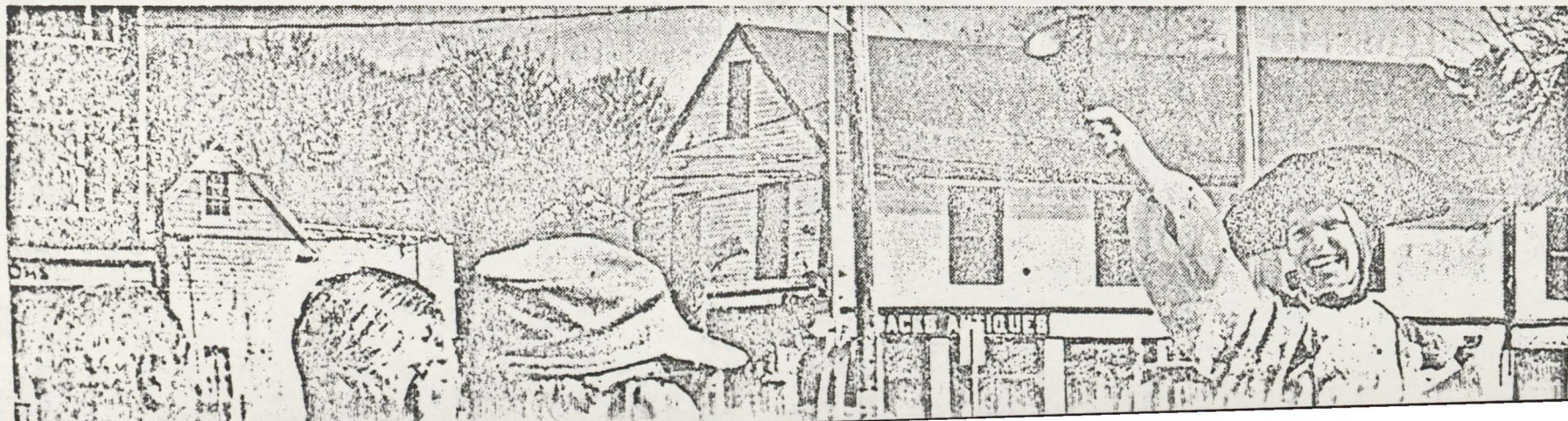
tent and effect of the citywide desegregation order for this fall, which is expected to be handed down this week by Federal judge W. Arthur Garrity Jr.

Mrs. Binda said only 100 students have been registered for the South Boston Academy, although she expects more after the desegregation plan is announced. She said the school is considering leasing 11,000 square feet of space in the Rosengard medical building on West Broadway. Tuition would be \$500 annually, as at the East Boston Academy.

The proposed schools must pass strict state and city building, safety and health regulations before they can be opened.

Local school committees must approve the schools' curriculum, but teachers do not need state certification.

Many students registered for the proposed schools are now enrolled in private tutoring programs.



The emblem of the

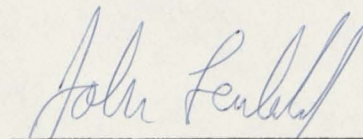
Both sides  
the other

Stud  
build



# CERTIFICATE OF SERVICE

On May 12, 1975, a copy of Plaintiffs' Tenth Motion For Documentary Discovery, And Motion For Other Discovery was served on Sandra L. Lynch, Esquire, Mass. Department of Education, 182 Tremont Street, Boston, Massachusetts; John F. McMahon, Esquire, Angoff, Goldman, Manning, Pyle and Wanger, 44 School Street, Boston, Massachusetts; Thayer Fremont-Smith, Esquire, Choate, Hall & Stewart, 28 State Street, Boston, Massachusetts; James J. Sullivan, Esquire, DiMento & Sullivan, 100 State Street, Boston, Massachusetts; Kevin F. Moloney, Esquire, City of Boston Law Department, City Hall, Boston, Massachusetts; Richard W. Coleman, Esquire, Segal, Roitman & Coleman, 11 Beacon Street, Boston, Massachusetts; Ms. Silke M. Hansen, Community Relations Service, 150 Causeway Street, Boston, Massachusetts; and Jeanne Mirer, Esquire, National Lawyers Guild, 595 Massachusetts Avenue, Cambridge, Massachusetts.



---

Foley, Hoag & Eliot  
10 Post Office Square  
Boston, Massachusetts 02109



CITY OF BOSTON



HERBERT P. GLEASON  
Corporation Counsel

LAW DEPARTMENT

CITY HALL  
BOSTON, MASSACHUSETTS 02201  
722-4100

May 12, 1975

U.S. DISTRICT COURT  
DISTRICT OF MASS

MAY 12 4 07 PM '75

FILED  
CLERK'S OFFICE

DOCKETED

The Honorable W. Arthur Garrity, Jr.  
U.S. District Court Judge  
U.S.C.H. & P.O.  
Post Office Square  
Boston, Massachusetts 02109

ATTENTION: Stephen Moynihan

Re: Morgan vs. Kerrigan, 72-911-G

Dear Judge Garrity:

In response to your question at this morning's hearing, I have been advised by representatives of the Boston Police Department that the current status of the State Police is at 300 and the current status of the M.D.C. Police is at 101.

Very truly yours,

Kevin F. Moloney  
Assistant Corporation Counsel

KFM/mlt

cc All Counsel of Record

899

A-860



UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

-----) )  
TALLULAH MORGAN, et al., ) )

Plaintiffs ) )

v. ) )

JOHN J. KERRIGAN, et al., ) )

Defendants ) )  
-----)

C.A. 72-911-G

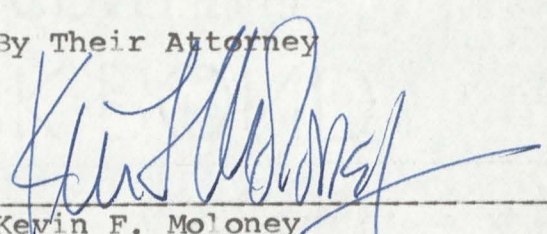
MOTION FOR AN ENLARGEMENT OF TIME WITHIN  
WHICH TO FILE A RESPONSE TO DEFENDANT  
SCHOOL COMMITTEE'S MOTION FOR  
CLARIFICATION OF DESEGREGATION FINANCING

DOCKETED

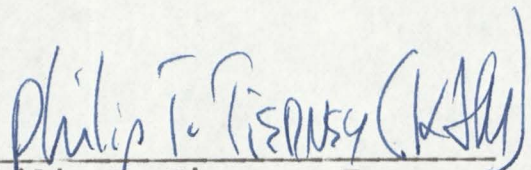
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MAY 13 4 56 PM '75  
U.S. DISTRICT COURT  
DISTRICT OF MASS

Defendants Mayor, Public Facilities Commissioners, and Director of Public Facilities hereby move this Court, pursuant to Local Rule 12(a)(2), to grant an enlargement of time within which to file a response in opposition to Defendant School Committee's "Motion for Clarification of Desegregation Financing" dated May 8, 1975, and to permit the filing of said response on or before May 30, 1975.

By Their Attorney

  
-----  
Kevin F. Moloney  
Assistant Corporation Counsel  
City Hall Law Department  
One City Hall Square  
Boston, Massachusetts 02201  
722-4100 X649

ASSENTED TO:

  
Philip T. Tierney, Esq.  
DiMento & Sullivan  
Attorneys for Defendant School Committee

Date: May 13, 1975

5/21/75 Allowed. Garaty, T.

900  
DOCKETED

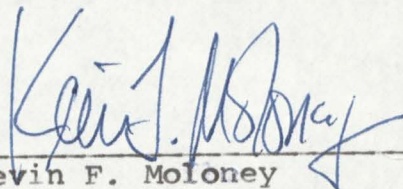
R-862



CERTIFICATE OF SERVICE

I hereby certify that I have this day, May 13, 1975, mailed a copy of this Motion, postage prepaid, to the following counsel of record:

Sandra L. Lynch, Esq., Mass. Department of Education, 182 Tremont Street, Boston, Massachusetts; John F. McMahon, Esq., Angoff, Goldman, Manning, Pyle & Wanger, 44 School Street, Boston, Massachusetts; Thayer Fremont-Smith, Esq., Choate, Hall & Stewart, 28 State Street, Boston, Massachusetts; James J. Sullivan, Esq., DiMento & Sullivan, 100 State Street, Boston, Massachusetts; Richard W. Coleman, Esq., Segal, Roitman & Coleman, 11 Beacon Street, Boston, Massachusetts; Ms. Silke M. Hansen, Community Relations Service, 150 Causeway Street, Boston, Massachusetts; Jeanne Morer, Esq., National Lawyers Guild, 595 Massachusetts Avenue, Cambridge, Massachusetts; and John Luebsdorf, Esq., Foley, Hoag & Eliot, 10 Post Office Square, Boston, Massachusetts



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Kevin F. Moloney  
Assistant Corporation Counsel  
City Hall Law Department  
One City Hall Square  
Boston, Massachusetts 02201  
722-4100 X649



(FactStaff)

A. Projected Number of Teaching Vacancies in Various Categories

At this time it is not possible to project a number of teaching vacancies. This step must await analysis of the Phase II Plan and the assignment of pupils to specific school facilities. At the secondary level, pupil selection of program is an essential ingredient in the determination of staff requirements.

B. Projected Numbers of Permanent and Provisional Teachers to be Hired

This projection must await the assignment and reassignment of present staff to specific school facilities. After this is accomplished, a reasonable projection of hiring needs can be made.

C. Summary of Applications and Interview Activity of Black Applicants

This summary is attached hereto as Appendix A.

D. Number and Race of Permanent and Provisional Teachers Hired or Rehired

The hiring process must await the completion of A and B above.

FILED  
U.S. DISTRICT COURT  
DISTRICT OF MASS.  
MAY 14 10 11 AM '75  
CLERK'S OFFICE

DOCKETED

904

R-863



## APPENDIX A

### SUMMARY OF APPLICATIONS AND INTERVIEW ACTIVITIES

#### OF BLACK APPLICANTS, APRIL 15 - MAY 15, 1975

#### I. Applications for Eligible Lists

- A. 15 who sent late January NTE scores have identified themselves as black and been interviewed.
- B. 124 provisional minority teachers not on an Eligible List were mailed a Memorandum with directions for registering at Educational Testing Service and in Boston's Department of Teacher Placement. Enclosures included Circular 1-A, Application for Massachusetts Teacher Certification, a flier on courses at Boston State College, Summer Sessions I and II. The Form of Reply included a request for a scheduled appointment with Mr. Brown.
- C. The Director of the Boston State College Program of Continuing Education agreed to arrange student-teaching this summer for any minority applicant who has the Education courses required for Massachusetts Teachers Certification and writes him to request the student-teaching.

#### II. Recruitment

- A. The School Committee assigned two teachers to Minority Recruitment.
- B. School Committee authorization for two recruiting trips, to Maryland and Washington, D. C. has been requested.
- C. Additional sources of minority teacher applicants in Special Education have been sought by telephone and correspondence, from
  - 1. American Speech and Hearing Association
  - 2. Council of Exceptional Children, Chairman of Committee on Minority Teachers.

#### III. Counseling

- A. 52 black applicants received in the central office information on certification procedures, the Eligible List, registration in the Department of Teacher Placement.
- B. 3 black provisional teachers were given support service in the schools.

#### IV. Contacts with Social Agencies

- A. Met with key black social workers at Y. M. C. A., Boston
- B. Attended annual dinner meeting of Cambridge Y. W. C. A., which is reserving rooms for our use in early September.
- C. Met with B. E. A. M.

#### V. Funding - Prepared Progress Report due May 10, 1975 on Chapter 636, Sec. 1, Equal Education Improvement Fund.



CERTIFICATE OF SERVICE

I, PHILIP T. TIERNEY, hereby certify that I have this day served the attached document upon the parties by causing to be delivered in hand or by causing to be mailed, postage prepaid, a copy thereof to counsel of record:

Richard W. Coleman, Esquire  
Segal, Roitman & Coleman  
11 Beacon Street  
Boston, MA 02108

Thayer Fremont-Smith, Esquire  
Choate, Hall & Stewart  
28 State Street  
Boston, MA 02109

Herbert P. Gleason, Esquire  
Corporation Counsel  
City Law Department  
Room 615  
City Hall  
Boston, MA 02201

Ms. Silke M. Hansen  
Education Specialist  
Community Relations Service  
Room 1304  
150 Causeway Street  
Boston, MA 02114

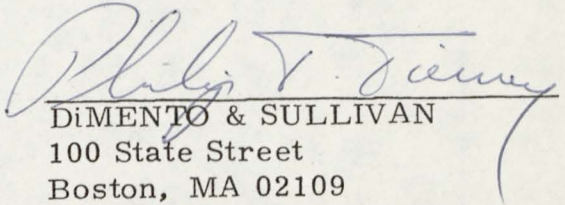
John D. Leubsdorf, Esquire  
Foley, Hoag, Eliot  
Ten Post Office Square  
Boston, MA 02109

Sandra L. Lynch, Esquire  
Legal Office  
Massachusetts Department of  
Education  
182 Tremont Street  
Boston, MA 02111

John F. McMahon, Esquire  
Angoff, Goldman, Manning, Pyle &  
Wanger  
44 School Street  
Boston, MA 02109

Jeanne Mirer, Esquire  
Massachusetts Chapter  
National Lawyers Guild  
595 Massachusetts Avenue  
Cambridge, MA 02139

Dated: May 13, 1975

  
DIMENTO & SULLIVAN  
100 State Street  
Boston, MA 02109  
Telephone: 523-5253



A. Projected Number of Teaching Vacancies in Various Categories

At this time it is not possible to project a number of teaching vacancies. This step must await analysis of the Phase II Plan and the assignment of pupils to specific school facilities. At the secondary level, pupil selection of program is an essential ingredient in the determination of staff requirements.

B. Projected Numbers of Permanent and Provisional Teachers to be Hired

This projection must await the assignment and reassignment of present staff to specific school facilities. After this is accomplished, a reasonable projection of hiring needs can be made.

C. Summary of Applications and Interview Activity of Black Applicants

This summary is attached hereto as Appendix A.

D. Number and Race of Permanent and Provisional Teachers Hired or Rehired

The hiring process must await the completion of A and B above.

**COPY**

FILED  
OFFICE  
MAR 14 10 11 AM '75  
U.S. DISTRICT COURT  
DISTRICT OF MASS



## APPENDIX A

### SUMMARY OF APPLICATIONS AND INTERVIEW ACTIVITIES

#### OF BLACK APPLICANTS, APRIL 15 - MAY 15, 1975

#### I. Applications for Eligible Lists

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- C. The Director of the Boston State College Program of Continuing Education agreed to arrange student-teaching this summer for any minority applicant who has the Education courses required for Massachusetts Teachers Certification and writes him to request the student-teaching.

#### II. Recruitment

- A. The School Committee assigned two teachers to Minority Recruitment.
- B. School Committee authorization for two recruiting trips, to Maryland and Washington, D. C. has been requested.
- C. Additional sources of minority teacher applicants in Special Education have been sought by telephone and correspondence, from
  - 1. American Speech and Hearing Association
  - 2. Council of Exceptional Children, Chairman of Committee on Minority Teachers.

#### III. Counseling

- A. 52 black applicants received in the central office information on certification procedures, the Eligible List, registration in the Department of Teacher Placement.
- B. 3 black provisional teachers were given support service in the schools.

#### IV. Contacts with Social Agencies

- A. Met with key black social workers at Y. M. C. A., Boston
- B. Attended annual dinner meeting of Cambridge Y. W. C. A., which is reserving rooms for our use in early September.
- C. Met with B. E. A. M.

#### V. Funding - Prepared Progress Report due May 10, 1975 on Chapter 636, Sec. 1, Equal Education Improvement Fund.



A. Projected Number of Teaching Vacancies in Various Categories

At this time it is not possible to project a number of teaching vacancies. This step must await analysis of the Phase II Plan and the assignment of pupils to specific school facilities. At the secondary level, pupil selection of program is an essential ingredient in the determination of staff requirements.

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COPY

U.S. DISTRICT COURT  
DISTRICT OF MASS

MAY 14 10 11 AM '75

FILED  
CLERK'S OFFICE



## APPENDIX A

### SUMMARY OF APPLICATIONS AND INTERVIEW ACTIVITIES

OF BLACK APPLICANTS, APRIL 15 - MAY 15, 1975

#### I. Applications for Eligible Lists

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- B. 124 provisional minority teachers not on an Eligible List were mailed a Memorandum with directions for registering at Educational Testing Service and in Boston's Department of Teacher Placement. Enclosures included Circular 1-A, Application for Massachusetts Teacher Certification, a flier on courses at Boston State College, Summer Sessions I and II. The Form of Reply included a request for a scheduled appointment with Mr. Brown.
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COPY

FILED  
- CIVIL OFFICE  
MAY 14 10 11 AM '75  
U.S. DISTRICT COURT  
DISTRICT OF MASS.



## APPENDIX A

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#### OF BLACK APPLICANTS, APRIL 15 - MAY 15, 1975

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The hiring process must await the completion of A and B above.

COPY

FILED  
OFFICE  
MAY 14 10 11 AM '75  
U.S. DISTRICT COURT  
DISTRICT OF MASS



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- C. Met with B. E. A. M.

#### V. Funding - Prepared Progress Report due May 10, 1975 on Chapter 636, Sec. 1, Equal Education Improvement Fund.



# Boston Police

154 Berkeley Street  
Boston, Massachusetts 02116  
617-536-6700 Emergency 911

FILED  
MAY 14 10 10 AM '75  
May 12, 1975

U. S. DISTRICT COURT  
DISTRICT OF MASS

DOCKETED

MEMO TO: THE POLICE COMMISSIONER  
FROM: THE SUPERINTENDENT IN CHIEF  
SUBJECT: DEPLOYMENT OF POLICE FOR SOUTH BOSTON

SIR:

LISTED BELOW, PER MEMO REQUEST DATED JANUARY 7, 1975,  
IS A BREAKDOWN OF POLICE OFFICERS AT SOUTH BOSTON FOR THE SCHOOL

DESEGREGATION PROGRAM: Friday May 9, 1975  
BOSTON

SOUTH BOSTON HIGH SCHOOL  
(INSIDE)

20

STATE

139

MDC

14

SOUTH BOSTON AREA

25

161

30

MOTORCYCLES

22AM 33

11M

13

MCOUNTED

TOTALS

78

300

57

TT..... 435

JOSEPH M. JORDAN  
SUPERINTENDENT IN CHIEF  
BUREAU OF FIELD SERVICES

902 902

RECEIVED.

DATE:

R-864



# Boston Police

154 Berkeley Street  
Boston, Massachusetts 02116  
617-536-6700 Emergency 911

May 12, 1975

MAY 14 10 10 AM '75

U.S. DISTRICT COURT  
DISTRICT OF MASS

DOCKETED

MEMO TO: THE POLICE COMMISSIONER  
FROM: THE SUPERINTENDENT IN CHIEF  
SUBJECT: DEPLOYMENT OF POLICE FOR SOUTH BOSTON

SIR:

LISTED BELOW, PER MEMO REQUEST DATED JANUARY 7, 1975,  
IS A BREAKDOWN OF POLICE OFFICERS AT SOUTH BOSTON FOR THE SCHOOL  
DESEGREGATION PROGRAM: Monday May 12, 1975

	BOSTON	STATE	MDC
<u>SOUTH BOSTON HIGH SCHOOL</u> (INSIDE)	<u>21</u>	<u>134</u>	<u>8</u>
<u>SOUTH BOSTON AREA</u>	<u>65</u>	<u>166</u>	<u>87</u>
<u>MOTORCYCLES</u>	20AM <u>34</u> 14PM	<u>          </u>	<u>6</u>
<u>MOUNTED</u>	<u>          </u>	<u>          </u>	<u>          </u>
TOTALS	120	300	101
TT.....	521		

*Joseph M. Jordan*

JOSEPH M. JORDAN  
SUPERINTENDENT IN CHIEF  
BUREAU OF FIELD SERVICES

RECEIVED. \_\_\_\_\_

DATE: \_\_\_\_\_



UNITED STATES DISTRICT COURT  
for the  
DISTRICT OF MASSACHUSETTS

-----  
TALLULAH MORGAN, et al.,                     )  
  )  
  Plaintiffs    )    C.A. 72-911-G  
  )  
  v.                )  
  )  
JOHN J. KERRIGAN, et al.,                    )  
  )  
  Defendants     )  
-----

ORDER TO SHOW CAUSE

Based upon Plaintiffs' Motion for Leave to Take Depositions and for an Order to Show Cause, it is hereby ORDERED:

1. Rita Graul and Virginia Sheehy shall appear before the Court at 10:00 A.M. on May 12, 1975, in courtroom 5 and show cause, if any they have, why plaintiffs' counsel should not be permitted to take their depositions commencing at 10:00 A.M. May 14, 1975 at the offices of Foley, Hoag & Eliot, 10 Post Office Square, Boston.

2. A hearing shall be held on plaintiffs' motion in said courtroom starting at 10:00 A.M. on Monday, May 12, 1975.

3. The Marshall shall forthwith serve copies of plaintiffs' motion and this order on Rita Graul, 7 Grimes Avenue, South Boston and Virginia Sheehy, 11 Grimes Avenue, South Boston.

W. Arthur Laverty Jr.  
U.S. District Judge

May 10, 1975

A TRUE COPY ATTEST:  
George F. McGrath, Clerk  
U. S. District Court  
Dist. of Massachusetts

Stephen A. Mayhew  
Deputy Clerk

909

R-865



903

DOCKETED

FILED  
F.D. OFFICE  
MAY 14 4 14 PM '75  
U.S. DISTRICT COURT  
DISTRICT OF MASS

Received this order on 5-10-75 & on 5-10-75  
Served the with named Rita Grout at 7 GRIMES AVENUE  
South Boston At 7:00 pm

Emory Haddad  
Deputy U.S. Marshal



UNITED STATES DISTRICT COURT  
for the  
DISTRICT OF MASSACHUSETTS

COPY

-----  
TALLULAH MORGAN, et al.,  
Plaintiffs  
v.  
JOHN J. KERRIGAN, et al.,  
Defendants  
-----

C.A. 72-911-G

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2. A hearing shall be held on plaintiffs' motion in said courtroom starting at 10:00 A.M. on Monday, May 12, 1975.

3. The Marshall shall forthwith serve copies of plaintiffs' motion and this order on Rita Graul, 7 Grimes Avenue, South Boston and Virginia Sheehy, 11 Grimes Avenue, South Boston.

W. Arthur Laverty Jr.  
U.S. District Judge

May 10, 1975

A TRUE COPY ATTEST:

George F. McGrath, Clerk  
U. S. District Court  
Dist. of Massachusetts

By

Stephen A. Moynahan Jr.  
Deputy Clerk  
STEPHEN A. MOYNAHAN, JR.

R865



903

Received this order on May 10, 1975 and on May 10, 1975 at 6:00 pm. I served this order on Virginia Sheehy or 11 Grimes Avenue, South Boston.

*Richard H. Bigelow*  
Richard H. Bigelow  
Deputy U.S. Marshal

DOCKETED

FILED  
OFFICE  
MAY 14 4 14 PM '75  
U.S. DISTRICT COURT  
DISTRICT OF MASS

STEFAN W. HANCOCK, JR.



mmp

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

TALLULAH MORGAN, et al  
PLAINTIFFS

CLAIM OF APPEAL AND  
REQUEST FOR A STAY

v

JOHN KERRIGAN, et al  
DEFENDANTS

No. 72-911-G

**DOCKETED**

Now come Rita Graul and Virginia Sheehy and  
being aggrieved by the ruling of this Court allowing them to be  
deposed claim an appeal to the Court of Appeals and respectfully  
request that this order be stayed pending the appeal.

By their attorney,

*Robert Emmet Dinsmore*

ROBERT EMMET DINSMORE  
31 St. James Avenue  
Boston, Ma. 02116

**DOCKETED**

5/14/75

Denied because wholly interlocutory.  
Garrity, J.

908

R-866



904

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

TALLULAH MORGAN, et al  
PLAINTIFFS

CLAIM OF APPEAL AND REQUEST  
FOR A STAY

v

No. 72-911-G

JOHN KERRIGAN, et al  
DEFENDANTS

From the office of:

Robert Emmet Dinsmore, Esq.  
31 St. James Avenue  
Boston, Ma.02116  
482-4406



UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

TALLULAH MORGAN ET AL.,	)	
Plaintiffs,	)	
	)	CIVIL ACTION
v.	)	NO. 72-911-G
	)	
JOHN J. KERRIGAN ET AL.,	)	
Defendants.)	)	

ORDER ON PLAINTIFFS' MOTION  
FOR LEAVE TO TAKE DEPOSITIONS

May 14, 1975

GARRITY, J. After hearing, and for reasons dictated to the court reporter at the conclusion of the hearing, plaintiffs' motion is allowed to the extent that Rita Graul and Virginia Sheehy are hereby ordered to appear for the taking of their depositions at the offices of Foley, Hoag & Eliot, 10 Post Office Square, Boston, within one week, the precise date and time to be agreed upon by counsel. Whether part (d) of plaintiffs' motion will be acted upon is reserved for future decision and will depend in large measure on the outcome of the depositions herein ordered.

W. Arthur Garrity, Jr.  
United States District Judge

DOCKETED

205

R-867



# Boston Police

MAY 15 9 21 AM '75

U.S. DISTRICT COURT  
DISTRICT OF MASS.  
BOSTON, MASS. 02116  
617-536-6700 Emergency 911

May 13, 1975

**DOCKETED**

MEMO TO: THE POLICE COMMISSIONER  
FROM: THE SUPERINTENDENT IN CHIEF  
SUBJECT: DEPLOYMENT OF POLICE FOR SOUTH BOSTON

SIR:

LISTED BELOW, PER MEMO REQUEST DATED JANUARY 7, 1975,  
IS A BREAKDOWN OF POLICE OFFICERS AT SOUTH BOSTON FOR THE SCHOOL  
DESEGREGATION PROGRAM: Tuesday May 13, 1975

	BOSTON	STATE	MDC
<u>SOUTH BOSTON HIGH SCHOOL</u> (INSIDE)	<u>19</u>	<u>135</u>	<u>8</u>
<u>SOUTH BOSTON AREA</u>	<u>27</u>	<u>165</u>	<u>88</u>
<u>MOTORCYCLES</u>	22AM 33 11PM		<u>5</u>
<u>MCOUNTED</u>			
TOTALS	79	300	101

TT.... 480

*Joseph M. Jordan*

JOSEPH M. JORDAN  
SUPERINTENDENT IN CHIEF  
BUREAU OF FIELD SERVICES

806

2868



Judge Arthur W. Garrity  
Federal District Court

FILED  
CLERK'S OFFICE  
MAY 15 9 22 AM '75  
U. S. DISTRICT COURT  
DISTRICT OF MASS

DOCKETED

Your Honor,

Several weeks ago I wrote to you re my holding a position of Transitional Aide at the Andrew School, South Boston. I told you that this job was the means of my subsistence. Not long after, we learned that the Andrew was to remain open.

This certainly was great news as the staff worked very hard this year to make it an on-going educational success. Programs for educational needs of all students are implemented at the Andrew.

There has been wonderful cooperation between Administration, Faculty <sup>&</sup> parents, thus leading to the confidence of both parents <sup>&</sup> children.

Granted, the building is old; however, great improvements have been made this year to the tune of many, many, tax payers dollars. These renovations have added to the safety <sup>&</sup> convenience of the students.

It would certainly be a terrible shame, Your Honor, not to have this building utilized, as it has been, so successfully in Phase I. Now that we have been a successful pilot program for this area; we would like, <sup>&</sup> firmly believe, that we should continue making our contribution for the success of Phase II. You can make this possible!

Sincerely <sup>&</sup> respectfully yours,  
Sister Agnes Madden

5/13/75

908 907

R-869



Sister Agnes Madden  
97 So. Walnut Street  
Quincy, Ma. 02169



Honorable St. Arthur Garrity  
Federal District Court  
1525 Post Office Building  
Boston, Massachusetts



# Boston Police

154 Berkeley Street  
Boston, Massachusetts 02116  
617-536-6700 Emergency 911

May 14, 1975  
MA 15 9 24 AM '75  
OFFICE

U.S. DISTRICT COURT  
DISTRICT OF MASS

**DOCKETED**

MEMO TO: THE POLICE COMMISSIONER  
FROM: THE SUPERINTENDENT IN CHIEF  
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SIR:

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IS A BREAKDOWN OF POLICE OFFICERS AT SOUTH BOSTON FOR THE SCHOOL  
DESEGREGATION PROGRAM: Wednesday May 14, 1975

	BOSTON	STATE	MDC
<u>SOUTH BOSTON HIGH SCHOOL</u> (INSIDE)	<u>21</u>	<u>140</u>	<u>8</u>
<u>SOUTH BOSTON AREA</u>	<u>26</u>	<u>158</u>	<u>89</u>
<u>MOTORCYCLES</u> 22AM 11PM	<u>33</u>	<u>      </u>	<u>4</u>
<u>MOUNTED</u>	<u>      </u>	<u>      </u>	<u>      </u>
Totals	80	298	101

TT..... 479

*Joseph M. Jordan*

JOSEPH M. JORDAN  
SUPERINTENDENT IN CHIEF  
BUREAU OF FIELD SERVICES

RECEIVED.

DATE:

A-870  
A-869



Masters + Experts  
MS re

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

TALLULAH MORGAN, ET AL., )  
Plaintiffs )

V. )

JOHN J. KERRIGAN, ET AL., )  
Defendants )

CIVIL ACTION NO. 72-911-G

DOCKETED

U.S. DISTRICT COURT  
DISTRICT OF MASS

MAY 16 2 42 PM '75

FILED  
CLERK

DEFENDANT SCHOOL COMMITTEE'S MOTION  
FOR CLARIFICATION OF EXPERTS' ROLE

The Defendant School Committee hereby moves the Court for a clarification of the function and authority of the Court-appointed experts, Robert Dentler and Marvin Scott, in the implementation of the Court's Student Desegregation Plan, entered May 10, 1975, and assigns as grounds therefor the following:

1. On January 31, 1975, the Court entered an Order Appointing Experts wherein the Court stated that Messrs. Dentler and Scott:

"will assist the Court and...masters...in evaluating student desegregation plans...and in formulating a plan. [They] are authorized to consult with the Court, its representatives ...masters...and, subject to any objections by the parties, employees and experts of the parties..." (emphasis added).

209 909

A871



At a hearing on April 15, 1975, the Court made clear that:

"when the court appointed the court-appointed experts, the order stated specifically that it was expected and appreciated if the experts of the parties would confer with the court-appointed experts." (tr. 4/15/75; p. 78; emphasis added).

Thus, as initially envisioned, the experts' role, vis a vis the parties' employees and experts, was consultative.

2. Again, in its Supplemental Order Regarding Master List of Students, entered April 9, 1975, the Court ordered the city defendants to:

"make available to the Court-appointed experts the materials and facilities of the Educational Planning Center and Data Processing Center and the assistance of the staffs in these centers for the purpose of enabling the Court-appointed experts to re-examine district boundaries contained in the Masters' Report on the basis of geocodes and to test modified and alternative boundaries on the basis of geocodes." (emphasis added).

In construing this order the Court stated:

"The whole point to that order - and it says that they should have access, that is, Deans Dentler and Scott should have access to the facilities and materials, and then it said staff, and that word was put in deliberately." (tr. 4/15/75, p. 79; emphasis added).

3. The Court, at a hearing on April 10, 1975, expressly assured the Defendant School Committee that the latter's statutory authority to



administer the schools would not be impinged:

"The filings, the brief by the School Committee spoke about these - you know, the paternal attitude of the academicians over in their ivory tower, and all that sort of thing. Well, I think that that view could be changed, especially with the Court's assurances that it plans not to order anything that it doesn't have the absolute power to order, and after assurances from all sides that no one is trying to usurp the powers of the School Committee." (tr. 4/10/75, p. 29; emphasis added).

4. Despite these assurances the Court, in its Student Desegregation Plan, entered May 10, 1975, states at p. 70:

"Assignments [of students] shall be made by a staff unit designated by the Superintendent under the supervision of Court representatives." (emphasis added);

and at p. 74:

"Admissions and assignments shall be made under the supervision of representatives of the Court and will be reviewed by the Court." (emphasis added).

By ordering the Superintendent to designate a "staff unit" responsible for student assignment, the crux of the desegregation process, and by further mandating that such a staff unit will be supervised by Messrs. Dentler and Scott, the Court has clearly wrested from the Defendant School Committee its statutory authority to administer the school system.



M.G.L. c. 71 §37 provides that a School Committee "shall have general charge of all the public schools."

M.G.L. c. 71 §59 specifically provides that:

"The School Committee...shall employ a superintendent of schools...A superintendent...shall be the executive officer of the committee, and under its general direction, shall have the care and supervision of the public schools..."

Chapter 150 of the Acts of 1970 provides that:

"The School Committee of the city of Boston shall, in the year nineteen hundred and seventy-two and in every third year thereafter, elect a superintendent of schools.

\* \* \*

The Superintendent of schools shall be the executive officer of the School Committee in all matters pertaining to the powers and duties of the School Committee." (emphasis added).

The Supreme Judicial Court has stated, in construing M.G.L. c. 71 §§ 37 and 59, that:

"[T]he legislature has placed the final power as to the management of schools in the School Committee while the School Committee may always seek the superintendent's advice... still the power rests with the School Committee... Although [the superintendent's] duties are highly important, they do not with respect to essential features of school management override the authority of the School Committee..."



[T]he ultimate responsibility and finality as to choice rests with the School Committee. It may act on its own sound judgment as to what is required by the public welfare, and contrary to advice from any source, even from the superintendent of schools. It is still the master and not the servant." Russell v. Gannon, 281 Mass. 398, 401 (1933).

Under the Court's Order of May 10, the Superintendent becomes the master, not the servant, in his relationship to the School Committee, but as to the Court-appointed experts he reverts to his position as servant. If, then, the Superintendent is the servant of the Court-appointed experts and the master of the School Committee, it necessarily follows that the Defendant School Committee is the servant of the Court-appointed experts under the Court's plan.

Clearly this is contrary to the assurances given as recently as the hearing on May 14, 1975, when the Court, in substance, reiterated its position concerning the preservation of the integrity of the Defendant School Committee's powers and authority.

5. Apparently interpreting the two above-quoted portions of the Student Desegregation Plan as vesting them with overall authority to govern the Boston School Department through September, Messrs. Dentler and Scott sent a letter and timetable to Superintendent Leary, dated May 12, 1975, (copies of which are attached hereto and marked "A"), wherein they state:



"Attached is a Timetable of the work we will supervise between May 12 and July 11... July 11 through August will be devised next week."

"We need from you, in writing, immediate designation of the person authorized to conduct assignment and related business under our supervision." (emphasis added).

6. In what, at this point, can only be characterized as an inflated view of their own authority, Messrs. Dentler and Scott obviously consider the facilities and staff of the School Department as now under their personal control. That such is the case is evident simply from the definition of supervise: "superintend, oversee," Websters New Collegiate Dictionary, 1st Edition.

If the experts' function is to direct or oversee the desegregation process, then they are, in fact, usurping the powers of the Defendant School Committee, because it is the School Committee, through the Superintendent, that directs or oversees the School Department. If, on the other hand, the experts' role consists of observing and evaluating the School Department's efforts, having access to its facilities and consulting with its employees, as originally ordered and anticipated by the Court, then the experts have overstepped the bounds on their authority.

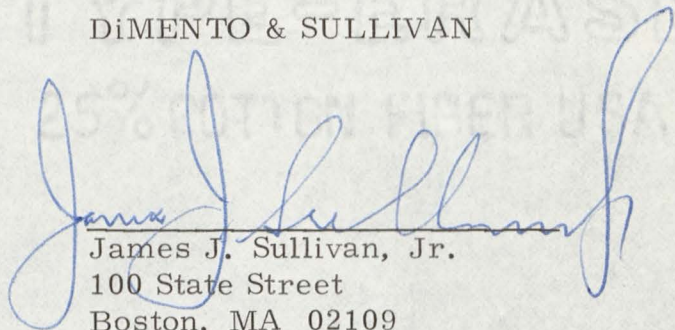
It is, then, the scope of the experts' authority and the precise



nature of their function in the desegregation process which the  
Defendant School Committee hereby requests the Court to  
clarify.

By Its Attorneys,

DiMENTO & SULLIVAN

A large, stylized handwritten signature in blue ink, which appears to read "James J. Sullivan, Jr.", is written over the printed name and address.

James J. Sullivan, Jr.  
100 State Street  
Boston, MA 02109  
Telephone: 523-5253

Dated: May 16, 1975



# Boston University

School of Education  
765 Commonwealth Avenue  
Boston, Massachusetts 02215

SUPERINTENDENT OF SCHOOLS  
BOSTON

MAY 12 3 40 PM '75

Office of the Dean

May 12, 1975

Dr. William J. Leary  
Superintendent,  
Boston Public Schools  
11 Beacon Street  
Boston, Mass. 02108

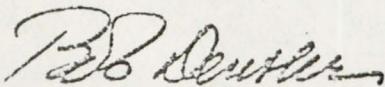
Dear Bill,

Attached is a Timetable of the work we will supervise between May 12 and July 11. Appended are other later dates worth noting later on. July 11 through August will be devised next week.

We need from you, in writing, immediate designation of the person authorized to conduct assignment and related business under our supervision. It might be you personally, an associate superintendent, or someone else of your choosing, but for our purposes it might be someone able to execute the tasks authoritatively, on schedule, and effectively.

While your schedule did not afford a meeting time today, as we had hoped, tomorrow is crucial. This letter and the Timetable will give you a bit of lead time.

Sincerely,



Robert A. Dentler  
and



Marvin B. Scott  
Court-Appointed Experts

RAD/MBS/ndh  
Encls.

A



Dentler - Scott Timetable, May 12 - Sept. 8, 1975

May

12. Confer w/Leary. Name Assignment & Planning Head. Share Schedule.
16. Review Copy for Booklet. File Progress Letter w/Garrity.
19. Receive Print-ready Copy of Booklet at Court.
23. Identify & record Middle Schools for Dorchester & Madison Park. File Progress Letter w/Garrity.
27. Review Assignment Plans for K1 & K2, Bilinguals, Special Needs, Voc Students.
30. File Progress Letter w/Garrity. Include notes on completion arrangements for 100 Arlington.

June

6. Review Applications. Plan Assignment Operation. File Progress Letter w/Garrity.
10. Review Assignment Operations.
13. Review Assignment operations. File Progress Letter w/Garrity.
16. Review Assignment Operations.
20. Receive Assignment results at Court. File Progress Letter w/Garrity.
23. Review Special Needs schools. Receive report on facility conversions, upgradings, closings. Also Transport.
27. Review Exam School, E. Boston & Charlestown Voc recruitment progress - File Progress Letter w/Garrity.

July

1. Review Transportation & Staff Assignment Plans.
4. File Progress Letter w/Garrity.
7. Receive Transportation Plan at Court. Review Plans for Notifying Parents, Students. Review Formation of District Offices.
11. Re-examine status of student & staff assignments, controlled transfer operations. File Progress Letter w/Garrity.



July 1, 1976 p.2. Principals appointed

McKinley p.13 August 1.

Temp Madison Park, p.61 100 Arlington get ready

Voc Ed review on August 1. p.70

Voc Ed plan. Sept. 8, p.70



CERTIFICATE OF SERVICE

I, JAMES S. SULLIVAN, JR., hereby certify that I have this day served the attached document upon the parties by causing to be delivered in hand or by causing to be mailed, postage prepaid, a copy thereof to counsel of record:

Richard W. Coleman, Esquire  
Segal, Roitman & Coleman  
11 Beacon Street  
Boston, MA 02108

Thayer Fremont-Smith, Esquire  
Choate, Hall & Stewart  
28 State Street  
Boston, MA 02109

Herbert P. Gleason, Esquire  
Corporation Counsel  
City Law Department  
Room 615  
City Hall  
Boston, MA 02201

Ms. Silke M. Hansen  
Education Specialist  
Community Relations Service  
Room 1304  
150 Causeway Street  
Boston, MA 02114

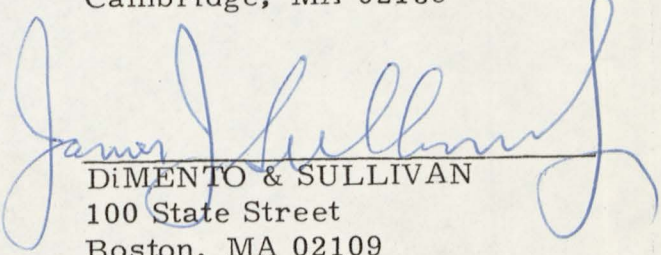
Dated:

John D. Leubsdorf, Esquire  
Foley, Hoag, Eliot  
Ten Post Office Square  
Boston, MA 02109

Sandra L. Lynch, Esquire  
Legal Office  
Massachusetts Department of  
Education  
182 Tremont Street  
Boston, MA 02111

John F. McMahon, Esquire  
Angoff, Goldman, Manning, Pyle &  
Wanger  
44 School Street  
Boston, MA 02109

Jeanne Mirer, Esquire  
Massachusetts Chapter  
National Lawyers Guild  
595 Massachusetts Avenue  
Cambridge, MA 02139

  
DIMENTO & SULLIVAN  
100 State Street  
Boston, MA 02109  
Telephone: 523-5253



parties

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MAY 16 3 30 PM  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

DOCKETED

Thayer Frank - Lmto

210

A-872



CERTIFICATE OF SERVICE

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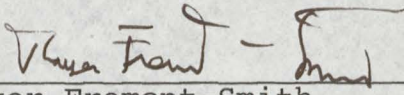
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Cambridge, Mass. 02138

Richard Hiller, Esq.  
Puerto Rican Legal Defense  
& Education Fund, Inc.  
95 Madison Ave.  
New York, New York 10016

~~April~~ <sup>May</sup> 16, 1975

  
Thayer Fremont-Smith  
Choate, Hall & Stewart  
28 State Street  
Boston, Massachusetts 02109  
227-5020



UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF MASSACHUSETTS

TALLULAH MORGAN, et al., )  
)  
Plaintiffs, )  
)  
v. )  
)  
JOHN J. KERRIGAN, et al., )  
)  
Defendants. )

CIVIL ACTION  
NO. 72-911-G

FILED  
FBI OFFICE  
MAY 16 3 30 PM '75  
U.S. DISTRICT COURT  
DISTRICT OF MASS

## NOTICE TO TAKE DEPOSITIONS

Please take notice that the Boston Home and School Association will take the depositions upon oral examination of Joseph Carey, Robert Murray and John Coakley, of the Educational Planning Center of the Boston School Department, before a disinterested and duly qualified notary public, in the office of Thayer Fremont-Smith, Choate, Hall & Stewart, 28 State Street, Boston, Massachusetts, commencing at 10 a.m., Tuesday, May 20, 1975.

Thayer Fremont-Smith  
CHOATE, HALL & STEWART  
28 State Street  
Boston, Massachusetts 02109  
227-5020



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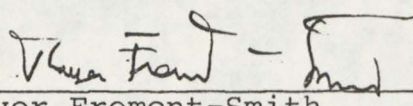
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MAY 16 3 30 PM '75

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS  
U.S. DISTRICT COURT  
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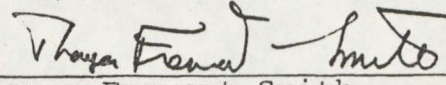
COPY

TALLULAH MORGAN, et al., )  
)  
Plaintiffs, )  
)  
v. )  
)  
JOHN J. KERRIGAN, et al., )  
)  
Defendants. )

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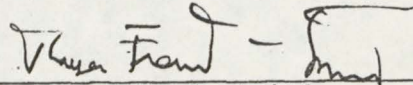
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May  
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UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF MASSACHUSETTS

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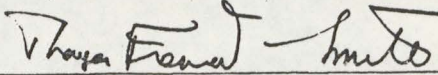
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COPY

TALLULAH MORGAN, et al., )  
                                  )   
                  Plaintiffs, )   
                                  )   
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                                  ) NO. 72-911-G   
JOHN J. KERRIGAN, et al., )   
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28 State Street  
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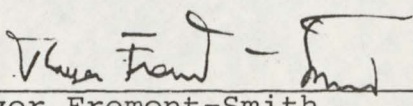
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New York, New York 10016

*may*  
April 16, 1975

  
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28 State Street  
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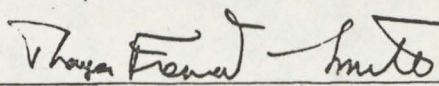
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                                  ) NO. 72-911-G  
JOHN J. KERRIGAN, et al., )  
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\_\_\_\_\_  
Thayer Fremont-Smith  
CHOATE, HALL & STEWART  
28 State Street  
Boston, Massachusetts 02109  
227-5020



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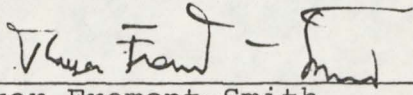
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May  
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IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
CLERK'S OFFICE  
MAY 19 10 48 AM '75  
U.S. DISTRICT COURT  
DISTRICT OF MASS

**DOCKETED**

TALLULAH MORGAN, ET AL.,	)	
Plaintiffs,	)	
	)	
v.	)	CIVIL ACTION
	)	No. 72-911-G
JOHN KERRIGAN, ET AL.,	)	
Defendants.	)	
_____	)	

NOTICE TO TAKE DEPOSITIONS

TO: Mrs. Rita Graul  
Mrs. Virginia Sheehy  
c/o Robert Dinsmore, Esq.  
31 St. James Avenue  
Boston, MA. 02116

Please take notice that on Friday, May 23, 1975, at 12:30 p.m. in the offices of Foley, Hoag and Eliot, 10 Post Office Square, Boston, MA., plaintiffs will take the depositions, upon oral examination, of first Mrs. Rita Graul and then Mrs. Virginia Sheehy, pursuant to Rules 26 and 30 of the Federal Rules of Civil Procedure, for the purpose of discovery or as evidence in this action or both.

*Robert Pressman*

Robert Pressman  
Center for Law and Education  
Larsen Hall - 14 Appian Way  
Cambridge, MA. 02138  
495-4666

May 16, 1975

917

R-873



CERTIFICATE OF SERVICE

I hereby certify that on this day I served the foregoing Notice to Take Depositions, by mail, postage prepaid, on the following counsel:

Sandra Lynch, Esq.  
General Counsel of State  
Board of Education  
182 Tremont Street  
Boston, Massachusetts 02111

Richard Coleman, Esq.  
Segal, Roitman & Coleman  
11 Beacon Street  
Boston, Massachusetts 02108

Kevin Maloney, Esq.  
City Law Department  
City Hall  
Boston, Massachusetts 02201

James Sullivan, Jr., Esq.  
DiMento & Sullivan  
100 State Street  
Boston, Massachusetts 02109

Richard Hiller, Esq.  
Puerto Rican Legal Defense Fund  
815 Second Avenue  
New York, New York 10016

Timothy J. W. Wise, Esq.  
Assistant Attorney General  
131 Tremont Street  
Boston, Massachusetts

Jeanne Mirer, Esq.  
Massachusetts Chapter of the  
National Lawyers Guild  
595 Massachusetts Avenue  
Cambridge, Massachusetts 02138

Thayer Fremont-Smith, Esq.  
Choate, Hall & Stewart  
28 State Street  
Boston, Massachusetts 02109

John F. McMahon, Esq.  
Angoff, Goldman, Manning,  
Pyle & Wanger  
44 School Street  
Boston, Massachusetts 02108

Ms. Silke Hansen  
Community Relations Service  
Room 130  
150 Causeway Street  
Boston, Massachusetts 02114

Robert Dinsmore, Esq.  
31 St. James Avenue  
Boston, MA. 02116

Robert Pressman  
Attorney for Plaintiffs

Dated: May 16, 1975



*Current Agendas*

HENRY E. FOLEY  
GARRETT S. HOAG  
LEWIS H. WEINSTEIN  
FERNAND A. BOUDREAU  
CLARENCE I. PETERSON  
HERBERT L. BERMAN  
HANS F. LOESER  
JEROME PRESTON, JR.  
H. KENNETH FISH  
LAURENCE S. FORDHAM  
LOYD M. STARRETT  
DAVID L. WELTMAN  
VERNE W. VANCE, JR.  
NORMAN H. WOLFE  
HANSON S. REYNOLDS  
DAVID B. ELLIS  
DAVID W. WALKER

MARK F. CLARK  
HENRY M. KELLEHER  
JOHN D. PATTERSON, JR.  
JOHN LEUBSDORF  
JAMES K. BROWN  
ROBERT L. BIRNBAUM  
WILLIAM J. CHEESEMAN  
CHRISTIAN M. HOFFMAN  
MICHAEL B. KEATING  
PETER B. ELLIS  
JOHN H. HENN  
BARRY B. WHITE  
LOUIS P. GEORGANTAS  
PHILIP BURLING  
JOHN M. STEVENS  
PETER WESTON COOGAN

# FOLEY, HOAG & ELIOT

10 POST OFFICE SQUARE  
BOSTON, MASSACHUSETTS 02109

TELEPHONE (617) 482-1390  
CABLE ADDRESS "FOLEYHOAG"  
TELEX 940693

JOHN DANIEL BALLBACH  
CHARLES J. BEARD  
DEBORAH B. BREZNAY  
DAVID J. BRODY  
RICHARD C. COYLE  
WILLARD L. ECKHARDT, JR.  
PETER A. FINE  
JEFFREY W. KAROL  
BRIAN W. LECLAIR  
PAUL V. LYONS  
ANDREW J. MCELANEY, JR.

JAMES F. MONAHAN  
JOAN MOSKOWITZ  
BRIAN J. O'ROURKE  
DAVID R. SCHAEFER  
HOWARD A. SCHULMAN  
SANDRA SHAPIRO  
SYLVIA C. SHAPIRO  
WILLIAM H. SIMON  
ARTHUR G. TELEGAN  
DEBORAH A. WILLARD

May 16, 1975

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OFFICE

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U.S. DISTRICT COURT  
DISTRICT OF MASS

DOCKETED

Stephen A. Moynahan, Jr., Esquire  
Clerk  
U. S. District Court  
1525 POCH  
Boston, Massachusetts 02109

Re: Morgan v. Kerrigan  
C. A. No. 72-411-G

Dear Mr. Moynahan:

I would appreciate your bringing to the Court's attention the following motions filed by plaintiffs which are awaiting decision. The Court suggested on Monday that a schedule for hearing these motions might be discussed on Wednesday, but there was no time at the Wednesday hearing to permit this.

1. Student discipline. Plaintiffs' Ninth Motion for Documentary Discovery (filed about March 12) seeks information concerning student suspensions; Plaintiffs' Motion for Further Relief Concerning Student Discipline, filed April 4, seeks relief in this area. Several oppositions (and a reply by plaintiffs) have been filed to the latter motion, and there have also been motions by defendants to quash deposition notices relating to student discipline, and to strike the appearance of Children's Defense Fund attorneys who are helping represent the plaintiffs in this part of the case. Plaintiffs suggest that these latter motions and oppositions, and the Ninth Motion for Documentary Discovery, should be passed on first, and that (if proceedings in this area are allowed) the Motion for Further Relief be argued after the results of discovery are available.

2. Teacher assignment and transfer. On March 24, Plaintiffs' Motion for Entry of Revised Draft Order on Teacher Assignment and Transfer was filed; an earlier draft order had been filed January 28, and before that memoranda had been filed in October and November 1974. The Boston Teachers Union has filed a brief opposing plaintiffs' motion, and plaintiffs have replied.

912

R-874



Stephen A. Moynahan, Jr., Esquire  
Page Two  
May 16, 1975

3. Attorney fees. On March 12, a Motion for Award of Attorneys' Fees and Disbursements was filed; the School Committee and Mayoral defendants have filed oppositions. In accordance with a proposal made in the Mayor's opposition, plaintiffs are willing to defer action on this motion until the parallel application for fees of Messrs. Flannery, Pressman and Van Loon is filed.

4. Administrators. On May 7, Plaintiffs' Motion for Entry of Draft Administrator Order was filed. The Boston Teachers Union has requested oral argument. Under local rule 12, oppositions are due on the coming Monday, May 19, so that the motion should then be ready for argument.

5. Approval of private schools by the School Committee. Plaintiffs' Tenth Motion for Documentary Discovery, and Motion for Other Discovery was filed on May 12, and should be ready for argument late next week.

Several motions of parties other than the plaintiffs are also, I believe, pending:

6. On February 6, 1975, a Motion of the Mayor to Modify Decree was filed. The plaintiffs and State defendants have filed oppositions, and the Mayor has been granted leave to file a reply on or before May 28.

7. The School Committee's Motion for a Stay of Order Pending Appeal of May 6, 1975, sought a stay of the Court's order providing for compensation of the Masters.

8. The Defendant School Committee's Motion for Clarification of Desegregation Financing was filed May 8.

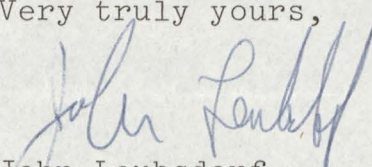
So far as plaintiffs are concerned, none of these matters should have priority over the remaining portions of the student assignment order, but we do urge that a schedule for considering them be set. Items 2 (teacher assignment), 4 (administrators) and 1 (student discipline) are important parts of the preparation for the coming school year. It would also be helpful for counsel to



Stephen A. Moynahan, Jr., Esquire  
Page Three  
May 16, 1975

know before the date of each hearing which items are to be heard, so that all counsel can be prepared.

Very truly yours,



John Leubsdorf

mda

cc: Counsel of Record



# Boston Police

FILED  
POLICE OFFICE  
154 Berkeley Street  
Boston, Massachusetts 02116  
MAY 19 10 37 AM '75  
617-530-6200 Emergency 911  
U.S. DISTRICT COURT  
DISTRICT OF MASS

MEMO TO: THE POLICE COMMISSIONER  
FROM: THE SUPERINTENDENT IN CHIEF  
SUBJECT: DEPLOYMENT OF POLICE FOR SOUTH BOSTON  
SIR:

DOCKETED

LISTED BELOW, PER MEMO REQUEST DATED JANUARY 7, 1975,  
IS A BREAKDOWN OF POLICE OFFICERS AT SOUTH BOSTON FOR THE SCHOOL  
DESEGREGATION PROGRAM: Thursday May 15, 1975

	BOSTON	STATE	MDC
<u>SOUTH BOSTON HIGH SCHOOL</u> (INSIDE)	<u>22</u>	<u>143</u>	<u>8</u>
<u>SOUTH BOSTON AREA</u>	<u>25</u>	<u>157</u>	<u>88</u>
<u>MOTORCYCLES</u>	<u>32</u>	<u>      </u>	<u>5</u>
<u>HOUSED</u>	<u>      </u>	<u>      </u>	<u>      </u>
TOTALS	79	300	101

TT... 480

*Joseph M. Jordan*

JOSEPH M. JORDAN  
SUPERINTENDENT IN CHIEF  
BUREAU OF FIELD SERVICES

*913*

RECEIVED.

DATE:

A-875



CITY OF BOSTON

FILED  
RECORDS OFFICE



HERBERT P. GLEASON  
Corporation Counsel

MAY 19 12 04 PM '75

LAW DEPARTMENT

U.S. DISTRICT COURT  
DISTRICT OF MASS

**DOCKETED**

CITY HALL  
BOSTON, MASSACHUSETTS 02201  
722-4100

May 19, 1975

The Honorable W. Arthur Garrity, Jr.  
U.S. District Court Judge  
U.S.C.H. & P.O.  
Post Office Square  
Boston, Massachusetts 02109

Re: Morgan v. Kerrigan, C.A. 72-911-G

Dear Judge Garrity:

As requested by Mr. Martin Walsh of the Community Relations Service, this letter is to provide you with prior notice of planned reductions in police deployment.

Barring some new development or an order or request of the Court to the contrary, the State Secretary of Public Safety and the State Commissioner of Public Safety will remove the 100 troopers back-up force from South Boston on Tuesday, May 20, 1975. In addition, another 100 troopers will be removed from South Boston High School on Wednesday, May 21, 1975.

I am advised, however, that the State Police commitment of 300 troopers remains unchanged and that the officers will be restored, if needed, immediately upon notice.

Also, in line with the reduction in student attendance as a result of the termination of classes for seniors, the Boston Police

PARSONS

25% COTTON

Bond

914

R-878



The Honorable W. Arthur Garrity, Jr.

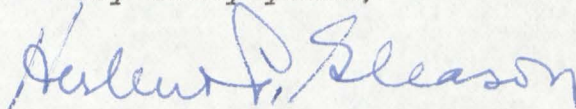
Page 2

May 19, 1975

Department will reduce its deployment at Hyde Park High School by 50 officers effective Tuesday, May 20, 1975.

I am advised that all of the above-mentioned reductions have been approved by Superintendent of Schools William Leary.

Very truly yours,



Herbert P. Gleason  
Corporation Counsel

HPG/mlt

cc John D. Leubsdorf, Esq.

Ms. Silke Hansen

James J. Sullivan, Esq.

Sandra L. Lynch, Esq.

John F. McMahon, Esq.

Thayer Fremont-Smith, Esq.

A-B DICK BOND  
COTTON CONTENT



mmp

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
CLERK'S OFFICE

MAY 19 3 09 PM '75

U.S. DISTRICT COURT  
DISTRICT OF MASS

TALLULAH MORGAN, et al  
PLAINTIFFS

MOTION FOR HEARING

v

**DOCKETED**

No. C.A. 72-911-G

JOHN J. KERRIGAN, et al  
DEFENDANTS

Now come the Petitioners, Rita Graul and Virginia Sheehy,  
and respectfully request this Honorable Court mark the following  
motions for hearing:

Motion to Quash on Behalf of Rita Graul and Virginia  
Sheehy.


Petitioners' Motion for Statement under 28 USC 1292  
(4) (b) in the Event Petitioners' Motion to Quash is Denied

Petitioners' Motion to Court Requesting Action by Court  
Be Taken Under Rule 36

Petitioners' Motion to Depose

Petitioners request this Honorable Court mark the above  
motions for an immediate hearing and respectfully suggest the  
dates of either May 21, 1975, or May 22, 1975, at 2:00 p.m.

By their attorney,

  
ROBERT EMMET DINSMORE  
31 St. James Avenue  
Boston, Ma. 02116

MMB 915

R-879



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UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

TALLULAH MORGAN, et al  
PLAINTIFFS

MOTION FOR HEARING

v

C.A. 72-911-G

JOHN J. KERRIGAN, et al  
DEFENDANTS

From the office of:

ROBERT EMMET DINSMORE, ESQ.

31 St. James Avenue

Boston, Ma. 02116

482-4406