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Intro:

Mr. Chief Justice, may it please the court. It's an old joke, but when a man argues against two beautiful ladies like this, they are going to have the last word.

Intro:

She spoke, not elegantly, but with unmistakable clarity. She said, "I ask no favor for my sex. All I ask of our brethren is that they take their feet off our necks."

Melissa Murray:

Welcome back. This is a very special episode of Strict Scrutiny. I'm one of your hosts, Melissa Murray.

Kate Shaw:

I'm Kate Shaw.

Leah Litman:

I'm Leah Litman.

Melissa Murray:

And we are joined today by Julie Cohen and Betsy West, the Oscar-nominated filmmakers who brought you RBG, and Talleah Bridges McMahon, the Emmy-nominated producer, who are premiering their new documentary, My Name Is Pauli Murray, this week at the Sundance Festival. So welcome, Julie and Betsy and Talleah.

Betsy West:

Thank you.

Julie Cohen:

Great to be here.

Talleah Bridges McMahon:

Thank you. Thanks for having us.

Leah Litman:

This film chronicles the life of Pauli Murray. Pauli Murray was a pioneer, a poet, a lawyer, and the first Black person who presented as a woman to be ordained as an Episcopalian priest. 10 years before the Supreme Court decided Brown versus Board of Education, Pauli authored a paper in which Pauli argued that segregation, even when it supplied equal facilities, was immoral apostasy and branded Black people as inferior. If that theory sounds familiar, that of course would be the basis on which the court held segregation illegal in Brown.

Leah Litman:

Pauli also authored a paper and would argue that the same equal protection clause that made it illegal to discriminate on the basis of race also made it illegal to discriminate on the basis of sex, a practice Pauli dubbed as Jane Crow. If that theory also sounds familiar, that's because that would be the theory

that Ruth Bader Ginsburg argued for as an advocate in briefs crediting Pauli and that the court embraced. Murray has become better known over the last few years, but Pauli is still not a household name like your previous subject, Ruth Bader Ginsburg. Why did Pauli speak to you as a subject? Why is it so important to bring Pauli's story to a wider audience?

Betsy West:

I'll start here. This is Betsy. We learned about Pauli Murray from Ruth Bader Ginsburg who had put Pauli Murray's name on the front cover of the first brief she wrote before the Supreme Court for gender equality. We didn't really know much about this person, and then when we began to look into her life we were just astounded by the many different chapters and the impact that Pauli had in so many different areas before other people were working on that. We just thought, "Oh my goodness. This person deserves a story." Then we discovered that there were audio tapes and a huge archive, and we thought, "Pauli Murray needs to be better known."

Leah Litman:

Why don't more people know about Pauli Murray? I never learned about Pauli in classes. I think I first came upon Murray's work when I was doing some separate research on LGBTQ issues, but why don't more people know about Pauli?

Julie Cohen:

It's a hard question to answer, and actually I think it's a big part of why we wanted to tell this film. Pauli Murray doesn't have the name recognition of a Ruth Bader Ginsburg, but in a lot of ways that was the impetus for telling the story. I think there are a combination of factors, but I think a main factor is the point that comes up repeatedly in the film of just how far ahead of the times Pauli was, how early to so many different concepts, which when you think about it, often the people that become famously associated with an idea or a movement are not the first people to that idea. They're the people that are pushing forth at a time that the world is ready to hear it, and Pauli Murray was pushing forth ideas about equality at a time when America wasn't ready to hear them yet.

Leah Litman:

That was one of my favorite lines from one of the commentators in the film, who said, "In studying history, you have to let go of the idea that your heroes are heroes because they deserved it and they are the only people who deserved it. Instead, it's more of a combination of luck, timing, and of course, being one of the people who was championing these ideas."

Melissa Murray:

So can I maybe ask a little bit about her background? You note that her life is not unlike Ruth Bader Ginsburg's in that she suffers an incredible loss early on. Her mother dies of a massive cerebral hemorrhage and her father is institutionalized shortly thereafter, and so she's taken in by these two maiden aunts who happen to be incredibly well educated, and they bring her to their home in Durham where their family has been sort of rooted in the Black community for a very long time. Can you maybe talk a little bit about how this early period in her life shapes her and how she understands herself to be part of a Black community but also a little apart from it as well?

Talleah Bridges McMahon:

Pauli comes from a mixed-race family, and they really ran the gamut. There were a lot of people in the family who could pass for white, for example. Pauline actually lost a husband who decided to pass for white and Pauline decided to maintain to stay in the Black community. So Pauli comes from what a lot of people call race women, people who were really, really committed to the advancement of the Black race, and so Pauli at a very young age was instilled with a lot of pride. And because both of her aunts were teachers and there was a long tradition of valuing education in her family, Pauli was shaped by that. And so they actually invested a lot in Pauli, because she's the only kid in the household, and so they were all really devoted to her and basically fostering a pride within her that she was able to carry out into the world. I don't know that Pauli would become Pauli without coming from such a strong family.

Kate Shaw:

That's all really helpful. So it's happening against the backdrop so she's getting this rich both educational and sort of political upbringing at home with her aunts, meanwhile attending segregated and grossly underfunded and insufficient schools in the pre-Brown South. So then she decides to go to college. So she goes to college in New York City. She enrolls as just one of a handful of Black women at the all women Hunter College in New York City, but as she says, she feels immediately unprepared. She's concerned about her Southern grammar. We thought that contemporary students, particularly first generation students, students of color, might recognize these impulses as something we might call an imposter syndrome today, although obviously she doesn't use that language. How does she overcome those feelings of inadequacy?

Betsy West:

Yeah. I mean it is extraordinary to read about these dual impulses in Pauli. On the one hand, such determination to continue an education that she gets her aunt to take her to New York City and she goes around and has to actually go to high school for a year before attending college in order to pass the Regents exam. And so there is a level of just total determination and yet as you say, she's looking around and thinking, "Am I qualified? Do I have it?" And I think a lot of people can identify with that feeling. I guess she just kept pushing through. There was something in Pauli that gave her the ability to push back and to push past discouragement, challenges, setbacks, personal and professional, and just keep going. It's one of the things that we so admired about Pauli.

Talleah Bridges McMahon:

And just to add to that, I think it's hard to know that Pauli ever got over it. I think that there's the tension there where you have the person who is never quite getting the external validation of, "You are actually a brilliant person." Pauli is fighting all the way to the end to make that case, and so I think that's something that Pauli constantly grappled with.

Julie Cohen:

I find it a little painful as a listener to Pauli's story, which after all we as the filmmakers and our audience are going to be hearing in Pauli's voice as an extremely educated, clearly brilliant person, to be hearing these expressions of insecurity which had been sort of imposed externally from a world of racism and a school where I think she's rightly assessing that she's not getting the same benefits and luxuries and privileges of education that some of the peers that she runs into at Hunter and at various places. It's actually painful to listen to someone who's brilliant talk about how insecure they feel.

Melissa Murray:

I think it is painful, certainly. She's been one of my heroes for a very long time, but I have to say I so identified with this moment where she's talking about her feelings of inadequacy. I think so many people, especially women and women of color moving into professional circles, feel this way. It was both mystifying to know that she experienced this but also deeply heartening to know that she experienced it.

Melissa Murray:

It's interesting to note that she is thinking about this alongside what is going to be a lifelong struggle with her understanding of her gender identity, and this is something that the film takes on and address very frankly. You start at the beginning where as a child she is not terribly interested in performing female gender identity. She wants to dress as a boy. Her aunts are incredibly receptive to this. They're unconditionally supportive and loving and help her to sort of live that identity in the way that feels comfortable at the time, but throughout her life, this is something that she struggles with. She has relationships with women. Some of these are more closeted. She seeks out medical help to deal with what she thinks is a physiological issue that she can address, but it is a constant nag in her mind.

Melissa Murray:

And I wonder, is it something that really shapes the work that she does, the struggle that she has with her gender identity? How should we understand her gender identity? I mean, throughout the film her family members refer to her as she, but others refer to her as they. How do you understand her gender identity?

Betsy West:

I think all documentaries are learning experiences for the filmmakers. You go into the film thinking one thing and as you get deeper and deeper you learn, and that is certainly the case with Pauli for all of us, I think, in learning about Pauli's struggles with gender identity at a time when nobody really knew what this was. Pauli was not talking about it publicly, but we know from diaries and letters and records was going to doctors and asking for help, saying, "I believe I am a man." It's painful to read.

Betsy West:

One of Pauli's biographers, Rosalind Rosenberg, really was the first person to write about Pauli's gender struggles, and Rosalind, I think, has a very wise thought about all of this which is that apart from being just Pauli's personal life and really not of interest, that it is central to who Pauli is, that Pauli came to understand that these boundaries that we think of as fixed are not in fact, and that differentiations on gender should not be the basis of discrimination, because in fact they are very fluid. So this personal story is very much a part of Pauli's whole life and I think is the underpinning to some of the brilliance that she showed in thinking about discrimination on the basis of race and discrimination on the basis of sex.

Kate Shaw:

Some of those letters are I think as I viewer just genuinely painful to read. There is this agony that comes through, and yet somehow it did translate or play some really important role in allowing her to think outside of categories and outside of boxes that others were sort of confined within. It's complicated. The film's relationship to all of this is complicated and I think correctly.

Kate Shaw:

Okay, so maybe going back to kind of the narrative a little bit, Pauli decides that she's going to apply to graduate school. So she applies to the University of North Carolina. She is promptly rejected explicitly on the basis of race in the rejection letter. I think the president says something like he has not even just the power but the obligation under the constitution to reject her application. Will you tell us a little bit about how she reacts and what she does next?

Julie Cohen:

Yeah. I mean obviously it's a pretty stunning letter because this is not a subtle thing. I think the phrase "won't accept one of your race" is right there in the letter. Pauli, faced with so many setbacks in life, isn't going to take this sitting down and decides to do something that becomes known in Pauli's world as confrontation by typewriter, a form of direct action after all can be writing letters, and starts to notify the at that point in the country extremely vibrant Black press explaining what's happened.

Julie Cohen:

Around the same time, FDR, then the president, stops by UNC on the way back from his Georgia estate to the White House to give a speech about how fantastic UNC is and how liberal and how they just represent all of the great ideals of America, and Pauli writes a letter to FDR basically saying, "You're full of crap. How do you think that a Negro student would feel hearing what you have to say? What am I supposed to take of this? And by the way, how come you haven't supported anti-lynching legislation? That's an outrage. Why aren't you speaking out louder against the burning of our people?"

Melissa Murray:

And it's incredibly politically astute because FDR is just absolutely celebrated in the Black community at this point. There is a political dimension to this that she is tapping into like, "We support you, and yet here you are celebrating an institution that won't even accept us and there are all of these other legislative initiatives that would help us that you're not supporting as well." So she has a savvy political acumen as well even at such a young age.

Talleah Bridges McMahon:

It's very indicative of Pauli's activism that Pauli at every step of the way is saying, "I know that you are doing these things that people praise you for, but it's not good enough. You have a progressivism that is celebrated, but you really need to do more." I would say going back even to your earlier question of why isn't Pauli more well known, I do think it's those sorts of behaviors are what puts Pauli outside of the mainstream, that when you are constantly speaking truth to power which was what Pauli was determined to do at every phase of the way, Pauli was never playing politics and was never trying to get along with people, it really does take you out of the mainstream.

Talleah Bridges McMahon:

And Pauli again was acting alone not as part of a movement, and so you end up in this situation where Pauli is bold enough and brave enough and courageous enough to speak Pauli's mind. The result of that in this case is that Pauli ends up developing a friendship with Eleanor Roosevelt. Pauli thinks, "I don't know that FDR is actually going to read this letter. Let me also send a copy to his wife just in case." And Eleanor writes back.

Melissa Murray:

That's brilliant. Like, "I'm totally going to tell on you."

Talleah Bridges McMahon:

Right. Exactly. She's like, "Cc Eleanor Roosevelt." And so when Eleanor reads the letter, Eleanor is intrigued and says, "Well, who is this person saying all of this to my husband like this?" And it begins for Eleanor Roosevelt this lifelong friendship where they were corresponding back and forth.

Betsy West:

Then to pick up on that of course as the years go by and Pauli is developing this genuine friendship with Eleanor Roosevelt, not just a professional relationship but they go to lunch together and they clearly are friends, when FDR fails to speak out after this horrible police riot in Detroit in 1943 in which over a dozen African Americans are murdered by police, he fails to speak up about that, Pauli writes a scathing poem entitled Mr. Roosevelt Regrets. So unafraid of taking on FDR even though Pauli's become such a friend of his wife. It's just an example of how Pauli really did stand on principle.

Leah Litman:

This was one of my favorite parts of the film and one of the favorite stories that came out of this, in part, because of what Eleanor wrote about Pauli. "Pauli is a firebrand, but I am really quite personally fond of her." And the confrontation by typewriter, I think in the future I will be now referring to my Twitter feed as confrontation by tweet. Just a lot resonating with me. But it feels kind of cheeky to think of Pauli just brashly firing off these letters to state officials, the president, the first lady. But this strategy of confrontation by typewriter was also dangerous and not just because it put her out of the mainstream and might have detracted from her professional advancement. So could you say a little bit more about the risks that this posed to Pauli?

Julie Cohen:

Well, fortunately there are risks even beyond what were realized in life. I mean, the reality is this did lead to Pauli probably being shut out of certain circles of respectable activism that would have been a possibility. That's one thing, but of course as Pauli mentions in regards to the family's feeling about fighting, getting into a battle with UNC, there was real physical danger in some of the assertiveness and some of the 'I'm not going to be cowed' position that Pauli took. This was a person of principle. That's what it means to have principle. It's funny to even use the phrase 'person of principle' right now when we are so barraged with examples of the opposite in our public life. It's heartening and inspiring to see someone who just consistently lived by principle.

Betsy West:

Just to add, Pauli put her body on the line. In addition to writing these confrontation by typewriter letters, Pauli in 1940 traveling with a friend refused to go to the back of the bus, wound up in jail. Pauli was part of a group at Howard University who did a sit-in at a restaurant in Washington in 1943, which is 15 years before what we think of, the sit-in movement. So it was a combination of really putting herself on the line.

Kate Shaw:

The film obviously uncovers a lot of Pauli's history that people aren't going to be familiar with, but I almost felt like I was learning about episodes of civil rights history. She was arrested for refusing to

move to the back of a bus 15 years before Rosa Parks in the Montgomery Bus Boycott and desegregating lunch counters nearly 20 years before the sit-ins on U Street in Washington D.C., so it does feel like you're excavating a lot of lost history that is not just Pauli's but is sort of a broader undertold set of civil rights era story.

Talleah Bridges McMahon:

I think that's one of the most amazing things about working on this film and one of the most amazing things about being a student of history. It's not just that Pauli's story isn't well known. There are so many other stories that aren't well known. There are so many events from history that are not as well known, and I think one of the things that was exciting for us in working on this film is just sort of that discovery, that process of uncovering that. The Detroit riots that we were just talking about. We hadn't heard of that. The Detroit riots that we know are from the '60s. We don't know about Detroit riots from 1943, and so it just is another thing that indicates that so much of the history that we are taught is just surface level. It's basically repeating so many of the same events and having lots of conversations about the same people, and it indicates to us that we just need to all broaden the education that we offer in this country.

Leah Litman:

And it was so funny to hear some of the civil rights organizers of the 1960s saying the same thing. So Eleanor Holmes Norton who was at Yale Law at the time said, "We thought we were the ones who invented sit-ins, but Pauli was doing that twenty-some years before we did."

Betsy West:

It was so great to interview Congresswoman Norton because she had such a perspective on herself as a young firebrand at Yale as part of the civil rights movement which of course is her great legacy, and yet she was both giving the nod to Pauli for having paved the way and also to Pauli for being ahead of her time for being a very strong African American feminist.

Leah Litman:

And it's so interesting because Eleanor Holmes Norton and Pauli Murray come into contact with each other because Pauli Murray later in her career goes back to Yale Law School to get a JSD while Eleanor Holmes Norton is getting a JD. And the Black law students sort of think of her as this kind of doddering old woman slinking around the law school, and in fact she's like, "Everything you've done, I already did that. Been there, done that, have a T-shirt."

Melissa Murray:

Let me go back to before she gets this JSD at Yale. She's not admitted to UNC's sociology program because she is Black, and instead she matriculates at Howard University's Law School, so this is the law school that trained Thurgood Marshall and many other leaders of the civil rights movement. She's the only woman in her class. She finds though that even as she has found a place where her race is irrelevant, her gender continues to be incredibly relevant, and in fact, her professors do not call on her throughout her entire first year. But nonetheless, she persists, and she is first in her class which I'm sure shocks all of them, but doesn't shock her.

Melissa Murray:

She continues at Howard Law. She is an incredibly active student. She writes a 3L paper where she offers a strategy for dismantling segregation and rather than simply relying on the sort of economic equivalency that the civil rights movement has been championing, making the South pay to make separate but equal truly equal, she says, "Let's forget that entirely and just dismantle Plessy versus Ferguson on the ground that it is immoral apostasy." And so she writes this third year paper. Her ideas are immediately dismissed by her professors, including one Spottswood W. Robinson who later becomes a judge on the D.C. circuit.

Melissa Murray:

But then flash forward 10 years, Spottswood Robinson tells her, "Do you remember that paper that you wrote as a 3L?" "Yes, I do." "Well, guess what? We used that paper to completely dismantle segregation in public schools in Brown versus Board of Education. And more than that, we didn't even credit you with it." Wasn't that weird and funny? That to me was the most shocking part of the entire film. I was incandescent with rage for her to be gaslighted like that and then to have them turn around and use her ideas and never give her credit for being the intellectual midwife of this entire strategy.

Julie Cohen:

It's a fascinating episode. In our mind what's so amazing is looking at the work that Pauli did just still as a student and just how incredibly intellectually ahead of the curve this idea that no, no, no, the whole goal shouldn't be to try to bolster the equality and separate but equal, but the whole confine is no good. By definition, separate is not equal.

Julie Cohen:

So at the end of a senior paper she basically writes this 13 point outline saying, "How could we overturn Plessy versus Ferguson? What are the arguments?" Obviously without attaching it to any particular case. This wasn't a question of school boards being challenged or that kind of thing, but in fact, at least two of the major ideas that Pauli writes into that paper are directly picked up on in the briefs for Brown v. Board. One is the use of a 1917 Supreme Court case having to do with housing discrimination, and another is, "Oh, you should use social science's work," particularly citing a book called the American Dilemma. Like, "This really makes a good argument that shows you that separate is never equal. It can't be equal. Of course, everything that goes under this separate but equal construct is meant to disadvantage Black people and if you think about it, you know that." And sure enough both American Dilemma is cited in the actual Brown v. Board Supreme Court brief as is the 1917 case.

Julie Cohen:

So again, I don't know to what extent the intellectuals behind legal arguments ever get credit. I'm not sure. And of course by the time Brown V. Board gets to the Supreme Court, Thurgood Marshall has really structured of his own great intellect a whole chain of cases, so the point is just how amazingly early to the intellectual party Pauli Murray was on this and a whole slew of things.

Melissa Murray:

But it's also a stark contrast to Ruth Bader Ginsburg who in that brief in Reed versus Reed has no problem giving Pauli Murray some credit. It is true that Thurgood Marshall is a genius and a giant and he is clearly the architect of all of this, but some of these ideas aren't just sort of structured out of thin air. Some of this is coming from her, and they not only dismiss her, they never really include her in the intellectual provenance of these ideas. It's striking when you compare it with what Ginsburg did.

Talleah Bridges McMahon:

One of the things just to piggy back on that, that the law was such a male-dominated field at that time that I think about... I have the same reaction you had to hearing that story which is, "Oh my god. This is infuriating." And then you add to that that when Pauli actually starts a legal career, Pauli can't get hired anywhere. This is actually one of the most brilliant legal minds in our country and the fact that this person can't even get a foot in the door is completely outrageous.

Talleah Bridges McMahon:

And so I just think at each turn there is just this bias that Pauli is up against. And you can imagine, going back to Pauli's gender identity, what we know at that time is for Pauli it's especially infuriating because Pauli is in this very complicated position where Pauli is facing discrimination because Pauli is perceived as a woman, but actually understanding that Pauli is not a woman, Pauli has that concept, Pauli is saying, "I am a man," but then grappling with a world that is not recognizing that and then grappling with all the injustices that come with being perceived as a woman.

Melissa Murray:

Another part of the story that's particularly interesting, and again, this is the sort of question about gender and the dynamic between gender and race, it is traditional at this point in time for the person who graduates first in the class at Howard University Law School to be admitted to Harvard Law School's LL.M. program, and when Pauli graduates she is the first in her class, but she is denied this traditional acceptance to Harvard University's Law School because she presents as a woman.

Melissa Murray:

So instead, she goes on to get an LL.M. at Berkeley Law. I will note, having taught at Berkeley Law for 12 years, it is only in the last couple of years that her name has been really sort of touted as one of the prominent alumni of the school. She is lost even in the progressive history of Berkeley and everything that happened there in the 1940s. This is her story. She is showing in so many ways the question of intersectionality. You can be accepted in a place where race doesn't matter and still sort of get shafted because of gender even as you struggle to understand your own gender.

Betsy West:

Yeah. I mean, actually one of the audiotape interviews that we found was an interview with Pauli, I believe in the 1970s, at Harvard. It's a kind of wonderful coming around where she tells the story of how, "Hey, I couldn't get in here 30 years ago," and now here Pauli is being interviewed about her various accomplishments. At that point I believe she had already become an Episcopal priest, and that was one of the reasons why many people actually interviewed Pauli, because she was the first African American female presenting Episcopal priest. So that brought attention to Pauli in the 1970s and people began to look back at some of the other things that Pauli had accomplished.

Leah Litman:

So the film also discusses Pauli's work founding NOW, the National Organization of Women, with women like Betty Friedan. I think that connects to a point that Talleah, you were gesturing toward that actually former Strict Scrutiny guest Chase Strangio mentioned in a clip, which is that Pauli uniquely understood discrimination and acts of discrimination because she bore the brunt of so much discrimination and so many different kinds of discrimination. She could see how race, gender, gender

identity, sex, sexuality intersected with one another and how all of these things were contributing to her oppression, and that also allowed her to kind of allide what was then an understanding about discrimination on the basis of race and extend it to other kinds of discrimination as well. And as you explained in the film, Murray coined the term Jane Crow to describe the discrimination she faced as a black woman, and she argued that the 14th amendment prohibited not just discrimination on the basis of race but discrimination on the basis of sex as well.

Leah Litman:

I also just want to know. I keep saying she. I keep meaning to say Pauli, but again, because her family members were also saying she and... Anyway, I apologize if that is a mistake. But one of my favorite vignettes in the film along these lines is again, Eleanor Holmes Norton, who is just... I am so glad you interviewed her and she's part of the film asking herself, "Why wasn't I a feminist then?" And she says, "No one was a feminist except Pauli Murray." And Pauli co-wrote a paper in which she said, "Women's rights are part of human rights," a line that would become famous when Hilary Clinton kind of echoed it decades later. This would be the logic that Ruth Bader Ginsburg relied upon, happily citing Pauli Murray and Ruth Bader Ginsburg's work at the ACLU. I guess I've kind of speculated about this and mentioned some of what the film says, but why is Pauli so far ahead of everybody else in thinking about discrimination and why and how discrimination is illegal?

Betsy West:

Pauli had an extraordinarily creative brain. Let's face it. Pauli was always ahead and always looking for the next thing. Not a traditional thinker. And as you said, I think that Pauli was radicalized by the treatment at Howard. Probably hadn't thought about it too much, about this, until getting to Howard and just being dismissed. Why do women bother going to law school? At one point there was a chapter of a legal society that was only open to men, and when Pauli questioned this the dean said, "Well, just start your own chapter all by yourself." That was, I think, totally radicalizing for Pauli.

Betsy West:

So while Pauli was going on to fight civil rights and to fight for equality for African Americans, never forgot what it was like to be an African American woman. And as you say, was talking about what we now refer to as intersectionality, the concept of Jane Crow. It really is a brilliant, creative idea that Pauli had in the middle of the 1960s, way ahead of Pauli's time. What can we say? She was brilliant. Pauli was brilliant.

Talleah Bridges McMahon:

And I do think there is something that comes from Pauli's childhood coming from this family that has instilled so much pride in Pauli. Pauli goes out into the world to build a great life, and at every turn, someone is giving the stupidest reason as far as Pauli can see why she can't do X, Y, or Z, and that reason is because of your race, because of your gender, and Pauli is just like, "That is completely unacceptable." And so to Leah's point, Pauli is talking about civil rights at one point and talking about women's rights at another point, and ultimately does start to articulate a vision for human rights. We don't need to just talk about women's issues. We don't need to just talk about rights for Black people. We need to talk about rights for everyone. We need to have a universally inclusive society, and that is ultimately what Pauli is working towards.

Kate Shaw:

I wanted to ask if any of you could say something about the relationship between Murray and Ruth Bader Ginsburg. So as Melissa mentioned, Ginsburg to I think her real credit does explicitly credit and center Pauli's intellectual work as hugely responsible for her litigation campaign and puts her on the Reed versus Reed brief. You have a couple of clips from RBG in the film and she's obviously a huge admirer of Murray's, but I found Ginsburg somewhat circumspect in the way she talked about Murray. So any other light you can shed on what the relationship or dynamic between the two was.

Julie Cohen:

Sure. I think on the one hand you guys have thoughtfully drawn the distinction between how Murray does get the credit in Ginsburg's brief versus on the Brown v. Board of Education brief. I think RBG happened to have read and really absorbed Pauli Murray's paper that she co-wrote called, Jane Crow and the Law, and RBG was in the room with a lot of male lawyers over her career where people had taken her ideas as their own and spouted them out, and the whole thing kind of pissed her off, and so I think that's what led her to say, "Well of course I would put Pauli Murray's name here as a nod."

Julie Cohen:

They actually had first met each other when Pauli Murray was an associate at Paul Weiss and RBG showed up during law school as a summer associate. RBG didn't get an associates job. In her own mind she says that the issue was that the Paul Weiss partners were thinking, "Well, we've already got one woman. What do you want? We're not going to hire two women. That would be nuts." There was that early meeting where also Pauli gave RBG a copy of a book that Pauli had just written called Proud Shoes. That is an unbelievably interesting family historic memoir focusing a lot on 19th century history that we'd I think all hugely recommend and RBG is very interested in writing and literature and was quite blown away by this book.

Julie Cohen:

Then they reconnected on the ACLU board where as you mentioned RBG being circumspect. I think she's hinting at certain times Pauli could be pretty prickly in those board meetings and sometimes not really giving into RBG's like, "Oh, let's always count your clams in terms that everyone is going to come to the table." Pauli was a more confrontational activist. These two people had very different personal styles. RBG certainly was a huge admirer of Pauli Murray's activism and intellect, but I don't know. Personally I think they had very different ways of looking at the world.

Melissa Murray:

So you're saying that Pauli Murray was not going to go to the opera with Antonin Scalia.

Julie Cohen:

I think you are so right about that, Melissa. Under no circumstances.

Leah Litman:

I would want to go to the opera with Pauli Murray, just to be clear.

Melissa Murray:

I agree with that. So another point of connection, and this did actually remind me of your documentary about Justice Ginsburg, at one point in this film you note that as someone without children and the

demands of a family life, Pauli Murray actually has the time and space to do this kind of work. Ginsburg obviously had children and a family, but she also had a very supportive partner who allowed her to carve out this kind of time. So can you say a little bit more about Pauli Murray's personal life, how that may have opened up room for her to do this kind of work? But also may have been a place where she got incredible support, but it wasn't the kind of public support that Marty Ginsburg was able to give to his wife.

Talleah Bridges McMahon:

Pauli had this incredible relationship with a woman named Renee Barlow, and that was really Pauli's support system ultimately. They never lived together. They supported each other, but they never really had what we would see as a traditional romantic relationship that would look like a pseudo marriage of sorts. But this is what ultimately gave Pauli strength, and Pauli also we should say had very close relationships with Pauli's nieces and nephews and siblings, and so Pauli did have a strong support system and strong emotional base and connection to younger people and to family. But it wasn't in the same way, and it's hard to know from Pauli's writing if Pauli felt like Pauli missed out on that, if that was a disappointment in Pauli's life. It's hard to see, because I would say that Pauli was very dedicated to advancing a career. That really did seem to be the most important thing. Pauli set out to have professional accomplishments and really devoted time to that and in some ways felt maybe liberated and felt privileged to be able to focus on that.

Leah Litman:

One of the professional accomplishments that was almost denied to Pauli was tenure at Brandeis University where Pauli went to be a professor, and the initial letter about Pauli said that Pauli's work lacked "flair, brilliance and conceptual power." This is literally the architect of Brown and modern sex discrimination law, which just makes me all the more annoyed that Spottswood Robinson would not publicly credit Pauli's paper on Brown. But then toward the end of Pauli's life, Pauli chose to leave the law after attaining tenure and becoming one of the first people perceived as women to work at Paul Weiss. Pauli chose to go to the ministry because law could not give us the answers to the moral questions that so much of Pauli's work confronted. I was both curious about your thoughts about what this said about Pauli's end of career conclusions about the law, given that this also has some parallels to Michelle Alexander's decision to leave the law for a post at the Union Theological Seminary. What does it say that these brilliant thinkers kind of come away with at the end thinking maybe law is not the solution or the place?

Betsy West:

Yeah. It's a totally surprising chapter in Pauli's life. It completely took her friends and family by surprise, even though Pauli had been a practicing Episcopalian for all Pauli's life, but to give up everything, actually going to Seminary at a time when it wasn't clear that women would be allowed to become priests, not only taking this turn, but it's a huge risk after having fought valiantly for tenure and getting the deserved tenure and a kind of financial security that Pauli had never had or had rarely had in her life, I guess at Paul Weiss also had financial security, throwing that over, it's a huge big deal.

Betsy West:

Maybe the restlessness of Pauli having challenged one thing and moving onto the next... We talked at length to Pauli's great niece, Karen Ross, who knew Pauli when Karen was growing up and then as a young woman who makes the observation that Pauli changed after seminary school, that Pauli had

found a kind of peace as Karen puts it that, "When I was growing up, Pauli wasn't a listener. Pauli was a talker. Pauli was an activist, was going out, and at the end of her life Pauli became more of a listener, also working very hard on the autobiography, looking inward." I don't know. Maybe it was just the newest phase in Pauli's life. I don't think that Pauli was disemboweling the importance of the work that had been done both in civil rights and women's rights, but saying that there's something else that I personally need to do here to fulfill myself.

Talleah Bridges McMahon:

I think it's important to recognize that Pauli made this decision in the late '70s and Brown versus Board of Education happened in the '50s. There were starting to be changes in rights for women, but Pauli can see that there are limitations to the law, that you can change what's legally required, that doesn't mean that things will change on the ground. Still today, it's like we are still trying to implement the integration of schools and we are decades into this. And so there's a way in which I think that Pauli is starting to see in the '70s where there is this backlash to integrating schools, there is this backlash to women's rights, that maybe you need to change hearts and minds, that just changing it legally is not enough. And so Pauli switches gears to say, "I actually need to get at the soul of people. That's what we really need to address."

Leah Litman:

That goes to her point about segregation being a moral and ethical as much as legal problem. You can address the legal problem but if you haven't addressed the morality of those who are engaged in this you've sort of lost half the battle.

Julie Cohen:

Right. I mean, we live in such a... There's so much of circles that I think a lot of us travel in that's so secular that it's hard to actually think of this spiritual decision as also being perhaps another way where Pauli is just way ahead of the curve. If you take a bird's eye view of the problems of racism and sexism combined with Pauli's own less discussed issues having to do with sexual identity and gender identity, maybe the best place to look for answers, maybe where you get the real answers is in spirituality. Why is that such a crazy thing? Maybe that's the answer and just another place where Pauli Murray is intellectually way ahead of the rest of us even 35 years after her death.

Kate Shaw:

So Leah mentioned Pauli's time at Brandeis where she was initially denied tenure, did ultimately get tenure, and this is after a stint teaching law in Accra in Ghana and doing her JSD at Yale. And some of the discussion of the Brandeis chapter kind of notes the generational clash between her and some of her students, many of whom have come of age in the civil rights movement and Black Power movement, and there's just a disconnect. She does things like she continues to use the term Negroes. Her students are very uncomfortable about that. You have two former students of hers who are just wonderful characters and I love the interviews with them.

Leah Litman:

Me too.

Betsy West:

They were amazing. Talleah tracked them down and oh my goodness, to talk to these men now in their mid sixties looking back at their younger selves and their relationship with Pauli which didn't start out so well because they were clashing about some of these generational issues, quite wonderful.

Kate Shaw:

Among my favorite moments of the film. So great. This part of the film definitely did make me wonder whether there were parallels between that moment and that narrative and some of what we were seeing now in the academy, either students, many of whom understand themselves to be quite radical who are sort of unable to or unwilling to fully understand or credit their elders, their professors and/or elders, professors who are not able to translate their views to younger audiences. That dynamic just felt very familiar.

Leah Litman:

We're old is what she's saying. Our students are young and we are not.

Betsy West:

Brittney Cooper has the great line that if Pauli, who was a rabble rouser herself 30 years ago fighting for change and if that change hadn't happened, couldn't quite understand why Pauli's students were even angrier as you pointed out. Brown v. Board had been 1955 and what's happening here? So was humanizing I think to see that Pauli in some ways was a little out of step with a younger generation at that point and yet managed to forge this beautiful friendship with these two guys that they talk about, that is one of our favorite parts of the film.

Melissa Murray:

So this is probably a nice place for us to end what has been a really terrific conversation, but another theme that is surfaced throughout the film is Murray's own sense of her historical importance. I mean, Pauli is painstakingly cataloging her papers. In her will she bequeaths her papers to the Schlesinger Library at Harvard, and there is something at once illuminating about that but also a little bit tragic. Pauli clearly understands the role that she is playing and the foundation she is laying that will eventually come to fruition, but as you say, she is not going to live to see her own ideas fully enveloped and embraced, and there's something sort of tragic and sad about that. What might Pauli make of this moment? There is now a college at Yale University that has been named for Pauli Murray. Her name rings out in lots of different dimensions. She is credited with laying the foundation for trans rights and LGBTQ equality, not to mention sex-based equality. What might Pauli have made of this moment where she is finally getting her due?

Julie Cohen:

I think if somebody has a vision that's always pointing out into the distance combined with a spirituality, that that situation of not being recognized till many years post-mortem might feel less tragic and more like another cause for hope. I mean, it feels like just because we happen to be talking on MLK day, the same idea of I've looked ahead and I've seen the promised land and I might not get there with you, but the fact that the arc of history is going in the right direction is cause for hope no matter where I personally fall, and I think by leaving works from a lifetime in Schlesinger Library, Pauli Murray was hoping that the ideas would carry forth. It was less about the individual and more like a dream that ideas were going to come to fruition.

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Leah Litman:

What Pauli said was, "I have lived to see my lost causes found." This is yet another one.

Betsy West:

Pauli was a very optimistic person, I think, and had hope for the future and left behind this extraordinary story for all of us to discover.

Talleah Bridges McMahon:

Which I have to say I find to be one of the most admirable traits and really remarkable that you could imagine a different person becoming really embittered by the end and Pauli was the opposite of that. Pauli was really optimistic about not just Pauli's own legacy but the future of our country and was really dedicated to that and to the very end. I think it's really easy to be jaded after so many let downs, and Pauli was really, really the opposite.

Melissa Murray:

Hey, you're going to make me cry on this MLK day. As we're sort of mired in the pessimism of the moment, let's reach in and tap into our inner Pauli Murrays and be a little more hopeful, a little more optimistic. That's beautiful.

Leah Litman:

Thank you so much for this extraordinary film and for joining us Talleah, Julie, and Betsy. Just absolutely terrific and moving. And listeners, you can watch this film. You can experience the joy, the rage, the heartbreak, and the inspiration. The film My Name Is Pauli Murray is accessible via the Sundance Film Festival which is online this year fortuitously, and you can check it out and obtain a ticket at festival.sundance.org. There are actually two screenings. One is Sunday, January 31st at 6:00 pm Eastern, and the second screening is Tuesday, February 2nd, and that second screening on February 2nd is a 24 hour window, so you can watch the film at any point during those 24 hours. So everyone stay safe, stay tuned, and find your inner Pauli Murray. Many thanks to our producer, Melody Rowell, and Eddie Cooper, who does our music, and many thanks and happy new year to our Glow subscribers. If you'd like to support the podcast, please feel free to subscribe at glow.fm/strictscrutiny.