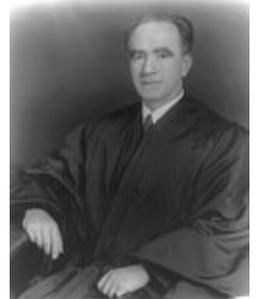




## Murphy, Frank (1890-1949)

by Linda Rapp

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Justice Frank Murphy.  
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Frank Murphy had a distinguished and varied career in politics and law that included service as Mayor of Detroit, Governor-General of the Philippines, Governor of Michigan, Attorney General of the United States, and Associate Justice of the United States Supreme Court. At his side throughout his public service was his trusted adviser and close companion Edward Kemp.

Murphy's parents, John and Mary Brennan Murphy, were the grandson and daughter, respectively, of Irish immigrants. The devoutly Catholic couple made their home in Sand Harbor (now Harbor Springs), Michigan. The third of their four children was born April 13, 1890 and christened William Francis but soon became known by the nickname Frank. As part of a tight-knit family, Murphy enjoyed "about as happy a boyhood as it is possible to have." In high school he found success as an athlete and a formidable debater.

Mary Murphy had hoped that her son would become a priest, but he chose to follow his father into the practice of law. He entered the University of Michigan in 1908, enrolling in a "combined literary and law course," a program in which students would first earn a baccalaureate degree in liberal arts and then proceed to the study of law. Because Murphy fell ill with diphtheria in the winter of 1911, he could not complete the courses necessary for his bachelor's degree; even without it, though, he was allowed to begin his course in the Law Department, from which he received his LL.B. degree in 1914.

The gregarious Murphy was a popular figure on campus--a member of the Sigma Chi fraternity and the secret society Michigamua, an editor of the *Michigan Daily*, and a rousing speaker at pep rallies.

He made many friends, none more important than Edward G. Kemp, who would remain at his side through all the multifarious stages of his career.

Had Murphy been a luminary at the law school, it might have made sense that Kemp would hitch his wagon to Murphy's star in hopes of advancement, but Murphy's grades there were undistinguished, and he only scraped by to graduate.

Murphy's biographer Sidney Fine wrote, "In a curious reversal of roles, Ed Kemp, who became the silent and self-effacing partner of the Murphy-Kemp team, was distinctly the 'bigger' and more successful of the two men on campus."

The attribution of Murphy's sexuality must remain speculative. He never publicly identified himself as homosexual, which would, especially at a time when homosexual acts were illegal throughout the United States, have been extremely difficult for him as a Catholic and undoubtedly fatal to his legal and political career.

Murphy's significance for glbtq history is that he exemplifies how, in a sexually naive age, discreet homosexuals were able to attain prominence even in high-profile positions, thanks to a widespread presumption of heterosexuality (especially for men who did not conform to the prevailing stereotype of

homosexuals as weak and ineffectual) and to the reluctance of the press to delve deeply into the private lives of public figures. In this regard, Murphy and Kemp bear some resemblance to another famous homosexual couple of the period, J. Edgar Hoover and Clyde Tolson.

As a handsome and apparently eligible bachelor, Murphy escorted attractive women to social events throughout his life, but when it came to marriage, he wrote to his mother while in his twenties, "The subject is not particularly interesting to me."

Gossip columnists of the day did not consider talk about the possible homosexual orientation of prominent figures fit to print, and so such talk never reached the general public. Fine stated, "I was never able to find anything that could pin it down. . . . All I can say is that there were rumors to that effect but not corroborated."

What is clear, however, is that Murphy and Kemp shared an extraordinary journey that lasted for decades and took them from the campus of the University of Michigan in Ann Arbor halfway around the world to the Philippines and eventually to Washington, D.C.

Following his graduation, Murphy briefly joined his father's law practice and also began taking an active role in the Democratic party. After only a few months, however, he moved to Detroit to work at the firm of George F. Monaghan and Peter J. Monaghan, where he enjoyed great success.

In 1917 Murphy responded to the entry of the United States into World War I by enlisting in the Army. He went for training to Fort Sheridan, Illinois, and wrote to his mother, "The best men in the land are here." Among them was Kemp.

Commissioned as a first lieutenant, Murphy was initially called upon to serve at courts-martial, both as a prosecutor and defense counsel. In 1918 he was sent to fight in France.

When the war ended, he enrolled in an education program for members of the American Expeditionary Force and did short courses at the Inns of Court in London and then, to his delight, in Dublin at Trinity College, where he was impressed by the "idealism and beautiful humaneness" of the legal scholars. A humane approach to jurisprudence was to be a hallmark of Murphy's career; indeed, once he was appointed to the nation's highest court, the saying among observers was that "The Supreme Court tempers justice with Murphy."

While Murphy was still in Ireland, Democratic colleagues back home secured his appointment as first assistant U.S. attorney for the Eastern District of Michigan. He took up the post only three days after his discharge from the Army in August 1919.

During his three years in the job Murphy prosecuted a variety of cases, including many involving violations of prohibition laws, but among the most important was one of the earliest, pressing a charge of conspiracy to defraud the government of more than \$300,000 against a pair of businessmen who had bought Army salvage material.

Assigning the case to the relatively young Murphy was a mark of the esteem in which U.S. attorney John Kinnane held him, and Murphy proved worthy of it. A Detroit *Times* article stated, "Making his first big effort as assistant district attorney, [Murphy] pleased his friends and amazed his opponents with the way he handled the evidence at his disposal" in the successful prosecution of the case.

Murphy remained in the district attorney's office until March 1, 1922, when he announced the formation of the law firm of Murphy and Kemp, "a very remarkable partnership"--and one, commented Fine, "that

continued, in one form or another, officially or unofficially, as long as Murphy lived."

The firm was an immediate success, attracting so many clients that Murphy described the partners as "swamped with work day and night."

Although their business was thriving, Murphy ran in the 1923 election for a seat on the bench of the Recorder's Court in Detroit and won. He began his term on January 1, 1924 and was re-elected in 1929.

Murphy regarded his time at the Recorder's Court as his "era of formation." He found there "infinitely more action and human interest, opportunity for progressive improvement, and deep social significance" than in a civil court and was pleased to be able "in a very personal way . . . [to] lighten the load, heal a wound, and take a broken life and start it on a fresh path up life's hill once more."

When Detroit mayor Charles Bowles was recalled in 1930, Murphy successfully ran for election. His greatest challenge as mayor was providing for the citizens of Detroit during the Great Depression. He sought to meet their basic needs with a number of programs, including an employment bureau for the more than 100,000 jobless people in the city, shelters for homeless men, and a "thrift garden" project that allowed the needy to grow food for their families, affording them much-needed dignity and self-esteem in difficult times.

Murphy realized that even with such measures, cities would need aid from the federal government to cope with the financial crisis. In 1932 he convened meetings first of Michigan mayors and then of mayors from around the country to push for relief. Another convention of the national group took place in early 1933, at which time the United States Conference of Mayors was formally organized and Murphy chosen as its first president.

Because of Murphy's vigorous support of Franklin D. Roosevelt in the 1932 election, the new president named him Governor-General of the Philippines. Murphy, in turn, named Kemp to his staff as legal adviser.

Murphy's administration was progressive. He succeeded in giving the vote to women and instituting judicial reforms. He was a popular and well-respected governor because of his sincere concern and affection for the Filipino people.

When the question of independence arose, Murphy avoided becoming involved in the public debate, but he let Roosevelt know that he favored it but feared that an immediate change would lead to economic calamity because of the islands' dependence on free-trade agreements with the United States. He supported a transitional commonwealth status instead. Showing his respect for the Filipinos, he successfully urged Washington to accept their draft constitution without revision.

When the commonwealth went into effect in November 1935, Murphy's new post as United States High Commissioner was largely one of a figurehead. He therefore decided to return to Michigan and enter the gubernatorial race of 1936. With Kemp on his team as his speechwriter, he won both the hotly contested Democratic primary and the general election.

Murphy took office in the midst of strikes that had turned violent at automobile plants. Determined to achieve a peaceful solution to the labor strife, Murphy, with Kemp again serving as his legal adviser, intervened in the negotiations.

Of the skillful work in this difficult crisis, an obituarist for the *New York Times* wrote, "it is doubtful if any act of [Murphy's] brought greater comment than his handling of the situation that arose from the strike of workers at the General Motors plant, . . . nor . . . afforded him more pleasure than the simple statement he made at 2:40 A.M. on Feb. 11, 1937, when he emerged from a hotel conference room in Detroit and

said: 'Gentlemen, an agreement has been reached.'"

As governor of Michigan, Murphy instituted many important reforms, notably in the areas of the civil service code, unemployment compensation, and public health. Nevertheless, he was defeated in his bid for re-election in 1938.

Rewarding Murphy's loyalty to him, Roosevelt appointed him Attorney General in January 1939. Murphy brought Kemp with him as his assistant in the office.

Murphy served a single but eventful year as Attorney General, earning a reputation as a crusader against corruption as he pursued investigations and prosecutions of "Boss" Tom Pendergast of Kansas City and the Long political machine in Louisiana, among others.

When Supreme Court Justice Pierce Butler died in late 1939, Roosevelt named Murphy to succeed him. He took his seat on the bench in February 1940.

On the Supreme Court Murphy became known as a champion of social justice, a fighter against racial discrimination, and a vigorous defender of freedom of speech and the press and of civil and religious liberties. Fellow Justice Stanley Reed remembered him as "a true humanitarian, devoted to the interests of the friendless and oppressed."

Kemp took a job in the legal department of the Bureau of the Budget but continued to work closely with Murphy. Although consulting with people outside the court was a questionable practice, Murphy valued the comments of the more conservative Kemp, even if he rarely adopted Kemp's arguments in their totality in his opinions.

Although Murphy remained a lifelong bachelor, he did become engaged twice, first in late 1942 after Roosevelt had urged him to "get busy" about marrying. His fiancée, Ann Parker, an Episcopalian, did not accede to his request that she convert to Catholicism but did agree to a wedding in a Catholic church in Chicago. A dispensation from the Roman Catholic Archbishop would have been needed to authorize a ceremony for a mixed marriage, but it was not secured. In any event, a few weeks before the scheduled nuptials Murphy was hospitalized with chest pains. After he recovered, he kept putting off the wedding until Parker broke off the engagement in frustration.

Late in his life Murphy became engaged to Joan Cuddihy and was planning--although apparently not with any great urgency--a ceremony with only Kemp and Eleanor Bumgardner, his secretary since his days in the Philippines, as witnesses. Since he would have needed to move out of the Washington Hotel, where he and Kemp had been living since their arrival in the capital, in September 1948 he asked Bumgardner to look for a house that would accommodate not only the bridal couple but also Kemp and herself--surely a most unconventional arrangement. The wedding, vaguely planned for some time the next summer, did not take place.

Murphy entered Henry Ford Hospital in Detroit in June 1949 to undergo tests on his heart. He had been there for approximately a month when he succumbed to a coronary occlusion on July 19.

Tributes poured in for Murphy, whose goal upon ascending to the Supreme Court had been to "evangelize for tolerance." President Harry Truman wrote of Murphy, "His opinions were ever tempered with a deep sense of justice and righteousness and an abiding love for his fellow man."

Following Murphy's death, Kemp retired from his job with the Bureau of the Budget. Although he served for a time on several government advisory boards and was a featured speaker at a memorial service for Murphy held at the Supreme Court in March 1951, he generally withdrew from public life. He returned to his hometown, St. Clair, Michigan, where he died on November 22, 1962 at the age of 75.

In 1969 a new high-rise building housing the Recorder's Court (now the Circuit Court) in downtown Detroit was dedicated as the Frank Murphy Hall of Justice.

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