

NOTES

The Power of the Past: Communal Memory Building and the Long-Term Impact of the Busing Crisis in South Boston and Roxbury

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INTRODUCTION

To say Boston has a complicated history with race is to lose sight of the fact that the city still intensely struggles with its racist history. Although the most famous moments of racial reckoning occurred in the 1960s and 1970s with the busing crisis, the impact of the legal decision and the social ramifications that followed continues

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to play out today. The pairing of South Boston, an enclave of white resistance to integration, and Roxbury, one of Boston's largest Black neighborhoods, created the most infamous locus of the busing crisis. The current realities of these two neighborhoods show the way in which legal decisions impact community relations and how laws outlive the moment of their making. As a 2016 *Atlantic* article succinctly put it, "[i]n order to think about how school integration can work. . .it is crucial to reckon with the history of school-desegregation efforts in cities like Boston."¹

Founded in 1980, the Summer Urban Program (SUP) has brought together over 130 college student staff members with over 800 youth from eight neighborhoods in the greater Boston area. The program helps to prevent summer learning loss and help students in historically underserved communities to improve academically.² In 2017, I was the co-director of the South Boston camp site. Every Friday, we would take our group of fifty campers from South Boston to another SUP site in Roxbury. South Boston and Roxbury are neighboring communities, just two miles and a 10-minute subway ride apart. But, every Friday, our campers would complain about having to make the trip to visit campers from the Roxbury SUP site.

SUP was created many years ago with the explicit purpose of addressing tensions between the two neighborhoods that remained after busing. Yet, almost forty-five years after *Morgan v. Hennigan*, the case that desegregated Boston schools, was decided, and with decades of changing demographics, there remains a tension between the students at South Boston and Roxbury public schools.

This paper will argue that the impact of community resistance and violence in these neighborhoods outlived the busing crisis, and that the narratives that grew out of those years continue to influence school policies today. By: (I) exploring the historical trauma inflicted by busing, this paper will (II) reveal the way that this historical trauma has informed community memory formation and perpetuated narratives of both busing and schooling in Boston and how theories surrounding these processes can provide insight into (III) the current status of South Boston and Roxbury Public schools as well as failed reform efforts. Ultimately, this paper will argue that theories around communal memory and trauma need to be considered when trying to remedy the results of past harms like segregation and busing, because not doing so often results in failed efforts. Only by understanding and addressing the harm caused by state action can political and community actors build meaningful support and progress towards the goal of quality education for all children—regardless of location, socio-economic status, or race.

I. BUSING AND ITS TRAUMA

A. *History of Segregation in Boston*

The impact of busing in Boston is best understood through a brief history of segregation in Boston neighborhoods and schools more broadly. Like so many American

1. Matthew Delmont, *The Lasting Legacy of the Busing Crisis*, THE ATLANTIC (Mar. 29, 2016) <https://www.theatlantic.com/politics/archive/2016/03/the-boston-busing-crisis-was-never-intended-to-work/474264/>.

2. Phillips Brooks House, *Summer Urban Program (SUP)*, HARVARD UNIVERSITY, <https://www.pbha.org/programs/sup/>.

cities, Boston has a history of redlining and intentional construction of residential segregation.³ While Boston was not a hypersegregated metropolitan area in the 1980s, it was above average along the five indices of segregation identified by Massey and Denton.⁴

This segregation carried over to the public school system. The Boston School Committee, the governing body of the Boston Public Schools, gerrymandered school districts and used school feeder patterns to ensure continued racial separation. The Committee also based school funding on neighborhoods, resulting in Black neighborhood schools receiving about half of the funding of white schools.⁵ Black residents, frustrated by the apparent disparities and segregation, advocated for the passage of the Racial Imbalance Act in the 1960s. This Act required the complete integration of Boston Public Schools without relying on busing Black students to the suburbs. It was met with intense resistance.⁶

Despite the struggles of these reformers, the lasting impact of segregation practices in Boston is clear. Boston remains a residentially segregated city.⁷ While Boston has become more diverse—from an 81.8% white and 16.3% Black population in 1970, to 47% white and 22% Black population in 2010—public schools have become increasingly racially isolated.⁸ In 1970, Black students made up 29% of public-school students; in 2010, they made up 49.6%.⁹ The discrepancy between the demographic shifts in the general population since busing began. The racially segregated public school population is particularly clear in the neighborhoods of South Boston and Roxbury.¹⁰

3. DOUGLAS S. MASSEY & NANCY A. DENTON, *AMERICAN APARTHEID: SEGREGATION AND THE MAKING OF THE UNDERCLASS* 105 (Harvard University Press 1998); see also Catherine Elton, *How Has Boston Gotten Away with Being Segregated for So Long?*, BOSTON MAGAZINE (Dec. 8, 2020) <https://www.bostonmagazine.com/news/2020/12/08/boston-segregation/> (In 1926, the officers of the Boston Real Estate Exchange adopted the National Association of Real Estate Boards' Code of Ethics which included an article that read "A Realtor should never be instrumental in introducing into a neighborhood a character of property or occupancy, members of any race or nationality, or any individuals whose presence will clearly be detrimental to property values in that neighborhood."); RICHARD ROTHSTEIN, *THE COLOR OF LAW: A FORGOTTEN HISTORY OF HOW OUR GOVERNMENT SEGREGATED AMERICA* (Liveright Publishing Corporation 2017).

4. MASSEY & DENTON, *supra* note 3, at 75-6.

5. *Busing & Desegregation Forty Years Later, Social History and Context*, BRANDEIS UNIVERSITY, <https://www.brandeis.edu/investigate/race-justice/busing-desegregation.html> (last visited Jan. 16, 2023).

6. *A History of Segregation in the Boston Public Schools*, UMASS BOSTON: STARK & SUBTLE DIVISIONS (2015) https://bosdesca.omeka.net/exhibits/show/racial-imbalance_bps/hist-segre-bps (last visited Jan. 16, 2023).

7. Maps comparing 1970s and 2010 Boston neighborhoods which highlight the continuity of South Boston and Roxbury demographics. See Paige Haines Colton, *Racial & Ethnic Demographics in Boston since 1974 Desegregation/Busing*, TUFTS UNIVERSITY (Fall 2011).

8. *Busing & Desegregation Forty Years Later, Social History and Context*, *supra* note 5.

9. *School and District Profiles; Boston, 2021-2022 Enrollment*, DEPARTMENT OF EDUCATION: SCHOOL AND DISTRICT PROFILES, <https://profiles.doe.mass.edu/general/general.aspx?topNavID=1&leftNavId=100&orgcode=00350000&orgtypecode=5>.

10. *QuickFacts Boston city, Massachusetts*, US CENSUS BUREAU, <https://www.census.gov/quickfacts/bostoncitymassachusetts> (last visited Jan. 16, 2023).

A historically Irish working-class neighborhood, South Boston was the epicenter of anti-busing resistance. In 1970, South Boston was 98.2% white, and it was poor.¹¹ In 1989, South Boston had five of the top fifteen highest white family poverty census tracts in Boston—the most of any neighborhood.¹² Perhaps, because of its economic isolation, or its strong Irish heritage, “Southie” formed a powerful identity—the men and women of Southie are burdened with a combative pride that strikes widely at every real slight or imagined threat from outside. . . Southie will attack anyone who diminishes the integrity of their poor world and meager lives.”¹³

Residential segregation resulted in the consolidation of most of Boston’s Black population in the South End and the northern part of Roxbury by 1940.¹⁴ Despite the 1960s War on Poverty’s aid programs, Roxbury remained “the city’s poorest neighborhood” in 1985 “contain[ing] pockets of poverty that rival[ed] parts of the rural South.”¹⁵ Racism proved more powerful than economic similarities between South Boston and Roxbury, and the two neighborhoods developed a feud that has evolved and persisted despite demographic and economic changes.

Today, South Boston remains predominately white (67.3%)¹⁶ and Roxbury remains largely Black (57%).¹⁷ However, their public-school demographics do not represent this continued segregation. South Boston public-schools are made up of 84.3% Black and Hispanic students.¹⁸ Roxbury’s student body is 97% minority students—the majority of those students are Black.¹⁹ Despite the demographic shifts in South Boston public schools from a nearly all white district to majority-minority enrollment—demographics that nearly match Roxbury’s population, there remains an overt tension between the two neighborhoods.

B. Morgan

The Racial Imbalance Act was enacted in 1965. The Act required the elimination of racial segregation in Boston public schools, giving the State Board of Education

11. ANDREW SUM ET AL., WHITE POVERTY IN BOSTON 11 (Northeastern University 1993), https://repository.library.northeastern.edu/downloads/neu:m039vs075?datastream_id=content.

12. *Id.* at 66.

13. Jane M. Hornburger, *Deep are the Roots: Busing in Boston*, 45 J. NEGRO EDUC. 235, 236 (1976) <https://www.jstor.org/stable/2966901?seq=6>. See also MICHAEL PATRICK MACDONALD, ALL SOULS: A FAMILY STORY FROM SOUTHIE (Beacon Press 2007).

14. Zoe Burkholder, *From forced tolerance to forced busing: Wartime intercultural education and the rise of black educational activism in Boston*, 80 HARV. ED. REV. 293, <https://www.proquest.com/docview/756745335?accountid=36339&parentSessionId=O8JQAQItrKiPFS2HVpSq2Oxeg3Vbqo0fSsOduyGOAwrw%3D&pq-origsite=primo>.

15. Sally Brewster Moulton, *Roxbury, Boston, and the Boston SMSA: Socioeconomic Trends 1960-1985*, 4 NEW ENGLAND J. PUB. POL’Y 39, 43 (1988).

16. *South Boston Neighborhood in Boston Massachusetts*, CITY DATA, <https://www.city-data.com/neighborhood/South-Boston-Boston-MA.html> (last visited Jan. 16, 2023).

17. *Boston City–Mattapan & Roxbury PUMA, MA*, CENSUS REPORTER, <https://censusreporter.org/profiles/79500US2503304-boston-city-mattapan-roxbury-puma-ma/> (last visited Jan. 16, 2023).

18. *Top 5 Best South Boston Public Schools (2022)*, PUBLIC SCHOOL REVIEW <https://www.publicschoolreview.com/massachusetts/south-boston>.

19. *Top 3 Best Roxbury Public High Schools (2022)*, PUBLIC SCHOOL REVIEW, <https://www.publicschoolreview.com/massachusetts/roxbury/high>.

the power to investigate allegations of imbalance and suspend funding to districts for noncompliance.²⁰ For years after its enactment, the Boston Public School Committee filed legal challenges to the Act and worked to avoid meaningful school integration.

In 1974, Judge Arthur Garrity ordered the integration of Boston Public schools in the controversial *Morgan v. Hennigan* decision.²¹ The plaintiffs in the case were parents of Black Boston school children; they worked with the NAACP to file suit for failure to comply with the 1965 Racial Imbalance Act.²² Garrity's opinion held that the Boston School Committee and superintendent had taken "many actions in their official capacities with the purpose and intent to segregate the Boston public schools and that such actions caused current conditions of segregation in the Boston public schools."²³

The plaintiffs alleged an intentional creation and maintenance of segregation in Boston Public Schools through student assignment policies, drawing of district lines to reflect residential segregation, transportation policies, and a failure to pursue remedies. The plaintiffs argued that the facially neutral school assignment policies constituted de jure segregation, and that school segregation was not simply a result of segregated housing patterns, but a deliberate choice of the Boston School Committee which violated the equal protection clause of the Fourteenth Amendment.²⁴ These comprehensive claims reflect the plaintiffs' understanding of the intertwined nature of segregation in Boston. In response to these allegations, the defendants, including the Boston Public School Committee, stated they had done all they could within the parameters of the Racial Imbalance Act to eliminate racial imbalance in the city's public schools.²⁵

In *Morgan*, Judge Garrity found this history of active efforts to evade the Act to be evidence of the School Committee's general antipathy towards desegregation.²⁶ Even prior to *Morgan*, the Federal Government found the city of Boston guilty of "intentionally creat[ing] a dual school system."²⁷ In the year *Morgan* was filed, 84% of Boston's white students attended schools that were more than 80% white and 62% of Black students attended schools that were more than 70% Black.²⁸

20. Marilyn Morgan, *Mapping Divisions & Historic Decisions: The Road To Desegregating Boston Public Schools*, ARCHIVES & PUBLIC HISTORY AT UMASS BOSTON (2014), <https://www.archivespublichistory.org/?tag=racial-imbalance-act#:~:text=Established%20in%201965%2C%20the%20act,racial%20inequality%20in%20public%20schools.&text=It%20charged%20that%2C%20by%20not,the%201964%20Civil%20Rights%20Act>.

21. *Morgan v. Hennigan*, 379 F. Supp. 410 (D. Mass., 1974).

22. *Morgan v. Hennigan*, BOSTON RESEARCH CENTER: ENCYCLOPEDIA OF BOSTON, https://bostonresearchcenter.org/projects_files/eob/single-entry-morgan.html; *Tallulah Morgan et al. v. James W. Hennigan et al. Complaint*, NATIONAL ARCHIVES CATALOG, <https://catalog.archives.gov/id/4713867?q=4713867> (last visited Jan. 16, 2023).

23. *Morgan*, 379 F. Supp. at 480.

24. *Id.* at 415.

25. *Id.* at 416.

26. *Id.* at 417.

27. *Id.* at 421.

28. *Id.* at 424.

In response to the charges of segregation, the city of Boston and the School Committee stated that any segregation was the “inevitable consequence of segregated housing patterns and the increase in the city’s black population,” and therefore their school selection policy was constitutionally valid regardless of whether it resulted in increased segregation.²⁹ As Judge Garrity pointed out, this claim is not entirely without merit as school composition and neighborhood composition are intertwined.³⁰ However, he also made clear that Boston continuously chose to construct school facilities near segregated housing projects, ensuring that the school populations would mirror those of the segregated neighborhood.³¹ Simultaneously, the city implemented policies allowing students of the non-majority race of a segregated school to transfer.³² In short, any white student who found themselves in the minority at a school could transfer. Here, Judge Garrity makes specific mention of South Boston and Roxbury— “students in South Boston or Roxbury have been assured of attending a neighborhood school, all white or all black.”³³ These policies were not unique to Boston, but *Morgan* illustrates the way seemingly “natural” school segregation was actually a product of conscious local government and school board decisions.³⁴

Ultimately, Judge Garrity found Boston public school segregation to be in violation of the Fourteenth Amendment and placed the School Committee under an “affirmative obligation” to address it.³⁵ His decision broke the necessary steps into three phases.³⁶ This paper will focus on Phase I and its aftermath. Phase I began on September 12, 1974, and only included neighborhoods where Black and white people lived near to one another, in other words, locations where inter-district busing could remedy segregation.

C. Phase I: South Boston and Roxbury

Phase I of the *Morgan* decision began with the neighborhood pairing process designed by the state experts.³⁷ The architect of the plan was Charles Glenn, a civil rights veteran and minister.³⁸ To pair districts for busing:

[Glenn] Simply took a large map and started moving across the city in a big arc from northwest to southeast, dividing it into districts so that each school would

29. *Id.* at 469.

30. *Id.* at 470; see *Swann v. Charlotte-Mecklenburg Bd. of Ed.*, 402 U.S. 1 (1971).

31. *Morgan*, 379 F. Supp. at 473.

32. *Id.* at 474.

33. *Id.*

34. Union of Minority Neighborhoods Project, *Can We Talk? A film from the Boston Busing/Desegregation Project*, NORTHEASTERN UNIVERSITY LIBRARIES (2011), <https://bpsdesegregation.library.northeastern.edu/can-we-talk-a-film-by-the-boston-busing-desegregation-project/>.

35. *Morgan*, 379 F. Supp. at 474.

36. *Busing in Boston: a research guide*, SUFFOLK UNIVERSITY: MOAKLEY ARCHIVE AND INSTITUTE 2, https://www.suffolk.edu/-/media/suffolk/documents/academics/libraries/moakley-archive/research-tools/businginbostonresearchguide_2015_pdfxt.pdf?la=en&hash=485CB07AC31E3B4E7EE38C0B878D5B260866F64D.

37. ANTHONY J. LUKAS, *COMMON GROUND: A TURBULENT DECADE IN THE LIVES OF THREE AMERICAN FAMILIES 239* (Vintage Books 1985).

38. *Id.* at 239.

include the right proportions of black and white kids. When [they] got to the end of the arc, [they] were left with South Boston and Roxbury. [They] didn't have any choice but to mix those two neighborhoods.³⁹

This mechanical and removed approach to the busing plan was not universally accepted by the committee. Many people believed there were several alternatives to pairing the heart of desegregation opposition, South Boston, and a majority Black neighborhood, Roxbury.⁴⁰ South Boston could have been paired with North Dorchester, a still predominantly Black community, but one with stronger ties to South Boston because of the historic movement between the two communities.⁴¹ Another proposal involved busing South Boston and Roxbury youth to “neutral sites” with other students from inner-city neighborhoods, rather than isolating the two communities together.⁴² Notably, Professor Louis Jaffee of Harvard Law School issued a warning against the pairing of South Boston and Roxbury during State Board of Education hearings on the proposed plan. He noted that “South Boston’s people are intensely hostile to blacks,” and encouraged reconsideration.⁴³ However, perhaps because of a lack of any alternative plan and a tight timeline, or perhaps as was suggested by one committee member, general frustration with the “bigots on the school committee,” the plan remained to integrate the students from South Boston and Roxbury.⁴⁴ The results were, as predicted, disastrous.

As Phase I was put into place, the School Committee played upon racial tensions, stoking animosity between the geographically and economically similar South Boston and Roxbury neighborhoods. The School Committee’s actions furthered their anti-busing agenda and incentivized white flight and violence. Students and parents, both Black and white, knew violent resistance was imminent, and the NAACP president urged parents of Black children being bused to South Boston to keep them home.⁴⁵ Reflecting on the long-term implications of *Morgan* after the decision, the plaintiffs’ counsel voiced concerns over unknown ramifications of “this ruling for the kind of education Black and white students receive from their public school system and the way we as a people think about ourselves, our fellows and our national purpose.”⁴⁶

D. *White Flight and Resistance*

Brown v. Board of Education described public education as “the most important function of state and local governments,” and “the very foundation of good citizenship.”⁴⁷ So, when white parents felt integration threatened their children’s education,

39. *Id.*

40. *Id.* at 239.

41. *Id.* at 240.

42. *Id.*

43. *Id.*

44. *Id.*

45. Union of Minority Neighborhoods Project, *supra* note 34.

46. Roger I. Abrams, *Not One Judge’s Opinion: Morgan v. Hennigan and the Boston Schools*, 45 HARV. ED. REV. 5, 6 (1975).

47. *Brown v. Bd. of Ed. of Topeka, Shawnee Cty., Kan.*, 347 U.S. 483, 493 (1954).

the backlash was intense and emotional. Coverage of white parents' response to busing in Boston is extensive and will not be the focus of this paper; however, the following brief discussion of the intensity of opposition is important to understand the level of trauma the pairing of South Boston and Roxbury inflicted.

"White Flight," the phenomenon of white families leaving urban areas that were becoming increasingly integrated, began in Boston in the 1950s and 1960s.⁴⁸ Busing had been widely used before the *Morgan* decision with, at least 30,000 pupils transported daily in Boston prior to the court order.⁴⁹ By 1970, four years before the *Morgan* decision, almost all of Boston's suburbs were about 98% white.⁵⁰ However, the non-suburban area of South Boston was still 98.2% white at this time,⁵¹ and neighboring Roxbury was about 75% Black.⁵² The racial segregation of these two areas, coupled with deep-seated racial animosity, made their combination "ground zero for anti-busing rage."⁵³

As discussed above, this racist resistance from South Boston was expected. South Boston was a stronghold of anti-integration sentiment. Contemporary sources described "Southie" as a "self-contained unit. . . Its mentality is provincial, its suspicion of all outsiders. . . is long acknowledged as a fundamental element."⁵⁴ The "combative pride" of South Boston had resulted in a history of attacks on minority "outsiders."⁵⁵ In 1974, the same year the busing plan went into effect, South Boston residents firebombed a largely Puerto Rican housing project on D Street, a group of white youth killed a Black child, and a two-year old Puerto Rican boy was hung from a basketball net in a South Boston playground.⁵⁶ During the second week of school in 1974, David Duke, a prominent KKK member, came to South Boston and spoke to an enraptured crowd; "White people! White people! We are going to win a great victory in South Boston for the white race."⁵⁷ The state's busing plan sent Black youth from Roxbury into this hostile environment.

It is unsurprising that, in September 1974, when twenty school buses bringing Black children from Roxbury arrived at South Boston High, they encountered signs with racial epithets, state police in riot gear, and bricks and rocks being thrown at them.⁵⁸ Students who experienced this period describe school as a "war zone," and

48. *Busing in Boston: a research guide*, *supra* note 36.

49. Abrams, *supra* note 46.

50. Catherine Elton, *How Has Boston Gotten Away with Being Segregated for So Long?*, BOSTON MAGAZINE (Dec. 8, 2020) <https://www.bostonmagazine.com/news/2020/12/08/boston-segregation/>.

51. ANDREW SUM ET AL., *supra* note 11, at 10.

52. BPDA Research Division, *Historical Trends in Boston Neighborhoods since 1950*, BOSTON PLANNING & DEVELOPMENT AGENCY (Dec. 2017), <http://www.bostonplans.org/getattachment/89e8d5ee-e7a0-43a7-ab86-7f49a943eccb>.

53. Bruce Gellerman, 'It Was Like a War Zone': *Busing in Boston*, WBUR (Sept. 5, 2014), <https://www.wbur.org/news/2014/09/05/boston-busing-anniversary>.

54. Hornburger, *supra* note 13, at 236.

55. *Id.*

56. *Id.*

57. *Id.* at 240.

58. Gellerman, *supra* note 53.

one fourteen-year-old said she would not go back unless she had a gun.⁵⁹ Within months of the court-ordered busing, white residents of South Boston violently beat a Roxbury resident who accidentally drove into the neighborhood. The violence was not one-sided during this period, Black students also stabbed a white student at South Boston High.⁶⁰ However, most of the violence and racially based resistance came from the white people of South Boston and the motivations of racialized violence of each side must be understood in the historical and broader context of both Boston and American racial violence at the time.⁶¹

Unable to deter all Black children from getting on the buses to South Boston, white parents formed a resistance group, Restore Our Alienated Rights (ROAR). The group was founded by an infamous Boston School Committee member, Louise Day Hicks, and was active from 1974 to 1976.⁶² Although short-lived, this group was responsible for some of the most violent anti-busing protests during this period.⁶³ Largely led by white women and mothers of white students in the South Boston public schools, ROAR nominally focused on protecting the rights of parents to control their children's education, but was most concerned with maintaining racial segregation.⁶⁴ To achieve this end, ROAR members kept their white children out of school, sat in at government buildings, organized their own "March on Washington," and even assaulted Black students.⁶⁵ These years of violence, racial tensions, school walk-outs, and political resistance left their mark on the communities of South Boston and Roxbury.

II. COMMUNAL MEMORY

By focusing on the creation of community through collective memory formation, the following section combines the view of history as constructed with the sociological premise that "remembering the past is an essential component of making sense of the present."⁶⁶ Examining the narrative and framework of history, rather than just the quality or origin of sources, has gained prominence and respect in the discipline in recent decades.⁶⁷ This position understands history as interpretation and translation rather than a scientific process removed from ideological and cultural

59. *Id.*

60. *Id.*

61. The 1970s were a time of racial violence and uprising throughout the United States, and Boston was no exception. See RONALD P. FORMISANO, *BOSTON AGAINST BUSING: RACE, CLASS, AND ETHNICITY IN THE 1960S AND 1970S* (Univ. N.C. Press Chapel Hill 2004).

62. Louise Day Hicks was a powerful force in Boston politics from the 1960s through 1980s running for mayor, city council, and the state house. *Who Roared?*, UMASS BOSTON: STARK & SUBTLE DIVISIONS, <https://bosdesca.omeka.net/exhibits/show/roar-anti-busing-group/who-roared-> (last visited Jan. 16, 2023).

63. *What was ROAR?*, UMASS BOSTON: STARK & SUBTLE DIVISIONS, <https://bosdesca.omeka.net/exhibits/show/roar-anti-busing-group/what-roar> (last visited Jan. 16, 2023).

64. *Why did people ROAR?*, UMASS BOSTON: STARK & SUBTLE DIVISIONS, <https://bosdesca.omeka.net/exhibits/show/roar-anti-busing-group/why-did-people-roar-> (last visited Jan. 16, 2023).

65. *How did people ROAR?*, UMASS BOSTON: STARK & SUBTLE DIVISIONS, <https://bosdesca.omeka.net/exhibits/show/roar-anti-busing-group/how-people-roar-> (last visited Jan. 16, 2023).

66. Bo Strath, *Methodological and Substantive Remarks on Myth, Memory and History in the Construction of a European Community*, 6 GERMAN L.J. 255, 260 (2005).

67. *Id.* at 250.

influences.⁶⁸ While allowing more space for nuance and cultural analysis, using this framework also means there is “zero point of absolute security” in historical narratives.⁶⁹ This paper will adopt a framework of history as a key component of cultural construction of community, and view community as invented rather than discovered.⁷⁰

Acknowledging the trauma of busing and violence between South Boston and Roxbury in the 1970s allows for an understanding of the continued animosity between the children in these neighborhoods. This section will explore the way community memory formation is both tethered to a particular historical trauma, but also outlives that moment, continuing to impact the lived realities and politics of communities today.

By viewing sharing memories as an act of communication, the analysis of memory formation is deepened on an individual level. Such analysis is essential in understanding the way young people from South Boston and Roxbury told stories about and related to one another. Psychologist William Hirst notes that the “shared reality of a community rests in part on the collective memories held by members of that community.”⁷¹ Accepting this premise raises the challenge of determining how and why proximate communities like South Boston and Roxbury have continued to perpetuate such different narratives of the same event, despite changing, and today more similar, demographics.⁷² Part of the explanation lies in understanding communities as spaces of conflict and the uneven power between them that is created through state-manufactured divisions.

A. Methodologies

Megan Doran explores the role that memories of the Boston desegregation crisis play in current school reform processes through the lens of communal memory formation and contestation.⁷³ She conducted interviews with individuals who experienced busing as well as community activists trying to address the aftermath.⁷⁴ By focusing on the political mobilization of techniques of shared memory formation, her article provides a concrete exploration of how memories underlie policy choices.

Doran argues that memories of the Boston busing crisis have played a significant, if not widely acknowledged, role in the way the city has attempted to implement contemporary school reform processes.⁷⁵ Although, as this paper has noted, white flight was an immediate response to desegregation efforts, recentering the narrative

68. *Id.* at 256.

69. *Id.*

70. *Id.*

71. William Hirst & Alin Coman, *Building a collective memory: The case for collective forgetting*, 23 CURRENT OP. PSYCH. 88, 88 (2008).

72. *South Boston Neighborhood in Boston Massachusetts*, *supra* note 16; *Boston City–Mattapan & Roxbury PUMA, MA*, *supra* note 17.

73. Meghan V. Doran, *Racial remembering in urban politics*, 7 AM. J. CULT. SOCIO. 29 (2019).

74. *Id.* at 29.

75. *Id.* at 30.

around racial trauma rather than white response is more truthful and enlightening.⁷⁶ Doran names this split between these two narratives—white flight and racial trauma—as those individuals who seek mnemonic closure from a racist past versus those who look for mnemonic bridging of racism from past to present.⁷⁷

The first group sees a clear split between the racism that animated the anti-busing protests of groups like ROAR and the current reality of racially segregated schools in the present. The latter sees a connection. This division illustrates how memory contestation in politics can be a tool employed in building a case for certain policies, leading to “mnemonic battles” over the correct way to tell and interpret the past.⁷⁸ This paper builds on Doran’s thesis by expanding the scope of analysis beyond directly impacted individuals and invested policymakers to include those who might not even be aware of the way their communal memories are influenced by political contests.

Theories of generational memories as political ammunition understand that the communicative act of remembering, sharing stories, listening to political speeches, and reading newspaper articles promotes collective memory formation.⁷⁹ This idea underlies social dominance theory analysis as well. According to social dominance theory, group-based social hierarchy is a result of discrimination coordinated to prioritize dominant social groups through “legitimizing myths, or societal, consensually shared social ideologies.”⁸⁰ Applying this framework of social dominance theory to South Boston and Roxbury shows how the creators of such legitimizing myths need not remain the perpetrators, and the manner in which these myths can be subsumed into a subconscious understanding. This cultural understanding can then spread through individuals with no knowledge of the myth’s origin. However, this reality does not absolve the originators of such myths of responsibility. Rather, this note seeks to provide a new way to approach entrenched issues that began as legal or political phenomenon but are now enmeshed in cultural identities and communities.

The simple act of repeating the story is a tool to subsume social hierarchy reinforcing myths into innocuous communal memory. In fact, the creation of communal memory is particularly strong after conversational acts of remembering.⁸¹ This claim appears particularly true when viewed through the lens of Roxbury and South Boston students with whom I worked. When I pushed the students from my camp in South Boston to share why they did not like the campers from Roxbury, all they came up with was a rumor started years ago that one camper had punched someone. On its own this might just be a camp rumor, but when understood in the historical context of the segregation and trauma between South Boston and Roxbury the story, and the mistrust it engenders, become a vehicle for social hierarchy reinforcement.

76. *Id.* at 31.

77. *Id.*

78. *Id.* at 44.

79. Hirst, *supra* note 71.

80. Pratto et al., *Social Dominance Theory and the Dynamics of Intergroup Relations: Taking Stock and Looking Forward*, 17 EUR. REV. SOC. PSYCH. 271, 275 (2006).

81. Hirst, *supra* note 71, at 89.

Douglas Massey notes that where social boundaries overlap with geographic ones the processes of social dominance and segregation become more efficient.⁸² Geography is an aid for creating in and out groups.⁸³ In the South Boston and Roxbury divide, geography and geographical history serve as forces that allow for the perpetuation of outdated and no longer demographically supported feelings of animosity between the public-school populations of each neighborhood.

Scholars suggest that people are motivated to create a shared reality for various reasons, both interpersonal and political.⁸⁴ This distinction between relational and political remembering is not a dichotomy in a historically charged context. Because the history of busing in South Boston in Roxbury is both political and relational, the sharing of stories related to busing serves both purposes. Similarly, campers sharing the rumor about an assault should be understood as serving a political purpose—even if unintentional.

Studies surrounding the frequency and intensity of this sort of “socially shared retrieval-induced forgetting” also demonstrate the subconscious role group identity and distinction play in selective remembering.⁸⁵ When study participants felt their social identity was threatened, they were more motivated to recall information that diminished the “threat.”⁸⁶ The frequency and intensity of cultural diffusion might be even more pronounced in highly segregated areas. Understanding the political nature of retrieval induced forgetting and the role state sponsored narratives and segregation can play in amplifying this phenomenon is essential in crafting a meaningful path forward in school reform. Boston’s failure to reckon with the complexity of community trauma has resulted in an inability to address the underlying realities of public-school failings, discussed in the next section.

III. CURRENT STATUS OF BOSTON PUBLIC SCHOOLS

Understanding the sociology and psychology behind communal memory formation and the way it can function with geographic segregation to perpetuate division allows for a more complete and nuanced examination of Boston Public School’s (BPS) attempted reforms—and their many failures. As discussed in the previous section, politicians often employ memory contestation to aid them in advancing their

82. DOUGLAS S. MASSEY, *CATEGORICALLY UNEQUAL: THE AMERICAN STRATIFICATION SYSTEM* 19 (Russell Sage Foundation 2007).

83. See SHERYLL CASHIN, *WHITE SPACE, BLACK HOOD: OPPORTUNITY HOARDING AND SEGREGATION IN THE AGE OF INEQUALITY* 110 (Beacon Press 2021).

84. Hirst, *supra* note 71, at 89.

85. Using this camp rumor as an example of a generational conversation demonstrates how “retrieval induced forgetting” plays an essential role in collective memory formation. This phenomenon occurs when an individual who has been told a complete history or story is repeatedly asked to recall the story along specific lines, leaving out some material and intentionally including other material. Studies have shown that individuals are more likely to forget those portions of the story they were not asked to expressly recall. One step further, socially shared retrieval-induced forgetting (SSRIF) occurs when the selective retrieval happens during a conversation. *Id.* at 89.

86. *Id.* at 90.

own positions.⁸⁷ This section will discuss the policies perpetuating a second-class education for young people in minority/Black communities.

A. Current Statistics

As of the 2022 school year, there were 113 public schools, with 46,169 students in the BPS system. Of those students, 81.5% are high need, 71.2% are low-income, 48.1% are English as a second language learners, 43% are Hispanic, 29% African American, and 15.2% White.⁸⁸ While BPS has historically been among the country's leading urban school districts, improvement in student performance has stalled over the past decade.⁸⁹ The sources of this stagnation and surrounding concerns regarding the ways racial and economic disparities continue to persist across BPS are highlighted in the 2020 district review.⁹⁰

In the 2022 academic year, the public high schools in Roxbury had an average math proficiency score of 22% (versus the Massachusetts public high school average of 55%) and a reading proficiency score of 21% (versus the 58% statewide average).⁹¹ The Graduation Rate was 38%—less than the Massachusetts average of 89%.⁹² South Boston has similar statistics, with an average math proficiency score of 30% and a reading proficiency score of 30%. These academic disparities map onto racial ones as well. 97% of the student body at Roxbury public high schools and 84.3% at South Boston public high schools are students of color.⁹³

In 2012, then Boston Mayor Tom Menino expressed “what many families were feeling” — that families want “good schools close to home”— and that there were not enough.⁹⁴ At that time, Boston schools were assigned based on zoning. The “3Z” program divided the city into three geographic zones creating “choice baskets” for families based on students’ home addresses.⁹⁵ It sought to ensure access to high-quality schools, giving families a list of “at least six schools starting with the two

87. Doran, *supra* note 73, at 49.

88. *Boston Public Schools 2021-2022, School and District Profiles* Massachusetts Department of Elementary and Secondary Education, DEPARTMENT OF EDUCATION: SCHOOL AND DISTRICT PROFILES, <https://profiles.doe.mass.edu/general/general.aspx?topNavID=1&leftNavId=100&orgcode=00350000&orgtypecode=5>.

89. Jeffrey C. Riley, *District Review of Boston Public Schools 2019*, 1 MASS. DEP'T. ELEMENTARY AND SECONDARY EDUC. (March 13, 2020).

90. The review particularly highlights the fact that district wide averages tend to obfuscate substantial differences in outcomes among student populations and schools. For example, while 35% of all students in third through eighth grade met or exceeded expectations on the 2019 MCAS (Massachusetts Comprehensive Assessment System) English language arts assessment only 25% of Black students did. The numbers were comparable on the MCAS mathematics assessment. *Id.* at 1.

91. *Id.*

92. *Top 3 Best Roxbury Public High Schools (2022)*, PUB. SCH. REV., <https://www.publicschoolreview.com/massachusetts/roxbury/high> (last visited, Jan. 16, 2023).

93. *Id.*; *Top 5 Best South Boston Public Schools (2022)*, PUB. SCH. REV., <https://www.publicschoolreview.com/massachusetts/south-boston> (last visited, Jan. 16, 2023).

94. Nancy E. Hill, *Good Schools Close to Home*, HARV. GRADUATE SCH. EDUC. (2019), <https://www.gse.harvard.edu/news/ed/19/01/good-schools-close-home>.

95. Daniel T. O'Brien et al., *An Evaluation of Equity in the Boston Schools' Home-Based Assignment Policy*, 1 BOS. AREA RSCH. INITIATIVE (July 2018), <https://news.northeastern.edu/wp-content/uploads/2018/07/BPSHBAP.pdf>

closest high-quality schools, then the next two closest of at least medium quality.”⁹⁶ However, the system was simply a holdover from forced busing.⁹⁷ The 3Z location-based system, especially in a city as racially segregated as Boston, increased school segregation. A location-based system usually leaves students in poorer and racial minority neighborhoods unable to leave subpar public schools, while the richer, whiter residents of neighborhoods with poor schools simply move or enroll in private schools.

Comparing the racial composition of South Boston to its public-school enrollment illustrates this point. While 84.3% of South Boston public school students are youth of color, as of 2019, about 67% of South Boston residents were white.⁹⁸ These numbers, coupled with the “3Z” policy – a direct relic of busing – suggest the lack of reckoning with the impacts of busing on both the school system and the residents of Roxbury and South Boston.

In response to increased pressure to address the inequities in BPS, a committee examined possible redistricting reforms. The proposal they chose was submitted by a twenty-seven-year-old MIT student from Canada.⁹⁹ The program was called the “Home-Based Assignment Policy” (HBAP). Part of the appeal for the advisory committee and the school board was the alleged focus on school quality rather than geography.¹⁰⁰ However, as critics pointed out, because of the legacy of segregation, school quality is inextricably tied to geography, and getting students from South Boston and Roxbury to better schools once again places Boston in the position of busing students of color to other neighborhoods.

B. The Failure of the “Home-Based Assignment Policy”

HBAP was implemented in 2013 for incoming sixth graders and kindergarteners. In 2018, the Boston Area Research Initiative published a report evaluating the first phase of HBAP, specifically looking at the goals of equitable access to high-quality schools and geographic proximity. The report found the program lacking.¹⁰¹

The report begins by noting that HBAP “is a fundamentally geographic system . . . inherently dependent on an individual’s home address.”¹⁰² While a key promise of HBAP was to improve access to high quality schools, the program did nothing to create new, better schools or to increase funding for those existing schools. Instead, HBAP ensured that each individual’s “choice basket” of schools had the two nearest Tier 1 schools, the four nearest Tier 1 or Tier 2 schools, and the six nearest Tier 1, 2, or 3 schools.¹⁰³ HBAP’s method did not account for increased competition for

96. Katharine Q. Seelye, *No Division Required in This School Problem*, N.Y. TIMES (March 12, 2013), <https://www.nytimes.com/2013/03/13/education/no-division-required-in-this-school-problem.html>.

97. *Id.*

98. *South Boston neighborhood in Boston, Massachusetts (MA), 02118, 02127, 02210 detailed profile*, CITY-DATA (2022), <https://www.city-data.com/neighborhood/South-Boston-Boston-MA.html>.

99. *Id.*

100. *Id.*

101. O’Brien et al., *supra* note 95, at 13.

102. *Id.*

103. *Id.* at 17.

school seats; for example, economically disadvantaged neighborhoods like Roxbury and South Boston simply do not have many, if any, Tier 1 schools.¹⁰⁴

HBAP also failed to reduce overall time travel to school for students. In fact, for sixth graders, the number of high-quality schools in a 1.5-mile radius decreased from the “3Z” model.¹⁰⁵ This decrease corresponds in part to the continued segregation of the city because “3Z” zones were modeled after the busing routes of the 1970s. Additionally, under HBAP, some Roxbury students experienced a 14% increase in time traveled to attend Tier 1 schools and a 17% increase in distance traveled. In short, these students found themselves, decades later, in parallel circumstances to those students who faced increased travel time and distance during busing.¹⁰⁶ Furthering this parallel, sixth graders from predominately Black neighborhoods became more dispersed—having to travel further distances to schools, just like those Black students during busing.¹⁰⁷ Finally, HBAP actually increased travel distance and time for Black sixth graders overall.¹⁰⁸ Arguably, the impact of switching to an even more location-based school assignment program could have greater impact on time and distance where Black students could be asked to travel to attend schools not in the top tier, thus continuing school segregation.

The failure of HBAP to improve equitable access to high quality schools reveals the continued impact the legacy of busing has on Boston neighborhoods. Students living in the southern core of Boston (including Roxbury) were about 50% less likely to attend Tier 1 schools than students in any other region, and far more likely to attend Tier 4 schools.¹⁰⁹ This is in part because these students had about 10% fewer schools and seats in their baskets to choose from than the average student.¹¹⁰

This disparity in access becomes even more stark when looking at competition for seats in schools. Under HBAP, Black students had less than half the access of Asian and White students to Tier 1 and 2 schools.¹¹¹ Unfortunately, the lack of high-quality schools and subsequent increased competition for seats at these schools tends to come together in the neighborhoods where the most historically at-risk and disadvantaged populations live.¹¹² In short, HBAP was unsuccessful in “creating equitable access to high quality schools.”¹¹³ Yet, this is not because of some inherent flaw in the assignment process created by HBAP, but rather due to an unaddressed legacy of unequal distribution of high-quality schools in Boston neighborhoods.¹¹⁴

104. The average of choice baskets in South Boston and Roxbury was less than one Tier 1 school. *Id.* at 27.

105. *Id.* at 33.

106. *Id.* at 52.

107. *Id.* at 64.

108. Black students traveled 1.9 miles and 13.6 minutes as opposed to the average of 1.7 miles and 12.4 minutes. *Id.* at 41.

109. *Id.* at 45.

110. *Id.* at 24.

111. *Id.* at 30.

112. *Id.* at 31.

113. *Id.* at 30.

114. For clarification of the discussion around HBAP regarding the assumption that all families will prioritize sending their child to the closest Tier 1 school. This is not always the case. Factors like proximity,

The review of HBAP simply served to reinforce what has been true in Boston since the 1850s, “geography largely determines access to quality.”¹¹⁵ Ultimately, HBAP maintained the status quo—with some potentially troubling trends. During the first four years students became more likely to attend schools with lower racial and geographic diversity.¹¹⁶ In other words, Boston schools became increasingly segregated. It is impossible to improve access to high quality schools close to home when those schools simply do not exist. The report closes with a suggestion that a far more effective move towards equity would be to improve the quality of schools so that there can in fact be “high quality schools, close to home” for all students, but does not make any recommendations as to how.

Underlying both “3Z” and HBAP is the strong belief that children should go to neighborhood-based schools. While there have always been alternatives to this idea, the desire for neighborhood investment in education remains a powerful force. The trauma inflicted upon community members whose children were forced to attend hostile schools outside of their neighborhoods is crucial to understanding the desire for neighborhood investment in education. Busing was both a product and perpetuator of racial violence, and the memories created by the communities most impacted—South Boston and Roxbury—have continued to animate the desire for neighborhood schools.

Socially shared retrieval-induced forgetting as it applies to the stories told by politicians, parents, and youth in these communities shows how the memories of busing can outlast the current realities of individuals. Even if, like the students in the summer programs at South Boston and Roxbury, people are not aware of the source of their distrust and dislike, their shared trauma remains a critical point of tension in understanding their neighborhood identities.

In this case, memories of the trauma from busing resulted in advocacy for a home-based school assignment policy out of step with the ability of BPS to provide quality education for students. Therefore, these neighborhood-based policies have ultimately resulted in continued segregation and subpar education for children of color because of historical segregation. This leaves the following options: neighborhood-based schools that increasingly mirror pre-busing Boston, busing students which historically results in tension and violence, or trying to forge some way forward that acknowledges the shortcomings of each solution and operates from a community-trauma informed perspective.

relatives at the school, facilities or programs offered also play an important role. Understanding this provides another method of analysis for HBAP—what proportion of families get their top choice school. Unfortunately, the results are not much better. Black and Latino students were less likely to receive their top choice school than White or Asian students. The study offers two explanations for this—increased competition for seats among Black students and Latino students, and that later entry into school lotteries, more common in Black and Latino families, may lower a student’s chance of receiving a desired school. It is both these factors operating together. *Id.* at 56.

115. *Id.* at 2.

116. *Id.* at 3.

IV. MOVING FORWARD

The problem of how to provide quality education to all young people in Boston has plagued the city for decades. As of March 2022, the Massachusetts State Commissioner of Elementary and Secondary Education said he planned to conduct a review of the BPS system.¹¹⁷ Motivating concerns for the review were the “significant” number of low-performing schools, low graduation rates, and the failure of the district to “significantly reduc[e] the disproportionate placement of students of color in substantially separate programs.”¹¹⁸ The Commissioner has even recently suggested the possibility of putting BPS under receivership.¹¹⁹ Boston Mayor Wu has publicly opposed this suggestion.¹²⁰ Clearly legally mandated and policy efforts at reform, from busing to 3Z to the implementation of HBAP, have continuously been unsuccessful. This section will build on the prior discussion by analyzing some proposed options for reform through a lens of metropolitanism, specifically magnet school programs and the periodic redrawing of school districts.

A. *Metropolitanism and Magnet Schools*

There has always been resistance to the neighborhood-based school model—predominantly from populations who have never been served by it. The Boston School Committee’s lack of response to calls for reform leading up to *Morgan* motivated Black parents and organizers to initiate “Operation Exodus” in 1965.¹²¹ Operation Exodus was a privately funded program that bused between 250 and 400 Black students, mostly from Roxbury to schools in white neighborhoods. These students were bused to schools with open enrollment in an attempt to address racial isolation and the poor school conditions in majority Black neighborhoods.¹²² The program caught on, and with the help of the NAACP it evolved into the Metropolitan Council for Educational Opportunity (METCO).¹²³ Using the newly passed Racial Imbalance Act, the organizers successfully advocated for state funding which, along with individual and corporate donations, keeps the program alive today.¹²⁴

METCO now operates as a magnet school program that seeks to bring students from racially segregated and isolated schools together, with an emphasis on creating

117. Marie Szanislo, *Massachusetts to conduct a review of Boston Public Schools next week*, BOSTON HERALD (March 22, 2022), <https://www.bostonherald.com/2022/03/22/state-to-conduct-a-review-of-boston-public-schools-next-week/>.

118. *Id.*

119. Receivership is implemented in chronically underperforming districts and involves the commissioner appointing a new leader, a receiver, who is granted the authority of a superintendent but reports directly to the commissioner. *Receivership ‘counterproductive’ for Boston schools, Wu says*, CHANNEL 7 NEWS (March 22, 2022), <https://whdh.com/news/receivership-counterproductive-for-boston-schools-wu-says/>.

120. *Id.*

121. *METCO’s History*, THE METROPOLITAN COUNCIL FOR EDUCATION OPPORTUNITY, <https://metcoinc.org/about/metco-history/>.

122. *A History of Segregation in the Boston Public Schools*, UMASS BOSTON: STARK & SUBTLE DIVISIONS, https://bosdesca.omeka.net/exhibits/show/racial-imbalance_bps/hist-segre-bps.

123. *METCO’s History*, *supra* note 121.

124. *Funding*, THE METROPOLITAN COUNCIL FOR EDUCATION OPPORTUNITY, <https://metcoinc.org/about/funders/>.

diverse learning environments.¹²⁵ This means that rather than using a neighborhood-based assignment policy, students from all over the Greater Boston area can apply to one of METCO's 190 school sites.¹²⁶ METCO's approach adopts a metropolitan framework to address the continuing issues of school integration and community trauma left by busing.

The concept of metropolitanism in education comes from the idea that the educational needs of students can only be addressed through an understanding of the entire metropolitan area, rather than just stopping at a city line.¹²⁷ However, in *Milliken v. Bradley*, the Supreme Court effectively precluded metropolitanism as a legal solution to desegregation.¹²⁸ METCO is an example of a potentially effective response to this judicial limitation. In creating schools based on shared values rather than geography, magnet schools can occupy a more neutral territory in the school system.¹²⁹ Instead of being sites of historical contestation they can serve as potential disruptors of the cycle of community memory formation discussed above.

METCO has been highly successful academically. A 2019 study found METCO students dramatically outperform students in the Boston Public Schools with similar demographic profiles.¹³⁰ While, it may seem harder to measure the more intangible impact on communities, integrated schools have long been understood to have a positive impact on students, especially academically and in reducing prejudice both immediately and long term.¹³¹

METCO is the Massachusetts version of a phenomenon taking root all over the country—magnet schools specifically focused on addressing racial segregation in public schools. Perhaps the most famous example occurred in Connecticut with the *Sheff v. O'Neill* case. In 1996, the Connecticut Supreme Court found that Hartford

125. *Mission*, THE METROPOLITAN COUNCIL FOR EDUCATION OPPORTUNITY, <https://metcoinc.org/about/mission-vision-values/>.

126. *About METCO*, THE METROPOLITAN COUNCIL FOR EDUCATION OPPORTUNITY, <https://metcoinc.org/about/>.

127. William L. Taylor, *The Legal Battle for Metropolitanism*, 81 SCH. REV. 331 (1973), https://www.jstor.org/stable/pdf/1084462.pdf?casa_token=mSBadtGUGicAAAAA:brLmXooepSexEmCA-9O_4e4jX9EUTYJYboA66jktVS9OSDz5W1uphXmCI72uxaRPyTNjTPy-KW_76xVEp0PgPzoRTqngTyo0rkAON53NDBYDjOslnQ.

128. *Milliken v. Bradley*, 418 U.S. 717, 790 (1974). The dissent noted the importance of a metropolitan solution in cases like Detroit and Boston where, “the State of Michigan was ultimately responsible for curing the condition of segregation within the Detroit city schools, and that a Detroit-only remedy would not accomplish this task.”

129. The Boston METCO program highlights “respect [for] people, valu[ing] a multi-racial society, and [a] commit[ment] to inclusion and educational equity” as one of their key values. This is similar to many other METCO-style programs that exist throughout the U.S. *Values*, THE METROPOLITAN COUNCIL FOR EDUCATIONAL OPPORTUNITY, <https://metcoinc.org/about/mission-vision-values/>.

130. METCO students have four-year graduation rates and college enrollment rates that are about 30 percentage points higher than the average Boston Public School student. David Scharfenberg, *Massachusetts' Public Schools are highly Segregated. It's time we treated that like the crisis it is*, BOSTON GLOBE (Dec. 11, 2020), <https://www.bostonglobe.com/2020/12/11/opinion/massachusetts-public-schools-are-highly-segregated-its-time-we-treated-that-like-crisis-it-is/>.

131. *The Case for School Integration*, THE METROPOLITAN COUNCIL FOR EDUCATIONAL OPPORTUNITY, <https://metcoinc.org/about/school-integration/school-integration-benefits/>.

schools were racially, ethnically, and economically isolated in violation of the state constitutional right of all children to receive a substantially equal education.¹³²

The settlement from the case included a METCO-style inter-district choice program which now serves over 20,000 students in over 40 magnet schools, placing students from the suburbs and Hartford together.¹³³ Since implementation of the program, the graduation rates of students attending *Sheff* schools have exceeded the rates of many suburban schools, and “research demonstrates that students attending integrated schools [develop] better critical thinking and analytical skills, and that diverse schools are better than high-poverty schools at counteracting the negative effects of poverty.”¹³⁴ In 2022, the Connecticut courts and legislature finalized an agreement in the case that bound the government to a multimillion-dollar plan to expand remedies in state-funded magnet schools.¹³⁵

Ultimately, METCO-style programs offer an interesting path towards meaningful school integration and access. Because they are expressly created for the purpose of remedying racial isolation, they incorporate an awareness of historical trauma inflicted by segregation.¹³⁶ The distance imposed by a METCO approach removes the trauma of simply busing to an adjacent neighborhood where there may be a legacy of community-based trauma. In other words, busing extended over a large geographical area can help to neutralize tensions arising from proximity. The success of METCO and the *Sheff* programs show the ability of schools like these to create a new culture of suburban and urban support for integration. In doing so, these programs adopt a lens of metropolitanism to create interest convergence between two populations that have historically been pitted against each other in the fight for school integration.¹³⁷

However, magnet school programs are not a silver bullet in the fight against racially isolated schools. There are often concerns around funding, limited spaces, and costs imposed by transportation. Jefferson County in Louisville has been working towards integration for decades, yet a recent article highlights the way magnet schools have pulled students, teachers, and resources away from neighborhood schools in historically Black areas.¹³⁸ Similar frustrations regarding the reality of who must travel to magnet schools have been expressed in Boston—as one mother stated,

132. *Case: Sheff v. O'Neill*, LEGAL DEFENSE FUND (2022), <https://www.naacpldf.org/case-issue/sheff-v-oneill/>.

133. Scharfenberg, *supra* note 130.

134. *Case: Sheff v. O'Neill*, *supra* note 132.

135. Adria Watson, *Education Committee Approves Sheff v. O'Neill Settlement*, THE CT MIRROR, March 7, 2022, <https://ctmirror.org/2022/03/07/education-committee-approves-sheff-v-oneill-settlement/>.

136. METCO schools themselves remedy racial isolation by creating opportunities for interdistrict education, a focus that is echoed in their stated values and often in curriculums and school ethos. *Values*, *supra* note 129.

137. Interest Convergence is a theory coined by Derrick Bell in his 1980 law review article and suggests that progress towards civil rights for Black people is only made when Black and white interests converge. See Derrick Bell, *Brown v. Board and the Interest-Convergence Dilemma*, 93 HARV. L. REV. 518 (1980).

138. Mandy McLaren, *Louisville's desegregation myth: How a busing plan hurt Black communities it aimed to help*, COURIER JOURNAL (Feb. 3, 2021), <https://www.courier-journal.com/in-depth/news/education/2021/02/03/louisville-public-schools-desegregation-plan-played-favorites-to-white-students/6042215002/>.

“white kids do not take the bus into Boston.”¹³⁹ In this way, magnet school programs that are not highly conscious of the racial history of busing and work to integrate that awareness into their design and curriculum, can serve to further exacerbate historical tensions.

B. Periodic Redistricting

Law professor Aaron J. Saiger proposes a periodic redistricting process for school districts; he highlights the role of geography in reinforcing social hierarchies and community memories by offering a new and interesting way to potentially disrupt cycles of harm reinforced by geographic stagnation.¹⁴⁰ This potential solution has not been implemented in any districts but raises interesting questions regarding ways to address flaws of METCO-like programs.

At its core, Saiger’s argument rests on an understanding of school districts as state-created political subdivisions.¹⁴¹ This acknowledgment of school districts as creatures of the state, not autonomous local sovereigns, makes clear the state’s role in creating and perpetuating school segregation and racial violence.¹⁴² Saiger’s proposal offers solutions to many problems, but the focus on the intersection of race and class in schools is particularly pertinent. This section will argue that this framework, also advanced in Justice Marshall’s dissent in *Milliken*, should be adopted as a novel way to address the persistent effects of centuries of policies that have given too much deference to the local control of school district lines.

Part of the ability of segregationists to weaponize school district lines comes from a misconception of these boundaries as “somehow organically connected to local parents and . . . [thereby] inert, primordial, natural.”¹⁴³ *Milliken* codified this understanding, reifying the essentially local and autonomous nature of school boundaries.¹⁴⁴ Any departure from this legal and social understanding of school districts requires creating interest convergence by speaking to affluent school districts less willing to pursue change.¹⁴⁵

Saiger proposes a process similar to election redistricting, but for school boundaries.¹⁴⁶ By periodically redrawing school districts states can address the three dimensions of “the boundary problem” Saiger identifies: financial, racial, and unequal achievement.¹⁴⁷ The financial dimension speaks to the current system of school

139. Kieran Kesner, *Looking Back on 50 Years of Busing in Boston*, NPR (Oct. 5, 2016), <https://www.npr.org/sections/ed/2016/10/05/495504360/looking-back-on-50-years-of-busing-in-boston>.

140. MASSEY, *supra* note 82, at 19.

141. Taylor, *supra* note 127, at 336.

142. A 1973 Supreme Court case, *City of Richmond v. U.S.*, explicitly confronted the abuse of state power in school segregation, “the power conferred by state law on central and local officials to determine the shape of school attendance units cannot be employed. . . for the purpose and with the effect of sealing off white enclaves. . . and obstructing the desegregation of the schools.” *Id.* at 334.

143. Aaron J. Saiger, *The School District Boundary Problem*, 42 URB. LAW. 495, 507, https://www.jstor.org/stable/pdf/27895808.pdf?casa_token=JuOIEyAzaD8AAAAA:JKqv7Z__R2314iIldvb8m1oloBmyafnmp_ckThkcljIzF6_UU_pG5Q3NHwzLga2I9nuUS0Hb_swTpLeaEWQTIpJasFjgbIvBsdh6lHerPj3G0Fwl6qJk.

144. *Id.* at 517.

145. *Id.* at 509.

146. *Id.* at 532.

147. *Id.* at 502.

funding creates poor and rich districts that are impermeable.¹⁴⁸ Saiger then notes that these financial barriers often double as racial barriers. The racial dimension goes beyond socio-economic status of neighborhoods, as *Milliken* incentivized white flight and made racial an intra-district rather than inter-district issue.¹⁴⁹ Finally, unequal achievement is a product of the two preceding problems because of the way race and wealth impact achievement.¹⁵⁰

Justice Marshall's dissent in *Milliken* and Professor Saiger's article both suggest a possible path to meaningful change lies in recognizing that school districts are creatures of the state and therefore able to be redrawn. In this framework, the state has the power to "consolidate and merge school districts, even without the consent of the districts themselves or of the local citizenry."¹⁵¹ In other words, the state can create a metropolitan solution without the consent of the districts impacted. This will not be a politically popular solution—nor is it perfect. However, it does have the capacity to consider the challenges posed not just by past policies and legal decisions, but also decades of community memory creation that has entrenched social responses to the initial busing crisis in a way magnet schools do not.

Ultimately, Saiger believes the disparities between school districts can be addressed and educational localism can still be preserved through a redistricting process that empowers local educational bodies.¹⁵² While there are many challenges that might result from redrawing school district lines, the main concern of this paper is the potential impact on community identity and history.¹⁵³ The goal must be to bring South Boston and Roxbury into meaningful conversations, and Saiger's proposals offers a novel way to create communities through interest convergence by the formation of new school districts that de-incentivize white flight.

CONCLUSION

Busing between South Boston and Roxbury resulted in deep community trauma reinforced by continued residential and educational segregation. Only by understanding the sources of that trauma and the formation processes of communal memories can the underlying harms from busing be meaningfully incorporated into school reforms. Acknowledgement of the state's role creates an opportunity to build meaningful interest convergence between the communities of South Boston and Roxbury.¹⁵⁴ Once the role of the state in the creation of communal history is acknowledged, it can be used as a normative argument for the periodic redistricting proposed by Saiger or other boundary transcending models like inter-district magnet schools. Both these reforms seek to address the main failing of school reforms like

148. *Id.* at 500.

149. *Id.* at 504.

150. *Id.* at 506.

151. *Id.* at 510.

152. *Id.*

153. Although not the focus of this paper it is important to note that there are potentially serious impediments to actualizing on any kind of boundary redrawing including, but not limited to and lack of political will, potential for misuse (especially gerrymandering). *See id.*

154. Bell, *supra* note 137.

HBAP or 3Z—the failure to neutralize sites of historic contestation and reform the narratives communities hold about schooling.

The Union of Minority Neighborhoods, a Boston-based grassroots organization, exemplifies this approach to reform. In 2011, this organization created the Boston Busing/Desegregation Project to increase awareness of Boston's busing and desegregation crisis and build an inclusive history of Boston.¹⁵⁵ This project focuses on race and class equity, democratic access, and building higher quality institutions.¹⁵⁶ Through a variety of community programming and education efforts, this group seeks to expand the lens through which Boston understands and approaches school reform.

Ultimately, the story of South Boston and Roxbury, while particularly intense, is not unique. Segregation permeates school systems across the U.S. today, and there is a clear need for innovative and meaningful reform. *Sheff*-style solutions are gaining popularity, but these are not perfect. To truly reckon with the state-sanctioned violence wrought upon communities by busing and resistance, school boards and districts must consider the ways in which narrative cycles can be disrupted and educational communities can be rebuilt.

155. Boston School Desegregation Archival Resources, *About the Boston Busing/Desegregation Project*, NORTHEASTERN UNIVERSITY (2022), <https://bpsdesegregation.library.northeastern.edu/about-the-boston-busing-desegregation-project/>.

156. *Id.*