

JULY 6, 1990

The Murray Case

Editor: I was surprised to see my late father's name in the paper on June 20, in an Opinion • Commentary article by Denton L. Watson.

Charles T. LeViness III was an assistant attorney general in 1935 and tried the celebrated "Murray case," wherein Donald G. Murray sued the University of Maryland to gain admission to its law school.

He was turned down because he was black in a segregated state and then sued the university and the state with Thurgood Marshall (representing the NAACP) as his attorney and Clarence Mitchell Jr. covering the action for the *Afro-American*. Murray won his case.

This was in 1935, and my father was 33 years old, and this was his first big case.

Incidentally, in those days there were only two assistant attorney generals: Herb O'Connor was the attorney general, Hillary Gans was the deputy and my father and Bill Henderson (who later served on the Maryland Court of Appeals) were the two assistants.

Denton Watson says in his article, which is an excerpt from his fine biography of Clarence Mitchell Jr., "Charles T. LeViness III, the white assistant attorney general, was no match for them," meaning Thurgood Marshall and the other prominent black attorney.

I don't quibble with the caliber of counsel on either side, as they

were all great as history proved, but I want to make the point that my father, on behalf of the state, had an unwinnable case.

Maryland had a public policy of separate but equal facilities. Young Donald Murray applied to the University of Maryland Law School where he was promptly turned down solely because of his race, and there was no other option in this state, no other law school for him to go to, no separate but equal facility for him to attend in Maryland.

Therefore, Judge O'Dunne was quite right in allowing Mr. Murray to attend the University of Maryland. My father lost this case and was glad to lose it.

But he became friendly with Clarence Mitchell Jr. and Thurgood Marshall, and several years later when young Murray passed the bar, my father stepped in and helped him get his first legal job. The results of his efforts on behalf of young Murray brought a very gracious letter to my father from Thurgood Marshall.

Everything ended happily ever after, and the NAACP was on its way to abolishing and changing the old Jim Crow laws, which efforts finally came to fruition belatedly in the 1960s.

How times have changed since 1935.

G. Denmead LeViness,
Baltimore.