



Library of Congress



Pauli Murray, 1946

# PAULI MURRAY

## “Members of Your Race Are Not Admitted . . .”

Ch. II of *Song in a Weary Throat: An American Pilgrimage*,  
the memoir of Pauli Murray, 1987

**M**Y APPLICATION pending before the University of North Carolina [law school] was suddenly transformed into a public controversy by the surprising and far-reaching decision of the United States Supreme Court in *Missouri ex rel. Gaines v. Canada* [1938]. The case had moved slowly through the courts for three years without attracting public notice and I was wholly unaware of it, but it could not have been more timely for my purpose. Lloyd Gaines, a

twenty-five-year-old Negro of Saint Louis, had been rejected by the University of Missouri School of Law in 1935 solely on the ground of race. A state statute provided for segregation in public- and state-owned schools, but there was no law school at Lincoln University, the state's Negro institution. With the help of the NAACP, Gaines brought suit, charging denial of equal protection guaranteed by the Fourteenth Amendment. His case was directed by Charles Hamilton Houston, a brilliant graduate of Harvard Law School and former dean of Howard Law School, who acted as special counsel for the NAACP.

On December 12, 1938, the Supreme Court ruled in a historic six-to-two decision that the State of Missouri must provide Lloyd Gaines with facilities for legal education substantially equal to those which the State provided for white students or it must admit him to the University of Missouri School of Law. The Court declared that Gaines's right was a personal one and did not depend upon whether other Negroes had sought the same opportunities. It also said: "The question here is not the duty of the State to supply legal training, or of the quality of the training which it does supply, but of its duty when it provides such training to furnish it to the residents of the State upon the basis of an equality of right." The Court held further that the State could not discharge its constitutional obligation to Gaines by providing tuition fees for him to attend law school in another state, as had been the custom in several southern states when faced with a demand by Negro students for graduate or professional education.

The *Gaines* decision sent shock waves through the South, affecting sixteen states, including North Carolina, which barred Negroes from attending its state universities. The ruling was the first major breach in the solid wall of segregated education since the Supreme Court announced the "separate-but-equal" doctrine in the *Plessy* case of 1896. It would take many hard-won court battles to reach the *Brown* decision of 1954, but for Negroes, *Gaines* was the beginning of the end of compulsory school segregation.

I could hardly contain my joy. Miraculously, it seemed to me, the Court had spoken on a matter in which I had an immediate personal stake. I did not have to wait long for a reaction. Two days after the *Gaines* decision was announced, the University of North Carolina rejected my application solely on racial grounds. On December 14, 1938, the dean of the graduate school wrote me the following letter:

Dear Miss Murray:

I write to state that I am not authorized to grant you admission to our Graduate School. Under the laws of North Carolina, and under the resolutions of the Board of Trustees of the University of North Carolina, members of your race are not admitted to the University. It has long been the social policy of the State to maintain separate school for the whites and Negroes. It is expected that the Legislature of the State will make provision for graduate instruction for Negroes. At the present time the precise form which this provision will take has not been announced, although a commission appointed by the Governor of the State has submitted a report. Most of us expect that positive action will be taken in the next session of the General Assembly.

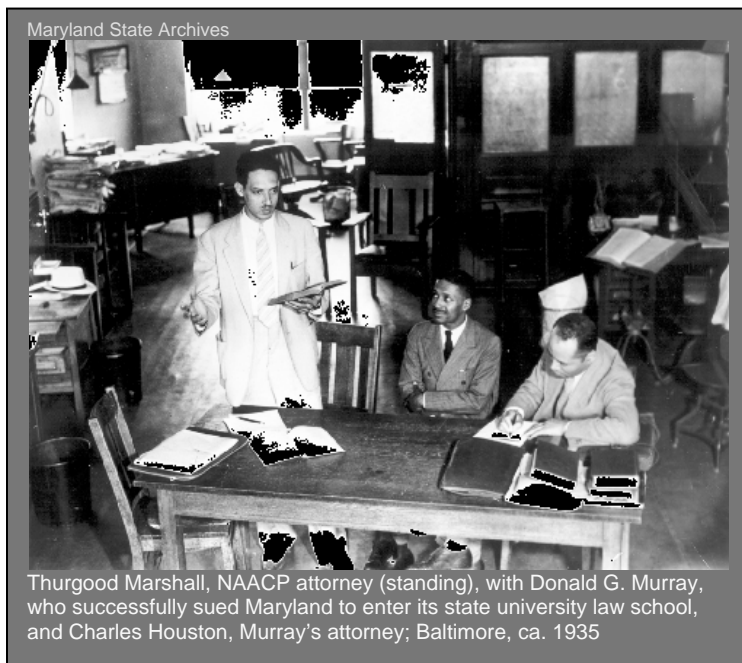
Very cordially yours,  
W. W. Pierson  
Dean

The rejection was not unexpected, but seeing the reason in black and white was infuriating. I wrote immediately to Dr. Frank P. Graham, then president of the university, calling attention both to the Supreme Court's ruling in the *Gaines* case and to President Roosevelt's recent address commending the school's liberal tradition. "It would be a victory for liberal thought in the South if you were favorably disposed toward my application instead of forcing me to carry the issue to the courts," I told him. I also informed him that I was a product of North Carolina, had grown up in Durham and attended its public schools, and I requested an interview with him to discuss the matter further. Even then, I was only dimly aware of the wider implications of this correspondence. Several months later Glenn Hutchinson, a white southern liberal writing on my case in *The Crisis* of April 1939, would say: "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 to the State of North Carolina. The University administration is powerless to follow a policy which is specifically prohibited by the Constitution of the State, unless it were in turn over-ruled by a higher court."

President Graham was away from Chapel Hill for several weeks and referred my letter to Dean Pierson for reply. The dean conveyed Dr. Graham's message that "the important matter you raise is for the State to decide." He assured me that Dr. Graham would submit a report to the General Assembly,

which would meet in January 1939, and that the Commission on Higher Education for Negroes appointed by Governor Clyde R. Hoey would also submit a report and recommendations to the legislature. "In the meantime," he wrote, "I suggest that you file with this office a transcript of your undergraduate record and information concerning your citizenship and residence."

The tone of Dean Pierson's letter was cordial and it seemed to me that the university expected to be a test case and wanted its records to be complete. I complied with his request, and then sent copies of the correspondence to Walter White, executive secretary of the NAACP, asking for advice as to next steps. The correspondence was referred to Thurgood Marshall, then the assistant special counsel of the NAACP, who



Thurgood Marshall, NAACP attorney (standing), with Donald G. Murray, who successfully sued Maryland to enter its state university law school, and Charles Houston, Murray's attorney; Baltimore, ca. 1935

later became the first Negro appointed to the Supreme Court of the United States.

I had barely mailed the material to the NAACP when, on January 5, 1939, the story of my application broke in Chapel Hill and was quickly picked up by the local press and radio and by the national news services. The story originated from the university and seemed deliberately timed to appear on the very day Governor Hoey was delivering his biennial message to the state legislature in Raleigh and recommending that graduate and professional schools be established at the two Negro state colleges, Agricultural and Technical College in Greensboro and North Carolina College for Negroes in Durham. The *Daily Tar Heel*, the university's student newspaper, carried banner headlines — OFFICIALS FACED BY NEGRO APPLICATION . . . ADMINISTRATION IS CONFRONTED WITH "LIBERALISM" ISSUE — and a detailed account. How quickly President Roosevelt's words had come home to roost was revealed by student reporter Lafitte Howard's lead paragraph:

An application for admission to the University now lying on Dr. Frank Graham's desk may turn out to be an eight ball large enough to hide all Carolina liberalism and the progressive philosophy of the University president should a Negro woman now living in New York City be determined to push her demands to enter the graduate school.

Campus opinion, according to Howard, seemed to be "that this was probably part of a similar movement forming in all Southern states as a result of the recent Supreme Court decision granting Lloyd Gaines, Missouri Negro, the right to attend University of Missouri law school if equal facilities were not provided for colored law students in the state." This opinion assumed, of course, that the timing of my application was a result of the *Gaines* case rather than a coincidence. Then followed an account of student threats, chilling in their implications:

Campus opinion took on an antebellum note yesterday as one man declared, "I think the state would close the University before they'd let a Negro in. I've never committed murder yet but if a black boy tried to come into my home saying he was a 'University student' . . ."

Students hearing of the movement vowed that they would tar and feather any "nigger" that tried to come into class with them.



It was well for my peace of mind that I did not see this story until a week or so later, when I began reading copies of the student paper. The *Daily Tar Heel* came by mail to the office of the *Spectator*, Columbia University's counterpart, and friends of mine on the editorial staff saved it for me. It was also fortunate that the university did not disclose my name in the initial stories, and so I remained anonymous. My personal identity was not important to the southern white press; it was my race that constituted the affront to established

custom. Next day the *Durham Morning Herald* headlined its story NEGRESS APPLIES TO ENTER CAROLINA, and the *New York Daily News* carried an Associated Press dispatch headed, COLORED, TRIES TO ENTER CAROLINA U. Within ten days, however, the Negro weekly newspapers had discovered my name and for several weeks the *Norfolk Journal and Guide*, the *Baltimore Afro-American*, and the

Durham *Carolina Times* carried detailed stories, pictures, and editorials. My effort to enter North Carolina's state university was the first to receive wide publicity, but within a month Negroes had filed applications with officials of the universities of Georgia, South Carolina, Kentucky, Arkansas, West Virginia, and the School of Journalism at the University of Missouri.

The days immediately following the first press stories were anxious ones for me. I had touched the raw nerve of white supremacy in the South, and the outcry reverberated for weeks. A rash of stinging comments and editorials appeared in the daily press, which were not surprising but which cut deeply when one saw them in print. Governor Hoey told the General Assembly: "North Carolina does not believe in social equality between the races and will not tolerate mixed schools for the races, but we do believe in equality of opportunity in their respective fields of service, and the white race cannot afford to do less than justice for the Negro." Such talk was mild enough when compared to what happened years later at the University of Mississippi and the University of Alabama, but at the time it was sufficiently intimidating to prevent any organized effort among Negroes in North Carolina.

The *Durham Morning Herald* thought that the application "by a Negress now living in New York has the appearance of a move to accentuate the Negro graduate and professional school issue while the legislature is in session," and that while it need not be disturbing, "we would call it ill-timed." Continuing with what it considered a reasonable analysis of the issue, the *Morning Herald* said:

Rational members of both races understand that the policy of segregation of races with respect to schools is a fixed one in this part of the country. No one in his right mind favors trying to abandon or materially amend that policy at this juncture. . . .

It is no credit to the state that it waited until confronted with the force of a supreme court decision to move to discharge its full educational obligations to the Negro citizens. But it is too late to argue about that now. The task now is to face the problem as it is and try to deal with it realistically.

How best can we, as a state, go about that task? First off, we can't turn in and build at one stroke a fullfledged graduate school, a medical school, a law school, a school of pharmacy and other schools that might attract one or two Negro students. If we could do that, it would be perfect foolishness to do so. . . .

What North Carolina can do and ought to do this year is to add modest graduate school facilities to established Negro schools. . . . There is no occasion for bitter controversy and no necessity of a tremendous outlay, to start with.

The *Daily Tar Heel* at Chapel Hill published a long editorial entitled "Mills of the Gods," which defended student opposition to the admission of Negroes to the university. Commenting upon student threats, including the report that a few students had joined a "lynching" posse, the paper declared:

If that social distinction between races rooted in Southern minds and customs grows out of hollow prejudices and expresses itself unjustly toward individual members of the Negro race who have surpassed their racial heritage, it is nevertheless a real and persistent prejudice that cannot be ignored.

So if the University opens its doors officially to the Negro applicant from New York against the will of the student body, it will deny the right of a supposedly democratic social unit to make up its mind. . . . Prejudices in Southern minds can never be removed if they are suppressed and denied by external forces from without. For, the roots of prejudice grow healthier when the branches are clipped.

These initial reactions from white spokespersons were bad enough, but I was even more disheartened by the widely quoted statement of Dr. James E. Shepard, president of the North Carolina College for Negroes and a deeply respected friend of my family, that "Negroes could do their best work only in their own schools." Dr. Shepard urged a graduate school for Negroes in Durham, pointing out that enlargement

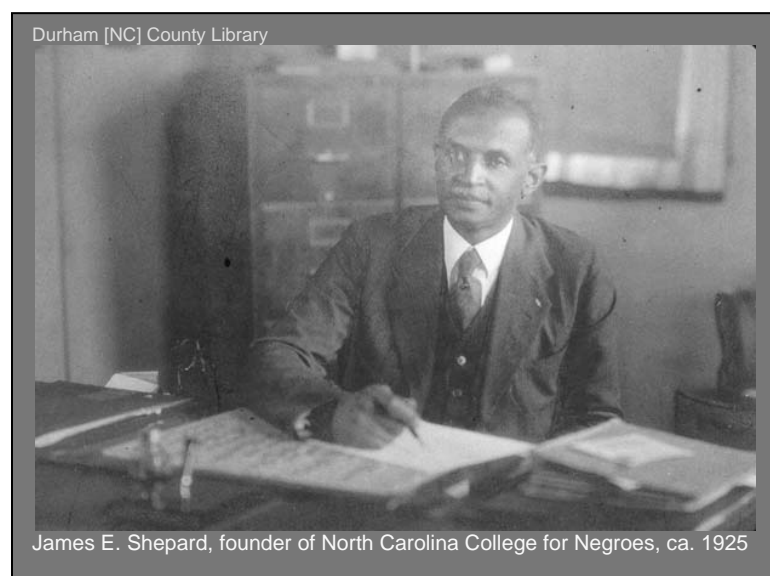
of existing facilities at his institution would give increased opportunities to competent Negro educators. He envisioned a graduate school that would be guided at the beginning by nearby Duke University and the University of North Carolina, a situation that many younger Negroes saw as a continuation of white paternalism.

Aunt Pauline sent me all the clippings from the Durham newspaper, along with a letter telling me how frightened she was by the storm my application had stirred up. My Aunt Rose Murray Shipley's death in Baltimore of a heart ailment that same week increased my concern over the possible effect of undue strain on Aunt Pauline, who had written:

Please be careful what you do about all this, for you can make it very uncomfortable for me. You are away and don't hear it. I've said nothing to anyone about this, though I suppose every one who knows you . . . may think it's you. . . . I too am working and hoping for the teacher's retirement pension and return of the pre-war salaries. Don't do anything rash, please. You know it will take time to change the South. You see you may hurt Dr. Shepard's cause for a [separate] university by beginning the fight. . . . I think the State of N.C. wants this.

When I telephoned Aunt Pauline after receiving her letter, I found that she was terrified of the possibility that aroused whites might burn our house down. She was also afraid that she would be dropped from her school before the pension plan was adopted, since she was overage and had no tenure.

Aunt Pauline's letter and her apprehensions alarmed me greatly. I faced the dilemma of one who spearheads an unpopular struggle and finds that whatever course one pursues is agonizing. There is the risk that one's family may be victimized in retaliation or that one's cause may suffer a setback through one's own unwise move. There is the realization that no deep-seated injustice can be uprooted without overturning traditions, making people uncomfortable, and becoming, oneself, the target of angry criticism. The issues are seldom clear-cut and sometimes there seems to be an element of justice on both sides of a question. In this case, however, my role was primarily that of a catalyst. The whole episode remained in the realm of public debate, and my apprehensions subsided as more favorable sentiment appeared and no further threats were reported. I received no hostile letters after my name and address became known; one anonymous white North Carolinian who had followed the case and apparently was acquainted with my correspondence with Dr. Graham wrote me that "your thinking has been sound and your bravery in daring to express yourself commendable."



Dr. Shepard was the only public figure among Negroes to urge the establishment of separate graduate schools. Roy Wilkins of the NAACP, then editor of *The Crisis*, stated: "We have opposed separate schools for the races since the beginning of the NAACP thirty years ago, because all surveys and statistics show conclusively that there does not exist in America a so-called equal school system." Walter White added: "These conditions force us to the inevitable conclusion that the only method of securing equal opportunity in public education is for the Negro to hold as an ideal the attendance at the same institutions with whites."

Aside from Dr. Shepard, the *Daily Tar Heel* was able to find only one other Negro willing to be quoted as opposed to admitting Negroes to the university. Kennon Cheek, president of the Janitors' Association on the Chapel Hill campus, said in an interview:

As I see it now, it not advisable for Negroes to enter the university. . . . The masses of our group have not developed to the place where we can classify them from an educational standpoint. Neither have the masses of Negroes had the background and time to develop to the extent of enjoying social equality with the white folk. We must have time to develop culture for the whole group.

All during the months of January and February, while the state legislature was deliberating on the issue, lively discussion continued at the University of North Carolina. The campus newspaper published almost daily items on opinion polls, forums, panel discussions, and comments from faculty and students. Jonathan Daniels, editor of the *Raleigh News and Observer*, on campus to make a speech, got headlines when he declared: "I don't see how anybody can object to taking a graduate course with a Negro." The *Daily Tar Heel* reported a poll conducted among graduate students, who voted eighty-two to thirty-eight in favor of admitting Negro students to the graduate school. (The paper later repudiated the poll as nonrepresentative.) John Alan Creedy, student editor of the *Carolina Magazine*, devoted the February issue almost entirely to the question of graduate and professional training for the Negroes in the South, using articles by Negro and white educators. He wired me for permission to include my published poem "Song of the Highway," explaining in a letter he sent me later that "reading it, I feel — and I hope others will feel — acutely just what sort of student we are missing by excluding Negroes from the University." In New York, two recent alumni who had been following the case, George C. Stoney and Don McKee, looked me up and offered to organize a movement among distinguished graduates of the university in support of my cause.

Dr. Howard K. Beale of the History Department wrote a long article, published in the *Daily Tar Heel*, taking issue with the newspaper's editorial stand and pointing out:

There are among both faculty and students those who feel it would be of value to our white students as well as to the Negro students to admit Negroes at the graduate level, and that to exclude one properly qualified who has applied would endanger the University's leadership in liberalism. . . . Liberalism cannot be pursued in all other categories and then denied whenever the Negro appears. Sooner or later Southern liberals must choose between their liberalism and their own or their neighbors' emotions over the Negro.

Louis Harris, the future pollster, who was then an undergraduate, reported on an interracial panel discussion which brought together students and professors from both Chapel Hill and several Negro colleges. More than a hundred people attended the meeting, which adopted the following resolution to send to the legislature:

It is the consensus of opinion that in view of the already limited funds for education in North Carolina, and in view of the fact that setting up separate institutions in professional and advanced training would undoubtedly deter the future progress of education and in racial relations in the South, that the legislature consider a policy whereby qualified and carefully chosen Negro students could be educated in graduate and professional levels by means and forces already existing in the state.

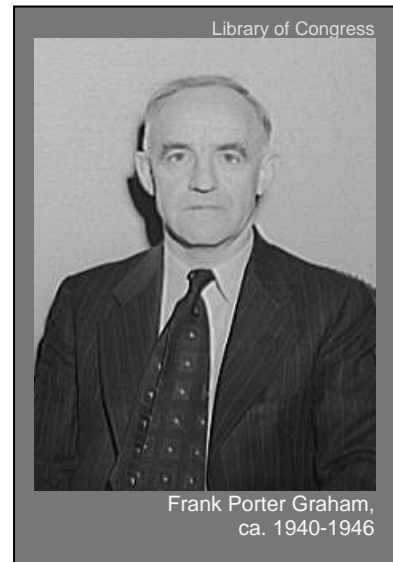
President Frank Graham, long regarded as liberal in race relations and one of the founders of the Southern Conference on Human Welfare, was careful to say nothing that deviated from traditional views on segregation. When he discussed my application with the press, he reaffirmed his long-held position

that the state should provide equal graduate education at the two Negro state colleges as “a wise answer to the question gradually to be worked out.” Since I had no access to the local white press, I wrote to Dr. Graham directly, reminding him that Raymond Hocutt, who had attended a state Negro college, was found ineligible on academic grounds to be admitted to a professional school at the University of North Carolina: “This very fact proves the assertion that Negro schools have not been given the facilities which would place them on equal footing with white schools. Furthermore,” I wrote, “accepting your premise that further segregation in the graduate schools is a ‘wise long-range solution,’ what guarantee have the Negro students of North Carolina that their graduate schools will be any higher in quality than their undergraduate schools?”

This was the embarrassing question which the white hierarchy dared not answer in view of the record of past performance. The Negro press carried stories of pending suits to compel equalization of Negro teachers’ salaries. An article by Jefferson E. Grigsby, a Negro high school principal in Charlotte, charged that although the North Carolina Constitution provided that separate schools must offer Negroes equal treatment, Negroes were discriminated against in every phase of public education. He included statistics showing that while the state’s school population was one-third Negro, Negroes received only one-eighth of the amount invested in school buildings for whites, one-tenth of expenditures for school buses, one-twenty-third of the money spent for maintenance of school libraries; and that Negro teachers were paid only 60 percent of the amount paid to white teachers in the same classifications.

Dr. Graham’s response to my letter was a restatement of the legal position that southern states would attempt to hold against the stepped-up attacks on segregation during the next fifteen years. He asserted that the only way to obey both the North Carolina Constitution requiring separation of the races in public education and the United States Constitution as interpreted by the Supreme Court “is to make adequate provision in the separate institutions.” Taking this into account, he wrote:

I have pledged as far as my lawful responsibility permits, the cooperation of the University of North Carolina [with the two Negro state colleges] toward a more adequate provision for Negroes in the public schools, higher standard Negro undergraduate colleges, and a substantial beginning in the provision for graduate and professional work. This may seem to you to be an inadequate and minimum program but it is going to take the cooperation and struggle of us all to bring it about. The present alternative is a throwback against whose consequences we must unceasingly be on guard in the best interests of both races, who after all go up or down together.



In reply to Dr. Graham I wrote:

The Constitution of North Carolina is inconsistent with the Constitution of the United States and should be changed to meet the ideals set forth by the first citizens of our country. . . . We of the younger generation cannot compromise with our ideals of human equality. We have seen the consequence of such compromise in the bloody pages of human history, and we must hold fast, using all of our passion and our reason.

Both letters were published in the Negro press.

The matter boiled down to whether the legislature would act quickly enough to establish separate graduate education that could withstand a court contest. Meanwhile I was pleased to see that the *Daily Tar Heel* had published for student reaction ten questions I raised with Dr. Graham. This encouraged me

to respond directly to the editorial “Mills of the Gods,” and excerpts from my response were also published in the campus newspaper. I wrote:

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

Why not be honest with yourselves? You share our songs, our contributions to the field of entertainment and music . . . and yet you resent our intelligence and our determination to better ourselves.

If a young woman from North Carolina, as native as any of you, as aware of the deep emotional prejudices and misunderstandings on the part of both races as you are, happens to feel that you have one of the best Public Welfare and Social Science Departments of any university in the country, . . . if she feels that one cannot study a social and economic problem realistically off the scene, are you so intellectually ungenerous as to resent her desire to gain this information through normal channels — just because she is a Negro?



My greatest supporter close to the scene was Lewis E. Austin, editor of the *Carolina Times* in Durham. I had known him since my early teens, when I sold his paper on Saturday afternoons. A thin, tense man whose high cheekbones and cavernous cheeks made him look emaciated, he used to boast that Nat Turner was one of his forebears, and the restless energy with which he pursued a fearless campaign for racial justice seemed to bear out his tradition.

From the beginning, the *Carolina Times* reflected my own dilemma — how not oppose Negro universities per se while simultaneously exposing as unrealistic, and perhaps even cynical, the state’s attempt to set up separate graduate

schools. It feared that the State would establish “makeshift graduate schools for its Negro citizens.” It declared that of the two courses open to the state, “the most sensible and economical is to admit Negroes to the University of North Carolina, and thereby save the taxpayers of the state from having to dig down into their own pockets for additional funds.” The newspaper pointed out that it was debatable whether the state would be willing or even able to undertake the “mammoth task” of establishing separate graduate education for Negroes that would come close to meeting the requirements. Facing the issue of my application, the *Carolina Times* concluded:

Naturally a majority of North Carolina Negroes prefer graduate courses at their own schools by members of their own race who will profit from the salaries paid, at least. But Negroes in this state will not be satisfied with graduate courses that will not meet the standard already set by those the state operates for its white citizens. If such is the



intention of the legislature now in session, North Carolina will do well to regard the application of the young Negro woman from New York as having the support of a majority of thinking Negroes in the state. There will be many more to follow from points much closer.

When the *Durham Morning Herald* complained that it did not understand why a Negro woman “should want to enter a school where would be the only member of her race,” the *Carolina Times* replied:

Is the *Herald* not aware of the fact that there is now a lone Chinese girl attending, as a full-fledged student, the University of North Carolina? Surely, a native-born American Negro woman whose parents and foreparents have borne their share of the tax burden to help maintain the university would feel as much at home as a Chinese girl whose native tongue, habits and customs are different from those with whom she now finds herself in contact?

There was greater irony in my situation than these editorial comments suggested. Few white people in the South wanted to acknowledge blood ties between the races created by the slave-owning class during slavery. Yet from early childhood I had been aware of the family history which linked me to the University of North Carolina. My grandmother Cornelia Smith Fitzgerald was the granddaughter of Dr. James S. Smith of Chapel Hill, a member of the U.S. House of Representatives from 1818 to 1820 and a former member of the board of trustees of the university. Her white father, Sidney Smith, and his brother, Francis Jones Smith, had attended that university in their youth, and their sister, Mary Ruffin Smith (who raised my grandmother), had left part of her sizable estate to the university to create a permanent trust fund for the education of students there. The fund was known as the Francis Jones Smith Scholarships.

Predictably, the North Carolina legislature made such a feeble gesture toward resolving the issue of graduate education for Negroes that even the conservative *Durham Morning Herald* was moved to express dissatisfaction. By early March 1939, the state body adopted an enabling act that provided for graduate courses and professional training for Negroes when and as they were required, or became necessary, or were demanded. Said the *Herald*: “It seems appropriate to remind the members of the legislature at Raleigh that it takes more than a law authorizing graduate facilities for Negroes to bring them into existence. . . . As we understand the situation, neither the enabling act nor the general appropriation bill fashioned by the [finance] committee provide the wherewithal to finance the additional facilities for Negroes.” The *Norfolk Journal and Guide* disclosed that the North Carolina legislature not only failed to appropriate funds for graduate facilities but also went further and slashed the recommended sixty thousand dollar appropriation for North Carolina College for Negroes by almost one-third. The Negro weekly commented: “The conservative Negro leadership of the State, of which President [James E.] Shepard is an important symbol, may now ponder how an undergraduate college can be operated with a State subsidy of \$44,000, and how graduate schools may be established and operated without money.”

Having done what many of us expected it would do, the state legislature adjourned for two years, and the way seemed clear to begin legal action. It appeared to me that there should be little difficulty in convincing the courts that North Carolina had failed to meet the standard required by the *Gaines* case. When I went to see Thurgood Marshall, however, I suffered my worst disappointment. The NAACP counsel had studied my case and had decided not to undertake a court action on my behalf. Mr. Marshall explained to me that the Association had to select test cases with extreme care because they could not risk losses after expensive litigation. They chose their candidates after meticulous scrutiny into background, training, and personal circumstances. They now wanted an “airtight” case which would square on all counts with the *Gaines* decision, and the circumstances of my case presented too great a risk. Although I apparently could meet the test of academic qualification, I was vulnerable on the question of residence. In *Gaines*, the Supreme Court had ruled on the duty of a state to provide equal education to Negro and white residents of that state. Since my residence was in New York, North Carolina might defend successfully on the ground that the state had no constitutional duty to provide nonresidents with graduate training.

Library of Congress



UNC-Chapel Hill campus, 1939

I tried to argue with Mr. Marshall that if the state permitted nonresident white students to attend its educational institutions, it had a similar obligation under the Fourteenth Amendment to admit Negroes, but I was not a lawyer and my logic did not persuade him. I was suggesting an extension of the *Gaines* rule which the NAACP was not prepared to argue at that time. During those years its successes came through cautious and modest advances within the framework of the “separate but equal” principle. It concentrated on the “equal” side of the segregation equation and tried to show in each case that in fact the separate facilities were unequal.

I had no alternative but to accept defeat. Conrad O. Pearson, the Durham attorney who had worked on the Hocutt case, wanted me to go ahead and start legal action on my own, but I had no money for litigation and I also felt it would be unwise to ignore the wisdom of the national NAACP staff. Equally disappointing was the unsuccessful effort to find another candidate who would be suitable for a test case. Carl DeVane, a young Negro graduate of Shaw University in Raleigh who wanted to go to law school, had been following my case and writing me regularly. At my suggestion he sent his credentials to Thurgood Marshall, but he wrote me later that Mr. Marshall “has informed me that since Shaw is a class B school the graduates of this school might meet some technicalities. [Johnson C.] Smith and Bennett [College] are the only A-rated [black] private schools in the state and I don’t know anybody at present from either of them who would press the issue.”

That spring, while I was in Durham during the Easter vacation, I went over to the University of North Carolina to satisfy myself that I was not afraid to appear on the campus, and I was surprised at the cordial reception I got from a number of students and faculty members. I was assured that there was not enough opposition within the university

to worry about. Some of the students who had apparently built up a monstrous image in their minds as a result of all the publicity were astonished that I was the candidate. One professor told me that a number of the university staff had met and had decided to support any further action for the admission of Negroes if the state legislature did nothing. In his opinion the legislative provision was inadequate, and he thought a court test might be a good thing now. When I told him of my problem of residence, he agreed that it might cloud the issue and urged me to find another person willing to bring court action. In Durham, Dr.

Shepard was gleeful over the plans of his college to set up graduate courses in seven areas, including law. He told me smugly that the situation was settled as far as North Carolina was concerned and that while he did not think a court case would do any harm, he believed it would be useless.

Ironically, the first effort to set up a Negro law school at North Carolina College for Negroes ended in failure. The school was given an appropriation of fourteen thousand dollars and a law library, and professors from Duke University and the University of North Carolina were recruited to teach. It opened on September 25, 1939, and closed five days later because only one student had enrolled. The student was Logan Drummond Delany, grandson of the late Bishop Henry B. Delany. Another strange twist was that Lloyd Gaines disappeared before he could enter the University of Missouri School of Law, and he was never heard from again.<sup>1</sup>

With my failure to go forward, the second round in the battle against segregation in North Carolina was lost by default. Ultimately a law school and graduate school were set up at North Carolina College for Negroes (now North Carolina Central University) in Durham, a development that caused Lewis Austin to joke, “Every time Pauli Murray writes a letter to the University of North Carolina they get a new building at the Negro college in Durham.”

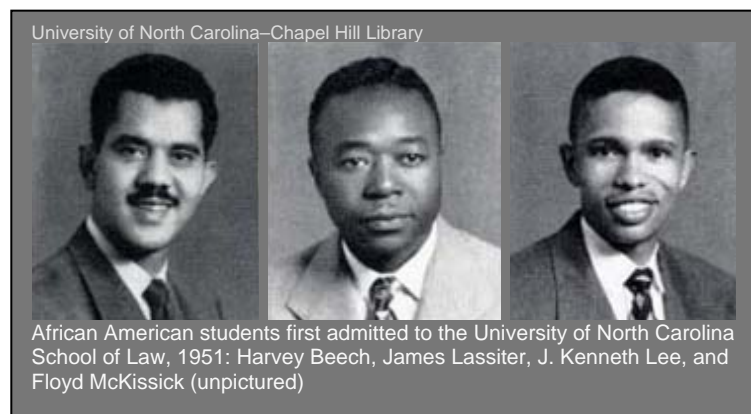
Several more Supreme Court decisions were handed down before North Carolina finally yielded to a federal appeals court order in 1951. Floyd McKissick, future civil rights leader and director of the Congress of Racial Equality (CORE), and several of his fellow law students became the first Negroes to be admitted to the University of North Carolina. One of these young men was William Alston, son of my Durham schoolmate Christine Taylor Alston; it had taken the better part of a generation to win the battle. When I met McKissick some years later, he told me that he had almost completed his legal training at the separate law school in Durham when the court order was issued, but he enrolled at the university anyway, “because I wanted to prove to myself I could meet the competition with white students.” He was a public school student at the time of my application to the graduate school, but he remember it just as I had

remembered Raymond Hocutt’s fight for admission.

Talking with Floyd McKissick, I saw my own role in a new light. I was part of a tradition of continuous struggle, lasting nearly twenty years, to open the doors of the state university to Negroes, a struggle marked by modest beginnings and several bitter defeats before the victorious breakthrough of McKissick and his friends. Each new attempt was linked with a previous effort, which, although unsuccessful,

nevertheless had an impact on the forward movement. I had dared because Hocutt had tried and failed, and while I did not experience a personal triumph, at least my application to the university had forced public discussion of an alternative to the system, which had seemed impregnable to attack. Once begun, this debate would not be silenced until the system of enforced segregation was outlawed everywhere in the land.

At the time, however, what I felt was the galling disappointment of personal defeat, and it was only later that I made a surprising discovery. Much of my life in the South had been overshadowed by a lurking fear. Terrified of the consequences of overt protest against racial segregation, I had sullenly endured its indignities when I could not avoid them. Yet every submission was accompanied by a nagging shame which no amount of personal achievement in other areas could overcome. When I finally confronted my fear and took a concrete step to battle for social justice, the accumulated shame began to



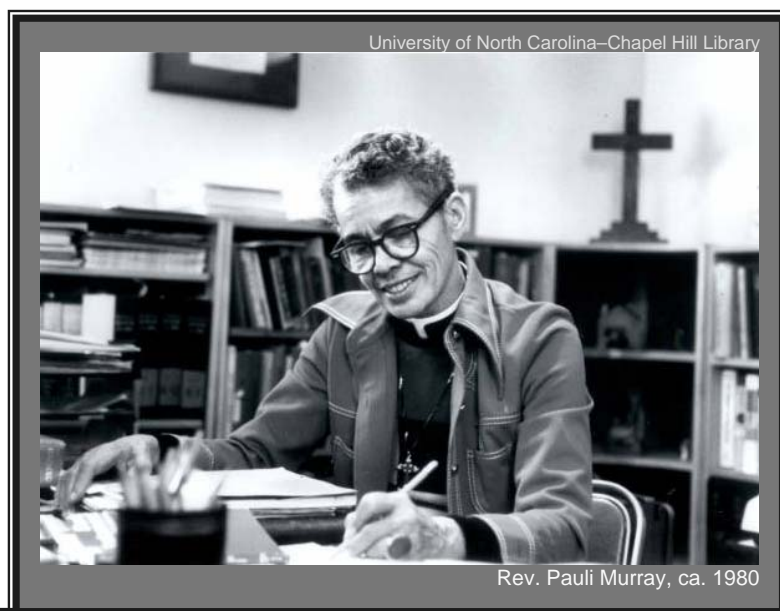
<sup>1</sup> In 2006 the University of Missouri awarded Gaines an honorary law degree. In March 2007 the NAACP asked the FBI to re-open the investigation of Gaines’s disappearance.

dissolve in a new sense of self-respect. For me, the real victory of that encounter with the Jim Crow system of the South was the liberation of my mind from years of enslavement.

The final irony of my role in this controversy came many years later, when the University of North Carolina at Chapel Hill decided to award me an honorary degree at commencement in 1978. Early that year I was formally notified of the proposed award by the chancellor, Ferebee Taylor, who had been a first-year student on campus in 1938 and 1939, when my application for admission had created such a furor. Chancellor Taylor was ecstatic over the university's gesture of recognition after so many years, and so was I. To me, it was more than an academic honor; it was a symbol of acceptance stretching back to my Grandmother Cornelia and her relationship to the Chapel Hill Smiths, whose position as benefactors of the university from which I was excluded had intensified my feeling of being disinherited. My enthusiastic letter of acceptance conveyed to Chancellor Taylor the special significance of this honor to me.

To my dismay, several weeks later an acrimonious dispute between the University of North Carolina and the [U.S.] Department of Health, Education, and Welfare surfaced in the press. Under pressure of a federal court order to enforce the desegregation provisions of the civil rights law more vigorously, HEW threatened to cut off federal funds to the University of North Carolina, charging it with failure to produce and implement an acceptable plan for fully dismantling the historic legacy of segregation on the sixteen campuses of its statewide system. North Carolina officialdom, including the governor, defied HEW and girded for a stiff court battle. The matter was at an impasse when the university got in touch with me for final arrangements preparatory to public announcement of commencement honorees.

I had anxiously followed the controversy, urging mediation of the issues, but without success. With the challenge I had raised forty years earlier still not fully resolved, I found myself in an untenable position. To accept an honor from the university at this point would be interpreted as acquiescence in its unwillingness to comply with the federal government's demand for more thoroughgoing desegregation. In the circumstances, I had no alternative but to withdraw my earlier acceptance and send Chancellor Taylor a letter sorrowfully declining the honorary degree.<sup>2</sup>



<sup>2</sup> In 1944 Pauli Murray received her law degree from Howard University Law School in Washington, DC, and, after being denied admission to Harvard Law School because she was a woman, she received her master's degree in law (LL.M.) from the University of California–Berkeley. In 1966 she received a doctorate in law (S.J.D.) from Yale. In 1977 she was ordained as the first black woman priest in the Episcopal Church.