

NATIONAL HISTORIC LANDMARK NOMINATION

NPS Form 10-934 (Rev. 12-2015)

OMB Control No. 1024-0276 (Exp. 01/31/2019)

PAULI MURRAY FAMILY HOME

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United States Department of the Interior, National Park Service

National Historic Landmarks Nomination Form

1. NAME AND LOCATION OF PROPERTY

Historic Name: Pauli Murray Family Home

Other Name/Site Number: Robert G. and Cornelia S. Fitzgerald House, Pauline Fitzgerald Dame House

Street and Number (if applicable): 906 Carroll Street

City/Town: Durham

County: Durham

State: NC

2. SIGNIFICANCE DATA

NHL Criteria: 2

NHL Criteria Exceptions:

NHL Theme(s):

- II. Creating Social Institutions and Movements
 - 2. reform movements
- IV. Shaping the Political Landscape
 - 1. parties, protests, and movements
 - 4. political ideas, cultures, and theories

Period(s) of Significance: 1914-1948

Significant Person(s) (only Criterion 2): Murray, Anna Pauline

Cultural Affiliation (only Criterion 6):

Designer/Creator/Architect/Builder:

Historic Contexts:

- XXXI. Social and Humanitarian Movements
 - C. Women's Rights
 - M. Civil Rights in America
- XXVIII. The Law
 - A. Development of Principles in the Legal Specialties

Paperwork Reduction Act Statement. We are collecting this information under the authority of the Historic Sites Act of 1935 (16 U.S.C. 461-467) and 36 CFR part 65. Your response is required to obtain or retain a benefit. We will use the information you provide to evaluate properties nominated as National Historic Landmarks. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number. OMB has approved this collection of information and assigned Control No. 1024-0276.

Estimated Burden Statement. Public reporting burden is 2 hours for an initial inquiry letter and 344 hours for NPS Form 10-934 (per response), including the time it takes to read, gather and maintain data, review instructions and complete the letter/form. Direct comments regarding this burden estimate, or any aspects of this form, to the Information Collection Clearance Officer, National Park Service, 12201 Sunrise Valley Drive, Mail Stop 242, Reston, VA 20192. Please do not send your form to this address.

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LGBTQ America: A Theme Study of Lesbian, Gay, Bisexual, Transgender, and Queer History

3. WITHHOLDING SENSITIVE INFORMATION

Does this nomination contain sensitive information that should be withheld under Section 304 of the National Historic Preservation Act?

___ Yes

X No

4. GEOGRAPHICAL DATA

1. Acreage of Property: 0.27 acre

2. Use either Latitude/Longitude Coordinates or the UTM system:

Latitude/Longitude Coordinates:

Datum if other than WGS84:

(enter coordinates to 6 decimal places)

Latitude: 35.992756

Longitude: -78.916434

OR

UTM References: Zone Easting Northing

3. Verbal Boundary Description:

The nominated property consists of Durham County tax parcel #114708 (0.27 acre), as indicated by the heavy solid line on the enclosed map labeled "National Historic Landmark Boundary Map: Pauli Murray Family Home".

Scale: one inch equals approximately one hundred feet.

4. Boundary Justification:

The nominated tract contains the residual acreage historically associated with the Pauli Murray Family Home that maintains integrity.

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5. SIGNIFICANCE STATEMENT AND DISCUSSION

INTRODUCTION: SUMMARY STATEMENT OF SIGNIFICANCE

The Pauli Murray Family Home at 906 Carroll Street in Durham, North Carolina, meets National Historic Landmark Criterion 2 for its association with ground-breaking civil rights activist, lawyer, educator, writer, and Episcopal priest Pauli Murray. The period of significance begins in 1914, when she came to live with her grandparents Robert S. and Cornelia G. Fitzgerald and her aunts Pauline Fitzgerald Dame and Sallie Fitzgerald in Durham, and ends in 1948, when Pauline and Sallie moved to Brooklyn to reside with Murray. As she did not maintain a long-term residence or office, her family's Durham residence is the only extant building that is closely tied to her life. Murray's tenure in Durham imbued her with fortitude, resilience, and a propensity for extraordinary achievement. Her writings and personal correspondence indicate her strong emotional connection to the property.

Pauli Murray's legal scholarship and activism have enduring national significance in American legal history and the women's and civil rights movements. Her efforts were critical to retaining "sex" in Title VII, a fundamental legal protection for women against employment discrimination. Her innovative and imaginative solutions to long-standing disputes within the women's movement paved the way for Ruth Bader Ginsburg and others to champion all aspects of women's legal equality. Murray's vision for a civil rights association for women, manifested in the National Organization for Women, arose from her decades of work for black freedom. On the vanguard of black activists in the 1940s who experimented with nonviolent direct action, she advanced the cause of equal rights for African Americans by promoting types of activism that would become mainstays of the later civil rights crusade. In addition, historian Doreen Drury has charted Murray's exploration of and experimentation with different gender identities during the 1930s and believes that they are essential to understanding Murray's later reflections about the nature of multiple and intersecting identities.¹ She was the first African American (male or female) to receive a Doctor of the Science of Law (JSD) Degree from Yale Law School in 1965. Murray also later brought her pursuit of women's equality to the Church. After being awarded a Master of Divinity degree by the General Theological Seminary in New York in 1976, she became the first ordained African American female priest in the Episcopal Church at a ceremony held at the National Cathedral in Washington, DC, on January 8, 1977. Pauli Murray's life and work is exceptionally important as she served as a bridge figure between various American social movements through her advocacy for women's and civil rights.

PROVIDE RELEVANT PROPERTY-SPECIFIC HISTORY, HISTORICAL CONTEXT, AND THEMES. JUSTIFY CRITERIA, EXCEPTIONS, AND PERIODS OF SIGNIFICANCE LISTED IN SECTION 2.

Pauli Murray Family Home

Delaware native Robert George Fitzgerald, a mixed-race educator, brick maker, and Civil War veteran, and his wife Cornelia Smith Fitzgerald, a mixed-race former slave from Hillsborough, North Carolina, built a house in Durham soon after purchasing a one-acre lot in 1898. The dwelling, occupied by three generations of family members including their granddaughter Pauli Murray, is a significant testament to African American achievement. Three of the Fitzgeralds' five daughters—Pauline, Sallie, and Roberta—pursued careers as

¹ Doreen Drury, "Boy-Girl, Imp, Priest: Pauli Murray and the Limits of Identity," in *Journal of Feminist Studies in Religion* 29, no 1 (Spring 2013): 143.

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teachers. Marie was a seamstress and Agnes became a nurse. Agnes, her husband William H. Murray, and their six children resided in Baltimore until her March 1914 death. At that time, Pauline Fitzgerald Dame assumed the care of her three-year-old niece Pauli Murray. The following historical background narrative introduces the relatives who influenced Pauli Murray's life, beginning with her great-grandparents.

Great-grandparents: Charles Thomas Fitzgerald (1808-1879) and Sarah Ann Burton (ca. 1815-1890s)

Charles Thomas Fitzgerald, of Irish and African descent, was enslaved as a child by farmer Samuel Lodge in Brandywine Hundred Township near Wilmington, Delaware. On Samuel's death in 1819, his son George Lodge inherited the eleven-year-old Charles Thomas, known by his middle name, and two other young slaves. Despite their legal status, federal census takers enumerated the African Americans in George's household as free rather than enslaved. Although the Lodges espoused the Society of Friends (Quaker) faith, which advocated the abolition of slavery, George must not have felt it prudent to manumit minors. However, in keeping with Friends practice, he likely educated his slaves and may have provided remuneration for their labor. George emancipated Thomas on August 6, 1832, eight days after his twenty-fourth birthday.²

Thomas remained in Delaware, where white Quakers Joseph and Matilda Burton hired him to work on their Christiana Township farm. Over the course of his time there, he became acquainted with the Burtons' daughter Sarah Ann. Thomas and Sarah Ann's 1834 elopement resulted in permanent estrangement from her parents, but the couple maintained close lifelong connections with her sisters Mary Jane and Elizabeth. The Fitzgerald family grew with the birth of Elizabeth, followed by William, Robert, and Richard. Their next six offspring contracted tuberculosis and other diseases and died as youth, but the two youngest, Mary Jane and Agnes, survived to maturity.³

The Fitzgeralds' Christiana Township farm sustained the family and generated enough surplus to allow them to sell fruit, vegetables, butter, eggs, poultry, and other farm products in nearby municipalities. Robert frequently accompanied his mother to assist her in the market stalls they rented in Wilmington on Wednesdays and Philadelphia on Saturdays. While in Wilmington, they often visited his aunts Mary Jane and Elizabeth, who had married mixed-race brothers Abraham and William Valentine. Robert studied at the Quaker-funded African School on Sixth Street, where prominent abolitionists such as Quaker Thomas Garrett often lectured. The Fitzgeralds and Valentines attended worship services in Wilmington and the surrounding area.⁴

In early 1855, Thomas and Sarah Ann Fitzgerald paid \$1,632 for a twenty-five-acre farm in Chester County, Pennsylvania's Upper Oxford Township. The property included a five-room log house, a limestone well, a barn, and an orchard. Although some area residents were white farmers and tradesmen with sizable estates, the Fitzgeralds found the Hinsonville community particularly appealing due to its high concentration of freedmen. A district school served local children, but Robert elected to attend the Quaker-operated Institute for Colored Youth in Philadelphia from 1856 until 1858. He then returned home and enrolled at Ashmun Institute, which

² U.S. Census, Population Schedules, 1810-1830; Thomas Fitzgerald manumission deed, August 6, 1832, Newcastle County, Delaware, Fitzgerald Family Papers #4177, Southern Historical Collection, Wilson Library, University of North Carolina at Chapel Hill (hereafter abbreviated FFP); *Pauli Murray, Proud Shoes: The Story of an American Family* (Boston: Beacon Press, 1999), 58, 60-61.

³ Mary Jane Burton Valentine's burial record is the only source discovered thus far delineating her parents' names. Mary Jane, her sister Elizabeth, and other family members are interred in Quaker burial grounds. Several Christiana Township households were headed by a Joseph Burton during the early- to mid-nineteenth century. U.S. Census, Population Schedules, 1810-1840; "Mary Jane Valentine," Historic Pennsylvania Church and Town Records, Historical Society of Pennsylvania, Philadelphia, Pennsylvania; Murray, *Proud Shoes*, 64-65, 71.

⁴ Murray, *Proud Shoes*, 76-77, 79-81.

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was located in close proximity to his family's farm. The college, chartered in 1854, opened on January 1, 1857, as the nation's only institution created solely to provide higher education for African American men. Attendance grew slowly from the first two students, brothers James R. and Thomas Amos, to six pupils by June 1859. Robert studied at Ashmun Institute for a total of three years prior to and after the Civil War.⁵

In 1860, federal census takers assessed the value of the Fitzgerald farm, known as Elkview, to be approximately \$1,200 plus \$400 worth of personal possessions. These amounts were in keeping with the holdings of neighboring African American property owners. Robert, Richard, Mary, and Agnes remained at home that year, but William found work as a brick maker in Wilmington, where he resided with his aunt Elizabeth, her husband William Valentine, and the couple's children. Their two oldest sons, Henry and Burton, also worked in a brick yard.⁶

As the Civil War escalated, the Fitzgerald and Valentine men were eager to serve the Union. African Americans were not permitted to join the military until the July 1862 passage of the Enlistment Act, but in the war's early years the U. S. government hired thousands of civilians to provide support for military endeavors. In fall 1861, William, Robert, and Richard Fitzgerald worked as teamsters based at the Union supply depot in Perryville, Maryland. William and Richard earned \$20 per month, while Robert was hired at a \$26 monthly rate. They labored to facilitate troop movement in Virginia and Washington, DC. Robert cleared vegetation in order to build roads and bridges, drove mule teams, delivered horses, and served as a camp cook. While on a horse transfer assignment in August 1862, he was targeted by snipers in Virginia and suffered a shrapnel wound to his eye that resulted in temporary total blindness. After a brief hospital stay, he regained his vision and returned to work. However, Robert suffered complications for the rest of his life from the bullet fragments that remained embedded in his eye.⁷

The military began actively recruiting African American soldiers in 1863. Robert and his cousin Joseph Valentine enlisted as seaman in the U. S. Navy in New York on July 29, 1863, and trained for two weeks on the *U. S. S. North Carolina* docked in Brooklyn. Robert was then assigned to the *U. S. S. William G. Anderson*, a patrol ship with a Gulf of Mexico and lower Mississippi River route. After becoming ill in October and relapsing into blindness, he was treated at the Chelsea Naval Hospital and determined unfit for duty. Robert received an honorable discharge from the U. S. Navy on January 14, 1864. However, rather than returning home, the following day he joined the 5th Massachusetts Calvary, an African American regiment, as a private.⁸

Robert kept a journal for much of his life. The first surviving volume details his experience in the 5th Massachusetts Calvary. He chronicles challenges such as meager provisions and inadequate shelter as well as his frustration when his unit became infantry rather than cavalry due to a shortage of horses. Despite his poor

⁵ The Institute for Colored Youth, founded in 1837, operated in Philadelphia until 1902, when the institution relocated to property owned by George Cheyney in Delaware County, Pennsylvania. The campus became Cheyney University of Pennsylvania in 1983. Horace M. Bond, Lincoln University president, correspondence with Pauli Murray, August 25, 1952, FFP; Murray, *Proud Shoes*, 68, 87-88, 92, 102, 108; "History of Cheyney University," <http://www.cheyney.edu/about-cheyney-university/cheyney-history.cfm> (accessed October 2015); "About Lincoln," <http://www.lincoln.edu/about.html> (accessed October 2015).

⁶ The opening page of Robert Fitzgerald's 1864 journal includes the inscription "My home Elkview Chester County Pennsylvania," FFP; U.S. Census, Population Schedule, 1860.

⁷ Capt. C. G. Sawtelle, assistant quartermaster, U.S. A., "Report of Persons and Articles Hired, Benica Depot, Cal., Perryville, Md.," January to December 1861, and Robert G. Fitzgerald affidavits, November 4, 1882, and October 9, 1889, FFP; Murray, *Proud Shoes*, 117-119, 127.

⁸ "Enlistments at New York in 1863," U.S. Naval Enlistment Rendezvous, 1855-1891 (Salt Lake City, Utah: FamilySearch, 2013); "Robert G. Fitzgerald," Compiled Military Service Records of Volunteer Union Soldiers Who Served with the U.S. Colored Troops, National Archives, Washington, DC; Navy Department, correspondence with Pauli Murray, May 24, 1946, FFP; Murray, *Proud Shoes*, 131-132, 134-135.

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eyesight, Robert briefly served as the company clerk. Along with others in his regiment, he contracted typhoid fever in May 1864 while on picket duty in marshes near the James River in Virginia. He was admitted on July 8th to the military hospital at Point Lookout, Maryland, where he remained until September. Side effects of typhoid and visual impairment resulted in his honorable discharge from the U. S. Army on October 4, 1864.⁹

Robert returned to Pennsylvania and again studied at Ashmun Institute, which adopted the name “Lincoln University” in 1866 in memory of U. S. President Abraham Lincoln. In keeping with the school’s missionary focus, he accepted a position in summer 1866 as the sole teacher at Freedmen’s Chapel School, located about six miles west of Amelia Court House, Virginia. In a letter to Ashmun Institute president Isaac Norton Rendall, he describes assisting with the construction of the modest building that would serve as a school and sanctuary. Robert initially had eight students, but within a few months taught academic subjects to an average of 145 pupils daily and attracted 230 participants to Sunday school. He expressed a desire to complete his college degree, but felt that his work as an educator was making a significant impact.¹⁰

Robert oversaw Freedmen’s Chapel School until August 1867, when he joined his family at their new farm in West Nottingham Township, Pennsylvania. His brother Richard was also home after serving in the U. S. Navy, and had established a brick yard on the property, but the business foundered. Robert enrolled at Lincoln University that fall and remained only a semester before requesting another teaching post. Under the auspices of the Philadelphia-based Friends Freedmen’s Association he moved to Hillsborough, Orange County, North Carolina, in late January 1868. Robert assisted B. V. Harris, a young woman who had studied at Oberlin College in Ohio, with the operation of a school that served approximately 125 students daily. He also pursued endeavors such as partnering with carpenter and tanner Heywood Beverly to open a tannery. However, Robert was reassigned within a month to assume the management of a struggling Goldsboro, North Carolina, school in need of a principal. He remained in Goldsboro until July 1st, when he boarded a train bound for Hillsborough. Robert visited his family in Pennsylvania that summer, but reported back to Hillsborough to teach in late September 1868. On October 6th, Robert met Cornelia Smith through his neighbors, shoemaker Abel Payne and his wife Lelia.¹¹

Grandparents: Robert George Fitzgerald (1840-1919) and Cornelia Smith (1844-1924)

Cornelia Smith was the strikingly beautiful daughter of white lawyer Sidney Smith and Harriet, a woman of African and Cherokee decent who was enslaved by Sidney’s parents, James Strudwick and Delia Jones Smith. James S. Smith was a physician, U. S. congressman, North Carolina state legislator, and University of North Carolina trustee. Delia Jones Smith was the daughter of Revolutionary War veteran Francis Jones and Mary Parke Jones. The Smiths had three children: Mary Ruffin, Francis Jones, and James Sidney, known as Sidney. On September 30, 1834, Dr. Smith purchased fifteen-year-old Harriet for \$450 to function as Mary’s personal servant. The Smiths then lived in Hillsborough, where Harriet resided in the main house for a few years before moving to the slave quarter. Around 1839, with Dr. Smith’s blessing, she married free black farm laborer William Rueben Day, who lived nearby and visited when possible. The couple’s son Julius was born in 1842.¹²

⁹ Robert G. Fitzgerald, 1864 journal, affidavits, and “Statement of the Military Service of Robert G. Fitzgerald,” furnished to Pauli Murray, August 23, 1953, FFP; Murray, *Proud Shoes*, 155.

¹⁰ Robert G. Fitzgerald, correspondence with I. N. Randell [sic], August 28, 1866, FFP.

¹¹ Robert G. Fitzgerald, journal, FFP; Murray, *Proud Shoes*, 185, 188, 190-192, 204-205, 208; U.S. Census, Population Schedule, 1880.

¹² Orange County Deed Book 31, p. 401; Murray, *Proud Shoes*, 37-40; H. G. Jones with David Southern, *Miss Mary’s Money: Fortune and Misfortune in a North Carolina Plantation Family, 1760-1924* (Jefferson, North Carolina: McFarland and Company, 2015), 64.

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After studying law and medicine at the University of North Carolina in Chapel Hill, Sidney and his older brother Francis returned to Hillsborough, where they both became enamored of Harriet. According to oral tradition, the men assaulted Rueben Day and forbade him from returning to the Smith property. Sidney repeatedly raped Harriet, precipitating a violent confrontation with Francis that resulted in Sidney's departure. Sidney and Harriet's daughter, Cornelia, was born on February 4, 1844. Soon after, Francis initiated a relationship with Harriet that resulted in the birth of three girls—Emma, Annette, and Laura—between 1847 and 1851. Their aunt Mary Smith assumed responsibility for the siblings and raised them in her home under the tutelage of Maria Spears, who had been her governess.¹³

Around 1845, Mary commissioned the construction of a house on Price Creek plantation, which had belonged to her grandfather Francis Jones. In November 1847, the Smiths moved to the newly completed dwelling called Oakland, located west of Chapel Hill on the road to Fayetteville. The family attended Chapel of the Cross, an Episcopal church in Chapel Hill, where all five of Harriet's progeny were baptized on December 20, 1854. As Cornelia grew older, Mary entrusted her with many aspects of the household's management. Emma, Annette, and Laura married in rapid succession in the mid-1860s, but Cornelia remained at home and worked as a seamstress. Following emancipation, Emma and Henry Morphis lived with Harriet at Price Creek and labored on the farm. Annette and Edward Kirby operated a small farm nearby. Laura and Gray Toole, a barber, resided in Charlotte.¹⁴

In spring 1869, Robert convinced his parents to sell their Pennsylvania farm and join him in North Carolina. Thomas, Sarah Ann, and their daughters Mary Jane and Agnes arrived in Hillsborough by train on April 14, 1869. Nine days later, the Fitzgeralds bought the 158-acre Woodside Farm, including two furnished dwellings, livestock, and farm equipment, from Robert Jeffreys for \$1,200. The two-story, weather boarded, seven-room, main house was dilapidated and the fields fallow, but the family soon had the buildings in good repair and acreage under cultivation. William, Richard, and Robert assisted their parents and attempted to start a brick making business.¹⁵

That summer, Robert introduced his family to Cornelia Smith. He also spent time in the Smith household with Cornelia's family, particularly her aunt Mary. The couple married at Woodside on August 8, 1869. Despite threats from the Ku Klux Klan, Robert erected Woodside School, which opened on September 1st with eight students.¹⁶

In 1870, Thomas and Sarah Ann Fitzgerald's household encompassed Mary Jane and Agnes as well as their granddaughter Annie and fifteen-year-old North Carolina native Harrison Bingham, who likely helped with farm work. Robert and Cornelia resided in a two-room dwelling located in close proximity to the main house. Their first child, Mary Pauline, known as Pauline, was born on September 25, 1870, followed by Maria Louise,

¹³ Mary purchased Harriet, Julius, and Cornelia from her father for \$550 on August 25, 1845. James Smith held thirty enslaved men, women, and children in 1850. The 1860 census indicates that after Dr. Smith's 1852 death, Francis owned twelve slaves and Sidney six slaves. Mary's eleven slaves included a forty-year-old mixed-race woman, likely Harriet, as well as her five children, who then ranged in age from nine to eighteen. Orange County Deed Book 31, p. 429; U.S. Census, Slave Schedules, 1850 and 1860; Murray, *Proud Shoes*, 40-48; Jones and Southern, *Miss Mary's Money*, 64, 67.

¹⁴ U.S. Census, Population Schedule, 1870; Murray, *Proud Shoes*, 53, 165; Jones and Southern, *Miss Mary's Money*, 63, 106.

¹⁵ Robert Fitzgerald, Journal, FFP; Murray, *Proud Shoes*, 214-216. Woodside Farm was near University Station, a train stop located approximately nine miles north of Chapel Hill.

¹⁶ Cornelia's father Sidney Smith died in 1867. Harriet died in September 1873 after being struck by lightning in August 1872 in her cabin on the Smith's Price Creek plantation. Orange County Register of Deeds, Marriage Records; Grave markers, Jones Grove Plantation Cemetery, Fearrington Village, Chatham County; Robert Fitzgerald, Journal, FFP; Francis J. Smith Account Book, Vol. 6, Folder 18, Mary Ruffin Smith Papers, 1750-1904, Collection #3879, Southern Historical Collection, Wilson Library, UNCCH; Murray, *Proud Shoes*, 216-218; Jones and Southern, *Miss Mary's Money*, 91, 122-123.

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called Marie; Charles Thomas; Sarah Ann, known as Sallie; Agnes Georgianna; and Roberta Annetta. Soon after Thomas died on June 18, 1879, Sarah Ann moved to Durham with her daughters and granddaughter and resided next to her son Richard and his family. She died in the 1890s.¹⁷

The Fitzgerald Children's Education

Education was paramount to the Fitzgerald family. Robert and Cornelia's six children received basic instruction at home before attending St. Augustine's Normal School and Collegiate Institute in Raleigh for varying amounts of time. Pauline, their oldest daughter, had the longest tenure at the institution founded in 1867 by the Diocese of North Carolina and the Freedmen's Commission of the Protestant Episcopal Church. In fall 1882, she enrolled in St. Augustine's Normal School's preparatory department, which provided instruction for students who planned to undertake higher-level academic courses at the institution's teacher training (normal) school or in the collegiate department. The following academic year (1883-1884), Pauline was one of thirty-six young women and twenty-five young men attending preparatory classes.¹⁸

Pauline is not listed in the 1884-1885 school catalog, but in fall 1885 she advanced to the college's fourth class and her sister Marie enrolled in the preparatory department. At that time, the institution charged \$7.00 per month for tuition, room and board (including bedding, fuel, and lights). Students could earn up to \$2.00 of their tuition and fees each month by working on campus. Pauline continued her fourth-class coursework in 1886-1887 and 1887-1888. During the latter term, she was one of three student teachers assisting St. Augustine's faculty. Pauline began her career as an educator in Durham at the African American public school on Hack Road, where she assisted principal James A. Whitted and teacher Jane White.¹⁹

In fall 1890, Robert and Cornelia Fitzgerald sent their only son Thomas to St. Augustine's, where he enrolled in the preparatory department. Sallie and Agnes attended preparatory classes in 1893-1894. Their cousins Sarah (called Sadie) and Charles T. Fitzgerald were also on campus that year. In July 1894, Sallie received a certificate from the Durham County Department of Public Instruction acknowledging that she had passed the examination required to teach first grade.²⁰

¹⁷ In 1886, Sarah Ann owned a quarter-acre lot in Durham and 150 acres in Orange County. U.S. Census, Population Schedules, 1870 and 1880; Robert Fitzgerald, Journal and "Summary of Pertinent Data in Pension Records in the National Archives," FFP; Charles Emerson, *Charles Emerson's North Carolina Tobacco Belt Directory: Embracing the Counties of Alamance, Durham, Forsyth, Granville, Guilford, Orange, Rockingham, Vance and Wake* (Greensboro: Charles Emerson, 1886), 134, 135, 169, 489; Murray, *Proud Shoes*, 220.

¹⁸ In 1883-1884, forty-seven pupils attended the normal school, twenty-seven students pursued college degrees, and seven scholars studied theology. *Annual Catalogue of St. Augustine's Normal School and Collegiate Institute, Raleigh, N. C., Sixteenth Session, 1882-1883* (Raleigh: P. W. Wiley, 1883), 10; *Annual Catalogue of St. Augustine's Normal School and Collegiate Institute, Raleigh, N. C., Seventeenth Session, 1883-1884* (Raleigh: P. W. Wiley, 1884), 10-11.

¹⁹ *Annual Catalogue of St. Augustine's Normal School and Collegiate Institute, Raleigh, N. C., Nineteenth Session, 1885-1886* (Raleigh: Edwards, Broughton, and Company, 1886), 7, 10, 19; *Annual Catalogue of St. Augustine's Normal School and Collegiate Institute, Raleigh, N. C., Twentieth Session, 1886-1887* (Raleigh: Edwards, Broughton, and Company, 1887), 8; *Annual Catalogue of St. Augustine's Normal School and Collegiate Institute, Raleigh, N. C., Twenty-first Session, 1887-1888* (Raleigh: Observer Printing Company, 1888), 6; Levi Branson, *Directory of the Business and Citizens of Durham City for 1887* (Raleigh: Levi Branson, 1887), 58.

²⁰ *Annual Catalogue of St. Augustine's Normal School and Collegiate Institute, Raleigh, N. C., Twenty-third Session, 1889-1890* (Raleigh: Observer Printing Company, 1890), 7; *Annual Catalogue of St. Augustine's School, a Normal and Collegiate Institute, Raleigh, N. C., Twenty-seventh Session, 1893-1894* (Raleigh: Edwards and Broughton, 1894), 4-7; "Colored Teachers Examined," *Durham Globe*, July 20, 1894, 1.

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Paternal uncle and aunt: Richard Burton Fitzgerald (ca. 1843-1918) and Sarah Ann Williams (ca. 1853-1931)

Richard Burton Fitzgerald met his future wife, Sarah Ann Williams, in 1869 by way of introduction from his sister-in-law Cornelia. Sarah Ann, called Sallie, was a York, Pennsylvania, native, a teacher, and the daughter of Methodist preacher Samuel Williams and Leah Jacobs. She became acquainted with the Fitzgeralds while visiting Orange County with her father. Richard and Sallie married at Woodside on April 14, 1870. After Richard's father's 1879 death, the family moved to Durham, where Richard became one of the community's leading citizens. He acquired property near Maplewood Cemetery where he built a home and established the first of several brick yards. Richard advertised extensively, noting in 1887 that he had an inventory of 400,000 bricks, some made by hand and others pressed with steam-powered equipment. By 1891, Richard's brick yard had the capacity to produce 70,000 bricks daily. The high-quality brick survives in Durham buildings including the 1888 Emanuel African Methodist Episcopal Church, for which Richard and Sallie donated the building materials as well as the Kent Street (then Chapel Hill Road) lot on which the sanctuary still stands. Nearby in the 1890s, they commissioned the construction of an eighteen-room Queen-Anne-style mansion known as The Maples, which fronted Wilkerson Avenue.²¹

Historian Loren Schweningen's analysis of federal census data found Richard Fitzgerald and Warren C. Coleman of Concord to be the only two African American property owners who accumulated North Carolina estates with assessed values of \$50,000 to \$99,999 between 1870 and 1915. Thirty-six other black Southern entrepreneurs attained comparable holdings. The only higher tier—estates worth more than \$100,000—encompassed sixty-six African American men, seven of whom resided in North Carolina: Winston-Salem merchant and realtor Charles H. Jones, Durham barber and insurance company founder John Merrick, Durham physician and insurance agent Aaron McDuffie Moore, Wake County merchant Berry O'Kelly, Durham insurance executive Charles Clinton Spaulding, and Winston-Salem physician Daniel Cato Suggs. Schweningen noted that all of these men cultivated interracial business dealings, whether by securing loans from white financiers or catering to a diverse clientele.²²

Richard Fitzgerald's primary business endeavor was his brick yard, but he also bought and sold real estate, erected and leased a commercial building, and operated a drug store. Warren Coleman persuaded him to invest in Coleman Manufacturing Company, incorporated by the North Carolina General Assembly on February 16, 1897. The concern's twenty initial stockholders included eighteen distinguished African American men (authors, businessmen, educators, pastors, politicians, an attorney, and a physician), a black female teacher (Polly A. King), and one white man (Marshall J. Corl). The first officers were Richard B. Fitzgerald as president; Raleigh lawyer, educator, and politician Edward A. Johnson as vice-president; and Warren C. Coleman as secretary and treasurer. These three men and six others comprised the board of directors.²³ Their photograph's inclusion in the African American history exhibit at the Paris Exposition of 1900 along with images of Warren C. Coleman and the company's Concord cotton spinning and weaving mill as it neared

²¹ In 1886, Richard owned 38 ½ acres in Durham and 10 acres in Orange County. The Maples had been destroyed by fire by 1937. Orange County Register of Deeds, Marriage Records; death certificates; Emerson, *Charles Emerson's North Carolina Tobacco Belt Directory*, 169, 489; "R. B. Fitzgerald, Brick Manufacturer," *Daily Tobacco Plant*, Durham, September 14, 1887, p. 2; "Brick," *Durham Globe*, August 1, 1891, p. 4; Murray, *Proud Shoes*, 221; Claudia Roberts Brown, "Emmanuel A. M. E. Church," National Register of Historic Places nomination, 1985.

²² Loren Schweningen, *Black Property Owners in the South, 1790-1915* (Urbana: University of Illinois Press, 1990), 226, 298-300.

²³ *Private Laws of the State of North Carolina Passed By the General Assembly at the Session of 1897* (Winston: M. I. and J. C. Stewart, 1897), 47-49; "The Colored Cotton Factory," *Concord Times*, February 11, 1897, p. 3; "Laying the Corner Stone of the Coleman Cotton Mill," *Concord Times*, February 10, 1897, p. 3; *Charlotte Observer*, February 23, 1897; *Concord Standard*, February 25, 1897.

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completion demonstrates the undertaking's significance as one of the few large-scale African American-owned industrial endeavors in the United States at that time.²⁴

Richard continued to diversify his business interests. He collaborated with Jesse A. Dodson, J. R. Hawkins, John Merrick, Aaron M. Moore, W. G. Pearson, James E. Shepard, G. W. Stephens, and Stanford L. Warren to charter Mechanics and Farmers Bank, incorporated in Durham on February 20, 1907.²⁵ Richard and Sallie's twelve children, many of whom remained in Durham, manifested their parents' entrepreneurial spirit. Charles Thomas, born in 1875, was a house carpenter. Burton, called Burke, born in 1887, worked in the family brick yard until his 1916 death. Samuel, born in 1883, also perpetuated the Fitzgeralds' brick making legacy. After Richard died on March 24, 1918, Sallie moved from the Maples to a modest dwelling at 802 Chapel Hill Road (now Kent Street) where she resided with her youngest daughter Irene, an insurance company clerk, until her death on January 18, 1931.²⁶

Robert and Cornelia Fitzgerald and Their Children in Durham

Robert and Cornelia Fitzgerald struggled financially due to Robert's visual impairment. His brother Richard and friend William H. Clark testified in 1884 that the eye injury Robert suffered during the Civil War resulted in vision loss that had become so severe that he was no longer able to work. As Robert's blindness stemmed from a war-related injury, he qualified for residence at the Southern Branch of the National Home for Disabled Volunteer Soldiers in Hampton, Virginia, where admission and discharge were voluntary. Although sleeping quarters and meal tables were segregated, black and white veterans jointly enjoyed recreational activities and entertainment. The facility's register indicates that Robert first arrived on November 2, 1889. After many years of petitioning the U. S. Government for aid, he began receiving a twelve-dollar-per-month disabled veteran pension on July 7, 1890, which helped to support his family. Robert was discharged on December 31, 1896. Pauli Murray remembered that a three-masted model ship her grandfather made during his tenure in Hampton occupied the parlor mantel in the family's Durham residence for many years.²⁷

Robert Fitzgerald purchased a one-acre Durham lot from Orange County resident L. P. Berry for two hundred dollars on April 14, 1898. He likely oversaw the construction of the residence shortly thereafter at what is now 906 Carroll Street, just a few blocks from his brother Richard's house and brick yard. Robert returned to Hampton on July 18, 1899, and remained there until November 10, 1900. Pauli Murray notes that her grandfather's blindness and a dearth of capable assistants lengthened the process and increased the cost of building the house. The laborers that he hired to make bricks did not fire them properly, resulting in useless product that had to be discarded. Murray also states that her grandmother Cornelia and the couple's children remained in Orange County while the Durham house was under construction. There they resided on a one-

²⁴ W. E. Burghardt Du Bois, "The American Negro at Paris," *The American Monthly Review of Reviews* 22, no. 5 (November 1900): 575-577; "Coleman Manufacturing Co., a Negro operated cotton mill, Concord, N. C.," in the "African American Photographs Assembled for 1900 Paris Exposition" collection, Library of Congress, Washington, DC.

²⁵ "Notice," *Durham Recorder*, February 5, 1907, p. 4; "Additional Bills Passed," *Raleigh Times*, February 20, 1907, p. 4; *Daily Industrial News* (Greensboro), February 20, 1907, p. 4.

²⁶ Charles Thomas Fitzgerald's death certificate lists his birth date as February 24, 1875. Other sources state he was born in 1876. U.S. Census, Population Schedules, 1900-1940; death certificates.

²⁷ "Historical Register, 1871-1933, National Home for Disabled Volunteer Soldiers, Southern Branch, Hampton, Virginia," Records of the Department of Veterans Affairs, Record Group 15.3, National Archives, Washington, DC.; "Robert G. Fitzgerald," Invalid Pension, April 28, 1891, FFP; Murray, *Proud Shoes*, 10-11; Trevor K. Plante, "Genealogy Notes: The National Home for Disabled Volunteer Soldiers," *Prologue: Quarterly of the National Archives and Records Administration* 36, no. 1 (Spring 2004), <http://www.archives.gov/publications/prologue/2004/spring/soldiers-home.html> (accessed September 2015).

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hundred-acre tract, formerly part of Price Creek plantation, that Cornelia inherited after her aunt Mary Ruffin Smith's death on November 13, 1885.²⁸

Building technology and materials indicate that the rear addition to the Fitzgerald residence was executed only a few years after the main block. It is therefore possible that it was constructed between 1901 and 1906 while Robert was at home. He was readmitted to the Hampton facility on January 9, 1907.²⁹

The size of the Fitzgerald House and the fact that the family owned it and the surrounding acre distinguished them from their West End neighbors, the majority of whom leased the modest, one-story, frame dwellings in which they resided. Grocery store proprietors Fred and Caroline Shaw were among the few neighboring homeowners. African American tenants occupying the surrounding dwellings included men who labored on farms, for the railroad, and for other concerns and women who worked as domestics in private homes and washed laundry for hire.³⁰

Pauline Fitzgerald lived at home and taught at West End Graded School until she married Danville, Virginia, native Charles Morton Dame on June 7, 1899, at Emanuel A. M. E. Church in Durham. Immediately following the wedding, the couple moved to Hampton, Virginia, where Charles, an 1897 Howard Law School graduate, opened a practice and Pauline found employment as a public school teacher.³¹

In 1900, four of the Fitzgerald sisters resided in Durham with their parents. Marie, who had attended Hampton Institute for two terms between fall 1889 and spring 1891, worked as a dressmaker. Sallie and Agnes were teachers and Roberta was in school.³² After Agnes visited Pauline in Hampton and learned about the nursing school at Hampton Institute, she applied and was admitted to the program in 1900. Hampton, which served African American and Native American students, did not charge tuition. Agnes graduated from Hampton Training School for Nurses in 1902. On September 24th of that year, Marie and Leon B. Jeffers of Greensboro married at Emanuel A. M. E. Church. The Fitzgeralds held Agnes's wedding to William H. Murray in the same sanctuary on July 1, 1903. The Murrays subsequently resided in Baltimore.³³

In 1903, Sallie was the principal of West Durham Graded School and Roberta was a teacher at an unidentified public school. Robert continued to operate his brick yard, noting in a December 23, 1904, ledger entry that he

²⁸ The Durham County Register of Deeds recorded the deed on March 25, 1899. The road east of the Fitzgerald residence was named Cameron Street until 1935, when it became Shaw Street, followed in 1938 by Carroll Street. Durham County Deed Book 19, p. 572; "Mary R. Smith," Orange County Will Book H, p. 394; Murray, *Proud Shoes*, 4, 25, 241-242; Jones and Southern, *Miss Mary's Money*, 149.

²⁹ "Historical Register, 1871-1933, National Home for Disabled Volunteer Soldiers, Southern Branch, Hampton, Virginia," Records of the Department of Veterans Affairs, Record Group 15.3, National Archives, Washington, DC.

³⁰ U.S. Census, Population Schedule, 1900.

³¹ Marriage records, Durham County Register of Deeds; wedding invitation, Pauli Murray Papers, 1827-1985, MC412, Box 10, Folder 249, Arthur and Elizabeth Schlesinger Library on the History of Women in America, Radcliffe Institute for Advanced Study, Harvard University, Cambridge, MA (hereafter referred to as PMP); Frederick D. Wilkinson, ed., *Directory of Graduates: Howard University, 1870-1963* (Washington, DC: Howard University, 1965), 93; Pauli Murray, *Pauli Murray: The Autobiography of a Black Activist, Feminist, Lawyer, Priest, and Poet* (Knoxville: University of Tennessee Press, 1989), 5.

³² The whereabouts of Cornelia and Robert's son Thomas in 1900 is unclear. Cornelia Fitzgerald states in correspondence to the U.S. Pension Bureau that she had not seen him since 1895. The 1900 census enumerates a Thomas Fitzgerald of the appropriate age who lived in Durham, where he was a brick yard superintendent and rented a room from cotton factory fireman John Burnett and his wife Nellie. "Cornelia Fitzgerald," pension application file, Records of the Department of Veterans Affairs, Record Group 15.7.3, National Archives, Washington, DC; U.S. Census, Population Schedule, 1900; "Maria L. Fitzgerald," vertical file, Hampton University Archives, Hampton, Virginia.

³³ "Agnes Fitzgerald Murray," PMP, Box 10, Folders 224 and 225; "Maria L. Fitzgerald," vertical file, Hampton University Archives, Hampton, Virginia; Murray, *Pauli Murray*, 5-6.

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had seven shovels, four wheelbarrows, and two thousand bricks on hand. Robert briefly partnered with Richard's son-in-law Jesse A. Dodson to sell real estate under the auspices of Fitzgerald and Dodson, which had a 244 West Main Street office in a building that Richard owned. Jesse also managed Fitzgerald Drug Company, located at 242 West Main Street, for Richard and other investors. The Fitzgerald Building's upper stories housed offices, while the ground floor contained two storefronts and the basement barber shops.³⁴

Robert Fitzgerald retired in 1906 as his health declined and the following year entered the National Home for Disabled Volunteer Soldiers in Hampton. Pauline Dame and her husband separated following the deaths of their infant son and daughter. She resided with her sister Agnes Murray's family and worked as a teacher in Baltimore for four years prior to returning to Durham in 1908, where she cared for her aging parents and continued her career as an educator. Most of her tenure was in the public school system, primarily at West End Graded School and Lyon Park Elementary School. However, it appears that Pauline and her sister Sallie briefly operated a private school. The women were instrumental in the 1909 reconstitution of Durham's African American Episcopal mission that became Saint Titus' Episcopal Church. John Ethophilus Gratten Small, a Barbados native, attended Princeton Theological Seminary before moving to Durham in 1913 to serve as the congregation's vicar. Sallie and Reverend Small married in 1916. The following year, he was ordained a priest in Raleigh. The 1920 census enumerates Sallie as a private school teacher and the 1921 city directory indicates that Pauline was a teacher at R. G. Fitzgerald Public School. Sallie, her husband, and their sons relocated to southern Maryland in the summer of 1921, when Reverend Small assumed oversight of three rural parishes.³⁵

After Agnes Fitzgerald Murray's death in March 1914, Pauline Dame assumed her three-year-old niece Pauli Murray's care. Thus, Pauli grew to know her grandparents and extended family in Durham, where she was instilled with their belief in the importance of academic achievement, a strong work ethic, thrift, community service, and Christian faith. Pauli remembered that her family "had little of the world's goods and less of its recognition but they had forged enduring values for themselves which they tried to pass on to me." As Cornelia Fitzgerald and her daughters were devout Episcopalians, Pauli's spiritual education included reading the Bible and worshipping at Saint Titus' Episcopal Church, where she sang in the choir, played the organ, and participated in the Altar Guild. Although Robert Fitzgerald lived at the National Home for Disabled Volunteer Soldiers for almost eight years between January 9, 1907, and his death on August 4, 1919, Pauli enjoyed his company when he visited the family home in Durham.³⁶

Pauline officially adopted Pauli in September 1919. That year, Right Reverend Henry Beard Delany, a close family friend who had become in 1918 the first African American Suffragan Bishop for Colored Work in the

³⁴ Richard Fitzgerald commenced constructing the four-story brick commercial building that housed these businesses in July 1899. "No Park for the Library," *Durham Sun*, August 24, 1899, p. 1; "More Buildings," *Durham Sun*, July 20, 1899, p. 1; *Hill's Durham City Directory* (Richmond, VA: Hill Directory Company, 1903), 99; "Account with Dixon and Fitzgerald," ledger book, p. 191, PMP, Box 12, Folder 330.

³⁵ Pauline F. Dame, "Autobiography of My Life," Summer 1944, PMP, Box 11, Folder 275; Origins of St. Titus' Episcopal Church," no date, PMP, Box 133, Folder 2418; *Hill's Durham City Directories* (Richmond, VA: Hill Directory Company, 1908-1948); "Durham High School Teachers," *Durham Recorder*, June 12, 1908, p. 2; "Graded School Teachers," *Durham Recorder*, June 17, 1909, p. 5; "Announce Faculty of City Schools," *Durham Morning Herald*, May 30, 1917, p. 9; "Raleigh, N. C.," *New York Age*, June 28, 1917, p. 4; "Robert Fitzgerald Died Yesterday," *Durham Morning Herald*, August 5, 1919, p. 12; "Men of the Month," *The Crisis* (July 1920): 93; Murray, *Pauli Murray*, 48-50; Pauli Murray correspondence with Reverend J. Carleton Hayden, August 3, 1978, PMP, Box 11, Folder 290.

³⁶ Robert Fitzgerald was discharged on March 28, 1908, readmitted on September 21, 1911, discharged on March 9, 1912, readmitted on May 8, 1912, discharged on January 14, 1914, readmitted on July 1, 1914, and discharged on September 8, 1916. "Historical Register, 1871-1933, National Home for Disabled Volunteer Soldiers, Southern Branch, Hampton, Virginia," Records of the Department of Veterans Affairs, Record Group 15, National Archives, Washington, DC.; death certificate; Murray, *Proud Shoes*, 21, 244-246.

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Diocese of North Carolina, confirmed Pauli's membership in the Episcopal Church. In a subsequent blessing, Delaney commended Pauli as "a child of destiny." Pauli stated that the Episcopal Church and its missions were "a natural extension of her home life." She enjoyed spending time with her aunt Sallie and Reverend Small's family at the Saint Titus' Episcopal Church rectory, where they lived in Durham, as well as in Maryland, where she visited them for many summers and holidays beginning in 1921. During those trips, Pauli spent Sundays at Reverend Small's three parishes: Saint Simon's in Croom, Saint Philip's at Aquasco, and Saint Mary's at Charlotte Hall.³⁷

Cornelia Fitzgerald's health deteriorated until she died on July 9, 1924. The Durham household then comprised Pauline Dame, her widowed sister Marie L. Jeffers, and Pauli. The settlement of Cornelia's estate required Pauline and Marie to assume a loan to acquire the house from the other heirs. After Pauline and Marie defaulted on the mortgage, Pauline purchased the property at a public auction.³⁸

Pauline and Marie maintained the house and raised Pauli while continuing to work as a teacher and dressmaker, respectively. Pauli attended West End Graded School and Hillside High School. After graduating in 1926, she moved to Queens, New York, in order to continue her education. Pauline and Marie's household grew when Sallie and her family returned to Durham following her husband Reverend Small's 1931 stroke. Although they intended to stay only while he received stroke rehabilitation treatments at Duke University's hospital, Sallie and her two sons remained after Reverend Small died in 1935. Sallie then resumed her work as a teacher.³⁹

In June 1946, Pauline Dame retired from the Durham City School system, where she had spent the last thirty-eight years of her career, after a fifty-five-year tenure as an educator. Previous appointments included public schools in Chatham, Durham, Orange, Wake, and Warren counties; private schools in Durham County and the communities of Warrenton and Littleton, North Carolina; a private institution in Hampton, Virginia; and two public schools in Baltimore, Maryland. As she contemplated retirement, Pauline stated that her work was the most important aspect of her life other than her church. Myriad students affirmed her positive influence on their lives.⁴⁰

Pauline and her sister Sallie visited Pauli Murray in Brooklyn several times for extended periods prior to relocating permanently to live with her in 1949. Pauline initially tried to sell the Durham house, but rented it to tenants including William Daney in 1950 and James O. Green from 1951 to 1953. She sold the property to James S. Heizer Construction Company on June 16, 1953. Pauline died in New York on October 26, 1955, and Sallie on May 19, 1956.⁴¹

³⁷ Petition for Adoption," and "Letters of Adoption," September 1919, PMP, Box 10, Folder 249; Murray, *Pauli Murray*, 48-51, 70, 369; Pauli Murray, letter to family and friends, December 21, 1976, p. 2, PMP, Box 12, Folder 331; The Archives of the Episcopal Church, "The Right Reverend Henry Beard Delany, 1858-1928," 2008, http://www.episcopalarchives.org/Afro-Anglican_history/exhibit/resources/sources.php#delany (accessed in February 2016).

³⁸ Durham County Deed Book 82, p. 494; Deed Book 83, p. 624; Mortgage Book 147, p. 638; Plat Book 1B, p. 243; Plat Book 20, p. 53; Murray, *Proud Shoes*, 2-3, 249.

³⁹ U.S. Census, Population Schedules, 1930 and 1940; Murray, *Pauli Murray*, 64-65, 108.

⁴⁰ "Veteran Teacher Retires," PMP, Box 11, Folder 271; Pauline F. Dame, "Autobiography of My Life," Summer 1944, PMP, Box 11, Folder 275; "Mary Pauline Fitzgerald Dame," PMP, Box 11, Folder 284.

⁴¹ Pauline F. Dame, "Identification," PMP, Box 10, Folder 247; Correspondence between Pauli Murray and Pauline F. Dame, May 6, 1948, PMP, Box 10, Folder 255; Durham County Deed Book 212, p. 238; Plat Book 27, p. 16; death certificates; Murray, *Pauli Murray*, 272, 302-305.

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Parents: William H. Murray (1872-1923) and Agnes Fitzgerald (1878-1914)

Pauli Murray's father, Reistertown, Maryland, native William H. Murray, was born to Nelson and Annie Price Murray in 1872. His parents moved the family to Baltimore in 1881, where Nelson found work as a waiter and Annie as a laundress for elite white clients. William waited tables and undertook small jobs to earn enough money to attend school. He became a teacher, and eventually a principal, in the Baltimore public school system. His first wife, Florence Gray, died in childbirth.⁴²

Like many African American educators, William Murray attended four-week summer training programs at Hampton Normal and Agricultural Institute. His classmates included Pauline Dame and Sallie Fitzgerald. Through their cousin Sadie Fitzgerald, he met Agnes Fitzgerald, who was at Hampton studying nursing from 1900 until her 1902 graduation. The couple married at Emanuel A. M. E. Church in Durham on July 1, 1903.⁴³

William and Agnes Murray resided in Baltimore and had six children—Grace Cornelia Murray, Mildred Fitzgerald Murray, William H. Murray Jr. (Willie), Anna Pauline Murray (Pauli), Rosetta Woods Murray, and Raymond Robert Fitzgerald Murray—between January 15, 1905 and September 19, 1913. After Agnes died on March 26, 1914, William was unable to be the sole provider for all six children. The three oldest remained with him, and his sister Rose Shipley and brother Lewis Murray in Baltimore adopted the two youngest siblings. Per Agnes Murray's request, Pauline Dame assumed Pauli's upbringing in Durham. She had previously kept Pauli, born on November 20, 1910, for nine months while Agnes was pregnant with Rosetta. In January 1917, when William was institutionalized at Crownsville State Hospital due to his deteriorating mental condition, Rose Shipley and Lewis Murray also became caretakers for his eldest children. While hospitalized, William H. Murray Sr. died on June 18, 1923, after being beaten by an attendant.⁴⁴

Pauli Murray (1910-1985): Biographical Summary

Pauli Murray's experience living with her grandparents and aunts in Durham imbued her with fortitude, resilience, and a propensity for extraordinary achievement that characterized her ground-breaking career as a civil rights activist, lawyer, educator, writer, and Episcopal priest. Her pursuit of higher education began in 1926, when, after graduating from Hillside High School, she decided to study in New York City. In order to attain resident status and sufficient course credits for admission to Hunter College, a tuition-free women's school in Manhattan, she resided with her cousin Maude Clegg Womack's family in Queens, New York. Maude and her husband James legally adopted Pauli to facilitate her residency qualification. She attended Richmond High School in Queens during the 1926-1927 academic term and spent the following year working in Durham at the *Carolina Times*, North Carolina Mutual Life Insurance Company, and Bankers Fire Insurance Company. She enrolled at Hunter College in September 1928.⁴⁵

⁴² Pauli Murray, interview with Genna Rae McNeil, February 13, 1976, Interview G-0044, Southern Oral History Program Collection (#4007), Wilson Library, University of North Carolina at Chapel Hill; Murray, *Pauli Murray*, 3-5.

⁴³ Murray, *Pauli Murray*, 5-6; "Agnes Georgia Fitzgerald," Hampton Training School for Nurses diploma, June 9, 1902, wedding invitation, and marriage certificate, PMP, Box 10, Folder 224; "Pauline F. Dame," Hampton Summer Normal completion certificates, 1901 and 1904, PMP, Box 11, Folder 267; "Sarah A. Fitzgerald," Hampton Summer Normal completion certificates, 1902 and 1904, PMP, Box 11, Folder 293.

⁴⁴ *Ibid.*, 11-12; Crownsville State Hospital Center Cemetery Records, Crownsville, Anne Arundel County, Maryland; Pauli Murray correspondence with the Registrar of Vital Statistics, Baltimore, Maryland, December 10, 1966, PMP, Box 1, Folders 1, 2; Crownsville State Hospital correspondence with Pauli Murray, September 22, 1954, PMP, Box 10, Folder 231.

⁴⁵ Murray, *Pauli Murray*, 66-67, 70-71; Pauli Murray, chronology of life events, 1910-1939, PMP, Box 1, Folder 2.

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Murray held a variety of jobs to subsidize expenses during her tenure at Hunter College, where she was an English major. After completing her degree in January 1933 at the height of the Great Depression, she cobbled together part-time work until being hired by the National Urban League in November to sell its *Opportunity* magazine. Health issues forced her resignation the next year. In November 1935, Pauli obtained a Works Progress Administration (WPA) position as a remedial reading teacher at Public School 8, located in a predominantly Italian neighborhood south of Greenwich Village. After a year, she transferred to the WPA's worker education program, created to promote labor union organization and edification.⁴⁶

New York's liberal environment allowed Murray to begin expressing her gender and sexual identities. Rather than using her given name "Anna Pauline," she adopted the use of the gender-neutral "Pauli." She had relationships with women, often dressed androgynously, and unsuccessfully sought testosterone treatments beginning in the late 1930s. Murray's anxiety about her sexuality and gender identity triggered several hospitalizations.⁴⁷ She does not explicitly address her sexual preference in published works, undoubtedly due to the fear that such revelations would adversely impact her career. However, her multifaceted personal journey informed her life-long fight for equal rights regardless of race and gender.

As Murray considered graduate study, she explored the possibility of moving back to Durham and attending Duke University or the University of North Carolina at Chapel Hill (UNC), neither of which had ever admitted African American students. She applied only to UNC and was flatly denied admission on racial grounds in 1938. In response, Murray initiated a letter-writing campaign regarding the university's decision that garnered national media coverage as well as the attention of First Lady Eleanor Roosevelt, who became a life-long friend.⁴⁸

After leaving her WPA post in August 1939, Murray found short-term work such as assisting with National Sharecropper's Week in spring 1940. That season, she planned a visit to Durham with her friend Adelene McBean to celebrate Easter with her family. However, the trip was derailed following an incident during which Murray and McBean challenged the segregated seating policy on an interstate bus. The women were arrested and jailed in Petersburg, Virginia, on March 23rd. During their three-day wait for court to open, they practiced what Murray termed "creative nonviolent resistance." Although they lost the ensuing legal case, the incident convinced Murray of the efficacy of this approach.⁴⁹

Following the Petersburg ordeal, Murray aided the Workers Defense League in its advocacy for African American sharecropper Odell Waller, who had received a death sentence after shooting and killing his white landlord in southwest Virginia. Despite the efforts of prestigious supporters including Howard Law School professor Leon A. Ransom and National Association for the Advancement of Colored People attorney Thurgood Marshall, the effort to avert Waller's execution was in vain. The demoralizing experience fueled Murray's resolve to fight inequity through the legal system. At the encouragement of Dr. Ransom, with whom she had become acquainted during the trial, she applied to Howard Law School.⁵⁰

⁴⁶ Ibid., 92-94, 100-102; Pauli Murray, chronology of life events, 1910-1939, PMP, Box 1, Folder 2.

⁴⁷ Doreen M. Drury, "Love, Ambition, and 'Invisible Footnotes' in the Life and Writing of Pauli Murray." *Souls: A Critical Journal of Black Politics, Culture & Society* 11, no.3 (2009): 298-301.

⁴⁸ Murray, *Pauli Murray*, 109-115; Morris W. Rosenberg, "Negro Applicant Seeks Student Opinion," *Daily Tar Heel*, February 5, 1939, pp. 1, 2; Morris W. Rosenberg, "President Graham Responds to Recent Letter of Negro Woman Seeking University Admission," *Daily Tar Heel*, February 7, 1939, pp. 1, 4.

⁴⁹ Murray, *Pauli Murray*, 133-134, 139, 149.

⁵⁰ Ibid., 150, 160, 162.

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Although the law school awarded Murray a tuition scholarship that facilitated her September 1941 enrollment, she had to work part-time to subsidize living expenses. Murray's experience at Howard was fraught with academic and personal challenges, many of which stemmed from her status as the only woman in her graduating class. She battled for equitable treatment of female students while organizing student protests against segregated restaurants in Washington, DC.⁵¹

After attaining a law degree in May 1944, Murray received a Rosenwald Fellowship to further her legal studies. She sought admission to Harvard University, but the institution's law school denied women entrance until 1949. Murray therefore applied to Boalt Hall of Law at the University of California, Berkeley, where she earned a master's degree during the 1944-1945 academic term. Her experience living with students of diverse backgrounds in the International House sharpened her understanding of global inequity. Murray was admitted to the California bar in December 1945 and accepted a temporary appointment as California's deputy attorney general, but served for only two months in early 1946 due to health complications.⁵²

Murray returned to New York in 1946 and worked for the Commission on Law and Social Action and as a law clerk. She passed the New York State bar in 1947 and opened a private practice, but struggled to support herself and her aunts Pauline and Sallie, who had been living with her in Brooklyn since the summer of 1947. Murray undertook a comprehensive civil rights legislation analysis for the Women's Division of the Methodist Church that resulted in the 746-page tome *States' Laws on Race and Color*, published in 1951. The book served as an invaluable resource for attorneys including Thurgood Marshall, who referenced it during the landmark school desegregation case *Brown v. Board of Education*.⁵³

In 1952, Murray applied for a research position with the Director of Codification of Laws of Liberia through a program designed to assist underdeveloped nations administered by the New York State School of Industrial and Labor Relations at Cornell University. Although she possessed impeccable qualifications, her background was closely scrutinized by the school's dean M. P. Catherwood, who invoked the 1950 Internal Security Act to deny her application. Conceived in reaction to a national panic about communism promulgated by U. S. Senator Joseph R. McCarthy, such investigations of an individual's perceived loyalty to the United States were highly subjective and often ruined reputations and careers. Despite the fact that the Supreme Court of New York's Committee on Character and Fitness had previously awarded Murray loyalty clearance, Cornell determined that "past associations" including her 1930s involvement with entities such as Open Road, Inc. (a travel agency), the Lovestonite Group, and the Spanish Refugee Campaign, all deemed "un-American" or "communist-front," precluded Murray's employment by the university.⁵⁴

Disillusioned by the experience of losing a job through a biased evaluation process which she had no legal mechanism to appeal, Murray channeled her frustration into her next writing project. She commenced chronicling her family history in 1953, closing her law office that year after receiving a \$2,500 creative writing grant from Harper and Brothers (now HarperCollins). Murray made considerable progress on the manuscript in the summer of 1954, when she and James Baldwin were the first African American authors to spend several weeks at the McDowell Colony in Peterborough, New Hampshire. The invitation-only institution provides artists, composers, and writers with free short-term accommodations and studios. After two years of writing and editing, *Proud Shoes: The Story of an American Family* was published in 1956 to widespread acclaim.⁵⁵

⁵¹ Ibid., 181-183, 220, 244.

⁵² "Woman of Decision," *Howard Alumni Journal* (January 1954), 4, 13; Murray, *Pauli Murray*, 239, 258-261, 264-265.

⁵³ Murray, *Pauli Murray*, 270-273, 284, 289.

⁵⁴ Ibid., 294-297; U.S. Government, "Pauli Murray," December 14, 1966, memorandum, Federal Bureau of Investigation, U.S. Department of Justice.

⁵⁵ Murray, *Pauli Murray*, 297-299, 303-305, 310-311.

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It was a period of transition for Murray, as her aunt Pauline died in October 1955 and aunt Sallie in May 1956. Later that year, Murray accepted an associate attorney position at the New York law firm Paul, Weiss, Rifkind, Wharton, and Garrison. At that time, she was the only African-American attorney in the firm and one of three women. While there, Murray developed a close relationship with office manager and personnel director Irene Barlow, known as Renee. Pauli and Renee continued this relationship and were partners until Renee's death 17 years later. Murray left the firm in January 1960 after being offered a full professorship at Ghana University's law school in Accra.⁵⁶

Murray spent sixteen months in Ghana developing and teaching courses such as constitutional law. With her colleague Leslie Rubin, a professor and former South African parliamentarian, she authored *The Constitution and Government of Ghana*, published in 1961. The country's volatile political environment precipitated her return to the United States that summer. In September, Murray entered Yale Law School, from which she became the first African American to earn a doctorate of juridical science in 1965.⁵⁷ In April 2016, Yale University announced that one of the two undergraduate residential colleges scheduled to be completed in 2017 will be named in Murray's memory.

Beginning in spring 1962, Murray served on the Committee on Civil and Political Rights, an entity created to assist the President's Commission on the Status of Women (PCSW), established by John F. Kennedy's December 1961 executive order. Under the auspices of this group, she was charged with defending the inclusion of the word "sex" in the prohibited grounds for discrimination listed in Title VII of the Civil Rights Bill, which addressed equal employment opportunities. In a twenty-four page memorandum submitted in April 1964, Murray eloquently argued that equal treatment on the basis of race, color, religion, sex, and national origin was a fundamental and indivisible human right. She asserted that specific reference to "sex" in the legislation was imperative to counter the pervasive discrimination experienced by women in the workplace. The political debate culminated in a last-minute amendment to include the gender provision in the bill that became law as the Civil Rights Act on July 2, 1964.⁵⁸

Despite this significant achievement, Murray and other feminist leaders felt that the Equal Employment Opportunity Commission (EEOC), created to enforce the act, failed to effectively protect women's rights. This incongruity galvanized activists including Catherine East, Executive Secretary for the Interdepartmental Commission on the Status of Women (ICSW) and Citizens' Advisory Council on the Status of Women (CACSW); attorney Marguerite Rawalt, who served on the PCSW and CACSW; and attorney Mary Eastwood, then employed by the Justice Department's Office of Legal Counsel. Eastwood and Murray co-authored "Jane Crow and the Law: Sex Discrimination and Title VII," which explicated the parallels between race- and gender-based inequity. The frequently cited article spawned widespread use of the term "Jane Crow" and provided a foundation for legal battles against sexual discrimination.⁵⁹

In 1965, Murray was part of an American Civil Liberties Union (ACLU) team including Judge Dorothy Kenyon that authored the brief for the landmark 1965 civil rights case *White v. Crook*. ACLU attorney Charles Morgan successfully argued that an Alabama statute denying women and African Americans the ability to sit on juries violated the Fourteenth Amendment's Equal Protection Clause. Murray continued to work with the ACLU and

⁵⁶ Ibid., 311, 312, 314, 318.

⁵⁷ Ibid., 338-340, 344, 359.

⁵⁸ Ibid., 347, 351-358; 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," April 14, 1964, PMP, Box 85, Folder 1485.

⁵⁹ Murray, *Pauli Murray*, 356, 362; Pauli Murray and Mary O. Eastwood, "Jane Crow and the Law: Sex Discrimination and Title VII," *George Washington Law Review* 34, no. 2 (1965): 232-56.

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served on the organization's National Board of Directors from 1965 until 1973. She was a founding member of the National Organization for Women (NOW) in 1966.⁶⁰

Murray applied for a position as the EEOC's Chief of Technical Studies in July 1966. That fall, she began a seven-month consulting position with the agency and was considered for the position of general counsel. The Federal Bureau of Investigation conducted an exhaustive background check that garnered glowing recommendations from colleagues, former employers, and professors, all of whom lauded her intelligence and competence and felt that she was eminently qualified for the position. However, EEOC chairman Steven N. Shulman cited Murray's involvement with "communist" organizations in the 1930s, two arrests in conjunction with civil rights demonstrations, a two-day mental health evaluation at Bellevue Hospital, and a brief unconsummated marriage as grounds for denying her the job in spring 1967.⁶¹

That fall, Murray accepted a year-long appointment at Benedict College in Columbia, South Carolina, where she was charged with developing programs to ameliorate achievement disparity between African American and white students. Her next academic appointment, a professorship of law and politics at Brandeis University in Waltham, Massachusetts, began in September 1968. Murray was the institution's first full-time African American faculty member. Despite the contentious, racially polarized political climate, she promoted solidarity in the fight against race and gender-based discrimination. In spring 1972, Murray taught a course on the enforcement of constitutional rights and liberties at the Boston University School of Law.⁶²

Her philosophical evolution and the 1973 death of her partner Renee Barlow led Murray to resign her position at Brandeis University. Murray's frustration with her perceived inability as a lawyer and teacher to effectively address divisive social issues inspired her to pursue what she felt was the missing component of her academic training and spiritual well-being: theological study. In so doing, Murray embraced the opportunity to challenge women's exclusion from the Episcopal clergy, church governance, and lay liturgical participation. Her mentors included Right Reverend John M. Burgess, who was in 1969 elected to serve as the first African American diocesan Episcopal bishop. With the support of leaders such as Burgess and Suffragan Bishop Morris F. Arnold, the Episcopal Church accepted Murray in June 1973 as a candidate for ordination from the Diocese of Massachusetts. She thus returned to New York in September 1973 and entered the General Theological Seminary. During her senior year, Murray studied at Virginia Theological Seminary and undertook her fieldwork in parish ministry at Saint Philip's Chapel at Aquasco, one of the three parishes her uncle Reverend Small had served and she had visited beginning in 1921. Upon attaining a Master of Divinity degree from the General Theological Seminary in New York in May 1976, Murray stated that completing the rigorous curriculum was the most significant event in her life. The achievement culminated in Murray becoming the first ordained African American female priest in the Episcopal Church at a ceremony held at the National Cathedral in Washington, DC, on January 8, 1977.⁶³

Murray first celebrated Eucharist at Chapel of the Cross in Chapel Hill on February 13, 1977. The venue was particularly poignant due to the fact that her enslaved grandmother Cornelia Smith had been baptized there in 1854 and attended services during which African American worshippers were relegated to balcony seating. Murray's career as an Episcopal priest, spent at St. Stephen Incarnation Church and the Episcopal Church of the Atonement in Washington, the Church of the Holy Nativity in Baltimore, and the Church of the Holy Cross

⁶⁰ Murray, *Pauli Murray*, 363-365, 368.

⁶¹ *Ibid.*, 373; U.S. Government, "Memorandum from Mr. Tolson to Mr. DeLoach regarding Pauli Murray," April 4, 1967, Federal Bureau of Investigation, U.S. Department of Justice.

⁶² Murray, *Pauli Murray*, 362-363, 373, 386, 416-417.

⁶³ *Ibid.*, 369, 426-427, 431-435; Pauli Murray, letter to family and friends, December 20, 1973, PMP, Box 99, Folder 1773; Pauli Murray, letter to family and friends, December 21, 1976, p. 2, PMP, Box 12, Folder 331.

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Church in Homewood, Pennsylvania, ended in 1982 when she retired at the age of seventy-two in compliance with church policy.⁶⁴

Murray completed a second autobiography prior to her death in Pittsburgh on July 1, 1985. Two years later, Harper & Row published the manuscript as *Song in a Weary Throat: An American Pilgrimage*. In 1989, University of Tennessee Press reprinted the book in paperback as *Pauli Murray: The Autobiography of a Black Activist, Feminist, Lawyer, Priest, and Poet*. Since 2012, the Episcopal Church has recognized Murray's extraordinary achievements with annual liturgical commemoration in the Calendar of the Church Year, which encompasses two feast and holy day cycles. On July 1st, parishes celebrate Murray's life as well as that of writer and abolitionist Harriet Beecher Stowe.⁶⁵

Women's and Civil Rights Context

Pauli Murray was a leading "architect of feminist legal strategy" in the twentieth century.⁶⁶ She pioneered a litigation approach for sex to be considered in equal protection standards of the Fourteenth Amendment and was instrumental in keeping sex in Title VII of the 1964 Civil Rights Act. Murray's ideas, as demonstrated through her actions such as mentoring Ruth Bader Ginsburg, advanced the cause of women's legal equality. This legacy continues into the twenty-first century.

Murray's innovative legal reasoning originated in critical analysis drawn from her personal experiences of racism and sexism, what she called Jane Crow. In the 1930s and 1940s and through diverse forms of activism, Murray was on the vanguard of African American activists who experimented with nonviolent direct action. More than a decade before the height of the civil rights movement, she attempted to integrate schools and buses, and organized sit-in campaigns of segregated restaurants. Murray's activism in the black freedom movement was crucial to her later contributions to the women's movement, what she called "only different phases" of an inclusive crusade for human rights.⁶⁷

The significance of Murray's contributions to American history is clearly evident in her original and critical legal work during the 1960s. Yet, Murray's cutting-edge legal approaches emerged from her earlier activism in the long civil rights movement. To assess properly, then, Murray as an agent of change in American history, it is necessary to consider her within the contexts of both women's history and civil rights history.

President's Commission on the Status of Women

Pauli Murray's work on the President's Commission on the Status of Women (PCSW) shaped feminist legal strategy for decades to come. The PCSW arose in response to Eleanor Roosevelt's concern that President Kennedy had appointed few women in his administration. Kennedy promised Roosevelt he would create a commission to study women issues if she would chair it. Historian Lynne Olsen speculates that the commission was a political gambit: Kennedy was "silencing the outspoken former First Lady by bringing her into the

⁶⁴ Murray, *Pauli Murray*, 432-435; Pauli Murray, interview with Charles Kuralt, "On the Road," 1976, CBS Evening News, 1985; "Dr. Pauli Murray, Episcopal Priest," *New York Times*, July 4, 1985.

⁶⁵ Episcopal Church, *Holy Men, Holy Women: Celebrating the Saints* (New York: Church Publishing, 2010), X, 3, 448-449; Episcopal Church, *Holy Men, Holy Women: Celebrating the Saints, Additional Commemorations* (New York: Church Publishing, 2013), 4.

⁶⁶ Serena Mayeri, *Reasoning from Race: Feminism, Law, and the Civil Rights Revolution* (Cambridge: Harvard University Press, 2011), 14.

⁶⁷ 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," April 14, 1964, p. 9, PMP, Box 85, Folder 1485.

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administration tent and ridding himself of the ‘woman question’ by creating a commission that would meet for years and accomplish nothing.”⁶⁸ What happened instead was unprecedented research on women’s issues and the creation of a national network of politically savvy women committed to equality.

The PCSW was charged with researching legal issues related to women and making proposals about employment policy, education, and property rights. Laws about employment became a focal point. Until the 1960s, employment legislation concerning women was generally protective legislation, designed to safeguard women from injury and exploitation. An unintended consequence of protective legislation, however, was that depending on the particular job, a woman might be perceived as requiring so many accommodations that it would be cheaper and easier to hire a man. Second wave feminists increasingly interpreted the legislation that many first wave feminists had hoped would protect women in the workplace as keeping women from higher paying positions.⁶⁹

Women’s organizations debated the pros and cons of endorsing the Equal Rights Amendment (ERA), first proposed in 1923, for decades. This issue took center stage in the PCSW’s discussions. ERA supporters promoted it as a way to summarily invalidate protective legislation. Opposition ranged from a concern that the amendment would ignore women’s special role as mothers to little hope that the ERA would be ratified in the number of states required. Labor feminists wanted to preserve legal protections they had lobbied hard to establish. A central focus of the PCSW, then, was to find an alternative to protective legislation, but one that would not necessarily promote the ERA.⁷⁰ Murray theorized this “bold, imaginative” alternative.⁷¹

Murray was a natural choice to serve on the Commission as she was an attorney with expertise researching employment and race laws. Recently returned from Ghana where she had taught the nation’s first course on constitutional law and co-written the first textbook on the new country’s constitution, Murray was pursuing her doctorate at Yale Law School.

Murray jumped at the chance to devote her talents to a new horizon of human rights, and she was moved by the opportunity to work on behalf of the former First Lady. Since their first exchange in the 1930s, Roosevelt and Murray had sustained a steady correspondence, punctuated by Murray’s visits to Roosevelt’s apartment in New York City and home in Hyde Park. Murray’s influential work for the PCSW would be completed in December 1962, one month after Eleanor Roosevelt’s death.

Murray served on the Committee on Civil and Political Rights, charged with dealing with the most contentious issue of the PCSW—whether to support the ERA. She submitted her solution in a legal memorandum that would become bedrock for feminist legal strategy. Murray did not oppose the ERA on its merits, but she felt that it was politically inexpedient. She knew that that any legal strategy that sought to address women’s status must be sophisticated enough to address women as mothers and workers.⁷²

⁶⁸ Lynne Olsen, *Freedom’s Daughters: The Unsung Heroines of the Civil Rights Movement from 1830 to 1970* (New York: Scribner, 2001), 356.

⁶⁹ Cynthia Harrison, *On Account of Sex: The Politics of Women’s Issues, 1945–1968* (Berkeley: University of California Press, 1988), 35–41.

⁷⁰ Harrison, *On Account of Sex*, 151–52; Susan M. Hartmann, *The Other Feminists: Activists in the Liberal Establishment* (New Haven: Yale University Press, 1998), 62–63.

⁷¹ Pauli Murray, “A Proposal to Reexamine the Applicability of the Fourteenth Amendment to State Laws and Practices Which Discriminate on the Basis of Sex Per Se,” December 1962, p. 1, PMP, Box 50; Folder 887.

⁷² Murray, “A Proposal to Reexamine,” 7-9.

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Murray looked to the Fourteenth Amendment's Equal Protection clause for redress of sex discrimination.⁷³ Different from other categories that were considered under equal protection, including race, religion, and national origin, "sex" had been considered a reasonable basis for legislative classification, referring to a less stringent standard of review that meant that laws could discriminate on the basis of sex when a set of facts was seen to justify the discrimination. In the case of "sex," courts defended a biologically inspired paternalism that sought to protect women in order to safeguard mothers and families. Murray contended that this was retrograde, however, since she noted that the Universal Declaration of Human Rights included a sex provision among its fundamental freedoms.⁷⁴

To pursue women's rights under equal protection, it was necessary for Murray to demonstrate that there was not necessarily a reasonable basis for a classification according to sex. She insisted that the problems of women are not as unique as the courts had assumed. The Supreme Court had made the mistake, Murray asserted, of conflating a person's biological sex with her social role.⁷⁵ For courts to consider sex under equal protection standards, they needed to take into "account both the special needs of women and their individuality."⁷⁶ Murray argued for courts to recognize that women can seek the freedom of choice "to develop their maternal and familial functions primarily, or to develop all other individual capacities as fully as the male, or to develop different capacities at different stages of life, or combinations of these choices."⁷⁷ She agreed with courts' rationale that society has a legitimate interest to protect women's maternal and familial roles. In so doing, she considered the work of mothers and wives as tasks rather than as endemic to their persons because they are female.⁷⁸

Murray's appeal to the Fourteenth Amendment mediated between factions: her solution recognized that it was imperative to protect reproductive labor—giving birth, raising children, and working in the home—while allowing that not all women assume these roles. "What became known as the Pauli Murray approach," historian Robert Self has shown, "offered a way out of the stalemate between labor and equal rights feminist positions."⁷⁹

As an alternative to the ERA, Murray advocated that women undertake a court strategy that had recently succeeded in addressing race-based claims in *Brown v. Board of Education*.⁸⁰ ERA supporters were doubtful that the courts, staffed by an overwhelmingly (white) male judiciary who had been ruling against women's claims for centuries, would recognize women's rights. But Murray persisted that the courts provided the most immediate way to chip away at discrimination against women. And unlike legal approaches that emphasized formal equality or gender neutrality—the idea that "men and women are similarly situated and, therefore, should have the same rights and opportunities"—Murray believed that a court strategy would be flexible enough to recognize that not all laws that specified differential treatment were necessarily discriminatory (a position that the ERA could not accommodate).⁸¹

⁷³ Ibid., 3.

⁷⁴ Ibid., 22.

⁷⁵ Ibid., 3, 10.

⁷⁶ Ibid., 9.

⁷⁷ Ibid.

⁷⁸ Ibid., 7-8.

⁷⁹ Robert O. Self, *All in the Family: The Realignment of American Democracy Since the 1960s* (New York: Hill and Wang, 2012), 112.

⁸⁰ Murray, "A Proposal to Reexamine," 21.

⁸¹ Mary Becker, "The Sixties Shift to Formal Equality and the Courts: An Argument for Pragmatism and Politics," *William and Mary Law Review* 40, no. 1 (October 1998): 210.

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Murray specified that women may be subject to differential treatment as a class if and only if the law is designed to protect maternal and family functions and is limited to a class of women who provide these functions; is a valid health regulation that takes into account special health needs that advanced scientific discoveries see women as having; and that differential treatment should not imply inferiority of women or single out women as a class. Any law that applied differential treatment to women, but did not meet these standards, would be based on an arbitrary and unreasonable standard within the meaning of the Fourteenth Amendment.⁸²

Completed in 1962, Murray's memorandum not only found a solution to a long-standing disagreement in the nascent women's movement, but it also challenged the premise that "sex" was a reasonable basis for legislative classification. Her careful distinction between social roles and biological sex would serve as a critical distinction in legal battles for women's rights. Murray's PCSW memorandum is "the founding document of the legal efforts on behalf of women's equality."⁸³ Her recommendations were highlighted in published report on the Commission's work: "the opinion of members of the Committee and the Commission were strongly influenced" by Murray's proposal of a court strategy.⁸⁴

The Negro Woman and the Quest for Equality

At the same time as Pauli Murray developed a feminist litigation strategy, she pushed male civil rights leaders to recognize how black women were integral to the movement. Her sharpest public critique came in the run-up to the 1963 March on Washington when she addressed an open letter to A. Philip Randolph, the event's chief organizer. Murray protested that no woman was scheduled to address the march and that the night before Randolph planned to speak at the men's only National Press Club. In an open letter to Randolph, Murray challenged:

I have been increasingly perturbed over the blatant disparity between the major role which Negro women have played and are playing at the crucial grass-roots levels of our struggle and the minor role of leadership to which they have been assigned....The time has come to say to you quite candidly, Mr. Randolph, that "tokenism" is as offensive when applied to women as when applied to Negroes.⁸

Murray continued to make her case. In November 1963, the National Council of Negro Women (NCNW) held a meeting called "After the March, What?" There Murray gave a speech about "The Negro Woman and the Quest for Equality." NCNW chairwoman and civil rights leader Dorothy Height recalled that Pauli Murray "captured the feeling of black women about their exclusion from direct participation in the March on Washington as well as their feelings about their treatment in the overall movement."⁸⁵

Murray spoke passionately about how black men and women shared a "pioneer life on spiritual and psychological frontiers not inhabited by another other group in the United States."⁸⁶ To this latest manifestation

⁸² Ibid., 227.

⁸³ Self, *All in the Family*, 113.

⁸⁴ Margaret Mead and Frances Balgley Kaplan, eds., *American Women: The Report of the President's Commission on the Status of Women and Other Publications of the Commission* (New York: Charles Scribner's Sons, 1965), 149.

⁸⁵ Dorothy I. Height, "'We Wanted the Voice of a Woman to be Heard': Black Women and the 1963 March on Washington" in *Sisters in the Struggle: African American Women in the Civil Rights-Black Power Movement*, ed. Bettye Collier-Thomas and V. P. Franklin (New York: New York University Press, 2001), 89.

⁸⁶ Pauli Murray, "The Negro Woman and the Quest for Equality" (1964) in Dawn Keeley and John Pettegrew, eds., *Public Women, Public Words: A Documentary History of American Feminism, Vol. 3* (New York: Rowman & Littlefield, 1997), 57.

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of centuries of resistance and struggle, black women continued to dedicate their creativity and energies. Yet, “as the civil rights struggle gathers momentum,” Murray felt black women “began to recognize the similarities between paternalism and racial arrogance. They also begin to sense that the struggle into which they have poured their energies may not afford them rights they assumed would be theirs when the civil rights cause has triumphed.”⁸⁷

Murray insisted that it was “bitterly humiliating for Negro women on August 28 to see themselves accorded little more than token recognition in the historic March on Washington.”⁸⁸ “One thing is crystal clear,” Murray concluded, “the Negro woman can no longer postpone or subordinate the fight against discrimination because of sex to the civil rights struggle but must carry on both fights simultaneously.”⁸⁹

Title VII

Pauli Murray continued to assert the congruence of women’s and civil rights when she played a crucial role in retaining the category of “sex” in Title VII of the Civil Rights Act of 1964. Murray’s legal analysis has been instrumental for American women to have equality in employment.

“Sex” was not originally part of Title VII of the 1964 Civil Rights Act. Evidently to undercut the seriousness of the bill, Representative Howard Smith of Virginia had added “sex” to the existing equal protection provisions of “race, color, religion, or national origin” outlined in Title VII of the act, which prohibits discrimination in employment.⁹⁰ He “hoped that the idea of sex equality in employment would be so controversial, would be considered so outlandish, that it would kill the entire legislation.”⁹¹ Robert Self asserts that Smith’s amendment exploited how “since the 1860s African American and women’s rights had been entangled, and often set competitively against one another.”⁹²

After the bill passed the House, it was expected that “sex” would be removed from Title VII in the Senate’s deliberations. But a group of PSCW veterans saw Smith’s ploy as an opportunity to forward women’s legal standing. They asked Murray to write a second document, this one in response to legislative developments surrounding the sex amendment.⁹³ The resulting “Memorandum in Support of Retaining the Amendment to HR 7152 to Prohibit Discrimination in Employment Because of Sex” argued that race and sex discrimination should not be separated, for they were, in Murray’s terms, “only different phases of the fundamental and indivisible issue of human rights.”⁹⁴

Opponents of the “sex” amendment believed that it would distract from the bill’s primary purpose—to end discrimination against blacks—but Murray demonstrated a natural affinity between the status of white women and of African American men. She cited evidence from social scientists about similarities between sex and race discrimination. She emphasized that while courts had worked to remedy race discrimination, they were almost completely oblivious to sex discrimination. To convince lawmakers about the importance of the amendment,

⁸⁷ Ibid., 58.

⁸⁸ Ibid., 57.

⁸⁹ Ibid., 60.

⁹⁰ See Jo Freeman, “How ‘Sex’ Got Into Title VII: Persistent Opportunism as a Maker of Public Policy,” *Law and Inequality* 9, no. 2 (March 1991): 163–64; and Becker, “The Sixties Shift to Formal Equality and the Courts,” 232–33.

⁹¹ Olsen, *Freedom’s Daughters*, 359.

⁹² Self, *All in the Family*, 114.

⁹³ Becker, “The Sixties Shift to Formal Equality,” 234.

⁹⁴ Murray, “Memorandum in Support of Retaining the Amendment to H.R. 7152,” 9.

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Murray laid out a number of parallels between race discrimination (which senators were ready to legislate against) and sex discrimination (which was largely overlooked).

Murray contended that similarities between race and sex discrimination were “not accidental, but originated in the paternalistic order of society.”⁹⁵ Rather than simply parallel, race and sex discrimination were connected in that they served a similar end—to bolster this “paternalistic order.” Seeking to assuage the concerns of some white women who grumbled that African Americans’ rights were being prioritized over their own, Murray universalized civil rights and characterized white women as “natural allies of disadvantaged minorities.”⁹⁶ The interrelation of all human rights underlay Murray’s argument for the inclusion of “sex.” “The employment rights of all must be protected or the rights of none will be secure,” she insisted.⁹⁷

After developing a comparison between historical discrimination against African Americans and against women, Murray invoked the experiences of African American women to demonstrate overlapping and interconnected forms of inequality. She argued that “these two types of discrimination are so closely intertwined and so similar that Negro women are uniquely qualified to affirm their interrelatedness.”⁹⁸

Murray contended that black women rarely knew the source of the discrimination they suffer. She cited demographic reports that a black woman experienced overlapping forms of inequality, for she had less education, earned less, was in the labor market longer, and bore a heavier economic burden of heading a family. Murray concluded, “in a more sharply defined struggle than is apparent in any other social group in the United States, she is literally engaged in a battle for sheer survival.”⁹⁹

Murray cautioned against making a false choice between rights for African Americans and rights for women, which would ignore the experiences of those at the intersection of race and sex.¹⁰⁰ For black women to be protected from employment discrimination, Murray insisted, race *and* sex needed to be included in Title VII. Her memo was sent to a select group of senators, Attorney General Robert F. Kennedy, and Lady Bird Johnson.¹⁰¹ The document “helped influence a number of senators, and the Senate decided to retain the amendment in the act.”¹⁰² In short, Pauli Murray convinced them to keep “sex” in Title VII.

According to historian Lynne Olsen, Title VII was the “most important legislative victory” for women’s rights “since Congress approved the Nineteenth Amendment.”¹⁰³ The race–sex analogy that Murray employed in her argument in support of the amendment to Title VII would, according to legal scholar Serena Mayeri, “profoundly shape women’s rights advocacy under the Fourteenth Amendment and through civil rights legislation well into the 1970s and beyond.”¹⁰⁴ Murray’s critical work in Title VII debate exemplified how she played a “pivotal role in building coalitions between the black freedom and women’s movements, and connected these causes intellectually, constitutionally, and spiritually.”¹⁰⁵

⁹⁵ Ibid., 6

⁹⁶ Ibid., 12.

⁹⁷ Ibid., 13.

⁹⁸ Ibid., 20.

⁹⁹ Ibid., 21.

¹⁰⁰ Serena Mayeri, “A Common Fate of Discrimination: Race-Gender Analogies in Legal and Historic Perspective” *Yale Law Journal* 110 (2001): 1067.

¹⁰¹ Pauli Murray, *Song in a Weary Throat: An American Pilgrimage* (New York: Harper & Row, 1987), 357.

¹⁰² Olsen, *Freedom’s Daughters*, 261.

¹⁰³ Ibid., 358.

¹⁰⁴ Mayeri, “A Common Fate of Discrimination” 1057.

¹⁰⁵ Serena Mayeri, “Pauli Murray and the Twentieth-Century Quest for Legal and Social Equality,” *Indiana Journal of Law and Social Equality* 2, no. 1 (2014): 88.

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Historian Jacquelyn Dowd Hall asserts that Title VII is a key moment in civil rights history, when “legal protection of individuals from workplace discrimination was extended to a large majority of Americans, including not only people of color and all women, but also the elderly and disabled.”¹⁰⁶ She argues “the grass-roots movement set in motion by Title VII of the Civil Rights Act of 1964 has been among the least noted of the movement’s economic dimensions.”¹⁰⁷

Jane Crow and the Law

With white feminist lawyer Mary Eastwood, Murray published her argument about legal remedies for Jane Crow. Eastwood, a lawyer at the Department of Justice, had served with Murray on the PCSW’s Committee on Civil and Political Rights. Echoing Murray’s memo in 1965, Murray and Eastwood asserted that the addition of sex to Title VII was crucial because “it is exceedingly difficult to determine whether a Negro woman is being discriminated against because of race or sex. Without the addition of ‘sex,’ Title VII would have protected only half the potential Negro work force.”¹⁰⁸

Murray and Eastwood also advocated that women appeal to the Fourteenth Amendment’s equal protection standards for redress of sex discrimination. Though the Supreme Court had not yet “found a law distinguishing on the basis of sex to violate the Fourteenth Amendment,” Murray and Eastwood anticipated that this could be a viable avenue for women’s legal equality.¹⁰⁹

Leading historian of American women Sara Evans calls “Jane Crow and the Law” a “landmark article on legal discrimination.”¹¹⁰ According to legal scholar Serena Mayeri, the article “provided a template for analogical legal arguments under the Constitution and Title VII.”¹¹¹ Among the first published considerations of African American women’s legal status, the article reiterates Murray’s analogy between race and sex to conclude that “the rights of women and the rights of Negroes are only different phases of the fundamental and indivisible issue of human rights.”¹¹²

“Jane Crow and the Law” is an important precursor to critical race feminism, a theoretical movement that emerged in the late 1980s that addresses the legal rights of women of color. Discrimination that occurs at the intersection of race and sex (as well as class, on the basis of sexuality, etc.) has received its most influential treatment by Kimberlé Crenshaw, a legal theorist who developed the category of intersectionality to describe the experiences of African American women (in particular, but the term can describe others’ experiences as well) whose “intersectional experience is greater than the sum of racism and sexism.”¹¹³ Murray anticipated ongoing efforts in contemporary critical race theory to have the law be responsive to the intersectional nature of identity and worked to have the law changed so that black women could seek legal redress as people who were both black and women.

¹⁰⁶ Jacquelyn Dowd Hall, “The Long Civil Rights Movement and the Political Uses of the Past,” *Journal of American History* 91, no. 4 (March 2005): 1259.

¹⁰⁷ *Ibid.*, 1258.

¹⁰⁸ Pauli Murray and Mary O. Eastwood, “Jane Crow and the Law: Sex Discrimination and Title VII,” in *The George Washington Law Review* 34, no. 2 (December 1965): 243.

¹⁰⁹ *Ibid.*, 237.

¹¹⁰ Sara Evans, *Tidal Wave: How Women Changed America at Century’s End* (New York: Free Press, 2003), 25.

¹¹¹ Mayeri, *Reasoning from Race*, 22.

¹¹² Murray and Eastwood, “Jane Crow and the Law,” 235.

¹¹³ Kimberlé Crenshaw, “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics,” *University of Chicago Legal Forum* 140 (1989), 140.

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National Organization for Women

Almost as soon as it passed, Title VII risked becoming “dead letter” law.¹¹⁴ The Equal Employment Opportunity Commission (EEOC) was created to enforce employment antidiscrimination laws under the standards set in Title VII, but the EEOC was initially reluctant to take sex discrimination cases. In response Murray advocated that feminists take to the streets to articulate their demands for equal protection under the laws. Drawing on a tradition of civil rights protest about employment opportunity, she called for a feminist version of the National Association for Colored People (NAACP) to press for women’s rights.¹¹⁵

Betty Friedan was intrigued by Murray’s comparison of civil rights to feminism.¹¹⁶ In 1966, Friedan, Murray, and twenty-six others established the National Organization for Women (NOW). Growing in large part out of networks built in the President’s Commission on the Status of Women, NOW’s early vision was strongly influenced by Murray. As noted by historian Annelise Orleck, “Friedan wrote the group’s statement of purpose in close consultation with Pauli Murray.”¹¹⁷

Murray was NOW’s “strongest voice for collaboration with other civil rights causes,” so she was deeply disappointed by NOW’s decision to devote most of its energies to the passage of the ERA.¹¹⁸ She was concerned that by focusing on the ERA, NOW would alienate potential coalition partners in civil rights and labor. “While Murray did not oppose the ERA per se,” Serena Mayeri argues, “she felt that concentrating on the amendment in light of other groups’ misgivings compromised the multiplicity of her own identity and her aspirations for the feminist movement.”¹¹⁹ Murray also bristled at the racist history of ERA support. Since the 1920s, support for the ERA has been centered in the National Woman’s Party (NWP), a largely white, middle- and upper-class women’s group that had a contentious history with civil rights. The NWP had ostensibly sided with Murray in support for the addition of “sex” to Title VII, but for much different reasons. The NWP supported the addition in order to ensure that white, Christian women would receive the same legal protections as African Americans.

Murray broke her ties with NOW just a few years later because she felt that it represented primarily the interests of white, middle-class women and that NOW reflected the general pattern of segregation that characterized feminist groups. Historian Susan Hartmann concludes that Murray’s alienation from NOW “was all the more striking in light of Murray’s abundant contributions to the resurgence of feminism.”¹²⁰

White v. Crook

When Pauli Murray proposed that women model their equal protection claims on the approach used in *Brown*, the court strategy depended on potential cases being “deliberated, selected, and litigated by some group or

¹¹⁴ Nancy MacLean, *Freedom is Not Enough: The Opening of the American Workplace* (Cambridge, MA: Harvard University Press, 2008), 128.

¹¹⁵ Edith Evans Asbury, “Protest Proposed on Women’s Rights,” *The New York Times*, October 13, 1965, A32. See also Taylor Branch, *At Canaan’s Edge: America in the King Years, 1965-1968* (New York: Simon & Schuster, 2006), 499.

¹¹⁶ Maryann Barakso, *Governing NOW: Grassroots Activism in the National Organization for Women* (Ithaca: Cornell University Press, 2004), 43, 22. See also MacLean, *Freedom is Not Enough*, 128.

¹¹⁷ Annelise Orleck, *Rethinking American Women’s Activism* (New York: Routledge, 2014), 85.

¹¹⁸ Mayeri, *Reasoning from Race*, 36.

¹¹⁹ Serena Mayeri, “Constitutional Choices: Legal Feminism and the Historical Dynamics of Change,” *California Law Review* 92, no. 3 (May 2004), 772, 791.

¹²⁰ Hartmann, *The Other Feminists*, 189.

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coalition.”¹²¹ She had hoped NOW would spearhead this legal approach, but NOW’s leadership had opted to focus most of its energy on lobbying for the ERA.

Murray did not give up. If NOW was not yet willing to bring cases through the courts, Murray felt the American Civil Liberties Union might be. In 1967 she joined the ACLU board and persuaded the civil liberties group to focus on the “guarantees of the Fifth and Fourteenth Amendments, for due process and for equal treatment under the law, and to initiate litigation to eliminate discrimination based on sex in “jury service, the criminal law, domestic relations law, [and] public education.”¹²²

Pauli Murray and Dorothy Kenyon, a legal scholar and fellow ACLU board member, co-wrote the first ACLU brief that framed women’s rights to serve on juries according to equal protection standards of the Fourteenth Amendment. The case, *White v. Crook*, provided a “stark and compelling opportunity” to demonstrate that “sex discrimination and racial discrimination went hand in hand.”¹²³ Murray and Kenyon argued that the recognition of “sex” among equal protection standards accorded women the right to participate in the most basic of democratic activities.¹²⁴

White v. Crook was brought by potential jurors in Lowndes County, Alabama after the acquittal of three white men who had been accused of the murder of Viola Liuzzo, a white woman, who was killed days after participating in the 1965 Selma to Montgomery March. With Gardenia White, a black woman, and four others as their plaintiffs, the ACLU and the Department of Justice sought to have the acquittal overturned because African American and white women were not allowed to serve on juries in Alabama; African American men were permitted by law, but were prevented by “de facto custom and extra legal violence.”¹²⁵ Lowndes County, where the case was brought, was 81% African American, but no black man had ever appeared on a jury and all women were barred.¹²⁶

The three judge panel of the U.S. Court of Appeals, 5th Circuit had been disposed to hear an argument on the basis of racial segregation (they had ruled against racial discrimination in the past), but they were less enthused by arguments about sex discrimination. Yet the panel did rule that “jury service is a form of participation in the process of government, a responsibility and a right that should be shared by all citizens, regardless of sex.”¹²⁷

Murray and Kenyon’s legal reasoning was effective, and the ruling proved to be a precedent-setting decision that “sex” was included in Equal Protection standards. To the ACLU’s chagrin, the decision was not appealed, thus thwarting the possibility that the Supreme Court would consider Murray and Kenyon’s argument.

Murray’s work with the ACLU had a profound influence on Ruth Bader Ginsburg. In 1971 Ginsburg was hired to head the ACLU’s newly formed Women’s Rights Project, which “quickly dominated the field, entering far more cases than any of the women’s rights organization.”¹²⁸ Ginsburg has said she admired Murray “for her courage and conviction” and heralded Murray as “independent, intelligent...feisty, determined.”¹²⁹ Ginsburg

¹²¹ Becker, “The Sixties Shift to Formal Equality,” 225.

¹²² Linda K. Kerber, *No Constitutional Right to Be Ladies: Women and the Obligations of Citizenship* (New York: Hill and Wang, 1998), 194.

¹²³ Mayeri, *Reasoning from Race*, 27.

¹²⁴ Branch, *At Canaan’s Edge*, 313, 437.

¹²⁵ Mayeri, *Reasoning from Race*, 27.

¹²⁶ Kerber, *No Constitutional Right to be Ladies*, 195.

¹²⁷ *Ibid.*, 199.

¹²⁸ Samuel Walker, *In Defense of American Liberties: A History of the ACLU* (Carbondale, IL: Southern Illinois University Press, 1999), 305.

¹²⁹ Ruth Bader Ginsburg quoted in *Pauli Murray and Caroline Ware: Forty Years of Letters in Black and White*, ed. Anne Firor

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was convinced by Murray's analogical argument about the connection between race and sex discrimination. In fact, Ginsburg taught Murray's article "Jane Crow and the Law" in one of the first law school courses "devoted to sex-based litigation."¹³⁰

Ginsburg drew from Murray's and Kenyon's work in *White v. Crook* in Ginsburg's precedent-setting argument in *Reed v. Reed*, a 1971 case in which the Supreme Court ruled "for the first time that discrimination on the basis of sex is an unconstitutional denial of equal protection of the laws."¹³¹ In her brief for *Reed*, Ginsburg used the analogical arguments that Murray had put forward a decade earlier. Following Murray, Ginsburg argued "all sex-based legal distinctions were, like race-based distinctions, inherently suspect."¹³²

Though Murray and Kenyon had not worked with Ginsburg to write the *Reed* brief, Ginsburg included their names as co-authors of the brief. In doing so, Ginsburg credited Murray and Kenyon, who had developed the legal logic that was instrumental to feminist legal gains. Intellectual historian Linda Kerber has concluded that the "succession of names on the *Reed* brief was the sign of a torch passed by one generation and aggressively claimed by another."¹³³

Linking Movements

According to historians of the women's movement, Murray is an important bridge figure from one generation to the next—as Ruth Bader Ginsburg has attested. The passing of the torch connects Murray's generation, who came intellectuals in the New Deal and the post-World War II period, to the next generation of feminist activists and litigators who championed legal advances for women into the 1970s.¹³⁴

In their influential history of the long women's movement, Leila Rupp and Verta Taylor quoted Murray to underscore their thesis that the 1960s women's movement grew out of activism from earlier movements. In a 1983 interview, Murray affirmed:

Women did not come to the women's movement without bringing an awful lot of resources: resources in organizations we hadn't even thought about, borrowed techniques of research; and I think a lot of this had to do with why the thing exploded so, because in other words unconsciously we had been trained in everybody else's business and when we finally turned to ourselves we had all this conditioning and training and so forth.¹³⁵

What were these "borrowed techniques of research" that women activists used? Who "else's business" were women's movement leaders trained in that made a difference for American women's advancement? For Murray, it was the black freedom movement. According to Linda Kerber, "perhaps more than any other single person, Murray linked the civil rights movement with the federal quest for equity for women."¹³⁶ Labor

Scott (Chapel Hill: The University of North Carolina Press, 2006), 139.

¹³⁰ Kerber, *No Constitutional Right to Be Ladies*, 202.

¹³¹ *Ibid.*, 199.

¹³² Mayeri, *Reasoning from Race*, 61.

¹³³ Kerber, *No Constitutional Right to be Ladies*, 199.

¹³⁴ Joanne Meyerowitz, "Rewriting Postwar Women's History, 1945-1960," in *A Companion to American Women's History*, ed. Nancy A. Hewitt (New York: Blackwell Publishers, 2002), 384.

¹³⁵ Leila J. Rupp and Verta Taylor, *Survival in the Doldrums: The American Women's Rights Movement, 1945 to the 1960s* (New York: Oxford University Press, 1987), 180-1.

¹³⁶ Kerber, *No Constitutional Right to be Ladies*, 188.

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historian Nancy Woloch affirms that Murray's "bifocal perspective" meant that she was able "at this pivotal moment...to channel lessons from the civil rights movement into the women's movement."¹³⁷

The category of Jane Crow and Murray's entreaty for male civil rights leaders to acknowledge women's roles in the movement certainly indicate her linking of social movements in the 1960s. Murray's insights about Jane Crow grew out of thirty years of reflection, activism, and scholarship about black freedom.

A concise examination of five earlier moments in her career reveals what prepared Murray to make the analogical arguments in her Title VII memo, and from what experiences she drew to imagine a NAACP for women. These include her 1938 attempt to integrate the University of North Carolina at Chapel Hill's (UNC) graduate school, her 1940 arrest on an interstate bus, sex discrimination she experienced in law school, and her 1943 leadership of sit-ins of segregated Washington DC restaurants. Murray used a diversity of tactics that later historians would identify as key to civil rights advances: integrating schools, bus protests and sit-ins, letter-writing campaigns, and scholarship about American racial history.

University of North Carolina at Chapel Hill

In 1938, Pauli Murray attempted to enter UNC's graduate school. Administrators rejected her application because the institution did not admit African American students, but the timing of the action was important. In December 1938 the Supreme Court ruled in *Gaines v. Canada* that Missouri needed to provide Lloyd Gaines, who had been rejected from law school on the basis of race, with facilities equal to those available to white students or admit him. Murray hoped her application could be a test of *Gaines* and asked the NAACP to represent her. The NAACP did not take the case because they expected that Murray, who then lived in New York, would not meet the residency requirement.

Litigation forestalled, Murray waged a letter writing campaign to make her admission denial a national story. The black press published letters between Murray and UNC's president Frank Graham. A columnist for NAACP's *Crisis* wrote, "when Miss Murray submitted her application to the graduate school she was not merely submitting it to President Graham and a few university officials. In reality she was submitting it to the South, and especially the state of North Carolina."¹³⁸

Murray also placed her application attempt in national and international context. The same week that Murray received her rejection letter, President Roosevelt visited Chapel Hill to deliver an address on foreign policy in which he argued that America's commitment to liberal and democratic institutions, like Chapel Hill, was crucial as fascism grew abroad. On the heels of her denial, Murray thought the President a hypocrite. In a letter, she urged the President to recognize fascism at home in the form of Jim Crow.¹³⁹

The president did not reply, but Eleanor Roosevelt, to whom Murray had sent a copy of the same letter, did. Roosevelt counseled Murray that "great changes come slowly. I think they are coming, however, and sometimes it is better to fight hard with conciliatory methods. The South is changing, but don't push too fast."¹⁴⁰ Murray and Roosevelt would continue to deepen their friendship until the First Lady's death in 1962.¹⁴¹

¹³⁷ Nancy Woloch, *A Class By Herself: Protective Laws for Women Workers, 1890s-1990s* (Princeton: Princeton University Press, 2015), 195, 194.

¹³⁸ Murray, *Song in a Weary Throat*, 116.

¹³⁹ Murray, "Dear Mr. President," December 8, 1938, PMP, Box 15, Folder 380.

¹⁴⁰ Eleanor Roosevelt, "Dear Miss Murray," December 19, 1938, PMP, Box 15, Folder 380.

¹⁴¹ Murray and Roosevelt's friendship is the focus of Patricia Bell-Scott's *The Firebrand and The First Lady: Pauli Murray*,

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UNC did not accept black students until 1951, but Murray understood her application as “part of a tradition of continuous struggle” that was necessary to make incremental gains.¹⁴² The UNC application demonstrated Murray’s vision that activism ought to be pursued through multiple concurrent channels, including litigation, letter writing, and calling on national figures to intervene.

Bus Arrest and Christian, Gandhian Nonviolence

Fourteen years before Rosa Parks was arrested on a bus in Montgomery, Pauli Murray was pioneering strategies for protesting Jim Crow. On Easter weekend in 1940, Murray and her friend Adelene MacBean were arrested in Petersburg, Virginia, for disorderly conduct and creating a public disturbance on an interstate bus. After Murray and MacBean refused the driver’s request that they move back to make room for white passengers, the driver left the bus and returned with two police officers. As police took the women to jail, Murray slipped a piece of paper into the hand of member of the assembled crowd and asked him to contact the local NAACP office.

Since Murray and MacBean had been charged only with disorderly conduct, the NAACP saw limited possibilities in their case.¹⁴³ At trial, Murray and MacBean were convicted. After an appeal was denied, the women refused to pay the ten-dollar fine and returned to jail.

The NAACP may have also been wary of taking Murray on as a client because of her sexuality and gender identity. Murray and MacBean were likely romantic partners. When they were arrested, Murray had been dressed in men’s clothes and, it seems, the two were posing as a heterosexual couple.¹⁴⁴

Barbara Lau, Director of the Paul Murray Project in North Carolina, stated that “[w]hile Pauli Murray was never, to our knowledge, a very public member of the LGBTQ community, she left behind diaries, journals and correspondence in her extensive collection of personal papers that offer insight and evidence of her struggle to find her place at the intersection of all of her identities and to craft an integrated life and sense of wholeness.”¹⁴⁵ Doreen Drury argues that Murray “came to live and think in many ways *against* identities, as if she drew that dignity, security, recognition, and inclusion cannot necessarily be grasped once and for all from any particular identity position, but have to be cultivated in an ongoing way *within* intersections.”¹⁴⁶

Though Murray’s legal appeal was not successful, her arrest is an important precedent in an American activist tradition of Christian, Gandhian nonviolence. As police removed Murray from the bus, she said to the driver, “‘You haven’t learned a thing in two thousand years.’ I could not forget that it was Easter Even [sic].”¹⁴⁷ She was comparing Jim Crow to Roman occupation, the political context depicted in the Christian gospels. On Easter weekend, Murray likened how Virginia officials enforced Jim Crow segregation with Roman officials who unjustly arrested Jesus for resisting colonial rule.

Eleanor Roosevelt, and the Struggle for Social Justice (New York: Knopf, 2016).

¹⁴² Murray, *Song in a Weary Throat*, 128.

¹⁴³ Mark V. Tushnet, *Making Civil Rights Law: Thurgood Marshall and the Supreme Court, 1936–1961* (Oxford: Oxford University Press, 1994), 73.

¹⁴⁴ Glenda Gilmore, *Defying Dixie: The Radical Roots of Civil Rights, 1919-1950* (New York: W. W. Norton, 2008), 322-4.

¹⁴⁵ Barbara Lau, “Defying Convention: The Life and Legacy of Pauli Murray,” *LGBT Bar Newsletter*, Durham, NC, May 2012,

3.

¹⁴⁶ Drury, “Boy-Girl, Imp, Priest: Pauli Murray and the Limits of Identity,” 143.

¹⁴⁷ Murray, *Song in a Weary Throat*, 142.

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She later wrote to a friend, “We did not plan our arrest intentionally. The situation developed and, having developed, we applied what we knew of *satyagraha* on the spot,” by petitioning the warden for courteous treatment, explaining what they were doing and why, and discussing their strategy with fellow prisoners.¹⁴⁸

Before her trip, Murray had studied Gandhi’s activism and nonviolent direct action. She was among a group of young African American activists including Bayard Rustin and James Farmer who were looking for ways to translate how the Indian independence movement used religion in an American context and to implement Gandhi’s methods in the United States. Murray was on the leading edge of the kind of nonviolent Christian activism that would, within ten years, fuel the civil rights movement.

Murray and MacBean’s protest came six years before Irene Morgan’s successful appeal of her 1944 arrest for not ceding her seat to a white passenger. In 1946, the Supreme Court ruled in *Morgan v. Virginia*, that states’ laws that required segregation in interstate transportation were unconstitutional. The Morgan decision was the inspiration for the Congress of Racial Equality’s (CORE) 1947 Journey of Reconciliation, in which sixteen activists took trips in the upper South to test enforcement of the Supreme Court’s ruling. Murray was part of the planning team for the Journey efforts, but CORE ultimately decided that women should not be among the protest team for fear they would become the targets of violence.¹⁴⁹

Howard and Harvard Law Schools

In 1942 Murray enrolled in Howard Law School so that she could gain legal skills to fight Jim Crow. Though professors remembered Murray as “a legal genius” and “the best student law school ever had,” she was not afforded the same opportunities as her male colleagues.¹⁵⁰ Murray was not allowed to join the honor society because she was a woman.

She was also denied further study at Harvard because of her sex. It was an annual Howard Law School tradition that the student who completed the program with the highest grade point average subsequently undertook a year of graduate study at Harvard. Despite Murray being the law school’s top graduate, Harvard Law School rejected her application because the institution did not admit women. Murray challenged the decision by petitioning the Law School’s Dean to change the policy and enlisting Eleanor Roosevelt and President Roosevelt, a Harvard alumnus, to press her case with the university’s governing board.

Murray did not achieve her goal, but she had made a compelling case about the damages of sex discrimination. Harvard Law School began admitting women in 1949. Legal theorist Mary Basile indicates “strategies that Murray employed in this campaign, both with respect to the logic of her arguments and her involvement of national figures, anticipated the contributions that she would later make to the cause of equality for women.”¹⁵¹

¹⁴⁸ Ibid, 144.

¹⁴⁹ Scott H. Bennett, *Radical Pacifism: The War Resisters League and Gandhian Nonviolence in America, 1915-1963* (Syracuse: Syracuse University Press, 2003), 155-158; Marian Mollin, *Radical Pacifism in Modern America: Egalitarianism and Protest* (Philadelphia: University of Pennsylvania Press, 2006), 39.

¹⁵⁰ Leon Ransom and William Hastie respectively quoted in Kenneth Mack, *Representing the Race: The Creation of the Civil Rights Lawyer* (Cambridge: Harvard University Press, 2012), 228.

¹⁵¹ Mary Elizabeth Basile, “Pauli Murray’s Campaign Against Harvard Law School’s ‘Jane Crow’ Admissions Policy,” *Journal of Legal Education* 57, no. 1 (March 2007): 82.

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Washington Sit-ins

At the same time as Pauli Murray trained to be a lawyer, she continued to practice nonviolent direct action against Jim Crow. In 1943 and 1944, Murray organized sit-ins of segregated Washington restaurants.¹⁵² Civil rights historians believe that the Murray-led protest was “the first use of words ‘sitting in.’”¹⁵³

After three Howard students were denied service at a local restaurant, Murray and her classmates mobilized. Murray undertook a study of Washington, D.C.’s segregation laws and was startled to discover that the District did not in fact have laws mandating segregation. She concluded that direct action was still an important tactic to confront entrenched customs of southern segregation, even where they were *de facto* and not *de jure*. Murray and other Howard students organized a direct action committee of the university’s NAACP chapter and they practiced nonviolent techniques before the protest.

The sit-ins were successful—in each case students were eventually served and the committee reported a majority of supportive opinion from passers-by—but Howard administrators demanded that the NAACP chapter suspend direct action. The university had been threatened with an end to government funding, which constituted sixty percent of its income.¹⁵⁴ Students eventually relented.¹⁵⁵

The Howard sit-ins were women-organized and women-led; twelve of the nineteen protesters were female. Wartime exigencies played a part; fewer men were enrolled at Howard because many were serving overseas, and women wanted to respond to racial discrimination in their absence. Even so, Murray recognized the boundaries that female protesters pushed by engaging in nonviolent direct action, a tactic still widely criticized by the majority of African Americans and that might have led to “tangling with police, being arrested and thrown into jail.”¹⁵⁶ Almost two decades before student-led sit-ins in Greensboro, NC, Murray’s sit-ins modeled the importance of careful planning and training in nonviolence.

Jane Crow

The 1940s taught Murray about “Jane Crow,” a term she used to describe experiences of African American women who are discriminated against because of race *and* sex. In a 1947 article, Murray distinguished Jane Crow from white women’s and black men’s concerns, for “within this framework of ‘male supremacy’ as well as ‘white supremacy,’ the Negro woman finds herself at the bottom of the economic and social scale.”¹⁵⁷

Murray’s concept of Jane Crow is part of a tradition of African American women theorizing about the intersection of multiple identities. Before Murray, there were Sojourner Truth, Anna Julia Cooper, and Mary Church Terrell. In the late 1940s and early 1950s, Murray was joined by Claudia Jones and Lorraine Hansberry. In the 1970s and 1980s, there were many more, including Frances Beal, Angela Davis, and Gloria

¹⁵² Murray, “A Blueprint for First Class Citizenship,” *The Crisis* 51 (1944): 358. See also, Civil Rights Committee, NAACP Chapter, Howard University, “Memo, RE: What took place on 11th and Pennsylvania, April 22, 1944,” April 23, 1944, p. 1, PMP, Box 18; Folder 385.

¹⁵³ August Meier, Elliot Rudwick, and Francis L. Broderick, eds., *Black Protest Thought in the Twentieth Century*, Second ed. (New York: The Bobbs-Merrill Company, 1971), 246.

¹⁵⁴ Murray, “A Blueprint for First Class Citizenship,” 359

¹⁵⁵ Years later, Murray recalled that she and fellow activists “knew the fate of the institution was at stake and we were not willing to take responsibility for that kind of thing,” in Robert Martin, “A Transcript of a Tape-Recorded Interview with Pauli Murray,” August 15 and 17, 1968, p. 69, Ralph J. Bunche Oral History Collection, Moorland–Spingarn Research Center, Howard University, Washington DC.

¹⁵⁶ Murray, *Song in a Weary Throat*, 203.

¹⁵⁷ Pauli Murray, “Why Negro Girls Stay Single,” *Negro Digest* 5, no. 9 (1947): 5.

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Jean Watkins, an activist with the pen name “bell hooks.” Murray was not, then, the first or the last person to hypothesize about what she called “Jane Crow,” but she applied Jane Crow again, when, “two decades later, that idea would place her at the center of the equality debates of the 1960s.”¹⁵⁸

Early Scholarship on Anti-discrimination Laws

The roots of Murray’s landmark efforts toward women’s legal equality grew out of research about anti-discrimination law. In her first years as an attorney, Murray advanced significantly to legal scholarship about employment and American race laws.

In a 1945 law review article, the first by an African American woman, Murray examined the extent to which “freedom from discrimination [in employment] is recognized as a legal right” and “what remains to be done to make such freedom a universal fact.”¹⁵⁹ After demonstrating that antidiscrimination statutes about employment and unions at state and federal levels were doing a “fragmentary” job, she cited the recently-signed United Nations charter that proclaimed full employment as a prerequisite for economic progress and social development.¹⁶⁰

States’ Laws on Race and Color (1951) was an important precursor to Murray’s later sex equality legal work. Commissioned by a Methodist women’s group to write a pamphlet about race laws, Murray instead produced a seven-hundred-page book that outlined each state’s statutes relating to racial segregation. She combed through statutes from every state in order to catalog any law, ordinance, or regulation that made reference to race or color. Murray began the project with the intention of documenting laws that addressed people of African descent, but she discovered that many states also had restrictive legislation against Native Americans, and Americans of Chinese and Japanese ancestry.

The book had what Murray called a “short but strategic career.”¹⁶¹ The American Civil Liberties Union distributed one thousand copies to its staff attorneys and allied groups who were litigating against segregation. Thurgood Marshall deemed it “the bible” of segregation laws and described it as instrumental in the NAACP’s preparation for the case that would become *Brown v. Board of Education*.¹⁶² It was the *Brown* ruling that quickly made the book obsolete.

States’ Laws showed the strength of Murray’s research skills which she had used to prepare for Washington, DC, sit-ins in the decade before and would again in the next decade as she developed a litigation strategy for women’s equality. Robert Self argues that research for *States’ Laws* “informed her understanding of the discriminatory legal landscape for women.”¹⁶³

¹⁵⁸ Mack, *Representing the Race*, 233.

¹⁵⁹ Pauli Murray, “The Right to Equal Opportunity in Employment,” *California Law Review* 33 (1945): 390. “First black woman lawyer to publish in an academic law review,” in *Rebels in Law: Voices in History of Black Women Lawyers*, ed. J. Clay Smith Jr. (Ann Arbor: The University of Michigan Press, 1998), 281.

¹⁶⁰ Murray, “The Right to Equal Opportunity in Employment,” 432.

¹⁶¹ Murray, *Song in a Weary Throat*, 289.

¹⁶² Davison M. Douglas, “Forward,” to *States’ Law on Race and Color*, Compiled and edited by Pauli Murray (Athens: University of Georgia Press, 1997), xxii–xxiii.

¹⁶³ Self, *All in the Family*, 113.

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Contributions to Civil Rights History

A review of Murray's earlier scholarship and activism demonstrates her efforts to advance black freedom. Yet making the case that Pauli Murray is significant to civil rights history is complicated because she does not easily fit into a prevailing narrative about civil rights.

Typically, the term "civil rights movement" describes a Southern protest movement to spur national legislative changes that occurred between 1955 and 1965. Most of Murray's efforts predate this era and were not specifically geared toward securing national legislation. If, however, the civil rights movement is regarded as part of a larger and longer tradition of black struggle, then Murray's activism and scholarship can indeed be considered as forwarding civil rights.

Historian Clayborne Carson, the director of Stanford University's Martin Luther King Jr. Research and Education Institute, has proposed replacing "civil rights movement" with "black freedom struggle," a term flexible enough to describe locally based movements and activism as an independent social force.¹⁶⁴ Vincent Harding, who served as a speechwriter for King, has argued that the civil rights movement ought to be understood as a "powerful humanizing social movement" in which the quest for "legal rights become essentially openings toward a more humane community."¹⁶⁵ Carson's and Harding's expansive definitions of what constitutes the black freedom movement accommodate Murray's varied, early forays, including attempts to integrate schools and buses, nonviolent direct action against segregation, and critical legal research about anti-discrimination law.

The chronology of the movement is also an important historiographical issue in Pauli Murray's case. Focus on what Bayard Rustin called the "classical phase" of movement, from 1955 to 1965, from the Montgomery bus boycott to the Voting Rights Act, discounts earlier activism by Rustin, Murray, and many others that paved the way for the campaigns of the 1950s and 1960s. Jacquelyn Dowd Hall advocates an extended understanding of black struggle as the "long civil rights movement" that began in earnest in the 1930s.¹⁶⁶ Other historians have pointed to different emphases over three centuries struggle for black freedom—from resistance to slavery, demands for slave pensions and reparations, and protests against lynching.¹⁶⁷ Recognizing what Murray called a "continuous tradition of struggle" deepens our understanding of the classical phase of civil rights.

Regardless of terminology or chronology, women's importance to centuries of black resistance is often omitted in dominant understandings of "the civil rights movement." Traditional historical narratives about civil rights focus on major organizations, groups that lobbied Congress, and people who brought cases before the Supreme Court.¹⁶⁸ When women did not lead these efforts, and they often did not, they are presumed not to be agents of historical change. As civil rights scholarship began to examine community organizing, historians developed a consensus that, as Charles Payne described was the case for communities in the Mississippi Delta, "men led, but women organized."¹⁶⁹ Though women were rarely national leaders, they were crucial to civil rights efforts and

¹⁶⁴ Clayborne Carson, "Civil Rights Reform and the Black Freedom Struggle," in *The Civil Rights Movement in America*, ed. Charles W. Eagles (Jackson: University of Mississippi Press, 1986), 22-23.

¹⁶⁵ Vincent Harding, "Community as a Liberating Theme in Civil Rights History," in Armstead L. Robinson and Patricia Sullivan, eds., *New Directions in Civil Rights Studies* (Charlottesville: University of Virginia Press, 1991): 17.

¹⁶⁶ Hall, "The Long Civil Rights Movement and the Political Uses of the Past," 1245.

¹⁶⁷ Gerald Horne, *The Counter-Revolution of 1776: Slave Resistance and the Origins of the United States of America* (New York: New York University Press, 2014); Mary Frances Berry, *My Face is Black is True: Callie House and the Struggle for Ex-Slave Reparations* (New York, Vintage, 2006); Paula J. Giddings, *Ida: A Sword Among Lions, Ida B. Wells and the Campaign Against Lynching* (New York: Harper, 2009).

¹⁶⁸ Steven F. Lawson, "Civil Rights and Black Liberation," in *A Companion to American Women's History*, 398.

¹⁶⁹ Charles Payne, "Men Led, But Women Organized: Movement Participation of Women in the Mississippi Delta" in *Women in*

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often served as what Belinda Robnett has called “bridge leaders,” who crossed “the boundaries between the public life of a movement organization and the private spheres of adherents and potential constituents.”¹⁷⁰

Yet Murray was not an organizer on the local level, nor a bridge leader, nor was she one of the few women who worked at national organizations (like Constance Baker Motley, a staff attorney at the NAACP-Legal Defense Fund, who wrote the original complaint for *Brown*). Part of the challenge in assessing Murray’s national significance results from the fact that she does not neatly fit existing historiographies.

Pauli Murray’s Legacy

Murray’s pivotal role as “the architect of feminist legal strategy” emerged from scholarship and activism on behalf of black freedom. Her early work shows tactical sophistication. In her attempts to integrate UNC-Chapel Hill’s graduate school and Harvard Law School, Murray publicized her case and engaged national figures to support her cause. While at law school to learn how to dismantle Jim Crow, she continued to engage in nonviolent direct action against segregation. Murray was convinced that a movement against segregation and racial discrimination needed to be multi-faceted, including litigation, activism, and scholarship.

Murray was able to make these strategic moves as a result of her exceptional skill at analyzing social issues. She interpreted how discrimination she experienced originated in larger political, social, and economic contexts. Whether it was Harvard Law School denying her admission or activist colleagues refusing to let her participate in protests that she helped to plan, Murray was able to see not only how racism and sexism she experienced were manifestations of systemic injustice, but also how systemic injustices overlapped and were magnified. She particularly addressed how black women experienced a combination of racism and sexism.

Murray’s analysis of Jane Crow, first published in 1947, identified the source and types of discrimination she experienced in law school and as an activist. She demonstrated how discrimination against women is a significant social harm and she described black women’s experiences of both racism and sexism, which also informed her argument in favor of retaining “sex” in Title VII.

Indeed, “motivating aspects of her private life” no doubt influenced her legal work and earlier nonviolent activism, even though Murray did not acknowledge this in her published writings. Murray becomes an important figure also in the history of sexuality, for, according to historian Doreen Drury, Murray’s gender identity convinced her “that there was no essential meaning of a male or female body. She came to believe that a person, whether regarded as a ‘man’ or ‘a woman,’ or ‘Negro’ or ‘white,’ should be able to pursue anything—any work, any love.”¹⁷¹

The tenet “the personal is political” stirred the women’s movement and informs field of women’s history, whose historiography has been “indelibly imprinted” by the conviction that “personal experiences are shaped by forces in public life and therefore can be altered by changes there.”¹⁷² Murray’s achievements in forwarding

the Civil Rights Movement: Trailblazers and Torchbearers, 1941-1965, ed. Vicki L. Crawford, Jacqueline Anne Rouse, and Barbara Woods (Bloomington: Indiana University Press, 1990), 1-12.

¹⁷⁰ Belinda Robnett, *How Long? How Long? African American Women in the Struggle for Civil Rights* (New York: Oxford University Press, 2000), 19.

¹⁷¹ Doreen Drury, “Love, Ambition, and ‘Invisible Footnotes’ in the Life and Writing of Pauli Murray,” *Souls: A Critical Journal of Black Politics, Culture, and Society* 11, no. 3 (2009): 301. See also Joanne Meyerowitz, *How Sex Changed: A History of Transsexuality in the United States* (Cambridge, MA: Harvard University Press, 2002), 36-37; Nancy Ordoover, *American Eugenics: Race, Queer Anatomy, and the Science of Nationalism* (Minneapolis: University of Minnesota Press, 2003), 107-108.

¹⁷² Nancy MacLean, “Postwar Women’s History: The ‘Second Wave’ of the End of the Family Wage?” in *A Companion to Post-*

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women's legal equality emerged from her remarkable ability to analyze how the personal is the political. In the 1960s, she affected the legal landscape of the United States by playing an instrumental role in retaining "sex" in Title VII and pioneering a feminist legal strategy that was subsequently adopted by Ruth Bader Ginsburg.

Murray later brought her advocacy for women's equality to the Church. A lifelong Episcopalian, she followed church-wide debate in the early 1970s about whether females should be ordained as priests. As ever, Murray sought to be in the fray. Her legal career devoted to women's empowerment naturally translated to a vocation in the priesthood, for, as she asserted at the time, "all the problems of human rights....basically these were moral and spiritual problems."¹⁷³

When Murray began her ministerial training at New York's General Theological Seminary in September 1973 at the age of sixty-two, the school had admitted only a few women. Despite experiencing "veiled and sometimes overt hostility" as they pursued ordination, female seminarians and their supporters advocated for equality. Murray was one of approximately two thousand activists who attended the July 29, 1974, ceremony at the Church of the Advocate in Philadelphia where eleven women deacons received ordination rites without official approval. When the Episcopal Church officially welcomed females to the priesthood in January 1977, Murray was the first African American woman to be ordained.¹⁷⁴

Murray pressed for incipient (male) black and (white) feminist liberation theologies to recognize each other as allies. In an academic article published in 1978, she criticized feminist theologians for focusing on white women and black theologians for concentrating on men.¹⁷⁵ As she had been doing for thirty years as an attorney, from the pulpit she appealed to the concrete historical experiences of African American females. She developed a theological interpretation of identity that pronounced differences as integral to God's creative work and featured historical examples of black women's participation in freedom movements as harbingers of the coming kingdom. In this manner, Murray continued to be an agent of change in the women's movement.

Rice University humanities and religious studies professor Anthony B. Pinn illustrates the women's and civil rights movements' intersection in Murray's ministerial career. He explores the broad range of Murray's philosophical influences, ranging from Christian, Gandhian nonviolence to liberal, black, and feminist perspectives. Pinn suggests that Murray's theology reflects a deep commitment to inclusivity and social justice that precipitated mainstream espousal of these tenets.¹⁷⁶ Murray stated that she found challenging women's exclusion from the Episcopal clergy, church governance, and lay liturgical participation to be much more difficult than attempting to address similar secular inequities due to deeply entrenched religious traditions. In an effort to dispense with discriminatory practices, she highlighted the complexity of the human condition and the importance of reconciliation while building interracial coalitions.¹⁷⁷

Historians have posited that Murray's role in women's history emerged from her civil rights activism. Yet this formulation obscures how the movements overlapped. In fact, in much the same way that Murray argued that

1945 *America*, 236.

¹⁷³ Genna Rae McNeill, "Interview with Pauli Murray," February 13, 1976, Southern Oral History Program, University of North Carolina at Chapel Hill, 89.

¹⁷⁴ Murray, *Pauli Murray*, 428-431; Sarah Azaransky, *The Dream is Freedom: Pauli Murray and American Democratic Faith* (Oxford University Press, 2011), 88-116.

¹⁷⁵ Pauli Murray, "Black Theology and Feminist Theology: A Comparative View," *Anglican Theological Review* 60 (January 1978): 3-24.

¹⁷⁶ Anthony B. Pinn, *Becoming "America's Problem Child": An Outline of Pauli Murray's Religious Life and Theology* (Eugene, Oregon: Pickwick Publications, 2008), 70-83, 92.

¹⁷⁷ Murray, *Pauli Murray*, 369, 384-385, 419.

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her experiences of race and of sex could not be isolated from each other; her historical achievements impacted both women's and civil rights initiatives.¹⁷⁸ It is not simply that she served as a bridge figure between movements; rather, consideration of Murray's scholarship and activism forces a reassessment of dominant historiographical understandings of the scope, participants, and timelines of social movements.

African American women's history offers robust scholarship about how black women have affected the social, political, and economic landscapes of the United States.¹⁷⁹ Yet, instead of being recognized for its expansive historiographical reach—indeed for redressing critical shortsightedness in other historical fields—black women's history is too often seen as reflecting but a sliver of American experience.¹⁸⁰ According to Patricia Hill Collins, a leading black feminist sociologist and former student of Pauli Murray, “the assumptions on which full group membership are based—Whiteness for feminist thought, maleness for black social and political thought—all negate Black women's realities.”¹⁸¹ What Hill Collins calls the “politics of black feminist thought” has also affected how the achievements of black American women are commemorated.

As prevailing historical understandings continue to separate “women's history” from “civil rights history,” the dominant historical narrative overlooks women's roles in the early civil rights movement as also meaningful for women's history. Accordingly, a separation of civil rights from women's history has meant that extraordinary activists like Ella Baker, Fannie Lou Hamer, and Diane Nash (to name three of a much larger group of influential women leaders) are remembered as “civil rights” figures and not, primarily as integral to American women's history. Pauli Murray's life and work is nationally significant as her philosophy clearly and vividly demonstrates the congruence of women's and civil rights, two critically important social movements in American history.

Justification for Selection of 906 Carroll Street

The preceding overview of Pauli Murray's life demonstrates the frequency with which she moved for study and work. Between 1926, when she left Durham for New York in pursuit of higher education, and 1948, she occupied forty-two residences. Many were extremely short-term rentals. Murray always struggled financially, never owned a home, and often resided with friends or family. She used her family's Durham home as her permanent address and returned there for short visits until the summer of 1948, when her aunts Pauline Dame and Sallie Small moved to Brooklyn to live with her.¹⁸²

From November 1947 until her February 1960 departure to teach at the University of Ghana, Murray leased an apartment in the two-story-on-basement brick townhouse at 388 Chauncey Street in north Brooklyn's Bedford-Stuyvesant neighborhood. Although the circa 1899 building retains its original classical metal cornice, mid-twentieth-century faux-stone concrete veneer covers the primary façade and the windows and front door have

¹⁷⁸ “Changing the way we look at the past” is a stated priority of the National Parks Service, according to “History in the National Park Service: Themes and Concepts,” revised in 2000, <http://www.nps.gov/nhl/learn/themes/ThematicFramework.pdf> (accessed January 2016).

¹⁷⁹ Paula Giddings, *Where and When I Enter: The Impact of Black Women on Race and Sex in America* (New York: William Morrow, 1984); Deborah Gray White, *Too Heavy a Load: Black Women in Defense of Themselves, 1894-1994* (New York: W. W. Norton, 1999); Mia E. Bay, et al, eds., *Toward an Intellectual History of Black Women* (Chapel Hill: The University of North Carolina Press, 2015).

¹⁸⁰ An analogous version of this problem exists in interdisciplinary research fields, see Barbara Christian, “But Who Do You Really Belong to—Black Studies or Women's Studies?” *Women's Studies* 17, no. 1-2 (1989): 17-23.

¹⁸¹ Patricia Hill Collins, “The Politics of Black Feminist Thought” in Kristin Waters and Carol B. Conaway, eds., *Black Women's Intellectual Traditions: Speaking Their Minds* (Burlington: University of Vermont Press, 2007), 406.

¹⁸² Pauli Murray provided the addresses to facilitate a Federal Bureau of Investigation background search. U.S. Government, “Pauli Murray,” December 28, 1966, memorandum, Federal Bureau of Investigation, U.S. Department of Justice.

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been replaced, resulting in low architectural integrity. Furthermore, photographs posted in online rental advertisements illustrate that the three-unit interior has been extensively renovated. Murray's place of residence during this period had no discernible effect on her personal or professional development. Rather, the apartment was a pragmatic selection based upon her limited financial means and spatial needs.¹⁸³

In order to create a professional atmosphere for the law firm she operated between 1947 and 1953, Murray leased a south Brooklyn office in the eight-story, brick, 1908 building at 6 Maiden Lane. As with her residence, practicality drove her office location choice. Both properties would have been more affordable due to their turn-of-the-twentieth-century construction dates, which likely correlated with an absence of mid-twentieth-century amenities. Murray did not sustain a tangible bond with either building.¹⁸⁴

After returning to the United States in July 1961 to attend Yale Law School, Murray rented an apartment in New Haven, Connecticut. During her tenure at Brandeis University, located in Waltham, Massachusetts, she leased a series of apartments in nearby Cambridge and Boston. When she returned to New York to pursue a divinity degree at General Theological Seminary, she resided on campus. Murray served as an Episcopal priest while living in Alexandria, Virginia; Baltimore; and Pittsburgh, where she died on July 1, 1985. She was interred in Cypress Hills Cemetery in Brooklyn with her partner Renee Barlow and her aunts Pauline Dame and Sarah Small. As Pauli Murray did not maintain a long-term residence or office, her family's Durham home is the only extant building that is closely associated with her life.¹⁸⁵

Pauli Murray's tenure in Durham informed her writing and many other achievements in an irrefutable manner. Her autobiographies, *Proud Shoes: The Story of an American Family* (1956) and *Song in a Weary Throat: An American Pilgrimage* (1987), illustrate the importance of the Fitzgeralds and their Durham residence in shaping her psychological evolution and career. Murray states that her family's "ideals and influences" made her "a life-long fighter against all forms of inequality and injustice." The burgeoning civil rights movement inspired her to write *Proud Shoes* as a means of bringing national attention to her unique American story.¹⁸⁶ Although she conducted comprehensive primary source research while compiling the manuscript in the 1950s, much of the subject matter is drawn from oral history learned during her time at 906 Carroll Street.

Murray's correspondence indicates that her emotional connection with her family's Durham home remained strong throughout her life. She returned several times to see the house after Pauline Dame sold the property in 1953. In 1976, she petitioned the Durham City Council to commemorate her family's significance by erecting a "memorial stone" at the Fitzgerald Cemetery and assuming maintenance of the burial ground, which is adjacent to the city-owned Maplewood Cemetery west of the Fitzgerald House. She successfully solicited funds from relatives to clear undergrowth and dead trees from the family cemetery, but it was many years before the city acquired the property.¹⁸⁷

Comparable Properties Associated with Pauli Murray's Contemporaries

The National Park Service's Civil Rights in America framework (2002, revised 2008) and theme studies—Racial Desegregation of Public Accommodations (2004, revised 2009), Racial Desegregation in Public

¹⁸³ Identification cards, passports, resumes, and other documents related to residency, PMP, Box 1, Folders 2-4, 6-7; New York Telephone Company, *Brooklyn Telephone Directories*, 1949-1959; New York City Geographic Information Systems, "Building and Property Information," <http://maps.nyc.gov/doitt/nycitymap/> (accessed June 2016).

¹⁸⁴ Ibid.

¹⁸⁵ Identification cards, passports, resumes, and other documents related to residency, PMP, Box 1, Folders 2-4, 6-7.

¹⁸⁶ Murray, *Proud Shoes*, xii.

¹⁸⁷ Pauli Murray, "A Proposal to the City Council of Durham," March 23, 1978, PMP, Box 12, Folder 327.

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Education in the United States (2000), and Racial Voting Rights (2007, revised 2009)—identify significant properties associated with the civil rights movement between 1776 and 1976. Although many are locations where ground-breaking events took place, the residences of prominent nineteenth-century civil rights leaders including Roswell Field, William C. Nell, Margaret Fuller, Susan B. Anthony, Elizabeth Cady Stanton, Frances Ellen Watkins Harper, Charlotte Forten Grimke, Lyman Trumbull, and Frederick Douglass have been recognized with National Historic Landmark (NHL) designation. The homes of early-twentieth-century civil rights activists including Ida B. Wells-Barnett, T. Thomas Fortune, Mary Church Terrell, William Monroe Trotter, and Mary McLeod Bethune have also attained NHL status. However, only a few residences of Pauli Murray’s contemporaries, mid-twentieth-century civil rights advocates, are NHLs.¹⁸⁸

In conjunction with the Civil Rights in America framework survey, NPS delineated only one individual residence—the Daisy Bates House in Little Rock, Arkansas—as nationally significant during the period it deemed the “Modern Civil Rights Movement, 1954-1964.” The dwelling received NHL designation in 2000 based on Bates’ advocacy for school desegregation, her leadership of the National Association for Colored People’s local chapter, and the house’s function as the support center for the Little Rock Nine’s integration of Central High School. The several-block Martin Luther King Jr. Historic District, a NHL (1974) and a National Historic Site (1980) in Atlanta, Georgia, includes the home in which the civil rights leader was born; Ebenezer Baptist Church, which he pastored; and his grave.¹⁸⁹

Other comparable sites include Cleveland Court Apartments 620-638, the Montgomery, Alabama, public housing where Rosa Parks lived on December 1, 1955, when she became nationally known due to her refusal to cede her bus seat to a white man. The building was listed in the National Register of Historic Places in 2001. NPS is currently reviewing a NHL nomination for the Jackson, Mississippi, dwelling where civil rights leader Medgar Evers resided and was killed in the driveway on June 12, 1963. The rarity of properties eligible for NHL designation in association with people rather than events underscores the importance of the Pauli Murray Family Home in the national context of the women’s and civil rights movements.

The United States continues to deal with racism, sexism, and homophobia today. The intersection of these issues creates overlapping oppression for those with multiple identities and divides the struggles for change in the law, policy development, and activist spheres. These issues are beginning to be addressed in the fields of sexuality studies, law, history, literature, women’s studies, and religious studies through new scholarship. The life and work of Pauli Murray provides example and guidance to these studies.¹⁹⁰

¹⁸⁸ National Historic Landmark Program, National Park Service, U.S. Department of the Interior, *Civil Rights in America: A Framework for Identifying Significant Sites* (2002, revised 2008), 38-40.

¹⁸⁹ *Ibid.*, 43.

¹⁹⁰ Lau, “Defying Convention,” 3.

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6. PROPERTY DESCRIPTION AND STATEMENT OF INTEGRITY**Ownership of Property**

Private: X
 Public-Local:
 Public-State:
 Public-Federal:

Category of Property

Building(s): X
 District:
 Site:
 Structure:
 Object:

Number of Resources within Boundary of Property:**Contributing**

Buildings: 1
 Sites: 0
 Structures: 0
 Objects: 0
 Total: 1

Noncontributing

Buildings: 0
 Sites: 0
 Structures: 0
 Objects: 0
 Total: 0

PROVIDE PRESENT AND PAST PHYSICAL DESCRIPTIONS OF PROPERTY**(Please see specific guidance for type of resource[s] being nominated)****Setting**

The Pauli Murray Family Home occupies the west section of the 0.27-acre lot at 906 Carroll Street. The German-sided dwelling differs from its neighbors in its deep setback, approximately 135 feet from the road, and one-and-one-half-story height. Most of the one-story frame residences in the surrounding area were erected from the 1910s through the 1970s. All are situated close to the street with shallow front and narrow side yards.

Self-Help Ventures Fund owns the residual parcel on which the Pauli Murray Family Home stands, as well as the contiguous 0.13-acre lot at 900 Carroll Street, which contains a circa 1930, weatherboarded, front-gable-roofed bungalow. The estate of Pauline Fitzgerald Dame retains a 0.09-acre tract west of the bungalow.

The City of Durham operates the 15.36-acre Maplewood Cemetery directly west of the Pauli Murray Family Home as well as Carroll Street Park, an approximately 0.8-acre wooded tract located to the east. Beth El Synagogue owns the 0.86-acre Durham Hebrew Cemetery at the municipal burial ground's southeast corner. Morehead Avenue Baptist Church, built in 1951, stands east of the Hebrew Cemetery at the northwest corner of Carroll Street and Morehead Avenue. To the southwest, First Calvary Baptist Church erected the sanctuary at Morehead Avenue and Kent Street's southeast corner finished in January 2010.

Site

No landscaping or site improvements associated with the Fitzgerald family's tenure survives. The grass lawn that spans the distance between the house and street is devoid of deciduous or evergreen trees and shrubs. During the early twentieth century, the originally one-acre property encompassed a wellhouse, stable, corn crib, privy, brick yard, retaining walls, fences, ornamental plantings, fruit and vegetable gardens, an orchard, and agricultural fields.

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In 2013, the Pauli Murray Center for History and Social Justice constructed the semi-circular low-brick-walled planter that punctuates the lawn twenty feet west of Carroll Street. An unpaved gravel driveway in the lot's northeast section extends west from the road toward the house, which stands at the highest point on the parcel. The dwelling is lower in elevation than Maplewood Cemetery to the west, a scenario that has caused ongoing erosion and drainage problems. During the early twentieth century, a fence with square wood posts and closely spaced square pickets delineated the small landscaped front yard and a taller vertical board fence separated the rear yard from the cemetery. Both wood fences had been removed by 1933. In 1954, all of the landscaping other than two trees in the front yard near the house had been eliminated, leaving a barren earth lot. A 1981 photograph illustrates that the gravel driveway was in place by that time. There were no trees in the grass front lawn, but evergreen shrubs lined the front porch.¹⁹¹

Pauli Murray remembered that in 1916, when she was six, wisteria vines screened half of the front porch. A hedge separated the section of the front yard closest to the house from an embankment and a grove of apple, cherry, pear, peach, plum, and elm trees that spanned the distance to the unpaved road. Brick steps ameliorated the embankment's change in grade.¹⁹²

The Fitzgeralds planted climbing roses on the trellis at the kitchen's rear entrance and perennials and annuals throughout the gardens. An arched grape arbor flanked the path leading south from the kitchen door to the brick outhouse near the cemetery fence. A frame wellhouse stood north of the kitchen. Honeysuckle and morning-glory vines grew on the wellhouse lattice as well as the fences. A cornfield occupied the lot's southwest section. The corn crib south of the house extended from the north elevation of the dilapidated, one-story, hip-roofed stable with a loft that Cornelia Fitzgerald used for storage, as the family no longer kept a horse or cow by 1916. Further north, two streams converged in the woods, creating a marshy area known as the Bottoms.¹⁹³

Despite repeated requests from the Fitzgeralds, the City of Durham did not address the problems created by soil erosion and water run-off from the cemetery's steep eastern section. Robert Fitzgerald trenched a four-foot-wide drainage ditch adjacent to the fence on his property's west edge to channel water north of his residence, but the city removed the fence and filled the ditch in order to construct a road near the cemetery's east boundary. Water contaminated by human remains thus ran directly under the house, where it collected. The resulting dampness resulted in rot and encouraged termite infestation that damaged the sills and floor framing. The stable and wellhouse also suffered extensive wood deterioration.

In 1913, Robert Fitzgerald hired attorney W. L. Foushee to seek reparations totaling an estimated \$1,500-worth of damages, but the action was not successful. Pauline Fitzgerald Dame's correspondence with Durham city manager R. W. Flack, mayor W. F. Carr, and director of public works H. W. Kueffner regarding the water issue indicates that the municipality agreed to install a drain that would extend from the cemetery's edge to Cameron Street in January 1935.¹⁹⁴ However, the City of Durham did not find an effective solution for the drainage problem until 2014, when the Department of Public Works installed drains that empty northeast of the house into a culvert that moves the water to Carroll Street's east side. The city then also erected the low concrete retaining wall at the base of the black chain-link fence that borders the cemetery's east edge.

¹⁹¹ Fitzgerald House photographs, 1910-1918, 1933, 1954, 1981, PMP, Folder 351.

¹⁹² Murray, *Proud Shoes*, 2-3.

¹⁹³ *Ibid.*, 6-8, 11, 26-27; "Durham, N. C.," Sanborn Fire Insurance Company Map, Sheet 12, 1913. The Durham Sanborn map series first includes the Fitzgerald House and surrounding neighborhood in 1913.

¹⁹⁴ Murray, *Proud Shoes*, 28-29; "Aldermen in Long Session," *Durham Morning Herald*, May 20, 1913, p. 1; Pauline Fitzgerald Dame correspondence, 1934-1935, Pauli Murray Center, Durham, NC.

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Exterior

The Pauli Murray Center for History and Social Justice engaged Durham restoration contractor Dean Ruedrich to oversee the Pauli Murray Family Home's rehabilitation through the retention and recreation of architectural elements that date stylistically to the 1898-1906 time period. The process included the 2015 removal of a hip-roofed front porch with a concrete-block foundation, poured-concrete floor, replacement aluminum posts, and a simple metal railing that had been installed after 1981. The one-story shed addition erected between 1901 and 1906 had suffered irreparable water damage and was also deconstructed in 2015. As with the porch, all original materials were carefully salvaged for reuse. In 2016, contractors replicated missing features including windows, doors, siding, trim, the foundation, the front porch, and roof sheathing based on documentary photographs, architectural evidence, and historical precedent.

The one-and-one-half-story circa 1898 house is three bays wide. The side-gable-roofed frame dwelling is characterized by a decorative front gable above the central entrance, cornice returns, and deep eaves. German siding, most of which is original, sheathes the house. Replacement siding and simple, flat fascia and trim boards match the original in dimension, thickness, and profile. The exterior paint scheme reflects paint analysis results: gray siding, white trim and window sash, and a pale blue porch ceiling. Century Slate of Durham utilized pressure-treated Western red cedar shingles with square-butt ends, a five-and-one-half-inch exposure, a combed ridge, and open valleys to sheathe the roof.

Three-tier posts with tall square bases and slim tapered upper sections support the hip-roofed front porch. Molded trim caps each tier and sawnwork brackets extend from the top of the posts. Much of the beadboard ceiling and roof framing was salvaged from the original porch. The tongue-and-groove board floor, wide wood steps, brick pier and lattice foundation, and very low-pitched standing-seam-metal roof emulate original elements. Norwood and Tuck Masonry of Oxford, N. C., laid the foundation, leaving the south wall open in order to accommodate the wood lattice door that allows access to the crawl space.

Double-hung, two-over-two, insulated-glass, mahogany sash fill the two tall window openings flanking the central entrance on the façade's first story. Slightly smaller windows pierce the north and south elevations east of the chimneys. The second-story gable-end windows, also located east of the chimneys, are a bit shorter than those on the first story. The dwelling's east and west walls are not quite two stories tall, but rise enough above the first story to allow for a small, square, two-pane, fixed window on either side of the central façade gable. The original windows were replaced with double-hung, one-over-one, wood sash with triple-track aluminum storm windows in the late twentieth century. In most cases, window openings were reduced in size. All window openings were returned to their original size and window surrounds repaired and replaced in 2016. The new sash fabricated by Mullis Millworks of Louisburg, N. C., have the same size, profile, and pane configuration as the original sash.

Mullis Millworks also created the period-appropriate poplar front door that has a glazed upper section above raised panels.¹⁹⁵ The original two-pane, wood-frame, rectangular transom above the door is intact, as is the flat-board door trim. The rear door was removed long ago and the opening has been enclosed with plywood.

The house's north and south elevations rest on a continuous foundation executed by Norwood and Tuck Masonry with handmade bricks supplied by Old Carolina Brick Company of Salisbury, N. C. The new bricks emulate the color, texture, and size of the original bricks made on the site. In order to achieve structural

¹⁹⁵ A raised-six-panel late-twentieth-century door hung in the front door opening when rehabilitation commenced in 2015. The original door is not visible in documentary photographs due to the presence of a screen door with a light wood frame and a decorative central horizontal rail.

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stability, concrete-block piers with two-foot-deep footings replaced the handmade brick piers under the house. The continuous concrete-block rear foundation will be covered by the rear addition.

The two brick end chimneys have flat shoulders and stacks that pierce the eaves as they rise above the roofline. Historic photographs illustrate that the shoulders were originally stepped and that the corbelled tops of each stack had been removed and the stacks parged by 1933. Both chimneys had been completely parged by 1954 in order to protect the soft handmade brick. The stucco was spalling and cracked by 2015. After removing the deteriorated and leaning upper courses of each stack, Norwood and Tuck Masonry stabilized the chimneys, repaired the stucco, and reconstructed the corbelled stacks using handmade bricks. The stacks and repaired sections of the chimney bases are not parged.

The no-longer-extant one-story rear addition was at a slightly higher elevation, leaving little room for a foundation. A small section of concrete-parged foundation remained on the south elevation, but the sills otherwise rested on the ground. Long-term water run-off and erosion from the adjacent Maplewood Cemetery resulted in sediment build-up that hastened sill, floor, and wall system deterioration and resulted in the addition's demise.

On the addition's south elevation, a tall, narrow window initially illuminated the dining room. A wider, shorter window was installed and the lower section of the original opening enclosed with German siding between 1954 and 1981. The west elevation was blind. Two small windows on the addition's north elevation lit the kitchen and bathroom. The kitchen window, which was wider and higher on the wall, filled part of what appeared to have been a door opening, later sheathed with German siding. The addition will be reconstructed as soon as funds are available.

A parged, handmade-brick chimney with steeply sloped shoulders and a reconstructed pressed-brick stack is located near what was the north end of the one-story addition's west elevation. The chimney, which served the kitchen, was painted white in an effort to unify the sections. The kitchen chimney will be stabilized, but the brick dining room chimney to the south, which was internal and vented through a tall, square, parged, stack that rose above the roof to a concrete cap, could not be saved and will replicated in kind.

Interior

The dwelling's main block is one room deep. The first floor's center hall separates the parlor to the south from what was a bedroom to the north. The second story contains two bedrooms flanking the center hall. The one-story rear ell encompassed a dining room at its south end, a kitchen to the north, and a narrow bathroom in its northeast section. Painted beaded boards milled in two styles, one with interior reeding and one without, sheathed the walls and ceilings. Original narrow tongue-and-groove pine floors are intact throughout.

The center hall and first-floor bedroom retain painted vertical beadboard wainscoting that was originally capped with a molded chair rail below plaster-on-wood-lath walls. The shallow bedroom closet is finished in the same manner. Contractors removed damaged plaster from the bedroom walls in June 2016, leaving the wood lath. Some of the chair rail in the hall and bedroom had been eliminated in the late twentieth century to facilitate the installation of faux-wood paneling. Quarter-round molding fills the space at the junction of the floor and wainscoting. A short baseboard remains on the north section of the hall's east elevation.

Horizontal tongue-and-groove pine beaded boards sheathe the parlor walls. Most of the door and window trim in the parlor and bedroom is missing, but the hall door surrounds and the hall and closet door surrounds on the

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bedroom's south wall are intact. All feature molded trim applied to the outer edges of flat-board door surrounds.

Wood doors with two short, vertical, raised lower panels, a central horizontal panel, and two tall upper panels hang on original hinges in most interior door openings. Door locks and knobs have been replaced. The upper section of the door on the parlor's south elevation has been removed, leaving a low partition between the parlor and dining room. The second-story north bedroom door opening is shorter and wider than the other doors. The door's central section is missing, but appears to have contained two tall, vertical, raised panels.

The parlor mantel's upper section is intact, but the molded trim boards that flanked the large square firebox have been removed. Curved brackets support the deep mantel shelf with a molded outer edge. The firebox was enclosed to allow for a heating stove's installation. A plywood board covers the original brick hearth opening.

The first-floor bedroom chimney was parged and finished with a plaster skim coat above a wood mantel, which has been removed. The firebox was infilled with brick and parged with concrete when a heating stove was added. The oversized bricks in the shallow hearth box were painted to match the floor.

A narrow wood stair rises on the center hall's north wall, turns at a small landing, and continues to the second-floor hall. Robust turned newel posts with round finials anchor the molded handrail. Turned balusters secure the steps as well as the stairwell's edges in the second-floor hall.

In the second-story center hall, painted vertical beadboard wainscoting capped with a molded chair rail is in good condition, but the plaster walls have settled and cracked. The boards comprising the wainscoting in the hall's east section are reeded, while those in the west section are not.

The plaster on the north bedroom walls has been removed, but the wood lath remains. The mantel features a lintel with a pointed-arch lower edge, a molded upper trim piece, and two applied panels flanking the central bracket beneath a deep, thick, square-edged shelf. The chamfered posts rest on square plinths. Portions of the brick hearth have been replaced with concrete and the firebox enclosed with a plywood panel. The wall above the mantel was plastered.

Horizontal tongue-and-groove beaded boards cover the south bedroom walls. The two-tier mantel is the most elaborate in the house. Tall plinths capped with molded trim support the lower section's slender Tuscan columns and lintel, which is embellished with molding on its upper and lower edges. Shorter columns frame the overmantel's central panel beneath an identical lintel. There is no hearth. It appears that a heating stove originally served this room.

The kitchen, dining room, and bathroom retained some painted vertical beadboard wainscoting. The plaster on the walls had been removed to allow for the installation of later sheathing, but the wood lath was substantially intact. Horizontal beaded boards sheathed both sides of the frame partition wall that separated the kitchen and bathroom.

The plywood subfloor in the rear addition was in poor condition. Leaks from plumbing fixtures and moisture from the water running off the hill and pooling under the houses comprised the floor system, which had collapsed in several places.

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The dining room's interior handmade brick chimney had a shallow firebox with an iron lintel. It appears that the brick had always been exposed. Much of the brick was crumbling. A heating stove had been added at this location.

An exterior chimney served the kitchen. The shallow brick firebox had an iron lintel and was infilled with concrete. A wood mantel likely surrounded the firebox at one time. Wood lath remained above the firebox, but the plaster had been removed.

Archeological Potential

In February of 2016 a limited archeological survey of the Pauli Murray property was conducted by Dr. Anna Agbe-Davis of the University of North Carolina at Chapel Hill. This work consisted of combined shovel test pit (STP) survey at 5 m intervals and hand excavation of two units--one, immediately adjacent to a brick pier of the extant house and the other in proximity to the house's demolished rear addition. This survey covered an area measuring 20 X 25 m (about 0.12 acres) surrounding the house, and analysis of artifacts and materials recovered has not been completed as of this writing. Although preliminary, this survey reveals that the site retains intact archeological deposits associated with the occupation of Pauli Murray and her family. One subsurface feature, a brick drain associated with the family's efforts to mitigate runoff from the adjacent Maplewood Cemetery, was identified to the south of the house. To date, the site has not been demonstrated to warrant designation for national significance under Criterion 6. If or when such a case can be made, this documentation may be revised.

Integrity Statement

The Pauli Murray Family Home possesses the seven qualities of historic integrity—location, setting, feeling association, design, materials, and workmanship—required for National Historical Landmark designation. The dwelling maintains integrity of location as it stands on its original site with a deep setback from Carroll Street. Although family members sold portions of their initially one-acre tract to facilitate the surrounding area's development, the neighborhood of modest early- to mid-twentieth-century residences appears much as it did during the period of significance, thus allowing for integrity of setting, feeling, and association. The dwelling embodies the deep familial connections and influences that informed Pauli Murray's personal and professional development. As she did not maintain a long-term residence or office, this is only extant building that was closely tied to her life for a lengthy duration.

The Pauli Murray Family Home retains integrity of design, materials, and workmanship. The substantial frame residence displays a typical late-nineteenth-century form: one-and-one half stories tall with a side-gable roof ornamented with a decorative central façade gable. German siding sheathes the one-room-deep, center-hall-plan dwelling. Original interior finishes include two post-and-lintel mantels, a two-tier mantel, a central staircase with robust turned newel posts and turned balusters, raised-panel doors, and simple door surrounds, baseboards, and chair rails. Plaster and beaded boards milled in two styles, one with interior reeding and one without, cover the walls and ceilings. Narrow tongue-and-groove pine floors are intact throughout. In 2016, contractors replicated missing windows, doors, siding, trim, the front porch, foundation, and roof sheathing based on historic photographs. Masons stabilized the main block's two original end chimneys.

The Pauli Murray Center for History and Social Justice will continue the process of restoring the house to its early-twentieth-century appearance. The circa 1901-1906 one-story rear addition, which had suffered irreparable water damage and was deconstructed in 2015, will be rebuilt using as much salvaged original material as possible.

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PAULI MURRAY FAMILY HOME

United States Department of the Interior, National Park Service

National Historic Landmarks Nomination Form

Previous documentation on file (NPS):

Previously listed in the National Register (fill in 1 through 6 below)

Not previously listed in the National Register (fill in **only** 4, 5, and 6 below)

- 1. NR #:
- 2. Date of listing:
- 3. Level of significance:
- 4. Applicable National Register Criteria: A B C D
- 5. Criteria Considerations (Exceptions): A B C D E F G
- 6. Areas of Significance: Ethnic Heritage: Black; Politics/Government

- Previously Determined Eligible for the National Register: Date of determination:
- Designated a National Historic Landmark: Date of designation:
- Recorded by Historic American Buildings Survey: HABS No.
- Recorded by Historic American Engineering Record: HAER No.
- Recorded by Historic American Landscapes Survey: HALS No.

Location of additional data:

State Historic Preservation Office:

Other State Agency:

Federal Agency:

Local Government:

University:

Other (Specify Repository):

Arthur and Elizabeth Schlesinger Library on the History of Women in America, Radcliffe Institute for
Advanced Study, Harvard University, Cambridge, MA

Southern Historical Collection, Wilson Library, University of North Carolina at Chapel Hill

PAULI MURRAY FAMILY HOME

United States Department of the Interior, National Park Service

8. FORM PREPARED BY

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Date: 2/1/2016

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CURRENT PHOTOGRAPHS

All photographs by Heather Fearnbach, Fearnbach History Services, Inc., 3334 Nottingham Road, Winston-Salem, NC, August 12, 2016. Digital images located at NPS.



1. East elevation, setting (above) and 2. East elevation (below)



PAULI MURRAY FAMILY HOME

United States Department of the Interior, National Park Service

Photos

National Historic Landmarks Nomination Form



3. Southwest oblique (above) and 4. Northeast oblique (below)





5. First floor, center hall, looking east



6. First floor, bedroom, looking southeast (above) and 7. Parlor, looking south (below)





8. Second floor, north bedroom, looking north (above)
9. Second floor, south bedroom, looking south (below)



HISTORIC IMAGES



Pauli Murray Family Home between 1910 and 1918, east elevation, photographer unknown

This image and the following 1933 and 1954 photographs are from the Pauli Murray Papers (PMP), 1827-1985, MC412, Folder 351, Arthur and Elizabeth Schlesinger Library on the History of Women in America, Radcliffe Institute for Advanced Study, Harvard University, Cambridge, MA.

PAULI MURRAY FAMILY HOME

United States Department of the Interior, National Park Service

Photos

National Historic Landmarks Nomination Form



Pauli Murray Family Home in 1933, east elevation (above) and south elevation (below) photographer unknown (PMP, Folder 351)





Pauli Murray Family Home in 1954, southeast oblique, photographer unknown (PMP, Folder 351)



Pauli Murray Family Home in 1981, southeast oblique, photographer Claudia R. Brown, image curated by the North Carolina Division of Archives and History, North Carolina Department of Cultural Resources, Raleigh.

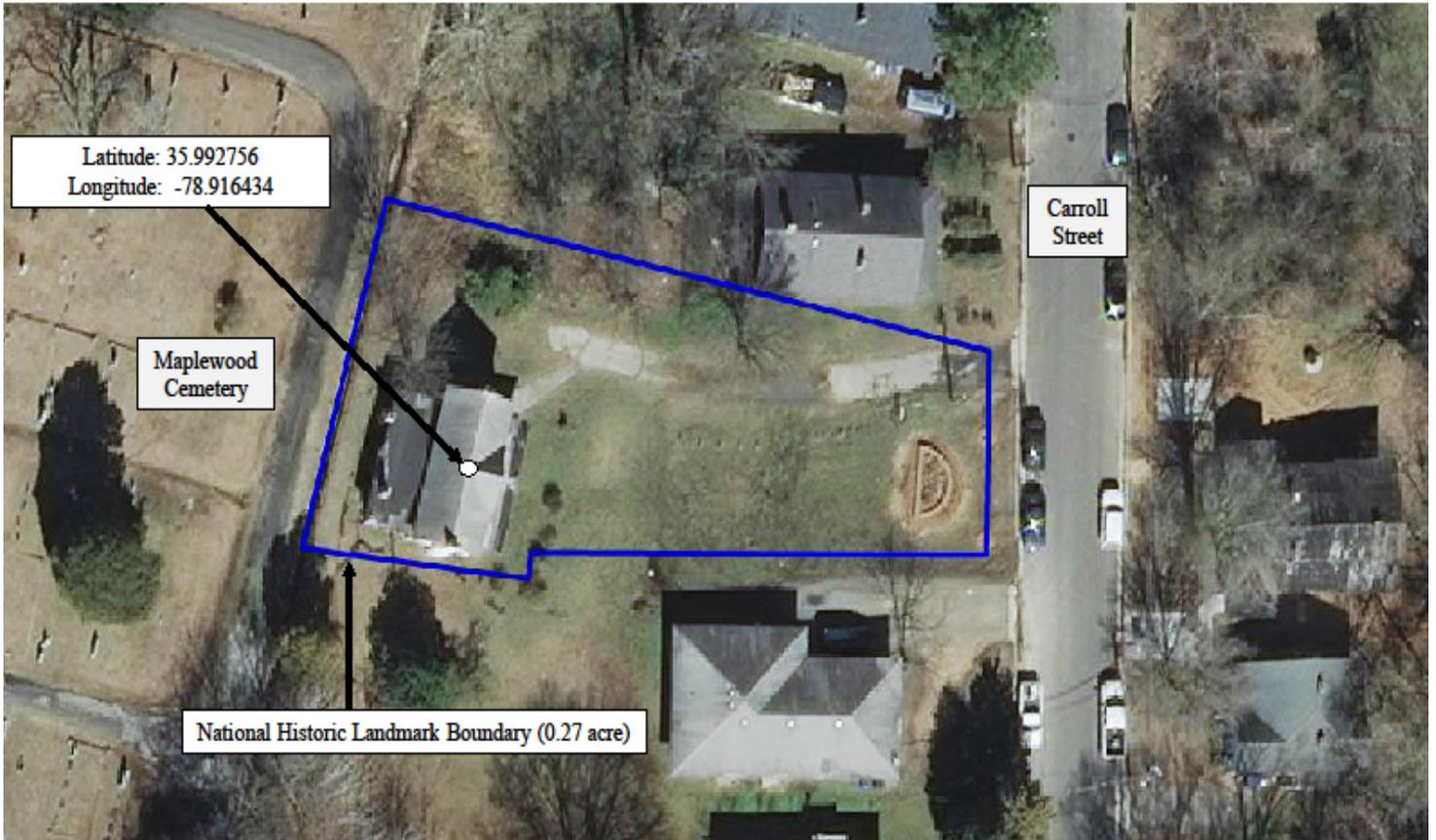
PAULI MURRAY FAMILY HOME

United States Department of the Interior, National Park Service

Figures

National Historic Landmarks Nomination Form

National Historic Landmark Boundary Map Pauli Murray Family Home 906 Carroll Street Durham, Durham County, North Carolina



Heather Fearnbach, Fearnbach History Services, Inc. / February 2016

Scale: 1" = 100'



Base 2014 aerial photo courtesy of Durham County GIS at http://maps2.roktech.net/durhamnc_gomaps/#

Datum: WGS84

PAULI MURRAY FAMILY HOME

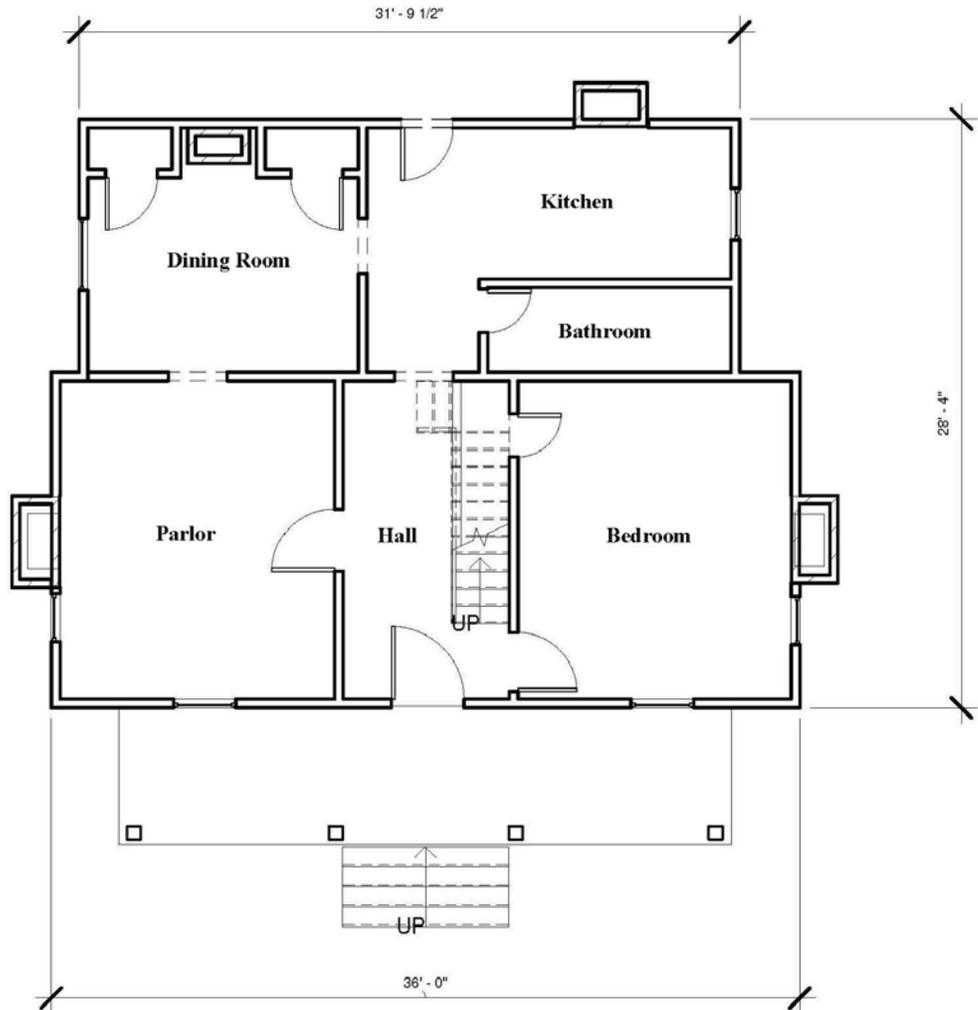
United States Department of the Interior, National Park Service

Figures

National Historic Landmarks Nomination Form

Pauli Murray Family Home
906 Carroll Street
Durham, Durham County,
North Carolina

First floor plan
prior to rear addition
deconstruction in 2015



Plan provided by architect Patricia Harris; measured and drawn by Wendy Michener in October 2015; annotated by Heather Feambach, Feambach History Services, Inc., in February 2016

Not to scale



PAULI MURRAY FAMILY HOME

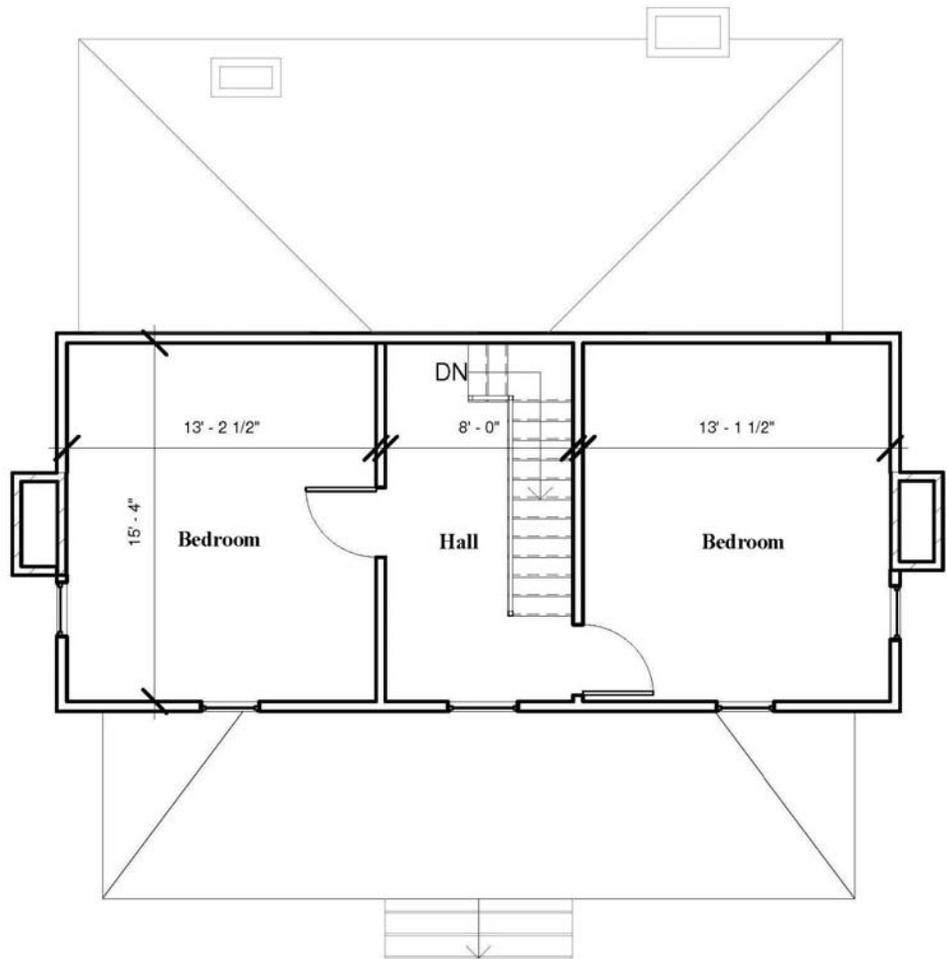
Figures

United States Department of the Interior, National Park Service

National Historic Landmarks Nomination Form

**Pauli Murray Family Home
906 Carroll Street
Durham, Durham County,
North Carolina**

**Second floor plan
prior to rear addition
deconstruction in 2015**



Plan provided by architect Patricia Harris; measured and drawn by Wendy Michener in October 2015; annotated by Heather Fearnbach, Fearnbach History Services, Inc., in February 2016

Not to scale

