

Boston Divided:
Representations and Perceptions of Judge Garrity and Morgan v. Hennigan

by

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Author's Declaration

I hereby declare that I am the sole author of this thesis. This is a true copy of the thesis, including any required final revisions, as accepted by my examiners.

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Abstract

In 1974 Boston, Massachusetts was forced to confront its civil rights violations. In the case of *Morgan v. Hennigan*, Judge W. Arthur Garrity Jr. found the city of Boston guilty of intentionally segregating its public schools and ordered Boston to bus students to achieve integration. When busing commenced in the fall of 1974, Boston was a city divided. The citizens of Boston were divided into two main groups: the opponents and supporters but there was no uniform consensus in either group. This study will argue that the motivations for support or opposition were multi-faceted. Those who supported busing had varied reasons for their support and those who opposed busing had varied reasons for their opposition. Through the examination of local and national newspapers and letters of public opinion this work elucidates how Judge Garrity and the *Morgan v. Hennigan* decision were represented and perceived throughout the city.

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To my father Gary

*“Say not in grief ‘he is no more’
but live in thankfulness that he was”*

Table of Contents

Introduction	1
Chapter 1: Profile of America in 1974	11
Chapter 2: Legal History of Segregation	20
Chapter 3: Representations of Judge Garrity and his Decision in the Media	33
Chapter 4: Public Perceptions of Judge Garrity and his Decision	66
Conclusion	101
Bibliography	106

Introduction

Twenty years after the landmark Supreme Court decision on *Brown v. Board of Education*, Massachusetts District Court Judge W. Arthur Garrity Jr. found that in the case of *Morgan v. Hennigan* the Boston School Committee had knowingly segregated Boston's public schools. Taking from several Supreme Court precedents, the School Committee was ordered to integrate its schools by busing students across neighborhood lines. To say Garrity's *Morgan* decision was met with mixed reactions would be an understatement. Public opinion in regards to busing was divided into proponents and opponents, and each group was further subdivided in their opinions. In addition, the local dailies, the *Boston Globe* and the *Boston Herald American*, both became intrinsically involved in the conflict, furthering the divisiveness within the city. Judge Garrity was lionized by those in favor of busing and integration and was vilified by those against busing and integration. This work seeks to examine how Judge Garrity and his *Morgan v. Hennigan* decision were portrayed in the media and how they were received by the public in Boston.

The impact *Morgan v. Hennigan* had on the city of Boston is indisputable to the people who lived through it in the 1970s. *Morgan v. Hennigan* and its order to bus students left Boston deeply divided in the fall of 1974. Boston and the aftermath of *Morgan* are only one example of the struggle for civil rights in contemporary America but it is important to remember that the struggle for civil rights continued well into the 1970s and 1980s and was not limited to the American South.

Scholarship on the Civil Rights Movement is predominantly focused on the study of the American South during the 1950s and 1960s. However the struggle for civil rights was not exclusive to the South nor did it end with the passing of the Voting Rights Act of 1965.

In the 1970s northern cities such as Denver, Detroit, and Boston were forced to address segregation and other civil rights violations illustrating that the Civil Rights Movement was not limited to the South but that it truly was a national movement. In regards to Boston and its struggle to integrate its public schools the existing scholarship can be divided into four separate groups.

The first perspective which is represented by Ronald Formisano's *Boston Against Busing: Race, Class and Ethnicity in the 1960s and 1970s*, and Emmett H. Buell Jr. and Richard A. Brisbin Jr.'s *School Desegregation and Defended Neighborhoods: the Boston School Controversy*, which both primarily focus on the anti-busing movement. This perspective generally takes a more sympathetic approach towards the anti-busing movement arguing that anti-busing was the result of defending neighborhood rights. It argued parents were frustrated with the lack of control in their children's lives and the loss of power within their own neighborhoods. While not wholly focused on the anti-busing movement, this approach is much more sympathetic to their movement than other accounts.

The second perspective in the historiography, which is represented by Gary Orfield's *Must We Bus?: Segregated Schools and National Policy*, Frank Levy's *Northern Schools and Civil Rights: The Racial Imbalance Act of Massachusetts* and J. Brian Sheehan's *The Boston School Integration Dispute: Social Change and Legal Maneuvers*, focuses on the legal history of race relations in Boston and the greater United States. This second approach illustrates the long tradition of litigation and policy which worked towards the elimination of segregation. However, in the historiography little attention has been given to Judge Garrity and his role in the desegregation of Boston public schools.

The third perspective, one this work seeks to further, addresses the role of opinion during busing in Boston in the 1970s. This perspective was presented in J. Michael Ross and William M. Berg's *I Respectfully Disagree with the Judge's Order: the Boston School Desegregation Controversy* and D. Garth Taylor's *Public Opinion and Collective Action: the Boston School Desegregation Conflict*. In their 1981 work, Ross and Berg addressed the role of media in Boston during the conflict in consultation with the *Boston Globe* while Taylor's 1986 work is a sociological examination of the public opinion in Boston during the 1970s regarding the conflict.

The final perspective within the existing scholarship is that of biography. While not wholly separate from the aforementioned perspectives, several works focus their investigations on the experiences of the average Bostonian during the crisis, such as J. Anthony Lukas' *Common Ground* and the semi-auto-biographical works of John Hilson and Jonathan Kozol. Lukas' seminal work *Common Ground* is a strong example of the biographical approach to Boston. While his work highlights three distinct families living in Boston in the 1970s, the McGoffs, the Divers and the Twymons, he also provides brief sketches of other important figures such as Judge Garrity and Louise Day Hicks. As to be expected, the criticism of *Common Ground* is that the three families, whose stories form the majority of Lukas' work, were not representative of the feuding communities. So while *Common Ground* provides stunning insight into the biographies of ordinary citizens struggling with desegregation in Boston, it can not be assumed that all experiences were shared within their communities.

In comparison to the scholarship on the American South's struggle for civil rights, the northern movement remains relatively untapped. In regards to Boston, collectively the

aforementioned authors have addressed the legislative and judicial history of fighting for civil rights in Boston and Massachusetts alike, while in turn it has addressed those who fought against such legislation. However, in the scholarship, Judge W. Arthur Garrity Jr. remains unexamined. He is mentioned in passing in all works, and at times he has been devoted a chapter but largely his legacy in the conflict is left untouched. The scholarship has yet to address how Judge Garrity was perceived and received by the media and public in Boston.

Wendell Arthur Garrity Sr. attended the College of the Holy Cross, and graduated in 1905, before earning his law degree from Harvard Law School in 1909. Afterwards he returned to Worcester, Massachusetts and entered into a partnership with fellow lawyer John Sheehan.¹ In 1919, W. Arthur Garrity Sr. married Mary Kennedy and the following year they welcomed the birth of their first son, Wendell Arthur Garrity Jr., on June 20, 1920. Like his father, Garrity Jr. attended Holy Cross and graduated cum laude in 1941 before heading to Harvard Law School in the fall.²

On December 8, 1941, the United States entered World War II following the surprise attack on Pearl Harbor, Hawaii. Garrity Jr. spent only two years at Harvard before he postponed his education and joined the military to serve in the Army during World War II. He served first as a private and then as a sergeant in the Signal Corps. He participated in the Normandy invasion, landing on the beach two days following D-Day and fought with the Fifth Corps into Leipzig earning five battle stars by May 1945.³ Once the war was over, Garrity Jr. returned to Harvard Law and completed his degree in 1946. Upon graduation

¹ J. Anthony Lukas, *Common Ground*, (New York: Alfred A. Knopf, 1985), p. 225

² “Judge Who Advocates Busing: Wendell Arthur Garrity Jr.,” *New York Times*, December 19, 1974 p. 35

³ “Deliberateness, caution are Garrity hallmarks,” *Boston Globe*, June 22, 1974, p. 3; Ronald Formisano, *Boston Against Busing*, (Chapel Hill: University of North Carolina, 1991) p. 66; “Judge Who Advocates Busing,” *New York Times*, December 19, 1974, p. 35

Garrity worked as a clerk for Federal District Judge Francis J.W. Ford until 1947, then as assistant to the Attorney General from 1949-1950 before entering into a practice with his friends Robert Maguire and J. Joseph Maloney.⁴ By 1952 Garrity had married an Irish Catholic school teacher by the name of Barbara Anne Mullins and started a family of their own in Wellesley, Massachusetts; together they had four children, Wendell Arthur III, Charles, Jean and Anne.

Garrity maintained his private practice for eleven years before he was appointed US attorney in 1961 by President John F. Kennedy. In his eleven years as a lawyer he had worked on many cases. Garrity's first big case came in 1951 when he was appointed by the Massachusetts Bar Association to prosecute the Williamsport District Court Judge Israel Ruby. The Massachusetts Bar requested that Judge Ruby be disbarred because he had been "accused of improper conduct, including the acceptance and solicitation of bribes" and in January 1951 Judge Ruby was expelled by the Massachusetts Supreme Court.⁵ Other cases Garrity worked on included reorganizing Shopper's World and the Boston stock brokerage firm of Dupont Homsey.⁶

In 1958 Garrity became active in politics. Kenneth P. O'Donnell, Lawrence F. O'Brien and W. Arthur Garrity worked together as campaign schedulers for John F. Kennedy's campaign for the United States Senate in 1958.⁷ When Kennedy decided to run for the United States presidency in 1960, Garrity was a lead organizer for Kennedy's Midwestern campaign. During the Democratic primaries, Garrity was responsible for running the Milwaukee, Wisconsin office. The 1960 Wisconsin primary was a closely contested

⁴ "Deliberateness", *Boston Globe*, June 22, 1974, p. 3; "W. Arthur Garrity Jr. Dies", *Washington Post*, September 18, 1999, p. B06

⁵ "Bay State High Court Disbars Judge", *New York Times*, January 9, 1951, p. 22

⁶ "Deliberateness", *Boston Globe*, June 22, 1974, p. 3

⁷ "Judge Who Advocates Busing", *New York Times*, December 19, 1974, p. 35

battled between Minnesotan Senator Hubert H. Humphrey and Senator Kennedy. Garrity worked together with Senator James F. Brennan and Leo Racine in the fourth and fifth Congressional districts of Wisconsin campaigning for Kennedy.⁸ The Wisconsin primary was thought to be a test for Kennedy to prove that he could the presidential nomination and election despite being Catholic, and so Garrity and other campaign workers in Wisconsin worked diligently to earn the vote for Kennedy.⁹

In his oral interviews Brennan recalled working with Garrity in the days leading up to the Wisconsin primary:

I remember one district, Garrity and I were calculating we'd sent eighty-nine thousand or, I don't know, two hundred and fifty thousand of these papers and this one person in charge of that district would call in about forty minutes after they got up there and said they were all distributed. We were laughing ... we calculated that they were distributing at a thousand a second or a thousand a minute...

The Wisconsin River ran through this one town and we said, 'I'll bet they're floating pretty thick down the Wisconsin River'.¹⁰

The fact that Kennedy won the Wisconsin primary, despite Humphrey being the local favorite, illustrated how hard his campaign organizers worked. After Wisconsin, Garrity joined Bobby Kennedy organizing voter registration drives for JFK and was in attendance at the Democratic National Convention in Los Angeles when Kennedy formally received the Democrat party nomination for the Presidency.¹¹

Following Kennedy's election to the Presidency, Kennedy appointed Garrity as US Attorney for Boston and in 1966 on the recommendation of Senator Edward (Ted) Kennedy,

⁸ James F. Brennan, Oral History Interview by Charles T. Morrissey, Milwaukee, Wisconsin, December 9, 1965, p. 4

⁹ Ibid., p. 2

¹⁰ Ibid, p. 7

¹¹ "Deliberateness", *Boston Globe*, June 22, 1974, p.3; "Judge Who Advocates Busing", *New York Times*, December 19, 1974, p. 35

President Johnson appointed Garrity as federal district judge.¹² As a federal district judge Garrity handled many cases before his *Morgan v. Hennigan* decision in June 1974. In 1968 he sentenced two draft protestors to prison after they deliberately poured paint on the Selective Service Act records and in 1969 Garrity found that 20th Century Fox was within its rights to produce a film which depicted Albert H. DeSalvo as the Boston Strangler.¹³ DeSalvo who had once admitted to and later denied being the Boston Strangler requested a permanent injunction against 20th Century Fox for their film *The Boston Strangler* but Garrity found that “DeSalvo has not met the burden of proving that the portrayal of him as the Boston Strangler in the film was knowingly false or falsely made with reckless disregard for the truth.”¹⁴ In 1970 Judge Garrity reviewed a case about the unconstitutionality of the Selective Service Act on the grounds that it discriminates against gender and in 1972 he decided on a National Football League (NFL) ticket sales case.¹⁵

In 1971 Garrity became involved with one of the most infamous incidents of the decade, the Pentagon Papers. Following a request from Judge Princi, Judge Garrity ordered Daniel Ellsberg to return to California to face trial for the illegal possession of classified government documents; the reasoning being that Ellsberg had been a resident of California, not Massachusetts, when he smuggled the 7,000 page Pentagon Papers from the Pentagon.¹⁶ In 1972 Garrity again became involved with the Pentagon Papers when he denied the last of a series of motions to overturn a decision that Harvard Professor Samuel L. Popkin was

¹² Formisano, p. 67

¹³ “2 Draft Protestors Sentenced in Boston”, *New York Times*, October 15, 1968, p. 5; “Fox Wins Rights to Show Boston Strangler”, *New York Times*, June 19, 1969, p. 39

¹⁴ “Fox Wins Rights”, *New York Times*, June 19, 1969, p. 39

¹⁵ “Draft Law of 1967, Exempting Women Challenged in Court”, *New York Times*, November 15, 1970, p. 5; “NFL Wins Suit on Ticket Sales”, *New York Times*, December 9, 1972, p. 46

¹⁶ “Ellsberg is Ordered to Stand Trial on the Coast”, *New York Times*, August 6, 1971, p. 6

found in contempt of a Federal grand jury for withholding information.¹⁷ In his decision Garrity stated that “there is no immunity for either scholars or newsmen in testifying before a grand jury” thus extending a recent Supreme Court decision to apply to scholars as well as journalists.¹⁸ That same year, in March, *Morgan v. Hennigan* arrived on Garrity’s desk as a result of the random selection process used by the United States District Court for the District of Massachusetts to assign judges. The purpose of the random selection was “to distribute the work load evenly and to preclude even a whisper of suspicion that a case had been intentionally assigned to a particular judge.”¹⁹ *Morgan v. Hennigan*, more than any other case in Garrity’s life time, would forever change the face of Boston.

Throughout his career Garrity remained a man of steadfast convictions. He was dedicated to his principles and was very cautious with the decisions he handed down as a judge. He was renowned for his painstaking deliberation and the thoroughness of his judgments. He followed precedents and took his time to develop impenetrable decisions. While his *Morgan v. Hennigan* decision was not well received amongst the citizens of Boston it has been noted that if it had been any other judge, the conclusions would remain the same.²⁰ Garrity remained diligent and thorough throughout his career; As evidenced on his bar application he wrote that “he wanted to be a lawyer because it was a field of endeavor in which success depends principally on ability.”²¹ Garrity was politically liberal, but as a judge, he illustrated in many of his other decisions that above all else he would follow the law as it was written.

¹⁷ “Harvard Professor Jailed In Pentagon Papers Case”, *New York Times*, November 22, 1972, p. 1

¹⁸ Ibid.

¹⁹ Lukas, p. 223

²⁰ Formisano, p. 66

²¹ “Deliberateness”, *Boston Globe*, June 22, 1974, p.3

In addition, Garrity was a man of courage and perseverance. He endured a firestorm of threats against him and his family after *Morgan* which resulted in his home being guarded by US Marshalls for three and a half years. But Garrity refused to be broken by the attacks.²² In 1975 he was given the Public Service Award by the Boston Bar Association for his *Morgan* decision; the Bar cited “steadfast devotion to the law while overseeing the most tedious, vexing, controversial, and important matter heard in the history of the US District Court of Massachusetts.”²³ In an interview with the *Boston Globe* in 1994, twenty years after *Morgan v. Hennigan*, Garrity illustrated his commitment to busing when he stated, “I have regrets in the sense that people were injured. Students were harassed. They were put in a situation where they learned the worst about young people different from their own crowd. If I had again the same submissions, the same briefs and arguments, given the same set of circumstances, I am not positive of this, but I do think that the same orders would have issued.”²⁴ It is evident that *Morgan v. Hennigan* was an uneasy decision to make, but in the end, based on the evidence and legal precedents it is unlikely another conclusion could have been reached.

This work seeks to examine both how Judge Garrity and his *Morgan v. Hennigan* decision were represented in the media and perceived by the public. In the first chapter, I will summarily cover the international, domestic and local events in America in the early 1970s leading up to 1974 to develop a sense of what life in America and Boston looked like. In the second chapter I will cover the judicial history of segregation and desegregation from its roots in *Sarah Roberts v. City of Boston* in 1849 until *Morgan v. Hennigan* in 1974. In the third chapter I will discuss the representations of Judge Garrity and *Morgan v. Hennigan*

²² “Boston Desegregation Judge is Dead at 79”, *Boston Globe*, September 18, 1999, p. A1

²³ Ibid.

²⁴ “For Garrity, Hindsight Yields Same Ruling”, *Boston Globe*, June 19, 1994, p. 29

within the local newspapers and compared to the national coverage. Finally in the fourth chapter I will investigate the public's perceptions and responses to Judge Garrity and his decisions.

With this work I hope to elucidate just how divided Boston was in 1974 by paying attention to all the sects and facets that busing and integration created. I intend to identify the existence of racism within the busing conflict in addition to any other sources of opposition to busing. The existing scholarship also tends to overlook the existence of any support for *Morgan v. Hennigan*. I hope to illustrate that there was a strong support network for busing in Boston even if it was outshone by the opposition. I also hope to illustrate that opposition to busing was multi-faceted and its motivations can not be lumped into one category or another. Busing in Boston was a complex issue during a complex time in American society. As both the villain and the hero of Boston in 1974, I hope that by studying Judge Garrity and his *Morgan v. Hennigan* decision I will be able to illustrate the complexity of busing in Boston.

Chapter 1: Profile of America in 1974

The 1960s was a turbulent decade. The 1960s saw the beginning of the Vietnam War and the assassinations of President John F. Kennedy, Malcolm X, Martin Luther King Jr. and Senator Bobby Kennedy. But the 1960s also saw the popularization of non-violent protest to effect change within America. Living in the shadow of the 1960s was difficult at best. If the 1960s was “a decade of passion, grandeur, and tragedy”, the 1970s was a decade of hardships, limits, and inward reflection.²⁵ In an essay written by American writer Tom Wolfe in 1976, he described the 1970s as the “Me Decade”; no longer concerned with larger community or national issues such as Civil Rights or Anti-War protest, Americans in 1970s became self-concerned and Bostonians were not exempt from this characterization.

Capitalizing on the volatility of the 1960s Richard M. Nixon ran for president in 1968 under the banner of stability and security with promises to end the Vietnam War. Appealing to the group he would later dub the “Silent Majority” Nixon defeated Democrat candidate Hubert Humphrey by 301 to 191 electoral votes. Once in office, Nixon initiated a secret bombing campaign over the borders of Cambodia and Laos in an attempt to draw out North Vietnamese army and Viet Cong troops using Cambodia and Laos for protection. In a televised address which aired on April 30, 1970, President Nixon announced the invasion of Cambodia by American ground troops.

In response to expanding the war into Cambodia students across the United States gathered in protest on their university campuses. On May 4, 1970 at Kent State University in Kent, Ohio students gathered in peaceful, non-violent protest to Nixon’s escalation of the war. Shortly after noon on May 4, the National Guard, which was called in to maintain order, opened fire on the group of student protestors, killing four and injuring nine others. Ten days

²⁵ Beth Bailey & David Farber, *America in the 70s*, (Lawrence, KS: University of Kansas Press, 2004), p. 1

later two more students were killed and twelve injured when police in Jackson, Mississippi opened fire at Jackson State College.²⁶ With the deaths of numerous students at the hands of local and national security officials it was clear that the 1970s would be very different in nature from the 1960s.

America's presence in Cambodia was short-lived and by the end of June it was over. By 1972, an election year, it appeared that the Vietnam War was winding down and that the "Vietnamization" of the war was progressing. In the fall of 1972 troops in Vietnam were being drastically reduced and Henry Kissinger, Nixon's National Security Advisor, was secretly negotiating a peace settlement with North Vietnam's Le Duc Tho. In November Nixon was re-elected in a landslide victory over Democrat candidate Senator George S. McGovern who lost all states with the exception of Massachusetts. On January 27, 1973 the Paris Peace Accords, ending US direct involvement in the Vietnam War and imposing a ceasefire of military operations and withdrawal of US forces. The American war effort was over.

America left South Vietnam with an inept military incapable of defeating the North Vietnamese and an impoverished society that could no longer afford basic commodities.²⁷ Despite Nixon's promises of bombing intervention if the North Vietnamese violated South Vietnam's sovereignty, the United States never returned military support to Vietnam. South Vietnam continued to request increased aid but time after time their requests were denied or reduced. Marilyn Young wrote that in the spring of 1974 "the struggle over aid had become almost entirely symbolic" between Prime Minister Thieu and the United States.²⁸ The

²⁶ Stephanie Slocum-Schaffer, *America in the Seventies*, (Syracuse, NY: Syracuse University Press, 2003), p. 101

²⁷ Marilyn Young, *The Vietnam Wars*, (New York: Harper Collins, 1991), p. 291

²⁸ Young, p. 291

following April the war was officially over and North Vietnam finally achieved what it had sought in 1945, a united Vietnam.

In the midst of Nixon's re-election and withdrawal from Vietnam another crisis was unfolding in the world. On October 6, 1973, on Yom Kippur – the Jewish High Holiday – Egypt and Syria attacked Israel but Israel was able to defend itself from the attack as a result of aid from the United States.²⁹ In turn the Organization of Petroleum Exporting Countries (OPEC) proclaimed an oil embargo against the United States, Western Europe, and Japan. The embargo ended seven months later in April of 1974 but the damage had already been done. Before the crisis, the United States represented six percent of the world's population and consumed more than thirty percent of the world's energy and its economy struggled throughout the embargo.³⁰ The American economy, which had soared in the twenty-five years following World War II, experienced a crippling slowdown. Once the embargo had been lifted the prices of oil tripled, in addition international economic competition from Germany and Japan further complicated America's economy.³¹ The term "stagflation" meaning both economic stagnation and price inflation was coined to describe the simultaneous phenomenon in America's economy which was previously held impossible.³² Previously booming economic sectors of the country, specifically the automotive industries of the mid-West, were hardest hit but all Americans struggled to support their families.

As devastating as both the Vietnam War and the Oil Crisis were on American society, the most transformative incident of the 1970s was Watergate. Watergate was like no other event; "Watergate was unique; it forever altered the way Americans understood politics and

²⁹ Edward L. Ayers, et al, *American Passages: A History of the United States*, (Belmont, CA: Thompson Wadsworth, 2006), p. 725

³⁰ Ayers, p. 725

³¹ Bailey and Farber, p. 3

³² *Ibid.*, p. 2

the presidency.”³³ Following the leaks of both the My Lai Massacre and the Pentagon Papers, President Nixon became increasingly untrusting and suspicious of those around him. While not indicted by the Pentagon Papers himself, the secret history of the Vietnam War reflected poorly on the office of the President, and Nixon was aware of the implications. In June 1971, the same month as the leak of the Pentagon Papers, the White House Special Investigative Unit, better known as the “Plumbers”, broke into Daniel Ellsberg’s psychologist’s offices looking for incriminating material. Meanwhile at the White House, Nixon had a hidden tape recording system installed in the Oval Office.³⁴ As the presidential election of 1972 approached, Nixon became increasingly paranoid and reclusive.

Coupled with his increasing paranoia, Nixon never forgot his loss to Kennedy in 1960 and his narrow victory in 1968. This time he vowed to do whatever it took to win the presidency.³⁵ On June 17, 1972 members of the Committee to Re-elect the President (CREEP) broke into the Democratic National Committee headquarters at the Watergate office complex in Washington, DC and were caught. The five members were arrested for attempted burglary and attempted communications interception. Shortly thereafter Nixon and his White House officials organized a cover-up of their connections to the Watergate burglary. White House officials Jeb Magruder, John Mitchell, and John Dean agreed to deny any involvement and orchestrated false stories while Nixon ordered Bob Haldeman to ensure the FBI’s investigation would be limited.³⁶ In September 1972 the five burglars in addition to E. Howard Hunt Jr. and G. Gordon Liddy were indicted for their involvement in Watergate but the cover-up had seemed to successfully keep Nixon and other White House staff

³³ Bruce Schulman, *The Seventies*, (Cambridge, MA: Da Capo Press, 2001), p. 43

³⁴ *Ibid.*, p. 44

³⁵ Slocum-Schaffer, p. 19

³⁶ *Ibid.*, p. 24

removed from the conflict. That November Nixon won the election with the largest landslide since 1936 with McGovern only winning the state of Massachusetts.³⁷ Meanwhile Hunt, Liddy and the five burglars were convicted for their involvement in Watergate while Nixon and other White House officials remained untouched, but not for long.

In February the Senate announced the creation of its own committee to investigate Watergate. By March it was revealed that McCord, one of the five burglars, had claimed that Colson, Dean, Magruder, and Mitchell all had “prior knowledge of the Watergate break-in.”³⁸ In April, Haldeman and Ehrlichman, Nixon’s closest aides were implicated for their involvement and in a televised address Nixon announced their resignations as well as the dismissal of John Dean but still maintained he had no involvement in the break-in or cover-up.³⁹ On June 25, John Dean appeared before the Senate Committee and held that President Nixon was at the center of the Watergate Scandal but had no concrete evidence to support his claims. This changed in July when it was discovered that Nixon had the recording system placed in the Oval Office in 1971. The tapes were subpoenaed by both the Special Prosecutor and the Senate Committee and Nixon refused to turn them over until November of that year. As the year passed Nixon’s involvement was becoming increasingly clear. A formal impeachment investigation began on February 6, 1974 and by July it was clear that Nixon did not have enough votes in the House of Representatives to avoid impeachment. On August 8, 1974 Nixon appeared in his final televised address and announced that he would resign from the Presidency the following morning. The next day on August 9, 1974 Gerald Ford was sworn into the Office of the Presidency as the former President left in a helicopter.

³⁷ Slocum-Schaffer, p. 23

³⁸ Ibid., p. 26

³⁹ John J. Sirica, *To Set the Record Straight: the Breakin-in, the Tapes, the Conspirators, the Pardon*, (New York: W.W. Norton and Company, 1979), p. 130

The impact Watergate and Nixon's resignation had on American life was severe. As Bruce Schulman noted, "Many Americans sensed that the nation had entered a period of decline. No longer able to lead the world, the United States could no longer even find its own way at home."⁴⁰ A great sense of disillusionment with the government and democracy spread across the United States; this was the legacy of Watergate. "Watergate only intensified Americans' alienation from public life: their contempt for the secrecy, inefficiency and failures of 'big government'."⁴¹ Nixon had betrayed the trust of an entire nation, the impact of which not only shaped the rest of the decade but "the conduct of politics in America for the foreseeable future."⁴² The greatest impact of Watergate was that in Nixon's spiral of paranoia and suspicion he had transferred his personal shortcomings onto the entirety of the United States.

The fall of 1974 was a difficult time for Americans. This was only exacerbated further when President Ford issued a blanket pardon to Nixon. The Watergate Scandal was over, without Nixon ever appearing before court and without ever publicly acknowledging his wrongdoings. As evidence of America's disillusionment and suspicion of government, many believed that Ford and Nixon had made a secret deal, despite protestations that no such deal occurred. Stephanie Slocum-Schaffer illustrates that, "Rather than ridding himself of the Nixon taint and starting afresh with his own agenda, Ford's pardon only linked him more strongly to Nixon."⁴³ Not only was America betrayed by Nixon, the public now believed that it had been betrayed by President Ford as well.

⁴⁰ Schulman, p. 48

⁴¹ Ibid., p. 42

⁴² Slocum-Schaffer, p. 30

⁴³ Ibid., p. 37

In addition to the betrayal of the government America suffered from the exhaustion of the 1960s. The protest movements of the 1960s lost their spark by the mid-1970s. The Civil Rights Movement had nearly dissolved entirely. By the 1970s the struggle for civil rights had moved to fighting institutional racism but many African Americans appeared to have “lost faith in the responsiveness of American institutions” and it appeared to them that “the civil rights movement had reached the limits of its achievements.”⁴⁴ The idea of integration, formerly one of the primary goals of the Civil Rights Movement, had fallen from grace. In the 1970s integration came to embody the notion that African American culture and ethnicity was not worthy of its independence. “Integration meant merging into white society and adopting white culture, and newly race-conscious minorities rejected such ‘whitening’.”⁴⁵ Integration increasingly represented assimilation and in turn it was rejected by many minorities throughout the United States; in its place cultural diversity surged forward in the 1970s.

The first problem race relations faced in the 1970s was overcoming the fear, distrust and hostilities minority groups, especially African Americans and Latino Americans, felt towards white American society and institutions. In the wake of the legislative and judicial successes of the 1950s and 1960s, real change seemed to stagnate. Desegregation initially ordered in 1954 under *Brown v. Board* had yet to be achieved across the United States and minorities were frustrated with the progress. In his 1977 book *Black/White/Brown Relations*, Charles Willie illustrated those frustrations when he wrote that “our failure to discover ways of reconciling the races could result in the undoing of all of our communities.”⁴⁶ In an effort

⁴⁴ Schulman, p. 58

⁴⁵ *Ibid.*, p. 60

⁴⁶ Charles Willie, *Black/White/Brown Relations*, (New Brunswick, NJ: Transaction, Inc., 1977), p. 16

to repair the damages of the late 1960s the focus of race relations shifted towards community development initiatives.

The second problem that confronted race relations in the 1970s was the difficulty of combating institutional racism. Unlike legislated or judicial segregation, institutional racism was a faceless enemy and was thus a much more difficult to target. As was the case in several court cases in the early 1970s, specifically *Keyes v. School District No. 1 Denver, Colorado*, *Milliken v. Bradley*, and *Morgan v Hennigan*, it was much more difficult to illustrate the existence of inherent and deliberate racism without the existence of laws or policies which specifically ordered that racism. With regards to desegregating public school systems the challenge civil rights advocates faced was illustrating that segregation was intentional and the result of deliberate action rather than the indirect result of housing policies.

In March of 1973, parents of African American students in Boston, Massachusetts made the claim that the public schools of Boston were segregated in violation of the Massachusetts Racial Imbalance Act of 1965. The Massachusetts Racial Imbalance Act held that any school with more than fifty percent minorities was racially imbalanced. However, in *Tallulah Morgan et. al. v James W. Hennigan et. al.* the defendants claimed that any segregation was the result of residential patterns which they had no control over and denied any constitutional wrongdoing.⁴⁷ After fifteen months of deliberation Judge Garrity found that the School Committee had intentionally segregated Boston public schools beyond residential patterns.⁴⁸ While some had all but abandoned the fight for civil rights, others were developing new avenues to challenge institutional racism. In 1974 *Morgan v. Hennigan* illustrated that the existence of institutional segregation such as residential patterns did not

⁴⁷ *Tallulah Morgan et al. v. James W. Hennigan et al.* 379 F. Supp. 410 (1974), p. 415

⁴⁸ *Ibid.*, p. 481

eliminate the potential for deliberate segregation. The following fall Boston was forced to come to terms with its own growing pains and address segregation within its public schools when busing was selected as the means to achieve integration. Busing and opposition to busing commenced in September of 1974. Students both black and white became the targets of people's frustrations. Boston, and its struggles in the fall of 1974, reflected the same animosities and hostilities that were being experienced by Americans across the nation.

America was a nation in turmoil in 1974. It struggled to come to terms with the futility of the Vietnam War, America's economy struggled to recover from the oil crisis and the Civil Rights Movement struggled to find its identity. Most of all, in 1974, Americans struggled to come to terms with Nixon's betrayal and involvement in the Watergate scandal. It was a difficult year for many. In 1974 Patty Hearst was kidnapped by the Symbionese Liberation Army, Ted Bundy went on a murderous rampage in Washington and Utah, news reporter Christine Chubbuck – a Boston University graduate – committed suicide during a live broadcast, Ron DeFeo Jr. murdered his parents and four siblings at their home in Amityville, New York and racial tensions boiled over in Boston with the stabbing and stoning of students. While these events are not typical of ordinary experiences in 1974, they certainly illustrate the sense of disorder and frustrations many felt that year. While America had come along way from the country it was in 1896 when it authorized segregation in *Plessy v. Ferguson*, it emerged from 1974 as a nation with a weakened economy, with a weak position in international affairs, and without a strong leader.

Chapter 2: Legal History of Segregation

In 1974 many people were shocked when Judge Garrity found Boston to be unconstitutionally segregated. Segregation was a southern doctrine, not something readily associated with northern cities in America, and especially not with Boston, the “Cradle of Liberty”. It was the 1896 Supreme Court decision of *Plessy v. Ferguson* that legalized segregation in the American south and established the South’s reputation of racism until 1954 when the Supreme Court reversed *Plessy* with its decision on *Brown v. Board of Education*. The *Brown* decision held that ‘separate but equal’ was unconstitutional because segregation was always separate but never equal. However what most people were not aware of is that the “separate but equal” doctrine originated in Boston in 1849 in the case of *Sarah C. Roberts v. City of Boston*. Conventionally held to be a Southern doctrine, it was in Boston where “separate but equal” and court-ordered segregation was born. So while it may have surprised many to acknowledge segregation in Boston in 1974, segregation’s very roots were formed there. *Plessy v. Ferguson* and *Brown v. Board of Education* were the two most important landmark judicial cases dealing with segregation in the twentieth century but it is important to note that segregation did not begin with *Plessy* nor did it end with *Brown*. This section will examine the legal history of segregation throughout the United States from its roots in *Roberts v. City of Boston* until Garrity’s decision on *Morgan v. Hennigan*.

In 1848 Benjamin F. Roberts, an African American citizen of Boston, Massachusetts, took action on behalf of his daughter Sarah C. Roberts against the city of Boston. He argued that the city was in violation of an 1845 statute which held that “any child, unlawfully excluded from public schools in this commonwealth, shall recover damages therefor [*sic*]

against the city or town by which such public instruction is supported.”⁴⁹ During the 1840s in Boston for a child to attend school they had to first obtain a ticket of admission from a member of the school district committee and admissions were granted on the grounds of age, qualifications, and proximity of residence.⁵⁰ However in April 1847 when Sarah Roberts turned five she was refused admission to the school district in which she resided on the grounds of race.⁵¹ She continued to apply for admission to schools within the school district in which she resided but was refused each time on the grounds of race. Finally on February 15, 1848 Sarah Roberts attended the nearest school to her residence without a ticket of admission and she was subsequently rejected.⁵² The nearest school to Sarah Roberts’ home was nine hundred feet away but she was refused admission each time on the grounds that she was to attend the Abiel Smith School, a distance of twenty-one hundred feet from her home because it was designated solely for African American students.⁵³ Thus Sarah Roberts had been unlawfully excluded from the public schools of Boston under the terms of the 1845 law and her father brought her claim to court.

In November 1849 *Sarah C. Roberts v. City of Boston* was decided by Chief Justice Lemuel Shaw. Giving rise to the “separate but equal” doctrine Shaw held that African Americans were entitled by law to equal constitutional, political, civil, and social rights, but that separate schools were not in violation of those rights.⁵⁴ Shaw then decided that “The committee, apparently upon great deliberation, have come to the conclusion, that the good of both classes of schools will be best promoted, by maintaining the separate primary schools

⁴⁹ *Sarah C. Roberts v. City of Boston*, 59 Mass. 198, (1849), p.1

⁵⁰ *Roberts v. Boston*, p.3

⁵¹ *Ibid.*, p.5

⁵² *Ibid.*

⁵³ *Ibid.*, p. 6

⁵⁴ *Ibid.*, p.17

for colored and for white children, and we can perceive no ground to doubt, that this is the honest result of their experience and judgment.”⁵⁵ He also maintained that because of the relatively small geographic size of Boston it was not unreasonable to ask a child to attend a school further away from their home than another. In short, Chief Justice Shaw decided that despite being discriminated on the grounds of race, Sarah Roberts had not been unlawfully excluded because the Committee had the power to make provisions as they saw fit. What was most shocking about Chief Justice Shaw’s decision was that it was in Boston, a city renowned across America for its high sense of idealism and its role in the Abolitionist movement, that judicial segregation was born. While its citizens were fighting to end slavery in the South and promoting equality of the races, Boston’s legal system provided the building blocks for *Plessy v. Ferguson*.

Fortunately Chief Justice Shaw’s opinion on *Sarah C. Roberts v. City of Boston* was short-lived. In 1851 Sarah Roberts’ father, Benjamin F. Roberts with Jonas W. Clark, W.C. Nell, and J.T. Hilton formed a petition to have the state legislature reconsider Shaw’s decision and to forbid the separation of public schools on the basis of race or color.⁵⁶ While the petition did not initially work, in 1854 “the Common Council ordered the Committee on Public Instruction to investigate whether any children were unjustly excluded from the public schools of Boston.”⁵⁷ The Committee on Public Instruction found that while “no rule or regulation excluding colored children from our Schools exists... it is well known, that practically colored children, of age, suitable for admission to the Grammar Schools, are

⁵⁵ *Roberts v. Boston*, p.22

⁵⁶ Leonard W. Levy and Douglas L. Jones, *Jim Crow in Boston*, (New York: Da Capo Press, 1974), p. xxvi

⁵⁷ *Ibid.*, p. xxvii

excluded from them all.”[sic]⁵⁸ The Committee then recommend, “Let us, then, pursue that judicious course, that would tend to destroy this prejudice of class against class, and secure to all our citizens, of whatever color or creed, *equal rights and equal privileges.*”[sic]⁵⁹ Finally in April 1855 the Massachusetts legislature signed into law a bill abolishing segregation in public schools overturning Shaw’s decision in *Roberts v. City of Boston*.

Despite the Massachusetts legislature overturning Shaw’s opinion in *Roberts v. City of Boston* it became one of the precedents used in *Plessy v. Ferguson* in 1896. In 1892 Homer Plessy, a citizen of Louisiana and of interracial background, purchased a ticket for a passenger train going from New Orleans to Covington, Louisiana and boarded a coach designated for people of the white race. Plessy was then forced to vacate his seat in the white coach for another in a coach specifically for “persons not of the white race” solely because of Plessy’s racial background in accordance to the 1890 Louisiana Act No. 111.⁶⁰ Louisiana Act No. 111 held that “All railway companies carrying passengers in their coaches in this State, shall provide equal but separate accommodations for the white, and colored races... No person, or persons, shall be admitted to occupy seats in coaches, other than, the ones, assigned, to them on account of the race they belong to.”⁶¹ In turn Plessy petitioned to the courts that the aforementioned law was in violation of the Thirteenth and Fourteenth amendments of the United States Constitution citing that separation of the races marked one race as inferior.

In 1896 to help formulate his opinion Justice Henry Billings Brown turned to *Roberts v. City of Boston* to rationalize that “separate but equal” was not in violation of the

⁵⁸ Levy and Jones, “Report of Committee on Public Instruction: on Case of a Child Excluded from a Public School of this City– 1854” in *Jim Crow in Boston*, p. 239-240

⁵⁹ *Ibid.*, p. 243

⁶⁰ *Plessy v. Ferguson*, 163 U.S. 537 (1896), p. 537

⁶¹ *Ibid.*, p. 538

Constitution. Justice Brown cited much of Shaw's decision holding that when the great principle of equality is applied to society it does not "warrant the assertion, that men and women are legally clothed with the same civil and political powers, and that children and adults are legally to have the same functions and be subject to the same treatment; but only that rights of all, as they are settled and regulated by law, are equally entitled to the paternal consideration and protection of the law for their maintenance and security."⁶² With regards to Plessy's claim, that separation of the races marked African Americans as inferior, Brown wrote, "If this be so, it is not by reason of anything found in the act, but solely because the colored race chooses to put that construction upon it."⁶³ The implications of Brown's decision were that if African Americans were inferior, it was only because they perceived themselves to be inferior not because any law or act denoted their inferiority.

In conclusion Brown found that the Louisiana Act No. 111 was not in violation of either the Thirteenth or Fourteenth Amendments. With regards to the Thirteenth Amendment, which abolished slavery and involuntary servitude, he stated, "A statute which implies merely a legal distinction between white and colored races – has no tendency to destroy the legal equality of the two races or re-establish a state of involuntary servitude."⁶⁴ With regards to the Fourteenth Amendment, which holds that all persons born or naturalized in the United States are citizens and warrant equal protection of the laws, Brown stated, "The object of the amendment was undoubtedly to enforce the absolute equality of the two races before the law, but in the nature of things it could not have been intended to abolish

⁶² *Plessy v. Ferguson*, p. 544

⁶³ *Ibid.*, p.551

⁶⁴ *Ibid.*, p. 543

distinctions based upon color, or to enforce social, as distinguished from political equality, or a commingling of the two races upon terms unsatisfactory to either.”⁶⁵

Citing the precedent of *Roberts v. City of Boston*, and other segregation cases, the Supreme Court voted seven to one, with Justice Harlan providing the only dissenting vote, and Justice Brewer abstaining, in support of the “separate but equal” doctrine. It was held that separation of the races did not violate either the Thirteenth or Fourteenth Amendments and that making distinctions based on race was not a violation of equality. The Supreme Court’s decision on *Plessy v. Ferguson* provided the grounds for constitutional segregation of the races in all aspects of life until 1954.

In 1954 the Supreme Court passed its judgment on *Brown v. Board of Education*. *Brown v. Board* was the umbrella term given to a group of five cases from Kansas, Delaware, South Carolina, Virginia, and Washington, DC which all petitioned the Supreme Court to end segregation. Named for the Kansas class action which was filed by the Topeka chapter of the National Association for the Advancement of Colored People (NAACP) on behalf of thirteen parents in February of 1951, *Brown v. Board of Education*, sought the end of an 1879 Kansas state law which permitted segregation of public schools dependent on city size. Under the existing law the lead plaintiff, Oliver Brown’s daughter Linda had to walk six blocks before being able to board a bus and ride another mile to her African American Monroe Elementary while a white-only school was only seven blocks from her home. The plaintiffs in all five cases, grouped into the *Brown v. Board of Education* Supreme Court decision, all held that segregation deprived them of equal protection under the law of the Fourteenth Amendment.⁶⁶ They argued that “segregated public schools are not ‘equal’ and

⁶⁵ *Plessy v. Ferguson*, p. 544

⁶⁶ *Brown v. Board of Education*, 347 U.S. 483 (1954), p. 488

cannot be made 'equal', and that hence they are deprived of the equal protection of the laws."⁶⁷ Since *Plessy v. Ferguson* all throughout the south all aspects of public life had segregated the races from one another. From public schools to restaurants, transportation to water fountains the entire southern United States had found itself segregated.

On May 17, 1954 the Supreme Court made their decision *Brown v. Board* making it the landmark decision which ended nearly sixty years of legal segregation in public schools in the American South. In his opinion Judge Warren concluded that, "in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal."⁶⁸ His opinion continued, "Any language in *Plessy v. Ferguson* contrary to this finding is rejected."⁶⁹ The "separate but equal" doctrine was finally found to be in violation of the Fourteenth Amendment. The doctrine of "separate but equal" set forth by *Plessy v. Ferguson* was legally overturned but it would take another twenty years for segregation to be corrected throughout the United States. *Plessy v. Ferguson* and *Brown v. Board* will always be regarded as the two most important judicial cases regarding the question of segregation, and rightfully so, but they were not alone.

The problem with *Brown v. Board of Education* was that it failed to establish a timeline by which desegregation was intended to progress. Thus in 1955 the Supreme Court reconvened and issued their *Brown II* decision. *Brown II* placed the process and responsibility of desegregation under the district courts. With regards to implementation, *Brown II* ordered that desegregation proceed "with all deliberate speed."⁷⁰ Proponents of desegregation were displeased with the decision in *Brown II* because of its vague nature.

⁶⁷ *Brown v. Board of Education*, p. 488

⁶⁸ *Ibid.*, p. 495

⁶⁹ *Ibid.*, p. 495

⁷⁰ *Brown v. Board of Education*, 349 U.S. 294 (1955), p. 301

Without setting any firm timeline as to when desegregation was to be achieved, “with all deliberate speed” gave segregationists the opportunity to take an indefinite amount of time to reverse segregation.

Thirteen years after the Supreme Court’s *Brown II* decision the case of *Green v. County School Board of New Kent County* challenged the process of “with all deliberate speed” set forth in *Brown II*. The question put forth in *Green v. County School Board* was whether the school board’s “freedom of choice” plan constituted desegregation “with all deliberate speed”. Under the “freedom of choice” plan in New Kent County, students were able to choose which of the two schools – New Kent School, formerly white-only, or Watkins School, formerly African American only – they wished to attend. The Supreme Court found that in the case of *Green v. County School Board* “the New Kent School Board’s ‘freedom of choice’ plan cannot be accepted as a sufficient step to ‘effectuate a transition’ to a unitary system. In three years of operation not a single white child has chosen to attend Watkins school and ... 85% of the Negro children in the system still attend the all-Negro Watkins school.”⁷¹ It was held that the school board of New Kent County operated a dual-system and that desegregation was not being pursued; it was ordered that the Board proceed affirmatively to establish a system “without a ‘white’ school and a ‘Negro’ school, but just schools.”⁷² The *Green v. County School Board* decision formally recognized the delay between *Brown II* and actual desegregation and set the precedent for *Morgan v. Hennigan* of placing the responsibility of desegregation on the local school boards.

Three years following *Green v. County School Board* a similar case made its way to the Supreme Court. Following the precedent set by *Green* that school boards were

⁷¹ *Green et al. v. County School Board of New Kent County et al.*, , 391 U.S. 430 (1968), p. 441

⁷² *Ibid.*, p. 441

responsible for taking affirmative steps towards desegregation, *Swann et al. v. Charlotte-Mecklenburg Board of Education et al.*, a case from North Carolina, held that the school board was not taking deliberate action to wholly remove segregation from the public school system. While whites constituted 71% and African Americans constituted 29% of the student population in Charlotte-Mecklenburg school district, twenty-one schools within the district remained nearly 100% African American in attendance.

The Supreme Court reaffirmed the decision put forth by the district court which stated that the transportation of students was an acceptable means of achieving desegregation, even if it is undesirable.⁷³ In the opinion, Justice Burger wrote, “the District Court’s conclusion that assignment of children to the school nearest their home serving their grade would not produce an effective dismantling of the dual system is supported by the record. In these circumstances, we find no basis for holding that the local school authorities may not be required to employ bus transportation as one tool of school desegregation. Desegregation plans cannot be limited to the walk-in school.”⁷⁴ The *Swann* decision set the legal precedent that busing students from one district to another to achieve integration was a valid process. This would be one of the two most important precedent setting cases for Garrity’s 1974 *Morgan v. Hennigan* decision.

The second most important precedent setting case for Garrity’s *Morgan v. Hennigan* came in 1973 with *Keyes et al. v. School District No.1 Denver, Colorado, et al.*. Initially the parents of African American and Hispanic students in Denver, Colorado, made the case that the Denver public school system was intentionally segregated. The Court of Appeals found that Denver was not a case of “de jure” desegregation and as a result the school board was

⁷³ *Swann et al. v. Charlotte-Mecklenburg Board of Education et al.*, 402 U.S. 1 (1971), p. 30

⁷⁴ *Ibid.*, p. 30

not responsible to desegregate the entirety of the city schools.⁷⁵ The parents then brought their case to the Supreme Court to petition the decision made at the Court of Appeals. *Keyes* brought into question for the first time the distinction between “de jure” (by law) and “de facto” (by fact) segregation and the responsibility to desegregate in either instance. Denver was also different from the preceding segregation cases because it dealt with a northern community, not traditionally recognized to be segregated.

Keyes proved to be a difficult case for the Supreme Court. In a vote of seven to one, with one abstaining and one Justice in partial concurrence and partial dissent, the Supreme Court found that Denver public schools had been intentionally segregated. In a twenty-three page opinion of the majority, Justice Brennan overturned the District Court of Appeals decision and argued that it was of the court’s opinion that, “by use of various techniques such as the manipulation of student attendance zones, schoolsite [*sic*] selection and a neighborhood school policy, created or maintained racially or ethnically (or both racially and ethnically) segregated schools throughout the school district, entitling petitioners to a decree directing desegregation of the entire school district.”⁷⁶ He continued that the school board had engaged “in an unconstitutional policy of deliberate racial segregation with respect to the Park Hill schools.”⁷⁷ *Keyes* set the precedent of both finding Denver public schools as an instance of intentional “de facto” segregation and acknowledged the existence of segregation in a northern city. This was a major breakthrough in the fight against segregation. Segregation, traditionally a southern problem outlined by antiquated laws, was found to inherently exist in the northern United States and without any codification.

⁷⁵ *Keyes et al. v. School District No.1 Denver, Colorado et al.*, 413 U.S. 189 (1973), p. 189

⁷⁶ *Ibid.*, p. 191

⁷⁷ *Ibid.*, p. 192

Simultaneously to *Keyes*, in 1972, members of the black community in Boston, under the advisement of the local NAACP, filed a class action law suit against the Boston School Committee for allegedly segregating the public school system. Fifteen months after the end of the trial the presiding District Court Judge, W. Arthur Garrity Jr., gave his deliberation on *Tallulah Morgan et al. v. James W. Hennigan et al.* On June 21, 1974 Judge Garrity found that the Boston public schools were in fact unconstitutionally segregated and that the Boston School Committee had in fact “knowingly carried out a systematic program of segregation affecting all of the city's students, teachers and school facilities and have intentionally brought about and maintained a dual school system.”⁷⁸ With Garrity’s decision segregation was acknowledged in Boston.

Judge Garrity’s decision reflected the development in litigation in the 1970s that extended *Brown v. Board* and found segregation to exist in the northern United States. As evidenced in Judge Garrity’s case summary his conclusions were based largely on the precedent setting 1973 Supreme Court decision on *Keyes v. School District*. *Keyes* provided a blueprint for determining liability in regards to “whether racial segregation exists”, “whether such segregation was intentionally caused and maintained”, and if found to be segregated, whether such segregation constituted “a substantial portion of the school system.”⁷⁹ Moving forward from the *Keyes* decision, Judge Garrity found that segregation had existed in the Boston school system, that the Boston School Committee had in fact intentionally caused and maintained segregation and that a substantial portion of the school system had been affected by segregation.

⁷⁸ *Morgan v. Hennigan*, p. 482

⁷⁹ *Ibid.*, p. 477

For his remedial guidelines, Judge Garrity then turned to the 1971 Supreme Court decision on *Swann v. Charlotte-Mecklenburg* to develop his recommendations on how to proceed towards desegregation. He found that it was the School Committee's primary responsibility to implement desegregation and to ensure the protection of the plaintiff's rights.⁸⁰ He also ordered that the schools be integrated to the same racial proportions of the school age population in Boston, "two-thirds white and one-third black" and that integration be implemented at the "earliest practicable date."⁸¹ For the most part, Garrity's recommendations for integration were largely uncontroversial and were in keeping with the tradition of integration strategies that had been used for the previous twenty years.

However, Garrity's third recommendation sparked controversy in Boston. Citing from *Swann*, Garrity ordered that desegregation commence with "whatever steps might be necessary."⁸² For Garrity, "whatever steps necessary" included: busing, redistricting school boundaries, and involuntary re-assignment of students and teachers.⁸³ Perceiving that his recommendations would become a contested issue he based his reasoning on the *Swann* decision which illustrated that "the remedy for such segregation may be administratively awkward, inconvenient, and even bizarre in some situations and may impose burdens on some; but all awkwardness and inconvenience cannot be avoided... when remedial adjustments are being made to eliminate the dual school systems."⁸⁴ From the beginning Garrity recognized the burden his order would place on Boston, but he was unwavering in his belief that busing was the right thing to do.

⁸⁰ *Morgan v. Hennigan*, p. 482

⁸¹ *Ibid.*, p. 483

⁸² *Ibid.*, p. 482

⁸³ *Ibid.*

⁸⁴ *Ibid.*, p. 483

Segregation in the United States has a long history. The judicial doctrine of “separate but equal” segregation was established in Boston, Massachusetts in 1849 with *Roberts v. City of Boston* and gained prominence in 1896 in Louisiana with *Plessy v. Ferguson* was finally overthrown in 1954 by the United States Supreme Court decision on *Brown v. Board*. In the twenty years following *Brown* there were several important legal cases that each contributed additional clarifications on how desegregation was to proceed. Despite the many legal precedents which came before *Morgan v. Hennigan* many people in Boston and across the nation were surprised to learn that Boston’s public schools were segregated. Coupled with their surprise was the problem of coping with Boston’s dichotomous race relations history. The city which fought ardently for the abolition of slavery was also the same city which established the “separate but equal” doctrine of segregation. The greatest difficulty Boston faced in 1974 was to address its counteractive history of race relations.

Chapter 3: Representations of Judge Garrity and his Decision in the Media

This chapter seeks to address how Judge Garrity was portrayed in both the local and national newspapers. Newspapers are important tools of history because they act as the suppliers of information to the general public, and how they report information has a direct impact on how it is received and interpreted. Language, placement, and length all serve as indicators of the intended portrayal of an article. This chapter will examine the portrayals of Judge Garrity and his decision in the competing local dailies, the *Boston Globe* and the *Boston Herald American*. In addition this chapter will look at the coverage of *New York Times*, the *Chicago Daily Defender* and the *Christian Science Monitor* to illustrate a more neutral outlook as a point of comparison to the local media.

The *Boston Globe* and the *Boston Herald American* were selected as they were the two major competing dailies in Boston in 1974. As Judge Garrity's decision in *Morgan v. Hennigan* and subsequent order to desegregate dealt specifically with the Boston public school system, the Boston daily newspapers were central to the dissemination of information throughout the city regarding desegregation. Journalism in the 1960s came under attack because it was believed that the presence of media served to actually incite exaggerated violence during volatile events, so it was reported by *Time* magazine that "in an unprecedented display of co-operation" the publishers of both the *Boston Globe* and *Boston Herald American* as well as all other local news executives "made a commitment to the mayor that although we would cover the totality of the news, there would be no inflammatory material, and unpleasant incidents would be written up judiciously."⁸⁵ This conscious effort of self-censorship had an effect on both the *Globe* and the *Herald American* and it made their perceptions and communications of events more similar in nature than one

⁸⁵ "Cooling It in Boston", *Time*, September 28, 1974

would expect. That being said, each newspaper maintained its individual interpretations on Judge Garrity and busing in Boston as supported in the language and evidence used with the *Herald American* maintained a more conservative point of view and the *Globe* being much more liberal by comparison.

The national newspapers consulted in this chapter were selected based on the variety they represent. The *New York Times* was selected because of its wide distribution throughout the United States as well as its national coverage of events. The *Chicago Daily Defender* was selected because it is the first African American national newspaper as well as the largest in print in 1974. Finally, the *Christian Science Monitor* was selected as it is published in Boston but is a national newspaper with a more conservative connotation. These three national papers, combined with the local dailies were selected to create a well rounded sample to examine the variations in how Judge Garrity was represented in the media.

Life in Boston changed dramatically on Friday June 21, 1974 after Judge Garrity's ruling on *Morgan v. Hennigan* was released. By the next morning, both the *Globe* and the *Herald American* dedicated their front pages to multiple articles regarding Garrity's order and its implications. The headlines of the *Globe* and *Herald American* read "US Judge orders Hub busing enforced" and "Hub Guilty of School Segregation" respectively. The past fifteen months had left the residents of Boston waiting in anticipation for Garrity's ruling. During the preceding weeks in June, Massachusetts Governor Francis Sargent made an effort to eliminate the Racial Imbalance Act which stated that no school population is to be more than fifty percent non-white students.⁸⁶ The Boston School Committee's violation of the Racial Imbalance Act was the very basis for *Morgan v. Hennigan* but up until the week before

⁸⁶ "House Amends Busing Plan", *Boston Herald American*, June 11, 1974, p. 10; *Morgan v Hennigan*, p. 417

Garrity delivered his decision the Governor and House of Representatives were making their best effort to amend and eliminate the Racial Imbalance Act.

Many were still skeptical about the possibilities that Judge Garrity would order busing; as late as June 17 the Boston School Committee chairman John Kerrigan had predicted that there would be no “forced busing” or the integration of Boston public schools in the coming fall. He reasoned that “those opposed to forced busing are steadily gaining allies at Boston City Hall, the State House and the Federal government level.”⁸⁷ But after June 21, 1974, their skepticism transformed into anger and resistance.

The front page of the *Boston Globe* on June 22, 1974 was almost wholly dedicated to Judge Garrity and his decision on *Morgan*. It was complete with a copy of the original partial judgment and interlocutory order, several analytical reviews of the order and a summary of the ruling. The front page of the *Globe* emphasized the extensive deliberation that was put into Garrity’s order as well as indicated that “Garrity’s findings are tightly reasoned and anticipate arguments that could be advanced in any forthcoming appeals.”⁸⁸ Further in the article, Judge Garrity was quoted stating that “a preference not to bus, or for neighborhood schools, or any other policy preferences can be validly maintained only if it will not interfere with the defendant’s constitutional duty to desegregate.”⁸⁹ This quote illustrates Garrity’s empathy for the citizens of Boston as he understood that people would be upset and so long as it did not interfere with desegregation, people are more than able to express themselves. The overall mood of the *Globe*’s front page was that of affirmation and matter-of-fact acceptance.

⁸⁷ “There will be no busing this fall Kerrigan predicts”, *Boston Globe* , June 17, 1974, p. 34

⁸⁸ “A clear message from the judge”, *Boston Globe*, June 22, 1974 p. 1

⁸⁹ Ibid.

The front page of the *Boston Herald American* told a similar but different story. The front page also gave its readers a summary of Garrity's order and featured a single analytical article, but unlike the *Globe*, the front page of the *Herald American* featured an article on the Boston School Committee chairman. The article quoted John Kerrigan stating that "Judge W. Arthur Garrity's ruling that Boston's school system is 'unconstitutionally segregated' will 'positively be appealed.'"⁹⁰ In the *Globe* Kerrigan's call for appeal is not mentioned until the fourth page; to not report Kerrigan's call to appeal Garrity's order would have been poor journalism, but to feature it on the front page established that Garrity's order would only be temporary. In addition, the front page of the *Herald American* did not illustrate Garrity's empathy for the citizens of Boston nor does it illustrate the care and caution Garrity took in coming to his final decision. As evidenced by featuring Kerrigan's guarantee for appeal, the mood of the *Herald American* is much more resistant and hostile to Garrity's order.

Another important variance between the front pages of the *Globe* and the *Herald American* was their choice of imagery. The *Globe* featured a smaller portrait photo of Garrity wearing his horn-rimmed glasses, suit and white collared shirt, and a demure, almost solemn, expression, whereas the photo selected by the *Herald American* features Garrity in profile and in mid-sentence. As a result of the photo being snapped whilst Garrity was speaking the expression on his face is much more aggressive and with a degree of ferocity. In juxtaposition to the photo of Garrity featured on the front page of the *Herald American* it would have been hard to recognize that they were photos of the same man. The implications of the different imagery used is that the *Globe* featured a reserved, respectable judge, while the *Herald American* featured an angry, commandeering judge and these photos had a direct impact on how he would be regarded by their readership.

⁹⁰ "Kerrigan says appeal sure", *Boston Herald American*, June 22, 1974, p.1

In its June 22 issue, the *Globe* featured eleven separate articles on Garrity and his decision. The third page of the *Globe* featured the continuation of an analytical piece from page one, a brief article on other northern cities that had been forced to balance their schools, a list of charges ruled on by Garrity in his decision, and a five column piece on Garrity himself. It is the article on Garrity's character that is of the greatest interest to this paper because there was no article printed in the *Herald American* on the same topic. It is in this article that the *Globe* readers learn that Arthur Garrity was a graduate of Holy Cross College in 1941, that he served in United States Army during World War II, earned his law degree from Harvard Law School in 1946 and served as a campaign organizer for the Wisconsin and California primaries for President John F. Kennedy in the 1960 elections.⁹¹ He is portrayed as cautious, meticulous yet infamously liberal judge as to illustrate the strength of his order.

The June 22 issue of the *Herald American* is much sparser in its content on Garrity's decision in comparison to the *Globe*. Only five articles made the final print of the *Herald American*, three of which were featured on the front page and continued on page five. The *Herald American* allotted no space to developing a profile of Garrity the person; no indications were made about the deliberateness of Garrity's decision or the strength of the *Morgan* ruling. Garrity was quoted in the *Herald American* saying that "No amount of public or parental opposition will excuse avoidance by school officials of constitutionally imposed obligations."⁹² While the *Globe* emphasized Garrity's empathy for the hardships busing would create, the *Herald American* depicted Garrity as unyielding and indifferent to the busing opposition.

⁹¹ "Deliberateness, caution are Garrity hallmarks", *Boston Globe*, June 22, 1974, p.3

⁹² "US District Judge Finds Boston Schools Guilty of Segregation", *Boston Herald American*, June 22, 1974, p. 5

Effectively, Garrity was portrayed much more harshly in the *Boston Herald American* than he was in the *Boston Globe* in the June 22 issues following his ruling on *Morgan v. Hennigan*. The *Globe* placed more emphasis on illustrating the strength of Judge Garrity's character as well as the painstaking dedication he placed on the *Morgan* ruling and the empathy he felt for those who opposed his decision. By comparison the *Herald American* portrayed Garrity much more fiercely and granted more attention to Kerrigan's promise to appeal Garrity's ruling; by featuring Kerrigan's call for appeal on the front page, the *Herald American* failed to establish any legitimacy or respect for Garrity's order. The selection of imagery for the front page is also the greatest indicator of each the local newspapers' opinion about Garrity; the photo served as an exact representation and reflection of how Garrity would be portrayed in each paper.

The national media attention was much more subdued in the aftermath of Garrity's order to desegregate Boston public schools as a result of its limited impact. The *New York Times* gave a small corner of its front page to the issue, while the *Chicago Daily Defender* did not report Garrity's order until June 27, 1974 and the *Christian Science Monitor* failed to report anything at all. For the rest of the nation, desegregation was commonplace and did not warrant much attention as Boston was just one of many northern cities to order integration in the 1970s.

The *New York Times* also reported Garrity's decision on its front page, but unlike the *Boston Globe* and the *Boston Herald American*, the *Times* article was a total of thirty-four words which indicated that "a Federal judge has ruled that Boston maintains racially segregated schools and ordered the city to eliminate 'every form of racial segregation' in the

school system as quickly as possible, if necessary, by busing.”⁹³ In the *New York Times*’ front page coverage there was no indication as to who the presiding judge was aside from a “Federal judge”. There were no photos, no analysis and no summary, just a simple sentence which showed that integration came to Boston.

Deeper inside the June 22 issue of the *New York Times*, on page thirteen, there is a longer, one and a half column article which summarized the law suit, Kerrigan’s promise that Garrity’s order will be appealed, the history of northern desegregation orders and a brief summary of Garrity’s ruling. Overall the mood of the *New York Times* regarding Garrity and his order to desegregate busing is quite neutral, illustrating neither a pro- nor an anti-desegregation position as a result of being far removed from the issue.

The *Chicago Daily Defender*’s June 27 issue took a less neutral approach to Garrity’s order. The *Defender* emphasized that Judge Garrity “stunned white Bostonians beyond belief” when he “ruled that Boston has been running a discriminatory school system.”⁹⁴ The *Defender* was also mindful of the three precedent setting cases which preceded Garrity’s order and most importantly it paid attention to the dichotomy school segregation in Boston presented. The *Defender* wrote that “Boston’s school stand is in sharp contradiction to its historical past. It was shocking to Americans with a sense of history to find the city which was the focal point of the movement to abolish slavery, now an advocate of segregation, denying black children equal educational opportunity.”⁹⁵ The *Defender* was the only newspaper to immediately consider the implications Garrity’s order had on Boston’s reputation, not to say Garrity’s order tarnished the city’s reputation but that it brought forth the truth about Boston.

⁹³ “Boston Told to Integrate”, *Boston Herald American*, June 22, 1974, p. 1

⁹⁴ “Boston School Bias”, *Chicago Daily Defender*, June 27 1974, p. 21

⁹⁵ Ibid.

It is evident in the newspapers immediately following Judge Garrity's decision in *Morgan v. Hennigan* that the local media was much more invested in the issue. The national papers, represented here by the *New York Times* and the *Chicago Daily Defender*, both presented general overviews of the case and Garrity's decision with the *Defender* paying specific attention to the scarred reputation of Boston. It is clear by examining the content, language and placement of the similar articles in the *Boston Globe* and the *Boston Herald American* that the *Globe* was much more respectful of Garrity's order than the *Herald American*.

The return to school and beginning of busing in September loomed over Boston for the duration of what was a relatively calm summer. As September 12, 1974 approached, Boston became increasingly on edge. The number of protests and acts of violence began to increase and parents in opposition to busing refused to send their children to school on the first day. On September 8, 1974 a motorcade of anti-busers tried to bring their protest to Garrity's home in Wellesley and at an anti-busing rally on September 9, 1974 Senator Edward Kennedy became the target of their projectiles. Boston looked to be building up to a catastrophic first day of school but when September 12 came the local newspapers reported a mood of relative calmness throughout the city. The national newspapers reported a different story.

On September 8, an anti-busing motorcade of 250 cars attempted to make its way to Judge Garrity's residence in Wellesley, Massachusetts. The *Boston Globe* reported on September 9, that a mock funeral motorcade mourning the loss of the city of Boston travelled from South Boston through the city center and with plans to make its way to Garrity's

home.⁹⁶ Cars were adorned with signs that read “Death and Funeral of the City of Boston: No Freedom of Choice” but only seven actually made their way to their final destination.⁹⁷ The *Globe* was the only local newspaper to report the motorcade; however, in this instance, what is left out of a newspaper is just as important as what is included. Largely, the plan for the motorcade to harass Garrity in his own home was seen as the anti-busers crossing the line. It illustrated their lack of respect for both Garrity’s privacy and the security of his family. The fact that only seven of the participating two hundred and fifty cars made it to Wellesley indicates the reservation most participants felt. By not reporting this incident the *Boston Herald American* effectively illustrated that it did not want to portray the anti-busers in such a negative light. It is one thing to cover a peaceful protest at Marine Park or the Boston Common, it is quite another to cover a motorcade violating the security and privacy of Judge Garrity.

The following day on September 9, 1974 the anti-busing protests continued. This time between five and ten thousand protestors gathered outside the City Hall Plaza. Covered by both the *Boston Globe* and the *Boston Herald American* the protest became of national interest when Senator Edward Kennedy, the brother of the late President John F. Kennedy, was attacked during the protest. Senator Kennedy had decided to give an impromptu speech at the rally which took place just outside his office, but when he took to the stage he did not have the opportunity to express his support for busing before he was attacked. Like all incidents during the busing controversy the *Boston Globe* and the *Herald American* reported similar but different articles, while the national media coverage was altogether different from either of the local papers.

⁹⁶ “Antibusing rally at Government Center; most of motorcade misses Garrity’s house”, *Boston Globe*, September 9, 1974, p.3

⁹⁷ Ibid.

The headline of the *Herald American's* front page on September 10 read that "School Busing Foes Boo Kennedy; 8000 at Protest Gathering."⁹⁸ While the *Boston Globe's* headline read "Kennedy jeered by Hub busing foes" and reported that only 5000 protestors were in attendance.⁹⁹ By reporting that only 5000 were attendance "half the number of who had participated in a march from Boston Common," the *Globe* effectively downplayed the success of the rally; by stating a decrease in participation the *Globe* indicated a loss of support.¹⁰⁰ In comparison by the *Herald American* reporting that 8000 were in attendance, it illustrated the movement's continued success. The *Herald American* and *Globe* articles regarding the Kennedy incident were filled with conflicting information.

In addition, the *Herald American* reported that when Kennedy attempted to leave he was swarmed by a group of angry mothers who prevented him to leave and eventually a tomato was thrown in his direction but did not hit him.¹⁰¹ However unlike the *Herald American*, the *Globe* reported that the tomato had in fact actually hit Kennedy. Something as simple as whether or not a tomato hit Senator Kennedy can appear trivial but by reporting a successful tomato throw, the *Globe* vilified the anti-busing protestors.

The final, and most important discrepancy reported by the *Globe* and the *Herald American* regarding the Kennedy incident dealt with the chants of the protestors. The *Herald American* reported that when Kennedy took the stage he was met with chants of "Impeach Kennedy" but the *Globe* coverage reported that in addition to "Impeach Kennedy" the crowds also chanted "You are a disgrace to the Irish" and more horrifically "Shoot him..."

⁹⁸ "School busing Foes Boo Kennedy", *Boston Herald American*, September 10, 1974, p.1

⁹⁹ "Kennedy jeered by Hub busing foes", *Boston Globe*, September 10, 1974 ,p.1

¹⁰⁰ Ibid.

¹⁰¹ "School busing foes boo Kennedy", *Boston Herald American*, September 10, 1974, p.36

Shoot him... Shoot him.”¹⁰² The two latter chants reported by the *Globe* have more dramatic implications than “Impeach Kennedy”. The *Globe* coverage again vilified the anti-busing movement, by illustrating that the anti-busers attacked Kennedy’s heritage and evoked memories of the assassinations of his brothers John and Bobby Kennedy. The Kennedy incident, though not directly related to Judge Garrity, is important because the protest was organized in opposition to Garrity’s order to bus school children for integration and it serves as a strong example to establish the varying approaches of the *Globe* and the *Herald American*.

The *New York Times* in its coverage of the Kennedy incident took a third approach. While the *Globe* tended to downplay the success of the rally and vilify the movement, the *Herald American* illustrated the success of the movement, and portrayed the anti-busing protestors less severely. The *New York Times*’ coverage reported that upward to 10,000 were in attendance and that a woman protestor went up to Kennedy shrieking “You should be shot, Senator ... You should be shot.”¹⁰³ The inflated attendance illustrated a higher success of the protest but the comments of the female protestor delivered a more dramatic interpretation of the event. While similar to the *Globe* in terms of the epithets the *New York Times* appeared to take a middle approach between the *Globe* and *Herald American* by illustrating both the success and ferocity of the protest.

September 12 was arguably the most important day in Boston in 1974. The students of Boston’s public school system were to attend racially integrated schools for the first time. The headlines of *Boston Herald American* and the *Boston Globe* respectively read “Calm Prevails as Schools Open” and “First Day of School Relatively Calm” while the headlines of

¹⁰² “School Busing foes boo Kennedy”, *Boston Herald American*, September 10, 1974, p.1;
“Kennedy jeered”, *Boston Globe*, September 10, 1974, p.1

¹⁰³ “Kennedy jeered on Boston busing”, *New York Times*, September 10, 1974, p.1

the *New York Times*, *Christian Science Monitor* and *Chicago Daily Defender* respectively read “Violence Mars Busing in Boston”, “Boston Whites boycott busing” and “Busing foes in Boston.”¹⁰⁴ The local news coverage placed emphasis on the peacefulness of the first day, while highlighting the boycott in South Boston the national news emphasized the difficulties endured. For the first time we begin to see the local and national news coverage in stark contrast to one another as a result of the self-imposed censorship plan of the local news outlets reported by *Time* magazine.

Unlike earlier reports the local news coverage became much more amicable after the first day of school. In its coverage in the *Boston Evening Globe* of September 12 and the morning edition of September 13, there were twenty-one articles printed regarding the first day, while the *Herald American* covered twelve separate stories in its morning edition on September 13. The featured news articles focused on the relative calmness of the first day, the South Boston boycott and the successes at individual schools. However, the *Globe* featured the busing stories much more prominently than the *Herald American*.

The front page of the *Boston Globe* was dominated by its coverage of the first day of Garrity’s court-ordered integration. The *Globe* even moved its international section from page two to have more space to cover the events. The *Evening Globe* covered busing related stories on pages one, two, three, five, nine, nineteen and twenty while the *Herald American* only featured two small articles on the front page, and the related articles were featured deeper in the paper on pages three, six, seventeen, eighteen and nineteen.

¹⁰⁴ “Calm Prevails as Schools Open”, *Boston Herald American*, September 13, 1974, p.1;
“First Day of School Relatively Calm” *Boston Globe*, September 12, 1974, p.1;
“Violence Mars Busing in Boston”, *New York Times*, September 13, 1974, p.1;
“Boston Whites boycott busing”, *Christian Science Monitor*, September 13, 1974, p.1;
“Busing foes in Boston”, *Chicago Daily Defender*, September 16, 1974, p. 9

Despite a more even approach to their reports, as to not incite violence, discrepancies still remained between the competing dailies. The *Globe* featured an article on its front page entitled “Mrs. Hicks takes role of peacemaker”, and reported that Louise Hicks, the leader of the anti-busing opposition, participated in physically pushing protesting white students off the property of South Boston High telling them: “We can’t do anything here... There just isn’t any sense to it. Why don’t you move on?”¹⁰⁵ This article illustrates a very different side of Hicks, one that would cause anti-busing protestors and her supporters to doubt her intentions but the *Herald American’s* coverage is drastically different. The article on Hicks, entitled “The Streets Were Crowded in Southie... But High School Was Nearly Empty” does not appear until page nineteen in the *Herald American* and is not directly about Louise Hicks and her effort to quell protests outside South Boston High. Instead of being quoted for her efforts to stop the protest at South Boston High, the *Herald American* quoted her commending their efforts and maintaining her status as being vehemently opposed to busing; “The people are to be commended for their restraint. They are very angry, and very frustrated.”¹⁰⁶ The coverage immediately following the first day of busing in Boston was reflective of each local newspaper’s loyalty in the busing controversy while trying to maintain Boston’s compliance with Judge Garrity’s order.

The national newspapers were not concerned with projecting a mood of calmness in Boston after the first day of busing. While the *Globe* and the *Herald American* emphasized peacefulness, the *New York Times*, *Chicago Daily Defender* and the *Christian Science Monitor* emphasized resistance and violence. The first day of busing garnered front page coverage in the *New York Times* who reported stones were thrown at the buses of African

¹⁰⁵ “Mrs. Hicks takes role of peacemaker”, *Boston Globe*, September 12, 1974, p.1

¹⁰⁶ “The Streets Were Crowded in Southie... But High School Was Nearly Empty” *Boston Herald American*, September 13 1974, p. 19

American children being bused into South Boston from neighboring Roxbury, and the epithet “Niggers go home.”¹⁰⁷ The *Christian Science Monitor* also reported incidents of violence directed at African American children, while maintaining the relative peace throughout most of the city, a reflection of both its national audience and local loyalties. Finally, as to be expected, the *Chicago Daily Defender’s* coverage is much bolder in its accusations towards anti-busing, articulating that “the anti-busing militancy is not against the mechanism of transportation of school children. It is in truth a reaction against mixing blacks with white students in the Boston school system. This is the reversal of racial tradition of goodwill and amity that had been a cultural landmark there since the abolition of slavery.”¹⁰⁸ The coverage of violence and struggle on the first day of busing was much more explicit in the *Defender*, the *New York Times* and the *Christian Science Monitor* because they were not limited by a censorship order.

In the media coverage in the month of September, Judge Garrity himself took a secondary position to other issues related to his busing decision. The focus of the newspapers was predominantly with the successes – or failures – of busing, rather than directly on Garrity. As September progressed, many boycotts continued throughout the city and the question of whether to enforce the truancy laws was raised by the NAACP. Judge Garrity held that absenteeism out of the concern of safety was legitimate and that enforcement of the truancy laws would not be enforced, which was echoed by Superintendent William J. Leary, who said that absenteeism would proceed on case by case basis.¹⁰⁹ In both the *Herald American* and the *Boston Globe*, Garrity was quoted urging that a “different standard should

¹⁰⁷ “Violence Mars Busing in Boston”, *New York Times*, September 13, 1974, p. 30

¹⁰⁸ “Busing Foes in Boston”, *Chicago Daily Defender*, September 16, 1974, p.9

¹⁰⁹ “Garrity urges leniency if truancy caused by legitimate concern”, *Boston Herald American*, September 19, 1974, p. 7

apply” to students whose parents keep them out because of safety concerns.¹¹⁰ He was shown as empathetic to parents’ concerns regarding the safety of their children and emphasis was placed on his call for leniency toward those who are withholding their children from schools.

In September the local media coverage became much more subdued in regards to busing as a result of a self-imposed media ban though their varying stances of busing still remained evident. The overall goal of the Boston dailies in September was to portray an atmosphere of hope and to quell concerns regarding the safety of busing. The national news media were much less inhibited in their coverage of busing. The *Chicago Daily Defender* was much more flagrant than any other newspaper in its claim that the issue is not that of busing, but integration itself and the *New York Times* and *Christian Science Monitor* reported on violence without limitations. Coverage directly relating to Judge Garrity was scarce throughout all newspapers for most of the month but the coverage that did appear was much more neutral in nature in both the *Globe* and *Herald American* as a direct result of their self-imposed censorship. Throughout the month of September the *Herald American* maintained a sympathetic attitude towards the anti-busing movement, while the *Globe* portrayed the anti-busers as an irrational, and at times maniacal, group which is again reflective of the newspapers’ opinions of Garrity’s order.

By October the conflict in Boston began to escalate. The beginning of the month got off to a relatively good start with Judge Garrity encouraging that the long-term integration plans to include minimal busing while hopes for peaceful integration still seemed futile. As the month continued opposition to busing remained firm as boycotts continued to keep children out of their integrated schools. Adding to the opposition, in a televised news

¹¹⁰ “Garrity suggests absence for safety not truancy”, *Boston Globe*, September 19, 1974, p. 14; “Garrity urges leniency if caused by legitimate concern” *Boston Herald American*, September 19, 1974, p.7

conference President Ford publicly disagreed with busing which further incited the anti-busing movement and by mid-month Hyde Park high school was closed after a student was stabbed and seven others injured in a race-related altercation.

On October 2, 1974 both the *Boston Globe* and the *Boston Herald American* reported that Judge Garrity requested that the final desegregation plan for Boston include minimal busing. The announcement garnered front page coverage in the *Globe* while the *Herald American* ran it on page three. The articles again are very similar in nature, a result of the self-imposed censorship ban. The *Globe* and the *Herald American* respectively reported Garrity's desire to appease the city when he stated: "the less busing the more the acceptable to people all over the city" and "the less busing the better the acceptability of the plan by everyone in the city."¹¹¹ The articles also highlighted other decisions recently made by Garrity including granting permission to students of schools without competitive sports to play for their previous school teams, changes to the bi-racial parents' council, and his desire to earn aid from the US Department of Health, Education and Welfare (HEW) for the city of Boston.

The majority of the *Globe* article focused on the anticipated aid plan from HEW while the *Herald American* failed to mention HEW by name, indicating only in its last paragraph that "a final court order is needed soon if Boston is to compete for federal emergency desegregation aid."¹¹² The *Herald American* was much more concerned with the practicality of whether the Boston School Committee could meet the December 16 deadline. In regards to Judge Garrity the articles were again quite neutral in their portrayal of him

¹¹¹ "Garrity's wants plan to minimize busing", *Boston Globe*, October 2, 1974, p.1;

"Garrity urges minimum of busing", *Boston Herald American*, October 2, 1974, p.2

¹¹² "Garrity urges minimum of busing", *Boston Herald American*, October 2, 1974, p.2

when compared to the articles that appeared in June. Judge Garrity was shown as a more compassionate person, empathetic to the concerns of parents who opposed busing.

On October 9, 1974 President Ford gave the anti-busing movement the legitimacy that it had sought since June. In a televised news conference, President Ford stated that he did not agree with busing but that he deplored violence. The anti-busing movement interpreted President Ford's message as a nod of approval for their movement. The emphasis of the local Boston newspapers was placed on President Ford's denunciation of busing while his plea to end violence was more heavily reported by the *Globe*. The *Chicago Daily Defender* also took extreme opposition to Ford's remarks towards busing and printed an article highlighting Ford's tradition of blocking civil rights legislation. While the *New York Times* and the *Christian Science Monitor* both emphasized Ford's denouncement of violence they were mindful of the implications his position on busing held for the larger integration movement. Ford's statement both offered support and criticism of the anti-busing movement but in the local and African American newspapers Ford was chided for giving legitimacy to opponents of busing and his condemnation of violence became secondary. As a result of the concerns for the potential violence Ford's comments would incite, Judge Garrity was able to garner support from the news media.

The headlines of both the *Boston Globe* and the *Boston Herald American* reported that Ford disagreed with Garrity's order to bus students for integration. The *Boston Globe* quickly covered Ford's disagreement before emphasizing the importance of Ford's disdain for violence while the reverse was true of the *Herald American*. The only reference to Ford's opposition to busing on the front page of the *Globe* was that Ford "respectfully disagrees with busing" while the rest of their coverage emphasized his condemnation of the city's

violence and his plea for their compliance with the busing order.¹¹³ However the *Herald American* reported on its front page that Ford had “consistently opposed forced busing to achieve racial balance as a solution to quality education” and that he “disagreed with Federal Judge W. Arthur Garrity’s busing order in Boston.”¹¹⁴ Furthermore, the *Herald American* only made reference to Ford’s demand for compliance on page four though it was the first point mentioned in Ford’s actual broadcast. The *Globe* was also keen to note that President Ford had not once explicitly referenced Judge Garrity in his press conference while no such mention was made by the *Herald American*. These variances reflect the *Boston Globe*’s generally supportive relationship with Judge Garrity and the order to bus students and the *Boston Herald American*’s more critical position towards busing.

The attitude of the second series of articles printed after President Ford’s press conference focused on the mixed reactions to Ford’s comments. The *Globe* staff writers condemned President Ford in an article on October 10 which stated “if both sides of the busing issue agreed on one thing yesterday, it was that President Ford’s comments held hope for forced-busing opponents that they eventually could overturn the Federal school desegregation order.”¹¹⁵ This sentiment was reassured by both papers who reported that John Kerrigan, Chairman of the Boston School Committee was thrilled with Ford’s statement, exclaiming that “Ford spoke honestly – he mouthed something that I said three minutes after Garrity’s decision.”¹¹⁶ Ford’s statements inspired hope in the opponents of busing and undermined Judge Garrity’s authority and judgment. Concern for the implications of Ford’s statement was a dominant theme in the *Boston Globe* news articles while the mood of the

¹¹³ “Ford disagrees with Garrity’s busing decision”, *Boston Globe*, October 9, 1974, p.1

¹¹⁴ “President Deplores Disturbances”, *Boston Herald American*, October 10, 1974, p.1

¹¹⁵ “Foes find hope in statement”, *Boston Globe*, October 10, 1974, p.1

¹¹⁶ “Ford Statement on Busing Draws Mixed Reaction”, *Boston Herald American*, October 10, 1974 p.3; “Ford remarks bring hope to busing foes”, *Boston Globe*, October 10, 1974, p.8

Herald American was much more welcoming to Ford's remarks reflecting its own views of Garrity.

In the national media, the *Chicago Daily Defender* openly condemned Ford, while the *New York Times* and the *Christian Science Monitor* were more subdued in their accusations and emphasized Ford's plea for compliance and the end of violence. The *Chicago Daily Defender* was unabashedly critical of Ford's position on busing. Without reservation in an October 14 article, the *Defender* reported that they were not surprised by Ford's comments as he had a long "voting record against civil rights" in the House of Representatives, though the article candidly remarked, "we had hoped his assumption to the Presidency would have spurred him to a high sense of moral responsibility consistent with the constitutional requirements of his office."¹¹⁷ As the largest African American newspaper, the *Defender* rightfully maintained its position of unyielding support for busing and Judge Garrity with a brazen attack on President Ford's civil rights record.

Unlike the *Chicago Daily Defender* the *New York Times* and the *Christian Science Monitor* highlighted Ford's concern for safety and compliance in Boston in their articles following his October 9 press conference. The majority of both the *Times* and the *Monitor* articles emphasized that Ford deplored violence and urged the citizens of Boston to comply with Garrity's orders but were careful to note the reality that his subsequent statements on busing were highly detrimental. The *Monitor* wrote that "President Ford's plea to end violence and respect the law in Boston ought to be heeded by all Americans. But his press conference gravely risked undercutting this plea when it placed the President on record as opposing the court order to achieve the school desegregation demanded by law."¹¹⁸

¹¹⁷ "Ford on School Busing", *Chicago Daily Defender*, October 14, 1974, p.9

¹¹⁸ "Ford, law and Boston", *Christian Science Monitor*, October 11, 1974, p.16

Furthermore the *Times* noted that President Ford was the first President since *Brown v. Board* to publicly disagree with a court-order to desegregate.¹¹⁹ The national news media deplored Ford's public disagreement with Garrity while emphasizing that the violence in Boston must end. This illustrates that the national news media were both in favor of Garrity's order and non-violent resolution of the conflict in Boston.

The newspaper portrayal of Judge Garrity was largely positive throughout the month of October. Following Garrity's request to minimize busing in an effort to appease his opponents, the *Boston Globe* and *Herald American* delivered very similar accounts of Garrity portraying him as empathetic to parents' concerns. Ford's disagreement with busing as the best solution for quality education concerned newspapers, and in turn they condemned Ford for damaging the rule of the law and inciting the anti-busing movement to disobey Garrity. The coverage of Ford's comments in the *Boston Globe*, the *New York Times*, and the *Christian Science Monitor* tried to downplay Ford's disagreement with busing and highlight his plea to end violence whilst recognizing the detrimental effects his comments would have on the effectiveness of Garrity's order. The *Chicago Daily Defender* took a more severe position against Ford by unapologetically denouncing his failure to fulfill the Constitution and the Presidential Oath. Unlike the other papers the *Herald American* focused more on Ford's denunciation of Garrity's orders which illustrates their support for Ford and anti-busing. In turn as a result of the newspapers' condemnations of Ford they illustrated indirect support for Judge Garrity and his decision.

November was a much quieter month in Boston during the fall of 1974. While the protests and boycotts continued against busing in November they were largely peaceful and incidents of racial violence in the schools had decreased. The month began with Judge

¹¹⁹ "Violence is deplored", *New York Times*, October 11, 1974, p.55

Garrity ordering the Boston School Committee to develop a plan for desegregation by December 16, 1974 and ended with Coretta Scott King coming to speak at an integration rally.

On October 31, 1974 Judge Garrity ordered the Boston School Committee, the defendants in *Morgan v. Hennigan*, to develop, approve and submit a final desegregation plan by December 16, 1974 for use in the following school year. His order was reported in the October 31 *Boston Evening Globe*, and the November 1 *Boston Herald American* and *New York Times*. The *Globe* and the *Herald American* articles developed two distinct portrayals of Judge Garrity, while the *Times*' coverage was much more neutral and reported both the pros and cons of Garrity's order.

For the first time since busing began in September, there were very clear and strong differences in the attitudes conveyed by each of the local newspapers. The front pages of both the *Herald American* and the *Boston Globe* ran Garrity's order for December 16. The *Herald American* headline read "'Greatest Possible Desegregation' Ordered" while the *Globe* read "Garrity orders citywide balance plan by Dec. 16."¹²⁰ The language of the *Globe*'s headline was much more amicable to Judge Garrity and the city's apprehensions to busing. In a time when desegregation is synonymous with busing, "greatest possible desegregation" is much more severe outcome for opponents of busing and integration than "citywide balance plan". Effectively, the *Herald American* headline only added to the frustration of the opponents of Garrity by inciting their worst-case scenario.

The language used throughout the articles also worked to convey two very distinct portrayals of Judge Garrity. On its front page the *Herald American* wrote that Garrity's

¹²⁰ "'Greatest Possible Desegregation' Ordered", *Boston Herald American*, November 1, 1974, p.1; "Garrity orders citywide balance plan by Dec 16", *Boston Globe*, October 31, 1974, p.1

guidelines for the plan were “a carbon copy of those recommended by the NAACP attorneys last month.”¹²¹ The language of this statement effectively illustrated that Garrity was a puppet of the NAACP and did not make his own decisions, thus illustrating that Garrity was biased towards the Plaintiffs; which was not the case. Throughout the entirety of the *Herald American’s* article, Garrity’s order is referred to as a final order; Instances include “Garrity yesterday issued a final desegregation order for Boston’s public schools”, “Garrity’s final order” and “the final integration plan, as outlined by Garrity.”¹²² Alternatively, the *Globe* never used the word “final” in their coverage. By prohibiting the use of the word “final” the *Globe* served to insinuate flexibility with Garrity’s plan while the *Herald American* firmly illustrated that the plan was unchangeable.

Another distinct difference in the *Globe* and *Herald American* coverage of Garrity’s order and related to the finality of his order is in the information reported. The *Globe* from the outset highlighted in the third paragraph of its front page article that Garrity’s December 16 deadline for the Committee was not final, that Garrity would hear alternative suggestions for the plan from other groups until January 20, 1975.¹²³ Thus the December 16, 1974 plan would not be final, as was indicated strongly in the *Herald American*, but it would serve as a base for further discussion and adjustments. The *Herald American* does not mention that changes could be made to the plan up to January 20, 1975 until the fourth last paragraph on page thirty-nine. The implications of this information being printed on the front page of the *Globe* and page thirty-nine of the *Herald American* is that the *Herald American* portrays Garrity as relentless and unconcerned with hearing alternative plans, which was not the case. The *Herald American* coverage served to further incite disdain for Judge Garrity.

¹²¹ ““Greatest Possible Desegregation Ordered”, *Boston Herald American*, November 1, 1974, p.1

¹²² Ibid.

¹²³ “Garrity orders citywide balance plan by Dec 16”, *Boston Globe*, October 31, 1974 p.1

The *New York Times*' coverage of Garrity's order was a mixture of the portrayals delivered by the *Globe* and the *Herald American*. In their article entitled "US judge signs order to Boston" featured on page thirty-six, the *Times* summarized a very brief history of busing in Boston and the opposition to it. They reported that the December 16 deadline for the School Committee's desegregation plan would be open to suggestions until January 20, 1975 mimicking the report from the *Globe*, but they were also very critical of Judge Garrity's order mimicking the *Herald American*. The *Times* reported that "the judge's order today appeared unclear on several points."¹²⁴ The *Times* accused Garrity of being unclear on many the concerns and discrepancies presented to the court in the weeks leading up to his decision, including the addition of Charlestown and East Boston to the new desegregation plan. Unlike the *Herald American* and the *Globe*, the *New York Times* portrayal of Garrity was quite neutral applauding the order's strengths and questioning its weaknesses, the *Times* neither garnered support nor opposition.

Overall, November was a relatively quiet month in the newspapers regarding Judge Garrity and his decision to integrate Boston public schools through busing. The articles printed at the beginning of the month regarding Garrity's December 16 deadline for the next desegregation plan best exemplify each newspaper's position on Judge Garrity and busing. The *Boston Globe* article developed a much more favorable, amicable portrayal of Garrity, reporting on his empathy, flexibility and general understanding of the conflict while the *Herald American* portrays Garrity as a relentless puppet of the NAACP who does not understand the concerns of his opposition. Comparatively, the *New York Times*' account was much more neutral than either of the local newspapers as it had the benefit of being far removed from the conflict.

¹²⁴ "US judge signs order in Boston", *New York Times*, November 1, 1974, p.36

As a testament to the *Globe's* favorable coverage of Judge Garrity the *Globe* and its advertisers were targeted by anti-busers. Frustrations with the *Globe* came to a head later on in the month when the *Globe* reported that “busing foes picket *Globe* advertiser.”¹²⁵ Opponents of busing boycotted all “Stop & Shop” groceries the week of Thanksgiving in an effort to make them end “their policy of advertising in The *Globe* which they accused of ‘distorting the truth in order to support busing’ in Boston public schools.”¹²⁶ As a result of the *Globe's* favorable coverage of Judge Garrity and his order to bus students to achieve integration, those involved with the *Globe* became targets of the anti-busing protest.

December began as a relatively calm month in Boston in light of desegregation but quickly became one of the worst that fall. A stabbing of a student at South Boston High, only five days before the School Committee’s desegregation plan was due, exacerbated the situation in Boston. When December 16 came, the Boston School Committee voted three to two against submitting their court-order plan. By the month’s end chairman John Kerrigan, Paul Ellison and John McDonough were found guilty of civil contempt, and their defense lawyer John Mirick had resigned from the case. Finally, on December 19, 1974 the US Court of Appeals upheld Garrity’s decision that the Boston School Committee had in fact deliberately segregated its public schools. These instances served to increase racial tensions and violence which transformed Boston into an increasingly volatile city.

The Boston School Committee was ordered to submit and approve their plan for the second phase of integration by noon of December 16. However, on December 16, the Boston School Committee voted three to two not to follow the court-order risking contempt. The only saving grace of the whole incident was that the Committee’s attorney John Mirick went

¹²⁵ “Busing foes picket *Globe* advertiser”, *Boston Globe*, November 24, 1974, p.29

¹²⁶ *Ibid.*

ahead and submitted the plan to Judge Garrity despite the Committee not granting their approval. The local and national newspapers that evening and the following days were flooded by reports of the Committee's actions and hypothesized repercussions.

The local newspaper coverage of the Committee's refusal to approve and submit a plan for the second phase of integration kept true to the previous reporting trends. The *Boston Globe* was much more condemning of the Committee, reflecting its support for busing, and the *Herald American* focused on the plan rather than the Committee's actions. That evening, the *Boston Evening Globe* devoted nearly half of their front page to the Committee's failure to comply with Garrity's orders and the potential for being found in contempt of court. The Committee cited that "they would vote against obeying the court order on the grounds that continuing and broadening the desegregation of the schools would create further turbulence and no better education."¹²⁷ The *Globe* made a strong effort to condemn the Committee for disobeying the law, illustrating its support of Judge Garrity and busing while the *Herald American* reported an entirely different angle.

The *Herald American's* front page only mentioned the dissenting vote in one solitary and vague sentence which explained that "The School Committee did forward a Phase 2 plan to Judge Arthur Garrity, but withheld endorsement by a 3-2 vote."¹²⁸ This is in exact opposition to the *Boston Globe's* December 17 headline which stated "School plan filed without board's OK."¹²⁹ There is no mention on the front page of the *Herald American* as to which members voted against compliance, and there is no mention of the very real risk of contempt charges that the Committee faced. In addition, it was not the Committee, but rather their lawyer Mirick, who forwarded the Phase 2 plan to Garrity without the Committee's

¹²⁷ "School board rejects plan for Phase 2, risks contempt", *Boston Globe*, December 16, 1974, p.1

¹²⁸ "School Board Defies Court on New City-Wide Plan", *Boston Herald American*, December 17, 1974, p.1

¹²⁹ "School plan filed without board's OK", *Boston Globe*, December 17, 1974, p.1

knowledge. The implications of the *Herald American's* coverage is that they effectively worked to distract readers with the details of Phase 2 without getting into detail the reality of the Committee's offenses while the *Globe* reported the exact opposite.

The national news media's coverage was much more akin to that of the *Boston Globe*. The headlines of the national newspapers emphasized the Committee's effort to defy Judge Garrity and disobey the busing order. In a front-page article the *New York Times* opened with "The School Committee defied a Federal court order today by refusing to approve a new city-wide plan for busing to achieve school desegregation next fall."¹³⁰ The *Times* article also noted that it was John Mirick, the Boston School Committee's attorney who forwarded Phase 2 to Judge Garrity and that they could face contempt of court. The *Chicago Daily Defender* echoed much of the same material in a much shorter article while emphasizing the "nine-year string of 'no' votes on forced busing."¹³¹ The language of the national media emphasized the defiance of Judge Garrity and the law by the School Committee.

The national media and the *Boston Globe* were very critical of the Boston School Committee's defiance of Judge Garrity. In their coverage the *Globe* remained strongly supportive of Judge Garrity and in turn the *Globe* was attacked by Chairman John Kerrigan. The *New York Times* reported that amidst attacks against Judge Garrity, John Kerrigan stated that "this is a vote...against *The Globe*. It is a vote against those maggots who live outside the city. And it's the proudest vote I've cast in seven years on this committee."¹³² This illustrates the strong tensions that had developed within Boston between the School Committee and the media coverage by the *Globe*. As a result of the favorable portrayals of Judge Garrity and busing by the *Boston Globe*, it became intrinsically tied into the conflict.

¹³⁰ "Judge in Boston defied on busing", *New York Times*, December 17, 1974, p.1

¹³¹ "Vote to Ban Busing", *Chicago Daily Defender*, December 17, 1974, p.4

¹³² "Judge in Boston Defied on busing" *New York Times*, December 17, 1974, p.10

Instances of attacking the *Boston Globe*, such as the one reported by the *New York Times*, illustrated that there were very real differences in the manner in which the news media approached busing.

As the events around the Boston School Committee's refusal to approve their desegregation plan unfolded, the newspapers shifted their focus towards Judge Garrity and whether or not he would find the Committee in contempt of court. Following the Committee's failure to approve Phase 2, the NAACP requested that they be held in criminal contempt of the court. However, Judge Garrity quickly denied their request for criminal contempt but scheduled a hearing for civil contempt at the end of the month. Though the material reported was quite similar, the headlines illustrated that the strong variances between the local papers remained. The December 19 *Herald American* headline read "Garrity Denies Contempt Motion Against 3 on School Board" while the *Globe* reported "Garrity rejects move for criminal contempt; civil contempt hearings Dec. 27". While the main text of both articles acknowledged that the Committee was still facing civil contempt charges, the *Herald American* gave the impression that the Committee was free on contempt in its headlines, which was not the case. Increasingly throughout the fall, the *Herald American* was much more supportive of anti-busing than it was of Judge Garrity and the adverse was equally as true of the *Globe*.

Judge Garrity found the three dissenting members of the Boston School Committee guilty of civil contempt on December 27 and delivered their sentence three days later. It is quite clear that the self-imposed censorship ban was nowhere to be seen in both the *Herald American* and the *Boston Globe*'s coverage of Judge Garrity's decision. After being found in civil contempt of the court for failing to comply with Judge Garrity's December 16 deadline,

Garrity ruled that the Committee would be fined and their powers limited if they did not comply with the original order by January 7, 1975. Though Garrity's final decision was less severe than an immediate suspension or criminal charges the *Herald American* remained inextricably partisan in its coverage.

The subtitle of the *Herald American's* front-page article read "'Gun at Head' Ruling Hit by School Officials."¹³³ The article expanded the quote by Elison in its fourth paragraph where it stated "Garrity has overstepped his bounds... it's a victory for the NAACP and a loss for the people of Boston. I'm very disappointed... I never thought duly-elected officials would be held with a gun to their heads."¹³⁴ This quote is a fierce condemnation of Judge Garrity and his abilities, and while it is not directly that of the *Herald American*, by printing it on the front page of their newspaper they serve to enable the anti-busing movement's denouncement of Garrity and busing. The "gun at head" reference is both brutal and violent and evokes the notion that Judge Garrity's decisions are just as life-threatening and dangerous as being held at gunpoint. The entirety of front page coverage of the *Herald American* following the sentencing was full of attacks on Judge Garrity which illustrates that the *Herald American* was keen on portraying Judge Garrity as an unfair and incapable judge.

The *Boston Globe's* coverage of Judge Garrity following the sentencing of the Boston School Committee was wholly different than that of the *Herald American*. Whereas the *Herald American* gave primary focus to the Committee and their opinions of Garrity's decision, the *Globe* focused on Garrity's words. By alternating its focus, the *Globe* portrays Garrity as a fair yet firm judge. Rather than portray Garrity's decision like a "gun at head", the *Globe* was much more subdued when they articulated that fulfillment of the sentencing

¹³³ "Garrity Fines 3 on Committee", *Boston Herald American*, December 31, 1974, p.1

¹³⁴ Ibid.

was solely in the hands of the Committee and that Garrity would only fine and limit their authority “if they do not authorize the submission of a citywide desegregation plan by Jan. 7.”¹³⁵ In this instance what was not said is just as powerful as what was said. The *Globe’s* strongest move of support for Garrity came by not reporting the harsh and demeaning comments elucidated in the *Herald American*.

After four months of turmoil in Boston over busing which was confounded by President Ford denouncing busing, numerous violent outbreaks amongst students and citizens, and mass boycotts the US Court of Appeals ruled in favor of Judge Garrity’s June 21 decision. The Court of Appeals ruled that “we do not see how the court could arrive at any other conclusions” and that “while Boston is unique... its uniqueness cannot exempt it from complying with a national policy forged long ago and laboriously implemented throughout the land.”¹³⁶ It would seem that four very difficult months of opposition would be over when the Circuit Court upheld Garrity’s order; however that would not be the case. The *Globe’s* coverage focused on a straightforward summary of the Court of Appeals’ decision and the *Herald American* jumped straight into the School Committee’s proposed appeal to the Supreme Court.

The *Herald American* illustrated its dissatisfaction with the vote of confidence given to Judge Garrity and his decision in its December 20 front page article. Almost immediately, the *Herald American* reported that Kerrigan said he would appeal to the US Supreme Court.¹³⁷ The article was riddled with criticism of both the initial Garrity decision as well as that of the recent Appeals Court decision. John Mirick, the School Committee’s attorney was

¹³⁵ “Garrity to strip 3 of power if they remain in contempt”, *Boston Globe*, December 31, 1974, p.1

¹³⁶ “Circuit Court upholds Garrity schools rule”, *Boston Globe*, December 19, 1974, p.1

¹³⁷ “US Court of Appeals Upholds Garrity on Boston School Segregation Ruling”, *Boston Herald American*, December 20, 1974, p.1

quoted by the *Herald American* as stating that “mere inaction by the committee to rectify that existing segregation did not constitute intentional segregation.”¹³⁸ There is no mention of any criticisms or desire to appeal in any of the main articles published on the Appeals Court decision in the *Boston Globe*. Instead, the *Boston Globe* relegated Kerrigan’s complaints and call for an appeal to the Supreme Court to its own article in its December 20 evening edition. While much of the material printed is similar between the *Herald American* and the *Globe*’s December 20 articles, the difference in article placement and writer’s intent developed very different portrayals of Judge Garrity.

The *Globe* did not distract from the overall information being presented in the Appeals’ decision. By devoting Kerrigan’s vow for an appeal to an independent article, the *Globe* was able to maintain the integrity of the Court of Appeals decision while presenting the opposition’s problems to it. Alternatively by dealing with both the decision and the criticism in one article the *Herald American* effectively belittled both Judge Garrity and the Court of Appeals and left no room for its readership to accept that the decision on busing was a reality. The effect of presenting Kerrigan’s appeal in the initial article regarding the US Court of Appeals’ decision the *Herald American* implied that the decision was neither legitimate nor permanent.

December saw racial violence and opposition to busing come to a head despite the US Court of Appeals upholding the Garrity decision. The local newspapers returned to their very distinctive and opposing positions on busing and Judge Garrity that were displayed in June but had since dissipated because of the cooperative censorship ban. The *Boston Globe* continued to illustrate Garrity as a diligent and amicable judge, and generally developed an atmosphere of respect and support for Garrity and his decision to bus students for integration.

¹³⁸ Ibid., p.10

Whereas the *Boston Herald American* returned to a style of reporting more common to its June articles which portrayed Garrity as out of touch and that his order would be overturned despite the US Court of Appeals' ruling. In comparison, the national media continued to ride the line between the two approaches by being both critical of the opposition and Judge Garrity. By the end of December it is clear that the two local newspapers were in opposition to one another in both its views and portrayals of Judge Garrity and his court-order to bus students for integration.

The fall of 1974 was a tumultuous time for the citizens of Boston. Judge W. Arthur Garrity's order to desegregate the Boston public schools with the use of busing became a central focus of the local news media, and attracted attention across the nation. As a result of being further removed from the conflict, the national news media was able to develop a fair portrayal of Judge Garrity. The national papers were able to succinctly cover the issues involved without either lionizing or vilifying Judge Garrity, thus providing a point of non-biased comparison for the local papers. By its very nature, the *Chicago Daily Defender* was more hard-lined than the other papers, in its support of the civil rights struggle. In the end the local newspapers were unable to spare themselves from being entangled into the busing issue in Boston.

It is clear after a comparative examination of the *Boston Globe* and the *Boston Herald American* in relation to the national news coverage, that despite a self-imposed censorship ban by all Boston media, there were very real and stark variances between how Judge Garrity and his order were portrayed by the local papers. The *Boston Globe* was largely supportive of Judge Garrity and their portrayal of Garrity was that of a kind-hearted, decisive judge who

was concerned with the implications of his decision. The *Globe* even became a target of the anti-busing movement as a result of its position on Garrity and busing.

Alternatively Judge Garrity was portrayed in a very different light by the *Boston Herald American*; He was shown as an incapable and unyielding judge. Their coverage did little to garner respect or authority for Garrity's decision. Though incomplete because of the limited coverage, the national news media portrayed Garrity as neither a villain nor a saint. Having the benefit of being further removed from the conflict, the national media portrayal of Garrity was both favorable and critical when appropriate but remained uninvolved in the conflict.

Effectively, the local newspapers were not spared from the divisive nature of Boston in 1974. As a result the media coverage reflected the varying opinions of Garrity in Boston and the newspapers served to disseminate the conflicting opinions of movement leaders. While not solely responsible for creating the differing portrayals of Judge Garrity and his decision, the *Boston Globe* and the *Boston Herald American* gave a voice to the larger perspectives they each represented. Following Garrity's decision Boston was forced to confront its race issues and in turn went through a very difficult transitional period. The variances between the *Globe* and the *Herald American* reflect the strong divisions within the city as it confronted segregation in its public schools. In the fall of 1974, the local news media became inextricably involved in the busing conflict and in turn their portrayal of Judge Garrity and his court decision reflected the overall attitudes of both the pro- and anti- busing communities.

Finally, the newspaper coverage of Judge Garrity and his decision to desegregate Boston through busing reflects the reality that the civil rights struggle and the fight for

equality for all citizens continued long after the 1960s. Boston was only one example of non-Southern cities working to properly integrate their communities in the 1970s. The struggle for civil rights continued long after the assassination of Martin Luther King Jr. and expanded across the nation. Judge Garrity's court-order to desegregate Boston and the tensions that erupted afterwards illustrates how deeply ingrained segregation was in Boston in the 1970s so much so that the local newspapers could not help to become entangled in the conflict. Desegregation was a difficult issue to confront and in 1974, the newspaper coverage elucidated the real divisions that emerged in Boston.

Chapter 4: Public Perceptions of Judge Garrity and his Decision

On June 21, 1974 after fifteen months of deliberation, Judge W. Arthur Garrity Jr. delivered his final decision on *Tallulah Morgan et al. v. James W. Hennigan*. He had found that Boston School Committee had intentionally segregated the Boston public schools and that the segregation was unconstitutional. Issued on the last day of classes in the spring of 1974, Garrity and his *Morgan v. Hennigan* decision were met immediately by a barrage of opinions. In addition to the newspaper coverage, people across the United States took to writing Garrity their personal opinions regarding his decision, as well as writing into the local Boston newspapers.¹³⁹ Initially the majority of responses were quite positive; most people who wrote to Garrity were pleased with his decision. However by end of the year hateful comments, complaints and concerns outweighed praises three to one.

Judge Garrity's decision was published in the *Boston Evening Globe* on June 21, 1974 and by the following morning the overwhelming majority of letters he received were from people who were quite pleased with the outcome. Simple congratulations of "Cheers for You!! Judge Garrity!", "Congratulations on disposing an emotionally charged, heavily laden [sic] burden" and "All Good Wishes to a courageous and conscientious Judge" were sent after the release of the *Morgan* decision.¹⁴⁰ Others elaborated their delight with Garrity's decision. An example of one of these letters read, "The full excerpts from your opinion and judgment in the Boston school case are convincing evidence of the wisdom, skill and vision with which you have decided that case... Handling it was a list of patience, dexterity,

¹³⁹ As per request of W. Arthur Garrity Jr., all letters in the Correspondence Series at the University of Massachusetts: Boston are restricted from copying names or identifying information in full as to protect the identities of those who were not publicly involved in the conflict, thus the same standard was applied to the letters printed in the local newspapers.

¹⁴⁰ *Garrity, W Arthur, Jr.: Papers on the Boston Schools Desegregation Case, 1972-1997 – Series LXVIII, Correspondence, 1973-1994*, University of Massachusetts Boston, Joseph P. Healey Library, Archives and Special Collections: June 22, 1974; *Correspondence*, June 24, 1974

integrity, and courage. You have done honor to the court and community.” Another wrote, “I would like to applaud your courageous action in declaring the Boston School System intentionally segregated.”¹⁴¹ Representative to the letters Garrity received, it would seem that on June 22, 1974 the citizens of Boston were pleased with Garrity’s decision.

Some people also took pride in their shared identity with Judge Garrity. One person wrote to Garrity, “I congratulate you on the use your gifts; intelligence, justice, honor, and fortitude. As I am also of Irish descent and proudly so, ‘I know mine and they know me’.”¹⁴² Referencing the quote from the Gospel of John 10:11 – 18 “I know mine and mine know me” this person develops a connection to Garrity in both his religious and national heritage. People who were pleased with the decision sought to identify themselves with Garrity in one way or another, be it religion, ancestry, or career.

In the wake of Watergate other letters expressed a sense of gratitude for restoring their faith in the system. One person wrote, “This is a fan letter, to thank you for your opinion on Boston’s schools... It is very, very nice to be able to explain to my children – appaled [*sic*] as they are by whatever it is that Watergate represents – that our system does contain in it the mechanisms for equal justice for all.”¹⁴³ Someone else wrote, “Your ruling on the Boston School System is much appreciated. I’m glad to see there’s at least one person of prominence in our state who has the courage to ‘tell it like it is’!”¹⁴⁴ Another wrote, “It must have taken a great deal of courage and a strong sense of ethics for you to write your recent decision with regard to segregation in the Boston School System... it restores your

¹⁴¹ *Correspondence*, June 22, 1974; *Correspondence*, June 24, 1974

¹⁴² *Correspondence*, June 22, 1974

¹⁴³ *Correspondence*, June 24, 1974

¹⁴⁴ *Correspondence*, June 22, 1974

faith in the court system to see people like you.”¹⁴⁵ Watergate had highlighted the very worse of the American political system, and people across Boston rejoiced Garrity’s decision as a return to American democracy.

However not all the letters Garrity received that June were supportive, many people were outraged with his decision; others were concerned with the impracticality of enforcement. While feelings of joy and delight were common for Garrity supporters, feelings of rage and fury were just as common for his opponents. Common themes in the hate mail Garrity received were racist comments, personal attacks on Garrity and his family, claims of alienated “White rights” and disenchantment with the government. A letter mailed to Garrity’s office the morning of June 22, 1974 illustrated a combination of these themes. Addressed to “Rat Garrity” the letter read: “You are a fucking Rat if you have any Kids or Bastard you Bus them But as long as my Kids are concerned no old Son of Bitch like you is going to force Bus my kids with a bunch of Cannibal Niger so take a good fuck for yourself.”^[sic]¹⁴⁶ While it seems that the individual may have had legitimate concerns about busing, those concerns were clouded by his poor grammar and sentence structure, racial slurs and obscenities. No matter how genuine the concern for busing was, the point was completely lost by his choice of language and the haste in which the letter was written.

Others tried to take a more level-headed approach by elucidating their concerns without the use of racial slurs or other vulgarities:

We West Roxbury parents cannot relax as we are still boiling over your decision. I notice you have a 17 yr. old daughter. Was she allowed to graduate this year or will it be next year from the school which she has been attending? Not so for our National Honor Society 16 yr old daughter who would have

¹⁴⁵ *Correspondence*, June 22, 1974

¹⁴⁶ *Correspondence*, June 22, 1974

been a senior at Roslindale High next year however next year she will be attending Boston English High (10 miles from our home).¹⁴⁷

The previous letter again makes a personal attack on Garrity, but in this instance the author was still able to express their legitimate concerns for the following school year. Another concerned parent wrote to Garrity explaining that “Our children, we have six, are the ones you are making suffer, not forgetting us parents, who’s only crime is not having enough money to move out of the city. Our two oldest children, both girls, have decided to leave school, they are 16 and 17.”*[sic]*¹⁴⁸ Like the other letter, clear and assertive, non-offensive language was a much more successful tool to illustrate concerns about the impact of Garrity’s decision. Unfortunately, well-articulated concerns made up a small minority of the opposition’s letters that Garrity received.

Coincidentally, on the same day Garrity received a letter that read, “I would like to add a few words to the many kudos that you must have received on the publication of your Boston decision” he received two very hateful letters. The first, a post card which attacked Garrity, read:

Aren’t you holier than though so-called Judges exceeding your authority just a little bit? Who do you think you are? Jesus Christ Super Star! Who are you ding bat to deprive youngster of the right to attend school in his own neighborhood? One wonders sometimes if tar & feathers with an application of some salt and vinegar on your wounds would awaken you! *[sic]*¹⁴⁹

The second, a letter, was a racist diatribe which read “The white race is a fragile thing. It cannot stand integration. The Jews stand together. The Blacks stand together. The White Race does not. You are a case in point. ... As far as the constitution goes you judges + lawyers have made it a joke. ... When Eisenhower put troops into Little Rock. These troops

¹⁴⁷ *Correspondence*, June 23, 1974

¹⁴⁸ *Correspondence*, June 23, 1974

¹⁴⁹ *Correspondence*, June 24, 1974

with their bayonets at American citizens overthrew the government of the United States. It is not as of this moment a legal government.”[sic]¹⁵⁰ This particular individual was not only at odds with Garrity’s decision to integrate students through busing, but he was against integration of any kind, as evidence with his claim that the American government was overthrown in Little Rock. Letters of this variety were quite commonly received by Garrity throughout the duration of the fall.

Opponents of Garrity also wrote letters about what they perceived to be Garrity’s corruption. One opponent sent a copy of a photo of Judge Garrity from the *Boston Globe* to Mrs. Garrity with the words “Impeachment!! Be Panished By god!”[sic] implying that Garrity was unfit for his position.¹⁵¹ Another wrote, “To be a judge in this country, you had to bow down to a lot of political organizations and now you have proven to be a puppet in a very public light. Your whole decision was based on the Federal funds to be handed down to the politicians... You just sold the people of Boston down the river for your own convenience.”¹⁵² While it is untrue that Garrity’s decision was motivated by financial gains or allegiances to any political organizations, this individual implies that the only reason Garrity would have ordered integration was solely for padding the wallets of local politicians. This would also remain a common theme throughout the hate mail received by Garrity; categorized as a personal attack on Garrity many people would continue to write about Garrity’s perceived corruption.

The final, and arguably most interesting, letter Garrity received that June was sent to him by the editor of the *Boston Globe*. He wrote, “I am writing this note because I’m so proud of your performance. Who else stood up to keep Boston on course in 1974 besides

¹⁵⁰ *Correspondence*, June 24, 1974

¹⁵¹ *Correspondence*, June 24, 1974

¹⁵² *Correspondence*, June 24, 1974

Cardinal Medeiros, Judge Garrity and the *Boston Globe* I am impressed with your strength... This is just a rambling note of immense pride in what Judge Garrity did and how he did it.”¹⁵³ This letter alone established the *Boston Globe*’s allegiance to Judge Garrity and integration as well as established the fact that the *Globe* was a devout supporter of the continuing civil rights struggle. In turn this letter also holds implications toward how Garrity was represented within the *Globe*, which was illustrated earlier.

As the first day of school approached animosities towards Garrity were only on the rise. September was the first month of court-ordered busing for integration of the public school systems; for some their worst nightmare was soon to become a reality. As a result throughout the month of September the overwhelming majority of letters Garrity received were from busing opponents while the proponents’ voice was much smaller. In addition to letters sent to Garrity, letters to the editors started to become another avenue to express opinions on busing.

Though far removed from the red scare era of the Cold War, anti-communist sentiments were widespread in the Boston busing conflict. On September 2, 1974, ten days before the first day of school, Garrity received a twelve page letter from an individual illustrating their disillusionment with government. This individual wrote: “Your Honor you must think you are God Almighty himself. Its for sure publicity you seek it not anything else... Dictatorship is not American. We are not a communistic government supposedly. But what do you call it when I must obey you and your every whim or else you will devour me like a boa constrictor???”[sic]¹⁵⁴ Another wrote, “I can’t believe that in the United States of

¹⁵³ *Correspondence*, June 25, 1974

¹⁵⁴ *Correspondence*, September 2, 1974

America we are being ordered, as if we lived in a Communist State.”¹⁵⁵ Again on September 18, Garrity received another letter which read, “If it weren’t for the English words on the busses I’d swear this picture came out of Russia or East Germany.”¹⁵⁶ By likening Garrity’s ruling to the Soviet Union with accusations of communism and dictatorship these letters illustrate people’s frustrations with the perceived loss of freedoms, real or imagined.

Throughout the month Garrity continued to receive letters from individuals disenchanted by the impacts his decision had on schools. One letter he received read, “Did you get paid off or are you really trying to mess up the Boston School System. With Idiots like you who needs more politicians.”[sic]¹⁵⁷ For many the only logical explanation for Garrity’s decision was that he had accepted a bribe. A letter sent into the *Boston Herald American* read, “Back in the good old days of the 1930s ... the first day of school was such an exciting event... Now progress has brought integration and boycotts in lieu of corporal punishment dealt out to us by school marms of old, our grandchildren are lacerated by stones heaved by bystanders. No wonder we have so many frightened children.”¹⁵⁸ People were upset with the detrimental effects busing had on the school system and they were not reserved in their opinions about it.

Another group of disenchanted Americans likened Garrity and his decision to Hitler and Nazi Germany. One letter Garrity received was from an individual who scrawled “Buz Wellsley” and “Buz Hitler” on the envelope and on the inside addressed it to “Carpet Bagger Garrity.”¹⁵⁹ Carpet bagger, an intended derogatory term, was in reference to northern Republicans who moved to the former Confederate states to oversee and profit from

¹⁵⁵ *Correspondence*, September 15, 1974

¹⁵⁶ *Correspondence*, September 18, 1974

¹⁵⁷ *Correspondence*, September 11, 1974

¹⁵⁸ “The Good Old Days”, Mailbag, *Boston Herald American*, September 21, 1974, p.10

¹⁵⁹ *Correspondence*, September 10, 1974

Reconstruction following the Civil War. A letter received on September 13, 1974 again compared Garrity to Hitler. This individual wrote, “The parents and only the parents determine what kind of education their child receives. Individual rights shall prevail and not the state, ‘Hitler’!”¹⁶⁰ Near the end of the month Garrity received another two letters likening him to Hitler. The first read, “To bad you had to judge above God... Forcers of Force did you all ready forget what happened to Germany.”[sic]¹⁶¹ The second read, “In the late 1930s in Germany, the world was shocked and horrified at the dreadful destruction of basic privileges and freedoms of the citizenry... Since the first freedom has been so violent taken away, how shall the other freedoms stand?”¹⁶² Comparisons to Hitler and Nazi Germany echoed these individuals’ feelings of alienated rights and a notion that *Morgan v. Hennigan* was un-American. Coincidentally by ensuring equal rights for all, people believed that Garrity was taking away their rights.

Opposition was also not isolated to Boston. A letter received from Michigan included a local newspaper clipping of the protest where Senator Kennedy was attacked. The letter read “How can you ignore the desires and rights of 10, 000 people? Isn’t a democracy supposed to be of, by and for the people? Not for the NAACP, not just for you nor just for Kennedy! Sounds like a dictatorship!”¹⁶³ People across the country, not just in Boston were dismayed with what they believed to be a hijacking of democracy.

While comparisons of Garrity and his decision in *Morgan v. Hennigan* to the Soviet Union or Nazi Germany were plentiful in September, individuals dismayed with alienated rights and government control were not the only groups in opposition to Garrity. Racist

¹⁶⁰ *Correspondence*, September 13, 1974

¹⁶¹ *Correspondence*, September 20, 1974

¹⁶² *Correspondence*, September 23, 1974

¹⁶³ *Correspondence*, September 11, 1974

sentiments were rampant in the letters Garrity received. A photograph postcard of a gorilla was mailed to Garrity with the words “Racial integration will mongrelize America!” stamped across the back.¹⁶⁴ While legitimate opposition existed, for some, the problem with busing was solely with the integration of all communities and races.

In the fall of 1974 the Irish Catholic neighborhood of South Boston had been paired with the adjacent African American neighborhood of Roxbury for busing. Many Southies had unsubstantiated fears of sending their children to school in Roxbury. One individual wrote “Are your children enrolled in black schools yet – hope that you have to drive a bus – the experience might wake you up!”¹⁶⁵ Another letter mailed on the first day of school read, “Send Wellesley Children to Roxbury Schools.”¹⁶⁶ Parents believed attending school in Roxbury would endanger their children and many boycotted school throughout the entirety of September.

The assumption of African Americans connection to crime was another theme in the letters Garrity received. On the first day of school an individual wrote: “Has everything gone to Hell since 1954? Everything in Atlanta, Georgia has gone to hell since the niggers got in power it is top Crime Center in All America.”¹⁶⁷ On September 18, 1974 Garrity received a package containing newspaper clippings from all across the United States. Each clipping was of the local crime report section and in every instance the epithet “nigger” replaced the offender’s name. An article which read “2900 Block of Pierce Drive – Samuel Logiodice, 26 told police he was robbed of \$152 by four men with guns Tuesday at 3:40 PM” had the word

¹⁶⁴ *Correspondence*, undated September 1974

¹⁶⁵ *Correspondence*, undated September 1974

¹⁶⁶ *Correspondence*, September 13, 1974

¹⁶⁷ *Correspondence*, September 13, 1974

“niggers” scrawled in red ink overtop of the word “men.”¹⁶⁸ The association with African Americans and crime rates was a common stereotype illustrated in the letters that Garrity received.

In addition to the racist tirades, Garrity received were letters that threatened the safety of himself and his family because of his decision to integrate. On September 18, 1974 Garrity received a letter which read:

You black lover ... You better have yourself guarded. Your going to get bumped off. You no good for nothing. Like Mayor Black. Black Lover. You knew the busing would not work out ... You're the one to bump off first. There get you. Are you afraid to go to bed at nights. With all the threats. The school was burned down in your home town. Watch it. [sic]¹⁶⁹

Because Garrity found that the Boston School Committee had intentionally segregated the public schools and that integration would be accomplished via busing, he had become a target to all those who opposed busing and integration. Threats to Garrity's life were one of the main reasons why Garrity had two US Marshalls permanently stationed in the garage of his family home at 40 Radcliffe Rd. in Wellesley, Massachusetts. It is one thing to threaten Garrity to send his children to Roxbury, it is quite another to say Garrity would be the first to “bump off” and ask if he was afraid to go to bed at night. This is an example of the very real personal threats that Garrity endured throughout the duration of the Boston school crisis.

As was the case in June, not all opponents of busing or Garrity's order were as aggressive as those already mentioned. Many were able to convey their concerns without questioning Garrity's honor or without propagating hate. One student who as a result of the busing order attended South Boston High L Street Annex and wrote to Garrity:

¹⁶⁸ *Correspondence*, September 18, 1974

¹⁶⁹ *Correspondence*, September 18, 1974

I am writing to inform you of a few true facts. Most of the news coverage has been directed on the violence in South Boston. There is a minority of youths who did do some rock throwing at school buses, the majority of people want peace in South Boston... My parents will continue to boycott until they are assured of full protection of me... Would you please consider reversing your decision before something more serious happens. Please we want to return to **Our Neighborhood** Schools. [sic]¹⁷⁰

She did not attack Garrity. She did not attack African Americans. She did not liken Garrity to Hitler or Stalin. She simply illustrated that she was dismayed with the violence and that she would not be allowed to go to school until her safety could be guaranteed.

A concerned parent wrote to Garrity on September 4, 1974 pleading him to change his mind about busing before school started. She wrote, "It is a waste of time, money (taxpayers' money of course) and gas. Many kids are going to be separated from their brothers, sisters and friends because of this foolish, non-necessary busing."¹⁷¹ She continued to illustrate her concerns with the logistics of busing. "Children will be sick and have to go home. The mother is across town without a car. What then? Kids can't join after school activities because the bus will not wait for them."¹⁷² Another mother wrote Garrity on September 10, 1974. She wrote, "As a working mother, I wish to go on record as being unalterably opposed to your decision which has resulted in forced busing throughout the City of Boston causing undue hardship to thousands of Boston families."¹⁷³ In the *Herald American* a citizen of Wellesley wrote their recommendation that Boston employ the "Danish system" of education, "where any 25 parents who disagree with the way their children are being educated may hire their own teacher with public funds."¹⁷⁴ These concerns were shared by many throughout Boston. Busing would disrupt daily life, and people would

¹⁷⁰ *Correspondence*, September 1974

¹⁷¹ *Correspondence*, September 4, 1974

¹⁷² *Correspondence*, September 4, 1974

¹⁷³ *Correspondence*, September 10, 1974

¹⁷⁴ "Educational Compromise" Mailbag, *Boston Herald American*, September 27, 1974, p.22

have to make adjustments but these parents were able to express their valid concerns about the difficulty busing would have on the city and did so without insult.

Opponents of busing were not the only ones who expressed their opinions in September. Though they represented a much smaller fraction of the letters Garrity received that month, letters of praise and support still continued. A letter was delivered early in September which read, “Just a word of congratulations on the stand you took on School desegregation. It is not only education but communications is important for racial harmony.”¹⁷⁵ Another which arrived on the first day of school read, “It seems remarkable that a full ten years since the 1964 Civil Rights Act passed before Black children in Boston could hope for integrated and equal education. What is equally astounding is that except for your proper and courageous decision and clarity of purpose, such a miscarriage of constitutional rights would have been continued.”¹⁷⁶ Congratulations for Garrity continued even three months following his decision.

However having support for Garrity’s decision did not necessarily remove people’s reservations about the difficulty of integration. In a telling letter sent to Garrity by a young African American girl, she illustrated both her excitement and fear about the prospect busing would hold. She wrote:

I am a black girl with nine brothers and sisters and five of us go to school in South Boston and we are all so scared that we only gone twice... I know a girl who goes to school with Metco to the suburb and she is gonna go to college cause they teach you a lot and no one is a scared to go to school... I think all black kids will like to go to better schools since were can’t learn in the dump that we have to go to and

¹⁷⁵ *Correspondence*, September 5, 1974

¹⁷⁶ *Correspondence*, September 12, 1974

be scared if we is gonna get home without being beaten up... Will ya please let us go so we don't have to be called poor anymore. [sic]¹⁷⁷

For this young girl, the prospect of equal education held many opportunities for her and her siblings but she was concerned that by making students go into hostile neighborhoods, they would not receive the quality education Garrity had intended. This is a strong example that fears about busing were shared not only by those who opposed it but, also by those who supported it.

The challenges Boston faced while trying to integrate its public schools only increased as the school year continued. In October, President Ford further incited the anti-busing movement when he announced that he did not agree with busing as the best solution for integration. The situation in Boston, particularly South Boston, continued to escalate. By mid-month violence and hostilities broke when an innocent Haitian man was dragged from his car and attacked by a mob in South Boston on his way to pick up his wife from work. By October, in addition to letters to Garrity, letters to the editors of the *Boston Herald American* and the *Boston Globe* became more frequent. While letters of support were more common than they had been in September, the overwhelming majority of letters Garrity received were those in opposition to his decision.

Fears about sending their children into the African American neighborhood of Roxbury remained a constant theme of the anti-busing movement's complaints to Garrity. Five separate letters were all sent to Garrity in early October illustrating the range in severity opposition felt; "I want my children to go to a school close to my home. I am against busing not integration!!", "As far as I'm concerned – my children WILL NEVER BE BUSED", "Garrity – if you lived in South Boston would you **BUS** your children to **ROXBURY**? The

¹⁷⁷ *Correspondence*, September, 1974

Hell you would!”[sic], and “Over my dead body will you BASTARD OF A FEDERAL JUDGE BUS my platinum blond³ grand-daughter into Negro ROXBURY, YOU BASTARD.”[sic]¹⁷⁸ While some were able to illustrate their concerns without being offensive towards either Garrity or the African American community, others were not.

To say that people felt passionately about protesting busing would be an understatement but sometimes the line between passion and hate easily became blurred. One letter read, “How would you like it if your child had to go to school on a Bus? ... God will take care of you – I know in the end South Boston will get our way – we don’t want niggers in our town. You are a big rat!”¹⁷⁹ While the letter started like the previous letters by voicing a genuine concern about busing children, it quickly descended into a hateful tirade about race and a threat against Garrity.

In addition to racism, opposition to busing was also rooted in nationalism or protection of American principles. Comparison to Nazi Germany and the Soviet Union continued in October. Two letters mailed on October 12, 1974, both compared Garrity to 20th century dictators. The first letter read, “You can now be classed as a second Hitler and Mussillini dictator! Rotten mean dictator!”[sic] and the second read, “ARE THE PEOPLE OF BOSTON CATTLE TO BE HERDED ABOUT AGAINST THEIR WILL? IS BOSTON IN THE US OR THE USSR?”[sic]¹⁸⁰ Another letter, received on October 21 read, “JUDGE GARRITY YOU DIRTY NAZI! YOU WANT EVERYONE ELSE TO SUFFER AS LONG AS IT DOESN’T AFFECT YOU!”[sic]¹⁸¹ All these letters continued to reflect the notion that people felt they were no longer living in a free country because they believed that

¹⁷⁸ *Correspondence*, October 4, 1974; *Correspondence*, October 7, 1974

¹⁷⁹ *Correspondence*, October 7, 1974

¹⁸⁰ *Correspondence*, October 12, 1974

¹⁸¹ *Correspondence*, October 21, 1974

Garrity's order to integrate the public schools was un-American and had removed their freedoms.

Comparisons to dictators illustrated people's concern for the supposed loss of rights as a result of Garrity's decision, but not all opposition came from a fear of alienated rights. Racism remained a strong tenet of opposition to Garrity's decision. As was the case with the letter about busing which read "we don't want niggers in our town", many were opposed to busing solely because of the relationship with integration.¹⁸² One letter read, "It is against nature for blacks and whites to mix. Do you see any black birds and sparrows and robins intermix... God meant blacks and whites to live separately. Black belong in Africa and should go back there." [sic]¹⁸³ Another wrote, "WHO PAID YOU OFF???? THE NAACP THE BLACK COMMUNITY?? TO ORDER INTEGRATION" suggesting that the only reason Garrity would order integration for all people was because he was bribed by the African American community.¹⁸⁴ An overwhelming sense of ignorance is exuded by these racist diatribes. To suggest that Garrity's decision was bringing new African Americans into Boston is absurd, as is the notion that integration is unnatural. It is evident that the anti-busing movement was as divided as the city. While some maintained their opposition on the basis of safety or the government overstepping its boundaries, others opposed busing because it would integrate the races and bring equal opportunity to all.

In response to a series of anti-busing protests which made their way to Garrity's home in Wellesley, Garrity received several threatening letters from anti-busing supporters. One individual wrote to Garrity, "I am delighted with demonstrations at your home. What Mass needs is a complete change... You should be stripped of his judgeship and squished

¹⁸² *Correspondence*, October 7, 1974

¹⁸³ *Correspondence*, October 7, 1974

¹⁸⁴ *Correspondence*, October 7, 1974

like a bug.”¹⁸⁵ Another wrote, “I hope this mob gets you and your family and put a rope around your damn neck and hang you at one of the schools. I would like to pull the rope tight. You better get wise are els.”[sic]¹⁸⁶ A third letter arrived on the October 9 which read, “THE WHITE DEMONSTRATORS SHOULD BOMB YOUR HOUSE AND KILL YOU AND YOUR FAMILY THEN THE OTHER BASTARD FEDERAL JUDGESS WOULD THINK TWICES BEFORE THEY TOOK THEIR BRIBES.”[sic]¹⁸⁷ The mere presence of the anti-busing protestors at Garrity’s home threatened the safety and privacy of his family but these letters added to the malevolence of the anti-busing movement. Distasteful and terrifying, these letters again illustrate the problem of restraint when dealing with a passionate issue. Rather than trying to seek a peaceful resolution for their concerns, these letters crossed a line and demonstrated the danger that Garrity and his family were unjustly placed under because of his decision to integrate Boston through busing.

The threats did not end there. The month ended with Garrity receiving the first of four postcards that read “GARRITY – JUDGE DROP DEAD” signed “WHITE MOTHER.”¹⁸⁸ While seemingly not as serious as the aforementioned threats, these series of post cards cannot be overlooked. People across Boston were wishing Garrity dead, solely because he had found Boston public schools unconstitutionally segregated. While his decision was founded on sound legal precedents it did not prevent Garrity from becoming the target of death threats throughout the duration of the Boston integration plan.

As plentiful and hurtful as the opposition may have been the letters of praise provided hope that integration could succeed. Months after his decision on *Morgan v. Hennigan*

¹⁸⁵ *Correspondence*, Oct 7, 1974

¹⁸⁶ *Correspondence*, Oct 8, 1974

¹⁸⁷ *Correspondence*, Oct 9, 1974

¹⁸⁸ *Correspondence*, Oct 29, 1974

Garrity continued to receive letters of congratulations. An individual wrote to Garrity on the October 8, “This letter has two purposes: One is to compliment you on your school desegregation decision and secondly to inform you of my personal frustrations with the Boston School Administration.”¹⁸⁹ Another wrote of how he and his wife “admire your strong leadership. We trust that not once will you give way to the rabble. A desegregated school system is the only Christian and American way to proceed.”¹⁹⁰ Though praise was outnumbered by complaints they cannot be overlooked.

On October 1, 1974, Garrity received a letter commending his decision while being critical of northern attitudes towards race. “It’s a responsible and fine thing for you to hold the reputation of the white United States in your hands. The integration issue in Boston in 1974 proves once again that the North did not fight the South to free the Negro.”¹⁹¹ This gentleman’s criticism highlighted the fact that race issues were not isolated to the South.

In addition to support for his court decision, Garrity’s courage and integrity became another central theme in the letters of praise he received. One individual sent a simple, “I thank you and congratulate you for your courage and compassion. I wish I could say this better.”¹⁹² Another wrote “Your ruling to bring about the desegregation of the Boston school system was, of course, legally required by the precedents established by the Supreme Court... We applaud your courage in sticking to this position in the face of many adverse pressures.”¹⁹³ In one particularly flattering letter where Garrity is deemed a role model, an individual wrote, “May I state my genuine admiration for such bravery – such conviction. Your courage in the face of ruthless opposition is a model for our young people, who

¹⁸⁹ *Correspondence*, October 8, 1974

¹⁹⁰ *Correspondence*, October 8, 1974

¹⁹¹ *Correspondence*, October 1, 1974

¹⁹² *Correspondence*, October 10, 1974

¹⁹³ *Correspondence*, October 21, 1974

typically have so few models worth emulating.”¹⁹⁴ In the face of such antagonism Garrity’s courage and strength shone through; he remained steadfast and committed to integration throughout the whole ordeal and people recognized him for that.

On October 9, 1974 President Ford publicly disagreed with the effectiveness of busing to achieve quality education. While noting that he deplored the violence that the busing crisis had caused in Boston he had effectively given his support for the anti-busing movement. The impact President Ford’s comments had on the anti-busing movement was well documented in the newspapers but a letter sent to Garrity on October 12 showcased a reverse response from busing supporters, “After listening to President Ford’s remarks on busing Wednesday I was convinced we have in Mass a man who has a clearer understanding both of civic duty and of justice for all. In my humble opinion W. Arthur Garrity Jr. stands taller in the eyes of the King of the Universe than does the President of the United States.”¹⁹⁵ While Ford’s comments fuelled the anti-busing movement, it also appears to have incited Garrity supporters as well.

Just as the opposition had supported the anti-busing protest that had made its way to Garrity’s home in Wellesley, the supporters also sent in letters illustrating their disdain for such protests. One letter stood out amongst the rest, the individual wrote:

I’m listening to the news and just heard that a group of anti-busing citizens just bussed themselves to Wellesley ... You must have known that both you and your family would receive some pressure over your decision. As ‘un-proud’ as I am of those citizens who feel the need to protest in ugly and even harmful ways, I am very proud of you and your decision and determination to stand behind it.¹⁹⁶

¹⁹⁴ *Correspondence*, October 5, 1974

¹⁹⁵ *Correspondence*, October 12, 1974

¹⁹⁶ *Correspondence*, October 5, 1974

This is a strong example of how truly divided the city was over busing. Some were delighted that people would protest outside Garry's home, but others were appalled and it is important to recognize that both perspectives existed.

Letters to the editor became another popular avenue for people to express their joys and discontents in addition to writing to Garry. Letters came to Boston from across city and the country both in favor and in opposition to busing. Comparisons to Little Rock and Northern Ireland were frequent in letters to the editors in October. On the October 1, a letter was printed in the *Boston Globe* from Little Rock and it read, "How could the city which gave us the Kennedys and the state which had the good sense to vote for McGovern in 1972 be guilty of this? ... Why can't you Northerners accept integration as well as we Southerners have?"¹⁹⁷ Another made the same comparison to Little Rock, "The actions of an ostensibly 'progressive' Northern community are frighteningly reminiscent of Little Rock, Arkansas in 1957. It is incomprehensible to me that blatant segregationists are today wielding power even at the expense of their children's education."¹⁹⁸ On October 6 the *Globe* printed a letter that read, "With so many Irish descendants in the area one cannot help but compare the human frustrations with those in Northern Ireland... it is strange and tragic that ... the Irish Catholics in Belfast and the blacks in Boston should be fighting in the same cause."¹⁹⁹ A letter received by the *Herald American*, on October 21 read, "Boston has a chance to be the mecca of tolerance and understanding ... It would be a shame if now we have to turn to the South – to places like Fort Worth – to find that mecca."²⁰⁰ An anti-busing supporter also cautioned that "Forced busing will make a complete shambles of the city. Detroit is a good

¹⁹⁷ "Little Rock's question" Letters to the Editor, *Boston Globe*, October 1, 1974, p.22

¹⁹⁸ "Little Rock recalled" Letters to the Editor, *Boston Globe*, October 2, 1974, p.18

¹⁹⁹ "New methods needed" Letters to the Editor, *Boston Globe*, October 6, 1974, p. A7

²⁰⁰ "Hub Missed its Chance" Mailbag, *Herald American*, October 3, 1974, p. 10

example.”²⁰¹ For many it was a shock that a city with such a positive reputation would be experiencing the same growing pains as Little Rock or Belfast.

The Mailbag section of the *Herald American* also became a discussion board for citizens of Boston. On October 15 a woman wrote in stating that, “the equating of anti-busing emotions with the fervor of the early American patriots is a travesty. What lies behind the controversy is a misunderstanding of the word ‘public’ ... Recently I heard a woman say that she had bought a house located near a school, and that she could not understand why her child could not attend that school. What she did not understand is that she bought the house, but not the school.”²⁰² In response another woman wrote in on October 21. She wrote, “I must disagree with ‘No One’s or Everyone’s’ ... a big selling point with real estate salesmen has always been the location of the local school. We attend the parish church that is nearest our home. Shopping centers are built in heavily populated areas because persons shop near their homes ... In light of all of this why shouldn’t I be able to send my children to the school nearest my home.”²⁰³ Though the city was divided, by writing in a public forum like a local newspaper, people were able to discuss their ideas and opinions about Garrity’s decision.

Perhaps the most powerful letter of the month came to Garrity on October 23. In a letter applauding Garrity’s courage this individual went one step further providing a strong insight towards the nature of public opinion in Boston at the time. They wrote, “I feel a great sense of indebtedness to you for your integrity, courage and wisdom ... Most Americans who share my sense of indebtedness will not take the time to write, but there are many of us.”²⁰⁴ It is true that the majority of letters Garrity received that fall were those in opposition to him

²⁰¹ “Forced Busing Effects” Mailbag, *Herald American*, October 15, 1974, p. 16

²⁰² “No One’s or Everyone’s” Mailbag, *Herald American*, October 15, 1974, p.16

²⁰³ “Local School Dilemma” Mailbag, *Herald American*, October 21, 1974, p. 10

²⁰⁴ *Correspondence*, October 23, 1974

and decision, but it is equally as true that people feel the necessity to write only when a wrongdoing has occurred. It is much more common to complain rather than to compliment, and this individual's letter illustrates that point perfectly. Letter-writing is most often associated with protesting an issue rather than praising it, so while letters of praise were outnumbered three to one by opponents, it does not need to suggest that opponents outnumbered supporters.

By comparison November was a much more subdued month that fall, both in terms of quantity and content. Only thirty-one letters were sent to Garrity throughout the month while letters to the editor of both the *Boston Herald American* and the *Boston Globe* remained consistent to those received in October. Though integration was in its third month people remained steadfast in their resistance to Garrity's order and Garrity supporters were a much less vocal group.

On November 7, 1974 Garrity received the second of the series of four postcards sent to him that fall. The second postcard displayed a simple, "DROP DEAD" with "dead" written in red ink.²⁰⁵ The next day Garrity received another letter signed from a "Disgusted American" that read, "Judge Garrity, You lousy Dictator Another Hitler in our Society. You belong in Siberia Russia. You and Nixon both."²⁰⁶ Another read, "It is a shame to have a police state in this so-called cradle of liberty."²⁰⁷ Personal threats and comparison to fascism were common at this point, but the mere existence of these letters illustrated that people continued to feel anger and animosity towards Garrity long after the *Morgan v. Hennigan* decision.

²⁰⁵ *Correspondence*, November 7, 1974

²⁰⁶ *Correspondence*, November 8, 1974

²⁰⁷ *Correspondence*, November 18, 1974

It is understood why many retained feelings of animosity toward Garry well into the first phase of integration but some people continued to go too far in their criticisms. A letter received on November 3 did just that. It read:

DEAR SIR; IT'S A WEAK CITIZENRY THAT WONT HANG A SON OF A BITCH LIKE JUDGE GARRITY. I SAY HA NG THAT COMMUNIST SON OF A BITCH JUDGE GARRITY NOW. I WOULD NOT LET THE BASTARD COLLECT MY GARBAGE BUT THE BOSTON PEOPLE LET THE SON OF A BITCH CONTINUE TO BREATH THE SAME AIR WITH THEM. I THINK HE LICKS BLACKS DICKS AND WORSE. [sic]²⁰⁸

Though the letter was delivered to Garry's home in Wellesley, it is unclear for whom this letter was intended because it speaks of Garry as a third person, rather than as the person being engaged by the letter, and it was only addressed to "Sir". Rather than express a legitimate concern for the burdens being placed on Boston that fall, this individual cites no other reason for their discontent except that Garry is a "Communist" and that he submits to the African American community, said in less kinder words. It makes it difficult to take his concerns seriously. This is a perfect example of how a senseless portion of the opposition could negate any legitimate concerns the more level-headed opposition might have had.

More alarming than comparisons to Hitler or Russia or death threats was a letter Garry received on November 11. It read:

"WHEN LAW MIXES BLACK SHIT FACE CREATURES WITH SUPERIOR WHITE HUMAN BEINGS IT'S TIME TO TELL THE CRACKPOT JUDGES (LIKE YOURSELF) TO USE A NIGGER'S SHIT HOUSE INSTEAD OF THE ONE YOU HAVE IN YOUR CHAMBER. NIGGERS ARE BLACK SHIT FACE ANIMALS. NIGGERS ARE NOT HUMAN BEINGS. YOU CANNOT FOOL ALL OF THE PEOPLE ALL THE TIME. LAW HAS LOST RESPECT FOR HUMAN NATURE. HUMAN BEINGS HAVE LOST RESPECT FOR LAW. WHITE HUMAN SUPERIOR

²⁰⁸ *Correspondence*, November 3, 1974

BEINGS. AND IF THE WHITE ARE NOT SUPERIOR WHAT ARE THE BLACK ANIMALS
HANGING AROUND FOR. NIGGERS ARE PARASITES.”^[sic]²⁰⁹

That was not all. This letter was addressed to Garrity in an envelope with the words “FIRE THE NIGGERS” and “NIGGERS DEPRECIATE THE VALUE OF LIFE.”²¹⁰ This letter was an example of one of the worst racist diatribes Garrity received that fall. It illustrates the very worst of the anti-busing movement. The attack on Garrity alone is shameful, but combined with the anti-African American and white supremacist sentiments it is unthinkable. One can not help but feel sickened by such venomous hate. While this embodies some of the worst of the anti-busing movement it is important to remember that not all who opposed busing were racist, but that all who were racist opposed to busing.

As was the case earlier in the fall, letters sent to the *Herald American* and the *Boston Globe* tended to vocalize individuals’ praises and concerns about busing without being vehemently racist. A letter from a West Roxbury mother that was published in the November 4 *Boston Globe* read, “On the issue of busing, I vote no... I would rather send my children to a parochial school than have them bused against their will. I also believe Judge Garrity should not be presiding over the busing issue, mainly because he isn’t a resident of Boston. He has escaped to the safety of his Wellesley Hills home where there are no racial tensions.”²¹¹ She writes that her primary concern about busing was that parents look for housing based on schools in the area, and do not want to worry about their children’s safety while they’re at work.²¹² Another letter mailed to the *Boston Globe* and published in the evening edition of November 4 wrote the familiar adage: “I am for integration but I am against the forced busing”. The letter continued, “Let’s not fool ourselves into thinking that

²⁰⁹ *Correspondence*, November 11, 1974

²¹⁰ *Correspondence*, November 11, 1974

²¹¹ “Anti-busing Stand” Letters to the Editor, *Boston Globe*, November 4, 1974, p. 17

²¹² “Anti-busing stand” Letters to the Editor, *Boston Globe*, November 4, 1974, p. 17

busing is merely giving a freedom to a downtrodden people; it is also taking away a freedom – the freedom to choose with whom one wants to associate – from other people.”²¹³ Unlike the tirade Garrity received on November 11 these letters illustrates genuine concerns about busing without making it an issue of race.

Continuing the comparison with Little Rock and Boston from October, a gentleman from Lexington wrote into both the *Boston Globe* and the *Herald American* on November 4. His complaint was that the comparison of Boston to Little Rock was unfair. He argued that “the critical difference” between Boston and Little Rock “is that in Little Rock children living in the same geographical district were assigned to different schools solely on the basis of race... In Boston children have all along been assigned to schools on the basis of where they live.”²¹⁴ This individual agrees that Little Rock was unconstitutionally segregated but does not feel the same was true of Boston. He argued that systemic segregation otherwise known as *de facto* segregation is not intentional and should not be dealt with in the same manner as *de jure* segregation.

In conjunction with an exchange program with students from Boston and Charlotte, North Carolina to encourage understanding of busing and integration, a southern student wrote into the *Globe* illustrating her experiences with integration. She wrote, “For the first month I did not like my new school. Then I began to see the determination of the student body to keep the school and all it stood for... To the parents, I would say instead of using your energy to fight a law already established, use your energy to help your children and together accept your situation.”²¹⁵ Charlotte had been the home of *Swann v. Charlotte-*

²¹³ “Two freedoms” Letters to the Editor, *Boston Globe*, November 4, 1974, p. 17

²¹⁴ “Clearly a conflict” Mailbag, *Herald American*, November 4, 1974, p. 10;

“Contrasting Boston and Little Rock” Letters to the Editor, *Boston Globe*, November 4, 1974, p. 17

²¹⁵ “Southern student shares experience” Letters to the Editor, *Boston Globe*, November 11, 1974, p. 17

Mecklenberg, the first decision which used busing as a means for integration, so it sheds incredible light on the possibilities for success in Boston if busing was embraced.

In addition to the effectiveness of busing in Charlotte, Garrity and the Boston busing decision were not without their praises in November. One Roxbury parent wrote, “The greatest lesson any of us can learn is that we have obligations as Americans and Bostonians, to live up to our ideals. In a democracy, especially, ideals are meaningless unless people activate them. Someone must find the courage and strength to express our belief in quality education with the equal participation of all citizens.”²¹⁶ In another letter sent into the *Herald American* the author suggests that the children are those who have the strength and courage mentioned in the previous letter. They wrote, “The solution is to accept individuals for themselves and not their color. Why do we still punish a people who were brought to this country under force and enslaved? ... Children have a way of getting along together. I know this will be true in Boston, if children were left to decide their own fates.”²¹⁷ Echoing the same sentiment about the children of Boston, the Department of Child Psychiatry Children’s Ambulatory Service at Boston University wrote into the *Herald American* on November 12 illustrating their strong support of integration and quality education for all children, “We stand behind young people, black and white.”²¹⁸ Praises for integration were strongly connected to the well-being of the children of Boston in many of the letters sent to the Boston newspapers in November.

While November was a much quieter month by comparison, Boston was not spared from the divisiveness that had existed throughout the city all fall. Attention was drawn to the successes of busing in other cities, as well as the importance of considering children first and

²¹⁶ “Time Not Wasted” Mailbag, *Boston Herald American*, November 4, 1974, p.10

²¹⁷ “Children Are Pawns” Mailbag, *Boston Herald American*, November 4, 1974, p. 10

²¹⁸ “Integration Backed” Mailbag, *Boston Herald American*, November 12, 1974, p.16

foremost. While those opposed to busing maintained their concern for alienated rights and freedoms and the differences between de jure and de facto segregation. Though hate and white supremacy persisted, on the whole the anti-busing movement was much more subdued than it had been in past months.

December was a tumultuous month in Boston. The Boston School Committee voted 3-2 to disobey Judge Garrity's order for Phase 2 of integration which ended with them being held in civil contempt of the court. Garrity received his third and fourth "Drop Dead" post-cards. A student was stabbed in an altercation at South Boston High on December 11 though he his injuries were non-severe several schools were forced to close their doors early for Christmas vacation to prevent further violence. In December Boston was pushed to the brink.

Despite the stabbing of the young boy, many of the letters featured in the newspapers remained supportive of busing and against violence. On December 23, the *Herald American's* Mailbag was devoted entirely to busing and Boston. One individual wrote, "In 1972 I was proud of Massachusetts, the only state that did not vote for Richard Nixon. Now, however I am embarrassed to be a Massachusetts resident because of the school busing issue. My embarrassment is not related to my personal convictions as to what is right or wrong, but rather to my intense distaste for the violence that is occurring."²¹⁹ Another wrote, "Once this city was the epitomy of racial understanding... I fear we have forgotten our heritage as the educational and cultural center of the world. We have failed to guarantee quality education of all peoples and have not educated ourselves to accept all people."^{[sic]²²⁰} Many people were upset that Boston had lost its liberal idealism and had descended into violence. However not all who abhorred violence supported busing and peaceful co-operation.

²¹⁹ "Violence Embarrasses" Mailbag, *Herald American*, Dec 23, 1974, p.10

²²⁰ "Heritage Forgotten" Mailbag, *Boston Herald American*, December 23, 1974, p.10

Four months into busing people still continued to oppose Garrity's decision. One wrote, "Citizens of Boston have come under an un-American decree of one federal court... Judge Garrity should direct his energies to removing snob zoning laws and promote construction of low-income housing in communities such as his own, thus admitting the poor to the suburbs to attend a school of their own choice and attain a true quality education."²²¹ Another criticizes the police protection at schools, "How long must children be sent to school under police protection? Since the majority do not want their children bused, and laws are supposed to be made for the majority, let's change the law."²²² Many felt it necessary to co-operate with the order to end the violence, while others believed the law should be changed to end the violence. This is another example of how divided Boston was over Garrity's order.

Violence was commonplace in the South as it integrated its institutions during the 1950s and 1960s but it was unexpected in Boston in the 1970s. When the Civil Rights Movement was developing in the South many believed that African Americans were complacent with their situation and that "outside agitators" from the North were responsible for spurring the movement. In a fascinating twist, a letter from Georgia suggested that "outside agitators", this time from the South, may be the cause of the violence in Boston; "I am certain that if you will look closely you will find that agitators from Mississippi and Georgia and Alabama must have infiltrated the ranks of Boston's citizenry."²²³ This individual reasoned that it could not have been Bostonians causing the racial violence but people from the deep American South; however untrue the claim, it offered people a scapegoat to roots of violence.

²²¹ "Do They Really Care?" Mailbag, *Boston Herald American*, December 23, 1974, p.10

²²² "Change the Law" Mailbag, *Boston Herald American*, December 23, 1974, p.10

²²³ "The Racist... South?" Mailbag, *Boston Herald American*, December 23, 1974, p.10

The letters Garrity received after the stabbing at South Boston High were not as supportive as those in the newspaper. One disgruntled citizen wrote, “You degenerate dictator. Your worse than Hitler. You Bastard Drop dead. You’ll Pay for the stabbing of this boy by thoses son of a bitch Nigger.”^[sic]²²⁴ Another addressed to “Garrity Polotician US District Court, Mass” contained a simple “Heil Hitler.”²²⁵ Another read, “COMMUNISM! COMMUNISM!! COMMUNISM!!! Is this Russia? ... SHAME!!!”²²⁶ People’s sense of alienated rights and lost freedoms appear to have been heightened by the stabbing as was racist sentiments.

Racism was a predominant theme in many of the letters Garrity’s opponents sent him in December. One letter received on December 13 read, “Dear Sir, I would like to know what the hell do those black devils want.”²²⁷ Two letters that were sent back to back, the first by a Boston citizen, the second by the Ku Klux Klan (KKK), noted that Garrity was a “bastard”. The first read, “Admit that you are a bastard ... you are a Bastard, Gerrity – admit it – and a nigger loven bastard at that” *[sic]* while the second read, “You lousy Bastard. You crummy nigger lover. First there was that Bastard like you in Detroit named Roth, that sun of a bitch is gone. Then that louse out in California Warrn that Bastard is in Hell. Now you are next. You will go the way of those other nigger loving batastard good riddance.”*[sic]*²²⁸ Combined with animosities towards Garrity and his busing decision is a virulent racism in these letters.

Furthermore, Garrity received a postcard on December 13 marked from the “Mass Bar Association.” The front of the postcard read: “Niggers Are Animals” and on the back it read “If God wanted us the same He would have made us the same. Forced racial integration

²²⁴ *Correspondence*, December 17, 1974

²²⁵ *Correspondence*, December 18, 1974

²²⁶ *Correspondence*, December 17, 1974

²²⁷ *Correspondence*, December 13, 1974

²²⁸ *Correspondence*, December 18, 1974; *Correspondence*, December 19, 1974

means shove the courts, the judges and the constitution up your ass. You stupid thing trying to force White Human Beings to mix with black shit face animals. The job is too big for you and you are too crooked to tell the honest truth. Niggers are only tolerated the same as animals.”²²⁹ It is unclear whether the sender was actually a member of the Massachusetts Bar Association, they showed an unflappable disdain for busing, integration, and the African American race in general and despite legal precedents. The sender also believed that Garrity was lying when he found Boston to be unconstitutionally segregated.

On December 19, the same day he received the letter from the KKK, Garrity received a children’s drawing entitled “Punishment for a Dirty Swine”. The drawing featured a man, dressed in a judge’s gown labeled “Garrity” hanging from a gallows. The words “Awk! Choke! Bus the Niggers!! Kill the Whites! Choke! Gasp!!!” are drawn coming from “Garrity’s” mouth. On the gallows, the words “Rat Killer”, “Death to Sewer Rats” and “Retribution” all appear. Across the picture are the words: “Kill Garrity the Dirty Swine!”, “Die Rat! Die! Die! Drop Dead!” and “Death to Sewer Rat Filthy Swine Garrity Dirty Devils From Hell.”²³⁰ To say the least, the image was quite disturbing. The fact that the image appears to have been crafted by a child makes it even more so. Death threats and wishes were commonplace to Garrity at this point, but coming from a child, one can imagine the impact this may have had on him but not all the letters received in December were so negative.

Perhaps the most endearing letter Garrity received that fall, also from a child, came on December 15. On lined paper a young girl wrote,

Dear Mr. Garrity, I have seen many signs up saying: Impeach Judge Garrity. I don’t believe in that sort of thing because my mother said that if you can’t say anything nice about a person don’t say anything at all, and I think she’s right. It wasn’t your fault it was the darn School Committee. I think that the

²²⁹ *Correspondence*, December 13, 1974

²³⁰ *Correspondence*, December 19, 1974

people in the School Committee are cowards because they can't except the fact they have done wrong.²³¹

With the astuteness only a child good muster, the girl identified the School Committee as the ones responsible for the problems in Boston, not Judge Garrity. She continued by writing about her own experiences with busing:

I not exactly 'tickled pink' about bussing but if the School Committee had done its job there would be no bussing. I don't mind it because I've met new friends that come on the bus. I think that it doesn't matter what's on the outside it's the inside that counts. So if I were you I wouldn't worry ... PS Merry Christmas.[sic]²³²

This is a perfect example of a child's ability to overlook all the issues that had beleaguered parents across Boston. She was admittedly not excited about going to a new school and riding the bus, but nonetheless she embraced her new situation. This letter more than any other, illustrates that if left up to the children, busing could have worked in Boston.

Letters of support continued to be delivered from Boston and across the southern United States. On December 15 Garrity received a letter from a Boston citizen which read, "I am writing this to express my support and thanks not only for the decisions you have made but for the courage it has taken to stick by your convictions. I hope that you will continue to withstand the attacks of bigotry and ignorance. Perhaps knowing that you have the support from both Black and White citizens will be some help."²³³ On the December 30 he received a letter that read, "You sure are doing a good job – everyone is behind you here and all over the country. Please keep up the good work for all us minority's who have been hate & prosecuted & hounded for being different ... Freedom for the downtrodden Black slaves Mr.

²³¹ *Correspondence*, December 15, 1974

²³² *Correspondence*, December 15, 1974

²³³ *Correspondence*, December 15, 1974

Garrity and you all fight them dam Honkies.”[sic]²³⁴ Amidst all the opposition in December, Garrity continued to receive kind words of support from Boston and across the United States.

Boston was forcibly changed throughout the summer and fall of 1974 following Judge Garrity’s decision. Garrity’s decision on *Morgan v. Hennigan* brought out the best and the worst of the city that year. Busing and the integration of Boston’s public schools was the most divisive issue Boston had faced in recent history. On one side people, like Garrity, believed that the public schools were in fact intentionally unconstitutionally segregated and on the other people believed that the schools were segregated by happenstance, a result of housing zones not the Boston School Committee’s actions. In turn a third group emerged that believed that the public schools were segregated, but did not believe busing was the proper solution. Those who supported segregation were nearly uniform in their praises of Garrity and his decision. While those who believed segregation was unintentional were further divided in their concerns and complaints against busing and Garrity’s order.

Garrity’s supporters trumpeted his courage, integrity and his strength. Garrity received praise from across the nation for finding Boston’s schools segregated and for ordering integration via busing. In his own right he became a champion of the Civil Rights struggle in Boston that fall. His supporters stood by him when he faced virulent criticisms from opposition, when President Ford publicly stated he believed Garrity had made the wrong decision and they stood by him when he and his family were targeted by the anti-busing protestors. From simple congratulations, to heart-felt expressions of admiration, kind words continued six months after the release of the *Morgan v. Hennigan* decision. Unfortunately, Garrity supporters’ words of praise and encouragement were outnumbered three to one by his opponents.

²³⁴ *Correspondence*, December 30, 1974

Opponents of Garrity were not as uniform as his supporters. While they were uniform in their opposition the reasons for their concerns were quite varied as were the types of responses. Some were able to illustrate their frustrations strongly and assertively without being petty, while others descended into ridicule and personal threats. The more subdued, legitimate concerns that people expressed with featured heavily in both the letters that Garrity received as well as those sent to the *Boston Globe* and the *Boston Herald American* while racist responses were relatively non-existent in the newspapers. Reactions were motivated by a combination of lost rights, disillusionment, and racism.

The first two groups were seemingly the products of Watergate. They were disenchanted with America and spoke out against what they perceived to be violations of the American system. Some were outraged with what they perceived to be a disintegrating democracy; the believed that Garrity had overstepped his boundaries as a judge and had forced an unfavorable decision on an unwilling majority. They perceived that in an effort to secure rights for African Americans, their rights had been violated. They felt as though busing had alienated their rights as parents and as communities. This group often compared Garrity to dictators such as Stalin or Hitler, or made broader anti-communist claims which reflected their sense of lost rights and perception that the *Morgan* decision was un-American.

While not wholly dissimilar from those who associated Garrity to a totalitarian dictator, the second group was disenchanted with the American system. They believed that Garrity had been “paid off” to make his decision. Themes of corruption and dishonor were strong within this group. They felt as though Garrity had been bribed by either the NAACP or by Boston politicians. They did not believe that Garrity would have otherwise made his decision that the school system was segregated if he had not been financially compensated

for it. The 1970s were a difficult time for many Americans. With the revelations of the Pentagon Papers, the Watergate scandal, President Nixon's resignation and pardoning, many people had lost faith in its government's ability to live up to its standards of idealism. Disillusionment and apathy were commonplace in 1974. Feelings that the United States was either a corrupted democracy or full-fledged totalitarian regime were prevalent in many of the letters Garrity received in 1974 following his *Morgan v. Hennigan* decision.

Not all voices of opposition protested a loss of rights or corrupt government. Unfortunately, a third group of opposition emerged which was centered on race. This group opposed Garrity's decision solely on the grounds of integration. Like the other groups responses ranged from ignorant to appalling. Racist sentiments and stereotypes propagated fears about busing children into various neighborhoods and the "consequences" of integrating races. Others displayed their racism with no relation to the issue and were seemingly in opposition to African Americans as a matter of principle. African Americans were constantly regarded as second-class citizens or as less-than-human by much of this group. Busing was opposed, not because it removed a parent's right to decide which school their child would attend, but because it meant that both black and white students would be receiving the same education, at the same schools. In the rare case that any valid concerns may have been expressed throughout these letters, the flagrant use of obscenities, epithets and threats distracted from their legitimacy.

Public opinion on Garrity and his *Morgan v. Hennigan* decision was wide ranging. He was championed by some, and vilified by others. Some felt that he had finally undone the years of corrupted democracy, while others felt he had only contributed further to the corruption. Some felt he had finally delivered equal rights to all Bostonians, and others felt

he had given rights to one group at the expense of others. Some were ecstatic about his role in the civil rights struggle and others were outraged because he ordered the “mongrelizing of America.”²³⁵ Some were supportive and others condescending; some were concerned and others even satirical.²³⁶ The strongest conclusion that can be made of the public opinion on Garrity’s decision is that Boston was a city divided.

Garrity was both loved and hated by the citizens of Boston, but there was still little uniformity within those larger umbrella groups. The most homogeneous opinion came from his supporters who felt he had furthered the civil rights struggle and did so with integrity and courage but his opponents were quite divided. It is true of his opponents that not all of those in opposition to Garrity and busing were in opposition to integration. One of the common conclusions in the existing literature which is sympathetic to the anti-busing movement holds that those who opposed busing were not racist, that it was predominantly a reaction to their lost rights but such a conclusion ignores the reality that some were opposed to busing solely because it meant equal opportunity for all races. In relation to public opinion nothing can be overlooked. Garrity’s supporters’ opinions are just as important as those of all of his opponents.

In terms of representation, though opponents outnumbered supporters three to one in the letters to Garrity, they do not necessarily reflect the actual numbers. Within the newspapers supporters and opponents were represented equally throughout the fall and while numbers may be skewed by editing and selection it can not be downplayed. Ultimately the voices of Garrity’s opponents were the loudest and the strongest that fall but as the one

²³⁵ *Correspondence*, undated September, 1974

²³⁶ Throughout the fall, on four separate occasions, from four separate individuals Garrity received letters containing marbles and a note with some variation of the phrase “you’ve lost your marbles, have mine”. In a peculiar twist, all four were postmarked from California.

individual wrote in October summed it up best: “Most Americans who share my sense of indebtedness will not take the time to write, but there are many of us.”²³⁷

Busing and integration divided Boston. Nineteen-seventy-four was a tumultuous time not only for Bostonians but for Americans in general. The non-violent Civil Rights Movement had appeared to have lost its way following the assassinations of Dr. Martin Luther King Jr. and Senator Bobby Kennedy. The Vietnam War, which had deeply divided the nation, was still winding to an end. The Pentagon Papers and Watergate had revealed American democracy at its very worst and Nixon’s resignation and eventual pardoning further disillusioned Americans sense of due justice. In addition to all the national animosity were the local issues. For some it was simply impossible that the city that had educated Martin Luther King, the state who had voted for George McGovern in 1972 and arguably the home of American culture and education, had intentionally perpetrated segregation.

For others it was a shock that it had taken so long for the problem of segregation to be properly recognized and corrected. Furthermore parents were outraged with the prospect of losing control of their own children’s lives. The safety and security of the children as a major concern for parents that fall; no longer were children going to school across the street or down the block, they were being bussed twenty minutes across town to a completely unknown neighborhood. Busing and integration was not an easy issue to address in Boston. Public opinion was divided, no solid majority existed and no group truly outshone another. Simply put, the only conclusion to be made is that public opinion reflected how extremely conflict-ridden and difficult the issue of integrating the “Cradle of Liberty” truly was.

²³⁷ *Correspondence*, October 23, 1974

Conclusion

In 1974 Boston was a city divided. Judge W. Arthur Garrity Jr.'s order to bus students throughout the city to achieve integration was unpopular with the majority of Bostonians but the opponents of busing were further subdivided in their motivations of opposition. To complicate the matter, when compared to the national news coverage it was evident that the Boston daily newspapers had become inherently involved in the conflict. Though Judge Garrity's *Morgan v. Hennigan* decision was a continuation of the legal precedents set by *Swann v. Charlotte-Mecklenburg* and *Keyes v. School District* it was not met with the same reaction. A reflection of its time, *Morgan v. Hennigan* can not be examined without consideration of life in 1974 America.

This work does not pretend to assess the successes or failures of busing and integration, nor does it pretend to investigate the outcomes busing. By focusing primarily on the fall of 1974, I was able to more wholly investigate each facet of the conflict in terms of representation and perceptions of Garrity and the busing order. While some works including J. Michael Ross and William M. Berg's *I Respectfully Disagree with the Judge's Order: the Boston School Desegregation Controversy* and D. Garth Taylor's *Public Opinion and Collective Action: the Boston School Desegregation Conflict* have previously addressed public opinion over a larger time frame, a work relating both how Garrity and his decision were represented in the media and how he was perceived by the public over the entire expanse of the conflict has yet to be written.

Previous scholarship has emphasized the role of "defended neighborhoods" in its examination of opposition to busing. "Defended neighborhoods" was termed by Emmett H. Buell Jr. and Richard A. Brisbin Jr. and was supported by Ronald Formisano to explain

busing opposition as a defense of an isolated enclave within a city from unwanted social changes.²³⁸ Buell and Brisbin's argument held that defending one's neighborhood, more than racism or anti-big government sentiments motivated opposition to busing. While they held that the "defended neighborhood view need not exclude elements of racism, class antagonism, ignorance or suspicion of big government" the argument was not further elaborated and "defended neighborhoods" became the most important source of opposition.²³⁹ This was the starting point of my investigation.

Buell and Brisbin had highlighted something very important in understanding the nature of opposition to busing but failed to execute any further investigation. Opponents to busing were motivated by many different reasons and no uniform opinion existed. After reading through the letters which were mailed to Garrity throughout 1974 it became quite clear that people opposed busing for a multitude of reasons, not just because of "defended neighborhoods" as put forth by both Buell, Brisbin and Formisano.

Opposition to busing permeated every community in Boston. It was rooted in a sense of alienated rights illustrated in the "defended neighborhood" argument but it was also rooted in racism and distrust of government. Both Cold War anti-communist and Watergate anti-government sentiments were strong tenets of the opposition to busing, as were themes of racism and bigotry. Garrity received letters that fall that elucidated a distrust of government or an over-stepping of boundaries. Other letters he received illustrated deep ignorance and hatred of African Americans and others were concerned with the practicality and cost of busing. The letters sent in to both Garrity and the local newspapers encapsulated multiple

²³⁸ Emmett H. Buell Jr. and Richard A. Brisbin Jr., *School Desegregation and Defended Neighborhoods: The Boston Controversy*, (Lexington, MA: Lexington Books, 1982) p. 6; Formisano, *Boston Against Busing*, (Chapel Hill: University of North Carolina Press, 1991), p. 108

²³⁹ Buell and Brisbin, p. 7

sources of opposition. Sometimes letters of opposition were based solely in one perspective, and other times they would embody multiple perspectives. But no matter how small a tenet of opposition may have been, focus can not be given to one group over another; such an act oversimplifies the busing conflict in Boston. The very nature of busing in Boston was complex and such complexities can not be fully illustrated unless attention is given to all facets of the conflict.

With that said, in the existing scholarship attention has been focused primarily on the opposition to busing with little attention devoted to its supporters. To ignore the supporters of busing is again to downplay the complexity of the issue. Supporters did exist, they did have a voice and they were active throughout the city in the fall of 1974. In the wake of Watergate some were relieved to know that justice and fairness still prevailed in the American system. More uniform than the opposition, Garrity's supporters championed the integrity and courage of his decision to uphold civil rights in Boston for all citizens.

In addition to opponents and supporters of busing there was a third group. This group was occupied by both the supporters and opponents of busing but shared concerns about its practicality. Within this group, opponents contested busing because of the costs, length, and implications it had on daily life. One mother expressed concern about what a working parent was to do if their child had to leave sick from school when their home was across town and buses only ran twice a day. Another was concerned with the rising cost of gas prices following the OPEC crisis. Some supporters of busing also shared concerns about busing. They were concerned with the safety of children travelling into hostile neighborhoods like South Boston or Hyde Park. This third group, whether they opposed or supported Garrity's ruling were not blinded by their opinion and were critical of the logistics of busing.

What remains is that there was no uniform position on busing in Boston in 1974. Those who opposed it had varied motivations for their opposition; those who supported it had varied motivations for their support; and those who had legitimate concerns about the practicality of busing also had varied concerns.

Furthering the complexity of busing was the Boston daily newspapers involvement in the conflict. By December 1974 it was clear that the *Boston Herald American* and the *Boston Globe* were no longer solely providers of information, each newspaper had become intrinsically involved with the opponents and proponents of busing respectively. Using the national newspaper coverage as a point of comparison it was clear that distinct bias existed within each newspaper's ability to cover busing. This notion was furthered by a letter mailed to Garrity by the editor of the *Boston Globe* in June of 1974 commending him for joining them in the struggle to support and fulfill civil rights in Boston. The *Globe* was very sympathetic to Garrity and busing in its news reports, which made them a target to the opponents of busing. Alternatively the *Herald American* was just as unyielding in its condemnations of Garrity and busing. It is clear after a comparison of the two local newspapers that each one represented one distinct side of the conflict. Selective reporting, article placement and language choice all figured prominently in establishing each newspaper's position on the issue. Despite a censorship agreement in September, the *Boston Herald American* and *Boston Globe* had become intrinsically intertwined into the busing conflict.

Judge Garrity's decision in *Morgan v. Hennigan* continued a long line of judicial precedents serving to dismantle segregation starting twenty years prior with *Brown v. Board*. It has been illustrated that whether or not Garrity was the judge the same conclusions would

have been made; the Boston School Committee had *knowingly carried out a systematic program of segregation*.²⁴⁰ The precedents had been set in *Brown*, *Swann* and *Keyes* and no alternative conclusion could have been made without overturning those previous decisions. This was a fact that remained overlooked by many of Garrity's opponents in 1974.

In addition to the legal precedents, Watergate, the OPEC crisis, the Vietnam War, and the Cold War were all important factors in the shaping of public opinion in 1974. At the heart of America in 1974, the Office of the Presidency had fallen to pieces; people's faith in the "American way" had been badly shaken. These larger national events affected people across the nation and Boston was no exception. As illustrated in many of the letters Garrity received themes of disenchantment, economic hardship and anti-Communist sentiments figured prominently.

Busing was a multi-faceted issue. The city was divided into supporters and opponents, each of which was further subdivided. The Boston dailies were on separate sides of the conflict. Perceptions of Garrity and busing were so divided that no uniform consensus existed on either side. Generally regarded as the architect of public opinion, with comparison to the letters, the newspapers began to reflect opinion just as much as they created it. Garrity and busing were represented by each newspaper in the same way that they were perceived by the respective groups. Thus the representations and perceptions of Garrity and *Morgan v. Hennigan* began to simultaneously reflect one another. The complex nature of opinion and the simultaneous process of representation and perception all contributed to the isolation of Bostonians. No other issue in the twentieth century divided Boston in the way that busing did. In 1974, Boston was a city divided.

²⁴⁰ *Morgan v. Hennigan*, 379 F. Supp. 410 (1974) p. 482

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