

American Heartbreak: The Life of Pauli Murray

By Paul L. Edenfield

27 Legal Studies Forum 733 (2003)

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The title of this article, “American Heartbreak” borrows from the eponymous Langston Hughes poem. In this poem, Hughes, an erstwhile mentor of Murray, lamented the tragic disconnect between America’s ideals of freedom and democracy, and its denial of opportunity to African Americans. Despite her lifelong faith that Americans could be convinced to embrace diversity and grant equal rights to men and women of all races, Murray was repeatedly denied opportunities and her self-esteem badly scarred by American prejudice. But her life’s story also offers a glimmer of hope: her tenacity in combating racism and sexism effected real change in the American legal and cultural landscape, perhaps sparing future generations the heartbreak she endured.

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.*

-- from the poem “Dark Testament”¹

* Assistant General Counsel, United Steelworkers of America, AFL-CIO/CLC. The author would like to thank Professor Barbara Babcock of Stanford Law School and the members of Professor Babcock’s seminar, Women in the Legal Profession, for their assistance and feedback. Professor Babcock’s tireless enthusiasm for this project and her incisive editing helped to transform an unambitious and mediocre seminar paper into a worthier tribute to a great lawyer and poet. A collection of biographical essays on women lawyers by Professor Babcock’s students (including an earlier version of this article) is available at <<http://www.law.stanford.edu/library/wlhbhp/>>. The author also extends his appreciation to Professor James R. Elkins for his patient editing and helpful suggestions.

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.” Morris Milgram, “Introduction” to DARK TESTAMENT, at 4, 6.

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, Murray 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 neighbors,² despite the fact that blacks and whites in the South had so much in common, both culturally³ and even, in the case of Murray's family, genetically. Murray once said: "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 member of the historically white Episcopal Church, educated at many of the nation's finest educational institutions, including both black and white schools.⁵ But neither education, religion, genetics, nor Murray's close ties to friends of all races and backgrounds would spare Murray from the sting of racism, which denied her opportunities throughout her life, even after she had proven herself to be one of the nation's most capable writers and attorneys of any race.

A lifetime on the margins of racial identity led Murray to understand the affinities binding together all Americans, and gave Murray a special appreciation of 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 Thus Murray's racial politics centered on inclusiveness, and she ultimately rejected various movements that endorsed African-American separatism, including Communism and black radicalism.⁷ Murray also believed that racial interaction would enrich both whites and blacks through the sharing of knowledge and talents.⁸ Her idealism also prompted her to fight to eradicate artificial barriers denying opportunities to women. Murray spent much of her life repudiating the shallow myth that segregation could serve other than to diminish and demean Americans of all races and genders, by proving that an African-American woman could make profound artistic and scholarly contributions to society. And so she became a living testament to the ability of a black woman to garner high achievements: In her lifetime Murray received a law degree from Howard University, an LL.M. from Berkeley, and a J.S.D. from Yale; she was a deputy attorney general in California, and a founding member of the National Organization for Women (NOW); she authored a comprehensive study of state laws on race, two autobiographical novels, and a book of poetry; she taught law at Brandeis and Yale; and late in life she was ordained among the first women priests in the Episcopal church.⁹ In addition to proving to the public that racial and gender inferiority were myths, Murray also fought to defeat her own internalized acceptance of this inferiority. Murray's litany of accomplishments in the struggle for equality aided her in capturing her own elusive self-esteem.¹⁰

² Pauli Murray, *SONG IN A WEARY THROAT: AN AMERICAN PILGRIMAGE* 31 (1987) [hereinafter *SONG*]. I should note that I have not drawn on the archive of Murray's papers housed at Radcliffe Library which would have alleviated the need to draw so heavily on Murray's autobiography, and her own subjective distillation of her life and experiences. While Murray's autobiography is remarkably candid and self-critical, the distortions inevitable in such a writing might be corrected by use of the archival materials at Radcliffe.

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).

⁴ Sandra G. Boodman, *The Poet as Lawyer and Priest*, Wash. Post, Feb. 14, 1977, at B1 (quoting Pauli Murray).

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.

⁷ See notes 70 and 229, *infra* and accompanying text. However, Murray never abandoned the 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.

⁸ *SONG*, *supra* note 2, at 106.

⁹ *Dr. Pauli Murray, Episcopal Priest*, N.Y. Times, July 4, 1985, at A12 (obituary).

¹⁰ *Pauli Murray: Writer, Poet, Lawyer & Priest, Durham, North Carolina* <NCWriters.org> 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 as a response to 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*,

While she sought to eliminate racism and sexism by personal example, Murray also sought to break down the legal and institutional barriers to integration imposed by Jim Crow and “Jane Crow”¹¹ laws. As a result she joined the vanguard of two nascent historical movements for social justice--civil rights and later feminism. 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.”¹² Thus Murray took a leading role in both movements: defying a segregated bus, and later a segregated diner; originating many of the most compelling constitutional arguments against both racial segregation and sex discrimination. “[Murray] was a civil rights activist before there was activism, and a feminist when feminists could not be found,” wrote one commentator.¹³

Despite her outward appearance--she was described as standing barely five feet tall as an adult, and somewhat fragile in appearance¹⁴--Murray was known for her intensity and tireless outspokenness against racial and sexual stereotypes.¹⁵ But Murray’s courage in taking the front lines in the struggle for equality was often at odds with her own temperament which one commentator described as “fierce[, [but] less outgoing, more intellectual.”¹⁶ Her temperate disposition led her to express much of her anger over racism and sexism through a copious body of written work, rather than through direct confrontation.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 [her] sanity” from being overrun by unsustainable anger over discrimination.¹⁸ And her writing, arguably her most lasting legacy, was powerfully influential. Her poetry and literary work received acclaim. And Murray’s written work at Howard University was credited as among the inspirations for *Brown v. Board of Education*.¹⁹ Her writings on sex discrimination influenced an important Supreme Court decision on equal protection.²⁰

supra note 2, at 328.

¹¹ Murray dubbed the legal regime which imposed barriers to the achievement of women, often based on putatively benign, but misinformed notions of physiological differences between the sexes, “Jane Crow.” *See* note 209, *infra*.

¹² New York Times (obituary), *supra* note 9. 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.

¹³ 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 1960s black radicalism, all discussed *infra*.

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).

¹⁵ Boodman, *supra* note 4.

¹⁶ Judith Paterson, BE SOMEBODY: A BIOGRAPHY OF MARGUERITE RAWALT 135 (1986).

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 & Mary O. Eastwood, *Jane Crow and the Law: Sex Discrimination and Title VII*, 34 *Geo. Wash. L. Rev.* 232 (1965) (advocating legal attack on sex discrimination and noting parallels between race and gender discrimination); SONG, *supra* note 2, at 255 (noting that Murray’s thesis paper at Howard provided many of the arguments ultimately used in *Brown v. Board of Education*).

¹⁸ 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.

¹⁹ 347 U.S. 483 (1954), 347 U.S. 483 (1954).

²⁰ *See* note 217, *infra*

II. 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.*

-- "Mulatto's Dilemma",²¹

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.²² Agnes was one of the first graduates of Hampton Training School for Nurses.²³ 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.²⁴ Pauli Murray's father, William H. Murray, also of intermixed racial heritage, was a teacher and secondary school principal in the Baltimore Colored Schools.²⁵ 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. William Murray spent his career toiling in the poor black school system of Baltimore, endlessly frustrated by the commonplace racist orthodoxies which held blacks to be intellectually inferior to whites and by the corresponding lack of funding or resources for black schools.²⁶ 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,²⁷ Murray was adopted by her aunt and namesake, Pauline Fitzgerald Dame, in 1914.²⁸ 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,²⁹ 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.³⁰ 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.³¹ It was Uncle Richard who

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.

²⁶ These racist beliefs were espoused by leading scholars of the day. *Id.* at 8-9.

²⁷ *Id.* at 10-12.

²⁸ Susan von Salis, "Pauli Murray: Biographical Synopsis of Library Archives Contents," Arthur and Elizabeth Schlesinger Library on the History of Women in America, Radcliffe College

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

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.³² But Murray's branch of the family, although dubbed by locals "the poor Fitzgeralds" due to comparisons with Uncle Richard's wealthy ilk, was respected for having among them the most well-educated African-Americans in town.³³ Although aging and blind when Murray moved 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.³⁴

Murray was the only child living at the Fitzgerald abode, with her aging grandparents, Aunt Pauline, and her mother's other sister, Aunt Sallie. She was deeply influenced by her adopted family. 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.³⁵ 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, which shocked and thrilled Aunt Pauline. Once Murray began attending school formally, she proved herself to be adept at learning, by earning A's but also to be slightly mischievous, by playing hooky, getting spanked by her teachers, and earning occasional D's in conduct.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: splitting wood, gardening, feeding the chickens, and guiding her blind grandfather on his daily errands.³⁷ At Aunt Pauline's urging, she took a job delivering newspapers as well. From Aunt Pauline, Murray learned discipline and forbearance. Aunt Pauline never allowed Murray to dawdle when doing chores and 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 contributed to the household chores by doing modest sewing.

But Grandmother Fitzgerald, nervous and frail, sensitive to any perceived slight, yet feisty--qualities shared by Murray--showed Murray 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.³⁸ The example of Aunt Pauline's regimented living would serve Murray well in adult years when Murray herself would learn to live 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-complected to glide effortlessly between black and white society but strove to submerge all traces of black culture or heritage. Aunt Pauline spurned the idea

SHOES].

³² SONG, *supra* note 2, at 29.

³³ *Id.*

³⁴ PROUD SHOES, *supra* note 31, at 236-37. Only one in ten blacks in that region were registered to attend school then. *Id.*

³⁵ SONG, *supra* note 2, at 17-18.

³⁶ *Id.* at 24-26.

³⁷ *Id.* at 22.

³⁸ PROUD SHOES, *supra* note 31, at 251.

³⁹ See note 69, *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.

of concealing one's black identity when it proved expedient. After one of Murray's visiting relatives, 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 the 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 to call attention to minute distinctions in skin color, even her schooling with other African-American children. While attending elementary school 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 found 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

Durham's black community was further 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,⁴⁷ and the center of fashionable black culture shifted from the Fitzgeralds' neighborhood to the district known as Hayti. Murray's naive 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."⁴⁸

Murray was made keenly aware as a child of the human propensity 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 terrorized 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.⁴⁹

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 slave-owner--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." SONG, *supra* note 2, at 18.

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 SONG, *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

Later, when Murray's father was murdered by a Polish-American worker at a mental institution⁵⁰ in 1923, she felt, briefly, a rage not just at the individual man who murdered her father, but at all people of Polish ancestry--an irrational rage which horrified her.⁵¹ Recognizing her own fallibility to such invidious anger, she looked more charitably on the misguided racist tendencies of others, knowing their roots often lay in one's own upbringing and unfortunate experiences.

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 keged 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 educational 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's college, offered free tuition to its students, thus permitting Murray to apply even in the absence of family resources. Murray was accepted at and began attending Hunter in 1928.⁵⁴ While in New York, she had to live with her cousin Maude, one of her relations who 'passed' successfully as white.⁵⁵ At Maude's Queens home, Murray began to experience shame over being black--a shame that would haunt her over the years--as her older cousin took pains to conceal Murray's presence from her neighbors for fear of being revealed as a black family.⁵⁶ But driven by memories of Aunt Pauline's implacable pride, Murray sought to prove to cousin Maude, through her academic accomplishments, that she could learn and do anything that a white person could.⁵⁷

These lines evoke 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.

⁵⁰ William H. Murray had been institutionalized in 1917, his mental condition likely exacerbated by untreated encephalitis. SONG, *supra* note 2, at 12.

⁵¹ *Id.* at 57.

⁵² DARK TESTAMENT, *supra* note 1, at 31.

⁵³ SONG, *supra* note 2, at 65.

⁵⁴ *Id.* at 71.

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.

⁵⁶ *Id.* at 69.

⁵⁷ *Id.* at 70.

At Hunter College, progressive as it was, 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's singular black presence in the class. The professor covered a wide swath of American history without ever mentioning 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 as they dealt with the slavery question.⁵⁸ Again, Murray tapped her familial cache of strength and positive imagery and instead of resorting to anger, she resolved to familiarize herself with black history so she could rebut the professor's mute disavowal of the historical significance of blacks.⁵⁹ At Hunter College, Murray also encountered ethnic and cultural groups with which she had had no previous experience. 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.⁶⁰

After her graduation from Hunter in 1933, one of four blacks among 247 women,⁶¹ Murray struggled to make a living in New York. A brief stint at *Opportunity* magazine was abruptly cut short when a bout of pleurisy forced Murray into idleness while she convalesced.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.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 *Das Kapital*.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.

Returning to New York after leaving the camp, Murray's activist spirit fermented.⁶⁵ In 1936 she was courted by the local chapter of the Communist Party, which was avidly soliciting blacks during that period, and she enrolled in crash courses in workers history at an American Federation of Labor-sponsored workers college, populated by devoted trade unionists.

Her impoverishment was alleviated in 1936 when she secured employment with the New Deal program, Works Progress Administration (WPA).⁶⁶ 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.⁶⁷ During this period, Murray began to see how blacks, and poor and ethnic whites alike were exploited by the forces of capitalism.⁶⁸ No stranger to poverty's universal oppressiveness, Murray, according to one source, found herself during the 1930s "among the hobo community riding the

⁵⁸ *Id.* at 85.

⁵⁹ *Id.* at 85. Indeed Murray began organizing study groups interested in greater awareness of black history and culture. *Id.* at 86.

⁶⁰ *Id.* at 73.

⁶¹ Giddings, *supra* note 14. Murray declared this graduation to be her "first successful milestone." *Id.*

⁶² SONG, *supra* note 2, at 94-95. Murray was no stranger to illness and a poor constitution dogged her through much of her life.

⁶³ *Id.* at 92.

⁶⁴ *Id.* at 97.

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 SONG, *supra* note 2, at 102.

⁶⁷ 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.

⁶⁸ SONG, *supra* note 2, at 107.

freights in search of jobs.”⁶⁹ Ultimately Murray began to believe that the Communists’ endorsement of a separate black state was but another form of dehumanizing segregation. Thus she became disenchanted with the Communist Party agenda, which she viewed as at odds with the racial and cultural inclusiveness she championed.⁷⁰ But her new sympathy for workers of various nations and races would remain with her throughout her life.⁷¹

IV. FIRST STIRRINGS OF A 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, on the Supreme Court’s *Brown v. Board of Education* decision⁷²

Murray’s natural inclination toward pacifism did not stifle her vociferous protests against institutionalized segregation. Although Murray 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 helped created “a climate of opinion” resulting in the watershed *Brown* decision.⁷³ Seeing the indignities of racial segregation all around her, Murray finally began to participate in the protest against the segregated South.⁷⁴ Her crusade was precipitated by a very personal slight. 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.⁷⁵ Although a recent Supreme Court decision had 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.⁷⁶ Murray’s subsequent protestations inspired a slew of black applications to segregated graduate schools throughout the South, making her doomed application a trigger event in the nationwide protest against separate-but-equal.⁷⁷

Her anguish at the rejection by the official school of her home state led Murray to write 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

⁶⁹ Giddings, *supra* note 14.

⁷⁰ SONG, *supra* note 2, at 103.

⁷¹ Murray would later work as a law teacher and proponent of democracy in Ghana; she would also protest the Japanese internment camps in WWII.

⁷² Pauli Murray, HUMAN RIGHTS U.S.A.: 1948-1966 33 (1967) [hereinafter HUMAN RIGHTS] (an historical and legal account of human rights developments in the United States, covering 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).

⁷³ SONG, *supra* note 2, at 254-55. Later in life, Murray’s own legal research would pave the way for *Brown v. Board of Education*. See note 126, *infra* and accompanying text.

⁷⁴ SONG, *supra* note 2, at 128.

⁷⁵ *Id.* at 115-16.

⁷⁶ However, 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.

⁷⁷ See William H. Chafe, “The Gods Bring Threads To Webs Begun,” Presidential Address, Organization of American Historians, Toronto, April 23, 1999.

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.⁷⁸

Murray thus began to articulate the essence of her opposition to separate-but-equal. Why were black people permitted to commingle with whites, but only as subordinates? The implication was clear: to permit blacks and whites to interact as peers would portend true racial equality, while segregation helped sustain the myth of black inferiority.

Murray’s outrage over her rejection also drove her, in 1938, to write a letter to President Roosevelt, impugning 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?⁷⁹

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.”⁸⁰ This credo reflected Murray’s own efforts, despite personal bitterness, to work with various white Americans who shared her sense of justice, 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.

-- Murray, on Eleanor Roosevelt’s civil rights record⁸¹

Murray’s above-captioned tribute to Eleanor Roosevelt 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, pandering efforts to combat racism. However, Eleanor, too, frequently disappointed Murray in her

⁷⁸ SONG, *supra* note 2, at 123.

⁷⁹ *Id.* at 111-12.

⁸⁰ DARK TESTAMENT, *supra* note 1, at 1.

⁸¹ HUMAN RIGHTS, *supra* note 72, at 16.

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."⁸² 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. Eleanor must have been affected by the letter, for she 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."⁸³ The argument begun in this exchange, over exactly how hard to push for change, recurred throughout their friendship, and their friendship "encapsulated 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."⁸⁴

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.⁸⁵

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.⁸⁶ Now Murray had to endure the indignity of the welfare rolls.⁸⁷ In a letter that year to the *New York Herald*, Murray charged the hypocrisy of a society under the delusion of equal 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.⁸⁸

Although this was a remarkably bold, courageously impolitic step for the wife of the President, Eleanor's radicalism was not without its constraints.⁸⁹ Later, Murray wrote to her, criticizing Eleanor's refusal to honor

⁸² Martha Minow, *Symposium: Breaking the Law: Lawyers and Clients in Struggles for Social Change*, 52 U. Pitt. L. Rev. 723, 725 (1991).

⁸³ SONG, *supra* note 2, at 113.

⁸⁴ Minow, *supra* note 82, at 727.

⁸⁵ SONG, *supra* note 2, at 113.

⁸⁶ *Id.* at 133.

⁸⁷ Consider the poem, "Psalm of Deliverance," wherein Murray discusses the shame of "waiting 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.

⁸⁸ SONG, *supra* note 2, at 134.

⁸⁹ 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.

a picket line at a theatre known for racially exclusionary practices because the performance was for a worthwhile charity.⁹⁰

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 protest activities, 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 would sound the death knell for Virginia's interstate bus segregation;⁹¹ 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.⁹² Murray had her belief that the racial divide could successfully be bridged sorely shaken by Eleanor Roosevelt's abdication.⁹³

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.⁹⁴ 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.⁹⁵ Soon after though, in 1944, Virginia did allow the rule to be put to the test, and indeed the state law was ruled superseded by federal interstate regulations.

VI. THE WALLER CASE

For Mack C. Parker

(Victim of lynching in Mississippi, 1959)

*In the hour of death,
In the day of judgment,
Good Lord, deliver us!*

-- The Book of Common Prayer

The cornered and trapped,

⁹⁰ SONG, *supra* note 2, at 136.

⁹¹ N.Y. Times (obituary), *supra* note 9. 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.

⁹² SONG, *supra* note 2, at 147.

⁹³ 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 89.

⁹⁴ SONG, *supra* note 2, at 142-46.

⁹⁵ 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.

*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.⁹⁶*

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.⁹⁷ 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 testimony labeling Waller the aggressor was fabricated.⁹⁸ The case also raised issues as to the justness of the sharecropper system since 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. (The Waller case is still viewed as a cornerstone in the anti-death penalty movement.)⁹⁹

Murray began her involvement in the Waller defense in 1940 as a grassroots activist on behalf of the left-ist Workers Defense League, traveling door-to-door in Richmond to raise money and awareness for his cause.¹⁰⁰ 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.¹⁰¹ Again, Murray, overcoming her own timidity with eloquence and passion, successfully entreated a conference of the Negro Ministers Alliance to give money.¹⁰² 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."¹⁰³ 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 Waller cause, and appealing to religious principles of charity and justice. The convened ministers were impressed by her sincerity and gave generously.¹⁰⁴ 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

⁹⁶ DARK TESTAMENT, *supra* note 1, at 39.

⁹⁷ SONG, *supra* note 2, at 150-51.

⁹⁸ Margaret Edds, *Earl Washington Jr. the Virginia Way: Hear No Error, See No Error*, *Virginian-Pilot* (Norfolk, Va.), Oct. 1, 2000, at J5.

⁹⁹ *Id.*

¹⁰⁰ SONG, *supra* note 2, at 151.

¹⁰¹ *Id.* at 158.

¹⁰² *Id.* at 161.

¹⁰³ Linda K. Kerber, *NO CONSTITUTIONAL RIGHT TO BE LADIES: WOMEN AND THE OBLIGATIONS OF CITIZENSHIP 186-87* (1998).

¹⁰⁴ SONG, *supra* note 2, at 162.

plight of black sharecroppers.¹⁰⁵ The money she helped to raise covered filing fees for the entry of an appeal in the Virginia appellate courts, which temporarily stayed the execution.¹⁰⁶

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. Waller was executed in 1942.¹⁰⁷ It was her work on the Waller case that became the genesis of Murray's legal aspirations, as she now recognized the power of the law to affect the course of human lives. She was so overwrought with anguish for Waller, and the insensitivity of the legal system toward those too poor to pay for lawyers,¹⁰⁸ that she desired to "give others the chance which the ill-fated sharecropper did not have,"¹⁰⁹ by herself embarking on a legal career by which she could provide assistance to the poor.

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. 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." 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.¹¹⁰

But in addition to the letter written for Randolph, Murray, in the summer of 1942, undertook her own letter to the President, more strident in its language, giving vent to her teeming anger. In this letter 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 internment of Japanese-Americans.¹¹¹ 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 compelled him to act as he did.¹¹² 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.¹¹³ She wondered how the United States could hope to be a moral force internationally when it had "dirty hands" on domestic race relations.¹¹⁴ Murray, in taking this conciliatory stance, may have helped bridge the age gulf¹¹⁵

¹⁰⁵ Sharecroppers were routinely exploited by the white Southern landowners who rented them their land in exchange for extortionate shares of their crops.

¹⁰⁶ SONG, *supra* note 2, at 164-65.

¹⁰⁷ 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 89.

¹⁰⁸ DARK TESTAMENT, *supra* note 1, at 3-4 (introduction by Morris Milgram). Waller wrote, in his final statement before his death, "Have 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.

Id.

¹⁰⁹ DARK TESTAMENT, *supra* note 1, at 4 (introduction by Morris Milgram).

¹¹⁰ SONG, *supra* note 2, at 174, 175.

¹¹¹ *Id.* at 189.

¹¹² *Id.* at 190-91.

¹¹³ *Id.* at 191.

¹¹⁴ *Id.* at 191.

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. 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.¹¹⁶

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
And hunger-twisted children, and all the shame
And ugliness of greed and hate.*

* * *

*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.*

-- from the poem, "To Poets Who Have Rebelled"¹¹⁷

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 social change as a civil rights attorney.¹¹⁸ The chance to effect social change by putting her writing skills to use as a lawyer drew her to legal studies, rather than to creative writing, at which she also excelled.¹¹⁹ The Waller saga had also greatly influenced her. While stumping on behalf of Odell Waller, during her address to the Negro Ministers Alliance,¹²⁰ her words clearly impressed Leon Ransom, professor at Howard Law School, for, at a meeting between him and Murray afterwards, she was offered a fellowship to Howard.¹²¹ 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,"

¹¹⁵ 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.

¹¹⁶ True to form, shortly after their face-to-face meeting, the two were again at logger-heads, 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.

¹¹⁷ DARK TESTAMENT, *supra* note 1, at 58-59.

¹¹⁸ 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).

¹¹⁹ 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.

¹²⁰ See note 104, *supra* and accompanying text.

¹²¹ Kerber, *supra* note 103, at 185-99.

Ransom replied.¹²² 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” city 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.¹²³

Thus Murray enrolled at Howard Law School in Washington, D.C. in September of 1941 and studied with 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.¹²⁴ During her final semester, in a seminar with Professor Leon A. Ransom, Murray wrote 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, by which its lawyers argued case-by-case that putatively equal facilities were unequal.¹²⁵ Murray argued that segregation was inherently unequal. Scorned by classmates, and some professors, Murray’s endeavor was finally vindicated years later, when the NAACP adopted her approach in *Brown v. Board of Education*, and borrowed arguments from her seminar paper for use in its brief.¹²⁶ Murray wagered ten dollars with Professor Spottswood Robinson that *Plessy* would be overturned within 25 years--a bet she won, when *Brown* was handed down just ten years later.¹²⁷

While at Howard, Murray felt 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.¹²⁸ 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.”¹²⁹ No longer overshadowed by racism, Murray was stunned by the 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 to be the top student in his class.¹³⁰ 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.

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, in which the next highest score was an 85 and no one else had above a 70.¹³¹ Although there remained naysayers, intransigent in their sexist attitudes, the opposition of most of the male students withered in the face of Murray’s lu-

¹²² *Id.*

¹²³ SONG, *supra* note 2, at 181.

¹²⁴ *Id.* at 183.

¹²⁵ *Id.* at 221.

¹²⁶ *Id.* at 221.

¹²⁷ *Id.* at 222.

¹²⁸ *Id.* at 183-84.

¹²⁹ Darlene Clark Hine, Elsa Barkley Brown & Rosalyn Terborg-Penn, 2 BLACK WOMEN IN AMERICA: AN HISTORICAL ENCYCLOPEDIA 825 (1998).

¹³⁰ Giddings, *supra* note 14.

¹³¹ SONG, *supra* note 2, at 219.

minous grades, and she was elected Chief Justice of the formerly male-only legal fraternity the Court of Peers, a prestigious honor society.¹³² She graduated cum laude, first in her class.¹³³

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 amenities¹³⁴-- protests which, like so much of Murray's work, would foreshadow civil disobedience in furtherance of civil rights in the 1960s.¹³⁵ 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.¹³⁶

VIII. HARNESSING THE RAGE: INVEIGHING AGAINST RACISM AND SEXISM

Conflict

*Some day the poet and warrior
 Who grapple in my brain
 Shall lock in final contest
 And I will be ground under.
 For I must sing, and yet
 I wield a sword whose point
 Shall find my breast when all is done.*¹³⁷

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 Riots¹³⁸

During her summer break from law school, Murray was in New York--living in a Bronx slum, working as a waitress and writing poetry¹³⁹--and saw first-hand walking down 125th Street the devastation wrought by the Harlem race riots in 1943,¹⁴⁰ both on the streets and storefronts, and on the hopeless visages of the rioters. Without endorsing the conduct of the rioters, she had sympathy for their cause. To Murray, it was no surprise when they scapegoated the businesses of white owners that were razed during the uprising.¹⁴¹ 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

¹³² *Id.* at 219.

¹³³ DARK TESTAMENT, *supra* note 1, at 4 (introduction by Morris Milgram).

¹³⁴ Lynne Olson, FREEDOM'S DAUGHTERS: THE UNSUNG HEROINES OF THE CIVIL RIGHTS MOVEMENT FROM 1830 TO 1970 (2001).

¹³⁵ See Jack E. White, *Civil Rights and Wrongs*, Time Canada, April 2, 2001; Giddings, *supra* note 14.

¹³⁶ Olson, *supra* note 134.

¹³⁷ DARK TESTAMENT, *supra* note 1, at 70.

¹³⁸ SONG, *supra* note 2, at 213, quoting from the *Socialist Call* newspaper.

¹³⁹ DARK TESTAMENT, *supra* note 1, at 4 (introduction by Morris Milgram).

¹⁴⁰ SONG, *supra* note 2, at 213.

¹⁴¹ 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.

strike out at their oppressors.¹⁴² But again Murray chose the path of incremental 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.¹⁴³ 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."¹⁴⁴ 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

women 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.¹⁴⁵

Even the benign prodding of President Roosevelt, at the behest of Eleanor, whom Murray had made aware of her plight, would not deter Harvard from its 300-year old policy of sexism.¹⁴⁶ 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 1945.¹⁴⁷ Murray, meanwhile, enrolled at Boalt Hall Law School in Berkeley, California.¹⁴⁸

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.*

-- from the poem "For Pan"¹⁴⁹

Murray's formidable talents and work ethic were put to the test at Boalt. Under the tutelage of Barbara Nachtrieb Armstrong,¹⁵⁰ 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 opportuni-

¹⁴² 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.

¹⁴³ *Id.* at 238.

¹⁴⁴ *Id.* at 239.

¹⁴⁵ *Id.* at 241.

¹⁴⁶ *Id.* at 241.

¹⁴⁷ *Id.* at 244.

¹⁴⁸ *Id.* at 246.

¹⁴⁹ DARK TESTAMENT, *supra* note 1, at 86.

¹⁵⁰ For more information on Armstrong, see Beth Hollenberg, "Barbara Nachtrieb Armstrong," Stanford Law School Women's History Biography Project Web Site <<http://www.stanford.edu/group/WLHP/papers/armstrong.pdf>>

ty.¹⁵¹ 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 a glowing recommendation from Armstrong who touted Murray’s “exceptional competence [and] capacity for hard work.”¹⁵²

California did not, unfortunately, offer Murray the egalitarian paradise it seemed to promise. Although it did not have the same oppressive racial customs found in the East, there were other manifestations of discrimination. Murray, who lived at Boalt’s international living facility, met scholars of varying nationalities, who spoke of their experiences with a xenophobic California public.¹⁵³ 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.”¹⁵⁴ 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.¹⁵⁵

Murray’s hardships in California continued when she took ill in 1946, as did her Aunt Pauline. She was compelled by her health problems and those of Aunt Pauline to resign her position and head back to the East Coast, where she could better care for her aunt and herself.¹⁵⁶

After attending to her own and her aunt’s health, Murray 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.¹⁵⁷ Even liberal firms would not hire Murray, for fear of offending some client because of Murray’s race or gender. Once more, as in Murray’s days with the WPA, she returned to a stopgap job, this time, waiting tables.¹⁵⁸ She later 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 she barely made enough money to survive in hardscrabble New York.¹⁵⁹

X. THE CITY COUNCIL ELECTION

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;*

¹⁵¹ SONG, *supra* note 2, at 262.

¹⁵² *Id.* at 264.

¹⁵³ 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.

¹⁵⁴ Boodman, *supra* note 4.

¹⁵⁵ SONG, *supra* note 2, at 264.

¹⁵⁶ *Id.* at 265.

¹⁵⁷ *Id.* at 270-71.

¹⁵⁸ DARK TESTAMENT, *supra* note 1, at 4 (introduction by Morris Milgram).

¹⁵⁹ SONG, *supra* note 2, at 273.

*I do not know how we shall gain the gates of the city.*¹⁶⁰

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 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 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.¹⁶¹ After passing the New York bar, she left her clerk's position and took employment 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 argument that it was unjust to free the male defendants without jail time while incarcerating the woman.¹⁶²

Later, Murray would represent a fellow black woman attorney before the bar disciplinary committee. With her client faced with disbarment over her misappropriation of client funds, 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 clientele, and how the poverty of black attorneys often matched that of their clients.¹⁶³ Murray's 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.¹⁶⁴ Cramped quarters and the frustration of living hand-to-mouth, perpetually on the brink of destitution took their toll on Murray. Murray found comfort in new friendships and new causes. Her friend Maida Springer, a native Panamanian and International Ladies Garment Workers Union 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.¹⁶⁵ Springer 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, who, 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 the party slate. Marshaling her demure charm, and her ability to

¹⁶⁰ 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.

¹⁶¹ 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.

¹⁶² *Id.* at 274.

¹⁶³ *Id.* at 276-77.

¹⁶⁴ 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.

¹⁶⁵ SONG, *supra* note 2, at 278-80.

reach out across racial and class lines, Murray, in a losing effort, 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.¹⁶⁶

Murray gained a modest financial footing 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 resulted in 746 pages of text and her first published book, *States' Laws on Race and Color* in 1951.¹⁶⁷ 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.¹⁶⁸

XI. A FAMILY LEGACY PROVIDES 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.

-- Murray, on the persecution of American Communists¹⁶⁹

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 for the establishment of legal institutions in Liberia,¹⁷⁰ political tides abruptly scuttled the assignment. The work was to be done under the auspices of Cornell University, which would have been Murray's employer. However, in the era of McCarthyism, the Cornell authorities blanched at the idea of someone with such radical credentials holding this position, and sought conservative references to make her more palatable to conservative trustees.¹⁷¹ 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 civil rights activists, and frustrated by the loss of such a prestigious post, Murray turned to a new project where she could put her anger to use.¹⁷²

Having had her patriotism questioned, Murray "found it imperative to declare [her] American heritage," by writing a history of her maternal lineage.¹⁷³ As to her efforts as a black person to trace her family history, Murray observed, "I began years before Alex Haley did. I'm always ahead of my time."¹⁷⁴ The result was the book *Proud Shoes*, a compendium of rich tales culled from childhood recollections of her prolix grandparents' storytelling, and from Murray's contemporary interviews with friends and relations.¹⁷⁵ The book was a tribute to Murray's family's patriotism and multicultural--but thoroughly American--heritage.

As she would recount in *Proud Shoes*, this pride animated Murray's grandfather, Robert Fitzgerald,¹⁷⁶ the son of a white woman and a mixed Irish and black freed slave, to join the Union forces in the Civil War.

¹⁶⁶ *Id.* at 282.

¹⁶⁷ *Id.* at 283-84.

¹⁶⁸ *Id.* at 289.

¹⁶⁹ HUMAN RIGHTS, *supra* note 72, at 39.

¹⁷⁰ SONG, *supra* note 2, at 295.

¹⁷¹ This despite the fact that, among Murray's recommenders were a Third Circuit judge, Eleanor Roosevelt, Thurgood Marshall and A. Philip Randolph. *Id.* at 296.

¹⁷² *Id.* at 298.

¹⁷³ Wilson, *supra* note 14, at 290.

¹⁷⁴ Boodman, *supra* note 4.

¹⁷⁵ 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, *That Old House*, Chapel Hill Herald, June 8, 1996, at 4.

¹⁷⁶ PROUD SHOES, *supra* note 31, at 83-84.

Grandfather Fitzgerald, inspired greatly by a white Quaker from his childhood in Delaware who risked life and wealth to assist the underground railroad,¹⁷⁷ 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.”¹⁷⁸ 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.¹⁷⁹ Slowly, Robert Fitzgerald and others like him “wore down the resistance to the idea of Negroes in Yankee uniforms.”¹⁸⁰ 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. Fitzgeralds joined the Union navy and served on a navy ship. Later, 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 ancestors in North Carolina. Cornelia’s mother was a part-Cherokee slave who was raped by Sidney Smith, the white brother of the plantation mistress Mary Smith. Thus, Cornelia Smith was the child of slave and slave-owner. Ironically, she was raised in the 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 slave-owner imputed a terrible paradox into all that he taught to Cornelia, contradicting 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. He 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.¹⁸¹

In 1955, *Proud Shoes* would be completed, receiving critical praise.¹⁸² That same year, Aunt Pauline died, comforted by Murray who prayed at her bedside.¹⁸³ 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,

¹⁷⁷ *Id.* at 86.

¹⁷⁸ *Id.* at 114.

¹⁷⁹ *Id.* at 118.

¹⁸⁰ *Id.* at 123.

¹⁸¹ *Id.* at 51.

¹⁸² Jack Hicks of *The Nation* dubbed the book, “moving and remarkable.” *Publishers Weekly* declared it, “a significant contribution to our understanding of the black experience in America.” Beacon Press online press release for 1999 reissue of *Proud Shoes* (quoting both reviews).

¹⁸³ SONG, *supra* note 2, at 304.

who had previously taken up Murray's cause in urging Harvard Law School to accept her for graduate study. She worked at Paul, Weiss from 1956 to 1960.¹⁸⁴ She was the only female attorney with the "clubby Manhattan firm."¹⁸⁵

Beset by apprehension about doing traditional legal work, 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 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, thus indulging anew her not-forgotten artistic side.¹⁸⁶

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, cocconut, mango--
 Their hair was thick with jungle,
 Their eyes were dark as star-fed night.
 They were sly and cunning, fearless and cool,
 They knew the cry of every forest bird and beast.*

-- from the poem "Dark Testament"¹⁸⁷

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.¹⁸⁸ Murray sought out the trip to determine whether she might find in Africa some antecedent nobility among its native inhabitants, to validate her self-worth as a descendent of Africans and to ward off her persistent sense of inferiority.¹⁸⁹ 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."¹⁹⁰ 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 that was the potential source of so much strength and pride.

¹⁸⁴ N.Y. Times (obituary), *supra* note 9. In her final year at the firm she was admitted to practice before the United States Supreme Court. *Id.*

¹⁸⁵ Boodman, *supra* note 4.

¹⁸⁶ *Id.*

¹⁸⁷ DARK TESTAMENT, *supra* note 1, at 14.

¹⁸⁸ SONG, *supra* note 2, at 318.

¹⁸⁹ See note 45, *supra* and accompanying text, suggesting the inculcation of inferiority in Murray at an early age.

¹⁹⁰ SONG, *supra* note 2, at 328.

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.¹⁹¹ She was impressed by his pride and lack 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.¹⁹² 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. President Nkrumah of Ghana saw Murray and her teachings of American democracy as a threat to his increasingly dictatorship-like regime, and forced Murray to consider a premature departure from Ghana.¹⁹³ Hence, when visited by a traveling Yale professor who invited her to study and teach there, Murray took the offer and made plans to depart Ghana.¹⁹⁴

During her travels in Africa, Murray noted the proud bearing of even the poorest among the Ghanaians, who were never subjected to the institutionalized shame of American blacks.¹⁹⁵ But through her research she also learned of the complicity of many native Africans in the slave trade. Thus Murray found that she could no longer rely on some romanticized idea of racial nobility.¹⁹⁶ 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 time it produced a new identity," Murray wrote in a letter home.¹⁹⁷ For Murray, the dignity of African Americans lay somewhere in their own unique, cross-pollinated heritage.

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.

-- Pauli Murray, *Jane Crow and the Law*¹⁹⁸

Leaving Ghana, Murray enrolled in Yale's doctoral studies program in 1962, reassured by officials at Yale that with her credentials she was not too old to take up a new course of study.¹⁹⁹ At Yale, she began by conducting research on human rights in Africa, but later shifted her focus to domestic racial policies and began work on a thesis entitled, "Roots of the Racial Crisis: Prologue to Policy."²⁰⁰

While 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 oppres-

¹⁹¹ *Id.* at 325-26.

¹⁹² *Id.* at 336-38.

¹⁹³ von Salis, *supra* note 28.

¹⁹⁴ SONG, *supra* note 2, at 339.

¹⁹⁵ *Id.* at 330.

¹⁹⁶ *Id.* at 331.

¹⁹⁷ *Id.* at 334.

¹⁹⁸ Murray and Eastwood, *supra* note 17, at 235.

¹⁹⁹ SONG, *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, *Mighty American Women of the 20th Century*, California Aggie Online, March 13, 2000.

²⁰⁰ SONG, *supra* note 2, at 347.

sive paternalism in benign guise. As a member of the Committee she doubted the efficacy of the movement 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.²⁰¹ 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.²⁰² In 1962, in a paper to the Committee, Murray observed the 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.²⁰³ Murray also argued that the Supreme Court’s holding in *Muller v. Oregon* which superficially upheld gender based classifications, could be distinguished as a narrow instance where concern over *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 putative differences in classification which were in fact based upon stereotypes.²⁰⁴

In 1965 Murray completed her doctoral work and became the first black person to attain a Doctorate of Juridical Science at Yale.²⁰⁵ Ironically, she could not secure a teaching position because of the pervasive antipathy toward women instructors at most law schools. Unable to teach, she wrote *Human Rights U.S.A.: 1948-1966*, which canvassed the development of civil rights law in the United States.²⁰⁶

Soon after her J.S.D. work, Murray’s restless energy was enlisted in the cause of women’s rights. Women’s groups, alarmed at the prospect of the EEOC’s failure to enforce the sex discrimination provisions of Title VII, prompted Murray to co-author *Jane Crow and the Law: Sex Discrimination and Title VII*²⁰⁷ 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,²⁰⁸ must have fueled her crusade for 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 lacked a physiological basis. Murray contended that classifications based on gender stereotypes were “comparable to those of the now discredited doctrine of ‘separate but equal.’”²⁰⁹

Murray at times felt that the racial equality movement failed to take account of massive gender disparities in society, and that the goals of racial and sexual equality were sometimes at odds: “The main thrust of black 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.”²¹⁰ Following the March on Wash-

²⁰¹ Paterson, *supra* note 16, at 135.

²⁰² SONG, *supra* note 2, at 351.

²⁰³ Mary Becker, *Essay: The Sixties Shift to Formal Equality and the Courts: An Argument for Pragmatism Over Politics*, 40 Wm. & Mary L. Rev. 209, 224-25 (1998).

²⁰⁴ *Id.* at 226.

²⁰⁵ Reeder, *supra* note 91.

²⁰⁶ SONG, *supra* note 2, at 361.

²⁰⁷ Murray & Eastwood, *supra* note 17.

²⁰⁸ SONG, *supra* note 2, at 360.

²⁰⁹ Murray and Eastwood, *supra* note 17, at 239.

²¹⁰ 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

ington in 1963,²¹¹ Murray had criticized black leaders for their mere “token recognition” of the contributions of black women.²¹²

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*,²¹³ where she argued in federal district court that racial and sex discrimination on juries violated Fourteenth Amendment equal protection. Murray’s position prevailed, 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,²¹⁴ in the first decision ever to address the constitutional validity of a state’s complete exclusion of women from jury service.²¹⁵ The Alabama court held that “jury 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.”²¹⁶ 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.²¹⁷

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.²¹⁸ The informal meeting resulted in the formation of the

and ultimately self-defeating in the face of hostile reactions, dwindling allies, and mounting frustrations.

Robin D.G. Kelley, *Identity Politics & Class Struggle*, 6 *New Politics* (1997) (quoting Murray).

²¹¹ 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.

²¹² Boodman, *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.” Yvette Richards, *Race, Gender, and Anticommunism in the International Labor Movement: The Pan-African Connections of Maida Springer*, 11 *J. Women’s Hist.* 35, 38-39 (1999).

²¹³ 251 F.Supp. 401 (D.C.Ala. 1966).

²¹⁴ SONG, *supra* note 2, at 363.

²¹⁵ *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.

²¹⁶ *Id.*

²¹⁷ 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.

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 articulated basis for the classification in determining whether the purported reasons behind the law are sound. See, e.g., *Craig v. Boren*, 429 U.S. 190 (1976).

²¹⁸ 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, *NOW and Then; The Feminist Group at 20, Returning to Celebrate the Cause and Its Effects*, Wash. Post, Oct. 27,

National Organization for Women, a new group that would represent women's interests in the political sphere. Murray was a signatory to NOW's founding mission statement, scrawled by Friedan on a napkin.²¹⁹

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.²²⁰

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.²²¹ The demons were not fully exorcised, though; she had the misfortune of encountering a violent protest in one town over a segregated bowling alley in South Carolina.²²² Murray witnessed still more of the fruits of her efforts to promote racial pride, when Brandeis University offered her a position teaching a new Afro-American studies program within its American Studies department in 1967.²²³

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.*

-- from the poem "Youth, 1933"²²⁴

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 the opprobrious word.²²⁵ She was nonplused 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.²²⁶ While pleased with his effort to assert racial pride and identity in an environment which seemed designed to instill feelings of academic inferiority, Murray bridled at the student's exaggerated masculine posturing. Moreover, as a scholar, her sensibilities were disturbed by such a blatant disruption of the learning environment.²²⁷ Her reaction though, was one of restrained sternness--she agreed to 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,²²⁸ Murray, chose not to indulge the anger she

1986, at C1.

²¹⁹ 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.*

²²⁰ Fuentes, *supra* note 29. This uncannily resembles Murray's previous slight at the hands of Cornell University.

²²¹ SONG, *supra* note 2, at 375-76.

²²² *Id.* at 376.

²²³ *Id.* at 387-88.

²²⁴ DARK TESTAMENT, *supra* note 1, at 51.

²²⁵ SONG, *supra* note 2, at 402.

²²⁶ *Id.* at 398-99.

²²⁷ *Id.* at 401.

²²⁸ 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.

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.²²⁹

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: "Colleges 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."²³⁰

In 1971, Murray was cited as a co-author with then attorney, now Supreme Court Justice Ruth Bader Ginsburg, in her brief before the Supreme Court in *Reed v. Reed*,²³¹ where she successfully argued--for the first time before the Supreme Court--that arbitrary treatment on the basis of gender was a denial of rights secured by the Equal Protection clause of the Constitution. 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 was referred to by Ginsburg as one of "those brave women."²³² As Murray had argued before her, Ginsburg asserted that arbitrary classifications based on gender were unsupportable and violated equal protection.²³³ 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 by the states: Murray was quoted as saying "clearly there is . . . a pattern or practice of discrimination in many educational institutions."²³⁴

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.*

²²⁹ 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.

²³⁰ Pauli Murray, *Economic and Educational Inequality Based on Sex: An Overview*, 5 Val. U. L. Rev. 269, 269-70 (1971).

²³¹ 404 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.)

²³² Linda K. Kerber, *Judge Ginsburg's Gift*, Wash. Post, Aug. 1, 1993, at C7. The tardy vindication of Murray's work with respect to sex discrimination is redolent of her tardy recognition as an unsung architect on the Brown case.

²³³ *Id.*

²³⁴ Brief for the United States as Intervenor, *Larry v. Board of Trustees of the Univ. of Alabama*, Case No. 98-6532 (11th Cir. 1998).

*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.*²³⁵

Murray lived the closing chapters of her life as she had the preceding: by breaking down old barriers, both sacred and secular. In September 1971, Murray boldly advised President Nixon of her willingness to accept a Supreme Court appointment, should he nominate her.²³⁶ 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.²³⁷ 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.²³⁸ Her upbringing in the church had led her to believe that God didn't want women to be priests.²³⁹ But she also knew that by daring to be the first to defy these tenets which men ascribed to God, she was returning to 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.²⁴⁰

Never one to rest on her laurels, Murray continued her political work during her remaining years, and expanded her efforts to include advocacy for rights of the elderly. Murray died of pancreatic cancer on July 1, 1985 in Pittsburgh, Pennsylvania.²⁴¹

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.*

²³⁵ DARK TESTAMENT, *supra* note 1, at 40.

²³⁶ N.Y. Times, Sept. 28, 1971, at 17 (article abstract).

²³⁷ N.Y. Times (obituary), *supra* note 12.

²³⁸ 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.

²³⁹ 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, Interviewed by Genna Rae McNeil, February 13, 1976.

²⁴⁰ *Id.*

²⁴¹ von Salis, *supra* note 28. She died at the home she jointly owned with her lifelong friend Maida Springer. *Id.*

*I seek no conquest, no wealth, no power, no revenge;
 I seek only discovery
 Of the illimitable heights and depths of my own being.*²⁴²

“My little girl is just an inchworm; in everything she does she just keeps inching along.”

-- Aunt Pauline, of Murray²⁴³

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.²⁴⁴ In her lifetime, Murray straddled many dichotomous identities: she 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, an integrationist disavowing separatism, and a champion of racial pride. Murray espoused the cause of women’s rights as vigorously as racial equality, deftly enlisting the arguments for racial equality in service of feminism. Murray, herself the product of so many different skeins of American culture, exhorted all Americans to recognize their commonalities: “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 [as a land of equal opportunity].”²⁴⁵ And, when it did not live up to its billing, Murray compelled the nation to recognize that blacks and women were the equals of their white and male counterparts, through her surpassing accomplishments: 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; an intellectual parent of *Brown v. Board of Education*.

Despite her contributions to the cause of equality, Murray did not witness the eradication of racism or sexism in her lifetime. But she understood the glacial slowness of social change through peaceful means. Because she recognized the deep social roots of prejudice and felt compassion for the oppressors as well as the oppressed, she attacked racist and sexist policies by making civil appeals to the decency of people of all races and genders, and rarely resorting to rash or intemperate attacks. Hence Murray’s body of work included letters to editorial pages, letters to prominent politicians, newspaper stories, law review articles, and legal briefs in landmark cases. Nonetheless, Murray’s patience for incremental change was frequently and sorely tested. There were times when she felt that appeals to human decency were simply too torpid a response to the immediate suffering wrought by racism. Thus, although a pensive intellectual by temperament, she sometimes took a more aggressive role in pursuit of a cause: going door-to-door to rally support in the Waller campaign; partaking in civil disobedience to protest segregated bus lines; risking arrest by defying segregation laws during “sit-ins” with fellow black students in D.C. restaurants.²⁴⁶ Whether as activist--or in her preferred role as intellectual and public conscience--Murray always seemed to be at the forefront of the major civil rights and gender equality struggles of her lifetime, moving her causes forward, inch by inch.

Appropriately then, Murray’s Aunt Pauline, at a campaign stop during Murray’s run for council, dubbed her the inchworm. The appellation accurately captured Murray’s slow, yet obstinate, unyielding efforts to

²⁴² DARK TESTAMENT, *supra* note 1, at 71.

²⁴³ SONG, *supra* note 2, at 281.

²⁴⁴ 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.

²⁴⁵ Fuentes, *supra* note 29.

²⁴⁶ 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 134. 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.

win over the hearts and minds of Brooklyn voters. Murray lived her entire life with abiding faith in the ability of one individual, through many small, but noble acts, to change the course of history. Murray's cumulative accomplishments, informed by her compassion and overarching desire to effect change through peaceful means, impacted many of the great struggles for social justice in the Twentieth Century and inspired many others, such as Eleanor Roosevelt, Thurgood Marshall, A. Philip Randolph, and Justice Ruth Bader Ginsburg, to take up the causes to which Murray devoted her life.