The American Heartbreak:*
A Biographical Sketch of Pauli Murray

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I. Introduction

Freedom is a dream
Haunting as amber wine
Or worlds remembered out of time.
Not Eden’s gate, but freedom
Lures us down a trail of skulls
Where men forever crush the dreamers—
Never the dream.

I was an Israelite walking a sea bottom,
I was a Negro slave following the North Star,
I was an immigrant huddled in ship’s belly,
I was a Mormon searching for a temple,
I was a refugee clogging roads to nowhere—
Always the dream was the same—
Always the dream was freedom.

-Excerpt from the poem “Dark Testament”

Pauli Murray was born Anna Pauline Murray in Baltimore, Maryland on November 10, 1910, during the heyday of Jim Crow segregation in the South. While growing up in Baltimore and later Durham, North Carolina, she was forced to endure wholesale the burdens of being a black person in a segregated society, confined to live in the black parts of town and to show the customary racial deference to her white

* The title borrows from the Langston Hughes poem, “American Heartbreak,” LANGSTON HUGHES, THE COLLECTED POEMS OF LANGSTON HUGHES (1994), which reads, “I am the American heartbreak-/The rock on which Freedom/Stumped its toe-/The great mistake/That Jamestown made/Long ago. However this paper adopts its title semi-ironically. Murray, through her awesome perseverance, led a life of accomplishment, belying the lack of opportunity for blacks which Hughes lampoons in his poem. But the title is also partly ingenuous, because, despite her public successes, Murray’s own internalized racist and sexist notions, and the resultant scarring of her self-esteem, haunted her throughout her days; in this sense, her story is indeed heartbreaking.

1 PAULI MURRAY, DARK TESTAMENT AND OTHER POEMS 12 (1970) [hereinafter “DARK TESTAMENT”]. The narrative poem “Dark Testament,” which synthesizes poetry and prose in its historical account of blacks in America, had its roots in a poetry course taken while Murray attended Hunter College around 1930 and was written gradually, partly under the supervision of Stephen Vincent Benet, until its completion in 1943. Murray considered it to be “only a fragment and forerunner of the epic of black America yet to be written.” Id. at 4, 6 (Introduction by Morris Milgram).
neighbors,\(^2\) despite the fact that blacks and whites in the South had much in common—both culturally\(^3\) and even, in the case of Murray’s family, genetically: “If you call me black, it’s ridiculous physiologically, isn’t it? I’m probably 5/8 white, 2/8 Negro—repeat American Negro—and 1/8 American Indian.”\(^4\) Murray was also a seventh generation Episcopalian, of black middle-class parentage.\(^5\) But her parents’ professional pedigree and Murray’s own considerable talents as a writer, activist and attorney, educated at many of the nation’s finest schools, would not spare her from racism and sexism, which denied her educational and career opportunities throughout her life.

Murray was a living microcosm of American society, yet was denied America’s full bounty. A lifetime on the margins of racial identity led Murray to understand the vast affinities binding together all Americans, and the cruel absurdity of segregation—in Murray’s mind, separation from those with whom one had much in common could only signify one thing, inferiority.\(^6\) And Murray also believed that whites, as well as blacks, had much knowledge and experience to gain from racial interaction.\(^7\) Murray spent many of her days repudiating the shallow myth that segregation could serve other than to diminish and demean all races, by proving that an African-American woman could make profound artistic and scholarly contributions to society, and that racism and sexism, by denying society the contributions of blacks and women, were inimical to the nation’s cultural and academic growth. As a result, Murray’s racial politics centered on

\(^2\) Pauli Murray, Song in a Weary Throat: An American Pilgrimage 31 (1987) [hereinafter “Song”].

\(^3\) See generally id. at 30-34, 53 (describing the shared traditions of cooperation and gentility among black and white Southerners, arising from the mutual hardship and poverty of rural existence).


\(^5\) Id.

\(^6\) Murray would come to believe the same of gender discrimination, which she believed was frequently based on differences that were completely artificial. See note 221, infra, and accompanying text.
inclusiveness, and she ultimately rejected various African-American separatist movements, including Communism and black radicalism.⁸

Murray struggled not only publicly to debunk the persistent myths of racial and gender inferiority, but also to prove to herself that racism and sexism were myths and to defeat her own internalized belief in their validity. Murray struggled not only to prove herself and capture her own “elusive[…] self-esteem,”⁹ badly obscured by the privations of discrimination, but also to vindicate her “dream [of] freedom”¹⁰ writ large on a historical stage—to redeem the honor of all those embittered by discrimination, by demonstrating to the world that a black woman could accomplish anything she chose. To wit, Murray joined the vanguard of two nascent historical movements—civil rights and later feminism—and took leading roles in both: “[Murray] was a civil rights activist before there was activism, and a feminist when feminists could not be found,” wrote one friend.¹¹ Murray was a living testament to the ability of a black woman to garner achievements the match of anyone, white or black, male or female: In her lifetime she received a law degree from Howard University, her L.L.M. from Berkeley and a J.S.D. from Yale; she was a deputy attorney general in California; a founding member of the National Organization for Women (NOW); author of a comprehensive study of state laws on race, two autobiographical novels, and a book of poetry; she taught law at Brandeis

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⁷ See note 67, infra.
⁸ See notes 74 and 243, infra and accompanying text. However, Murray never abandoned idea that racial pride could coexist with racial unity, and hence became a student of black achievement and history. See note 59, infra and accompanying text.
⁹ NCWriters.org, Pauli Murray: Writer, Poet, Lawyer & Priest, Durham, North Carolina. Murray was undoubtedly not immune from the scourge of popular belief that blacks were inferior. As a result she spent much of her life attempting to overcome the stereotype—not just to overcome the prejudice of others, but to overcome her own internalized racism. The myth of racial inferiority, in particular, gave her “ambivalent” feelings about herself. SONG, supra note 2, at 328.
¹⁰ DARK TESTAMENT, supra note 1, at 12.
and Yale; she was arrested for defying a segregated bus; and late in life she was ordained among the first women priests in the Episcopal church.\textsuperscript{12} A friend wrote of Murray, “She has a very strong historical sense, a sense that everything she does is part of history. She sees herself as an instrument for achieving things.”\textsuperscript{13}

Despite her outward appearance—she was described as standing barely five feet tall as an adult, and somewhat fragile in appearance\textsuperscript{14}—Murray was known for her intensity and tireless outspokenness against racial and sexual stereotypes.\textsuperscript{15} But Murray’s courage in taking the front lines of the struggle for equality was often at odds with her own temperament—“fierce[], [but] less outgoing, more intellectual.”\textsuperscript{16} Hence, Murray left a legacy of written work, a mode of discourse she preferred over direct confrontation, which influenced many of the struggles for racial and gender equality.\textsuperscript{17} She once professed, “The only thing I’ve ever said I wanted to do was write.” She distilled her anger through her writing, finding the written word to be her “catharsis, which saved

\textsuperscript{11} SONG, supra note 2, at xi (introduction by Eleanor Norton Holmes). She was also influenced by the Harlem Renaissance, the New Deal’s social programs, the Communist Party, McCarthyism, and 1960’s black radicalism, all discussed infra.

\textsuperscript{12} Dr. Pauli Murray, Episcopal Priest, N.Y. TIMES, July 4, 1985, at A12 (obituary).

\textsuperscript{13} Id. In her poem, “War Widow,” Murray self-implored: “Oh stand erect/Defiant tree! . . .  And keep your tryst/With history.” DARK TESTAMENT, supra note 1, at 66.

\textsuperscript{14} Boodman, supra note 4. In fact Murray was apparently slender and fine-boned most of her life, SONG, supra note 2, at 18; Paula Giddings, Song in a Weary Throat: An American Pilgrimage, THE NATION, May 23, 1987, at 689-90 (book review) (noting Murray’s bouts with malnutrition while in her 20s). In stark contrast stood her fierce energy for writing and protest – Eleanor Roosevelt once dubbed her a “firebrand.” SONG, supra note 2, at 192. Another observer quipped that Murray’s friends delighted in the fact that “so much fire could erupt from one so impish.” EMILY HERRING WILSON, NORTH CAROLINA WOMEN: MAKING HISTORY 290 (1999).

\textsuperscript{15} Boodman, supra note 4.

\textsuperscript{16} JUDITH PATERSON, BE SOMEBODY: A BIOGRAPHY OF MARGUERITE RAWALT 135 (1986).

\textsuperscript{17} See, e.g., Pauli Murray, Memorandum from Pauli Murray to the Committee on Civil and Political Rights, President’s Commission on the Status of Women, “A Proposal to Reexamine the Applicability of the Fourteenth Amendment to State Laws and Practices Which Discriminate on the Basis of Sex Per Se” (Dec. 1962 ); Pauli Murray and Mary O. Eastwood, Jane Crow and the Law: Sex Discrimination and Title VII, 34 G.W.L. REV. 232 (1965) (advocating legal attack on sex discrimination and noting parallels between race and gender discrimination); SONG, supra note 2, at p. 255 (noting that Murray’s thesis paper at Howard provided many of the arguments ultimately used in Brown v. Board of Education).
[her] sanity” from being overrun by unsustainable anger over discrimination.\footnote{Boodman, supra note 4. Murray dubbed her peculiar means of addressing unjust policies, “confrontation by typewriter,” SONG, supra note 2, at 96, and also stated “one woman plus a typewriter equals a revolution.” Mary Jane Moore, Editorial: Coming closer to home, THE HERALD-SUN (DURHAM, N.C.), Apr. 9, 1998, at A12.} And her writing, arguably her most lasting legacy, was powerfully influential: Her work at Howard was credited as among the inspirations for \textit{Brown v. Board of Education};\footnote{347 U.S. 483 (1954).} her work opposing sex discrimination influenced an important Supreme Court decision on equal protection.\footnote{See note 247, infra and accompanying text.}

This paper endeavors to tell Murray’s story largely through her own writings—not only her legal and scholarly opus, but also her poetry and letters. These emotive documents shed light on Murray’s inward struggle with the contradictions of race and gender in America. In turn, her private rage over the stultifying impact of racism and sexism vastly informed her legal and political works, which influenced and changed the social and legal context of her time to improve race- and gender-relations for the better. This paper does not purport to tell the complete story—the accounts herein are borrowed selectively from Murray’s own work, including her autobiography, and from the observations of other commentators—but to provide a thematic rendering of the dialectic between oppression and social change played out through Murray’s life and work—and to pay tribute to a compelling figure who, in addition to making profound historical contributions to race relations and feminism, touched the lives of all those she encountered through her irrepressible verve and compassion, in spite of the bigotry she faced throughout her life.
II. The Role of Race and Family

I curse the summer sun
That burned me thus to fateful recognition.
Should such a thought strike terror to my frame
More than another? I am the strongest of this lot
And fit to do the work of two. Were I but paler
By a single tone they would not see me tremble;
Or if in shackles here, they’d buy my strength
And let another starve—but being free,
(If being dark is freedom), they stare
At me; they note the curl below my hat;
They trace the darker line below my chin.

-Excerpt from the poem “Mulatto’s Dilemma”

Murray’s mother, Agnes Fitzgerald Murray, was the child of an African-American father, veteran of the Union army, and a part-white, part-black, part-Cherokee mother. Agnes was one of the first graduates of Hampton Training School for Nurses. A rebellious soul, she defied her parents and pursued a career in nursing, considered an arduous and unseemly profession for young women of her day. Pauli Murray’s father, William H. Murray, also of intermixed racial heritage, was a teacher and secondary school principal in the Baltimore Colored Schools. He had graduated from Howard University in 1898, during an era when few black people were educated beyond elementary school. Among Murray’s strongest memories of her father was his endless capacity for hard work and perseverance, while toiling in the poor black school system of Baltimore and in the face of commonplace racist orthodoxies which held blacks to be

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21 DARK TESTAMENT, supra note 1, at 32.
22 SONG, supra note 2, at 4.
23 Id. at 2.
24 Id. at 5.
25 Id. at 4. Murray was primarily a student of her maternal heritage, and apparently did not attempt to address the precise make-up of her father’s ethnic heritage.
intellectually inferior to whites. Pauli Murray spent her earliest days living in the middle-class black sections of Baltimore with her parents, until, at age three-and-a-half, her mother died of a cerebral hemorrhage.

With her father unable to care for Murray and her five siblings alone, given that he himself suffered from encephalitis, Murray was adopted by her aunt and namesake, Pauline Fitzgerald Dame, in 1914. The young Murray lived in modest comfort, compared to the poverty of most Southern blacks, at the home of the Fitzgeralds, her successful maternal grandparents in Durham, North Carolina where Murray was raised by Aunt Pauline. Murray’s grandfather and his brother had founded the only brickyard in town around 1884 and were part of a prominent Durham African-American family.

However, Grandfather Fitzgerald’s brother, Murray’s Uncle Richard, was the principal of the business with “a genius for making a dollar,” while Grandfather Fitzgerald made a more humble living primarily as a school teacher. It was Uncle Richard who owned the far grander estate of the two brothers, and was also the founder of one of the first African-American banking institutions in the region. But Murray’s branch of the family, despite their appellation the ‘poor Fitzgeralds’ due to comparisons with Uncle Richard’s wealthy ilk, was equally well-respected for having among them the most well-educated African-Americans in town.

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26 These racist beliefs were espoused by leading scholars of the day. Id. at 8-9.
27 Id. at 10-12.
29 Sonia Pressman Fuentes, Three United States Feminists – A Personal Tribute, 53 JEWISH AFFAIRS (SOUTH AFRICA) 37 (1998)
30 SONG, supra note 2, at 29.
31 See PAULI MURRAY, PROUD SHOES: THE STORY OF AN AMERICAN FAMILY 227, 236 (1956) [hereinafter “PROUD SHOES”].
32 SONG, supra note 2, at 29.
33 Id.
in, Grandfather Fitzgerald, during his youth, was renowned for his yeoman efforts to conduct elementary schooling for local blacks—in 1870 when he began teaching, he alone was forced to cover three widely scattered schoolhouses serving 139 children, but through his hard work he succeeded in increasing low local enrollment threefold.\textsuperscript{34}

Murray, in her new home in Durham, the only child living at the Fitzgerald abode, with her aging grandparents, Aunt Pauline, and her mother’s other sister, Aunt Sallie, was sharply influenced by the family around her. Aunt Pauline, a school teacher working 14-hour days, frequently took Murray to her first to sixth grade elementary schoolhouse with her, when Murray was only five years old.\textsuperscript{35} Then Murray was too young to formally enroll, but Aunt Pauline chose not to burden Murray’s aging grandparents with caring for the child during the day. Uncannily, Murray, by quietly attending to the classroom exercises, learned to read at this young age by the end of a year in the classroom, shocking and thrilling Aunt Pauline. Once Murray began attending school formally, she proved herself to be adept at learning, by earning A’s in scholarship—but simultaneously proved herself a bit picaresque, playing hooky, getting spanked by her teachers, and earning occasional D’s in conduct.\textsuperscript{36}

Living in a household with two elderly grandparents, and two aunts who worked constantly, Murray, as she grew into adolescence, was conscripted to do numerous chores—from splitting wood, to gardening, to feeding the chickens, to guiding her blind grandfather on his daily errands.\textsuperscript{37} At Aunt Pauline’s urging, she took a job delivering newspapers as well. From her Aunt Pauline, Murray learned discipline and

\textsuperscript{34} \textsc{Proud Shoes}, supra note 31, at 236-37. Only one in ten blacks in that region were registered to attend school then. \textit{Id.}
\textsuperscript{35} \textsc{Song}, supra note 2, at 17-18.
\textsuperscript{36} \textit{Id.} at 24-26.
forbearance—Aunt Pauline never allowed Murray to dawdle when doing chores; she disciplined the young Murray for rudeness or laziness. Her grandfather too, helped sharpen Murray’s self-discipline; he insisted that Murray read the Bible to him, and he taught Murray the value of perseverance—though blind he too contributed to the household chores by doing modest sewing.

But her Grandmother Fitzgerald, nervous and frail, sensitive to any perceived slight, yet feisty—qualities shared by Murray—showed her granddaughter special favor, often trying to sneak Murray candy when Aunt Pauline wasn’t looking, and never scolding the girl. But, although Aunt Pauline sometimes seemed excessively stern in comparison, Murray understood that her strictness was a result of the depth of her aunt’s responsibility—she was the head of a household of a small child and two failing, elderly parents, with a meager family income. The example of Aunt Pauline’s regimented living would serve Murray well in adult years when Murray would live virtually hand-to-mouth.39

Aunt Pauline’s racial pride would also be cherished by Murray:40 Aunt Pauline was light-skinned enough to exist comfortably in white society, yet she embraced black society. The proud Aunt Pauline contrasted with some of Murray’s cousins, who were sufficiently light-completed to elide effortlessly between black and white society but strove to submerge all traces of black culture or heritage. Aunt Pauline spurned the idea of concealing one’s black identity when it proved expedient. When one of Murray’s

37 Id. at 22.
38 PROUD SHOES, supra note 31, at 251
39 See notes 73 and 168, infra, and accompanying text.
40 Another powerful role model during Murray’s youth, the Reverend Small, a West Indian Episcopal priest and friend of the family, evinced a “haughty bearing which exacted a grudging respect from many white people.” Although Murray never adopted Small’s arrogance, she never ceased to emulate his insistence on absolute equality and respect from all quarters. SONG, supra note 2, at 49.
relatives was visiting who, while with Murray on a shopping trip in Durham, pretended to be white to get better service in a local store, Aunt Pauline forbade Murray to spend time with this relative ever again. 41 While growing up, still other of Murray’s proud aunts defined themselves as “race women,” and saw as their special cause the plight of black Americans, despite their own light skin color. 42

Every aspect of her young life with Aunt Pauline seemed dichotomized by minute distinctions in skin color, even among other African-American children. During her elementary schooling in Durham, Murray was made aware of the fact that she was lighter skinned than many of her classmates. 43 Meanwhile, as Murray grew older and was exposed to adult customs, the chasm between black and white Southerners seemed all the wider. At age eleven, during an extended visit with family in southern Maryland, Murray witnessed that segregation held sway even in the Episcopal Church. Despite frequent social interchange at the market and on the streets of the poor rural part of Maryland, black and white Episcopalians attended different churches and worshiped separately. 44 Meanwhile back at her Durham home, blacks walking through town were forbidden to speak to white neighbors while they sat on their porches. 45 Aunt Pauline’s proud bearing and unashamed racial identification certainly helped Murray transcend the withering effect of such discrimination on a young woman’s self esteem. 46

41 Id. at 30.
42 Id.
43 Id. at 25.
44 Id. at 53.
45 Yet, because her maternal grandmother—the daughter of a part-Cherokee slave woman and a white patrician slaveowner—revered her father’s heritage, Murray was exposed to conflicting messages about race: “It was a confusing world for me because I was both related to white people and alienated by them.” WILSON, supra note 14, at 291.
46 And Murray too quickly adopted the proud bearing, and occasional scrappiness of her family: she described herself as a child as “thin, wiry … strong-willed and irrepressible.” Id. at 18.
And Aunt Pauline’s fierce self-pride manifested itself not just on black and white lines, but along more subtle, class-based contours. For Durham’s black community was divided between the elite and those lower on the social hierarchy, which would, later in Murray’s childhood, include Aunt Pauline and her household as Grandfather Fitzgerald’s family fell out of esteem in Durham, and the center of fashionable black culture shifted from the Fitzgrandals’ neighborhood to the district known as Hayti. Murray’s naïve envy of “the rich children in Hayti” triggered an anger scarcely witnessed in Aunt Pauline, who chastened her, “Don’t ever let me hear you talking about the ‘rich children in Hayti’ again.”

Murray was made keenly aware as a child of the human propensity—even in as gentle a soul as hers—for bitter violence and racial enmity. While a youth she was tormented by fear of attacks by the Ku Klux Klan; although the Klan never actually attacked the household, Grandmother Fitzgerald would frequently rouse the family in the middle of the night to ward off some phantom sortie. Grandmother Fitzgerald had been victimized in her youth by genuine fear of marauders, growing up in an era when the Klan frequently sought to run blacks off the land. The memories continued to torment her later in life, and thus she kept shotguns at the ready in the Fitzgerald home.

47 Although apparently never truly destitute or socially unconnected during Murray’s childhood—her maternal grandparents consorted with the black professional and religious elite—her family nonetheless lost social standing with time and the migration of well-to-do blacks to other parts of town. WILSON, supra note 14, at 291; SONG, supra note 2, at 46, 60.

48 Id. at 60.

49 Id.; see also Murray’s poem, “Collect for Poplarville,” where she beseeches “Teach us no longer to dread/hounds yelping in the distance,/the footfall at the door,/the rifle butt on the window pane,” which evokes the poignancy of the memories her grandmother must have felt based on the grim reality of such attacks in her past. DARK TESTAMENT, supra note 1, at 38.
Later, when Murray’s father was murdered by a worker at a mental institution\(^{50}\) in 1923, she felt, briefly, a rage not just at the individual man who murdered her father, but at all Polish people—an irrational rage which horrified her.\(^{51}\) Recognizing her own fallibility to such invidious anger, she looked more charitably on the unfortunate racist tendencies of others, knowing their roots often lay in one’s own unfortunate experiences with different races and cultures.

III. New York and Radical Affiliations

*To the Oppressors*

*Now you are strong*

*And we are but grapes aching with ripeness.*

*Crush us!*

*Squeeze from us all the brave life*  
*Contained in these full skins.*

*But ours is a subtle strength*  
*Potent with centuries of yearning.*  
*Of being kegged and shut away*  
*In dark forgotten places.*

*We shall endure*  
*To steal your senses*  
*In that lonely twilight*  
*Of your winter’s grief.*\(^{52}\)

Murray was determined not to attend a segregated Southern college, thus sharply limiting her matriculation options.\(^{53}\) The local black schools were foreclosed to her by her own choice and the local white schools by institutional segregation, so she looked north, to New York City. Hunter College, an all-women college, offered free tuition to

\(^{50}\) William H. Murray had been institutionalized in 1917, his mental condition likely exacerbated by untreated encephalitis. *Id.* at 12.

\(^{51}\) *Id.* at 57.

\(^{52}\) DARK TESTAMENT, *supra* note 1, at 31.

\(^{53}\) SONG, *supra* note 2, at 65.
its students, thus permitting Murray to apply even in the absence of family resources.

Murray was accepted at and began attending Hunter in 1928.\textsuperscript{54} While in New York, she had to live with her Cousin Maude, one of her relations who ‘passed’ successfully as white.\textsuperscript{55} At Cousin Maude’s Queens home, Murray felt shame over her blackness, the shame that would lifelong haunt her self-esteem, as her older cousin took pains to conceal Murray’s presence from her neighbors for fear of being revealed as a black family.\textsuperscript{56} But driven by Aunt Pauline’s implacable pride, Murray endeavored to prove to Cousin Maude, through her academic accomplishments—she graduated with honors from her Hunter prep class—that she was the equal of any white person and no shame to Aunt Maude’s household.\textsuperscript{57}

At progressive Hunter College too, Murray had to endure the withering insults of a professor who refused to cover black history and handled issues of slavery and racism with complete insensitivity to Murray, the sole black person in the class. The professor covered a wide swath of American history without ever treating an African-American accomplishment or contribution to American society. As far as the professor was concerned, blacks were merely the passive objects of a philosophical struggle among whites over the slavery question.\textsuperscript{58} Again, Murray tapped her cache of strength and positive imagery—Aunt Pauline—and instead of retreating into her anger, she resolved to spend time familiarizing herself with black history to rebut the professor’s mute disavowal of the historical significance of blacks; all the while excelling in her

\textsuperscript{54} Id. at 71.
\textsuperscript{55} Murray was conditionally accepted at Hunter, following her rejection from Columbia on the basis of her gender. SONG, supra note 2, at 66. She first had to complete remedial schooling in a New York school, since Hunter, then the largest women’s college in the world, doubted the sufficiency of Murray’s segregated Southern education. Id. at 67.
\textsuperscript{56} Id. at 69.
\textsuperscript{57} Id. at 70.
coursework.\textsuperscript{59} At Hunter, Murray also encountered ethnic and cultural groups theretofore unknown. Most notably, she befriended a Jewish woman, Pauline Dinner, who would become a study partner and a key resource in adapting to the newfound rigors of higher education.\textsuperscript{60}

After her graduation from Hunter in 1933, one of four blacks among 247 women,\textsuperscript{61} Murray struggled to make a living in New York. A brief stint at \textit{Opportunity} magazine was abruptly cut short when a bout of pleurisy forced Murray into idleness while she convalesced.\textsuperscript{62} Thereafter she stayed with friends and did low-paying work cleaning and cooking. Her personal experience with difficult times— the Great Depression, which was full-blown at the time, was particularly hard on African-Americans, who were worst hit by the unemployment epidemic which put 16 million people out of work in 1933—may have fed Murray’s budding radicalism.\textsuperscript{63} While spending time as a tenant at a camp to feed and care for unemployed women, in upstate New York, Murray was accused by the camp coordinator of being a Communist and was dismissed from the facility. The expulsion was triggered by Murray’s ownership of Karl Marx’s \textit{Das Kapital}.\textsuperscript{64} Though her interest in Communism was no more than intellectual curiosity at the time, her continuing experience with destitution would lead her to seriously consider radical politics.

\textsuperscript{58} \textit{Id.} at 85.
\textsuperscript{59} \textit{Id.} at 85. Indeed Murray began organizing study groups interested in greater awareness of black history and culture. \textit{Id.} at 86.
\textsuperscript{60} \textit{Id.} at 73.
\textsuperscript{61} Giddings, \textit{supra} note 14. Murray declared this graduation to be her “first successful milestone.” \textit{Id.}
\textsuperscript{62} \textit{SONG. supra} note 2, at 94-95. Murray was no stranger to illness and a poor constitution dogged her through much of her life.
\textsuperscript{63} \textit{Id.} at 92.
\textsuperscript{64} \textit{Id.} at 97.
Returning to New York after leaving the camp, Murray’s activist spirit fermented: in 1936 she was courted by the local Communist Party, which was avidly soliciting blacks during that period, and she enrolled in crash courses in workers history at an AFL-sponsored workers college populated by devoted trade unionists. She found the ardent religiosity of the labor movement in that era to be a precursor of the fervor which would gird the civil rights and feminist movements in the 1960s and 1970s. Her impoverishment was mitigated in 1936 when she secured employment with the New Deal program, Works Progress Administration (WPA). This permitted her to rent her own apartment near Greenwich Village. Murray worked in the New York City public schools with the WPA’s workers education project, as well as the WPA’s remedial reading project—she struggled to teach English to immigrant Italian children despite speaking no Italian herself. During this period, Murray began to see the oppressiveness of industrialization, and how within its net, blacks, and poor and ethnic whites alike were entangled. No stranger to poverty’s universal oppressiveness, according to one source, Murray, during the 1930s, found herself “among the hobo community riding the freights

65 See James Clyde Sellman, History: Works Progress Administration or WPA, AFRICANA.COM (linking Murray’s WPA experiences to her subsequent civil rights activism).

66 American Federation of Labor.

67 While attending the union education classes, Murray experienced the curious stares of a young white Georgia man who was nonplussed by the presence of an educated black person as the peer of white students. When he dropped out of the program, Murray speculated that he was unable to cope with the idea of racial equality after having been indoctrinated to believe his race superior. She bemoaned the fact that racism too denied white people the benefits of associating with and benefiting from the perspective and intelligence of black people, due to the psychological barriers of prejudice. SONG, supra note 2, at 106.

68 Id. at 105.

69 SONG, supra note 2, at 102.

70 Id. at 101.

71 See id. The WPA, which employed around 8.5 million employees during the span of its existence, from 1935 to 1943, built roads and public buildings, and supported various educational and cultural undertakings, such as writing, painting and dance.

72 SONG, supra note 2, at 107.
in search of jobs.” Ultimately the inclusiveness she championed and her idea of a unified, cross-cultural society, and her concern that Communist-endorsed separate black political states were but another form of segregation which bore its concomitant stamp of inferiority, gave rise to disenchantment with the Communist Party. But her new sympathy for workers of various nations and races would abide.

IV. The First Stirrings of Murray’s Crusade Against Separate But Equal

*By placing the full legal as well as moral weight of the Constitution behind the equalitarian principle the Court shaped a climate of opinion in which Negroes could legitimately revolt against pervasive discrimination of every kind.*


Murray’s natural inclination toward pacifism did not stifle her vociferous protests against institutionalized segregation. Although Murray, in the above-captioned quotation, credits the Supreme Court’s *Brown* decision as the groundswell for much of the legal assault on segregation, it was Murray’s own writings which created “a climate of opinion” resulting in the watershed Brown decision. Long having had to “sullenly endure[] [the] indignities” of racial segregation, following her experience at Hunter and her familiarization with black history, Murray finally began to mount protest after protest against the segregated South. Her crusade was precipitated by a very personal slight—

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74 *SONG, supra* note 2, at 103.
75 Murray would later work as a law teacher and proponent of democracy in Ghana; she would also protest the Japanese internment camps in WWII. See notes 203 and 163, *infra*, and accompanying text.
76 PAULI MURRAY, HUMAN RIGHTS U.S.A.: 1948-1966 33 (1967) [hereinafter “HUMAN RIGHTS”] (A historiographical and legal account of human rights developments in the United States, covering the gamut of the civil rights grass roots movement and the Supreme Court’s evolving jurisprudence of civil rights, along with a canvass of states’ civil rights laws.)
78 *SONG, supra* note 2, at 128.
in 1938 despite excellent credentials, Murray was rejected on account of her race from the University of North Carolina’s graduate school, where she had applied for graduate study in Sociology, doubtless to expand her career opportunities after languishing in low-paying work. 79 Although a recent Supreme Court decision mandated that states provide graduate facilities for all races, North Carolina, which did not have a graduate program for black students, rather than admit Murray to its white program, pronounced it would expeditiously create a black graduate school to comport with the Equal Protection clause. 80 Murray’s subsequent protestations inspired a slew of black applications to segregated graduate schools throughout the South, making her doomed application a watershed event for formal protest against separate-but-equal. 81

Her anguish at the rejection by the official school of her home state led Murray to write this to The Daily Tar Heel newspaper:

We Negroes, who ponder over the relations between the races in the South, have never been able to understand your definition of “social equality.” You sit on the same seat with your Negro nurse as a child, you come to her to pour out all your childish woes, you depend upon her for sympathy and advice when you are in trouble, you eat the food she prepares with her own hands, and yet if that same Negro nurse decides that she too is a human being and desires to study under the same group of professors and with the same equipment as you, you go into tantrums, organize “lynching parties” and raise the old cry of Ku Klux Klan. 82

Murray was acutely aware of the hypocrisy that gave the lie to separate but equal. Why were black people permitted to commingle with white, but only as subordinates? The implication was clear: to permit commingling within educational institutions would

79 Id. at 115-16.
80 Although the roots of Murray’s anger go back further still, to her childhood and to her intimate encounters with Jim Crow. In one episode, in the early 1930s, Murray bitterly swallowed her words when a pregnant black woman was forbidden to sit down on a bus with ample seats, but all in the white section. Id. at 109.
portend true equality; there was clearly no harm in allowing black servants to associate with white masters.

Murray’s outrage over her rejection also drove her, in 1938, to write a letter to President Roosevelt, importuning him to take a firm stand on racial equality, by appealing to his sense of fairness, and the fundamental hypocrisy of an educational system purporting to seek solutions to racial division while forbidding academic debate among blacks and whites to reach solutions:

12,000,000 of your citizens have to endure insults, injustices, and such degradation of the spirit that you would believe impossible. . . . Have you raised your voice loud enough against the burning of our people? Why has our government refused to pass anti-lynching legislation? . . .

Yesterday, you placed your approval on the University of North Carolina as an institution of liberal thought. You spoke of the necessity of change in a body of law to meet the problems of an accelerated era of civilization. You called on Americans to support a liberal philosophy based on democracy. What does this mean for Negro Americans? Does it mean that we, at last, may participate freely, and on the basis of equality, with our fellow citizens in working out the problems of this democracy? Does it mean that Negro students in the South will be allowed to sit down with white students and study a problem which is fundamental and mutual to both groups? Does it mean that the University of North Carolina is ready to open its doors to Negro students seeking enlightenment on the social and economic problems which the South faces?83

Murray thus professed her faith in the possibility of blacks and whites working together, as well as her innate belief that appeals to the decency of white people was an effective tactic in her struggle against racism. She stated in the epigraph to her poem *Dark Testament*: “Friends and countrymen! I speak for my race and my people—-/The human race and just people.”84 This credo reflected Murray’s own efforts, despite private bitterness, to work with various white Americans who shared her sense of justice,

82 *Id.* at 123.
83 *Id.* at 111-12.
84 *DARK TESTAMENT*, *supra* note 1, at 1.
to overcome prejudice. Those people included, most notably, Eleanor Roosevelt, with whom Murray enjoyed a long, fruitful, and occasionally tempestuous friendship and correspondence.

V. Eleanor Roosevelt

Although President Roosevelt recommended no civil rights legislation during his period in office (1933-1945), the work of Mrs. Franklin D. Roosevelt on behalf of the rights of Negroes and her liberalizing influence on federal policies in this area while she was in the White House was of enormous importance to the furtherance of civil rights. Human Rights, U.S.A.: 1946-1966. 85

Murray’s above-captioned tribute to Eleanor in her 1966 Human Rights manuscript bespeaks not only Murray’s deep affection for Mrs. Roosevelt’s leadership, but also her distaste for President Roosevelt’s well-intended, but frequently sluggish or pandering efforts to combat racism. However, Eleanor, too, frequently disappointed Murray in her timorousness regarding social change. Murray’s faith in interracial dialogue was thus put to the test with Eleanor—here was the most liberal of white people, and yet even Eleanor seemed to suffer from frequent lapses in attempting to understand the problems of black America.

One student of the mercurial friendship between Eleanor and Murray, described Murray as “a central figure in Mrs. Roosevelt’s conscience on race.” 86 The pair began their correspondence after Murray delivered a copy of her letter to the president, criticizing his slow movement on racial equality and his tacit approval of North Carolina’s segregated schools. 87 Eleanor must have been affected by the letter, for she

85 HUMAN RIGHTS, supra note 76, at 16.
87 See note 83, supra and accompanying text.
personally responded to it, even though it was surely one of many such letters received by the President, and Murray herself was yet an unknown figure. In her reply letter, Eleanor concurred with the need for change but chided Murray not to “push too hard.”88 The argument begun in this exchange, over exactly how hard to push for change, recurred throughout their friendship, and their friendship “encapsulate[d] the problem ... [that] even those who are sympathetic may fail to see the struggles for social change from the perspective of those most immersed in those struggles.”89

Nonetheless, Murray was frequently impressed by the commitment of Eleanor to the causes of black America. Soon after Eleanor’s response to Murray’s letter to the President protesting the University of North Carolina’s racial practices, in a symbolic gesture, Eleanor placed her chair between the white- and black-designated sides of a conference room, rather than squarely on the white side, at an ostensibly racially segregated conference in Alabama.90

Murray’s work in 1939 for the Negro People’s Committee to Aid Spanish Refugees in Virginia, another one of the many stopgap “careers” undertaken by Murray after Hunter to satisfy her progressive ideals as well as her need for a steady income, quickly evaporated, typical of the vagaries of under-funded liberal causes in that era.91 Now Murray had to endure the indignity of the welfare rolls.92 In a letter that year to the New York Herald, Murray charged the hypocrisy of a society under the delusion of equal

88 SONG, supra note 2, at 113.
89 Minow, supra note 86, at 727.
90 SONG, supra note 2, at 113.
91 Id. at 133.
92 Consider the poem, “Psalm of Deliverance,” wherein Murray discusses the shame of “[w]ait[ing] our turn to nibble at Public Assistance!/Stripped down until we are naked./Our secrets exposed; our private embarrassments/All written down in a public record--/Exchanged our pride for a Case Number....” DARK TESTAMENT, supra note 1, at 45.
opportunity, where in reality, one’s color is like a permanent sentence to poverty.

Eleanor Roosevelt quoted Murray’s letter in her newspaper column:

We who are the disinherited, who are forced to become public charges in spite of every effort on our part, conclude that the long-time tragedies of peace may be more devastating, if allowed to continue, than those of war. Whatever the cause of this state of being, until democratic society can find a dignified use for all the individuals who compose it, there can be no peace.93

Although this was a remarkably bold, courageously impolitic—even radical—step for the wife of the President, Eleanor’s radicalism was not without its constraints.94 Later, Murray wrote to her, criticizing Eleanor’s refusal to honor a picket line at a theatre known for racially exclusionary practices because the performance was for a worthwhile charity.95

Eleanor’s deference to political considerations was made painfully clear to Murray a few years later. In 1940, Murray, in concert with other anti-segregationists she met through her radical affiliations, tried to challenge Virginia’s segregated bus laws as applied to interstate busing; the hope was that the courts would deem these interstate bus lines outside the jurisdiction of state laws, and thus a matter of nondiscriminatory federal laws. Thus she and another woman defied Virginia’s segregation mandates by refusing to vacate a white-designated seat on a bus in the hope that the resulting prosecution

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93 SONG, supra note 2, at 134.
94 Many of these constraints were political in nature, as she and, by association, her husband lost support in the South due to her advocacy for racial equality. Republicans opportunistically declared that Eleanor Roosevelt was an avid proponent of miscegenation. ALLIDA M. BLACK, CASTING HER OWN SHADOW: ELEANOR ROOSEVELT AND THE SHAPING OF POSTWAR LIBERALISM (1996). Such political pressure may have prompted Eleanor Roosevelt to take the public view that racial intermarriage was best accomplished through legislative and not judicial action.
95 SONG, supra note 2, at 136.
would sound the death knell for Virginia’s interstate bus segregation; she would later discover that her sister Mildred, after her arrest, had implored Eleanor to assist Murray in her plight and have her set free. Mrs. Roosevelt demurred, instead admonishing Murray to obey the law and pursue other, lawful means of change. Murray had her belief that the racial divide could successfully be bridged sorely shaken by Eleanor Roosevelt’s abdication.

Nonetheless, Murray carried herself with aplomb in the jail cell, while awaiting relief. She wrote a detailed—but polite—list of demands for sundries like soap and towels to the jailer; she also wrote a letter to the neighboring male inmates who were heckling she and her fellow female inmate with sexist remarks, explaining to them that they were jailed for a worthy cause and asking for respite from their barbs. The male prisoners obliged, and Murray learned a lesson of the power of firm but polite entreaties to the consciences of others. She was ultimately released on bail and the case dropped. Virginia was unwilling to put its busing laws to the test to determine whether bus travel was deemed within the ambit of nondiscriminatory federal, rather than state laws, and thus the Commonwealth withdrew the charges.

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96 N.Y. TIMES (obituary), supra note 12. One observer notes that Murray’s civil disobedience significantly antedates that of even Martin Luther King: “She protested . . . while Dr. King was still in elementary school.” Gary Reeder, Widening the race picture at Yale, YALE DAILY NEWS, Dec. 2, 1998.

97 SONG, supra note 2, at 147.

98 In another example of the occasional schisms between Murray and Eleanor Roosevelt, in a letter to Roosevelt, Murray questioned the veracity of a statement by Mrs. Roosevelt disavowing advocacy of “social equality.” Eleanor Roosevelt made perfectly clear in a two-page reply that “equal opportunity” was what should be fought for, and not “social egalitarianism.” BLACK, supra note 94.

99 SONG, supra note 2, at 142-46.

100 Murray and legal scholars at the NAACP had hoped this would become a test case by which to urge that certain interstate bus lines be deemed under the jurisdiction of the federal regulation and thus not subject to state segregation laws.
did allow the rule to be put to the test, and indeed the state law was ruled superseded by federal interstate regulations.\textsuperscript{101}

VI. The Waller Case

\textit{For Mack C. Parker}
\textit{(Victim of lynching in Mississippi, 1959)}

\begin{quote}
In the hour of death,
In the day of judgment,

\textit{Good Lord, deliver us!}
\end{quote}

\textit{-The Book of Common Prayer}

\begin{quote}
The cornered and trapped,
The bludgeoned and crushed,
The hideously slain,
Freed from the dreaded waiting,
The tortured body’s pain,
On death’s far shore cast mangled shrouds
To clothe the damned whose fear
Decreed a poisoned harvest,
Garnered a bitter grain.
For these who wear the cloak of shame
Must eat the bread of gall,
Each vainly rubbing the ‘cursed spot
Which brands him Cain.\textsuperscript{102}
\end{quote}

Murray’s tenacious faith that whites too were able to see the injustice of racism, was again sorely tested during the saga of Odell Waller—a sharecropper sentenced to death by an all-white jury, for murdering his landlord in a dispute over the division of their jointly owned wheat crop, despite evidence of self-defense.\textsuperscript{103} The fact that Waller had committed the shooting was undisputed—but serious issues were raised as to whether the killing was premeditated, whether the victim was also armed and whether eyewitness

\textsuperscript{101} \textit{SONG, supra} note 2, at 237-38.
\textsuperscript{102} \textit{DARK TESTAMENT, supra} note 1, at 39.
testimony labeling Waller the aggressor was fabricated.\textsuperscript{104} The case also raised issues as to the justness of the sharecropper system; the confrontation was partly the result of Waller’s frustration over being victimized by a tenant-farmer system where sharecroppers—mostly black—were made to pay extortionate portions of their crops in exchange for the right to farm the land.\textsuperscript{105} Moreover, the Waller case is still viewed as a cornerstone in the anti-death penalty movement.\textsuperscript{106}

Murray began her involvement in the Waller defense in 1940 as a grass roots activist on behalf of the leftist Workers Defense League, traveling door-to-door in Richmond to raise money and awareness for his cause.\textsuperscript{107} However, these travails were largely in vain. Murray realized just how cowed much of the public—black and liberal white—was when it came to inflammatory racial issues, as her appeals for donations were repeatedly rejected.\textsuperscript{108} Again, Murray stepped up, overcoming her own timidity with her measure of eloquence and passion, and successfully entreated a conference of the Negro Ministers Alliance to give money.\textsuperscript{109} She was slated to make an appeal for contributions, but was preceded on the program by Thurgood Marshall and Professor Leon Ransom of Howard Law School, both of whom were soliciting contributions for the Scottsboro Boys’ defense. Murray, in a rare public loss of composure, “dissolved in tears.”\textsuperscript{110} But, recovering swiftly, she retook the podium and moved the assemblage with her words, pillorying the cowardice of the many who had refused to contribute to the

\textsuperscript{103} SONG, supra note 2, at 150-51.
\textsuperscript{105} \textit{Id.}
\textsuperscript{106} \textit{Cf. id.}
\textsuperscript{107} SONG, supra note 2, at 151.
\textsuperscript{108} \textit{Id.} at 158.
\textsuperscript{109} \textit{Id.} at 161.
Waller cause, and appealing to religious principles of charity and justice. The convened ministers were impressed by her sincerity and gave generously.\textsuperscript{111} Later, in 1941, she would embark on a coast-to-coast barnstorming tour along with Waller’s mother to raise national awareness of both Waller’s case and the plight of black sharecroppers\textsuperscript{112}—the money she helped to raise covered filing fees for the entry of an appeal in the Virginia appeal courts, which temporarily stayed the execution.\textsuperscript{113}

Ultimately Murray and Waller’s other benefactors lost both the public relations battle—the governor of Virginia and President Roosevelt both declined to extend clemency—and the legal battle—attorneys lost the court case when the Virginia Supreme Court found no error in the fact that the all-white jury was chosen from poll tax payers, a mostly white segment of Virginia society, nor that Waller was unable to afford adequate trial counsel, and Waller was executed in 1942.\textsuperscript{114} Here though was the genesis of Murray’s legal aspirations, as she recognized the power of the law in effecting change; she was so overwrought with anguish for Waller, and the insensitivity of the legal system toward those too poor to pay,\textsuperscript{115} that she desired to “give others the chance which the ill-

\textsuperscript{110} LINDA K. KERBER, NO CONSTITUTIONAL RIGHT TO BE LADIES: WOMEN AND THE OBLIGATIONS OF CITIZENSHIP, 186-87 (1998).
\textsuperscript{111} SONG, supra note 2, at 162.
\textsuperscript{112} Sharecroppers were routinely exploited by the white Southern landowners who rented them their land in exchange for extortionate shares of their crops.
\textsuperscript{113} Id. at 164–65.
\textsuperscript{114} This occurred in spite the assiduous efforts of Eleanor Roosevelt, who lobbied both her husband and the governor of Virginia for a commutation. BLACK, supra note 94.
\textsuperscript{115} DARK TESTAMENT, supra note 1, at 3–4 (introduction by Morris Milgram) Waller wrote, in his final statement before his death, “[H]ave you ever thought about some people are allowed a chance over and over again? Then there are others who are allowed little chance, and some no chance at all?” Moreover, also reinforcing Murray’s belief that she could personally effect change as an attorney, it was a legal technicality, the failure of inexperienced counsel to preserve constitutional claims for the record on appeal, that preordained the denial of Waller’s claim for relief by the Virginia Supreme Court, which failed to look beyond legal formalism and into the realities of life for poor sharecroppers. \textit{Id}. 
fated sharecropper did not have,”\textsuperscript{116} by herself embarking on a legal career by which she could provide assistance to those to poor to pay.

Her persuasive prose, which would later be a great asset as an attorney, was so well-respected even at the time of the Waller execution, that civil rights giant A. Philip Randolph requested that Murray write a letter to President Roosevelt on behalf of various leaders outraged at Waller’s execution—FDR had refused to halt the execution despite Randolph’s personal, last-minute plea.\textsuperscript{117} In her letter, Murray spoke of the “complete disillusionment and embittered resentment of the Negro masses.” According to Murray’s letter, Waller’s execution signaled “the barbarous forces in this country to renew the unleashing of their hatred upon the Negro people.”\textsuperscript{118} But Murray was more judicious a rhetorician, and more compassionate a citizen, than to allow her fierce anger to predominate the letter. She interposed a plea to “enlightened public opinion in America” not to permit a certain class of Southerners to hold sway in dictating racial policy.\textsuperscript{119}

But in addition to the letter written for Randolph, Murray, in the summer of 1942, undertook her own letter, more strident in its language, the embodiment of the anger teeming within her. Therein she excoriated the president’s policy toward alleviating conditions of black Southerners, particularly his failure to protect them from lynchings; and the president’s misconceived interment of Japanese-Americans.\textsuperscript{120} She intimated that the black vote might not be assured to Roosevelt in the upcoming election. Eleanor, who forwarded the letter to FDR, herself wrote an angry retort, accusing Murray of recklessness, and of ignorance of the political realities faced by the president, which

\textsuperscript{116} DARK TESTAMENT, supra note 1, at 4 (introduction by Morris Milgram).
\textsuperscript{117} SONG, supra note 2, at 174.
\textsuperscript{118} Id. at 174.
\textsuperscript{119} Id. at 175.
\textsuperscript{120}
compelled him to act as he did. Murray, in her counterpoint, returned to her customary
equanimity, and conceded the first letter was written in anger, while noting the anger was
a byproduct of the frustration of herself and others who saw FDR’s efficacy on the war
front, and could not “understand why he does not use this power more vigorously” to
fight racism at home. She wondered how the United States could hope to be a moral
force internationally when it had “dirty hands” on domestic race relations. Murray, in
taking this conciliatory stance, may have helped bridge the age gulf separating her and
Eleanor, by recognizing the trepidation and conservatism that constrained the elder
politicians. She would later achieve peace with Mrs. Roosevelt, when the two met at
Eleanor’s behest, reaffirming Murray’s faith in people of all races to pursue justice.
Warmly received with an embrace by Eleanor, the two parted as friends, although their
periodic conflicts, with Murray always pressing for faster change, would continue
throughout their friendship.

VII. The Decision to Become a Lawyer

Decry, as you must, this frenzied world,
Thunder your wrath around the curve of earth
That flesh must cry of hunger, breeding flesh
To feed the mouth of flame. Decry the lean
Of lips to lips unclean, the sodden streets

120 Id. at 189.
121 Id. at 190-91.
122 Id. at 191.
123 Id. at 191.
124 Murray captured the incommensurability of the generation gap in her poem “Youth to Age”: “Aged one
and wise./Were you twenty-two again/Would you risk all for fame?/Conform?/Or go your way alone?/But
how can you reply, being seventy-two?/Your path is fogged with memories/As mine with fears.” DARK
TESTAMENT, supra note 1, at 50.
125 True to form, shortly after their face-to-face meeting, the two were again at loggerheads—this time as a
result of Murray’s support of independence movements in Lithuania and India, resisted by their respective
occupiers, Russia and Britain. Eleanor maintained that Russia and Britain were too critical to the formation
of the then-fledgling United Nations to risk offending, and she thus urged Murray to rein in her angry
rhetoric. SONG, supra note 2, 194-95.
And hunger-twisted children, and all the shame
And ugliness of greed and hate.

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Whatever is good
Does not always cry with the color of banners
Or shout with the thunder of drums,
Or rush on wings of cannon—
It sometimes descends, slowly, at night
Or grows in silence as the lifting dawn.

-Excerpt from the poem “To Poets Who Have Rebelled”

As her poem attests, Murray was torn in her decision to become a lawyer, between the hopeless but impassioned idealism of a poet, and the workaday fight for meaningful staples of change of a civil rights attorney. The chance to effect social change by harnessing her writing skill to persuade and move the hearts of others ultimately drew her to legal studies, rather than to creative writing, at which she also excelled. The entire Waller saga greatly influenced her. While stumping on behalf of Odell Waller, during her address to the Negro Ministers Alliance, her words clearly impressed Leon Ransom, professor at Howard Law, for, at a meeting between him and Murray afterwards, she was offered a fellowship to Howard Law School. Murray recognized the importance of legal expertise to her hopes of being a successful civil rights advocate: “Well, if I’m going to be messing around on these cases,” she said to Ransom, “I might as well study law.” “Come on, we’d love to have you,” Ransom

126 DARK TESTAMENT, supra note 1, at 58-59.
127 Murray noted many “parallels between poetry and law. In both cases you have to employ the language with precision.” Id. at 102 (author’s biography, quoting Murray).
128 In fact Murray was under the tutelage of famous author Stephen Vincent Benet, who corresponded with Murray and offered her helpful criticism while extolling the potential he saw in her fiction. Further epitomizing her creative writing talent—and hence the gravity of her decision to become a lawyer in lieu of a poet—she was also considered a protégé of the poet Langston Hughes. Boodman, supra note 4.
129 See note 111, supra and accompanying text.
130 KERBER, supra note 110, at 185-99.
replied. But her plans to become a lawyer did not fully crystallize until, in 1941, she was forced to use a side entrance reserved for blacks at a funeral home in New York City. If even a “cosmopolitan” mecca like New York knew the taint of segregation, surely her services were needed as a civil rights attorney, to help bring institutional racism to an end.

Thus Murray enrolled at Howard Law School in Washington, D.C. in September of 1941 and studied there among a renowned faculty, including many stalwarts in the legal battle against segregation. Among them were Howard Jenkins, one of the writers of the *Brown v. Board of Education* briefs, a leader of several black labor organizations, and later the first black member of the National Labor Relations Board; James Madison Nabrit, Jr., who would later become a United States delegate to the United Nations; Dean William H. Hastie, who would later become a United States appellate judge in the Third Circuit; and Spottswood Robinson, who would later be the NAACP chief counsel and eventually the first African-American appointed to the District of Columbia Circuit.

Murray maintained that the single decisive reason for her enrollment in law school was to bring about the end of Jim Crow segregation. During her final semester, in a seminar with Professor Leon A. Ransom, Murray crafted a paper advocating a frontal assault on the *Plessy* doctrine, an attack which would dispute the *per se* viability of separate but equal, rather than adopting the contemporary practice of the NAACP to contest separate but equal piecemeal, arguing case-by-case that putatively equal facilities were unequal. Murray propounded that segregation was inherently unequal. Scorned by classmates, and

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131 *Id.*
132 *Id.* at 183.
133 *Id.* at 183.
134 *Id.* at 221.
some professors, Murray’s endeavor was not vindicated until years later, when the NAACP adopted her approach in *Brown v. Board of Education*, and, she was to learn, borrowed arguments from her very seminar paper. Murray wagered ten dollars with Professor Spottswood Robinson that Plessy would be overturned within 25 years—which she won, when *Brown* was handed down just ten years later.

While at Howard, among this liberal faculty, Murray learned once again the private sting of bigotry; but this time, among a largely African American student body, the bias was directed against her as a woman. After graduating she reminisced: “I entered law school preoccupied with the racial struggle and single-mindedly bent upon becoming a civil rights lawyer but I graduated an unabashed feminist as well.” No longer overshadowed by racism, Murray was stunned by the formal, and unchallenged sexism, which excluded women from fraternities and legal honor societies. When Murray first began her legal studies, one professor said openly that he didn’t know why women went to law school, but that since they were there, he guessed the men would just have to put up with it. Murray then resolved—and not idly—to be the top student in her class. Only by consistently proving herself the smartest, achieving the highest grades, and by publishing an article condemning the racism suffered by returning black soldiers, was Murray able to achieve even grudging respect from her peers and instructors. Murray likened her training to that of an athlete, dedicating her every waking moment to her legal studies.

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135 *Id.* at 221.
136 *Id.* at 222.
137 *Id.* at 183-84.
Hence, unsurprisingly, her exam grades for her first semester were exemplary; not only did Murray’s achievement exceed that of her classmates, she far outdistanced them, scoring a 95 in one class—the next highest was an 85 and no one else had above a 70.\textsuperscript{140} Although there remained naysayers, intransigent in their sexist attitudes, the opposition of most of the male students withered in the fact of Murray’s luminous grades, and she was elected Chief Justice of the formerly male-only legal fraternity the Court of Peers, a prestigious honor society.\textsuperscript{141} She graduated cum laude, first in her class.\textsuperscript{142}

Shaken by the sexism at law school, Murray nonetheless maintained her activism concerning racial desegregation, mounting protests in Washington, D.C. seeking to overturn regulations which excluded blacks from counter service and other amenities—protests which, like so much of Murray’s work, would foreshadow civil disobedience in furtherance of civil rights in the 1960s.\textsuperscript{143} In fact, Murray was one of the leaders of a notable protest where fifty African-American students endured the taunts and slings of hecklers and sat stoically in an all-white D.C. diner until they were served – the first time a downtown whites-only restaurant served black customers.\textsuperscript{145}

VIII. Harnessing the Rage: Murray Inveighs Against Racism and Sexism

\textit{Conflict}

\textit{Some day the poet and warrior}
\textit{Who grapple in my brain}
\textit{Shall lock in final contest}
\textit{And I will be ground under.}

\textsuperscript{140} SONG, supra note 2, at 219.
\textsuperscript{141} Id. at 219.
\textsuperscript{142} DARK TESTAMENT, supra note 1, at 4 (Introduction by Morris Milgram).
\textsuperscript{144} See Jack E. White, Civil Rights and Wrongs, TIME CANADA, Apr. 2, 2001; Giddings, supra note 14.
\textsuperscript{145} OLSON, supra note 143.
For I must sing, and yet
I wield a sword whose point
Shall find my breast when all is done.146

The mob [was] made up of a collection of little individuals, each of whom carried in
the back of his mind the burning image of some injustice the “white man” had done to
him, or to his mother, or his sister, or his brother in the armed forces. . . .

-Murray, on the Harlem Riots
-Excerpt from the Morning Call newspaper147

During her summer break from law school, Murray was in New York—living in a
Bronx slum, working as a waitress and writing poetry148—and saw first-hand walking
down 125th Street the devastation wrought by the Harlem race riots in 1943,149 both on
the streets and storefronts, and on the hopeless visages of the rioters. Without endorsing
the conduct, her above-quoted article for the Morning Call newspaper reflected her
sympathy for the cause of the rioters, who had suffered so many injuries at the hands of
whites; to Murray, it was no surprise when they scapegoated the businesses of white
owners that were razed during the uprising.150 That summer of the riots, Murray once
more endured angst over her career choice. This time, though, the choice lay not between
lawyer and ascetic poet, but between lawyer and radical activist. She felt the rioter’s rage
to strike out at their oppressors.151 But again Murray chose the path of incremental

146 DARK TESTAMENT, supra note 1, at 70.
147 SONG, supra note 2, at 213, quoting Murray’s article in the Socialist Call.
148 DARK TESTAMENT, supra note 1, at 4 (introduction by Morris Milgram).
149 SONG, supra note 2, at 213.
150 Recall Murray’s self awareness of race-based anger, which grew out of her own rage toward her father’s
Polish killer. See note 51, supra, and accompanying text.
151 SONG, supra note 2, at 213. That same summer, during a visit home to North Carolina to see her family
doctor, Murray’s frustration with the racial customs of the South reached their zenith. Referred for
treatment by her doctor to the white-only Duke medical center, the doctor there refused to treat her because
of her association with Eleanor Roosevelt and the growing panic that Eleanor was exhorting blacks to
engage in uprisings against whites. Murray declared to Aunt Pauline that she was finally finished with the
South. Id. at 210-11.
change, and redoubled her commitment to law school and the whispered promise of reform, rather than outright rebellion.

Upon her graduation in 1944, Dean William H. Hastie of Howard Law School himself urged that Murray pursue graduate study in the law, with a view toward teaching law. \textsuperscript{152} The sexist antics of the Howard legal fraternity could scarcely have prepared Murray for the blow that was to come. Harvard Law School’s graduate program, by a terse note from its dean, denied Murray admission because she was not “of the sex entitled to be admitted.”\textsuperscript{153} Murray then marshaled her allies on the Howard faculty with ties to Harvard and began her impassioned appeal to Harvard’s sense of reasonableness—with a measure of tart sarcasm thrown in. Her letter to Harvard’s parent body, the Harvard Corporation, noted that “[w]omen are practicing before the Supreme Court, they have become good judges and good lawyers, they are represented on the President’s Cabinet . . . . A spot-check on memory would indicate there are only four important places they are not now holding—(1) As graduates of Harvard University, (2) as President of the United States, (3) as a member of the United States Supreme Court, and (4) as workers in the mines.”\textsuperscript{154} Even the benign prodding of President Roosevelt, at the behest of Eleanor whom Murray had made aware of her plight, could not deter Harvard from its 300-year old policy of sexism. \textsuperscript{155} But Murray was to learn that her suasion, although it did not break down the barrier for her, led to a 7-7 split among the Harvard faculty as to whether to admit women, and prompted Harvard to admit women to its medical school in

\begin{footnotes}
\item[152] Id. at 238.
\item[153] Id. at 239.
\item[154] Id. at 241.
\item[155] Id. at 241.
\end{footnotes}
1945. Murray, meanwhile, enrolled at Boalt Hall Law School in Berkeley, California.

IX. California—More Hardships

_I did not know when I had climbed the hill_  
_Past cruel rocks and thorny underbrush_  
_That I should find so desolate a place._

_Excerpt from the poem “For Pan”_158

Murray’s formidable talents and work ethic were put to the test at Boalt. Under the tutelage of Barbara Nachtrieb Armstrong, one of the preeminent women attorneys in the country, Murray’s resolve to be a legal scholar was challenged. Armstrong refused to permit Murray to matriculate in a bar preparation course because it might distract her from her graduate studies, and she openly questioned Murray’s mental and physical ability to complete her doctoral thesis on equal opportunity, upbraiding Murray at every opportunity. Murray, who had overcome so many obstacles, had earned little deference in the legal field. Moreover, her lack of law review experience made the thesis-writing all the more difficult. But, through a grueling work regimen, she not only successfully wrote and published her thesis, titled “The Right to Equal Opportunity in Employment” in 1945, and passed the California bar exam after three weeks of self-directed study unbeknownst to Armstrong, but also succeeded in eliciting high praise and

156 _Id._ at 244.
157 _Id._ at 246.
158 _DARK TESTAMENT, supra_ note 1, at 86.
160 _SONG, supra_ note 2, at 262.
a glowing recommendation from Armstrong who touted Murray’s “exceptional competence [and] capacity for hard work.”\textsuperscript{161}

Moreover, California did not offer Murray the egalitarian paradise it seemed to promise. Although it did not have the same oppressive racial customs as the East, there were other manifestations of discrimination. Murray, who lived at Boalt’s international living facility, met scholars of varying nationalities, who each spoke of his or her own unique experiences with a xenophobic California public.\textsuperscript{162} Murray’s friend, Dr. Caroline Ware recalled that Murray, upon learning of the difficulties Japanese-Americans were having in reclaiming their property after internment, “wrote the attorney general [of California] to protest and he wrote back citing all sorts of law, so she rallied the Berkeley law school faculty and made a huge fuss.”\textsuperscript{163} And soon after, the Attorney General, impressed by Murray’s thesis at Boalt, would offer her the position of Assistant Attorney General for the state of California; she accepted and began work in 1946, the first African-American to work in the California Attorney general’s office.\textsuperscript{164}

And, even after so many years of personal struggle, Murray had not earned a respite from hardship in her personal life either: she took ill herself later in 1946, as did her Aunt Pauline. She was compelled by these twin blights to resign her position with the state and head back to the East Coast, where she could better care for her aunt and herself.\textsuperscript{165}

\begin{footnotes}
\item[161] Id. at 264.
\item[162] One Japanese-American friend spoke about her baleful experiences being transplanted from her West Coast home to an internment camp in Arizona. Id. at 260.
\item[163] Boodman, \textit{supra} note 4.
\item[164] \textit{SONG}, \textit{supra} note 2, at 264.
\item[165] Id. at 265.
\end{footnotes}
After attending to her own and her aunt’s health, Murray subsequently forayed into the cutthroat New York City legal market, a market which catered to Ivy League graduates and federal judicial clerks, and for which blacks and women scarcely merited notice. Even liberal firms would not hire Murray, for fear of offending some client because of Murray’s race or gender. Once more, just like in Murray’s days with the WPA, progressive New York society suffered one of its most talented black women to endure stopgap jobs, including waiting tables, just to make ends meet. She found temporary work with the American Jewish Congress and eventually found semi-permanent work in 1947 as a clerk at a small criminal practice, where Murray barely made enough money to survive in hardscrabble New York.

X. The City Council Run

*Harlem Riot, 1943*

*Not by hammering the furious word,*  
*Nor bread stamped in the streets,*  
*Nor milk emptied in gutter,*  
*Shall we gain the gates of the city.*

*But I am a prophet without eyes to see;*  
*I do not know how we shall gain the gates of the city.*

New York, for Murray, must have epitomized the American paradox. Where else could a woman of her amazing talents be forced to eke out such a meager living, while at

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166 Id. at 270-71.  
167 DARK TESTAMENT, supra note 1, at 4 (introduction by Morris Milgram).  
168 SONG, supra note 2, at 273.  
169 DARK TESTAMENT, supra note 1, at 35. Written in the wake of the riots, the poem reflects Murray’s frustration with the seemingly intractable barriers to black political and legal enfranchisement, barriers which she herself endeavored to surmount. See notes 172 and 175, infra and accompanying text.
the same time be given the opportunity to run for political office and score a respectable share of votes in a predominantly white working class district? Despite her embittered despondency over how to improve the plight of urban blacks in her poem *Harlem Riot*, Murray continued to advocate for political, rather than violent change—both by performing legal work for poor and minority clients, and later by campaigning as a political candidate on a reform platform—in the effort, however vain, to “gain the gates of the city.”

During her career as a practitioner in New York City, Murray would represent both prostitutes and fellow attorneys. And she would discover that racism and sexism pervaded the legal system—both in its treatment of minority women offenders, and in its treatment of minority women lawyers. After passing the New York bar, she left her clerk’s position and was employed as an attorney in a small Lower Manhattan law office. While practicing law there, Murray was incensed by a sexist judge during an appearance on behalf of two alleged prostitutes in magistrate’s court. The prosecution shamelessly plea bargained away any jail time for the male offenders in exchange for their testimony against the alleged prostitutes. Adding insult to injury, one of the witnesses misidentified Murray, rather than the client sitting next to her, as the prostitute, yet the judge refused to dismiss the charges because of the inability to produce an uncontroverted identification of the accused. Moreover, the male judge dismissed Murray’s appeals to fairness that it was unjust to free the male defendants without jail time while incarcerating the woman.

Later, Murray would represent a fellow black woman attorney before the bar disciplinary committee. Faced with disbarment over her misappropriation of client funds, Indeed, she herself could barely earn a living wage because of this disdain of the legal profession toward blacks and women. *SONG*, *supra* note 2, at 272.
Murray successfully convinced the committee to levy a strict censure while averting more severe punishment. She eloquently argued – in part from her own experience – the unique difficulties faced by minority attorneys representing poor, black clienteles, and how the poverty of black attorneys often matched that of their clients. Murray’s transcendent, persuasive entreaties moved the committee, made up of successful white male attorneys, to give a reduced punishment based on exigent circumstances.

Murray, meanwhile, received a dose of the same impoverishment that gripped her client: in 1946 her Aunt Pauline and Aunt Sallie were living with Murray in her Brooklyn apartment where Murray could care for them as they aged. Cramped quarters and the frustration of living hand-to-mouth, perpetually on the brink of destitution took their toll on Murray. Murray found her solace in new friendships and new causes. Her friend Maida Springer, a native Panamanian and ILGWU activist, was a source of solace. In 1948 she convinced Murray to run for political office as the Liberal Party candidate for a city council seat for one of New York City’s Brooklyn districts. Maida managed the campaign, mounted in a ward of 100,000 which spanned both black and white neighborhoods, but which was dominated by white working class voters, whom, Murray conceded, were unlikely to vote for a black woman newcomer to the political stage—hence, putting Murray’s avowed racial universalism to the test. But she was undaunted by that fact, or her own party’s pessimism—the Liberal Party had little hope for her candidacy, but merely wanted her to raise visibility for other candidates on

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171 Id. at 274.
172 Id. at 276-77
173 In 1946 Aunt Pauline and Aunt Sallie had sold their Durham residence and moved to New York. Murray, however, did not forget the town of her youth and frequently paid visits there, testing the boundaries of its racial oppressiveness by bobbing her hair, smoking cigarettes and protesting in the streets until she became a local legend. WILSON, supra note 14, at 292.
174 International Ladies Garment Workers Union.
the party slate. Marshaling her demure charm, and her ability to reach out across racial and class lines, Murray, though she lost, doubled the number of votes the Liberal party candidate had received in the last city council election, polling 17 percent, and perhaps won a private victory by proving that a black woman could successfully win white votes.  

Modest financial success began to find Murray in 1949 when she was retained by the Methodist Church to author a compendium of state laws—both customary and statutory—on race. The undertaking proved more voluminous than Murray had first envisioned, filling 746 pages of text and resulting in her first published book, States’ Laws on Race and Color in 1951. Thurgood Marshall would later refer to it as his bible with respect to the state-by-state civil rights litigation in which the NAACP was then engaged.

XI. More Prejudice to Overcome: Murray Turns to Her Family Legacy for Strength

Following World War II, fear of subversion has led to broader legal restrictions upon political expression. These restrictions include the denial of privileges or positions of influence to alleged subversives [and] loyalty-security qualifications for employment. Excerpt from Human Rights U.S.A.: 1948-1966

Murray was disenfranchised by yet another form of bigotry in 1952. Primed to accept an international position with the State Department which would entail research and assistance for the establishment of legal institutions in Liberia, political tides abruptly scuttled the assignation. The work was to be done under the auspices of Cornell

175 SONG, supra note 2, at 278-80.
176 Id. at 282.
177 Id. at 283-84.
178 Id. at 289.
179 HUMAN RIGHTS, supra note 76, at 39.
University, which would have been Murray’s employer. However, in the era of McCarthyism, the Cornell authorities blanched at the idea of someone of such radical credentials holding this position, and sought some conservative references to leaven her leftist resume and make it more palatable to conservative trustees.\footnote{\textit{Song, supra} note 2, at 295.} No conservative recommendations forthcoming, Cornell rejected Murray on the basis of “past associations.” Angered by the rationale, since Murray’s past associations were radical only in the sense they were tireless civil rights activists, and frustrated by the loss of such a prestigious post, Murray turned to a new project, wherein she could tap this anger, and put it to use.\footnote{This despite the fact that, among Murray’s recommenders were a Third Circuit judge, Eleanor Roosevelt, Thurgood Marshall and A. Philip Randolph. \textit{Id.} at 296.}

Having had her patriotism questioned, Murray “found it imperative to declare [her] American heritage,” by writing a history of her maternal lineage.\footnote{\textit{Id.} at 298.} As to her efforts as a black person to trace her family history, Murray noted, “I began years before Alex Haley did. I’m always ahead of my time.”\footnote{\textit{Wilson, supra} note 14, at 290.} The result was the book \textit{Proud Shoes}, a compendium of rich and detailed tales culled from childhood recollections of her prolix grandparents’ storytelling, and from Murray’s contemporary interviews with friends and relations.\footnote{\textit{Boodman, supra} note 4.} The book was an implicit tribute to patriotism and pride in Murray’s multicultural—but thoroughly American—heritage. As she would recount in \textit{Proud Shoes}, this pride animated Murray’s grandfather, Robert Fitzgerald,\footnote{Consistent with her steadfast work ethic, Murray sat on the floors of interviewees’ homes for hours talking about her family history in preparation for the book. See Perry Young, \textit{That old house, Chapel Hill Herald}, June 8, 1996, at 4.} the son of a white woman and a mixed Irish and black freed slave, to join the Union forces in the Civil War.
Grandfather Fitzgerald, inspired greatly by a white Quaker from his childhood in Delaware who risked life and wealth to assist the underground railroad,187 was determined to vindicate his own patriotism and claim full citizenship for blacks by proving their willingness to fight for the flag. Murray wrote that Fitzgerald “knew that the blue uniform of the United States was the greatest of all prizes to be won, since those who wore it with honor in defense of their country could no longer be denied the right of citizenship.”188 However, early in the war, partly as a result of prejudice by soldiers who would not serve with blacks, and a widely held belief that blacks were not capable soldiers, African-Americans were denied the right to serve in the Union military. Undaunted, Fitzgerald joined the Quartermasters’ corps, and assisted the war effort in a non-military capacity by building bridges, driving horses and cooking meals.189 Slowly, Robert Fitzgerald and others like him “wore down the resistance to the idea of Negroes in Yankee uniforms.”190 The public became convinced of the need for black soldiers, and their ability to perform as well as white soldiers, and black volunteers were eventually accepted; soon after the announcement by the War Department, Robert joined the Union navy and served on a navy ship. Later in his life, after leaving the navy, he traveled to North Carolina along with his father and brothers, to serve as missionaries and educators to the newly free black population; there he would eventually teach school and would meet and marry Cornelia Smith, Murray’s grandmother.

The book also grappled with the manifold racial ironies of Grandmother Fitzgerald’s forbears in North Carolina. Cornelia’s mother was a part-Cherokee slave

186 PROUD SHOES, supra note 31, at 83-84.
187 Id. at 86.
188 Id. at 114.
189 Id. at 118.
who was raped by Sidney Smith, the white brother of the plantation mistress Mary Smith. Thus, Cornelia Smith was the child of slave and slaveowner. Ironically, she was raised in the very home of Mary Smith, as a member of the white plantation family. Mary Smith, despite shame and ambivalence over the black child in her family, had Cornelia baptized in the Episcopal church and left her an inheritance in cash and land. Despite the baleful circumstances of her conception, Cornelia Smith loved and admired her father. In turn, Sidney Smith, who over time became an advocate of emancipation and a secret supporter of the Union during the Civil War, loved his loyal, quick-witted daughter dearly and taught her to read and to reject the yoke of ignorance that came with slavery. Yet the fact that Sidney Smith himself was a slaveowner imputed a terrible paradox into all that he taught to Cornelia, contradicting all his high-flown talk of equality. Moreover, Cornelia was ill-prepared by her father’s nurturing for society’s racism, which classified Cornelia as inferior based on her black ancestry, without regard for her education or family pedigree:

Although a slaveowner himself after his father died, Sidney nurtured in his own daughter a rebellion against everything Negro slavery encompassed. He instilled in her that she was inferior to nobody. He gave her pride in her . . . ancestry. [H]e told her that she was an octoroon and could therefore marry into either race if she chose. He tried to protect her from the wounds of slavery by making her believe the one-eighth nonwhite ancestry was Indian instead of Negro. He made it impossible for her to adjust to her later Negro status and yet he could not offer the recognition to support the notions he planted in her fertile mind.  

Yet, despite the complicated relationship of blacks and whites in Murray’s genealogy, and the complicity of whites in both the triumphs and nadirs of the family saga, Murray’s family possessed an inveterate patriotism:

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190 Id. at 123.
191 Id. at 51.
Grandfather and my aunts considered themselves part of the noblest of professions—schoolteaching—a profession allied with feelings of deepest patriotism. Aunt Pauline’s classroom walls were full of American flags, pictures of American Presidents, and a print of the famous Spirit of ’76. I regularly attended church every Sunday where prayers were offered for the “President of the united States and all others in civil authority.” Yet, for all their patriotism, the somber fact remained that until the three [dilapidated and inferior] Negro schools of Durham in my childhood . . . all burned to the ground . . . the colored children got no new buildings.

Murray disdained her elders’ patriotism during much of her childhood, refusing to recite the Pledge of Allegiance in school at age six. But, upon Grandfather Fitzgerald’s death, gazing at the American flag posted at his grave, bordered by many Confederate flags at the graves in the neighboring white cemetary, Murray reflected: “[U]pon this lone flag I hung my nativity and the right to claim my heritage. It bore mute testimony to the irrefutable fact that I was an American and it helped to negate in my mind the signs and symbols of inferiority and apartness.” Her family’s struggle to win a spot for themselves and all blacks in American society stood, in Murray’s mind, as a refutation of Cornell’s implied accusation of anti-Americanism.

In 1955, *Proud Shoes* would be completed, receiving critical praise.\(^{192}\) That same year, Aunt Pauline died, shortly after being comforted by Murray who prayed at her bedside.\(^{193}\) Following the modest success of *Proud Shoes*, Murray was recommended for hire by the New York firm Paul, Weiss, Rifkind, Wharton & Garrison by her longtime friend and mentor Lloyd Garrison, former dean of Wisconsin Law School and a partner at the firm, who had previously taken up Murray’s cause in urging Harvard Law School to


\(^{193}\) SONG, *supra* note 2, at 304.
accept her for graduate study. She worked at Paul, Weiss from 1956 to 1960.194 She was the only female attorney with the “clubby Manhattan firm.”195

Beset by apprehension about doing run of the mill legal work after being so long in the esoterica of academics and writing, she nonetheless took the position and proved herself quite able, impressing fellow attorneys and, through hard work and relearning from scratch many of the fundamentals of practice, earned the respect of the firm’s prestigious partners. But always lurking in the background was the specter of racism; on occasion Murray was mistaken for a secretary or other subordinate just because of the color of her skin. In the late 1950s Murray spent a year away from legal practice at the MacDowell Colony in New Hampshire, a haven for artists where notables such as composer Aaron Copland went for retreat, indulging her not-forgotten artistic side anew.196

XII. Africa

_Free earth hungered for free men but
Free men soon hungered for gold._
_Planters bargained with traders,
   _Traders bargained with slavers,_
_Slavers turned toward Africa._
The dream was lost in the quest for gold.

_The men of Africa were stalwart men,_
_Tough as hickory deep in their primal forests,_
_Their skins the color of tree bark—_
_Ebony, bamboo, cocoanut, mango—_
_Their hair was thick with jungle,_
_Their eyes were dark as star-fed night._
_They were sly and cunning, fearless and cool._

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194 N.Y.TIMES (obituary), supra note 12. In her final year at the firm she was admitted to practice before the United States Supreme Court. _Id_.
196 _Id_.

44
They knew the cry of every forest bird and beast.

-Excerpt from the poem “Dark Testament”197

Murray left Paul, Weiss to accept a teaching position in Africa. Her trip was commissioned by the Ghana Board of Legal Education in 1959 to teach American law to students in Ghana.198 Murray’s trip also carried grave significance for her private esteem; she needed resounding proof that, in Africa, there existed some antecedent nobility among its native inhabitants, to validate her self-worth as a descendent of Africans and to defeat her persistent sense of inferiority.199 The most profound curse of American racism was the near-indelible stain it left on the psyches of black people—Murray had internalized many of the racist notions she fought so hard to eradicate. In a letter home she wrote, “I came to Africa . . . to see for myself black people in their own homeland and come to grips with the pervasive myth that stigmatizes all people of discernible African descent in the United States.”200 Murray realized that, through slavery, black people were not only the victims of brutal physical oppression, but were stripped of the kind of proud ethnic heritage which was the potential source of so much strength and pride.

In Ghana, she was offered the services of a young man named Yaro Akare. Although hesitant at the idea of a personal servant, she acquiesced at the urging of her faculty peers, since the hiring of servants by foreign professionals was considered instrumental to the local economy.201 She was well-impressed by his bearing and

197 DARK TESTAMENT, supra note 1, at 14.
198 SONG, supra note 2, at 318.
199 See note 45, supra and accompanying text, suggesting the inculcation of inferiority in Murray at an early age.
200 SONG, supra note 2, at 328.
201 Id. at 325-26.
absence of obsequiousness. She also found her school class, though woefully lacking in fundamental reading and writing skills, to be remarkably adaptable students. She thrilled at how they passionately debated the great issues of American jurisprudence. However, Murray’s very success in teaching constitutional law in a country where basic freedoms were daily menaced by the government, sowed the seeds of her expulsion from that country. 202 Moreover, as Ghana-United States relations worsened during that time, all Americans in Ghana were viewed suspiciously. On one occasion, members of a government surveillance team attended her class. Such pressure by President Nkrumah of Ghana, who saw Murray and her teachings of American democracy as a threat to his increasingly dictatorship-like regime, forced Murray to consider a premature departure from Ghana. 203 Hence, when visited by a travelling Yale professor who invited her to study and teach there, Murray took the offer and made plans to depart Ghana. 204

During her travels in Africa, she noted the proud bearing of even the poorest among the Ghanaians, who were never subjected to the institutionalized shame of American blacks. 205 But through her research she also learned of the complicity of many native Africans in the slave trade. The symbolic import of this discovery was that Murray could no longer rely on some romanticized idea of racial nobility. 206 Moreover, she realized that she was different from the native Africans by virtue of her exposure to American polyglot culture: “I am the product of a new history which began on African shores but which [has undergone] such radical changes in a new environment that over

202 Id. at 336-38.
203 Von Salis, supra note 28.
204 SONG, supra note 2, at 339.
205 SONG, supra note 2, at 330.
206 Id. at 331.
time it produced a new identity,” Murray wrote in a letter home.\textsuperscript{207} For Murray, the font of dignity for African Americans lay somewhere in their own unique, cross-pollinated heritage. The profundity of Murray’s work and dedication to teaching the Ghanaians, and her belief in their innate abilities despite lack of formal education, became clear when a former student was accepted to graduate study at Northwestern University.\textsuperscript{208}

XIII. Yale and NOW

That manifestations of racial prejudice have been more brutal than the more subtle manifestations of prejudice by reason of sex in no way diminishes the force of the equally obvious fact that the rights of women and the rights of Negroes are only different phases of the fundamental and indivisible issue of human rights.

\textit{-Excerpt from law review article, “Jane Crow and the Law”\textsuperscript{209}}

Leaving Ghana, Murray was ushered into Yale’s doctoral studies program in 1962. Yale’s recruiters, impressed by her credentials, allayed her concerns that she was too old to re-attend school.\textsuperscript{210} There, she began by conducting research on human rights in Africa, but later shifted her focus to domestic racial policies; her thesis was entitled, “Roots of the Racial Crisis: Prologue to Policy.”\textsuperscript{211}

While simultaneously studying at Yale, Murray was invited to serve on the Committee on Civil and Political Rights, established by President Kennedy, in the spring of 1962. Murray’s role on the committee was to survey the law and to recommend ways to overturn so-called “protective” legislation for women, which was in fact oppressive

\textsuperscript{207} \textit{Id.} at 334.
\textsuperscript{208} \textit{Id.} at 346.
\textsuperscript{209} Murray and Eastwood, \textit{supra} note 17, at 235.
\textsuperscript{210} SONG, \textit{supra} note 2, at 345. Age was yet another battleground for Murray, who fought against her own internalized stereotypes about age, and too made elderly rights a public campaign as she championed those rights in own later years. Sara Jost, \textit{Mighty American women of the 20\textsuperscript{th} Century}. THE CALIFORNIA AGgie ONLINE, Mar. 13, 2000.
\textsuperscript{211} SONG, \textit{supra} note 2, at 347.
paternalism in benign guise.\textsuperscript{212} As a member she doubted the efficacy of efforts to enact an Equal Rights Amendment (which she nonetheless supported), and chose a pragmatic course instead, suggesting that “women should go through the courts - the way blacks were doing - rather than try to amend the constitution,” under the banner of the Fourteenth Amendment.\textsuperscript{213} Murray further proposed test cases be brought under the aegis of the equal protection clause to upend sex-based discriminatory laws in the same way the clause had been used against race-based discrimination.\textsuperscript{214} In 1962, in a paper to the Committee, Murray observed many parallels between race and sex-based discrimination, including the misbegotten but popular idea that keeping blacks and women in their preordained “place” was actually a boon to them, rather than a stultifying blight.\textsuperscript{215} Murray also argued that the Supreme Court’s holding in \textit{Muller v. Oregon} which superficially upheld gender based classifications, could be distinguished as a narrow instance where concern over \textit{bona fide} differences in the sexes justified sex-based legal classification on a functional basis; but that this doctrine was not to be applied mechanistically and instead courts must remain cognizant of putatively benign differences in classification which were in fact based upon stereotypes.\textsuperscript{216}

In 1965 Murray completed her doctoral work and became the first black person to attain a Doctorate of Juridical Science at Yale.\textsuperscript{217} Ironically, she could not secure a teaching position because of the pervasive antipathy toward women instructors at most

\textsuperscript{212} Sunshine for Women, \textit{Pauli Murray (1910-1985)} (2001). Murray observed that gender bias in jury service and education were the “greatest impediments to women’s legal equality.” \textit{Id.}
\textsuperscript{213} PATERSON, supra note 16, at 135.
\textsuperscript{214} SONG, \textit{supra} note 2, at 351.
\textsuperscript{216} Id. at 226.
\textsuperscript{217} Reeder, \textit{supra} note 96.
law schools. In the interim after her graduation she penned *Human Rights U.S.A.: 1948-1966*, which canvassed the development of civil rights law within the United States.\(^{218}\)

But soon Murray’s restless energy was once more enlisted in the cause of women’s rights. Women’s groups, alarmed at the prospect of the then-conservative EEOC failing to enforce the sex discrimination provisions of Title VII with appropriate diligence, prompted Murray to co-author *Jane Crow and the Law: Sex Discrimination and Title VII*\(^{219}\) in 1965, to dispel any notion that sex discrimination was less real or less pernicious than race discrimination. Her own recent struggle for a faculty position, stymied not by her race but by her gender,\(^{220}\) must have fueled her crusade for proper Title VII enforcement. In her paper she argued that ostensibly neutral or seemingly benign sex-based classifications, by segregating men and women for arbitrary reasons, bore the same dint of inferiority for women as Jim Crow laws for African-Americans. Murray deftly critiqued the haphazard and “untenable” extension of “ambiguous” distinctions between men and women, to justify all instances of differential treatment, despite advances in science, showing these distinctions to be unwarranted by genuine physiological differences. Murray contended that classifications based on gender stereotypes were “comparable to those of the now discredited doctrine of ‘separate but equal.’”\(^{221}\)

Murray at times felt that the racial equality movement failed to take account of massive gender disparities in society. Murray endeavored to promote racial and sexual equality, but occasionally found the two goals at odds: “[T]he main thrust of black

\(^{218}\) *SONG*, supra note 2, at 361.

\(^{219}\) Murray and Eastwood, *supra* note 17.

\(^{220}\) *SONG*, *supra* note 2, at 360.

\(^{221}\) Murray and Eastwood, *supra* note 17, at 239.
militancy is a bid of black males to share power with white males in a continuing patriarchal society in which both black and white females are relegated to a secondary status.”

Following the March on Washington in 1963, Murray had criticized black leaders for their mere “token recognition” of the contributions of black women.

In 1965, on behalf of the ACLU, which had recently appointed her to its Board of Directors, Murray participated in the brief and argument in the landmark Alabama case *White v. Crook*, wherein she argued before federal district court that racial and sex discrimination on juries violated Fourteenth Amendment equal protection; the race angle was a common and successful strategy in overcoming jury bias, but the exclusion of women was a less-well-tested theory. However Murray’s position would prevail before the court, in one of the first instances where the equal protection clause was held applicable to gender discrimination. The panel of judges held that the Alabama law, which permitted all white male juries, constituted both race and sex discrimination, in the first decision ever to address the constitutional validity of a state’s complete exclusion

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222 SONG, *supra* note 2, at 416. Murray critiqued the exclusion of women’s rights from the broader civil rights agenda, not only as opprobrious to her moral agenda of universalism, but also as an impractical impediment to the cause of racial equality:

> The lesson of history [is] that all human rights are indivisible and that the failure to adhere to this principle jeopardizes the rights of all . . . . A built-in hazard of an aggressive ethnocentric movement which disregards the interests of other disadvantaged groups is that it will become parochial and ultimately self-defeating in the face of hostile reactions, dwindling allies, and mounting frustrations.


223 Over 250,000 civil rights supporters marched in Washington, in support of racial equality, including Martin Luther King, Jr. and A. Philip Randolph. Among the March’s sponsors was the NAACP.

224 Boedman, *supra* note 4. Similarly, Murray was aware of the chauvinism present in other traditional radical causes; she witnessed the struggle of her friend Maida Springer to achieve a position on the Executive Board at the ILGWU. At Springer’s installment ceremony in 1963, Murray cringed and pinched Springer when the union’s male president insensitively declared, “You know, we’re a union of women, and so sometimes we have to go for leadership outside the union.” Yevette Richards, *Race, Gender, and Anticommunism in the International Labor Movement: The Pan-African Connections of Maida Springer*, 11 JOURNAL OF WOMEN’S HISTORY 35, 38-39 (1999).


of women from jury service. The Alabama court held that “[j]ury service is a form of participation in the processes of government, a responsibility and a right that should be shared by all citizens regardless of sex.” In later cases, brought under the Sixth Amendment jury fair-cross-section requirement, the Supreme Court would echo this reasoning in squarely holding that the exclusion of women from juries—whether by virtue of outright exclusionary rules, or by the disproportionate impact of a purportedly neutral rule—was unconstitutional.

Similarly, in non-jury cases applying the Equal Protection Clause, *White v. Crook* adumbrated a new jurisprudence whereby the exclusion of women would no longer be routinely sustained as a legitimate nod to presumptive sex differences, but rather would be scrutinized to ascertain whether basis for the exclusion sounded in stereotype. But Murray’s desire that an articulated basis for the exclusion of women be examined as closely as racial classifications to verify its *bona fides*, would not be realized. Murray believed the stereotypes to be so insidious as to demand an exacting review by federal courts to ascertain whether they were truly valid accommodations of gender differences. The Supreme Court continues to invoke a lesser degree of scrutiny for gender discrimination than racial discrimination, and remains deferential to the legislature’s

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227 *White v. Crook*, at 408. The court distinguished Supreme Court precedent which held that Florida’s rule where women could serve on jury only if they voluntarily registered, on the grounds that Florida’s voluntary rule evidenced a good faith intent not to exclude women, belying the showing of arbitrariness necessary to make out an equal protection claim.

228 *Id.*

229 *See Taylor v. Louisiana*, 419 U.S. 522 (1975). Unlike *White v. Crook*, there the Court applied the Sixth Amendment right to a fair cross section in striking down the Louisiana provision, which forced women to go through an elaborate registration procedure to appear on the jury rolls and resulted in a huge statistical disparity in actual service. Ultimately, in the jury venue, the fair cross section claim was a strong one for the inclusion of women since it required a reasonable cross section without regard to either intent or whether the exclusion was based on rational considerations, unlike equal protection analysis.

230 *See* *White v. Crook*, at 409.
articulated basis for the classification in determining whether the purported reasons behind the law are sound.\textsuperscript{231}

Later, in 1966, Murray would be invited to a meeting hosted by feminist Betty Friedan concerning the EEOC’s lax enforcement of sex discrimination law.\textsuperscript{232} The informal meeting resulted in the formation of NOW, to meet the need for a new, unified body to represent women’s interests in the political sphere. Murray was a signatory to NOW’s founding mission statement, scrawled by Betty Friedan on a napkin.\textsuperscript{233}

Soon thereafter, during the Johnson administration in the late 1960s, Murray was retained as a consultant to the EEOC and was considered the top candidate for the agency’s general counsel position, but was denied the office because of her past left-wing associations.\textsuperscript{234}

Attending a conference in Mississippi, and traveling through the heart of the rural south in the late 1960s, Murray witnessed some of the change her work had wrought. Sitting at an all-white diner brought little more than curious stares.\textsuperscript{235} The demons were not fully exorcised – she had the misfortune of encountering a violent protest in one town over a segregated bowling alley in South Carolina.\textsuperscript{236} But she was no longer claimed by the terror of racial violence that once haunted her childhood. Murray witnessed still more of the fruits of her efforts to instill racial pride, when Brandeis offered her a position

\footnotesize{\textsuperscript{231} See, e.g., Craig v. Boren, 429 U.S. 190 (1976).}
\footnotesize{\textsuperscript{232} Murray had vocalized her disenchantment with the EEOC while at Yale, contending that Title VII’s putative sex discrimination provisions would never be enforced unless women “marched on Washington.” Mary Battiata, \textit{NOW and Then; The Feminist Group at 20, Returning to Celebrate the Cause and Its Effects}, WASH. POST, Oct. 27, 1986, at C1.}
\footnotesize{\textsuperscript{233} NOW declared its mission to be “to take action to bring women into full participation in the mainstream of American society NOW assuming all the privileges and responsibilities thereof in truly equal partnership with men.” Id.}
\footnotesize{\textsuperscript{234} Fuentes, \textit{supra} note 29. This uncannily resembles Murray’s previous slight at the hands of Cornell University.}
\footnotesize{\textsuperscript{235} SONG, \textit{supra} note 2, at 375-76.}
teaching a new Afro-American studies program within the American Studies department in 1967.²³⁷

XIV. Brandeis: The Clash of Youth and Temperance

I sing of Youth, imperious, inglorious;
Dissatisfied, unslaked, untaught, unkempt Youth.
Youth who admits neither God nor country,
Youth proud and eager—proud of its broken heads,
Eager to martyr itself for any and all Causes.

-Excerpt from the poem “Youth, 1933”²³⁸

Murray’s catholic sense of racial identity was met with sharp rebuke at Brandeis. A young black student openly challenged her use of the word Negro in reference to blacks. Vehemently opposed to a term he deemed symbolic of oppression, he asked her angrily why she chose to use such an opprobrious term.²³⁹ She was nonplussed by the student’s impudence, while sympathetic to his uncomfortable position—he and other black students were part of a well-intended but essentially patchwork program which admitted poor black youths with disadvantaged educational backgrounds and expected them to compete with white students.²⁴⁰ While pleased with his effort to assert racial pride and identity in an environment which seemed designed to instill inferiority with respect to academics, Murray bristled at the student’s exaggerated masculine posturing. Moreover, as a scholar, her sensibilities were disturbed by such a blatant disruption of the learning environment.²⁴¹ Her reaction though, was one of restrained sternness, to agree to

²³⁶ Id. at 376.
²³⁷ Id. at 387-88.
²³⁸ DARK TESTAMENT, supra note 1, at 51.
²³⁹ SONG, supra note 2, at 402.
²⁴⁰ Id. at 398-99.
²⁴¹ Id. at 401.
compromise by using Negro and black interchangeably. Rather than argue the unique historical discourse by which African Americans had appropriated the word Negro and branded it as their own proud appellation. Murray, chose not to indulge the anger she felt at being challenged by one so young, and instead tried to assuage the feelings of her student, recognizing that he was filled with his own sense of anger over the oppressive and pejorative use of language.

Murray continued her efforts against sexism while at Brandeis, courageously attacking even the source of her own livelihood—academia—in a 1971 article advocating more hiring of women faculty: “[C]olleges and universities are directly responsible [for] the continued lack of ‘role models’ to encourage younger women to raise their goals and expectations and the perpetuation of the stereo-type that women are not a good academic investment.”

Moreover, also in 1971, Murray was cited as a co-author of then attorney, now Supreme Court Justice Ruth Bader Ginsburg, in her brief before the Supreme Court in Reed v. Reed, wherein it was successfully argued—for the first time before the Supreme Court—that arbitrary treatment on the basis of gender was a denial of equal protection. Although she had no hand in the actual writing of the brief, Murray was considered to be one of the intellectual godparents of its arguments, and referred to by

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242 Years later, when ordained as the first female Episcopal priest, Murray would insist on being called a “Negro woman priest.” Marjorie Hyer, Episcopal Priests Ordained, WASH. POST, Jan. 9, 1977, at A3.

243 Too, later her path would again cross the newly emerging black radical movement, when movement activists, to her mixed frustration and sympathy, seized and occupied the Brandeis campus building where her office was. Murray sympathized with the radicals, who were seeking a separate and independent Afro-American studies department, but felt that a hasty or ill-planned department would merely have the effect of stigmatizing the discipline as an inferior one. SONG, supra note 2, at 408-414.

244 Pauli Murray, Economic and Educational Inequality Based on Sex; An Overview, 5 VAL.U.L. REV. 269, 269-70 (1971).

245 404 U.S. 71 (1971) (striking down Iowa statute that mandated, in instances of equal qualification that male administrators of estates be appointed over female, as violating equal protection.)
Ginsburg as one of “those brave women.” As Murray had argued before her, Ginsburg asserted that arbitrary classifications based on gender were unsupportable and violated equal protection. Moreover, as recently as 1998, Murray’s statements were used in the United States’ intervenor’s brief urging that the Equal Pay Act was applicable to women working for state educational institutions inasmuch as the Fourteenth Amendment grants Congress the power to correct discernible equal protection violations: Murray was quoted as saying “clearly there is . . . a pattern or practice of discrimination in many educational institutions.”

XV. Ordination

_Ruth_

*Brown girl chanting Te Deums on Sunday*
*Rust-colored peasant with strength of granite,*
*Bronze girl wielding ship hulls on Monday,*
*Let nothing smirch you, let no one crush you.*

*Queen of ghetto, sturdy hill-climber,*
*Walk with the lilt of ballet dancer,*
*Walk like a strong down-East wind blowing,*
*Walk with the majesty of the First Woman.*

*Gallant challenger, millioned-hope bearer,*
*The stars are your beacons, earth your inheritance,*
*Meet blaze and cannon with your own heart’s passion,*
*Surrender to none the fire of your soul.*

Murray lived the closing chapters of her life as she had the preceding: by treading on old barriers, both sacred and secular. In September 1971, Murray boldly advised

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247 *Id.*
President Nixon of her willingness to accept a Supreme Court appointment, should he
nominate her. Later, in 1977, she made application for holy orders in the Episcopal
Church, having graduated from the General Theological Seminary in New York City that
year. Having abandoned a tenured position at Brandeis, and the financial stability it
entailed, she once again showed the courage of her convictions by demanding that she be
shown full equality in the sphere of religion, which had inspired such awe in her as a
child – so much awe as to make Murray approach the matter of integrating the
Episcopalian priesthood with the utmost trepidation. She confronted her own
internalized sexism, which held that God didn’t want women to be priests. She knew
that only by setting an example, by daring to be the first to defy the tenets which men had
ascribed to God, and not the teachings of God.

Murray was formally ordained in Washington, D.C. at the National Cathedral
along with six other women, on January 8, 1977. In defiance of protestors decrying the
ordination of those they called, pejoratively, “priestesses,” Washington Episcopal Bishop
William F. Creighton pronounced the women priests in a formal rite, after which he and
nearly fifty other supportive priests in attendance surged forward to embrace the women.
The ordination was the apotheosis of ten years of struggle within the Episcopal church
concerning ordination of women.

248 Brief for the United States as Intervenor, Larry v. Board of Trustees of the Univ. of Alabama, Case No.
98-6532 (11th Cir. 1998).
249 DARK TESTAMENT, supra note 1, at 40.
250 N.Y. TIMES, Sept. 28, 1971, at 17 (article abstract).
251 N.Y. TIMES (obituary), supra note 12.
252 On a more personal level, Murray was motivated to become a priest by her dismay that she could not
issue last rites upon the death of a very dear friend, Renee Barlow. Von Salis, supra note 28.
253 The idea of an exclusively male priesthood that “was ordained by almighty God,” and “carried the
weight of centuries of custom,” was antithetical to Murray’s own inclusive ideology. Pauli Murray,
254 Id.
Never one to rest on her laurels, Murray continued in her efforts to achieve equality among all people in her later years. And once more, Murray transcended the confines of her previous undertakings on behalf of African-Americans and women, finding a new struggle and a new oppressive social dichotomy which to assail. This later cause of Murray’s was fought on behalf of the elderly. Murray died of pancreatic cancer on July 1, 1985 in Pittsburgh, Pennsylvania.

XVI. The Inchworm

Prophecy

I sing of a new American
Separate from all others,
Yet enlarged and diminished by all others.
I am the child of kings and serfs, freemen and slaves,
Having neither superiors nor inferiors,
Progeny of all colors, all cultures, all systems, all beliefs.
I have been enslaved, yet my spirit is unbound.
I have been cast aside, but I sparkle in the darkness.
I have been slain but live on in the rivers of history.
I seek no conquest, no wealth, no power, no revenge;
I seek only discovery
Of the illimitable heights and depths of my own being.

“My little girl is just an inchworm; in everything she does she just keeps inching along.”
-Aunt Pauline, of Murray

Murray strove to bring “[a]ll the strands of [her] life . . . together” by reconciling the disparate skeins of her heritage – black and white, black and female, black

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257 Von Salis, *supra* note 28. She died at the home she jointly owned with her lifelong friend Maida Springer. *Id.*
258 *DARK TESTAMENT*, *supra* note 1, at 71.
259 *SONG, supra* note 2, at 281.
and educated, female and Episcopalian, privileged and poor, intellectual and activist. Hence she was the first female priest; the first African-American to achieve an advanced degree from Yale Law; the founder of Brandeis’ Afro American Studies program; among the first freedom riders and an intellectual parent of Brown v. Board of Education. Murray entreated all Americans to recognize their common heritage: “Thousands are just like me. In fact I probably feel more American than many whites. I just want this country to live up to its billing.” And, when it did not live up to its billing, she seized equal opportunity for herself, demonstrating by her litany of achievements, the rich but untapped potential of inclusiveness.

From the font of her vast and diverse experiences, Murray drew both her tireless energy for rebellion against oppression; and her boundless sympathy for all people, oppressed and oppressor alike. Her own life’s experiences straddled many dichotomous identities: Murray was of racially mixed heritage; she was alternately poor and successful throughout her life; her friends comprised an assortment of ethnic groups: black, white, Latina, Asian, Jewish. She was a pacifist, and an integrationist of sorts, disavowing separatism—as well as a champion of racial pride, qualified by the recognition that one’s racial identity was inextricably bound to the culture at large. Her expansive concept of identity permitted her to espouse the cause of women’s rights as vigorously as racial equality; not merely African American, but an African American woman, with as much in common with women of all races as with her fellow black

260 NCWriters, supra note 9.
261 Fuentes, supra note 29.
262 In her poem “Dark Testament,” Murray exhorted whites, in the wake of a racist legacy to “hear the dirge of history./And hold out your hand—hold out your hand.” DARK TESTAMENT, supra note 1, at 26.
263 See, e.g., Sunshine for Women, supra note 212 (suggesting that Murray’s own interfaith, interracial community permitted her to “envision the possibilities of interracial solidarity”).
Americans, Murray deftly enlisted the arguments for racial equality in service of feminism. Murray recognized the insidiousness of sexism and its source in the vile myths and apocrypha spun by the majority classes, which perpetuated the idea of innate inferiority, just like the myths of racial inferiority. Her faith in the lasting power of language to foster genuine social change\textsuperscript{265} was vindicated when her thesis at Howard was cited as part of the inspiration for the \textit{Brown v. Board of Education} brief. Similarly, her written contributions in areas of gender equality are cited even unto this day.

And Murray understood the innateness of human prejudice and the way in which the white male establishment balked at change, but had faith in the ability of all classes to rise above their bigotry. Thus she criticized racist and sexist policies by appealing to the decency of people of all races and genders,\textsuperscript{266} and rarely resorting to rash or intemperate attacks. But her patience for incremental change was frequently and sorely tested. There were times when Murray felt that appeals to reason were simply too torpid a response to the immediate suffering wrought by racism. A pensive intellectual by temperament, she nonetheless frequently took the front lines, at one point going door-to-door on a racially biased death penalty case in Virginia, and at another time partaking in civil disobedience to protest segregated bus lines; and on still another occasion risked arrest by defying segregation laws during “sit-ins” with fellow black students in D.C.

\textsuperscript{264} \textit{Cf.} \textsc{Wilson}, \textit{supra} note 14 (noting how Murray embraced wholeness and never seemed to waver in her belief that people of all races belong together).

\textsuperscript{265} Many of Murray’s actions presaged broader movements to come. Several civil rights scholars consider her application and denial of admission to the University of North Carolina to be a landmark date, signaling the beginning of the entire movement. \textit{See} \textsc{Chafe}, \textit{supra} note 81. Her brazen letters, too, protesting institutionalized segregation – to the likes of the president and of high-ranking university officials – helped galvanize the movement. \textit{Moore, supra} note 18 (“[Murray’s] letters helped launch the civil rights movement.”).

\textsuperscript{266} \textit{See, e.g.}, \textsc{Sunshine for Women}, \textit{supra} note 212 (noting how some black activists saw Murray’s feminist activities as her “casting her lot” with the cause of women over that of African Americans, but that Murray
restaurants. But above all, Murray was characterized throughout her life by “her sparkle her pluck and her courage,” and by her innate ability to always be “where the action was,” at the forefront of seemingly all the major civil rights struggles of her lifetime, whether as activist or critic and commentator.

Murray’s Aunt Pauline, at a campaign stop during Murray’s run for council, once dubbed her the inchworm: the appellation signified Murray’s slow, yet obstinate, unyielding efforts to win over the hearts and minds of voters. Murray lived her life with abiding faith in the ability of one individual, through many small, but noble acts, to reverberate throughout history. Murray’s cumulative accomplishments, made up of manifold small (and some not so small), but symbolically significant contributions, are an affirmation of her aunt’s faith in her. Murray’s deeds synergistically inspired the hearts of many, from Eleanor Roosevelt to Thurgood Marshall to A. Philip Randolph to Justice Ruth Bader Ginsburg. They in turn willingly took up the torch and Murray’s deeds redounded to the benefit of many oppressed people, perhaps sparing them the heartbreak Murray herself had endured at the hands of prejudice.

Indicative of just how great a feat it was to conquer her own pacifism, Murray is described as first taking “a deep breath,” before joining fellow students in demanding service at a white’s only DC restaurant; moreover Murray was selected for the sit-in because of her adherence to nonviolent principles and her willingness to sign a pledge not to retaliate against the harassment they were sure to face – the demonstrators were “thoroughly disciplined” wrote Murray to Eleanor Roosevelt, and “clamped down on [their] teeth and kept [their] eyes straight ahead [in response to any taunt].” OLSON, supra note 143. For other indications of Murray’s inveterate shyness, see Murray’s poem, “Icarus” wherein she observes, “Now that I have climbed/The steep battlements of the universe...I would creep once more beneath a friendly stone./My dust contained in earth’s embrace.” DARK TESTAMENT, supra note 1, at 80.
Appendix A – Bibliography

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Appendix B – Research Leads

This paper has only scratched the surface as to the place of Murray’s work in the development of women’s legal rights. Murray’s comparison of gender discrimination to racial oppression has spawned considerable discussion. She appears to be a leading figure in the formulation of the argument, which is still a live issue in contemporary debate over the proper vehicle for the advancement of legal rights for women. An excellent starting point is Serena Mayeri, “A Common Fate of Discrimination”: Race-Gender Analogies in Legal and Historical Perspective, 110 YALE L.J. 1045 (2001).

A second point of interest largely left untilled by this paper is Murray’s sexuality. This is more fully explored by Sara Cable, "When Biological Pathology Becomes Sexual Deviancy: How the Medical Discourse on Sexuality Influenced Pauli Murray's Conception of Herself as a Lesbian," an honors paper at Harvard. Murray’s work, though not explicit about her sexuality, is suggestive, and gay and lesbian bibliographies list Murray’s work.

Lastly, this paper’s greatest weakness is its failure to partake of an archive of Murray’s personal letters, housed at Radcliffe library. By drawing heavily from a subject’s autobiography, one loses objectivity, and instead relies on the subject’s own subjective distillation of her life and experiences. It is certainly not suggested that Murray’s autobiography is deliberately biased—rather it is remarkably candid and self-critical. But some distortion seems inevitable. The letters and materials at Radcliffe might be an invaluable springboard for a more objective—and more critical—look at Murray’s life.