

# ESSAY

## School Desegregation; the Myth and the Reality: An Essay Based on *Common Ground*.<sup>1</sup>

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### I. INTRODUCTION

In his book *Common Ground*,<sup>2</sup> J. Anthony Lukas attempts to capture the motivations behind and results of the anti-busing movement. Lukas meticulously chronicles the lives of three families living in Boston during the busing controversy of the 1960's and early 1970's. Non-fictional families are used to describe and typify the ideals, goals and thoughts of those directly involved in the controversy surrounding busing. Besides providing insight into the reactions to forced busing, *Common Ground* questions whether busing was an effective remedy to achieve school desegregation or simply the most practical means to a largely symbolic end.

### II. COMMON GROUND AS NON FICTION

*Common Ground* is more than just a novel about busing, it is pertinent to contemporary issues on racial equality; it encompasses racism, class structure, civil rights and legal equality. Lukas thoroughly examines the sociology, history, politics and demographics of Boston. Through this rigorous account of the busing era, Lukas invites his readers to recognize the reality of urban America.

However, it is apparent that many do not accept Lukas' invitation. Critics minimize his efforts through superficial praise. One critic raves: "a work of consummate genius . . . . In its breadth, its nuance, and a quality of literature, through a piece of non fiction, *Common Ground* is no less than Shakesperian."<sup>3</sup> Another praises Lukas for "a book that pulls the reader along as if it were fiction."<sup>4</sup> A third critic applauds Lukas for his ". . . skills at weaving unwieldy complexities into a story that pulses like good, raunchy gossip." At first blush it is incomprehensible that these critics could be so completely off point. However, with movies such as *Betrayed*, *Cry Freedom* and the critically acclaimed *Mississippi Burning*, it comes as no surprise that people choose to ignore the reality of racial oppression. Like *Mississippi Burning*, Lukas' critics reflect a general attitude in modern America to distort reality<sup>5</sup> and pass that distortion off as fact. This disregard of facts demonstrates a willingness to

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1. J. ANTHONY LUKAS, *COMMON GROUND* (1985).

2. *Id.*

3. *Id.* at x.

4. *Id.*

5. Compare *Mississippi Burning*, (where the focus is on two FBI agents who go to Mississippi to investigate the murders of James Chaney, Michael Schwerner, and Andrew Goodman, *with Eyes on*

forget history and a tendency to view racial oppression as merely a blemish in America's distant past.

Indeed, many young people were shocked and in disbelief<sup>6</sup> after viewing *Betrayed* and *Mississippi Burning*, but they fail to realize that brutality and hatred against Blacks persists. By falsifying an era, *Mississippi Burning* engenders and perpetuates complacency. For the masses, who are ignorant of the true facts, *Mississippi Burning* supplants reality: the heroic White man comes to the aid of the helpless Black race.

The superficial criticism given *Common Ground* and lack of criticism given *Mississippi Burning* indicate the majority's misperception and misinterpretation of history. Though acknowledged, the injustice, hatred and violence surrounding the Civil Rights movement and school busing are overlooked. These periods are valued more for their entertainment potential than their social or legal significance. Since many people are quite comfortable with a fictionalized depiction of controversial topics, it is likely that serious social movements will continue to be exploited for their commercial and entertainment value.

Social movements in the area of race relations are of particular entertainment value because, in some regards, the Civil Rights movement, desegregation of public facilities and school busing represent the equivalent of a happy ending to a popular fairy tale. The Civil Rights movement had all the elements of a good story: the victim, the villain and the hero. The problem is that movies such as *Mississippi Burning* perpetuate the myth that racism and prejudice no longer exist in the United States. Those who accept this ending are viewing the world through rose colored glasses for the story is not yet over. The victims are still oppressed, the villains have become more clever and discreet and the hero has yet to come forth. There will never be a happy ending until society is color-blind and racism and segregation no longer exist. Contrary to what people believe or would have us believe, *Brown v. Board of Education (No. II)*<sup>7</sup> did not act as a magic wand to end all segregation. Reality is much different.

Unlike today's popular movies, Lukas does not glamorize or embellish his subject matter for the sake of entertainment. Unlike these movies, Lukas' objective is to inform; he gives his readers the naked truth. A lot of people fail to recognize this as *Common Ground's* true import.

### III. LUKAS' APPROACH

Lukas explores the busing issue from a social and human perspective rather than from a solely legal viewpoint. This vantage point allows full evaluation of the impact of busing on both poor Whites and poor Blacks.

Boston, Massachusetts is the city at the center of the novel. It would have been easier to pick a southern city—a city where strong opposition to

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*the Prize: Mississippi: Is This America? (1962-1964)*, (where the late FBI director J. Edgar Hoover explicitly states that the FBI would not protect the Freedom Riders).

6. Corliss, *Fire This Time*, TIME, Jan. 9, 1989 at 56.

7. 349 U.S. 294 (1955). Police brutality against Blacks exists today. Similarly, Forsythe County, Georgia, Howard Beach, New York, Bentson-hurst, New York and Jefferson Parish, Louisiana—Which elected a "former" Imperial Wizard as their United States Representative—are very much a part of reality.

school desegregation is expected and even anticipated. Lukas probably chose Boston for two reasons. First, northern cities are thought to be more liberal and progressive than southern cities.<sup>8</sup> Unlike southern cities, cities in the North did not practice intentional or de jure segregation. Because explicit segregation laws did not exist, it has been thought that segregation was non-existent.<sup>9</sup> Nothing could be further from the truth.<sup>10</sup> Second, Lukas chose Boston to present a historical depiction of the racial tension that exists in that city even today.<sup>11</sup>

#### IV. BACKGROUND: RACIAL ANIMUS IN BOSTON

Lukas sketches the history<sup>12</sup> of the tension between Blacks, Irish and Yankees<sup>13</sup> in Boston. He describes the social and class tension between the three groups by contrasting the lives of three families. The Diver family represents the Yankee perspective. The Irish viewpoint is depicted by the McGoff's and the Black perspective is represented by the Twymon family. In the early chapters on the McGoff family, Lukas describes the antagonistic relationship between the Yankees and Irish immigrants. The origin of the Irish and Black schism is explored in the Twymon and McGoff chapters.

##### 1. *Contemporary Origin of Tension Between Blacks and Irish*

The Civil Rights movement shifted the focus away from the plight of the Irish immigrant to that of Blacks. Priding themselves on northern progressiveness in the area of race relations,<sup>14</sup> many Bostonians supported the Civil

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8. In fact, during the mid-1800's many Bostonians, Black and White, who earlier had been spurned by the courts in their efforts to establish integrated schools, turned to the political arena. In 1855 the Massachusetts legislature passed a bill prohibiting segregated schools. Act of March 25 1845, Ch. 256, 1855 Mass. Laws 674. However, this legislation merely represented symbolic equality, for although it established a common school system, entry was restricted to white children. *See generally*, J. HORTON AND L. HORTON, *BLACK BOSTONIANS: FAMILY LIFE AND COMMUNITY STRUGGLE IN THE ANTEBELLUM NORTH* (1979).

9. D. BELL, *RACE, RACISM AND AMERICAN LAW* 374 (1980) (noting the irony behind the resistance to desegregation two years after *Brown v. Board of Education*, 347 U.S. 483 (1954) in Boston where school integration was mandated by law in 1855 and where it was the official policy in 1790).

10. Historically, the northern states were known as free states and purportedly progressive in terms of the rights and opportunities for newly freed slaves. However, as W. Haywood Burns notes, "Even in the so-called Free States there was ample borrowing from the statutory schemes of the slavocracy to enforce a societal (white) view of the black person's rightful station in life. Thus northern states systematically resorted to legislative devices to impose their collective view on the lives of free blacks, restricting them in employment, education, the franchise, legal personality, and public accommodation." Burns, *Law and Race in America*, in *THE POLITICS OF LAW: A PROGRESSIVE CRITIQUE* (D. Kairys ed. 1982); Leon Litwack notes that although slavery was abolished in the North, freedom could not be equated with social or legal acceptance of Blacks as equals. *See generally*, L. LITWACK, *NORTH OF SLAVERY* (1961).

11. *See, e.g.*, Boston Globe, Feb. 11, 1989 at 28 col. 6 (police officer was suspended after making racial remarks to his colleague); Boston Globe, Oct. 24, 1989 at 17 col. 2. (Complaints of racism against a high school headmaster); Boston Globe, Oct. 12 1988 at 59 Col. 6 (Racially motivated attack against two Vietnamese men); L.A. Times, June 30, 1985 Part I at 8 col. 1 ("Boston Revives Some Painful Memories; Recent Violence Recall's City's Deep Seeded Racial Problems").

12. Lukas starts with the "Yankee" settlement of Boston in 1690, then discusses the immigration of the Irish in the 1860's and examines the migration of Blacks from the South during the 1880's.

13. Yankee is used to refer to descendants of the original English settlers of Boston. *See generally* LUKAS, *supra* note 1.

14. *See Brown II*, 349 U.S. at 295.

Rights movement. Most Bostonians advocated the abstract rights of formal equality for Blacks. This neutral position served as a pacifying device which allowed the appearance of equality without guaranteeing substantive rights. Thus it was "safe" to support abstract rights since Blacks would not gain anything from them nor would Whites lose anything.

That many liberals advocated compensatory rights for Blacks in addition to abstract rights created a conflict. As the term suggests, compensatory rights are rights that compensate an individual for past wrongs. School desegregation through the use of busing is one example of compensatory rights. Many liberals were in a position to support compensatory rights since they were not directly affected by them. In the case of busing, liberals could easily escape the consequences of their advocacy by sending their children to private schools, by moving to a school district where there was no busing or simply by living in the suburbs.<sup>15</sup>

Compensatory rights came at the expense of working class Whites, thus creating resentment towards Blacks.<sup>16</sup> This came as a blow to the White underclass for they had always believed that, no matter how low they were in the pecking order, they would always be superior to Blacks.<sup>17</sup> The White underclass resented sharing the inner city with Blacks and competing with them for schools, jobs and housing.<sup>18</sup> The busing order fit into the prior practice of pitting the White working class against Blacks; for the "Yankee's" were rarely affected by busing.<sup>19</sup> In pitting poor Blacks and poor Whites against one another, the White middle and upper classes achieved compensatory rights for Blacks without having to "pay a price."

## 2. School Desegregation

In 1955, the Supreme Court ordered that school desegregation proceed with "all deliberate speed."<sup>20</sup> The Court left specific remedies to local district judges.<sup>21</sup> In Boston, the task of fashioning a specific remedy to school segregation fell upon Judge W. Arthur Garrity.<sup>22</sup> This was not easy in light of *Green v. County School Board of New Kent County*,<sup>23</sup> which charged school boards with the affirmative duty to take whatever steps necessary to convert a dual school system into a unitary system in order to eliminate discrimination "root and branch".

Garrity's problems were exacerbated since Blacks and Whites in Boston

15. See, e.g. *infra* note 18.

16. D. BELL, *supra* note 9, at 438.

17. *Id.*

18. LUKAS *supra* note 1, at 27. See also BELL at 7, 24-28.

19. In *Milliken v. Bradley* 418 U.S. 717 (1974) the Court held that interdistrict busing was not a proper remedy to achieve desegregation. In effect, the *Milliken* decision exempted suburban Whites from school desegregation. The result pitted poor Whites against poor Blacks and permitted Whites to evade integration by fleeing to the suburbs or enrolling in private schools.

20. *Brown II*, 349 U.S. at 301.

21. *Id.* at 299.

22. In *Morgan v. Hennigan*, 379 F. Supp. 410 (D. Mass. 1974) Black parents brought a school desegregation suit against the Boston School Committee, Judge Garrity held that the Committee had intentionally and purposely carried out a systematic program of segregation affecting all students in Boston. This was the easy part. The remedy phase of the case presented the greatest difficulty.

23. 391 U.S. 430 (1968).

generally lived in separate neighborhoods.<sup>24</sup> The only way to achieve “root and branch” desegregation in Boston schools was through interdistrict busing.<sup>25</sup> Judge Garrity’s order to bus affected the three families in different ways.

### 1. *The Divers and Desegregation*

Colin and Joan Diver typify the liberal middle class White family. Colin, a recent top graduate of Harvard Law School, forgoes a career in a prestigious law firm for a position in the Mayor’s office. Joan, a graduate of Wheaton College, secures a position with Hyams Trust Foundation, a major philanthropic foundation. The Divers are committed to the war against segregation. Unlike many White, upwardly mobile professionals who join social movements because it is fashionable, the Divers are genuinely interested in integrating Boston.

Disturbed by the contradiction between working in depressed areas and living in the comfort of Boston’s suburbs, the Divers moved to the inner city. Their neighborhood represented the Diver ideal: integrated, good schools and racial and social harmony.

For a while the Divers lived happily in their integrated neighborhood. Many young urbanites migrated to the inner city. The inner city became a fashionable place to live. The busing order shattered the enchantment of the neighborhood. Judge Garrity’s order, coupled with the increasing racial tension in Boston’s inner city, resulted in an increase of crime and violence. The “new class” neighborhoods became a natural target for that crime and violence. Thus, although their kids were not bused, the Divers indirectly experienced the backlash of the busing order.

The Divers ultimately moved from the inner city and back to Boston’s suburbs. Perhaps Joan and Colin had been idealists in thinking that the inner city could be re-created into a place of social and racial harmony. Or perhaps the “ideal” was fine until it vanished and the Divers were actually affected by the negative elements of inner city living. Regardless of their reason for leaving the inner city, or for that matter their reason for entering the inner city, Lukas succeeds in illustrating that although genuine, the Divers’ hope for change was idyllic rather than realistic.

Neither poor nor a minority, the Divers could escape any adverse consequences of busing by simply moving. Though their intentions were noble, the

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24. Since the very residential pattern would presumably have been influenced by the location of segregated schools—Black neighborhoods often clustering around Black schools, White neighborhoods around White schools—assigning students by neighborhood would only perpetuate a dual school system. LUKAS, *COMMON GROUND* at 233.

25. Specifically, Judge Garrity’s plan altered school attendance zones and school districts. Garrity’s remedy involved clustering or grouping of schools. Assignments were deliberately made to accomplish the transfer of Black students of formerly segregated Black schools and transfer White students to formerly all Black schools. This resulted in non-contiguous school zones—making busing necessary. These types of schemes were later validated by the Supreme Court in *Swann v. Charlotte-Mecklenburg Board of Education*, 402 U.S. 1 (1971), which allowed pairing and grouping of non contiguous school zones to achieve desegregation.

In Boston, schools that had been traditionally Irish were now forced to bus Black kids to their schools. This incensed both the Irish, who had long resented the Black “infiltration” into “their” neighborhoods, and Blacks resented being forced into such schools and feared for their childrens’ safety. The opposite also held true—where Irish kids bused to predominately Black schools.

Divers failed to make any significant changes for the poor because they lacked a starting foundation. The Divers had no real or direct knowledge about what needed to change, how to change it or what impact that change would have on society as a whole.

The problem with the Divers' ideal was just that, it was their ideal. Joan and Colin failed to define the change in terms of those affected by it. Instead they defined what needed to be changed from their own values, their own upper middle class White perspective. The Divers had defined what and how to make change without considering the needs of the community affected by their actions. Although very active within the community, that activity often backfired because it was motivated by the Divers' own individual values and ideals. However, the Divers' values were not in accord with their minority neighbors. For example, the Divers decided that the traffic in their neighborhood presented a safety problem for children. Joan Diver persuaded the city to post signs which ultimately closed the street to through traffic. Subsequently, ethnic merchants who relied on that traffic to promote business lost customers—a consequence the Divers never considered. One realizes that this is the problem with Judge Garrity's busing order: the remedy is based upon the wrong set of values.

In fashioning a remedy to achieve desegregation in schools, Judge Garrity relied on a team of experts from institutions such as Harvard and Boston College. It is anomalous to have a few highly educated, affluent, scholars from the "outside", dictate what is best for the generally uneducated, poor citizens of the inner city without seeking the residents' input. The real "experts" were those potentially affected by the issue rather than those socially removed from the issue.<sup>26</sup> Two "experts" Judge Garrity could have consulted were Alice McGoff and Rachel Twymon.

## 2. *The Twymons, the McGoffs and Desegregation*

Alice McGoff is a poor Irish widow raising seven children in Charlestown, an ethnically homogenous area of the inner city. The family subscribes to "traditional Irish values" and the McGoff children have always attended predominately Irish schools. Like many other "Townies", Alice McGoff vehemently opposed the busing order and became part of the anti-busing movement.

Rachel Twymon is a poor Black woman raising six children in Lower Roxbury, a racially homogenous area of Boston's inner city. The Twymon children attend predominately Black schools. Rachel has followed the Civil Rights movement led by Dr. Martin Luther King and believed in racial integration. However, the busing order, and the violent opposition to it, concerned Rachel. Although busing achieved integration, her children were being bused to schools in Charlestown, an area historically hostile to Blacks.<sup>27</sup>

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26. See generally BELL, *supra* note 9, at 3. Bell notes that Frederick Douglas firmly believed that "[B]lack, not their white friends, should chart the course of their freedom efforts. Conflicts of [ ] this character have helped split the contemporary civil rights movement."

27. The Court in *Brown v. Board of Education*, relied on sociological data in deciding that separate but equal was inherently unequal. But did busing improve the Black child's psyche? In describing one of Rachel Twymon's daughters, a bused child, Lukas suggests not. Cassandra Twymon was a bright student with great potential. After busing, Cassandra's grades slipped, her

Like the Divers, the Twymons and McGoffs lived in the economically depressed inner city. However, the Twymon and McGoff families did not live in these areas by choice; poverty forced them to live in the inner city. Poverty also forced them to remain there. The Twymons and McGoffs could not escape the busing order or the violence that followed simply by moving. Thus, while all three families were actively involved in the busing movement in one way or another, their reasons for being involved were completely divergent from one another. The Divers' activism stemmed from a sense of idealism while the Twymons and McGoffs were involved by circumstance rather than by choice.

## V. COALITION

The hostility felt by the Irish working class toward Blacks is ironic since the two groups stand on common ground. Instead of reaching common ground, the two groups vehemently opposed one another. For instance, both the Twymon and the McGoff families are female headed households, epitomize the underclass, are effected by busing, and struggle to do the proper thing for their children. Poor Irish and poor Blacks fought against each other, in one another's neighborhood and destroyed the families, schools, businesses and neighborhoods, within the inner city. Divisiveness is detrimental to the underclass because the oppressor remains unaffected and perhaps benefits from such rifts. The entire underclass bore the brunt of the Courts' social engineering while the White middle class remained untainted.

Why would two groups suffering parallel liabilities not ally? Perhaps skin color plays a role.<sup>28</sup> The White working class had always had the reassurance that however poor, they were at least higher in the pecking order than Blacks. Already at the bottom of the social hierarchy, the White working class was always afforded the privilege of looking down on Blacks. For the working class to ally with a group beneath them would diminish that notion of superiority and bring them closer in identity to Blacks.

Thus, to the detriment of both groups, race rather than class, was the focal point of the anti busing movement. *Common Ground* suggests that desegregation, at least school desegregation, may be better understood as a class problem as: 'poor people gained nothing from the forcible busing of children from a dilapidated working class school in the Black community to one in the White community.'<sup>29</sup> The underclass would benefit by uniting on common ground and fighting for common interests.<sup>30</sup>

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interest in school diminished and her relationship with her mother deteriorated, perhaps due to the stress of busing.

28. One obvious difference between Blacks and other working class ethnic groups such as the Irish is that these groups *can* fully assimilate while Blacks can never assimilate due to the color of their skin.

29. LUKAS, *supra* note 1, at 296.

30. *But see* San Antonio Independent School Dist. v. Rodriguez, 411 U.S. 1 (1973) (Court held that inner city schools are not entitled to the same amount of funding as suburban schools). This suggests that although school desegregation is unconstitutional, students are not entitled to substantive equal education and also suggests that even when united, the underclass will not prevail over the interests of the white middle class.

## VI. CONCLUSION

Blacks and Whites had legitimate concerns over busing and its effects. After reading this book, it is easy to conclude that the effects of busing were deleterious rather than beneficial. The reader is forced to look beyond abstract issues of law to the more important issue of the social impact of legal judgments. Busing was implemented to achieve school desegregation. While busing literally desegregated many schools, its social impact may well have created more harm than good.<sup>31</sup> It pitted youth against one another, promoted violence in school, and failed to promote quality education for all—the atmosphere created by the busing movement was not conducive to learning. Both Black and White kids were often scared to go to school or stay after school to participate in extracurricular activities. The busing order in Boston created a war zone—children and the quality of their education were the major casualties.

*Brown II* represented different things to different groups. For middle and upper class Whites, it eased a conflict between an American policy of freedom and equality on the one hand, and the reality of segregation on the other. For Blacks, the remedy was more symbol than substance. Working class Whites perceived such symbolic remedy as an unearned gift and a betrayal of poor Whites by the establishment.<sup>32</sup> *Common Ground* suggests that a Court order cannot magically end the deep seeded racism and segregation which is imbedded in the legal and social fabric of this country.<sup>33</sup> School segregation is merely a symptom of a disease named racism. *Brown II* created superficial tranquility by attempting to cure a disease by putting a band aid on its symptoms. The *Brown II* decision seemed to promise a real solution to the American practice of White supremacy. Yet, judged by the only sure criterion for assessing the success or failure of civil rights law—results—the effort has largely failed. Formal changes have occurred but substantive changes have been minimal.<sup>34</sup>

*Common Ground's* greatest value lies in its exploration of the human concerns of both Blacks and Whites rather than focusing on the abstract rights which busing was intended to protect. One can relate to these families because they are realistic and represent the interests, fears and concerns of the average family. Besides giving the reader insight behind the reaction to forced busing, *Common Ground* forces the reader to ponder whether or not busing was indeed an effective remedy to achieve school desegregation.

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31. Once bused, Black kids were not given a better education. Once bused, minority children did not always receive the same opportunities white children did. For instance, minority kids are excluded from gifted programs or automatically placed in remedial "tracts" without testing.

Busing is a prime example of symbolic rights. For busing means only that now all poor Blacks have the same opportunity as poor Whites to attend inner city school. Busing has successfully pitted poor Whites against poor Blacks and while White children and Black children are forced to go to school together, neither benefit. Busing achieved formal equality rather than actual equality.

32. See BELL, *supra* note 9, at 7.

33. See, e.g., U.S. CONST. art. I §§ 2, cl. 8, 9 art. IV § 2, cl. 4 art. V.

34. Freeman, *AntiDiscrimination Law: A Critical Review* 96, in *THE POLITICS OF LAW: A PROGRESSIVE CRITIQUE* (D. Kairys ed. 1982).