

Fighting for the Constitution

author's note

Pauli Murray is referred to in this paper with they/them pronouns, consistent with modern historian's recommendations to be most accurate to their gender identity

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The Declaration of Independence states that whenever a government becomes destructive of the ends of life, liberty, and the pursuit of happiness, it is the duty of the people to “alter or abolish” that government. Fundamentally, the United States is built on inalienable rights, and the government is an ever-changing structure that needs to be checked by the people to protect those rights. When rights are violated, it is thus the duty of everyone who witnesses that violation to speak out. Both by operating within the legal system and using methods of civil disobedience, it is people’s obligation to fight for the civil rights of themselves and those in their communities. Pauli Murray was a civil rights activist who used their legal education to impact the civil rights and women’s rights movements, thus fighting discrimination, and their legacy is one we should continue today.

Throughout their life, Pauli Murray fought hard for a right to an education, despite setbacks based on their race and gender. After completing an initial two years at Hunter College, Murray was denied admission to Columbia University based on their gender (Finding Pauli Murray, NOW). In 1938, Murray began a case to enroll in the then all-white University of North Carolina, Chapel Hill, which gained national attention. However, Murray's request was denied, and they were prohibited from enrolling in the university, this time based on their race (Finding Pauli Murray, NOW). Instead, Murray enrolled in Howard University Law School with the intention to become a civil rights lawyer to fight Jim Crow laws (Lau) There, they were awarded a Rosenwald Fellowship after becoming valedictorian, granting them permission to apply to Harvard “as many of the male Howard graduates did” (Finding Pauli Murray, NOW). Franklin Deleano Roosevelt even wrote Murray’s recommendation to Harvard. However, after the award was announced, Harvard rejected Murray on the basis of their gender. Instead, Murray attended the University of California and graduated with their law degree with a master's thesis on equal

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rights in employment (Finding Pauli Murray, NOW). Murray was repeatedly rejected by the educational systems in the United States due to their identity, but they persisted with their goals, using their education to fight the injustices they faced, as failing to do so would have meant giving up their dreams.

Pauli Murray also utilized methods of civil disobedience and protest in their fight for the civil rights of themselves and others. As a student at Howard College, Murray organized sit-ins with their fellow students. During that time, Black students on Howard's campus were being drafted to fight on behalf of American ideals in World War Two, but at home in DC, they faced rampant discrimination (Sit-Ins, SNCC). Washington DC at the time was segregated by practice, not law, so Murray created a campus Civil Rights Committee, which organized a 1944 sit-in at a local segregated diner, Thompson's Cafeteria. Four hours after the sit-in began, "Thompson's had lost 50 percent of their service" and "the Washington D.C. restaurant received orders to serve [the students]" (Sit-Ins, SNCC). Murray's method of peacefully protesting the discrimination around them via community organizing shows their obligation to protect the civil rights of themselves and others and the effectiveness of civil disobedience as a response to racism. In 1940, while returning home, Pauli Murray and their friend, Adelene McBean, refused to move to the back of a bus, employing "Gandhi-like tactics" of peaceful protest (The Carolina Times). Murray and McBean were arrested and represented at trial by the NAACP, who argued that Virginia's Constitution did not require Black people to board from the back of the bus. 14 years before Rosa Parks, Pauli Murray's simple act of civil disobedience in the face of a blatant injustice reveals their commitment to Constitutional principles of equality, and the obligation they felt to protest a violation of those liberties, even at the risk of being arrested. Pauli Murray also used their voice to support their community in a more permanent way, founding and

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working on behalf of numerous organizations dedicated to civil rights, like the National Organization for Women.

Pauli Murray's commitment to fighting discrimination on all fronts gave them a key role in fighting legislated racism in the United States. In their final law school paper at Howard University, Murray had argued against racial segregation, stating that separate could never be equal, contrary to laws of the time (*Plessy v Ferguson* Opinions). Murray used that inequality to argue that segregation itself violated the 13th and 14th Amendments of the Constitution. Murray's ideas of "separate and unequal" were read by Spottswood Robinson and presented to Thurgood Marshall, forming the basis of the NAACP's argument in *Brown v Topeka Board of Education* in front of the Supreme Court and ultimately overthrowing Jim Crow laws (Davis and Agan). Murray's use of the term "Jane Crow" also highlights the duality of gender and race-based oppression they experienced, a term we now call "intersectionality" after it was coined in 1989 by scholar Kimberle Crenshaw (Davis and Agan). Pauli Murray's work benefitted not only themselves, but those around them, and their community in a lasting way. Their principle of "separate and unequal" was used by Ruth Bader Ginsburg to fight against sex discrimination, and protects gender rights to this day (LA Times). If they had not felt that it was their obligation to take a stand against racism and discrimination, the entirety of America would have suffered a tremendous loss of civil rights as discrimination persisted freely.

Like Pauli Murray, Minoru Yasui utilized legal methods and civil disobedience to fight racism and discrimination on behalf of himself, other Japanese-Americans, and eventually, all American citizens. During World War Two, Yasui opened a law practice to help fellow Japanese-Americans in the chaos. During the 1942-1945 Japanese incarceration, Yasui protested the government's unconstitutional actions, even going so far as to get himself arrested on

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purpose when he “approached a police officer” and “pointed out that [he] was in violation of a military proclamation” (Yasui, 1983) to prove the law was unjust. Despite his unfair treatment, Yasui never stopped believing in the Constitution of the United States, and fought for civil rights after the war as chair of the National Japanese American Citizens League (JACL) Redress Committee (“Minoru Yasui”). He also fought tirelessly for the rights of Black, Latinx, LGBTQ+ people, and many other minorities, revealing his commitment to the Constitution and how he based his life around his obligation to fight discrimination in pursuit of Constitutional rights.

In order for us to continue the legacies of Pauli Murray and Minoru Yasui, as well as fulfill our obligations as Americans, it is important that we hold the government accountable to prevent infringements of civil liberties. Murry and Yasui both took direct action in situations of injustice by writing letters to those in power. After being arrested, Yasui wrote a letter from jail to Walter Pierce, advocate of deporting Japanese-Americans to Japan, responding to the hateful words Pierce spread and attempting to make him aware of the consequences of his actions (ACLU). Murray similarly utilized this method of direct contact by writing to Chancellor Frank Porter Graham of the University of North Carolina when they were denied admission based on their race, encouraging “frank, open discussions” (Murray, 1939). Like Yasui and Murray, we can use this method of direct contact to write letters to our appointed and elected officials when we see injustices in our community. Directly engaging with the government helps to make them aware of injustices, and allows us to request their support to fight them with us, ultimately using legal means to take a stand against discrimination.

Pauli Murray and Minoru Yasui also used protest and civil disobedience to stand up against racism and discrimination. To continue their work, we can also engage in acts of protest. For example, demonstrations to protest government actions outside city halls or courthouses can

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help to draw attention to a cause, like the national Black Lives Matter marches in response to discrimination and hate. For students, willful disobedience can come in the form of walkouts, like the national walkout to protest gun violence in 2018. With other students at my school and in my community, I walked out of class during the school day to bring attention to the problem of gun violence, even though it did not directly affect my school. Using methods of protest can help to continue Murray and Yasui's work, both of whom were advocates of peaceful protest, while helping everyone take a stand against racism and discrimination in their community.

In conclusion, the work of Pauli Murray and Minoru Yasui reflects the obligations borne by Americans: to fight injustices that threaten Constitutional liberties. Often, this includes fighting for oneself, but the work of Murray and Yasui also highlight the importance of people fighting for one another and for their communities. Both Murray and Yasui utilized constitutional means - the legal system and education - in their work, but also used civil disobedience and protest when legal means were not enough, or when the law itself was the source of injustice. It is the duty of every American to continue their work in fighting racism and discrimination, on behalf of themselves and those around them.

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