



PAUL L. MURPHY
1923–1997

On July 20, 1997, Paul L. Murphy died in Minneapolis following a cataclysmic stroke suffered three days earlier. At the time of his death, he was Regents' Professor of History and American Studies and Adjunct Professor of Political Science at the University of Minnesota, Twin Cities, and, since 1985, Distinguished Adjunct Professor at Hamline University Law School. He is survived by his wife, Priscilla Murphy, and by two daughters, Karen and Patricia.

With Paul's death, constitutional and legal historians lost a valued colleague and the academy, a staunch advocate. Paul believed in the possibility of progress through education and learning, in the thrill of the archival chase, and, as he once put it, "the lights in students' eyes" that only a master teacher can produce. He believed, too, in the necessity of freedom, the value of individual voices, and civic virtue as James Madison used the term. "He was in the very finest sense of the phrase," one of his former undergraduate students observed, "a gentleman and a scholar."

Born in Caldwell, Idaho, on September 23, 1923, the son of classics professor Paul Murphy and music teacher Ruth Weltner Murphy, Paul earned his B.A. at the College of Idaho in 1947 and both his M.A. and Ph.D. at the University of California at Berkeley, in 1947 and 1953, respectively. After teaching stints at Colorado State University and The Ohio State University, he joined

the faculty of the University of Minnesota, achieving the rank of full professor in 1970 and the distinction of regents' professor in 1990.

Paul garnered a number of fellowships and awards—among them, a year's leave at the Center for the Study of the History of Liberty in America (now the Warren Center) at Harvard, a Guggenheim fellowship, a National Humanities Center fellowship, and a senior Fulbright lectureship in Lagos, Nigeria. The last of these awards cemented his vision of public education as a trans-cultural enterprise.

Paul was a prolific scholar. His books, especially *The Constitution in Crisis Times* (1972, part of the New American Nation series and a selection of the Lawyer's Literary Club), *The Meaning of Freedom of Speech* (also 1972, another Lawyer's Club selection, and winner of the ABA's Gavel Award in 1973), and the controversial *World War I and the Origin of Civil Liberties in the United States* (1979), reflected his "first loves" as well as his force of mind. He wrote dozens of book chapters, articles, essays, and reviews on subjects ranging from political parties to jurists, Native American rights, the Bill of Rights at various moments, freedom of the press, the so-called "Revolution of 1937," and, as a young scholar, water rights in the West. His article, "Time to Reclaim: The Current Challenge in American Constitutional History" (*American Historical Review*, October 1963) reminded everyone, including the justices of the Supreme Court, of the importance of good history in the service of constitutional interpretation. In Paul's terms, that meant securing evidence and treating historical actors in context. With James Morton Smith, Paul edited a document collection, *Liberty and Justice*, long regarded as a standard text in American constitutional history courses. In addition, he served indefatigably as general editor for several legal history publication series: the Borzoi Series in American Constitutional History (Knopf), Contributions in Legal Studies (Greenwood), and The Bill of Rights and American Legal History (twenty volumes, Garland).

Paul Murphy, however, was more than the sum of his books, articles, and awards. He was one of the academy's best citizens. He donated much time and energy to the American Civil Liberties Union. He served as chair of the University of Minnesota's academic senate, sat on dozens of Ph.D. committees in several programs, and held myriad offices as a member of the Organization of American Historians, American Historical Association, and American Society for Legal History. At the time of his death, he was in his second year as president of the ASLH.

Two events shaped Paul's personal beliefs and his scholarly pursuits. The first was his disgust at the internment of Japanese-Americans, which he witnessed firsthand, and the other, while a student at Berkeley, was the demand that he sign a loyalty oath that he was not a member of the Communist Party. One of the reasons that he remained in Minnesota, even though he had countless opportunities to go elsewhere, was the state's (and university's) long-term

identification with progressivism and liberalism. Few academics have so fully embodied the best elements of the American liberal tradition. He was a seeker after justice as well as freedom and equality, a student and custodian of the First Amendment (a sacred article in his personal constitution), and a champion of emancipatory uses of the modern nation-state.

In the classroom, Paul did not dispense truth, he facilitated learning. On the occasion of his induction in 1995 into the University of Minnesota's Teachers Hall of Fame, one of his students summed matters up nicely: "He really inspired us to think deeply about the subjects he taught and he brought those subjects alive and engaged us in the intellectual process." Because he feared tyrannical overreach of all kinds, he worked the lecture hall and the seminar room quietly, with seeming reticence and abundant modesty, often sketching the outlines of a field or problem and leaving it to the students to discover what might reside at the center. He insisted that they find the way themselves; Paul's job was to provide resources and new angles of vision. He refused to micro-manage Ph.D. dissertations: students ran with their own ideas, often in very different directions from that of their mentor. As Paul once noted: "I've never wanted to have disciples; I wanted students to develop their own minds." He followed each student's career carefully, opening doors and keeping them open, writing long letters of recommendation, and making time for coffee and conversations. Paul was legendary as a teacher.

Not surprisingly, he had little time for laziness or lassitude. In an archive, he rivaled Sherlock Holmes, and, with undergraduates and advanced students alike, hammered home the importance of hard, patient spadework. He entered his library carrel before 8 A.M., buried himself in a new pile of books, and left only for classes, lunch, and office hours. It was an awe-inspiring example; it also expressed Paul's boundless faith in the future of scholarship and the human mind.

Paul L. Murphy was an unfailingly good and generous man, a maker of sly jokes, a superb jazz piano player, an utterly trustworthy mentor and colleague, a model of scholarly integrity, and the embodiment in life—and now in death—of the values of the humanistic spirit and the life of the mind.

Kermit L. Hall

The Ohio State University

Robert Kaczorowski

Fordham University School of Law

John Johnson

University of Northern Iowa

Sandra VanBurkleo

Wayne State University