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Pauli Murray and the Twentieth-Century Quest for Legal and Social Equality

Serena Mayeri*

When President Barack Obama spoke of Stonewall and Seneca Falls in the same breath as Selma during his second Inaugural Address, he drew—consciously or not—on the legacy of an African American civil rights lawyer, feminist, poet, and priest named Pauli Murray.¹ Murray’s largely unsung contributions to the twentieth century’s most important social and legal movements have slowly but surely seeped into the consciousness of historians over the past two decades.² Her universalist

* Professor of Law and History, University of Pennsylvania Law School. Much of the research on which these reflections are based is taken from SERENA MAYERI, *REASONING FROM RACE: FEMINISM, LAW, AND THE CIVIL RIGHTS REVOLUTION* (2011). This Article is based on talks presented at the *Indiana Journal of Law and Social Equality*’s April 2013 symposium and at the Switch Point Stories: Race, Sex, and Sexuality conference at the University of Maryland’s Carey School of Law in March 2013. Special thanks to Cynthia Grant Bowman, Tomiko Brown-Nagin, Nancy Cott, Davison Douglas, Ruth Emerson, Martha Ertman, Kevin Gaines, Glenda Gilmore, Risa Goluboff, Robert W. Gordon, Sarah Barringer Gordon, Margo Guernsey, the Reverend Cynthia Johnson, Linda Kerber, Jennifer Levi, Kenneth Mack, Nancy MacLean, Rosalind Rosenberg, Anne Firor Scott, Kimberly Washington, and the many others with whom I have shared conversations about Pauli Murray’s life and work over the years.

1. I am not the first to make this connection. See Kenneth W. Mack, *Remembering Civil Rights in 1963, 50 Years On*, HUFFINGTON POST (Jan. 27, 2013), http://www.huffingtonpost.com/kenneth-w-mack/womens-rights_b_2562594.html.

2. See, e.g., SERENA MAYERI, *REASONING FROM RACE: FEMINISM, LAW, AND THE CIVIL RIGHTS REVOLUTION* (2011); KEVIN K. GAINES, *AMERICAN AFRICANS IN GHANA: BLACK EXPATRIATES AND THE CIVIL RIGHTS ERA* 110–35 (2006); GLENDA E. GILMORE, *DEFYING DIXIE: THE RADICAL ROOTS OF CIVIL RIGHTS, 1919–1950* (2008); SUSAN M. HARTMANN, *THE OTHER FEMINISTS: ACTIVISTS IN THE LIBERAL ESTABLISHMENT* (1998); LINDA K. KERBER, *NO CONSTITUTIONAL RIGHT TO BE LADIES* 184–309 (1998); KENNETH W. MACK, *REPRESENTING THE RACE: THE CREATION OF THE CIVIL RIGHTS LAWYER* (2012); NANCY MACLEAN, *FREEDOM IS NOT ENOUGH: THE OPENING OF THE AMERICAN WORKPLACE* 119–91 (2006); *PAULI MURRAY AND CAROLINE WARE: FORTY YEARS OF LETTERS IN BLACK AND WHITE* (Anne Firor Scott ed., 2006) [hereinafter *FORTY YEARS OF LETTERS*]; ROSALIND ROSENBERG, *DIVIDED LIVES: AMERICAN WOMEN IN THE TWENTIETH CENTURY* 168–89 (rev. ed. 2008); Symposium, *Dialogue: Pauli Murray’s Notable Connections*, 14 J. WOMEN’S HIST. 54 (2002).

vision of indivisible human rights, far ahead of its time, revolutionized feminist legal strategy and helped pave the way for the addition of gay rights to the pantheon of American freedoms.

Why is Pauli Murray not better known? Perhaps her relative invisibility to history is in part an artifact of her prescience. As her protégé Eleanor Holmes Norton put it, “She lived on the edge of history, seeming to pull it along with her.”³ In 1938, more than a decade before the U.S. Supreme Court ruled that state-run graduate schools could not exclude African American students,⁴ Murray applied to the University of North Carolina’s graduate program in sociology in the hope of launching a test case.⁵ Anticipating Rosa Parks’ famous launch of the Montgomery Bus Boycott that revitalized direct action as a civil rights tactic, Murray was arrested for sitting in the front of a bus in Northern Virginia in 1940.⁶ Murray helped to lead sit-in demonstrations in Washington, DC, restaurants during World War II, long before the 1960 sit-in movement made these protests the avant-garde of non-violent civil disobedience.⁷

As a student at Howard University Law School in 1944, Murray boldly declared to her classmates the heretical view that it was time for civil rights lawyers to challenge the “separate-but-equal” doctrine of *Plessy v. Ferguson* head on.⁸ Murray even bet her professor, civil rights lawyer Spottswood Robinson, ten dollars that the Supreme Court would overrule *Plessy* within twenty-five years.⁹ Little did either of them dream that she would collect on her wager within the decade.¹⁰ Murray also played a behind-the-scenes role in shaping the litigation strategy in *Brown v. Board of Education*: in writing their brief, Robinson and Thurgood Marshall adopted an argument that she made years earlier in a law school seminar paper that segregation

Scholars in other disciplines have also recognized Murray’s contributions to theology, poetry, and black feminist theory, as well as law. *See, e.g.*, SARAH AZARANSKY, *THE DREAM IS FREEDOM: PAULI MURRAY AND AMERICAN DEMOCRATIC FAITH* (2011); PAULI MURRAY, *PAULI MURRAY: SELECTED SERMONS AND WRITINGS* (Anthony B. Pinn ed., 2006) [hereinafter *MURRAY, SELECTED SERMONS*]; *see also* THE PAULI MURRAY PROJECT, <http://paulimurrayproject.org/> (Dec. 13, 2013).

3. Eleanor Holmes Norton, *Introduction* to PAULI MURRAY, *PAULI MURRAY: THE AUTOBIOGRAPHY OF A BLACK ACTIVIST, FEMINIST, LAWYER, PRIEST, AND POET* xi (1987) [hereinafter *MURRAY AUTOBIOGRAPHY*].

4. *McLaurin v. Okla. State Regents for Higher Educ.*, 339 U.S. 637 (1950); *Sweatt v. Painter*, 339 U.S. 629 (1950).

5. *See* GILMORE, *supra* note 2, at 248–90; MACK, *supra* note 2, at 217–20.

6. *See* GILMORE, *supra* note 2, at 315–29; MACK, *supra* note 2, at 220–26.

7. AZARANSKY, *supra* note 2, 28–30 (describing Murray’s leadership as a student in using nonviolent civil disobedience to protest the conscription of male students and segregation of restaurants); GILMORE, *supra* note 2, at 315–29 (describing Murray’s arrest for moving toward the front of the bus); MACK, *supra* note 2, at 229–30 (describing Murray’s leadership of student nonviolent sit-ins at cafeterias); *MURRAY AUTOBIOGRAPHY*, *supra* note 3, at 222–25.

8. *MURRAY AUTOBIOGRAPHY*, *supra* note 3, at 221.

9. *Id.* at 221–24.

10. *Id.* at 221–22.

could be unconstitutional because it imposed a “badge of inferiority” on black children.¹¹ Murray’s unsuccessful attempt to gain entrance to Harvard Law School in 1944 laid the groundwork for women’s admission several years later; undaunted, she went on to become the first African American to receive a doctorate in law from Yale Law School.¹²

Murray’s most significant and lasting contributions to the law emerged from her pivotal strategic role in feminist legal advocacy throughout the 1960s. I have described these contributions in detail elsewhere,¹³ and merely offer a few highlights here. In 1962, while serving with the President’s Commission on the Status of Women (PCSW), Murray authored an influential memorandum laying out a Fourteenth Amendment litigation strategy based upon a rhetorical, legal, and strategic analogy to race and civil rights that Ruth Bader Ginsburg would pursue a decade later.¹⁴ Since winning the right to vote in 1920, advocates for women had disagreed, often bitterly, over the proposed Equal Rights Amendment (ERA). That debate pitted ERA proponents, led by Alice Paul’s National Woman’s Party, against opponents such as Esther Peterson of the Department of Labor’s Women’s Bureau, who worried that an ERA would invalidate protective labor laws such as minimum wage and maximum hours for female workers.¹⁵ Murray broke the impasse. She recommended a renewed effort to litigate, a strategy modeled on the NAACP Legal Defense Fund’s campaign in the courts.¹⁶ Pursuing litigation under the Fourteenth Amendment circumvented the divisive ERA controversy. More importantly to Murray, tying race and sex together held out the promise of overcoming the rift

11. *Id.* at 225.

12. *See id.* at 238–44; Pauli Murray, *Pauli Murray’s Appeal: For Admission to Harvard Law School*, in *REBELS IN LAW: VOICES IN HISTORY OF BLACK WOMEN LAWYERS* 79 (J. Clay Smith, Jr. ed., 1998) [hereinafter *Murray’s Appeal*]; Mary Elizabeth Basile, *Pauli Murray’s Campaign Against Harvard Law School’s “Jane Crow” Admissions Policy*, 57 *J. LEGAL EDUC.* 77, 80–82, 100 (2007).

13. *See, e.g.*, MAYERI, *supra* note 2, *passim*; Serena Mayeri, *Constitutional Choices: Legal Feminism and the Historical Dynamics of Change*, 92 *CALIF. L. REV.* 755 (2004) [hereinafter Mayeri, *Constitutional Choices*]; Serena Mayeri, Note, “A Common Fate of Discrimination”: *Race-Gender Analogies in Legal and Historical Perspective*, 110 *YALE L.J.* 1045 (2001) [hereinafter Mayeri, *A Common Fate*].

14. On Murray’s PCSW memorandum and its significance, see, for example, RUTH FELDSTEIN, *MOTHERHOOD IN BLACK AND WHITE* 157–60 (2000); CYNTHIA HARRISON, *ON ACCOUNT OF SEX: THE POLITICS OF WOMEN’S ISSUES, 1945–1968*, at 126–34 (1988); ALICE KESSLER-HARRIS, *IN PURSUIT OF EQUITY: WOMEN, MEN, AND THE QUEST FOR ECONOMIC CITIZENSHIP IN TWENTIETH-CENTURY AMERICA* 229–34 (2001); MAYERI, *supra* note 2, at 17–20; Mayeri, *Constitutional Choices*, *supra* note 13, at 762–69; Mayeri, *A Common Fate*, *supra* note 13, at 1055–69.

15. On this debate, see, for example, HARRISON, *supra* note 14, at 205–07; Mayeri, *Constitutional Choices*, *supra* note 13, at 762; Joan G. Zimmerman, *The Jurisprudence of Equality: The Women’s Minimum Wage, the First Equal Rights Amendment, and Adkins v. Children’s Hospital, 1905–23*, 78 *J. AM. HIST.* 188 (1991).

16. *See* MAYERI, *supra* note 2, at 69.

between the civil rights and women's movements and uniting the two movements in a common cause.¹⁷

It would take the passage of a sex discrimination amendment to Title VII of the Civil Rights Act of 1964 to fully extricate the movement for women's legal equality from its opportunistic alliance with segregationists. Here again, Murray played a crucial role. Many supporters, including the sex amendment's sponsor, Rep. Howard W. Smith (D-VA), painted the sex discrimination amendment as essential to protect white Christian women from discrimination in the new era of rights for nonwhite workers.¹⁸ Many civil rights advocates, on the other hand, worried that the amendment would sink the bill.¹⁹

Once again, Murray stepped in to write an influential and widely circulated memo.²⁰ She argued that the inclusion of sex discrimination was crucial to realizing the Act's primary goal of eradicating racial discrimination.²¹ Without the provision, one half of the black population—black women—would be left unprotected from discrimination.²² Murray's memo, by highlighting the plight of African American women, apparently convinced skeptics in the White House and Congress that the sex discrimination provision was compatible with, and even necessary to vindicate, the Act's primary purpose.²³

In 1965, Murray called on women to organize and fight for enforcement of Title VII,²⁴ suggesting that a women's March on Washington might be necessary if the Equal Employment Opportunity Commission's (EEOC) notorious foot-dragging continued.²⁵ Murray's provocative words caught the attention of Betty

17. See *id.* at 17–29.

18. See Carl M. Brauer, *Women Activists, Southern Conservatives, and the Prohibition of Sex Discrimination in Title VII of the 1964 Civil Rights Act*, 49 J.S. HIST. 37, 45 (1983); Jo Freeman, *How "Sex" Got into Title VII: Persistent Opportunism as a Maker of Public Policy*, 9 LAW & INEQ. 163, 163 (1991).

19. On the addition of sex to Title VII see, for example, Brauer, *supra* note 18, at 44–46; Freeman, *supra* note 18, at 164; Pauli Murray, Memorandum in Support of Retaining the Amendment to H.R. 7152, Title VII (Equal Employment Opportunity) to Prohibit Discrimination in Employment Because of Sex (Apr. 14, 1964) (on file with the *Indiana Journal of Law and Social Equality*).

20. Murray, *supra* note 19.

21. See Mayeri, *Constitutional Choices*, *supra* note 13, at 774.

22. *Id.*

23. On the importance of Murray's Title VII memo, see, for example, HARRISON, *supra* note 14, at 180–81; MACLEAN, *supra* note 2, at 117–54; MAYERI, *supra* note 2, at 20–23; Mayeri, *Constitutional Choices*, *supra* note 13, at 773–77.

24. Mayeri, *Constitutional Choices*, *supra* note 13, at 776.

25. On the EEOC's initial failure to enforce Title VII's sex discrimination provision, see generally JO FREEMAN, *THE POLITICS OF WOMEN'S LIBERATION* 76–79 (1975); HUGH DAVIS GRAHAM, *THE CIVIL RIGHTS ERA: ORIGINS AND DEVELOPMENT OF NATIONAL POLICY*, at 205–32 (1990); HARRISON, *supra* note 14, at 192–204; KESSLER-HARRIS, *supra* note 14, at 246–48.

Friedan, author of the 1963 bestseller *The Feminine Mystique*.²⁶ Together, Friedan, Murray, and several others founded the National Organization for Women (NOW) in 1966.²⁷ In the meantime, Murray and Mary Eastwood coauthored a seminal article called *Jane Crow and the Law*, which developed the argument for applying the Fourteenth Amendment and Title VII to sex discrimination in employment.²⁸

Murray continued to support promising Fourteenth Amendment cases in the hope that one would reach the Supreme Court and produce the breakthrough women's rights decision feminists sought. She set her sights on a case called *White v. Crook*.²⁹ In that case, Gardenia White and several other African American women and men challenged their exclusion from a jury that acquitted the murderers of two civil rights activists.³⁰ In 1965, Alabama was one of three states that excluded women from jury service by law, and one of many Southern states that kept African American women and men off the jury rolls by longstanding practice.³¹ Murray and her ally Dorothy Kenyon convinced the American Civil Liberties Union (ACLU) and the Justice Department to challenge both forms of jury exclusion, and helped write the sex discrimination portion of the brief.³²

Gardenia White won her case in Alabama federal court, but the jury service cases never reached the Supreme Court.³³ Murray had hoped that *White v. Crook* would be what she called women's *Brown v. Board of Education*—with its compelling fusion of African American civil rights and women's rights.³⁴ Instead, she and others came to believe that a new constitutional amendment might be necessary after all. When Murray campaigned for the ERA's passage, she frequently reminded skeptics and supporters alike that, as she put it, “both ‘Jim Crow’ and ‘Jane Crow’” are “twin evils.”³⁵ Meanwhile, many of Murray's doctrinal arguments found their way to the Court via Ruth Bader Ginsburg, whose ACLU Women's Rights Project pressed—largely successfully—Murray's constitutional litigation strategy and her analogy between race and sex discrimination.³⁶

Both the substance of Murray's legal arguments and the strategic coalitions

26. BETTY FRIEDAN, *THE FEMININE MYSTIQUE* (1963).

27. E.g., *The Founding of NOW*, NAT'L ORG. FOR WOMEN (July 2011), http://www.now.org/history/the_founding.html.

28. Pauli Murray & Mary O. Eastwood, *Jane Crow and the Law: Sex Discrimination and Title VII*, 34 GEO. WASH. L. REV. 232 (1965).

29. 251 F. Supp. 401 (1966).

30. MAYERI, *supra* note 2, at 27–29.

31. *Id.* at 27.

32. HARTMANN, *supra* note 2, at 64. For more on the jury service campaign, see KERBER, *supra* note 2, at 124–220; MAYERI, *supra* note 2, at 26–29, 173–181.

33. See MAYERI, *supra* note 2, at 28–29.

34. See *id.* at 29.

35. KERBER, *supra* note 2, at 189; see also Mayeri, *Constitutional Choices*, *supra* note 13, at 805–06.

36. E.g., MAYERI, *supra* note 2, at 61–63.

she built profoundly influenced feminist lawyers throughout the 1970s.³⁷ By 1973, however, Murray had moved on. After losing her longtime friend and companion to cancer, Murray left her hard-won academic appointment at Brandeis University to enter an Episcopal seminary at age 63.³⁸ She took a considerable risk in doing so, for the church had yet to ordain women. But that was no obstacle to Murray, who, in 1977, became one of the first female Episcopal priests.³⁹ She preached her universalist vision of indivisible human rights until her own death from cancer in 1985.⁴⁰

Murray's accomplishments were, and are, breathtaking. But such innovation and insight do not often spring from the minds of the comfortable or the conformist. Pauli Murray's life was rich and rewarding in many ways, but it was often full of pain, loneliness, isolation, confusion, and hardship. Murray's complicated and evolving sense of identity fused with her formidable intellect to shape a worldview that was as unique as it was universalist.⁴¹ Murray was an outsider who was not content to remain on the outside. She was by many accounts "stubborn" and "combative" in person even as she sought through her writing, preaching, and activism to overcome divisions, build coalitions, and bridge seemingly unbridgeable gaps.⁴²

The legacy of slavery and the reality of Jim Crow hovered over Murray's life. Born and raised in Durham, North Carolina, in the 1910s and 1920s, she was the granddaughter of a slave and the great-granddaughter of a slave owner.⁴³ Orphaned at an early age, she was raised by her mother's family and grew up trying to reconcile her grandmother Cornelia Fitzgerald's vocal admiration of her aristocratic white forebears with Cornelia's excruciating recollections of how her white father had raped and brutalized her black birth mother.⁴⁴ Murray vividly described the physical and emotional legacy of that history in her poetry.⁴⁵

Murray was one of many black Southerners who reluctantly sought exile in the North where racial barriers were formidable, but often less formal, and where racial violence was less omnipresent, but all the more unsettling.⁴⁶ Economic hardship almost derailed Murray's education at Hunter College in the 1930s; she suffered from malnutrition and had to leave school for a year to work full time.⁴⁷ She graduated to bleak eco-

37. See generally *id.* at 41–75.

38. AZARANSKY, *supra* note 2, at 86–87; MAYERI, *supra* note 2, at 69–70.

39. AZARANSKY, *supra* note 2, at 87, 97.

40. On Murray's time in the church, see generally *id.* at 88–116; MURRAY AUTOBIOGRAPHY, *supra* note 3, at ch. 35.

41. On race, gender, and Murray's identity as a lawyer, see generally MACK, *supra* note 2, at 207–69.

42. AZARANSKY, *supra* note 2, at 4.

43. *Id.* at 41; PAULI MURRAY, PROUD SHOES: THE STORY OF AN AMERICAN FAMILY (1956).

44. AZARANSKY, *supra* note 2, at 41, 44.

45. See, e.g., AZARANSKY, *supra* note 2, at 11–15, 31–35; PAULI MURRAY, DARK TESTAMENT AND OTHER POEMS 11–27 (1970) [hereinafter DARK TESTAMENT].

46. See AZARANSKY, *supra* note 2, at 30–31.

47. *Id.* at 10; MURRAY AUTOBIOGRAPHY, *supra* note 3, at 83.

conomic prospects, at one point riding the rails to look for work before she found a job with the Works Progress Administration (WPA).⁴⁸ Though she fell on the anti-communist side of the leftist organizations in which she became involved, Murray's political activities during this period haunted her later, during the McCarthy era and beyond.⁴⁹

The 1930s and early 1940s also found Murray wrestling with her complicated sexual and gender identity, which caused her severe mental and sometimes physical anguish. Feeling that she was a man trapped in a woman's body, Murray experimented with various modes of dress and self-presentation in an attempt to find her place in a world with little room for gender ambiguity, much less for the sexual attraction Murray felt for women.⁵⁰ Indeed, when Murray and a friend were arrested in 1940 for refusing to sit in the back of a bus bound for Durham, North Carolina, she was dressed as a young man and escorting her roommate Adelene McBean, who was probably her romantic partner, home to meet her aunts and celebrate Easter.⁵¹

After what she later cryptically described as a brief and disastrous marriage to a man, Murray suffered more than one mental breakdown. From her room in a psychiatric hospital, Murray wrote eloquent letters asking for help securing hormonal and other "treatments" for her "condition"—evidence that she both internalized and struggled against the pathologization of her gender ambivalence.⁵²

During her years at Howard Law School in the 1940s, Murray was often the lone woman in a class of talented and ambitious young African American men.⁵³ There, Murray confronted what she began to call "Jane Crow"—the overt and subtle forms of discrimination against and the exclusion of women.⁵⁴ She led her class academically, and the tradition held that Howard's top graduate would receive a fellowship for graduate work at Harvard Law School, but Harvard rejected Murray's application, saying, "[Y]our photograph and salutation indicate that you are not of the sex eligible" for admission.⁵⁵ Murray then enlisted the help of First Lady

48. AZARANSKY, *supra* note 2, at 10–11; MACK, *supra* note 2, at 212, 217.

49. MURRAY AUTOBIOGRAPHY, *supra* note 3, at 295–97; AZARANSKY, *supra* note 2, at 38–40 (describing Murray's rejection from a research position and her defense of her past affiliations); GILMORE, *supra* note 2, at 442 (describing how Murray lost her dream job because of her past leftist affiliations).

50. On Murray's complicated sexual and gender identity, see generally AZARANSKY, *supra* note 2, at 11–12, 23–24, 98–99; GILMORE, *supra* note 2, at 288–89, 324–26; MACK, *supra* note 2, at 211–17; JOANNE MEYEROWITZ, *HOW SEX CHANGED: A HISTORY OF TRANSSEXUALITY IN THE UNITED STATES* 36–37 (2002); Leila J. Rupp & Verta A. Taylor, *Pauli Murray: The Unasked Question*, 14 J. WOMEN'S HIST., Summer 2002, at 83.

51. AZARANSKY, *supra* note 2, at 19–22; GILMORE, *supra* note 2, at 316–29; MACK, *supra* note 2, at 221–22.

52. See AZARANSKY, *supra* note 2, at 11–12, 21–24, 98–99; GILMORE, *supra* note 2, at 324–26; MACK, *supra* note 2, at 232–33; MEYEROWITZ, *supra* note 50.

53. See AZARANSKY, *supra* note 2, at 34.

54. See generally *id.* at 34–35; MACK, *supra* note 2, at 210.

55. Serena Mayeri, *Two Women, Two Histories*, HARV. MAG., Nov.–Dec. 2007, at 29; see *Murray's Appeal*, *supra* note 12; Basile, *supra* note 12, at 84 (internal citations omitted).

Eleanor Roosevelt,⁵⁶ whom she had befriended through a Depression-era correspondence about civil rights.⁵⁷ President Franklin D. Roosevelt himself wrote a letter of support on Murray's behalf, but the Harvard Corporation rejected her appeal to the law school faculty.⁵⁸ Murray persisted. "[G]entlemen," she wrote, "I would gladly change my sex to meet your requirements but since the way to such change has not been revealed to me, I have no recourse but to appeal to you to change your minds"⁵⁹ Murray's seemingly light-hearted reference to a desired sex change was much closer to the truth than the Harvard professors would ever know.

In a sense, the rejection from Harvard was a piercing reprise of Murray's correspondence with University of North Carolina officials who, just six years earlier, had informed her that "members of your *race* are not admitted to the University."⁶⁰ In another way, the Harvard rejection was more devastating because she could not share her disappointment with a cadre of like-minded activists. Harvard's rejection was "a source of mild amusement . . . to many of my male colleagues who were ardent civil rights advocates," she wrote in her autobiography, which "made it all the more bitter to swallow. The harsh reality was that I was a minority within a minority"⁶¹ As a "Negro" woman, she was, as she often said, caught between the "twin evils" of Jim and Jane Crow.⁶² Her gender and sexual identity confusion had a constructive side—Jane Crow, as historian Kenneth Mack writes, was "a theory born from her own struggles with categories that seemed to do violence to Murray's own sense of self—sometimes black and white, but far more often men and women."⁶³

Murray had gone to law school in hope of becoming a civil rights lawyer. But in the late 1940s and 1950s, Murray struggled to find regular work as any kind of lawyer, in part because of her past political associations.⁶⁴ It was during this period that she wrote *Proud Shoes*,⁶⁵ a family history that religion scholar Sarah Azaransky has called "an alternative account of American history distinguished by entanglement of the races and of relatedness in order to expand our sense of who we are."⁶⁶ By the end of the decade, Murray had found a job practicing law at Paul Weiss, but McCarthyite political repression and racial violence in the United States led Murray to the brink of despair.⁶⁷ She left to teach law in Ghana, hoping finally

56. See, e.g., Basile, *supra* note 12, at 86.

57. AZARANSKY, *supra* note 2, at 19.

58. Basile, *supra* note 12, at 86–90.

59. MURRAY AUTOBIOGRAPHY, *supra* note 3, at 243.

60. *Id.* at 115 (emphasis added).

61. *Id.* at 240.

62. KERBER, *supra* note 2, at 189.

63. MACK, *supra* note 2, at 233.

64. See *supra* note 49.

65. MURRAY, *supra* note 43.

66. AZARANSKY, *supra* note 2, at 50.

67. See *id.* at 50–52.

to find a home in Africa.⁶⁸ Ironically, Murray found herself defending American constitutional principles in Ghana to pan-Africanists whose vision she never adopted as her own.⁶⁹ After a year and a half, Murray was back in the United States, rededicated to remaking American democracy in her own universalist image.⁷⁰

Murray played a pivotal role in building coalitions between the black freedom and women's movements, connecting these causes intellectually, constitutionally, and spiritually. Her periodic alienation from her fellow activists was both personally painful and politically productive. After enduring what she called "a kind of fateful exclusion from the inner circle of civil rights activities," feminism felt like home to Murray, as she wrote to a friend in 1966.⁷¹ Less than a year later, she perceived the NOW to be sidelining alliances with civil rights and labor advocates. Murray wrote of her "inability to be fragmented into Negro at one time, woman at another, or worker at another."⁷² She left NOW feeling "like a stranger in my own household . . . passé, old, and declassed."⁷³ For the next several years, Murray would pursue her feminist legal advocacy within the ACLU and as a pioneering professor of American studies who developed some of the first black women's studies courses.⁷⁴

An early proponent of Gandhian nonviolent civil disobedience, Murray believed strongly in integration and in Dr. Martin Luther King, Jr.'s beloved community. This commitment, too, was sorely tested in the late 1960s, when African American students influenced by Black Power occupied buildings at Brandeis⁷⁵ and at one point threatened to blow up the building that housed Murray's own office. Murray recoiled from such tactics, and the anti-feminism of many Black Power advocates repulsed and alienated her.⁷⁶ Again, she felt a sense of dislocation and disillusionment among the young people who should have been her heirs and protégés.⁷⁷

Murray's relative invisibility during her lifetime did not prevent her from understanding her own historical importance. In addition to her published work, she left a rich record to the Arthur and Elizabeth Schlesinger Library on the History of Women in America at Radcliffe College.⁷⁸ As a young woman, she wrote poetry that conveyed her liminal racial status as a light-skinned Negro woman ("Negro

68. *Id.* at 52.

69. *See* GAINES, *supra* note 2, at 111; AZARANSKY, *supra* note 2, at 52–57.

70. *See* AZARANSKY, *supra* note 2, at 57.

71. MAYERI, *supra* note 2, at 33.

72. *Id.* at 36 (citation omitted).

73. *Id.* (alteration in original) (citation omitted); *see also* HARTMAN, *supra* note 2.

74. *See* Joyce Antler, *Pauli Murray: The Brandeis Years*, *J. WOMEN'S HIST.*, Summer 2002, at 78, for a historical account of Murray's time at Brandeis.

75. *Id.* at 79–80.

76. *Id.*

77. *See* MURRAY AUTOBIOGRAPHY, *supra* note 3, at ch. 32.

78. *See* Pauli Murray Papers, MC 412, Arthur and Elizabeth Schlesinger Library on the History of Women in America, Radcliffe Institute of Advanced Study, Harvard University; *see, e.g.*, Murray, *supra* note 19.

woman” was a term she insisted upon throughout her life, even after “Black” and “Afro-American” came into vogue)⁷⁹ and explored themes of exclusion, violence, and hope.⁸⁰ Murray published many of her poems; in contrast, she did not display the photo albums she created of herself experimenting with different modes of dress—many of them masculine and adventurous—during this period.⁸¹ Her autobiography, published posthumously, did not mention directly her struggles with gender and sexual identity, or her romantic relationships with women.⁸² Historical sociologists Leila Rupp and Verta Taylor describe interviewing Murray in the 1980s, and leaving the question of her sexual orientation “unasked,” but hovering.⁸³ At the same time, Murray had revealed her gender ambivalence to her Aunt Pauline a half century earlier. Murray wrote in 1943 to the woman she called Mother:

[T]his little ‘boy-girl’ personality as you jokingly call it sometimes gets me into trouble . . . the world does not accept my pattern of life. And to try to live by society’s standards always causes me such inner conflict that at times it’s almost unbearable. I don’t know whether I’m right or whether society (or some medical authority) is right—I only know how I feel and what makes me happy.⁸⁴

In the rich archival record she left to the Schlesinger Library, Murray chronicled her efforts to seek medical and psychiatric treatment in the 1940s. Throughout her life, Murray wrote long and revealing letters to friends and family, many of which she preserved for posterity.⁸⁵

In her final decade, as an Episcopal priest, Murray had a real pulpit from which to speak, and sermons became her storytelling mode of choice. In her political, constitutional, and theological writings, Murray used the historically symbiotic relationship between abolitionism and women’s rights to call for contemporary coalitions between African American freedom and feminism. The “woman question” had divided abolitionists and the “Negro question” had divided feminists. Murray’s political and spiritual mission was to persuade their modern incarnations to unite in pursuit of universal human rights.⁸⁶

So it was fitting that Murray’s inaugural sermon as the first African American female Episcopal priest, delivered in the Chapel Hill, North Carolina sanctuary

79. See Antler, *supra* note 74, at 81.

80. See, e.g., DARK TESTAMENT, *supra* note 45.

81. See AZARANSKY, *supra* note 2, at 10–12; GILMORE, *supra* note 2, at 324–26; MACK, *supra* note 2, at 211–17.

82. MURRAY AUTOBIOGRAPHY, *supra* note 3.

83. Rupp & Taylor, *supra* note 50, at 84–85.

84. AZARANSKY, *supra* note 2, at 22.

85. See generally Pauli Murray Papers, *supra* note 78; see also FORTY YEARS OF LETTERS, *supra* note 2.

86. See MURRAY, SELECTED SERMONS, *supra* note 2; AZARANSKY, *supra* note 2, at ch. 4.

where her enslaved grandmother had been baptized more than a century earlier, contained a prayer for the ERA's passage.⁸⁷ "All the strands of my life had come together," Murray recalled in her autobiography. "Descendant of slave and of slave owner Now I was empowered to minister the sacrament of One in whom there is no north or south, no black or white, no male or female—only the spirit of love and reconciliation drawing us all toward the goal of human wholeness."⁸⁸ In 2010, Pauli Murray officially became an Episcopal saint. I'll close with a few lines from one of Murray's poems, read at the service honoring her memory:

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 river of history.⁸⁹

87. Mayeri, *Constitutional Choices*, *supra* note 13, at 824.

88. MURRAY AUTOBIOGRAPHY, *supra* note 3, at 435.

89. Pauli Murray, Prophecy, *in* DARK TESTAMENT, *supra* note 45, at 71.