The Future of the Race: Black Americans' Debates Over Interracial Marriage

Dissertation

Presented in Partial Fulfillment of the Requirements for the Degree Doctor of Philosophy in the Graduate School of The Ohio State University

By

Jessica Viñas-Nelson

Graduate Program in History

The Ohio State University

2019

Dissertation Committee

Dr. Stephanie J. Shaw, Advisor

Dr. Kenneth Goings

Dr. Paula Baker

Abstract

While much has been written about white fears over the "danger" of interracial marriage, little has been devoted to understanding black perspectives—how Black Americans thought and talked about the topic. This dissertation examines debates among Black Americans about interracial marriage in the late 19th and early 20th centuries. Many personally opposed interracial marriage, but they publicly defended and fought for the legal right to such unions. Their fight became an integral part of the battle to gain basic citizenship rights and helped forge a collective identity as they offered, and argued over, competing solutions for racial advancement and visions of the future of the race.

Examining Black Americans' internal debates reveals much about their intra-racial tensions, intraracial cooperation, racial identity formation, and the evolution of thought and strategy over time. The dissertation uncovers a vigorous debate with a diverse set of opinions, paradoxes, and complex implications for African American and American history. Black proponents and opponents of interracial marriage alike sought their race's collective advancement and attainment of rights and did so in part by projecting a particular community image. The study therefore engages with notions of respectability, uplift, patriarchy, power, privilege, gender, and sexuality. Altogether, the study broadens understanding of "the Long Civil Rights Movement."

Acknowledgments

I am very grateful to the people who made this dissertation possible. Foremost, I would like to thank my advisor, Dr. Stephanie Shaw, for her support, patience, brilliance, and reading of far too many overly-long drafts. Her advice, encouragement, and ability to see what I could not yet see have been tremendous. I am also indebted to Drs. Paula Baker and Kenneth Goings for their insight and guidance. Dr. Brian Schoen of Ohio University also worked patiently with me on the origins of this project.

I would also like to acknowledge Howard University's Moorland-Spingarn Research Center for enabling me to use their archives with the Mellon/Moorland Travel-to-Collections Grant Program; The Ohio State University's Democracy's Studies Grant program for helping me use the New York Public Library Schomburg Center for Research in Black Culture; and OSU's Department of History for their financial support.

I would also like to thank my family and friends for their support, encouragement, and editing over the many years. Thank you John, Josh, and Brenna for being amazing sounding boards. And thank you Andy and Grace for being there every step of the way with me. This is as much your doing as mine. Migo, you too have been a steadfast editing partner this last year.

Vita

2007..... B.A., Political Science and History, Wheeling Jesuit University

2011..... M.A., American Government, American University

2013..... M.A., American History, Ohio University

2019..... Ph.D., History, The Ohio State University

Publications

"Interracial Marriage in 'Post-Racial' America," *Origins: Current Events in Historical Perspective* (Online). September 2017.

"Top Ten: White Supremacist Violence," *Origins: Current Events in Historical Perspective* (Online). August 2017.

Field of Study

Major Field: History

Table of Contents

List of Figures

Introduction: Debating the Future

In an otherwise blasé listing of upcoming events in 1884, Kansas's local black-owned newspaper *The Western Recorder* announced that the Baptist Church in Wyandotte would host its regular debating society. Participants would spar over the resolution: "that the marriage of Fred Douglass, was a detriment to the colored race." Frederick Douglass—the era's most prominent black man and the widely recognized leader of his race—had married a white woman just three months earlier. The debating club considered the marriage of sufficient community concern to warrant a formal debate and the local black-owned newspaper thought the debate merited public notice.[1] Far from simply a personal choice, interracial marriage held implications for all African Americans and their debates over the subject questioned the very future of race and their future in the United States.

Throughout the nineteenth and early twentieth centuries, Black Americans debated interracial marriage's ramifications. Their concerns were complex. Could interracial marriage serve as a shortcut to racial harmony? Was it a natural, inevitable, and neutral process? An ethnological or moral threat? An insurmountable challenge to

[1] Although news from Wyandotte, Kansas was a regular feature in *The Western Recorder,* it never carried another announcement about debates in Wyandotte. The use of the phrase "the next debate," however, implies that debates were regular occurrences. Principal debaters were community leaders—the local schoolteacher, doctor, and minister. There was no follow up on the results of the debate. Wyndotte [sic] Items," *Western Recorder* (Lawrence, KS), May 2, 1884, 3.

race pride and solidarity? An unnecessary agitator of white anger? Or a fate akin to extinction? Should it be actively encouraged, discouraged, or merely left to the discretion of individuals? Was it acceptable for some, but inexcusable for others?

Alongside these questions stood another, and for many, completely separate, one. Should interracial marriage be legal? The presumed physical, moral, ideological, and practical effects of marrying interracially differed from the question of legal status. One could—and indeed many did—personally oppose interracial marriage, but still consider its legality a central right of citizenship. So long as the law insisted whites and blacks were so different they could not intermarry, many believed they could never be treated as equal citizens. How to obtain such rights, how aggressively to push for such rights, and even whether such rights should be pursued, however, were open questions for Black Americans throughout the nineteenth and early twentieth centuries.

From outright condemnation to grudging tolerance to celebration, views among Black Americans filled a spectrum underlined by notions of uplift, race pride, gender, class, safety, and confidence or despair in whites' lack of commitment to racial equality. These debates evolved, varied across settings, and often differed by gender. Some positions were practical; some were nationalistic (if not reactionary), and others were tactical. They ranged from separation to amalgamation and a variety of options in between. Yet, their goals were the same: black equality and rights and a racial identity of their own creation.

Examining Black Americans' debates, rather than simply revealing another side of the story of a response to white hysteria, unveils a robust social, cultural, political, and

moral debate. Black Americans' central question differed little from the Wyandotte debate club's asking what harm, if any, interracial marriage posed for Black Americans. Black newspapers, private correspondence, ethnological treatises, court documents, and even turn-of-the-century sex education manuals reveal an ongoing, often informal, yet contentious, debate. Juxtaposing their competing positions highlights their diverse and evolving thinking. Through an array of competing positions, Black Americans forged a collective notion of racial destiny and built strategies for their well-being.

Such strategies were necessary as interracial marriage in the United States has long been a contentious issue. White views on the subject have been public, prominent, and mainly negative. Raising fears of "lustful" black men coveting white women became a primary means of maintaining racial order and domination after Emancipation.[2] Many considered the oft-repeated question, "Would you let your daughter marry a Negro?," to be the ultimate foil to white advocates for equal rights. From the first marriage ban in 1664 to nineteenth- and twentieth century spectacle lynching of black men falsely "charged" with raping white women to mobs preventing school desegregation over allegations it would lead to interracial relationships, we know well the depth and breadth of white opposition. We have not, however, critically examined black views and activism on interracial marriage and have therefore missed a vibrant intra-racial debate. This

[2] See Jacquelyn Dowd Hall's *Revolt Against Chivalry: Jessie Daniel Ames and the Women's Campaign Against Lynching* (New York: Columbia University Press, 1979), Martha Hodes, *White Women Black Men: Illicit Sex in the Nineteenth-Century South* (New Haven, CT: Yale University Press, 1997), or Hannah Rosen's *Terror in the Heart of Freedom: Citizenship, Sexual Violence, and the Meaning of Race in the Postemancipation South* (Chapel Hill: The University of North Carolina Press, 2008).

dissertation aims to recapture the history of African Americans' internal debates over interracial marriage and amalgamation.

It does this by looking at legislative debates, personal papers, newspaper articles, lawsuits, works of ethnology, and a host of other sources between 1829 and 1913. There are three distinct periods represented here: the Antebellum Era, the Reconstruction years, and the early Jim Crow Era. Within each of these periods, black people pursued distinct strategies and tactics, based on time and place, but also demonstrated a remarkable consistency with some arguments and lines of thought. Across the periods, the dissertation reveals a process that moved from an insistence on rights and a vigorous engagement with and in the public sphere, to a retreat to respectability—an internal process that hoped to impact the public sphere but focused on the internal community. Across all of these phases, however, black people insisted on the right to marry whomever one pleased while simultaneously denying interest in interracial marriages.

As speakers and subjects, black women were omnipresent in discussions of interracial marriage. Protecting black women from white men was often the focus of black men's discussions, but black women too likely contributed to these ideas, even if their views were rarely recorded. Records of black women's views on interracial marriage are almost nonexistent until the 1890s. As Elsa Barkley Brown argues, however, the presence of black women's voices in the 1890s should not be viewed as their entrance in the public realm but a reemergence and an attempt to reclaim space they traditionally had held. Black women, Brown contends, played a significant role in

shaping political decisions in the post-emancipation era.[3] This is borne out in this study as black women filled public galleries in spaces like the convention hall hosting Arkansas's 1868 constitutional convention, brought lawsuits challenging their status as concubines instead of wives in Texas, and a generation earlier had signed petitions in nearly equal numbers with black men to repeal Massachusetts's interracial marriage ban. Their views were not recorded in writings left for historians, but black women were nevertheless active participants in black community life before the 1890s and undoubtedly part of the earlier intra-racial discussions over interracial marriage.[4]

Although some aspects of the story might be familiar, there are important new views uncovered here. First, and as already noted, a focus on black thought on interracial marriage is unique. Second, while most bans and white hysteria over potential and actual

---

[3] Elsa Barkley Brown, "Negotiating and Transforming the Public Sphere: African American Political Life in the Transition from Slavery to Freedom," *Public Culture* (1994): 107-146. This study overlaps with a change in gender norms in black communities that Brown illustrated. Black "women by the 1880s and 1890s," Brown argued, "needed to create their own pulpits from which to speak—to restore their voices to the community." They had been active participants in internal and external black community politics, but the development of "a narrative of endangered black women" by black men construed public spaces as "sexually dangerous places for the unprotected female." Black women's role in external political activities disappeared as black men were disenfranchised and their role in internal political activities like church governance shrank amid discourses of safety, propriety, and manhood. The development of black women's clubs in the late-nineteenth century, according to Brown, underscores the loss of a voice black women once had in other realms. Middle-class and elite black women, especially, took on respectability and uplift roles as a means "to project themselves as the protectors of their less fortunate sisters." This allowed them to retake a public, political role they once held. The issue of sexual violence and amalgamation as a related topic in particular became a woman's issue and a means for middle-class and elite black women to claim political and public space for themselves. Black women's voices in the 1890s on the topic of interracial marriage, therefore, should not be read as a new involvement in the topic, but a sign that their voices were no longer sufficiently shaping black men's discourse. Brown, "Negotiating and Transforming the Public Sphere," 108, 139, 140.

[4] Richard L. Hume, "The Arkansas Constitutional Convention of 1868: A Cast Study in the Politics of Reconstruction," *The Journal of Southern History* 39, no. 2 (May 1973), 206; Digital Archive of Massachusetts Anti-Slavery and Anti-Segregation Petitions, Massachusetts Achieves, Boston, MA, "Passed Acts; St. 1843, c.5, SC1series 229. For more on black women's earlier role as public actors and forces even when their thoughts were not directly recorded in historical records, see Amrita Chakrabarti Myers, *Forging Freedom: Black Women and the Pursuit of Liberty in Antebellum Charleston* (Chapel Hill: The University of North Carolina Press, 2011).

interracial marriages were constructed around the idea of controlling black men and the claim of protecting white women, this study shows that black women came to be central to the discussions and actions of Black Americans. Even when black women were not in a position to speak for themselves, and especially when they were, black thinkers turned the discussion to one on black women. Thus, while this study is framed as a study of black thoughts and actions on interracial marriage, it ultimately adds much to our understanding of black women's history whether the women were actors on their own behalf or subjects in arenas where only men's voices have been preserved. This study also provides a new view of the Exoduster movement in which black people were not moving West to all black towns simply to escape white violence and discrimination in general but as a means to preserve a pure black race or at least halt its "dilution," one of the more nationalistic reasons for some objections to interracial marriages. And finally, this study provides a picture of Black American thinking *before* the era of what has come to be called "respectability politics." During the Antebellum Era, black people were demanding rights; respectability politics appear to have developed after all else failed or at least appeared to have failed.

Historiography

The study disrupts the existing narrative on interracial marriage by focusing on black actors and their activism. Important works on the history of interracial marriage have revealed the ways interracial marriage bans have contributed to the process of racial formation and limited personal rights. These studies, reliant upon a race-relations paradigm, primarily focus on the actions and motivations of whites, especially white

supremacists. They examine the formation of white opposition, the tactics used to enforce an artificial color line, and the effects this had on individuals' and America's conceptions of race. This study, by contrast, focuses on black thought, actors, and activism and consequently is more intellectual than race relations history.

Scholars of interracial marriage have primarily approached the topic through a civil rights lens or from critical race theory. The former looks to the laws against interracial marriage as examples of segregation. The campaign to overturn marriage bans, therefore, becomes part of the struggle for civil rights and an example of the denial of individual rights. Court battles make up the heart of these works, and nearly all culminate with the *Loving v. Virginia* (1967) decision in which the Supreme Court overturned interracial marriage bans in sixteen states.[5] These histories tend to be celebratory and focus almost entirely on legal issues, white opposition, and the personal lives of Richard and Mildred Loving. Peter Wallenstein's *Race, Sex, and the Freedom to Marry* (2014), for example, purports to "tou[r] all of American history" with its examination of the

[5] Nicholas Syrett, "Miscegenation Law and the Politics of Mixed-Race Illegitimate Children in the Turn-of-the-Century United States," *Journal of the History of Childhood and Youth* 11 (January 2018): 52-57; Sheryll Cashin, *Loving: Interracial Intimacy in America and the threat to White Supremacy* (Boston: Beacon Press, 2017); Ashok Bhusal, "The Rhetoric of Racism and Anti-Miscegenation Laws in the United States," *Journal of Arts and Humanities,"* 4 (Autumn 2017): Jeremy Richter, "Alabama's Anti-Miscegenation Statutes," *The Alabama Review* 68 (October 2015): 345-366; Phyl Newbeck, *Virginia Hasn't Always Been for Lovers: Interracial Marriage Bans and the Case of Richard and Mildred Loving* (Carbondale: Southern Illinois University Press, 2004); Randall Kennedy, *Interracial Intimacies: Sex, Marriage, Identity, and Adoption* (New York: Pantheon Books, 2003); Peter Wallenstein, *Tell the Court I Love My Wife: Race, Marriage, and Law—An American History* (New York: Palgrave Macmillan, 2002); Charles R. Robinson II, *Dangerous Liaisons: Sex and Love in the Segregated South* (Fayetteville: University of Arkansas Press, 2002); Werner Sollors, *Interracialism: Black-White Intermarriage in American History, Literature, and Law* (Oxford: Oxford University Press, 2000); Martha Hodes, ed. *Sex, Love, Race: Crossing Boundaries in North American History* (New York: New York University Press, 1999); Hodes, *White Women, Black Men*; David H. Fowler, *Northern Attitudes Towards Interracial Marriage: Legislation and Public Opinion in the Middle Atlantic and the States of the Old Northwest, 1780-1930* (New York: Garland Publishing, Inc., 1987).

Loving case. Never, however, does he focus on black views on interracial marriage outside the conjecture that Mildred's father "one can suspect,…had never thought a child of his would be marrying a white person."[6] Focusing on the motivations of those who passed interracial marriage bans, court procedures, and the Lovings, results in a wide-ranging history but a near-total exclusion of black voices.

The critical race theory approach reveals the law's power to produce "race." These works usually have a more expansive focus than the civil rights approach as they look beyond black/white relationships in the South and turn to bans on Native and Asian Americans too. They also look to gender, sex, and the naturalization processes to show how anti-miscegenation laws assisted in state making and the development of white supremacy.[7]

The preeminent work of the critical race approach is Peggy Pascoe's *What Comes Naturally* (2009). Pascoe argues that between the Civil War and Civil Rights Movement white opponents of interracial marriage constructed the idea that interracial unions were unnatural. This notion, she contends, created near-unanimous white opposition to intermarriage and provided the foundation for segregation, white supremacy, and white

---

[6] Peter Wallenstein, *Race, Sex, and the Freedom to Marry* (Lawrence: University of Kansas Press, 2014), 80.

[7] Rosen, *Terror in the Heart of Freedom*; Peggy Pascoe, *What Comes Naturally: Miscegenation Law and the Making of Race in America* (Oxford: Oxford University Press, 2009); Karen Woods Weierman, *One Nation, One Blood: Interracial Marriage in American Fiction, Scandal, and Law, 1820-1870* (Amherst: University of Massachusetts Press, 2005); Michelle Brattain, "Miscegenation and Competing Definitions of Race in Twentieth-Century Louisiana," *Journal of Southern History* 61 (August 2005): 621-58; Renee C. Romano, *Race Mixing: Black-White Marriage in Postwar America* (Cambridge: Harvard University Press, 2003); Davis, F. James, *Who Is Black? One Nation's Definition* (University Park, Pennsylvania, The Pennsylvania State University Press, 2002); Elise Lemire, *"Miscegenation": Making Race in America* (Philadelphia: University of Pennsylvania Press, 2002); Rachel F. Moran, *Interracial Intimacy: The Regulation of Race and Romance* (Chicago: University of Chicago Press, 2001); Emily Field Van Tassel, "'Only the Law Would Rule Between Us': Antimiscegenation, the Moral Economy of Dependency, and the Debate over Rights After the Civil War," *Chicago-Kent Law Review* (1995): 873-926.

purity policies. She looks to constitutional, scientific, and cultural understandings of race that arose from anti-miscegenation laws and how these shaped what she holds to be a near-universal view that interracial marriages were unnatural. Pascoe's analysis shows how marriage law was weaponized to police the boundaries of not only marriage itself but notions of who should have access to citizenship. Her analysis provides extraordinary insight into the context in which Black Americans' debates occurred and why their fight for interracial marriage rights was so difficult.

The preeminent work that follows a civil rights approach is Martha Hodes's *White Women, Black Men* (1997). Hodes examines white society's response to interracial marriage and sex before and after emancipation. She finds that sexual relations between white women and black men were discouraged and disapproved of before emancipation, but afterward, "the majority of the white South became enraged about this particular category of illicit sex."[8] Focused on legal and social issues, Hodes shows that what had once been grudgingly tolerated became the most hated crime. She devotes ample space to Frederick Douglass and Ida B. Wells's protests over the lynching of black men falsely accused of rape, but her focus is primarily upon white views and actions to limit interracial marriage rights, not black thinkers or activists.

Typical histories of interracial marriage do not address the views of Black Americans and, by omission, imply that they universally opposed legal bans on interracial marriage, just as most opposed segregation and other forms of discrimination. Older works tend to dismiss black views as little more than reactions to white opposition.

[8] Hodes, *White Women, Black Men*, 6.

Gunnar Myrdal's classic study *An American Dilemma* (1944), for instance, concluded that "the whites' attitudes [on interracial marriage] are primary and decisive, the Negroes' are in the nature of accommodation or protest."[9] Recent scholarship has started to combat this one-sided narrative, but more is needed to understand Black Americans' diverse and evolving views. Critical race theory and civil rights approaches do much to explain white views and how these views perpetuated white power, but a different approach is necessary to explore African Americans' debates over interracial marriages and understand the origins and implications of these views.

One historian who did focus more on black views is Joel Williamson in *New People* (1980), which argues that a tolerance for interracial unions among black elites existed after the Civil War but was short lived. He finds that around the turn-of-the-century there was a drastic reduction in interracial marriages across all classes and a tremendous degree of social pressure among black elites to avoid romantic entanglements with whites. Williamson contends that "Negro males internalized fully the role of Victorian men and strove earnestly to create an environment in which their wives could be ladies." Focused primarily on the South where interracial marriage was increasingly prohibited, his work implies that as the possibility of entering legally binding and respectable marriages decreased, so too did black support for interracial relationships.[10]

Paul Spickard's *Mixed Blood* (1989) contends that for most of American history interracial marriage has typically been met with "near-hysterical disapproval from the

---

[9] Gunnar Myrdal, *An American Dilemma: The Negro Problem and Modern Democracy* (New Brunswick: Harper and Row Publishers, 1944), 57.
[10] Joel Williamson, *New People: Miscegenation and Mulattoes in the United States* (New York: The Free Press, 1980), quotation on page 91.

majority of White people and a grudging acquiescence from Black people."[11] Spickard devotes a short section to African Americans' sentiments on interracial marriage and finds that their views were "overwhelmingly negative" in the period between the Civil War and 1920. He argues that Black Americans rejected intermarriage due to "an aggressive pride in blackness," to avoid reprisals from whites, or because they disapproved of intermarriages socially.[12]

In *Uplifting the Race* (1996), Kevin Gaines also finds opposition to interracial marriage to be increasingly evident among upper-class African Americans. Through a series of biographical profiles, he examines black elites' responses to white supremacy around the turn-of-the-century. Gaines discusses a contingent of "black elites with nationalist leanings" who drew on "theories influenced by scientific racism and eugenics" to argue against interracial marriage. He holds that many black journalists, educators, professionals, and self-made men rejected interracial marriage because of "the tightening coils of white supremacy, along with the perception of the snobbery and opportunism of mulatto elites and the persistent white conviction that black progress and achievement were the result of white parentage."[13]

Pre-and post-war evidence for black views on interracial marriage, however, is "lamentably limited," according to Randall Kennedy. Before emancipation, it paled in comparison to abolishing slavery. After emancipation, few considered it an issue worth

---

[11] Paul R. Spickard, *Mixed Blood: Intermarriage and Ethnic Identity in Twentieth-Century America* (Madison: The University of Wisconsin Press, 1989), 283.
[12] Spickard, *Mixed Blood,* 298.
[13] Kevin Gaines, *Uplifting the Race: Black Leadership, Politics, and Culture in the Twentieth Century* (Chapel Hill: The University of North Carolina Press, 1996), 58, 125, 120.

supporting as it might trigger a white backlash. In *Interracial Intimacies* (2003), Kennedy groups black positions into three categories. One group considered amalgamation positive as it inhibited segregation, fostered open-mindedness, built white allies, elevated Black Americans' status, and empowered black women. An agnostic camp, which Kennedy considers the majority opinion, deemed amalgamation neither a good nor an evil, but merely a private choice. A third camp condemned interracial marriage on the grounds of race loyalty, believing it "implies disapproval of fellow blacks; impedes the perpetuation of black culture; weakens the African American marriage market; and fuels racist mythologies." Yet, black people also found infringements on the right to interracial marriage discriminatory because it branded Black Americans as an inferior caste from which whites should be protected. Kennedy echoes Myrdal when he describes black reactions to interracial marriage as "essentially defensive and compensatory responses to white aggression." He further terms such opposition "the self-defeating resentfulness sometimes harbored by beleaguered minorities." He writes in express opposition to such views as he considers them the "emotional and psychological seedbed" from which whites sought to subordinate blacks.[14]

Focusing on a host of intra-racial debates, Michele Mitchell's *Righteous Propagation* (2004) argues that the post-emancipation period was a time of "cautious optimism for most African American[s]," but after Reconstruction, "mounting factors led people of African descent to turn increasingly inward in their efforts to preserve themselves." This turn, what she terms a burgeoning concept of race destiny, manifested

[14] Kennedy, *Interracial Intimacies*, 247, 110, 115, 34, 23.

itself in multiple ways—from emigration schemes to a growing sense of race consciousness to a disdain of interracial marriage. She argues that black writers, reformers, ministers, and physicians increasingly denounced interracial liaisons, as they believed such unions compromised the race's "vitality." Mitchell's work delves into the various ways "black Americans did not always agree upon how to bolster their collective prospects." She analyzes their diverse strategies to ensure the race's "basic human rights, progress, prosperity, health, and reproduction" and presents a rising opposition to interracial marriage as one of means to obtain a positive racial destiny.[15]

Similarly concerned with intra-racial views, in *The Amalgamation Waltz* (2009), Tavia Nyong'o focuses on turn-of-the-century black support for interracial marraige. He explores the connections between today's assertions of a post-racial society and past espousals of such a future. Nyong'o posits that "cultural hybridity became the centerpiece of the drama of human liberation." Accordingly, he examines both the "fears of and desires for racial mixture and transcendence." In black newspapers during the Civil War and after, Nyong'o finds calm, practical, and sanguine views toward amalgamation. While few espoused interracial marriage as a solution to the day's racial problems, most black newspaper accounts recognized it as a probable or inevitable outcome and insisted that it was a matter of personal taste and civil rights.[16] Nyong'o presents the period as a swarm of contending views, assumptions, and proposed solutions to the day's problems.

---

[15] Michele Mitchell, *Righteous Propagation: African Americans and the Politics of Racial Destiny After Reconstruction* (Chapel Hill: The University of North Carolina Press, 2004), 7, 13, 137, 7, 8.
[16] Tavia Nyong'o, *The Amalgamation Waltz: Race, Performance, and the Ruses of Memory* (Minneapolis: University of Minnesota Press, 2009), 22, 23, 31.

Building on these works, this dissertation uses debates over interracial marriage to unpack an aspect of Black Americans' identity formation and to examine how black activists mobilized for a principled fight for rights symbolized by an act that many of them disapproved of in practice. It recaptures an essential but largely neglected part of the history of interracial marriage by exploring how African Americans thought about, wrote about, and talked about it. At the same time, it shows the ways Black Americans fought to remove interracial marriage bans as a matter of principle.

In doing so, the dissertation reveals an intra-racial clash of ideas—a clash scholars should embrace. As literary scholar Andrea Williams wrote in *Dividing Lines,* intra-racial debates should be seen as productive elements of community culture. Saidiya Hartman added that scholars should resist idealizing racial solidarity by offering "us a romance in place of complex and contentious social relations."[17] Activists might need to present a united front in order to suggest strength, but scholars should not be skittish about revealing divisions, debates, and even contradictions as these fissures reveal a healthy community doing what all mature communities do—agreeing and disagreeing on a variety of issues. Black Americans differed widely over interracial marriage, and their debates over the subjects reveal much about their goals, visions, and hopes for the future.

This dissertation also enters the field of the history of marriage. In *Public Vows* (2000), Nancy Cott classified marriage as a public institution. Commonly thought of as a private matter between two individuals, she demonstrates how marriage was shaped by

[17] Andrea N. Williams, *Dividing Lines: Class Anxiety & Postbellum Black Fiction* (Ann Arbor: The University of Michigan Press, 2013), 2; Saidiya Hartman, *Scenes of Subjection: Terror, Slavery, and Self-Making in Nineteenth-Century America* (New York: Oxford University Press, 1997), 60.

public policy. While true for all marriages, the "public" component has been especially apparent for black and interracial couples. Marriage served an important function for African Americans after emancipation. One of the first demands of freed slaves was legal recognition of their marriages. Unable to wed under slavery, the newly emancipated could assert more control and protection over their families through marriage. Furthermore, marriage in the nineteenth century connoted respectability and responsibility. Consequently, more than a personal act of reorganizing one's life after slavery, marriage was imbued with public, political, and social implications. Bishop Wesley Gains of the A.M.E. church put it thusly: the "social future of the colored race" depended upon "the marriage relation." Clearly, marriage was "perceived as both a personal act and as an institution with ramifications for the entire Afro-American collective."[18]

Interracial couples have also held an outsized role in the public realm considering the relatively low rates of intermarriage throughout American history.[19] From the celebrated 1614 marriage of John Rolfe and Pocahontas to commemorations of Richard and Mildred Loving, interracial relationships have garnered far more public attention than the low rates of interracial marriage would suggest they should. The intensely visual nature of lynching and its association with hysterical accusations against black men for

[18] Nancy Cott, *Public Vows: A History of Marriage and the Nation* (Cambridge: Harvard University Press, 2000), 3; Herbert G. Gutman, *The Black Family in Slavery and Freedom* (New York: Pantheon Books, 1976), 428; Wesley Gaines, *Negro and the White Man* (Philadelphia: A.M.E. Publishing House, 1897), 147; Mitchell, *Righteous Propagation*, 202; Gaines, *Uplifting the Race*, 79.

[19] Sociologists Aaron Gullickson concludes that interracial marriages were "uncommon, but not necessarily rare, prior to the end of Reconstruction." After Reconstruction, the rate of interracial marriage fell until the civil rights era where it increased at an exponential rate. Nevertheless, throughout American history such marriages were rare. Aaron Gullickson, "Black-White Interracial Marriage Trends, 1850-2000," *Annual Meeting of the Population Association of America* (2006), 308-309.

allegedly raping white women too have given interracial associations an outsized public role in American life and law.

The many works on interracial marriage have shown the battles fought to legalize it, the changing reception to interracial couples, and the ways bans have created race. Interracial marriage bans, these works illustrate, can be considered the most enduring form of race discrimination as they outlasted slavery and even formal school segregation. Yet, we need to go beyond a race-relations approach and delve into black views to better understand the topic and African American history. Works like Mitchell and Nyong'o have begun the discussions, and this dissertation seeks to build on these by taking a narrower view than Mitchell's expansive concept of "racial destiny" and a more comprehensive view than Nyong'o's focus on supporters of interracial marriage. Examining Black Americans' internal debates reveals much about community tensions, divisions, competing solutions for racial advancement, and evolutions in thought and strategy.

A Brief History of Interracial Marriage

Debates among Black Americans over amalgamation took place during particularly tumultuous periods, the context of which cannot be separated from black positions. In 1664, Maryland sought to stanch interracial marriages by threatening enslavement for white women who married black men. Two years earlier, Virginia, reversing centuries of common law and patriarchy, had enacted legislation to profit from white men's sexual relationships with black women. Children would inherit the legal status of their mother, not their father, meaning the children of slave women would

always be born slaves. These laws had clear aims: to control white women's sexuality, to relieve white men of legal and financial responsibility for black children, to bolster legal categories of slave and free and increase the slave population, halt the growth of the free black population, and to develop racist ideologies justifying discrimination. White men had sexual access to all women and exclusive access to white women. Interracial sex, so long as it remained out-of-wedlock and occurred between white men and black women, merited little legal or social consequence. These laws also set into motion America's peculiar system of racial classification. Americans would be classified not according to the degree of mixture they contained but by the total absence or presence of blackness.[20]

The earliest laws prohibiting interracial marriages occurred when wealthy planters were transitioning from European indentured servants as their primary labor force to African slaves. As these two labor pools worked alongside one another, planters feared that poor whites and African slaves would overthrow the far smaller planter class. Interracial marriage bans, therefore, arose to build racial barriers that would supplant alliances among laborers by creating binary categories of black and white, slave and free. Indeed, in a law that also authorized lifelong slavery, Maryland's assembly passed the statute making free or indentured white women slaves for life if they married enslaved

[20] Weierman, *One Nation, One Blood*, 126, 136; William Walter Hening, comp., *The Statutes at Large: Being a Collection of All the Laws of Virginia (1619-1792)*, vol. 2. (Charlottesville: University Press of Virginia, 1969), 260; AB Wilkinson, "People of Mixed Ancestry in the Seventeenth-Century Chesapeake: Freedom, Bondage, and the Rise of Hypodescent Ideology," *Journal of Social History* 52 (Spring 2019): 593-618; David A. Hollinger, "Amalgamation and Hypodescent: The Question of Ethnoracial Mixture in the History of the United States," *The American Historical Review* 108 (2003): 1363-1390.

men. Most other American colonies followed Maryland and Virginia's lead and banned interracial marriage between 1662 and 1725. Ultimately, forty-one states enacted bans.[21]

Despite these prohibitions, interracial sexual contact likely peaked during the colonial period, according to sociologist Aaron Gullickson. A large population of white indentured servants toiling alongside slaves, a shortage of females, and notions of racial difference not yet firmly established all contributed to this. Interracial marriage might have been officially banned, but interracial relations—consensual or otherwise—continued, often with white society's tacit consent. Some communities were surprisingly tolerant of such unions, legal prohibitions notwithstanding. Areas, like Charleston and New Orleans, contained substantial populations of interracial couples and pockets of the North had small numbers as well.[22]

Pennsylvania repealed its interracial ban as it began its process of emancipation in 1780, but Massachusetts, Rhode Island, and Maine continued to prohibit such marriages, even after ending slavery. White fears remained a potent political force even in the North. White northerners showed themselves firmly opposed to any suggestion of black equality through their rejection of interracial marriage or even a rumor of its occurrence. Not coincidently, public hysteria against interracial marriage grew louder in the 1830s when the rights of black people were being contentiously debated, and a more vocal and inclusive abolitionist movement emerged.[23]

---

[21] Edmund S. Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (New York: W.W. Norton and Company, 1975), 327; Wallenstein, *Tell the Court I Love My Wife*, 22.
[22] Gullickson, "Black-White Interracial Marriage Trends, 1850-2000," 2, 4.
[23] Weierman, *One Nation,* 102. See Leslie Harris, "Abolitionist Amalgamators to 'Rulers of the Five Points'" in Hodes, ed., *Sex, Love, Race,* 195.

After false rumors spread in 1834 that abolitionist ministers had married an interracial couple, four days of racial terror erupted in New York City. A mob attacked a mixed-race gathering of the American Anti-Slavery Society and continued to menace, burn, and destroy black homes, schools, businesses, and churches. A similar riot, with similar instigation and targets of violence, occurred in Philadelphia in 1838. Interracial marriage had become a proxy for white anxieties that the social order they built upon racial distinction might be endangered. Abolition threatened the social order, and thus supporters of slavery raised fears of interracial marriage to torpedo abolitionists' efforts and to hurt the free black population. Many of the one hundred sixty-five anti-abolitionist riots that took place in the 1830s were provoked by rumors of interracial marriages.[24] Little else could more effectively raise a mob or garner as much wrath.

Even where interracial unions were legal, derogatory depictions linked them in the public's imagination with bastardy, debauchery, and immorality. In rare cases, interracial couples inside and outside of legal wedlock existed and sometimes even thrived in pockets of the North where local communities were far less concerned than one might expect. Even if community tolerance existed, however, the children of interracial couples unable to wed legally were defined as bastards—a branding that carried real consequences in the eighteenth and nineteenth centuries as it often foreclosed the possibility of inheritance—meaning white property remained in white hands.[25]

---

[24] Leonard L. Richards, *"Gentlemen of Property and Standing": Anti-Abolition Mobs in Jacksonian America* (Oxford: Oxford University Press, 1970), 43.
[25] Joshua D. Rothman, *Notorious in the Neighborhood: Sex and Families Across the Color Line in Virginia, 1787-1861* (Chapel Hill: University of North Carolina, 2003), 68.

For the enslaved population, however, no consensual interracial relationships could exist. Even the rare and seemingly loving relationships that functioned like marriages between masters and their slaves could not—by definition—be consensual. Not all might have been forced, but they could not be unambiguously consensual either.[26] Most interracial sex under slavery, however, did not even have a veneer of loving attachments and was instead the blatant rape of black women by white men. The growing population of mixed-race slaves and the travel logs, diaries, divorce petitions, and slave narratives that mention forced amalgamation suggest its frequency.[27] Therefore, to slaves, amalgamation served as reminders of slavery's brutality. For slave owners, it illustrated their complete domination over their chattel. This history's effect on black views of interracial relationships cannot be overstated.

Nor can interracial marriage's role in politics and legal history be exaggerated. As part of the justification for the infamous *Dred Scott v. Sandford* (1857) decision, Chief Justice Roger B. Taney used the existence of interracial marriage bans as evidence that the Founding Fathers never intended black people to be citizens. These laws, Taney insisted, were evidence of a "perpetual and impassable barrier erected between the white race and [those]…which they looked upon as so far below them in the scale of created

[26] This point is expanded upon in chapter one, but see Angela Davis, *Women, Race, and Class* (New York: Random House, 1981) and Amrita Chakrabarti Myers, *Forging Freedom: Black Women and the Pursuit of Liberty in Antebellum Charleston* (Chapel Hill: The University of North Carolina Press, 2011).
[27] Hannah Rosen shows that laws in slaves states considered slave women to be simultaneously incapable of consent or refusal as they lacked both "the will and honor" to do so. Rosen, *Terror in the Heart of Freedom*, 10. One traveler reported that "almost every Southern planter has a family more or less numerous of illegitimate colored children." Another held that the rape of female slaves and the sale of the resulting offspring, "instead of being very rare," was "unhappily very general!" Fanny Kemble quoted in Rothman, *Notorious in the Neighborhood,* 133.

beings that intermarriages between white persons and negroes and mulattoes were regarded as unnatural and immoral, and punished as crimes."[28]

Soon thereafter, Abraham Lincoln's opponents invented a new term to describe interracial relationships: "miscegenation" (the blending of races). In 1863, two Democrats posing as Republicans promoted the notion that the Republican Party not only condoned interracial marriages but actively encouraged them. The new term's overnight and enduring popularity highlights the white public's desire to describe something that had long been around but suddenly seemed in need of a new moniker in order to associate it with heightened fear of black freedom.[29] Miscegenation permanently rooted itself into America's racial lexicon and fear of it became a political wedge issue for at least a century thereafter.

Yet, immediately after the Civil War, a fragile period of acceptability ensued as "the political climate of Reconstruction offered some protection to interracial couples." Bans in place before emancipation or added in the Black Codes of 1865 and 1866 were revoked by Reconstruction legislators in seven of the eleven former Confederate states, and the courts of three more upheld individual marriages. The war created skewed sex ratios among whites and produced what Randall Kennedy termed "a brief flurry of mixed marriages between white women and black men." According to Joel Williamson, white communities condoned these pairings as economic necessities in the war-weary South.

---

[28] *Dred Scott v. Sandford*, 60 U.S. 393 (1856). https://supreme.justia.com/cases/federal/us/60/393/#tab-opinion-1964281.

[29] Greg Carter, *The United States of the United Races: A Utopian History of Racial Mixing* (New York: New York University Press, 2013), 71; Sidney Kaplan, "The Miscegenation Issue in the Election of 1864," *The Journal of Negro History* 34, no. 3 (July 1949): 288.

John Blassingame found these marriages so common that in post-war New Orleans, "white females competed openly with Negro women for the sexual attentions of black males." This openness extended to the North's statute books as well. By 1887, Indiana was the only Northern state east of the Mississippi that had not repealed its interracial marriage ban.[30] This openness, however, lasted only a short time.

Before emancipation, white men were incentivized to procreate with their slaves, but afterward such acts "threatened an emerging biracial order." After emancipation, categories of slave and free no longer demarcated the races, and racial ambiguity became problematic for whites bent on imposing racial castes. Without slavery, the products of interracial unions—children with an indefinite racial status—could not easily be classified and a clear delineation between the races disappeared. Free black populations had always existed, but their rarity made them too small to threaten the status quo. Legal interracial unions and legitimate heirs to white wealth further stretched the bounds of white supremacy as it allowed social mobility for what was intended to be a permanent underclass and jeopardized an imagined racial purity.[31]

Sexual relations between white women and black men were disapproved of before emancipation, but afterward, according to Martha Hodes, white southerners "explicitly conflated black men's alleged sexual misconduct toward white women with the exercise of their newly won political rights." Whites sought to regain their dominion over the

---

[30] Gullickson, "Black-White Interracial Marriage," 13; Wallenstein, *Tell the Court I Love My Wife*, 69-93; Pascoe, *What Comes Naturally*, 40; Kennedy, *Interracial Intimacies*, 19; Williamson, *New People*, 89; John W. Blassingame, *Black New Orleans, 1860-1880* (Chicago: The University of Chicago Press, 1973), 203; Weierman, *One Blood,* 140.

[31] Gullickson, "Black-White Interracial Marriage," 4. See Hall, *Revolt Against Chivalry.*

political, economic, social, and sexual lives of African Americans and they did so by raising fears of predatory black men and the "threat" of amalgamation.[32]

Ethnology too rose in importance after the passage of the Thirteenth, Fourteenth, and Fifteenth Amendments as black men now possessed the same rights as white men. Whites' self-serving ethnology—reenergized with the language of the emerging natural and social sciences—cast people of African descent as bestial and inferior beings. Black men were depicted as sexual predators and incapable of maintaining respectable marriages. Their supposed desire for white women meant they threatened white men and imperiled "virtuous" white women. Their supposed inability to fulfill the obligations of marriage, as a symbol for the "norms, customs, and legal codes of a liberal society," meant they were unfit for freedom as they were "devoid of private and thus public 'virtue.'" Likewise, black women were portrayed as sexually depraved and immoral creatures—a depiction that allowed white men to rationalize their rape. Thus, African Americans were increasingly disenfranchised, segregated, and terrorized because of a narrative that allowed white supremacists to justify violence and repression.[33]

Accordingly, fears of miscegenation, interracial marriage, or "social equality" arose in nearly every post-emancipation debate over political, economic, and social rights. The Supreme Court cited interracial marriage bans in *Plessy v. Ferguson* (1896). "Laws forbidding the intermarriage of the two races," the court reasoned, "may be said in

---

[32] Hodes, *White Women Black Men*, 6, 147. See also Hannah Rosen, *Terror in the Heart of Freedom.*
[33] Nancy Stepan, "Biological Degeneration: Races and Proper Places," in J. Edward Chamberlin and Sander L. Gilman, eds., *Degeneration: The Dark Side of Progress* (New York: Columbia University Press, 1985), 101; Rosen, *Terror in the Heart of Freedom,* 7, 62; Mary A. Renda, *In Talking Haiti: Military Occupation and the Culture of U.S. Imperialism 1915-1940* (Chapel Hill: The University of North Carolina Press, 2001), 15. See also Rosen, *Terror in the Heart of Freedom,* 179-222.

a technical sense to interfere with the freedom of contract, and yet have been universally recognized as within the power of the State."[34] The foundation of post-Civil War white supremacy rested firmly upon opposition to miscegenation.

The far more chilling effect of white fears over miscegenation, however, emerged outside of the court system: lynching. Between 1882 and 1968, at least 3,446 black men were publicly and ritualistically murdered by white mobs. Less than a third were even accused of rape, but the alleged need to protect white women from black men—portrayed as violent, lustful, and savage—justified lynch mobs' actions to the larger white public. Black journalist Ida B. Wells demonstrated that many of these accusations of rape stemmed from consensual interracial relationships that had been discovered by white women's disapproving relatives.[35] Nevertheless, the lynching continued, as did white fears about maintaining racial "purity."

The concept of "purity" itself evolved through interracial marriage law. States' definitions of the degree of "blood quantum" required to be defined as being a particular race varied, but by the twentieth century, any known presence of African ancestry (the "one-drop rule") became the measure in many states and in the white public's imagination. Whites grew increasingly paranoid about marrying someone with "invisible blackness" and took up genealogy *en masse* to ferret out "passers." Thousands, too, were responding to the racial violence and discrimination by choosing to "pass." An estimated

---

[34] *Plessy v. Ferguson,* 163 U.S. 537 (1896). https://supreme.justia.com/cases/federal/us/163/537/#tab-opinion-1917401.

[35] Robert L. Zangrando, *The NAACP Crusade against Lynching, 1909-1950* (Philadelphia: Temple University Press, 1980), 5; Ida B. Wells, *A Red Record: Lynchings in the United States* (Chicago: 128 Clark Street, 1895), 82-87; Wells, *Southern Horrors: Lynch Law in All Its Phases* (New York: The New York Age Print, 1892), 53.

10,000 to 25,000 per year between 1880 and 1925 began living as white people either permanently or on a temporary basis for work, housing, or schooling.[36]

As these fears evolved, the legal landscape of interracial marriage remained essentially static. Aside from the addition of new states, interracial marriage bans remained unchanged from 1887 to 1948. States strengthened them by redefining who was white and black, but after Ohio repealed its ban in 1887, no other state did the same, and no existing state imposed a new ban until *Perez v. Sharp* (1948). In *Perez,* the California Supreme Court overturned that state's ban and western states followed soon thereafter. Fights against newly proposed bans and calls for repealing bans continued from 1887 to 1948, but Jim Crow was firmly in place where most of the black population lived. The frequency of interracial marriage is estimated to have been at its lowest from 1880 to 1930. When the U.S. Supreme Court finally ruled on the issue in the 1967 *Loving* case, sixteen states still had bans. White opposition, however, remained as a majority of white Americans continued to oppose interracial marriage until 1997.[37]

---

[36] Some estimates are as high at over 100,000 a year while others are as low as 2,500 annually. Davis, *Who Is Black?*, 56, 77; G. Reginald Daniel, *More Than Black? Multiracial Identity and the New Racial Order* (Philadelphia: Temple University Press, 2002), 52-3.

[37] Gary B. Mills, "Miscegenation and the Free Negro in Antebellum 'Angle' Alabama: A Reexamination of Southern Race Relations," *The Journal of American History* 68 (1981): 16-34; Hodes, *White Women, Black Men*; Caroline Bond Day, *A Study of Some Negro-White Families in the United States* (Westport, CT: Negro Universities Press, 1932); Joseph Carrol, "Most Americans Approve of Interracial Marriages," *Gallop News Service,* August 16, 2007. Only four percent of white Americans approved of interracial marriage in 1958 when Gallop conducted its first poll on the subject. African Americans were first asked in 1968, and 56% approved of black-white unions.

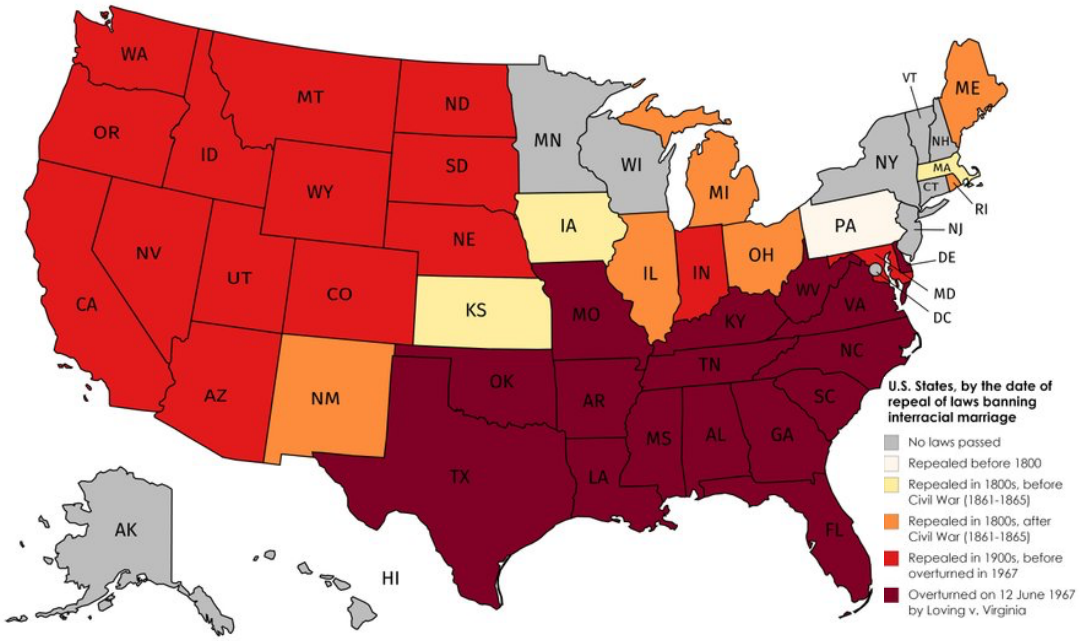


Figure 1: U.S. States, by the date of repeal of laws banning interracial marriage[38]

Chapter Summaries

Chapter 1, "'Of One Blood': Black Americans on Interracial Marriage in the Antebellum Era," explores how African Americans used the auspices of interracial marriage to discuss the existential nature of race and racial destiny while also fighting for recognition of their common humanity with whites. Antebellum black thinkers built a body of ethnological works to counter a burgeoning field of "scientific" racism and to assess amalgamation from an scientific and nationalistic standpoint. Some foresaw an amalgamated future, others tentatively rejected amalgamation on ethnological grounds, and still more fought for the legal right to interracial marriage by spearheading a campaign to overturn Massachusetts's ban. While these positions were developing,

[38] "U.S. States, by the date of repeal of laws banning interracial marriage," https://www.reddit.com/r/MapPorn/comments/7mki2p/us_states_by_the_date_of_repeal_of_laws_banning/

consensual interracial couples existed—in and out of legal wedlock—and their experiences also shaped the terms under which interracial marriage would be debated. This chapter explores the complicated and seemingly contradictory impulses while revealing their practical outcomes.

Chapter 2, "'The Shoe Pinches on the Other Foot': Fighting Hypocrisy after Emancipation" analyzes Black Americans' responses to whites' attempts to prevent political equality by linking it to social equality. For whites eager to limit Black Americans' newfound freedom, raising fears of "lustful" black men coveting white women became a primary means of justifying white supremacy. Black Americans fought to change the narrative of black malfeasance by emphasizing white wrongdoing and calling for the protection of black women, all while defending the right to interracial marriage in principle. Arkansas's constitutional debates on the subject were particularly revealing as black delegates fought against a proposed ban on interracial marriage and redirected white accusations of black impropriety onto white men and their history of forced amalgamation.

Chapter 3, "Wives Not Concubines: Demanding Rights After Emancipation," unpacks black women's pre- and postbellum fight for marital protections and the impact on interracial relationships of an increased emphasis on marriage after the Civil War. Black women who had been in long-term relationships with their former masters fought primarily through the court system to uphold or contest wills. A few were able to harness patriarchal protections meant for white women by insisting that their relationships were not illicit concubinage but respectable marriages. They claimed the rights of marriage in

order to secure what had been promised to them—or should have been—by deceased white men with whom they had long-term relationships. For a brief time, they were somewhat successful, particularly in Texas. Many lost in the end, but in demanding inheritance rights, black women claimed the rights of wives.

Chapter 4, "Personal Rights, Public Responsibilities: Frederick Douglass's Interracial Marriage," is a case study of Douglass's views on amalgamation and the reaction to his interracial marriage in 1884. His marriage ignited a firestorm of public controversy among Black Americans. Douglass had long believed amalgamation to be the race's future, but few African Americans agreed and even fewer thought that the prominent example of a black man marrying across the color line would improve race relations. Nevertheless, most black responses to the marriage emphasized Douglass's legal right to marry the woman of his choice, even if they profoundly disagreed with his exercising that choice and the implications of it. As such, his marriage serves as an illustrative example of Black Americans' diverse and principled views regarding interracial marriage.

Chapter 5, "Extermination, Emigration, Amalgamation: Debating and Policing Interracial Activities," explores Black Americans' turn inward after Reconstruction. Calls for interracial marriage's legalization certainly continued—even in the South—but discussions morphed from their earlier emphasis on rights and equality to a focus on behavior and perceptions of behavior within the black community. With interracial marriage illegal where the vast majority of the black population lived, race leaders moved to control what they could by policing intra-racial activity. They did this as a means to

both cope with the barrage of attacks upon the race but also as a search for identity, belonging, and a future for the race. Debates still raged over interracial marriage, black men and women took different positions, but discussions primarily fell into three categories: fear of extinction via amalgamation, emigration as necessary to avoid amalgamation, and the inevitability of amalgamation.

The conclusion, "Battling Bans, Bemoaning Blowback: Public Scandal and the NAACP," brings the discussion into the 1910s by focusing on the fallout from heavyweight boxing champion Jack Johnson's interracial marriages. After he married interracially for the second time, the white public's opposition to interracial marriage escalated. New bans were proposed in the District of Columbia and eleven of the nineteen states without them in 1913. The newly formed National Association for the Advancement of Colored People reluctantly but forcefully led the charge against the proposed bans—even as the organization and its leaders expressed disapproval over Johnson's behavior and public persona. All the newly proposed bans were defeated, an impressive feat for the nascent organization that relied upon nearly a century of developing the language to support the legalization of something many disapproved of in practice. Nevertheless, black opposition to interracial marriage seemed to be reaching its apex even as the battle for legalization continued.

Terminology

Opponents to interracial marriage stood on both sides of the color line. Vitally, however, black and white opposition qualitatively differed despite the seeming similarity in calls for racial purity. Black opposition to interracial marriage, unlike white

opposition, did not arise from an aim to keep one race subjugated or to assign superior or inferior statuses. Black Americans sought to remove the structures of white supremacy and obtain self-determination. As Barbara Bair argued, "antimiscegenation was a watchword for black autonomy, race pride, and revolution."[39] White and black people, therefore, used terms like "racial conservation" and "race integrity," categorically differently. For whites, the terms centered on upholding their position at the top of a racial hierarchy while for black people it meant protecting themselves from white interference and subjugation.

This was far from the only terminology black and white people used differently. "Social equality" became a loaded term, especially after the Civil War. It served as "the cornerstone of white supremacist ideology" according the historian Kevin Gaines.[40] For whites, social equality was a euphemism for black men's supposed uncontrollable lust for white women and desires to climb economically by marrying into white wealth. It served as justification for segregation, disfranchisement, and lynching. Black men, in particular, struggled to rebut charges that they sought social equality in principle—not because they coveted white women—but because they did not want to agree to political, social, and economic inequality by rejecting social equality. They could not deny interest in "social equality" without seeming to reject basic rights. Yet, as white men had long demonstrated what "social equality" meant in practice, black people wanted nothing to do with it. For many Black Americans, "social equality" was synonymous with white men's rape of

[39] Barbara Bair, "Remapping the Black/White Body" in Hodes, ed., *Sex, Love, Race* (New York: New York University Press, 1999), 409.
[40] Gaines, *Uplifting the Race,* 58.

black women. Whites might use fears of social equality to limit black rights, but white men had long practiced "social equality" by forcing themselves on black women.

Terminology, however, was not always used systematically or consistently. The terms "assimilation" and "amalgamation," although often used interchangeably in the nineteenth century, are separate doctrines. Assimilation "can theoretically go in either direction, say from black to white or white to black, or it can involve a subtle blending," according to philosopher Ronald Sunstrom. Yet, sociologists define assimilation as "the process by which a subordinate individual or group takes on the characteristics of the dominant group." In the U.S., that means the shedding of the distinguishing features of a minority. When black leaders discussed assimilation, some meant its definition, while some envisioned a more collaborative process wherein all races would contribute to American values by building a hybrid culture, not the adoption of white culture, or at least not an uncritical adoption of white culture.[41]

Amalgamation refers primarily to biological mixing. Some believed amalgamation would inevitably follow assimilation, but not all supporters of assimilation agreed. For example, W.E.B. Du Bois favored assimilation, but not amalgamation as he believed racial and ethnic identities should be maintained. Amalgamation and interracial marriage too are separate, but related, concepts as the former could apply to interracial unions or procreation in or outside of marriage. One could, therefore, oppose amalgamation for being out-of-wedlock but support interracial marriage.

---

[41] Ronald Sunstrom, "Frederick Douglass's Longing for the End of Race," *Stanford Encyclopedia of Philosophy* (2012) http://plato.stanford.edu/entries/frederick-douglass/; Richard T. Schaefer, in James D. Wright, ed., *International Encyclopedia of the Social & Behavior Sciences* (Amsterdam: Elsevier, 2015), 569.

Throughout the nineteenth and early twentieth centuries, black thinkers, and leaders, and otherwise unknown people openly challenged and debated the prevailing views on interracial marriage. Their diverse ideas represented competing visions for the future of the race. Would amalgamation spell the race's doom, be its salvation, or were there still other routes to racial peace and equal rights? All positions represented strategies for the race's collective well-being, even if they represented starkly different visions for the future. Denied full inclusion in American life and beset by white violence, the race concerned itself with its own survival and future and these debates were a means of working out the nature of that future.

Without a doubt, they included consideration of white people's views; after all, they also coincide with the rise of pseudo-science that placed black people somewhere in between humans and animals in the great chain of being. But these positions were more than black accommodations to white thought. These were real-life conundrums concerning the future of the race, and they had to be and were carefully and thoughtfully considered, discussed, and debated. The debates were also more than a quest for equality but also a search for identity and a fundamental questioning of what could or should the race be and how best to achieve that end. From the nineteenth to the early twentieth centuries, and from race leaders to lesser-known individuals, Black Americans confronted the issue of interracial marriage and weighed the consequences of it for the future of their race.

Chapter 1: "Of One Blood: Black Americans on Interracial Marriage in the Antebellum Era

To David Walker, interracial marriage bans were the quintessential examples of America's wholesale denial of black men's rights and the imposition of second-class status. In his *Appeal to the Colored Citizens of the World* (1829), Walker held that bans demonstrated "how much more cruel we are treated by the Americans, than were the children of Jacob, by the Egyptians." American slavery, to Walker, radically differed from biblical slavery as it denied the enslaved a place within the same human family as their enslavers. The "*heathen Pharaoh*" allowed Israelites and Egyptians to intermarry while "the *enlightened Christians of America*" forbade it.[1] Both permitted slavery, but only one treated the enslaved and formerly enslaved as subhuman brutes inherently ineligible for equal treatment.

Walker did not bring up the topic because he sought a white spouse. On the contrary, he would "not give a *pinch of snuff* to be married to any white person." Instead, he focused on the symbolic importance of interracial marriage bans. Bans sought to categorize one race as fundamentally inferior to another.[2] This mindset justified separate moral imperatives and discrimination. Walker spurned the notion of an interracial marriage for himself and criticized those who entered such unions, but as a principle of

[1] David Walker, *David Walker's Appeal to the Colored Citizens of the World* (University Park: The Pennsylvania State University Press, 2002), 11.
[2] Ibid.

profound political importance, he demanded that such unions be legal. In Walker's mind, slavery and interracial marriage bans were inherently linked and uniquely American in their cruelty.

Walker's position represented a seeming consensus among Black Americans on interracial marriage from at least the 1830s. Few sought interracial relationships but many found their legality a necessary component for freedom as the same "logic" justified marriage bans and slavery. So long as whites insisted that the races were so distinct that they could not intermarry, Black Americans would never be considered equal members of American society. For black thinkers, no intermarriages *needed* to occur, but such marriages *needed to be legal* as a symbolic demonstration that whites and blacks were within the same human family and thus endowed with the same unalienable rights.

Despite the importance of the topic, relatively few people of African descent before the Civil War openly expressed views on interracial marriage and even fewer recorded them in writing. Compared to other rights to be obtained, interracial marriage could seem a low priority. It paled in comparison to the continuance of slavery and a host of other injustices and its legality seemed a luxury Black Americans could ill afford to demand so that a few might intermarry. Yet, as accounts like Walker's underscore, legal interracial marriage also stood at the center of the fight for full equality. Bans were a fundamental limitation of personal rights and harkened back to marriages formed under slavery that masters could break at will. As one letter to the *Colored American* in 1841 made clear, the right to form a family lay at the heart of the meaning of freedom: "the free colored man of the north considers it an inestimable privilege that he can be the

protector of his daughters, and unite them with their associates in lawful and honorable marriage."[3] The fight to end slavery and obtain full citizenship, many believed, depended upon overturning the logic that blacks and whites were so different they should not intermarry.

Accordingly, black ethnologists and activists insisted on their shared humanity with whites. A group of Connecticut slaves demanding their freedom in a 1779 petition to their state's general assembly, for example, wrote "We are the Creatures of that God who made of one Blood, and Kindred all the Nations of the earth." Aware of the growing body of thought from white ethnologists seeking to rationalize an ideology of black inferiority, black thinkers and petitioners like these emphasized the notion that all were "of one blood." It became a mantra for African Americans' fight against both slavery and interracial marriage bans.[4]

Like Walker, however, African Americans, at least in the antebellum era, largely expressed ambivalence or even distaste about actually marrying interracially. While black ethnographers emphasized the common humanity of all and therefore implied the naturalness of amalgamation, racial mixture to these thinkers seemed a result, not a cause of equaling conditions. A few stressed a utopian vision of amalgamation, but by far most were instead concerned with combatting forced amalgamation under slavery, disputing white charges against the race, and demanding the removal of bans as a matter of principle. Even as black thinkers emphasized the shared humanity of all, many suggested

---

[3] *Colored American,* November 13, 1841.
[4] Mia Bay, *The White Image in the Black Mind: African-American Ideas about White People, 1830-1925* (Oxford University Press: New York, 2000), 65; "Petitions of New England Slaves for Freedom (1773-1779)," reprinted in Gary B. Nash, *Race and Revolution* (Madison, Wis.: Madison House, 1990), 175.

the existence of racial differences—a position that hinted at not just ambivalence toward racial mixture, but opposition.

While black views on interracial marriage would be more internally debated after the end of slavery, Black Americans' earliest views on interracial marriage laid the groundwork upon which later debates would ensue and shaped the legal landscape as black activists removed a ban on interracial marriage in Massachusetts. All the while, interracial couples—in and out of legal wedlock—existed during this period and their experiences shaped how interracial marriage would be viewed and debated.

This chapter will explore Black Americans' complicated and seemingly contradictory discussions over interracial marriage in the antebellum era while revealing some of the manifestations of its practical outcomes. It will examine the experiences of some interracial couples in the colonial and antebellum eras, explore the earliest works of ethnology from black thinkers, and assess the arguments used to overturn Massachusetts's ban. Antebellum African Americans used the auspices of interracial marriage to discuss the existential nature of race and racial destiny and their discussions set the course for future debates. Personal views aside, Black Americans recognized the tremendous principles at stake and fought for the notion that whites and blacks were within the same human family and thus endowed with the same unalienable rights.

Of course, not all people of African descent agreed with David Walker's position. In one of the earliest recorded black opinions on interracial marriage, Olaudah Equiano embraced interracial marriage's legalization. "Why not establish intermarriages,"

Equiano asked in 1788, "…and encourage open, free, and generous love upon Nature's own wide and extensive plan, subservient only to moral rectitude, without distinction of the colour of a skin?" Equiano argued that interracial marriage stood in stark contrast to slaveowners' abuse of slave women, detailed the horrors that arose from out-of-wedlock liaisons, cited biblical precedence, and heralded interracial marriage as a blessing for the nation. "Away then," Equiano insisted, "with your narrow impolitic notion of preventing by law what will be a national honour, national strength, and productive of national virtue—Intermarriages!" To Equiano, such marriages were a means to end immorality and forge a unified identity influenced by both British and African subjects. When he married a British woman in 1792, he viewed the marriage as a symbolic union between Africa and Great Britain.[5]

Equiano's views not only reflect the position of a man kidnapped from Africa, but also the existence of far more sanguine white views on the subject than just a generation later. Since the seventeenth century, interracial marriage had been outlawed in most American colonies and interracial dalliances between black men and white women were subject to harsher punishments than intra-racial fornication, but not until the nineteenth century were whites in hysterics over the topic. As a concerted and increasingly radical abolition movement dedicated not just to black freedom but black equality grew, white opposition to the "threat" of amalgamation reached a fever pitch.[6]

---

[5] *The Public Advertiser,* 28 January 1788 in Vincent Carretta, ed., *Olaudah Equiano: The Interesting Narrative and Other Writings,* (New York: Penguin Books, 2003), 331-2, 235; Equiano's marriage is also recorded in *The Gentleman's Magazine*, London: Printed by F. Jeffries, etc., V62, p384.

[6] Equiano was known in his lifetime as Gustavus Vassa and is believed to have been kidnapped from what is today Nigeria. Some scholars, however, believe he was actually from South Carolina, although the issue remains contentious. George E. Boulukos, "Olaudah Equiano and the Eighteenth-Century Debate on

In Equiano's day, not only could he speak on the subject of interracial marriage with little fear of inciting white retribution, but interracial relationships were more common than in Walker's day. Sociologist Aaron Gullickson estimates that interracial sexual contact peaked during the early colonial period when white indentured servants and black slaves worked side-by-side and ideologies of racial difference were still developing. Edmund Morgan likewise thought it "not uncommon for [servants and slaves] to make love together." These relationships, and the threat they posed to developing racial hierarchies, spurred the enactment of the first interracial marriage bans as white elites sought to prevent interracial cooperation. The decrease in white indentured servants also led to a decline in the amount of interracial sex. Most interracial sex thereafter likely occurred between unwilling black female slaves and white male slaveowners and overseers. Mutually consenting interracial relationships outside the institution of slavery persisted, however, and "historical evidence suggests that local white communities were surprisingly tolerant of interracial unions between whites and free blacks in the antebellum period, despite legal prohibitions in many areas."[7]

Africa," *Eighteenth-Century Studies* Vol. 40. No. 2 (Winter 2007), 241-255; Peter Wallenstein, *Tell the Court I love My Wife: Race, Marriage, and Law—An American History* (New York: Palgrave Macmillan, 2004), 16.

[7] Not only were there more interracial relationships than earlier scholars thought, these relationships were far more accepted than those who looked at the existence of legal barriers alone recognized. Winthrop Jordan, for instance, maintained that attitudes toward interracial sex in the continental colonies were "very rarely met with anything but disapproval." Yet, Joshua Rothman found that Virginians from all social classes tolerated discreet interracial relationships. Martha Hodes likewise contended that small southern communities often looked the other way towards interracial couples. Northerners too demonstrated a tolerance for interracial unions in the seventeenth century as Graham Hodges revealed of Dutch-speaking New York. Hodges argued, "interracial sexual relations were peaceful mixtures that led to marriage and families." Intolerance grew, according to Clare Lyons, in the early nineteenth century Philadelphia when children of interracial relationships were made heirs to their white fathers' estates. Furthermore, while Pennsylvania law gave black women the same rights as white women to pursue paternity claims against white men, the odds of black women succeeding in such suits decreased substantially in a generation.

The existence in this period of interracial couples living in legal wedlock or cohabitating suggests a minimum level of black acceptance of such relationships too. With unequal gender ratios, many black males' only option for a spouse in the continental colonies was a white indentured servant. Most of the marriages or marriage-like relationships at this time were between black men and white women. These relationships occurred frequently enough to show up in court records as children, grandchildren, and even great-grandchildren could secure their freedom by proving descendance from a white woman.[8]

Prohibitions on such marriages mattered as a couple's marital status held real consequence in the seventeenth, eighteenth, and nineteenth centuries; lawful wedlock carried concrete protections and privileges. "Marriage," historian Nancy Cott held,

---

Kathleen Brown found white opposition to interracial relationships in the colonial period increased when the female partner was white. In an attempt to "enforce the racial exclusivity of white women's sexual relationships," white servant women were the most heavily prosecuted under the colonial laws prohibiting interracial sex and marriage. Conversely, black women were prosecuted with much less frequency, but their paternity suits against white men were rarely successful. Aaron Gullickson, "Black/White Interracial Marriage Trends, 1850-2000," *Journal of Family* History, Vol. 31 No. 3 (July 2006), 209-291; Winthrop D. Jordan, "American Chiaroscuro: The Status and Definition of Mulattoes in the British Colonies," *The William and Mary Quarterly* Vol. 19, No. 2 (April 1962), 193; Jordan, *White Over Black: American Attitudes toward the Negro, 1550-1812* (Chapel Hill: The University of North Carolina Press, 1968), 137; Edmund S. Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (New York: W.W. Norton and Company, 1975), 327; Joshua Rothman, *Notorious in the Neighborhood: Sex and Families Across the Color Line in Virginia, 1787-1861* (Chapel Hill: The University of North Carolina Press, 2003), 57-9; Martha Hodes, *White Women, Black Men: Illicit Sex in the Nineteenth-Century South* (New Haven: Yale University Press, 1997), 21; Graham Russell Hodges, "The Pastor and the Prostitute: Power among African Americans and Germans in Colonial New York," in Martha Hodes, ed., *Sex, Love, Race: Crossing Boundaries in North American History* (New York: New York University Press, 1999), 61; Clare E. Lyons, *Sex Among the Rabble: An Intimate History of Gender and Power in the Age of Revolution* (Chapel Hill: The University of North Carolina Press, 2006), 380; Kathleen Brown, *Good Wives, Nasty Wenches & Anxious Patriarchs: Gender, Race, and Power in Colonial Virginia* (Chapel Hill: The University of North Carolina Press, 1996), 198.

[8] Native women too were an option in some areas, especially as warfare left many native communities with a shortage of males. Daniel Livesay, "Emerging from the Shadows: New Developments in the History of Interracial Sex and Intermarriage in Colonial North America and the Caribbean," *History Compass* 13/3 (2015), 128; Hodes, *White Women, Black Men,* 28; Elise Lemire, *"Miscegenation": Making Race in America* (Philadelphia: University of Pennsylvania, 2002), 57; Hodes, *White Women, Black Men,* 19-38.

"prescribes duties and dispenses privileges."[9] Husbands gained civil and political status as they absorbed their wives' legal and economic position. In turn, they were expected to provide for dependent wives and children. Upon a husband's death, legal wives and legitimate children could inherit even in the absence of a will and the state protected portions of estates from debt collectors for the support of widows.

Interracial couples in states where their marriages were illegal faced the threat of prosecution. The punishment for violating Massachusetts's 1705 ban, like many states', fell most heavily on the black party. They could be whipped, imprisoned, and sold out of the colony. As early as 1662, Virginia made the punishment for interracial fornication double the penalty of illicit intra-racial sex. In Maryland after 1664, a white woman who married a slave would be compelled to serve her husband's master for the rest of her life and their children well into adulthood.[10]

Despite the importance of being lawfully wed, a couple's legal status is not always clear to historians; records have been lost or were never preserved. Even at the time, determining a couple's marital status was not always possible and thus, baring evidence to the contrary, states assumed a marital relationship between cohabitating couples reputed as married. Common law or informal marriages where couples either married without obtaining licenses or resided together for a significant length of time

---

[9] Nancy Cott, *Public Vows: A History of Marriage and the Nation* (Cambridge: Harvard University Press, 2000), 2.

[10] Governor Dudley to the Lords of Trade, January 31, 1710, in Melville Madison Bigelow ed., "Province Laws 1705-1706," *The Acts and Resolves, Public and Private, of the Province of the Massachusetts Bay* vol. I (Boston: Wright & Potter, 1869), 578-80; A. Leon Higginbotham, Jr., and Barbara K. Kopytoff, "Racial Purity and Interracial Sex in the Law of Colonial and Antebellum Virginia," in Werner Sollors, ed., *Interracialism: Black-White Intermarriage in American History, Literature, and Law,* (New York: Oxford University Press, 2000), 106-8.

held equal legal status to marriages formed with state oversight. Common law marriage and its extension of marital privileges and presumption, however, was not extended to interracial couples in states that barred such unions. "In ordinary cases," a Kentucky court held, a presumption of marriage would arise "from mere cohabitancy ostensibly in the conjugal relation." Interracial couples in states prohibiting such unions, however, "repelled" such a presumption. A marriage might have been intended and consummated—the requirements along with duration for a common law union—but a union was voided when it involved an interracial pairing.[11]

Thus, marriage from the colonial through antebellum eras mattered greatly, but historians cannot always know a couple's legal status and that status was often denied to couples otherwise desirous of such unions. Legal status mattered, but how a couple and their community viewed such relationships mattered too. Historian Gloria McCahon Whiting argues a Euro-American understanding of family obscures how African Americans understood it. Instead of defining family as "coresidence and subjugation to a common authority," couples' relationships should be seen by scholars as they would have been understood by the couples themselves. As one black woman living with a white man in Mississippi in the 1930s assessed her relationship that could not be solemnized: "A few words of marriage ceremony; what do they mean? I feel I'm living a great deal more decently with a union based on love than some who are married before the law."[12] While

[11] *Armstrong v. Hodges,* 2 Ben. Monroe (Ky., 1841), 69, 70. The case involved a white woman who had purchased a black man as her slave but the pair had long since cohabitated as if man and wife. Accordingly, the case sought to determine who was in charge of the woman's property as a legal husband controlled his wife's property.

[12] Cited in Allison Davis, Burleigh B. Gardner, and Mary R. Gardner, *Deep South: A Social Anthropological Study of Caste and Class* (Chicago: Chicago University Press, 1941), 33-4; Gloria

bars on legal wedlock surely impacted interracial couples' relationships and the sense of security they derived from it, for all intents and purposes these couples would have seen themselves as married and many of their neighbors—white and black—would have also viewed them as such no matter the laws. Accordingly, this analysis will assume that consensual, long-lasting couples residing together were wed whether the state allowed such unions or not.

Consequently, from the colonial through antebellum eras, there were legal and informal marriages, and nonconsensual and ambiguous relationships. White men and enslaved black women engaged in interracial sex, but few of these relationships resulted in situations that historians can safely describe as consensual. The power dynamics of enslavement dictate that there could be no consenting relationships between enslaved women and their owners or overseers. Sexual and marital consent requires choice, a power denied or at least substantially curtailed to the enslaved. Angela Davis insists that "there could hardly be a basis for 'delight, affection and love' as long as white men by virtue of their economic position, had unlimited access to Black women's bodies."[13]

Even in situations when an enslaved woman seemingly chose to have an intimate relationship with her owner, her freedom of choice was substantially limited by her master's ability to dictate the conditions under which she lived and worked. He could threaten to sell her family or promise eventual emancipation; subject her to brutal labor

---

McCahon Whiting, "Power, Patriarchy, and Provision: African Families Negotiate Gender and Slavery in New England," *Journal of American History* vol. 105 issue 3 (December 2016), 602, 603.

[13] Angela Davis, *Women, Race, and Class* (New York: Random House, 1981), 25-6; Saidiya Hartman makes a similar point in *Scenes of Subjection: Terror, Slavery, and Self-Making in Nineteenth-Century America* (New York: Oxford University Press, 1997), 81.

conditions or reward her with light work. If she rejected him, he could force himself on her or even kill her and he would break no laws in doing so. The law recognized white women's right to reasonable self-defense against rape, but slave women were denied such a right.[14]

Many of these relationships therefore cannot be called consensual. Yet, that all of these white male/black female relationships were nonconsensual cannot be assumed either. As Amrita Chakrabarti Myers insisted, "I cannot refer to each black woman who had sex with a white man as a rape victim anymore than I can label them all wives."[15] Some of the relationships between masters and slave women might have been loving unions that functioned like marriages. Yet, most interracial sex under slavery had no veneer of loving attachments and was instead the rape of black women by white men. The complex dynamics of relationships between black women and white men will be further examined in Chapter Four, but even outside of slavery, there were few marriages between white men and black women throughout the colonial and antebellum eras as the white public proved more accepting of white men who had black mistresses than black wives. Most marriages or clearly recognizable marriage-like interracial relationships in

[14] In one of the most famous cases demonstrating that the rape of slave women was not a crime, a Missouri slave by the name of Celia was executed for murdering her owner. Robert Newsom purchased her in 1850 and raped the then fourteen-year-old Celia for the first time. For the next five years Newsom regularly raped Celia and she bore at least one child by him. While attempting to reject his sexual advances in 1855, she killed him and burned his body. She was tried before an all-white, all-male jury and the prosecution repeatedly had her testimony that she acted to stop him from rapping her stricken from the record. The judge likewise refused to give the jury instructions that Missouri law permitted self-defense against rape. The Supreme Court refused to hear the appeal and Celia was executed in 1855. As Saidiya Hartman said of the case, "the enslaved could neither give nor refuse consent, or offer reasonable resistance, yet they were criminally responsible and liable." Hartman, "Seduction and the Ruses of Power," *Callallo* Vol. 19, No. 2 (Spring 1996), 540.

[15] Amrita Chakrabarti Myers, *Forging Freedom: Black Women and the Pursuit of Liberty in Antebellum Charleston*, (Chapel Hill: The University of North Carolina Press, 2011), 15.

the colonial through antebellum eras therefore were between free black men and white women while most of the interracial sex was likely between white men and *unwilling* black women.

Nonconsensual and ambiguous relationships aside, for those informally married, there remained what Carter G. Woodson termed the damaging intent of anti-intermarriage laws. Their aim, he argued of the pre-Civil War period, was not to suppress interracial sexual relations but "to debase to a still lower status the offspring…, to leave women of color without protection against white men," and to prevent the rise of a free black population.[16] The bans on interracial marriage sought not to curb interracial sex but to criminalize it, stigmatize it, and undermine the protection marriage normally provided.

Bans on interracial marriage and widespread opposition even where bans did not exist meant that interracial couples faced many obstacles and deterrents. An interracial couple might never face legal consequence, but a dearth of concrete legal consequences did not mean the couple lived without fear of legal reprisal or the stigma of their legally illicit relationship. How couples saw themselves as married or not mattered, but so too did the threats they faced and the lack of protection their informal marriages provided.

Accordingly, informally wedded couples faced a precarious existence. Angering neighbors or turning to the government for assistance could imperil those who lacked the protection of a legal marriage. Even without community opposition, if a relationship that would have otherwise been a legal marriage ended through death or animosity, one or both partners could be left without protection. Such consequences fell especially hard

[16] Carter G. Woodson, *Free Negro Heads of Families in the United States in 1830* (Washington, D.C., 1925), vi-xv.

upon black women who often could not sue the white fathers of their children for paternity claims and could not be assured of an inheritance.[17]

Interracial couples often found acceptance of their relationships to be highly contingent. Angering a neighbor or moving could end decades-long toleration. For example, Ishmael Coffee and Hannah Gay—labeled as "mulatto" and white respectively—married in Rhode Island in 1768 to avoid their home state of Massachusetts's ban. With twenty children, the family periodically turned to their town for assistance and received it without incident. Yet, when the elderly couple moved and requested aid, their by-then fifty-year-old union became a matter of dispute. Their new town challenged the validity of their marriage before the Massachusetts Supreme Court in 1819. The court upheld the principle that states should recognize marriages contracted elsewhere and thus ruled their marriage valid.[18] Their longtime hometown could have challenged their union at any point, but only when they relocated and thereby lost allies or faced a less receptive locale, was the validity of their union threatened.

One of their daughters faced a similar challenge a few years earlier. Unaware of the ban against interracial unions, marrying in defiance of it, or assuming she would face no repercussions as her parents had not yet faced any, the Coffee's eldest—Roba Vickons—married a white man in Massachusetts in 1789. When her husband died, Roba returned to live near her parents and eventually sought financial aid. She received aid, but

---

[17] See Myers, *Forging Freedom.*

[18] "Marriages," *Vital Records of Medway, Massachusetts to the Year 1849* (Boston: New England Genealogical Society, 1905), 172; "Births," *Vital Records of Medway,* 41; *The Inhabitants of Medway v. the Inhabitants of Needham*, Supreme Judicial Court of Massachusetts, 16 Mass. 157, (1819). Ironically, Rhode Island had banned interracial marriage in 1798 so the Coffee's marriage contracted in 1768 would no longer have been considered valid in Rhode Island.

the town sought reimbursement from her late husband's former residence. Considering the marriage invalid, the latter refused and the case went before the Massachusetts Supreme Court in 1810. Conveniently deeming Roba a "quadroon" and not a "mulatto," the court found her marriage valid since the law did not specify quadroons in its prohibition.[19] Like her parents would later find, requesting aid could call into question the validity of a marriage—even, in her case, after the death of a spouse.

Fifty miles away in New Bedford, Massachusetts, however, the marital status of the Treadwell family was deemed illegitimate. Ceasar Treadwell and Deborah Bacon married in 1792. Despite the illegality of their union, because Ceasar was black and Deborah white, New Bedford authorities duly recorded their marriage and never brought charges against the couple. Only after their death—and ironically after interracial marriage had been legalized in Massachusetts—was their marriage voided. In 1848, 56 years after the marriage and five years after the state legalized interracial marriage, one of the Treadwell's daughters requested aid from the overseers of the poor. She received the aid, but the overseers investigated her background and ruled her parents' marriage void. All five Treadwell children were retroactively deemed illegitimate and their ability to receive assistance in the future threatened. The Treadwells lived seemingly without incident throughout their long union. Yet, their children were deemed illegitimate with the stroke of a bureaucrat's pen nearly six decades after the marriage.[20] Lawful marriage

---

[19] *Inhabitants of Medway v. Inhabitants of Natick* (1810), in *Reports of Cases Argued and Determined in the Supreme Judicial Court of the Commonwealth of Massachusetts,* Vol. VII (Boston: Little, Brown and Company, 1853), 75-6.

[20] Amber D. Moulton, *The Fight for Interracial Marriage Rights in Antebellum Massachusetts* (Cambridge: Harvard University Press, 2015), 35.

clearly mattered, but even those once erecognized by the town could posthumously be voided.

As these families found, government officials could threaten a family's security. Knowing this, some likely avoided interacting with government officials. This reality makes it difficult to find interracial couples in the historical record. John and Ann Barber of Nantucket, for example, presumably entered into an informal marriage before 1830. Yet, not until 1840 were they recorded as an interracial couple. Listed in 1830 as two people of color, the 1840 and 1850 censuses recorded the Barbers as a black man and white woman with three children. The 1860 census no longer listed John, but recorded Ann as living with her youngest child and presumably that child's wife and son. That census left Ann's race blank, but the three residing with her were recorded as mulatto.[21]

No records indicate if John and Ann Barber ever legally married once Massachusetts repealed its ban in 1843, but their relationship—which lasted from sometime before 1830 to sometime after 1850 and presumably only ended with John's death—appears to be, in all other respects, a marriage in practice if not in law. Ann's initial listing as a woman of color in 1830 might have been the result of an attempt to conceal the interracial nature of their union or the census taker might have only spoken with John and presumed Ann's race. Her listing as white in future censuses might have arisen from a more intrusive census taker or been the result of a more confident couple

[21] 1830 U.S. Census, Nantucket, Massachusetts. Series: *M19*; Roll: *64*; Page: *62*; Family History Library Film: *0337922.* Ancestry.com. 1840 United States Federal Census Place: Nantucket, Nantucket, Massachusetts; Roll 193; Page 417; Image: 849; Family History Library Film: 0014679 [database on-line]. Ancestry.com. 1850 United States Federal Census: *Nantucket, Nantucket, Massachusetts*; Roll: *M432_328*; Page: *383A*; Image: *186* Ancestry.com 1860 United States Federal Census *Nantucket, Nantucket, Massachusetts*; Roll: *M653_513*; Page: *672*; Image: *40*; Family History Library Film: *803513.*

who were willing to state the nature of their union after at least a decade together without legal consequence.

The Barbers were not the only interracial couple in their neighborhood. George Thomas—a black man between thirty-five and fifty-five and listed as the head of household—lived near the Barbers in 1840. The census records him as living with a white woman in her twenties and two men of color fifteen to twenty-five years in age. Too young to be the mother of the young men, she could have been in a relationship with any of the men or have been a boarder. Likewise, Thomas Snow, a man in his forties lived nearby with a woman in her twenties, Lucretia Snow. That census left Thomas's race unmarked and labeled Lucretia "mulatto." The 1855 Massachusetts state census, however, recorded Thomas as white, Lucretia as mulatto, and labeled the two young additions to the household as mulatto. The 1860 and 1870 censuses again left the box for Thomas's race empty.[22] While a sexual component should not be ascribed to all interracial households, long-cohabitation with the addition of children certainly suggests that they lived together as man and wife, even if a marriage was never recorded.

That the race of several of the white partners in these presumably informal marriages went miscategorized in several censuses underscores the difficulty of identifying interracial couples. One census alone does not tell the entire story and even

[22] Ancestry.com. 1840 United States Federal Census Place: Nantucket, Nantucket, Massachusetts; Roll 193; Page 417; Image: 849; Family History Library Film: 0014679 [database on-line]; Ancestry.com. 1850 United States Federal Census Place: *Nantucket, Nantucket, Massachusetts*; Roll: *M432_328*; Page: *384A*; Image: *188;* Ancestry.com. *1855 Massachusetts, State Census, 1855* [database on-line]. Provo, UT, USA: Ancestry.com Operations, Inc., 2014. Ancestry.com. 1860 United States Federal Census Place: *Nantucket, Nantucket, Massachusetts*; Roll: *M653_513*; Page: *699*; Image: *67*; Family History Library Film: *803513;* Ancestry.com. 1870 United States Federal Census Place: *Nantucket, Nantucket, Massachusetts*; Roll: *M593_634*; Page: *6B*; Image: *453*; Family History Library Film: *552133.*

multiple censuses might not record a couple as being interracial. More tellingly though, families could have sought to hide the interracial character of their household. That Ann Barber and Thomas Snow's race went unrecorded in multiple censuses, however, suggests the census taker at least suspected something as nearly all others in their neighborhood were categorized by race.

Wealthier interracial couples seemed to face less difficulty. Caleb Easton—the uncle of the minister, lecturer, and abolitionist Hosea Easton—married Chloe Packard of North Bridgewater, Massachusetts in 1818 despite the state's ban. Chloe came from one of the area's most respected white families and the couple prospered economically on land adjoining her family's property. Their social status won them a place in the area's local history and their seven children married into both black and white families. Jeremiah Hamilton, by far the wealthiest black man of his era, married a white woman around 1837. Even as their marriage was legal in New York, biographer Shane White noted that Hamilton began claiming a West Indian and sometimes Spanish heritage instead of a Virginia birth, a "change in his story [that] coincided with his marriage."[23] Such a change had no baring on the marriage's legality, but perhaps he thought a West Indian background would make the interracial union more acceptable.

The Easton and Hamilton families never incurred trouble from the state over their unions, even though the Easton's violated the law. Their financial positions and family

[23] The Eastons were one of the few families labeled as "colored" included in the history. Bradford Kingman, *History of North Bridgewater, Plymouth County, Massachusetts, From its First Settlement to the Present Time* (Boston: Published by the Author, 1866), 497-8; Shane White, *Prince of Darkness: The Untold Story of Jeremiah G. Hamilton, Wall Street's First Black Millionaire* (New York: St. Martin's Press, 2015), 44-5.

connections presumably offered some protection. For others though, being well-known brought scrutiny, insult, unwanted attention, and even violence. James Hewlett, the most famous black actor of his day, began living with a white woman in 1836. Records do not indicate whether or not they officially married, but she took his name. His career had begun to crumble several years earlier and he turned to petty crime. When he got into legal trouble for this in 1839, New York papers reveled in headlines like "A Practical Amalgamationist" and "Othello and Desdemona." Later that year, with his first wife or lover apparently out of the picture, he married another white woman. After a night of drinking, she ended up before a judge for disorderly conduct. Trying to secure her release, Hewlett answered the judge's queries on "how he came to marry a white woman" with a retort that inverted racial hierarchies even as the reporter likely converted his words into "dialect": "Whoy, yer worship, I thought she was as good as I was, and so why not."[24] Hewlett's fallen position from a successful actor to a joke in city tabloids predated his interracial liaisons, but the interracial relationships certainly added to editors' eagerness to cover his continuing woes and brought questioning from a judge on a matter unrelated to the charges at hand.

Harassment befell others solely because of their interracial unions. In 1839, white men brutally assaulted an elderly black man waiting with his white wife for a steamship from New Jersey to New York. Still other interracial couples only narrowly escaped violence by denying their marital status. In 1838, a black man and a white woman

[24] *New York Evening Post,* March 29, 1837; *New York Herald*, March 29, 1837; *New York Herald,* June 6, 1839; *New York Sun,* June 8, 1839; *New-York Enquirer,* June 10, 1939; *Morning Courier* and *New-York Enquirer*, June 10, 1839. A Shakespearean actor, the reporter likely put Hewlett's words into what he presumed black dialect to be.

walking arm in arm in New York City attracted a mob of young boys chanting "White woman and nigger!" As the crowd grew, the pair separated but the mob grabbed the black man. In distress, the white woman told the mob that she was an English woman unaware "of the state of public feeling here on the subject of color" and insisted that the black man was an employee escorting her for her own protection. Police arrived and took the pair to a police station until the mob dispersed. Once there, they revealed that they were in fact married. The readiness with which the woman provided an alternative story to the mob suggests that this was not the first time they had encountered trouble.[25]

Recent scholarship has argued against assumptions that interracial relationships in the colonial and antebellum eras were extremely rare. Post-Emancipation hysteria towards interracial marriage, these scholars find, should not be read backwards. Nevertheless, the above cases also suggest the precarious position in which interracial couples lived. A social *faux pas* or economic rivalry with a neighbor could prompt legal challenges. Still, selective prosecution of interracial couples allowed many to form lasting unions, even though the bans made their positions fragile and reliant on a community's continuing goodwill.[26]

---

[25] *Journal of Commerce,* July 1, 1849; *New York Daily Express,* July 1, 1840. The eight to nine white men who attacked him could not be found so the assaulted man unsuccessfully sued the captain of the ship two years later for allowing the assault to occur with his tacit approval; *Journal of Commerce,* August 3, 1838.

[26] Annette Gordon-Reed, while not minimizing white opposition to interracial sex, stresses, "it would be unwise to read late post-Civil War and twentieth-century responses to interracial sex back." Annette Gordon-Reed, *The Hemingses of Monticello: An American Family* (New York: W.W. Norton & Company, 2008), 88-9; Martha Hodes makes a vital distinction between toleration and tolerance and emphasizes that a lack of white violence does not equate to white acceptance: "*tolerance* implies a liberal spirit toward those of a different mind; *toleration* by contrast suggest a measure of forbearance for that which in not approved." Toleration of interracial relationships was far from tolerance and could quickly disappear. Hodes, *White Women, Black Men*, 3.

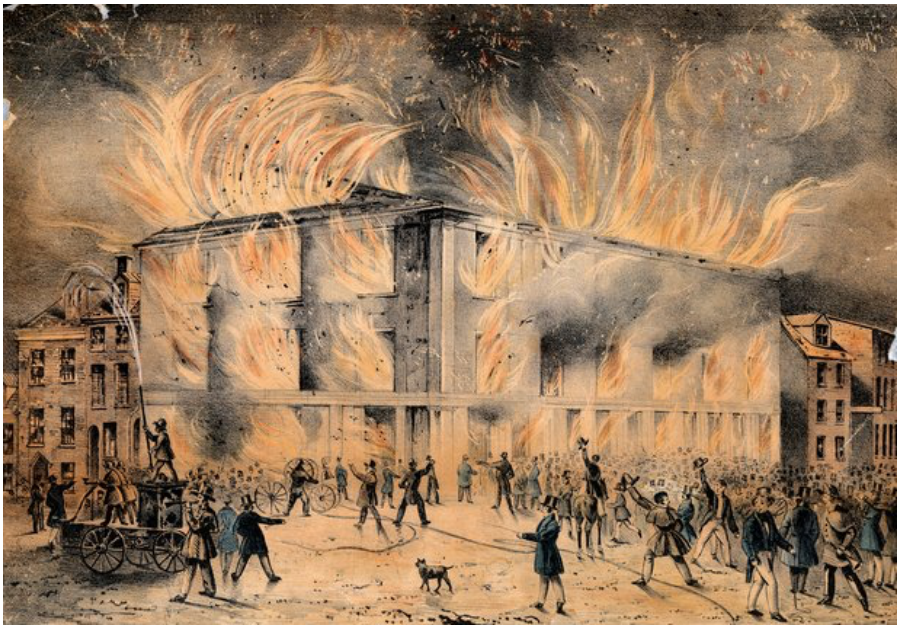
The final in a series of four prints on amalgamation, E.W. Clay's series implied a direct line between interracial interaction and the upending of social norms and hierarchies. The first print depicted interracial socializing ("Musical Soiree"), the next interracial courting ("An Amalgamation Waltz"), the subsequent an interracial marriage ("The Wedding"), and finally: "The Fruits of Amalgamation." This image represents not just the capstone print in Clay's series but the ultimate results, "fruits," of amalgamation: the inversion of racial hierarchies as a white servant caters to the interracial couple and their guests in a room filled with indicators of an overturned social order.

Figure 2: E.W Clay, *The Fruits of Amalgmation*, 1839[27]

Despite the fear of persecution interracial couples endured, they nevertheless persisted throughout the colonial and antebellum eras. White opposition made the situation more dire by the 1830s. With the rise of the abolition movement and black emancipation throughout most of the North, black and white abolitionists were increasingly dogged with the charge of being rabid "amalgamationists" and interracial couples faced increasing scrutiny. The abolitionist movement had begun advocating for immediate, not gradual, emancipation and some demanded an end to discrimination as well. Supporters of slavery retorted by insisting that abolitionists and especially black

[27] E.W. Clay, *The Fruits of Amalgamation*, 1839. The American Antiquarian Society.

men, lusted after members of the opposite race. This claim filled anti-abolitionists propaganda and fostered fears among whites of emancipation leading to widespread racial mixture. Charged with leading the country into "that foul coalition" of a racially mixed society, the general public read abolition as advocating for amalgamation and conflated interracial cooperation with interracial sex.[28]



Just days after its grand opening in 1838, a mob burned Pennsylvania Hall—a building constructed as a forum to discuss abolition and other social movements—after rumors spread that an interracial marriage had been performed there. No such marriage occurred.

Figure 3: Destruction by Fire of Pennsylvania Hall (Print by J.T. Bowen)[29]

Charges of amalgamation were wielded like a cudgel against drives for black freedom and equality. In 1834, the rumor of abolitionist ministers performing interracial marriages led to a four-day riot in New York City. The city's black population received

[28] Chris Dixon, *Perfecting the Family: Antislavery Marriages in Nineteenth-Century America* (Amherst: University of Massachusetts Press, 1997), 42.
[29] John T. Bowen, "Destruction by fire of Pennsylvania Hall, the new building of the Abolition Society, on the night of the 17th May," (Philadelphia: George and Cately, 1838). http://hdl.loc.gov/loc.pnp/pp.print

the brunt of rioters' wrath. To calm rioters, the American Anti-Slavery Society posted handbills proclaiming, "We entirely disclaim any desire to promote or encourage intermarriages between white and colored citizens." After the riot, white abolitionists and the black abolitionist Samuel Cornish sent the mayor a letter stressing their non-involvement with amalgamation. The mayor, however, returned their "amalgamated" letter without a response as he objected to its being signed by white abolitionists *and* a black one. Riots also broke out in Philadelphia in 1838, again after a false charge of amalgamation. The *Colored American* deemed fear of amalgamation "the battering ram of the pro-slavery party."[30] Abolitionists tried subverting these charges by calling southern slaveholders the true amalgamationists. Yet, in the white public's mind, amalgamation remained indelibly linked to abolition.

Few white abolitionists or anti-slavery advocates, however, were even tentative supporters of the legal right to interracial marriage, much less proponents of amalgamation. A Massachusetts weekly in 1839, for example, condemned slavery as "an

[30] Lewis Tappan, *Life of Arthur Tappan* (New York: Hurd and Houghton, 1870), 215; Leslie M. Harris, "From Abolitionist Amalgamators to 'Rules of the Five Points': The Discourse of Interracial Sex and Reform in Antebellum New York City," in Martha Hodes, ed., *Sex, Love, Race: Crossing Boundaries in North American History* (New York: New York University Press, 1999), 195, 197; Linda K. Kerber, "Abolitionists and Amalgamators: The New York City Race Riots of 1834," *New York History,* Vol. 48 No. 1 (January 1967), 32; The letter stated: "the stories in circulation about individuals adopting colored children, ministers uniting white and colored persons in marriage, abolitionists encouraging intermarriages, exciting the people of color to assume airs, &c. &c. are wholly unfounded." *New York Commercial Advertiser*, July 18, 1834; Karen Woods Weierman, *One Nation, One Blood: Interracial Marriage in American Fiction, Scandal, and Law, 1820-1870* (Amherst: University of Massachusetts Press, 2005), 102; Angelina Emily Grimké, *Appeal to the Christian Women of the South* (American Anti-Slavery Society, 1836); "Amalgamation," *Colored American*, June 23, 1838. An estimated 165 anti-abolitionist riots occurred in the 1830s. While not all involved charges of amalgamation, historian Leonard L. Richards found that "anti-abolitionists repeated no charge with greater pertinacity than that of amalgamation, and none could more effectively stir up the rancor and the brutality of a mob." Leonard L. Richards, *"Gentlemen of Property and Standing": Anti-Abolition Mobs in Jacksonian America* (Oxford: Oxford University Press, 1970), 43.

evil of great magnitude," but denounced any abolitionist who supported the legalization of interracial marriage "as too filthy and loathsome for a free New Englander to act with."[31] Favoring the end of slavery, most white abolitionists made clear, was far from supporting amalgamation.

Even white abolitionists who supported the legalization of interracial marriage did so solely as a matter of legal principle. Although Lydia Maria Child fought to overturn Massachusetts's ban, she insisted "no abolitionist considers such a thing desirable." Similarly, William Lloyd Garrison stressed that his support for repealing bans "has not been to promote 'amalgamation,' but to establish justice." White abolitionists seemed genuinely averse to amalgamation. Garrison used the appearance of an interracial affair against an opponent. Wendell Phillips, arguably the fiercest defender of the rights of interracial marriage of the era, stood as one of the exceptions to the rule as he saw interracial marriage as a positive development. He maintained that the future U.S. would be a diverse republic fully integrated and racially mixed and that the nation would benefit from this mixture. He professed that he "never did dread that terrible word amalgamation" as he saw it as "the secret of almost all progress."[32]

---

[31] Dixon, *Perfecting the Family,* 42; "Amalgamation," *Hampshire Republican* reprinted in *The Liberator,* 8 February 1839, 1.

[32] Lydia Maria Francis Child, *The Oasis* (Boston: Benjamin C. Bacon, 1834), ix, xi; William Lloyd Garrison Letter to Hannah Webb, March 1, 1843, in Walter M. Merrill, ed., *The Letters of William Lloyd Garrison: No Union with the Slaveholders, 18414-1849* (Cambridge: The Belknap Press of Harvard University Press, 1973), 131; After Frederick Douglass and Garrison diverged philosophically over the best approach to abolition in the early 1850s, Garrison openly suggested Douglass was having an extra-marital, interracial affair. He referred to the white woman as the cause of "much unhappiness in [Douglass's] household." Garrison swore he "could bring a score of unimpeachable witnesses to Rochester to prove" his allegations. Historians are uncertain if Douglass and the woman, Julia Griffiths, had an affair. Griffiths lived with the Douglass family for several years and worked closely together on *The North Star,* however, lent legitimacy to the widespread rumors of an affair. Historian Leigh Fought holds that the gossip "drew on white women's attraction to Douglass, the existing animosity toward Griffiths, archetypes of

Few African Americans could safely proffer such an argument and fewer still seemed to support such a sentiment. Amalgamation was a dangerous topic for black thinkers to even address. Accordingly, black newspapers tended to safeguard their discussions of the taboo topic by reprinting white views. They made it clear that they were not instigating the topic and the views they published were no theirs. In 1849, for instance, *Frederick Douglass' Paper* reprinted a speech from Horace Mann proclaiming that he "entertain[ed] no fears on the much-dreaded subject of amalgamation." He thought widespread amalgamation unlikely, but he decried the hypocrisy of those "who are so horror-stricken at the idea of *theoretic* amalgamation" and yet widely display "proofs of *practical* amalgamation" on every plantation. Likewise, in 1854, *Douglass' Paper* carried the views of a white man who maintained, "it is *right for members of the human family to intermarry*," although he too thought such unions would be rare as people tended to marry within their own class.[33] Interracial marriage, these accounts made clear, was natural but unlikely.

Frederick Douglass' Paper also reprinted articles written by whites who were deeply opposed to amalgamation so that "the truth *pro* and *con* may be brought out." For instance, the newspaper reprinted an article from the *National Era* in 1854 alleging,

---

extramarital affairs, and stereotypes of oversexed black men to create a simplistic public narrative designed to discredit Douglass not only as an abolitionist but also as a respectable and moral man." "The Mask Entirely Removed," *The Liberator*, 16 December 1853; Leigh Fought, *Women in the World of Frederick Douglass* (Oxford: Oxford University Press, 2017), 125; Greg Carter terms Phillips "the most consistent defender of interracial marriage." Carter, *The United States of the United Races: A Utopian History of Racial Mixing* (New York: New York University Press, 2013), 47; Wendell Phillips, "Speech of Wendell Phillips," *Liberator*, February 10, 1860. Although extreme, he was not alone. See George Frederickson, *The Black Image in the White Mind: The Debate on Afro-American Character and Destiny, 1817-1914* (Hanover, NH: Wesleyan University Press, 1971), 119-124.

[33] "Selections Extracts," *The North Star* 18 May 1849, 1; "Extract," *Frederick Douglass' Paper,* 29 September 1854, 3.

"every one of African descent values himself in proportion to the degree of white blood he has in his veins." Black women especially, the *Era* declared, "prefer illicit intercourse with white men to matrimony with men one shade darker than themselves." A black Cincinnatian writing in *Douglass' Paper* denied the *Era*'s claims and insisted, "we care no more for white than we do for black, or red, or gray, or blue, or any other kind of blood, and we are simple enough to believe that black blood is as good as white."[34] In accounts like these, black newspapers reprinted condemnations of amalgamation so that black thinkers could argue against outlandish accusations.

Like the Cincinnatian who held "black blood is as good as white," most accounts from Black Americans in the antebellum era presented interracial marriage as neither good nor bad. Forced amalgamation under slavery should be condemned, but otherwise Black Americans largely expressed ambivalence on the topic. A few admitted that "dissolute" African Americans crossed the color line in prostitution, but like denials of seeking white blood, these claims only came as responses to white allegations of misconduct. For instance, a white man by the name of Major Noah in the *New York Enquirer* complained about black prostitutes on Broadway seeking white customers. In a letter to *Freedom's Journal* in response, a black man insisted that he was "not covetous of sitting at the table of Mr. N[oah],…to marry his daughter,…nor to sleep in his bed—neither should I think myself honoured in the possession of all these favors."[35] Black people, in other words, did not see interracial relationships as something to aspire to or

[34] John L. Gaines, "What Becomes of the Free Colored People," *Frederick Douglass' Paper* 13 October 1854, 2-3.
[35] "Original Communications," *Freedom's Journal*, Aug 17, 1827, 2.

seek out. While whites raised fears by asking "would you let your daughter marry a Negro," Black Americans retorted that they were not interested in her anyway.

The newspaper's editors, Samuel Cornish and John Russwurm, agreed wholeheartedly and blamed whites for initiating most illicit interracial liaisons. "We are not ambitious," they wrote, "for the amalgamation spoken of by the Major." They could claim these "equal rights" if they wanted to, but "had we daughters with the dowry of fifty or a hundred thousand: we fear [the Major] would forget the *laws of rights and shades.*" There existed, they admitted, African Americans of "such baseness of character and conduct" that they engaged in prostitution, but it was "confined to a very small portion of the people of colour; and we would wish it were confined to a smaller portion of the whites."[36] Black neighborhoods, they complained, were nightly crowded with white men looking for black women. When illicit amalgamation occurred, white people initiated it. Respectable black people, they insisted, avoided such intimacies.

The primary route by which they defended their right to such unions was emphasizing their shared humanity with whites. Few black ethnologists addressed interracial marriage directly, but their insistence that all were "of one blood" held vital implications for interracial marriage. This notion appeared in even the earliest ethnological pronouncements from black thinkers. In 1792, mathematician, astronomer, and inventor Benjamin Banneker famously responded to Thomas Jefferson's "suspicion" that "blacks,…are inferior to the whites in the endowments both of body and mind." Banneker insisted, "however variable we may be in society or religion, however

[36] "Major Noah's 'Negroes,'" *Freedom's Journal* August 24, 1827, 3.

diversified in situation or color, we are all in the same human family." Likewise, James Forten asked in 1813 "Are we not sustained by the same power, supported by the same food, hurt by the same wounds,…and propagated by the same means?" Samuel Ennels and Philip Bell, black opponents of colonization, insisted in 1831, "A difference in color is not a difference of species." In 1837, the Reverend Theodore S. Wright held that it should be catechism among abolitionists that all were "of one blood and one family."[37]

"Of one blood," however, did not always mean black ethnologists thought the races were the same. One of the earliest works of black ethnology, Hosea Easton's *A Treatise on the Intellectual Character, and Civil and Political Condition of the Colored People of the United States* (1837), insisted that racial differences were "casual or accidental," and akin to the variety of colors seen in flowers. Environmental explanations for racial differences, like Easton insisted upon, were orthodoxy among black thinkers of the era and the "vast majority of African Americans supported this position." Nevertheless, Easton ascribed different temperaments to the races and accordingly different destinies. All humans stemmed from the same creation, but Africans were an "unwarlike people," which left them to be dominated by Europeans who had an "innate

[37] Thomas Jefferson, *Notes on the State of Virginia*, (Ann Arbor: Text Creation Partnership, 2007 [1794]), 209; Letter from Benjamin Banneker to the Secretary of State, (Philadelphia: Daniel Lawrence, 1792), http://www.pbs.org/wgbh/aia/part2/2h71t.html; James Forten, "Letters from a Man of Color on the Late Bill before the Senate of Pennsylvania" (Philadelphia, 1813), reprinted in Nash, *Race and Revolution*, 192; "Resolutions of the People of Color, at a Meeting held on 25th of January, 1831. With an Address to the Citizens of New York, 1831. In Answer to Those of the New York Colonization Society," in *Early Negro Writing, 1730-1837,* ed. Dorothy Porter (Boston: Beacon Press, 1971), 283; Theodore S. Wright, *The Colored American,* 14 October 1837.

thirst for blood."[38] But on Judgment Day, Easton insisted, God would favor the long-suffering black race. Racial differences did not matter to Easton and yet they produced distinct temperaments, which led to disparate outcomes.

Despite this view, interracial marriage was part of Easton's lived experience. His prominent and successful family descended from African, Anglo, and Native peoples. His father was of African and Wampanoag and Narragansett Indian descent. His mother's father was either white or able to pass as white while his mother was mixed-race. Two of Easton's uncles and his brother married into distinguished white families.[39] The day's racial mores classified the Easton family as "colored," "mulatto," and "black," but they embraced a far more expansive identity while also celebrating their African heritage and fighting second-class status.

As white ethnologists grew more convinced that the races fundamentally and permanently differed, black ethnologists increasingly admitted to differences between the races while still hewing to traditional proclamations of the unity of man. Henry Highland Garnet, an escaped slave considered radical for his stance that slaves should resist their masters, was one such thinker. In an 1849 speech, he began by apologizing for the use of the word "races" as he considered it "one of the improper terms of our times" as "there was but one race, as there was but one Adam." Color differences, he insisted, were immaterial and eroding as frequent race mixture made it impossible to "draw the line

---

[38] Hosea Easton, *A Treatise on the Intellectual Character, and Civil and Political Condition of the Colored People of the United States* (Boston: Isaac Knapp, 1837), 5; Bay, *The White Image in the Black Mind*, 81; Easton, *A Treaties,* 10.

[39] George R. Price and James Brewer Stewart, eds. *To Heal the Scourge of Prejudice: The Life and Writings of Hosea Easton* (Amherst: University of Massachusetts Press, 1999), 5, 40; Moulton, *The Fight for Interracial Marriage,* 34.

between the Negro and the Anglo-Saxon." Moreover, he thought, "*The Western World is destined to be filled with a mixed race.*" Nevertheless, Garnet seemingly contradicted his proclamation that race was inconsequential as he also presented the black race as eternally distinct and destined for redemption as there were "blessings yet in store for our patient race." In contrast, "the besetting sins of the Anglo-Saxon race are, the love of gain and the love of power" and they would lose in power while the black race "reoccup[ied] their station of renown."[40] Describing people of African descent as patient, long-suffering, and good, he considered them a redeemer race and in stark contrast to brutal, domineering, and seemingly unredeemable whites.

Still others continued to stress the common origins of all and focus on what seemed inevitable, amalgamation. The first African American to earn a medical degree, James McCune Smith, for instance, argued in the 1840s and 1850s that climate and environment distinguished races and governed physical and intellectual development. He rejected the idea of the innate superiority of any race. Racial difference, he maintained, would disappear as the environment of North America was causing all inhabitants to "rapidly [assume] the physical type of the Aboriginal inhabitants of this continent." The effects of environment, combined with amalgamation, would soon result in a homogenous society in Smith's estimation.[41] As all were already homogenizing in Smith's mind, amalgamation was not necessary, but was inevitable.

---

[40] Henry Highland Garnet, "The Past and the Present Condition, and the Destiny of the Colored Race: A Discourse Delivered on the Fifteenth Anniversary of the Female Benevolent Society of Troy, New York" (Troy: Steam Press of J.C. Kneeland and Co., 1848), 23, 24, 25, 26.

[41] James McCune Smith, "Civilization: Its Dependence on Physical Circumstances," (1859) in J.L. Stauffer, ed., *The Works of James McCune Smith: Black Intellectual and Abolitionist* (Oxford: Oxford University Press, 2006), 256.

Frederick Douglass entered the ethnological fray with "The Claims of the Negro Ethnologically Considered" (1854) and asserted his position on "the common brotherhood of man." Echoing Smith, Douglass held that climate and environment—not separate origins—explained physical differences between the races. He affirmed the idea of biologically distinct races, but, holding to a doctrine of universal human brotherhood, thought little followed from such an admission. He held the white ethnological view of separate origins for the races to be contrary to biblical explanations, a distraction to malign those of African descent, and an attempt to justify separate moral imperatives. Instead, he advocated the idea of one human creation and suggested that amalgamation would eventually occur without notice or concern.[42]

Thus, to Douglass, Smith, and other adherents, eventual acceptance into American society seemed inevitable as the environment alone would remove all racial distinctions. In the interregnum, however, slavery and discrimination connoted a badge of inferiority and created inequality. Once the low circumstances in which most African Americans subsisted were overcome, Douglass and Smith believed color prejudice would cease. "With a hundred thousand dollars," Douglass insisted, "I could make a black man very white."[43] Racial difference, to these men, was fading away and virtually meaningless

[42] Frederick Douglass, "Claims of the Negro Ethnologically Considered," in Phillip S. Foner, ed., *Frederick Douglass: Selected Speeches* (Chicago: Lawrence Hill Books, 1999), 287, 296. He believed "human rights stand upon a common basis; and by all the reason that they are supported, maintained and defended, for one variety of the human family, they are supported, maintained and defended for *all* the human family." The scientific consensus today holds that race is not a biological category but a social one. C.C. Mukhopadhyay, R. Henze, and Y.T. Moses, *How Real is Race? A Sourcebook on Race, Culture, and Biology* (Lanham, MD: Rowman & Littlefield, 2014).
[43] Frederick Douglass, *Frederick Douglass's Paper*, July 22, 1853.

anyway because all were owed the same rights as all were "of one blood." As such, amalgamation was of little consequence as all had a common destiny and a united future.

William Allen, a professor at New York Central College at McGrawville, agreed but also held that the races possessed distinct qualities best in combination. In the pages of *Frederick Douglass' Paper* in 1852, Allen supported interracial marriage not just as a right to have legal access to or an inevitable occurrence but also as a positive, God-ordained development. Allen maintained that each race had peculiar characteristics that, when combined, created successful nations.[44] Accordingly, Allen balked at the notion of a nation or continent composed solely of one race. "The African race is superior to other races," according to Allen, "in kindness and religious tendencies" whereas the "Anglo-Saxon race is superior to other races in calculating intellect and physical force." Unmingled, each race would make a poor nation—either too kind and pious or too aggressive and domineering. Great nations were "only produced by a fusion of races" in Allen's view. He railed that only American hysteria "at the mere mention of amalgamation" prevented further blending of the races.[45]

Yet, for Allen, an actual physical blending of the races was unnecessary. Multiple races residing together with all permitted to contribute to the nation in equality would

---

[44] George Frederickson defined romantic racialism as "acknowledge[ing] permanent racial differences but rejected the notion of a clearly defined racial hierarchy." Frederickson, *The Black Image in the White Mind*, 109.

[45] Allen, like Easton, reinterpreted "the dominant culture's ideas about gender." Easton especially, "called for revision of the gender hierarchies underlying racist ideology" as he presented whites as overly aggressive and black people as gentle and virtuous. Bay, *The White Image,* 49-50; "Letter from Wm. G. Allen," *Frederick Douglass' Paper*, June 10, 1852; "Letter from Wm. G. Allen," *Frederick Douglass' Paper*, May 20, 1852; "Letter from Wm. G. Allen," *Frederick Douglass' Paper*, June 10, 1852; "Letter from Wm. G. Allen," *Frederick Douglass' Paper*, July 7, 1852; William Allen, *The American Prejudice Against Color* (Boston: Northeastern University Press), 72.

produce the same benefits of a nation comprised of a blended race. Such coexistence along lines of equality, Allen maintained though, would inevitably *and* naturally lead to physical amalgamation. Thus, Allen's views were akin to those of Smith and Douglass as he thought amalgamation was inevitable and that the environment was leading to the same result even without physical amalgamation. Yet, with his embrace of racial differences, he accepted Garnet and Easton's notions, but desired a convergence of racial destinies in a way that he thought benefitted all.

In 1853, Allen put that future to the test when he and his white student, Mary King, sought to wed. After announcing their engagement, Allen barely escaped a crowd of 500 armed with tar, feathers, and nails. A faction within the mob decided to "rescue" King and held her as a hostage for several weeks. Undeterred, King and Allen covertly reunited, married, and fled to England. There, the once-promising career of Allen—only the second African American professor anywhere—crumbled and the couple lived out the remainder of their lives in poverty and relative obscurity. New York Central College, where Allen once taught, suffered a similar fate. Deprived of state funding and most private support, the first college founded to educate students regardless of race and gender and the first to appoint black faculty members closed its doors a few years later.[46]

Allen's post-nuptial declarations on the subject focused on the harm caused by preventing interracial marriage. Perhaps facing complaints that his marriage suggested something negative about black women, or, seeking to contrast his respectable

[46] Allen, *The American Prejudice Against Color*, 51-2 and Allen, *A Short Personal Narrative*, (Ithaca: Cornell University Library Digital Collections, 1860); R.J.M. Blackett, "William G. Allen: The Forgotten Professor" *Civil War History*, Vol. XXVI, No. 1 1980. 46.

matrimony with dishonorable concubinage, Allen contended that preventing interracial marriage primarily hurt black women. "American Caste,—the most cruel under the sun"—prevents even the most educated, beautiful, and morally pure women from marrying those she loves simply because of a trace of African ancestry. Southern states ban such unions outright, Allen decried, but northern states, "so cruel and contemptuous of the rights and feelings of colored people," see to it that a white man would face no social harm in debauching a black woman, "but would be mobbed from Maine to Delaware, should he with that same woman attempt honorable marriage."[47] Allen therefore implied that he was behaving respectably by marrying across the color line instead of merely "debauching" a white woman as white men did to black women.

As with Douglass and Smith, amalgamation was not the solution to Allen, but a consequence. Through equal opportunity, integration, and a disappearance of racism, amalgamation occurred without concern or even notice. As Allen had said of his interracial marriage, such unions were "one of the logical results of the very principles on which [interracial institutions like Central College] was founded."[48] Their utopian visions included amalgamation not as a means to achieve racial harmony but as a sign of its occurrence. They envisioned an end to discrimination and therefore, inevitably, a homogenizing process in which racial differences would erode, or, at the least, an erosion of discrimination as the environment homogenized everyone.

---

[47] Allen, *The American Prejudice,* 56, 7, 12-13.
[48] William G. Allen, *A Short Personal Narrative*, (Ithaca: Cornell University Library Digital Collections, 1860), 23.

The father of black nationalism thought such a utopian future of blacks and whites coexisting or melding in harmony was unrealistic. Martin Delany believed the black race could only obtain freedom by striking out on its own. Going further than all prior black ethnologists on his suggestions of racial differences, in 1854 he declared, "we are a *superior race.*" Yet, even he argued for a common origin of the races. He thought the environment had created physical and mental differences to the point where the two races were incompatible. He believed the superiority of those of African descent should be acknowledged and their race's talents developed "in their purity." Taking great pride in his pure African heritage and opposing amalgamation, as it would dilute the race, he contended that Black Americans had a separate future from white Americans. Those, like himself, who were "of pure and unmixed African blood," possessed a vital role in "the elevation of the colored man."[49] To Delany, the race's future depended not on obtaining rights by insisting that all were "of one blood," but in demonstrating the strength of African blood through separation.

Although seemingly a break with earlier views, Delany in part echoed David Walker's emphasis on common human origins and simultaneous human differences. In a line akin to the "of one blood" sentiment, Walker insisted that "Man, in all ages and all nations of the earth, is the same." Yet, at the same time, he wondered whether whites were "*as good* as ourselves."[50] Amid his larger point on the symbolic meaning of

---

[49] Martin R. Delany, "Political Destiny of the Colored Race on the American Continent, 1854," in Robert S. Levine, ed., *Martin Delany: A Documentary Reader* (Chapel Hill: The University of North Carolina Press, 2003), 15, 107, 251.

[50] Walker, *Appeal to the Colored Citizens*, 64, 11; "*A pinch of snuff*" refers to a small portion from a container of ground tobacco, a product that would have been very cheap at the time and thus the expression

prohibiting interracial marriage, Walker made two other crucial points: his personal indifference or even opposition to interracial marriage and his prediction of a future in which whites would clamber to marry African Americans. Whites, believing themselves superior, insisted Black Americans eagerly sought white spouses. In stark contrast, Walker's dismissal of this notion was a dismissal of the idea of white superiority; white people were not worth lusting after. The races should be allowed to intermarry in principle, but in practice, Walker saw little value and in fact only debasement for black people in marrying interracially.

Walker disparaged black men who would "slave his own colour" to marry a white woman "because she is *white.*" Such a person, he insisted, would be and "ought to be treated by her as he surely will be, viz: as a NIGER!!!! [sic]." In Walker's analysis, black men who married interracially to obtain the perceived privileges of whiteness were unworthy of being treated as equals to their spouse and were unlikely to even find a spouse "good for anything." They would marry beneath them and yet would be treated as inferior still. Thus, for Walker, there was nothing inherently wrong with interracial marriage, but the type of people who intermarried, were of low character as they married for the wrong reasons. He argued against the stereotype of black men seeking white women and disparaged the character of those who would marry interracially for perceived social advantages.[51]

---

is akin to the expression "couldn't care less," meaning complete indifference or even disgust or dismissal of the concept. A white woman as a partner is, in his view, worthless.

[51] Walker, *David Walker's Appeal to the Colored Citizens*, 11.

Walker also suggested a pending reordering of the racial hierarchy. Despite their lowly condition now because of white discrimination, Walker held that black people would soon be recognized for their worth. "The Lord knows," Walker insisted, "there is a day coming when [whites] will be glad enough to get into the company of the blacks." Although currently considered "almost on a level with the brute," Walker held that soon black people would be thought of as not just equal to whites but superior.[52] Akin to seeing distinct racial destinies, as Garnet, Easton, and Delany would later hold, Walker celebrated a rising race.

Thus, two strands of thought arose in the antebellum era. One envisioned race as losing its importance and racial distinctions falling away as prejudice eroded. Another saw a future in which race remained or even increased in salience and only through cultivating a united race could Black Americans survive and even thrive. For the former, interracial marriage could still be something to be ambivalent about, as amalgamation need not occur to obtain such a future as the causal mechanism was not the disappearance of race but the disappearance of racial discrimination. Indeed, interracial marriage pursued for its own sake would be an anathema to the notion that racial differences should not matter.

For those who believed race would retain its significance, however, amalgamation threatened racial unity and stirred-up white antagonism. Case in point, even as Allen escaped the mob's violence, his career fell apart and one of the few institutions of higher education that admitted African Americans began its decline. The town of Granby, near

[52] Ibid., 11.

Central College, passed a resolution outlawing interracial marriage.[53] The riots in 1834 and 1838, brought on by mere rumors of interracial marriages, were far from isolated incidents. Even the idea of interracial marriage was a dangerous subject. Further, many believed such unions would do nothing to eradicate prejudice as whites all-too-often ascribed the talents of mixed race figures to their white linage. By eschewing such relationships and developing the race "in [its] purity" as Delany held, Black Americans could demonstrate their abilities and even if whites continued to deny black achievements, the race would have cultivated the strength and institutions to combat white discrimination. There were no utopian futures of peaceful homogenization and amalgamation in store for blacks and whites in these thinkers' minds. Only through eschewing interracial relationships, could Black Americans maintain racial unity and build a strong community. "Of one blood," might have been catechism among black thinkers of the era, but another biblical phrase, "Princes shall come out of Egypt," foretold a distinct destiny for people of African descent to these thinkers.

That all were "of one blood," however, remained a vital contention for all black thinkers of the period as such a stance remained not only a central stratagem for demanding rights but a central belief as well. All were "of one blood" and thereby entitled to the same natural rights. Regardless of differences, Walker's profession of

[53] Allen, *The American Prejudice,* 52.

indifference or even opposition to actually marrying interracially characterized many black thinkers' espousals on the topic.[54]

Walker wrote his treatise from Massachusetts, a state that was both the center of the abolitionist movement and one of the few northern states maintaining an interracial marriage ban. Pennsylvania ended its prohibition in 1780, leaving Massachusetts, Maine, and Rhode Island as the only free states with bans. Black reformers and a few radical whites in Massachusetts started a campaign to change this in the 1830s.[55]

Although joined by some white radicals, African Americans led the fight to overturn the ban.[56] In doing so, they shaped the fight for repeal as a prerequisite for equality and a vital component in dismantling racial oppression. William Lloyd Garrison might have termed interracial marriage bans the "last vestige of slavery," but black reformers envisioned the removal of the ban as the first step in a chain of reforms necessary to obtain equal rights and full citizenship.[57] Ending the ban would be an admittance of Black Americans' common humanity with whites and thus a necessary step in the battle for full citizenship rights.

Charles Lenox Remond took the lead in the fight. Born free, Remond sought not just the end of slavery, but full social and legal equality. A founding member of the New England Anti-Slavery Society and the American Anti-Slavery Society, Remond became

---

[54] Marcus Garvey is one of the few who openly supported legal bans to interracial marriage. Barbara Bair, "Remapping the Black/White Body: Sexuality, Nationalism, and Biracial Antimiscegenation Activism in 1920s Virginia" in Hodes, ed., *Sex, Love, Race,* 399.
[55] Rhode Island did not ban interracial marriages until 1798 and Maine did not pass its ban until 1821, a year after breaking off from Massachusetts. Iowa in 1851 and Kansas in 1859 ended their prohibitions, but with very little debate and around the time of obtaining statehood.
[56] Moulton, *The Fight for Interracial Marriage Rights,* 49.
[57] "Legislative," *Liberator*, January 8, 1831.

the most prominent black orator before Frederick Douglass overtook him in the 1840s. Remond aimed to eradicate all forms of racial prejudice and sought to expand abolition's focus from slavery to ending discrimination and second-class citizenship. Not content with merely lecturing on the rights African Americans should have, Remond pushed the boundaries of interracial social conventions and attempted to live what he argued. Measuring freedom by his ability to socialize with white women without harassment, Remond publicly walked arm in arm with white women.[58]

Accordingly, Remond held that bans on interracial marriage were grave affronts to equality and he worked fiercely against Massachusetts's ban. He maintained, interracial marriage was the epitome of rights necessary for a free and open society. What mattered was not marrying whites but the principle that they should be able to socialize and form families with anyone of their choice. It was a tacit acknowledgement of the shared humanity of all and therefore a necessary entry point for achieving all other rights in Remond's mind. If all were "of one blood," then a marriage ban ran counter to the pronouncement in the Massachusetts Constitution that "all men are born free and equal." Redmond sought to wield the same clause used to end slavery in that state to overturn its prohibition on interracial marriage.[59]

---

[58] "Legislative," *Liberator*, January 8, 1831; For more on Charles Lenox Remond, see William E. War, "Charles Lenox Remond: Black Abolitionist, 1838-1873," PhD Dissertation Clark University (1977); Moulton, *The Fight for Interracial Marriage*, 57; In 1839, the *Commercial Gazette* complained a "certain young lady" and a black man walked arm in arm down the street together. An anonymous letter in the *Liberator* reported that the unnamed figures were Hannah Dole and Remond and defended the latter's character. "Equal Rights," *Liberator*, February 8, 1839.

[59] "Bristol County Anti-Slavery Society," *Liberator*, May 15, 1840, 78; Charles Lenox Remond, "From the Colored America," *Liberator,* October 16, 1840; Article I, *A Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts*, 1780. https://malegislature.gov/Laws/Constitution.

Invited to speak before the state legislature on the topic of integrating railroads in 1842, Remond used the occasion to address interracial relationships too. In a savvy line of reasoning, he presented the issue as one that infringed upon white men's rights. "What if," he queried, "the gentleman who has been elevated to the second office in the gift of the people, should be traveling from Boston to Salem," would the superintendent of railroads "separate him from his wife or daughters?" Remond's reference to the former Vice President Richard Johnson's well-known relationship with his slave garnered bursts of applause—an impressive fete of oratorical skill given the delicacy around which the topic usually had to be approached and given the dignified description he made of someone often dismissed as a slave-concubine. Marriage bans were "the corroding fetters of prejudice" and Remond aimed to remove these fetters so that he and other Black Americans might be full citizens.[60]

Remond, however, was not alone in the fight against Massachusetts's ban. In the late 1830s and early 1840s, Black Massachusettsans signed petitions demanding interracial marriage's legalization. Over three hundred individuals, for instance, signed a petition at the Belknap Street Church in Boston in 1843 denouncing the state's ban. They

---

[60] "Testimony by Charles Lenox Remond delivered at the Massachusetts State House, Boston, Massachusetts, February 10, 1842," in C. Peter Ripley, ed., *The Black Abolitionist Papers Volume 3* (Chapel Hill: The University of North Carolina Press, 1991), 370-1. Richard M. Johnson was Vice President from 1837 to 1841 under Martin Van Buren and was well-known for having a long-term relationships with his slave, Julia Chinn. He treated her as a common-law wife, although she died still enslaved in 1833. Their two children were educated and married to white men, although upon Johnson's death in 1850, the only surviving daughter could not inherit his estate because she was considered illegitimate. After Julia's death, Johnson began another relationship with one of his slaves. When she tried to escape, he sold her off and began a relationship with her sister. Carolyn Powell, "'What's Love Got To Do With It?'": The Dynamics of Desire, Race and Murder in the Slave South," PhD Diss., University of Massachusetts Amherst (2002), 143-195; Charles Lenox Remond to Mrs. Ellen Sands, April 1, 1840, F: mss. 271, Remond Family Papers. Charles Lenox Remond Letters, The Phillips Library at the Peabody Essex Museum.

held the law to be "at variance with the Constitution of the State."[61] Only African Americans signed this petition, as white moral reformers who also supported ending the ban were loath to sign an "amalgamated" petition, a petition with black and white signatories. Remond and several other notable black leaders like his father and sister (John Remond and Sarah Parker Remond), Robert Morris, William Allen, William Cooper Nell, and Benjamin F. Roberts were allowed to sign a petition with sixty-eight whites, but the black masses had to sign their own. Far from garnering only a few supporters, some of the petitions amassed hundreds of signatures from black men and women. An 1838 petition from Black Americans in New Bedford contained forty-one signatures, ninety-two in 1842, and 339 in 1843—a third of its black population. Three petitions from Boston amassed 500 signatures in 1843 and one from Nantucket generated seventy-six signatures that same year.[62]

That so many black Massachusettsans signed petitions in support of interracial marriage should not be read as confirmation of allegations that they sought white spouses, but as a clear sign of the importance of the issue to them. Demanding the overturn of the ban was a means to gain acknowledgement that all were "of one blood," and thus had the right to claim civil and natural rights. Many might agree with Walker

[61] Benj. Weeden, Chairman and Wm. C. Nell, Sec., "Meeting of the Colored Citizens of Boston," *The Liberator* 10 February 1843.
[62] Digital Archive of Massachusetts Anti-Slavery and Anti-Segregation Petitions, Massachusetts Achieves, Boston, MA, "Passed Acts; St. 1843, c.5, SC1series 229, Petition of Francis Jackson, Harvard Dataverse, V5. https://doi.org/10.7910/DVN/FDFEX; Moulton, *The Fight for Interracial Marriage Rights,* 70.

and not give "*a pinch of snuff*" to marry interracially, but they would secure the legal recognition that they were "of one blood."[63]

For black activists, removing the ban on interracial marriage was just one piece of a larger struggle, but a vital one at that. The petition signed at Boston's Belknap Street Church included opposition to railroad segregation and support for a law that would bar state officials from assisting in the arrest of suspected fugitive slaves. Few white petitions embraced a larger body of issues and as the unwillingness to sign "amalgamated" petitions underscores, white support was highly limited.[64]

Against a rising tide of "scientific" racism that sought to read black people out of a common humanity with whites, black ethnologists stressed that all were "of one blood." Black Americans recognized and fought for the principles at stake over interracial marriage bans. The same logic that made such bans seem essential justified the continuance of slavery and second-class citizenship. While black views on interracial marriage would be more internally debated after the end of slavery, African Americans' earlier views on interracial marriage laid the groundwork upon which later debates would ensue and shaped the legal landscape as activists fought for the legalization of interracial marriage and built a body of ethnological thought that would continue to grow after emancipation.

In addition to ethnological debates and fights to overturn bans as a matter of

---

[63] At least one signatory on a petition to overturn the state's marriage law, however, cared about the matter more than just as a matter of principle. Perry Young, who signed the New Bedford petition, married a white woman months after interracial marriage became legal. Moulton, *The Fight for Interracial Marriage Rights,* 73.

[64] Shirley Yee, *Black Women Abolitionists: Study in Activism, 1828-1860* (Knoxville: The University of Tennessee, 1992), 60; Weeden and Nell, "Meeting of the Colored Citizens of Boston," *The Liberator* 10 February 1843; Moulton, *The Fight for Interracial Marriage Rights,* 212.

principle, the lived experiences of interracial couples also shaped black views on the matter. If interracial marriages or marriage-like relationships could not be counted on as providing the same protections intra-racial unions provided, then one could still support interracial marriage in principle, but be dubious of the practical realities of it nonetheless. For African Americans, however, the risks of marrying interracially or supporting legal access to it could also prove lethal. As the numerous riots and William Allen's experiences illustrate, interracial marriage could not only spell death and ruin once-promising careers, but could also erode opportunities in the few interracial organizations in existence, threaten to bring about bans where they did not already exist, and impede the fight against slavery.

Support for interracial marriage, even just in theory, was risky. Moreover, the stakes for Black Americans were far higher than they were for even the most committed white abolitionist. Yet, the principles at stake were too important to neglect. Few Black Americans saw such unions as desirable, but they fought for legal access. The seeming contradiction in the positions that all were "of one blood" and yet the races possessed distinct qualities and destinies was itself not a contradiction but evidence of the need to defend the race's humanity while a budding nationalist sentiment developed.

Chapter 2: "The Shoe Pinches on the Other Foot": Fighting Hypocrisy after Emancipation

After the term "miscegenation" was coined in 1863, mainstream newspapers widely adopted it. Yet, rarely did a black newspaper use this neologism. Tellingly, one of its first appearances in a black newspaper came in 1866 when the *New Orleans Tribune* used it, not in reference to an interracial marriage but to describe a white man's attempted rape of a black woman. The newspaper reported that Thomas Stewart, "a supporter of miscegenation," brutally attempted to rape Minnie Giles, "a young person of eighteen who cannot be taken for a Caucasian."[1] While mainstream newspapers wielded the new term as a cudgel against black rights, black newspapers were more selective in their use of this new and loaded term. For Black Americans, the term embodied white hypocrisy and injustice.

Two Democratic journalists posing as Republicans coined the term "miscegenation" to influence the 1864 election. The scientific-sounding term from *miscere* (mix) and *genus* (race) promoted the false notion that the Republican Party not only condoned interracial marriages, but actively encouraged them.[2] The neologism

[1] "Chronique," *New Orleans Tribune*, December 21, 1866, 1. The original article was published in French and was translated via Google Translate.

[2] The term also suggests the national prominence the term would eventually inhabit as it combines "misceg"—the mixing of family/race/genus with "nation." The two Democratic journalists who coined the term were David Goodman Croly, the managing editor of the New York *World*, and George Wakeman,

promoted the idea "that sexual contact between blacks and whites is an abomination that sullied ostensibly pure gene pools and endangers the body politic." The term's instant and enduring popularity highlights the white public's desire for a new term in the light of black freedom to describe something that had long been around. The term rooted itself into America's racial lexicon and became the "rhetorical means of channeling the belief that interracial marriage was unnatural into the foundation of post-Civil War white supremacy."[3] Although Abraham Lincoln won reelection, the Democrats' scheme worked as the issue became a major focus of the campaign and raising fears of miscegenation served as a central wedge issue for at least a century thereafter.

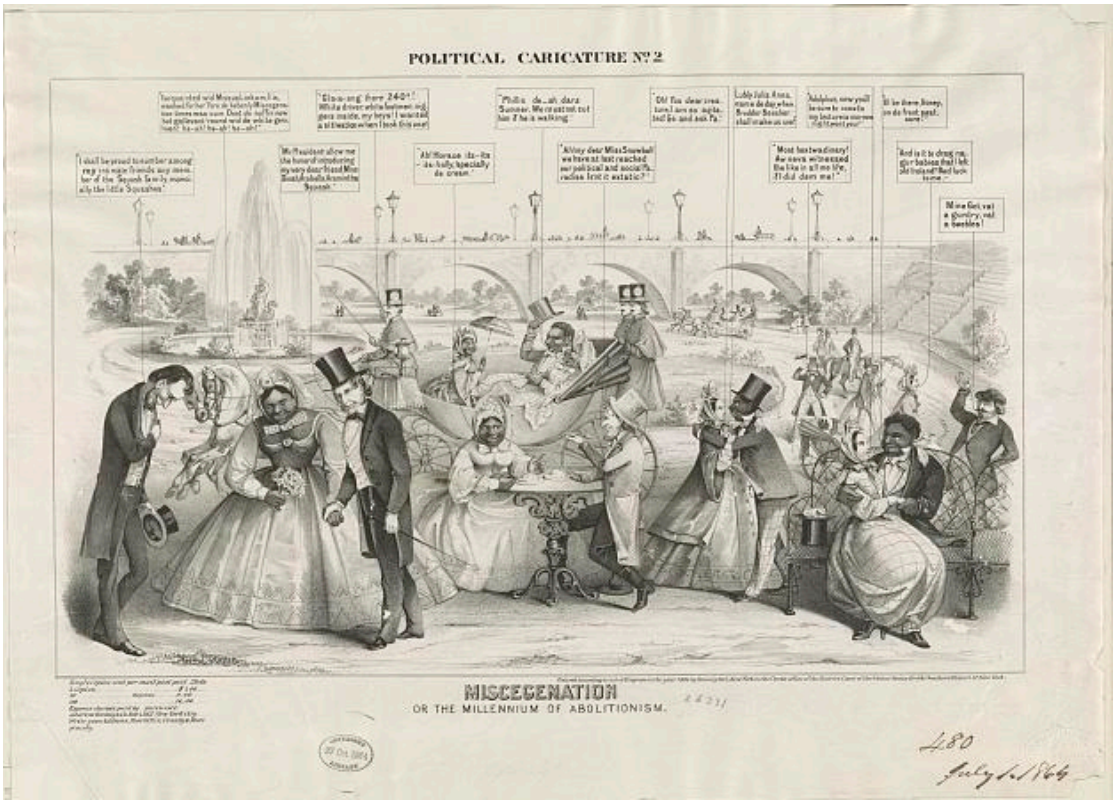
For African Americans, however, the issue was not truly over terminology, but the reality that white men continued to exploit black women and that the race faced persistent restrictions to their freedom, a rising chorus of accusations against them, and a continued assault on the notion that all were "of one Blood." As such, uses of the term "miscegenation" like the *New Orleans Tribune*'s represents an attempt to change the narrative surrounding interracial sex and marriage after Emancipation. Far from using "miscegenation" to fear-monger and justify racial oppression as whites did, Black Americans raised the issue to illustrate hypocrisy and injustice. Miscegenation did not represent an abstract fear among Black Americans like it did among whites dreading the prospect of a level social and political field. It represented a concrete, ongoing reality

---

Croly's employee. Greg Carter, *The United States of the United Races: A Utopian History of Racial Mixing* (New York: New York University Press, 2013), 71.

[3] Michele Mitchell, *Righteous Propagation: African Americans and the Politics of Racial Destiny After Reconstruction* (Chapel Hill: The University of North Caroline Press, 2004), xxi; Peggy Pascoe, *What Comes Naturally: Miscegenation Law and the Making of Race in America* (New York: Oxford University Press, 2009, 2.

where they were not free from white men's sexual interference and unwarranted accusations designed to restrict their newfound freedom.



This 1864 political cartoon aimed to depict a ludicrous version of the results of racial equality as allegedly proposed by the Republican Party. President Lincoln bowing as Senator Charles Sumner introduces him to a black woman who exclaims that she had once done laundry for Lincoln's wife, but now "dont do nuffin now but gallivant 'round wid de white gemmen!"

Figure 4: "Miscegenation or the Millennium of Abolitionism"[4]

Although abolitionists—black and white—had long been accused of being amalgamationists, the 1863 "Miscegenation: The Theory of the Blending of the Races" pamphlet coining the term marked a turning point. The pamphlet not only firmly and seemingly permanently linked black freedom and citizenship rights with interracial

[4] G.W. Bromley & Co., "Political caricature. No. 2, Miscegenation or the millennium of abolitionism," (New York: Bromly & Co., 1864) http://www.loc.gov/pictures/item/2008661680/.

marriage, but it forced African Americans into a defensive position. Try as they might, they could not untangle themselves from accusations of being sexual predators that by all rights should have been laid at the feet of former slave owners. In the day's political rhetoric, Republicans, abolitionists, and especially African Americans received the blame for miscegenation. They supposedly sought white spouses to rise socially, economically, and politically.

Black Americans pointed out that white men had carried out nearly all interracial mating to-date, often violently, but as the term miscegenation grew in popularity, black men were painted as ravenous beats lusting after white women and black women were portrayed as sexual tricksters who seduced white men. The "myth of the black male rapist" coalesced in the years thereafter, but even in these immediate post-war years, African Americans were construed as the ones lusting after sexual partners across the color line for nefarious purposes. Black Americans forcefully responded to the allegations laid against them by attempting to redirect the charges onto white men.

Freedom proved both transformative and formative for whites' views but also for African Americans', particularly for their ability and need to take on the issue. Newly freed, black families found themselves with more control over who interacted with black women and girls than ever before. Newly enfranchised, black men were in a position to address interracial marriage laws as both voters and officeholders for the first time. Yet, the heightened white anxiety over the issue and the near-constant allegations of black wrongdoing made the issue highly fraught. For the first time, the formerly enslaved could take on the issue directly, but doing so was riskier than ever before.

The charged atmosphere required Black Americans to adapt rhetorical tactics to the new environment. To allegations of black malfeasance used as an excuse to limit rights and terrorize freedpeople, African Americans responded with allegations of their own. Denying any interest in interracial romance was necessary but insufficient given the extent of the white public's hysteria. The abject hypocrisy of white men who labeled all black men sexual predators and all black women whores while condoning or ignoring their own race's history of sexual misconduct dictated a more strenuous rebuttal than simply denying interest in interracial marriage. As the rhetoric and charges against their race grew, Black Americans insisted, as one black officeholder put it, that the "shoe pinches on the other foot."[5] They sought to reverse the very charges leveled against them onto the white men to whom the charges belonged.

Self-protection, however, depended upon establishing the legal right to interracial marriage. Given the continued abuse black women faced from white men and the violence against black men already being accused of coveting white women, African Americans could not simply avoid the sensitive issue by renouncing interracial marriage wholesale. Instead, they confronted interracial relationships and the accompanying white hypocrisy head on. White rhetoric won out as the image of the black male rapist became firmly entrenched in white Americans' minds and interracial marriage remained illegal

[5] Lori D. Patton, "Preserving Respectability or Blatant Disrespect," *International Journal of Qualitative Studies in Education* Vol. 27 Issue 6 (2014), 724-746. Evelyn Brooks Higginbotham coined "the politics of respectability" in *Righteous Discontent: The Women's Movement in the Black Baptist Church* (Cambridge: Harvard University Press, 1993), 185; "Debates and Proceedings of the Convention which Assembled at Little Rock, January 7, 1868 to form a Constitution for the State of Arkansas" (Little Rock: J. G. Price, 1868), 501.

across the South for a century thereafter, but the allegations and bans did not pass without a fight.[6]

Along the way, Black Americans' insistence of who was truly at fault for forced miscegenation garnered a few victories, altered the nature of the debate, and laid the groundwork for later battles. Fully cognizant of the ties white opponents of their freedom sought to make between social and political equality, Black Americans fought to change the narrative of black malfeasance by emphasizing white wrongdoing and calling for the protection of black women, all while denying interest in interracial marriage but defending the right in principle. This chapter traces black newspapers' pushback against a narrative around interracial marriage that was gaining ground, examines black families' efforts to avoid unwanted relationships, analyzes black newspapers and thinkers' parsing of the term "social equality," and delves into a constitutional debate in which black delegates successfully halted a constitutional ban on interracial marriage. The white narrative of black wrong doing won out, but the principled narrative black thinkers and activists developed during this era would serve the race well in the years thereafter.

The "Miscegenation" pamphlet left little doubt that emancipation and political equality would lead to widespread miscegenation; "Let it be understood, then, that equality before the law for the negro, secures to him freedom, privilege to secure property and public position, and above all, carries with it the ultimate fusion of the negro and

[6] Interracial marriage remained illegal in all former states of the Confederacy until the 1967 Supreme Court ruling *Loving v. Virginia,* although even after the ruling many states kept marriage bans on the books for years and even decades thereafter. South Carolina and Alabama kept their marriage bans on the books until 1998 and 2000.

white races." Freedom, opponents of black freedom insisted, would allow black men to obtain "social equality" and thereby threaten white men's public and patriarchal power.[7]

For black families, however, freedom meant the ability to protect one's family from white interference. Such freedom seemed a cruel farce as Union troops and white southerners abused black women with near impunity. Reconstruction was one of the most violent periods in U.S. history as white men freely attacked Black Americans. Former Confederate soldiers as individuals and in groups terrorized black people through sexual violence that underscored the hypocrisy of the era. White men attacked black men in retribution for voting or their supposed illicit or violent misconduct with white women, while often those very same white men freely attacked black women and rationalized those attacks with assaults on the character of black women.[8]

Contributing to this climate, mainstream newspapers around the nation sensationally reported on interracial marriages. In perhaps the most absurd complaint about "miscegenation" at the time, the mainstream *Richmond Examiner* ran multiple articles in 1866 expressing outrage—nay horror—that its competitor, the mainstream newspaper the *Richmond Times*, had printed marriage announcements for black couples "in the *same* column" as white couples' announcements. Painting itself as "standing almost alone in this city as an assertor and defender of all that is left of the South," the *Examiner* insisted that the *Times* had "debase[d] the society of the South" through its

---

[7] [David Goodman Croly and George Wakeman], *Miscegenation: The Theory of the Blending of the Races, Applied to the American White Man and Negro* (New York: H. Dexter, Hamilton & Co., 1864), 60, 1, 8-9.
[8] For more on the topic of sexual violence after Emancipation and the political motives behind it, see Hanna Rosen, *Terror in the Heart of Freedom: Citizenship, Sexual Violence, and the Meaning of Race in the Postemancipation South* (Chapel Hill: The University of North Carolina Press, 2009).

miscegenationist marriage announcements.[9] Sensationalized news of alleged interracial marriages filled papers across the country and created a narrative that such unions were undermining the social order. In contrast, black newspapers took a far more restrained tone and attempted to reverse whites' charges against black people's presumed licentious.

Surrounding this coverage were new, reinforced, and strengthened bans. The western states and territories of Nevada (1861), Oregon (1862), Idaho (1864), Colorado (1864), Arizona (1865), and Wyoming (1869) passed bans for the first time as did Ohio (1861) and the new state of West Virginia (1863). The former slave states of Arkansas, Delaware, Louisiana, Tennessee, Texas, and Virginia reaffirmed their bans. In 1865, Alabama, Florida, Kentucky, Missouri, and North Carolina passed postwar bans to supplement prewar ones. Alabama and Georgia enshrined bans in their new constitutions. Kentucky and Texas increased their penalties for interracial marriage in 1866 and Mississippi made the penalty for it life imprisonment.[10]

---

[9] "The Richmond Times and Miscegenation," *The Richmond Examiner*, March 20, 1866.

[10] An act to Prohibit Marriages and Cohabitation of Whites with Indians, Chinese, Mulattoes and Negroes, ch. 32, 1861 Nevada Territory Statute 93; An Act to Regulate Marriages, sec. 3, 1862 Oregon General Laws 85; An Act to Prohibit Marriages and Cohabitation of Whites with Indians, Chinese and Persons of African Descent, 1864 Idaho Territory Laws 604; An Act Amendatory of Chapter Thirty, Thirty-one, and Thirty-two, Howell Code, ch. 30, 1865 Arizona Territory Session Laws 58; An Act to Prevent Intermarriage between White Persons and Those of Negro, or Mongolian Blood, ch. 83, 1869 Wyoming Territory Laws 706; An Act to Declare the Rights of Persons of African Descent, no. 35, sec. 2, 1867 Arkansas Acts 99, Delaware Revised Statues, title 11, ch. 74, sec. I (1874); Article 95 of the Louisiana Civil Code (1808), Tennessee Comp. Laws (1873), title 4, ch. I, art. I, sec. 2437, 1097; An Act to Define and Declare the Rights of Persons Lately Known as Slaves, and Free Persons of Color, ch. 128, sec 2, 1866 Texas Laws 131; Virginia Code (1873), title 31, ch. 105, sec. I and title 54, ch. 192, sec. 8-9; West Virginia Code (1870), ch. 64, sec. I, 3; An Act to establish and Regulate the Domestic Relations of Persons of Color, no. 4733, sec. 8, 1864-5 South Carolina Acts 291; Georgia, Constitution (1865), Art. V, sec. 1, clause 9; Alabama Code (1865), secs. 3602-3, 690; Alabama Constitution of 1865, art. 4, sec 31; General Constitution of 1865, art. 5, sec. 4988; An Act in Addition to an Act to Amend the Act Entitled an Act Concerning Marriage Licenses, ch. 1468, 1865-66 Florida Acts 30; An Act in Relation to the Marriage of Negroes and Mulattoes, no. 37, sec. 3, in Jacob Swigert, *A Digest of the General Laws of Kentucky* (Cincinnati: R. Clarke, 1866), 734-5; Missouri General Statute (1866), ch. 113, sec. 2, 458; An Act Concerning Negroes and Persons of Color or of Mixed Blood, ch. 40, sec. 8, 1866 North Carolina Laws 99;

This spread and strengthening of interracial marriage bans partially reversed itself just a few years later. Between 1867 and 1874, six southern states repealed or overturned their bans through legislative action and judicial invalidation. By 1894, all had reenacted bans and all southern states maintained them until *Loving v. Virginia* (1967).[11] Couples who had wed while it was legal could find their marriages voided, their children deemed illegitimate, and inheritance rights challenged. As interracial couples found in the colonial and antebellum eras, local toleration for their relationships could quickly erode.

As whites raged about invented misdeeds of black men and the supposed lasciviousness of black women, a near-constant retort from African Americans was to point out the actual wrongdoing of white men. In doing so, Black Americans emphasized the hypocrisy of white fear-mongering and the political motives at work. For example, speaking at an Emancipation Day celebration in Georgia in early 1866 as white Georgians debated a constitutional ban on interracial marriage, Henry McNeal Turner, a future Bishop of the A.M.E. Church, used the occasion to focus on the wrongdoing of white men. White men, Turner insisted, were the ones who had mixed with both black and white women, not black men.[12]

An Act to Carry into Effect the Ninth Clause of the First Section of the Fifth Article of the Constitution, title 31, no. 254, 1865-66 Georgia Acts 241, An Act to Repeal…Sections of Article 30 of the Code of Public General Laws, Title "Crimes and Punishments," ch. 64, 1867 Maryland Laws 93; An Act to confer Civil Rights on Freedmen, and for Other Purposes, ch. 4, sec. 3, 1865 Mississippi Laws 82; Kentucky, Digest of General Laws (1866), quoted in Fowler, Northern Attitudes towards Interracial Marriage, 373; Harvey Applebaum, *Miscegenation Statues: A Constitutional and Social Problem* (Washington, D.C.: Georgetown University Law Center, 1964), 50.

[11] Louisiana was the last southern state to re-impose its prewar ban on interracial marriage in 1894.

[12] Henry McNeal Turner, "On the Anniversary of Emancipation," an address for the Emancipation Day Anniversary Celebration in Augusta, Georgia on January 1, 1866, 10.

Black writers regularly turned to newspapers to make opinions like Turner's known. Georgia's *Colored American,* for example, cried foul at whites' newfound concern over racial mixture given that white men had long forced "social equality" onto "the *unwilling* colored man." Three-quarters of Black Americans, the *Colored American* bemoaned, have within them "*the shadow of some white father*" and the fault of this lay not with black people. As such, fairness dictated that if white men continued to gratify their "passions," they could "not reasonably refuse the same right to black men."[13] The newspaper's aim was not to demand "social equality," but to point out the hypocrisy of white Georgians attacking black men given white men's sordid history.

Another political attack on Black Americans prompted the *New Orleans Tribune* to cry foul. In 1865, an Ohio candidate for governor called for the deportation of former slaves. In response, the *Tribune* insisted that whites would never remove African Americans from the country, as "there is a powerful attraction at least from the white race to the black one." As evidence, the paper insisted that "it would be a pretty hard thing to find a pure—entirely pure negro child, in the whole city of New Orleans" or even on most plantations. This occurred, not because Black Americans pursued such relationships, but because "most if not all of the planters were devoted apostles of miscegenation, and in many cases used their illimited authority to practically carry out that 'infamous' doctrine." As such, deporting former slaves would be to deport "your

[13] "Equality. Social and Political," *Colored American* (Augusta, Georgia), January 6, 1866, 2.

illegitimate children and their unfortunate mothers," which the paper concluded, white men would never do and thus, calls for deportation were merely empty rhetoric.[14]

The other side of the coin of accusing white men of wrongdoing was demanding that black women be protected from white men. Appeals for this came through individual families, but also from collective action. Mobile, Alabama's National Lincoln Association, for instance, asked the Alabama State Constitutional Convention in September 1865 for suffrage, legal equality, and laws to prevent "our wives, our daughters and our sisters" from "being assaulted and insulted in the public streets." Georgia's *Colored American* implied in 1866 that black men were willing to resort to force to protect black women if the law continued to deny them protection. The black man, the paper held, "holds his domestic relations as sacred and inviolable as the white man does" and given the long history of white misconduct with black women, white men would continue to interfere with black households "at [their] peril."[15]

San Francisco's black newspaper, *The Elevator,* critiqued white men for their conduct with black women in an 1867 response to an article in Maryland's *Union* newspaper. *The Elevator* bemoaned that the article "contains more absurdities, ethnological falsehoods and scientific misrepresentations than we ever met in the same space." The *Union* asserted that black men had "lecherous propensities" that made white women unsafe in their presence and expressed horror at the "unnatural doctrine of

[14] "Cox on Separation of Races," *New Orleans Tribune,* August 15, 1865, 4.
[15] "The Black Population of Mobile," n.d., to the Secretary of War, in Letters Received, Office of the Adjutant General ("Racial Violence in the South, 1865-1866"), Main Series, 1861-1870, Reel 505, National Archives; "Equality. Social and Political," *Colored American* (Augusta, Georgia), January 6, 1866, 2.

miscegenation." This particularly galled *The Elevator*'s writer for "in the very land where this wholesale slander lives has the chastity of the females of our race been violated by the lordly Caucasian." *The Elevator* dismissed the *Union*'s contentions as unfounded and reversed the charges. "Miscegenation," the newspaper insisted, "has been forced on the negro race." The next year, that same paper offered another critique of white men's hypocrisy when it called them out for having "no objections to adulterous intercourse, where the negress is made the victim, but they are greatly excited at the idea of legitimate connections" between black men and white women.[16]

To many, the protection of black women necessitated not simply a cessation of unwanted interracial sex, but a redress of past wrongs by mandating that white men pay child support. The *Colored American* raged against the injustice of Alabama laws that required black men to pay child support while white men faced no requirement to do the same for their children with black women. Requiring anything less than this, the paper warned, would be "both *unjust* and *unnatural*."[17]

Individual families adopted strategies to protect wives, mothers, and daughters from unwanted interference from white men. Whether it was freedom from economic or sexual exploitation, black families put protecting themselves from white control at the center of their post-Emancipation demands. Lacking legal protection, many families strove to protect themselves by withdrawing black women from white oversight.[18]

---

[16] "A Question of Race," *The Elevator*, January 10, 1868; "Social Equality," *The Elevator,* 14 August 1868, 2.
[17] "Equality. Social and Political," 2.
[18] Jacqueline Jones, *Labor of Love, Labor of Sorrow: Black Women, Work, and the Family from Slavery to the Present* (New York: Basic Books, 2010), 60. Certainly avoiding unwanted attention from white men

Sharecropping and other forms of family-based systems of labor, for example, allowed husbands and wives to exercise more control over their working conditions by permitting mothers to divide their time between field and housework as their family needs and their sense of safety dictated. Although avoiding unwanted sexual contact was far from the only reason black families sought to remove black women from the supervision of white men, it nevertheless factored into many families' decisions and thus constituted a means to reduce unwanted interracial relationships.

Despite the limited ability to protect one's family from white interference, the era nevertheless marked a profound transformation. As Herbert Gutman found, the Civil War did not alter "the sexual beliefs of southern ex-slaves, southern whites, and northern whites." Emancipation, however, "allowed the ex-slaves to act upon their beliefs in a changed setting and even—for some—to try to reverse sexual and social practices that violated prevalent slave moral and social norms."[19] White men continued to believe black women were sexually available to them and justified this with continued claims that black women were naturally lascivious. With freedom, black families had at least a limited power to avoid sexual contact with whites if they could make work and living arrangements to avoid unwanted interracial relationships.

Certainly consensual and nonconsensual interracial relationships differed markedly, but marriage bans linked them. With legal marriage unavailable across most of

---

was only part of why black families strove to withdraw women's labor from white control as desires to care for one's family and labor on their own terms shaped black wives and mothers choices too. See also, Noralee Frankel, *Freedom's Women: Black Women and Families in Civil War Era Mississippi* (Bloomington: Indiana University Press, 1999), 109-122.

[19] Herbert Gutman, *The Black Family in Slavery and Freedom: 1750-1925* (New York: Vintage Books, 1976), 386.

the South, black women had no protection from white men and could therefore view any approach by a white man as dangerous. The legal status of interracial marriage fundamentally shaped Black Americans' stances as the bans turned what could otherwise be desired, honorable, and stable relationships into illicit cohabitation and concubinage. Black women had no means to obtain child support from white men or any sort of protection marriage typically entailed. As such, parsing black opposition to interracial marriage versus illicit relationships can be difficult. By the rhetoric and actions of African Americans at this time, however, nearly all seemed opposed to interracial relationships at the least because they lacked legitimacy and legal protection for black women. Protecting black women therefore often meant opposing interracial relationships.

Alongside this were denials that African Americans had any interest in romantic relationships across the color line. Henry McNeal Turner, for one, found the allegation that black men sought white brides foolhardy. The soon-to-be elected official from Georgia and future bishop of the A.M.E. Church insisted in 1866 that black men had no need to "marry [white men's] daughters and sisters" as "we have as much beauty as they; *all we ask of the white man is let our ladies alone,* and they need not fear us. The difficulty has heretofore been *our ladies were not always at our disposal.*" Simultaneously denying an interest in white women and alluding to the long history of white men abusing black women, Turner offered a truce of sorts. A fellow man of the cloth, Reverend Butler, offered a similar sentiment at a Kentucky Colored Convention in 1868. "We don't ask for social equality," Butler declared, as he "never saw that white woman yet that looked as well, in my eyes, as a good brown colored woman." White

men's social equality, Butler made clear, meant that white men could freely abuse black women. White men, he lamented, "have run after us; and though we are now emancipated and free, they haven't stopped." As such, he denounced this so-called social equality and demanded to be "let alone."[20]

Still others emphasized that interracial marriage did not violate natural law. The *Anti-Slavery Standard* held in 1864 that it was "in the highest degree improbable" that God had placed "a natural repugnance between any two families of His Children." Accordingly, the *Standard* held, "every attempt to restrain these parties from exercising their natural choice is in contravention of His will, and is an unjust exercise of power." Such matters, the *Standard* concluded, would only be decided by "the future" but "the probability is that there will be progressive intermingling and that the nation will be benefited by it." Despite this, the *Standard* insisted, "nobody here *advocated* amalgamation."[21] Indeed, the *Standard* proved typical of views on interracial marriages in black newspapers at the time by arguing for the right in principle.

One of the earliest uses of the term "miscegenation" in a black newspaper offered similar assessments when it noted "it is more natural that people of the same race should unite by the bonds of love than people of different races; but, at the same time, there is no law that forbids these unions." There was in fact a law against such unions in the newspaper's home state at that time, but as it made clear, it meant natural law as all were "of the same blood" and individuals had the right "to conduct [their] own affairs in [their]

---

[20] Turner, "On the Anniversary of Emancipation," 10; "A Colored Minister on Social Equality," *The Elevator*, 14 February 1868, 1.
[21] *The National Anti-Slavery Standard,* January 30, 1864, March 5, 1864, as quoted by Samuel Sullivan Cox in *Eight Years in Congress*, (New York: D. Appleton and Company, 1865), 360.

own way."[22] Thus, as white newspapers sought to portray African Americans as clambering to marry white people, black newspapers primarily confined themselves to reversing the charges of wrongdoing onto white men and noting that intra-racial marriage was the more "natural" course.

Many Black Americans questioned the sudden white fervor over the issue of miscegenation. Responding to a preview of the pamphlet that coined the term miscegenation, James McCune Smith questioned the "necessity of inscribing 'Miscegenation' on the banner of a political party." Believing that such unions would occur naturally without provocation, he seemed indifferent to interracial unions and opposed to advocating for them. His newspaper, the *Anglo-African Review*, praised the pamphlet upon its publication before it was revealed as a fraud, but endorsed a less provocative phrasing of its provisions: "education and improvement should begin with the marriage of parties who, instead of strong resemblance, should have contrasts which are complementary each of the other."[23] Many black thinkers simply saw interracial marriage as a natural, and therefore unremarkable, occurrence.

As something natural, it should be legal. Yet, as whites had characterized "social equality," African Americans were more than willing to abdicate it. As the Reverend E. J. Adams concluded in an address in Charleston, South Carolina in 1867, he did not mean for it "to be understood that I advocate or wish for social equality. God forbid that. For

---

[22] *New Orleans Tribune,* October 25, 1866, 1. *New Orleans Tribune*, October 25, 1866, 1. The original article was published in French and was translated via Google Translate.
[23] *New York World* (Weekly Edition), November 24, 1864 as cited in Sidney Kaplan, "The Miscegenation Issue in the Election of 1864," *The Journal of Negro History* 34, no. 3 (July 1949): 288; *The Anglo-African,* January 23, 1864, as quoted by Cox in *Eight years in Congress*, 360.

some of my mean white drunken enemies may sneak into my house and marry my daughter." Social equality had long meant that white men could force their presence upon unwilling black women. Black Americans wanted the same civil rights, freedom of speech, property rights, use of public accommodations, and the right to freely associate, however, as the Freedmen's Convention of Georgia resolved in 1866, they did "not in any respect desire *social* equality beyond the transactions of the ordinary business of life, inasmuch as we deem our own race, equal in all our wants of purely social enjoyment." The Convention of Colored Men of Kentucky made a similar declaration: "We do not desire, nor do we expect, social equality; we know there is a social barrier we cannot overstep even if we would."[24]

While they might decline social equality in the narrow sense in which whites had practiced it, Black Americans distinguished between social and political equality and presented social equality as something earned. *The Elevator* wrote at length in 1867 on the subject. "Political equality," the paper insisted, "is not a predicate of social equality." White men of varying classes had long enjoyed suffrage rights and yet social relations remained unequal because "moral and intellectual excellence are the real stepping stones to social equality." A poor, unlettered former slave, in other words, had no cause to demand to marry a wealthy, educated white person because of political equality.

---

[24] Reverend E. J. Adams, "These Are Revolutionary Times," March 19, 1867 in Phillip Foner and Robert James Branham, eds., *Lift Every Voice: African American Oratory 1787-1900* (Tuscaloosa: The University of Alabama Press, 1998), 462; *Proceedings of the Freedmen's Convention of Georgia, Assembled at Augusta,* January 10, 1866, Augusta: Published by Order of the Convention (1866), 29 http://coloredconventions.org/files/original/75cc9efba86a2ae725b9eba305586742.pdf; "Declaration of Sentiment and Resolutions of the First Convention of Colored Men of Kentucky," *Colored Tennessean* (Nashville) July 18, 1866, 2; Martha Hodes defines social equality as "a nebulous term referring largely to [racial] integration." Hodes, *White Women, Black Men: Illicit Sex in the Nineteenth Century* (New Haven: Yale University Press, 1997), 166.

Occasionally such unions could occur should the parties desire it, but they had no connection to political rights. *The Elevator* mockingly suggested, "that the better method of avoiding the evils of miscegenation would be to give the negro the ballot and withdraw from him the spelling book."[25] Suffrage, the paper insisted, would not lead to social equality—although education very well might.

African Americans had to unpack phrases like "social equality" in order to show the base political motives at work. The *Colored American,* among others, cried foul at the hypocrisy of whites' attitudes and analyzed the roots of "the great bugbear of the Southern white man." Social equality for whites, the paper insisted, was the "*bank book* and the *money chest.*" Accordingly, whites' post-emancipation concern over the issue betrayed "a *fear* on his part that the colored man has a right to, and ultimately will reach, that forbidden fruit" of economic success. The *Colored American* insisted that whites were seeking to prevent this by raising fears as a ploy to limit black freedoms by lumping interracial marriage into an expanded concept of "social equality." For whites, the paper emphasized, "social equality" had been an issue of class status, but they were now including behavior that they had long condoned when practiced by white men into the definition of "social equality" and erroneously blaming it on black men in order to limit Black Americans' rights.[26]

Not only did the newspaper consider white men guilty of what they were now blaming on black men, but African Americans did not even desire interracial romance according to the *Colored American*. Asking if "the colored man [was] as anxious to *have*

[25] "Inferiority of the Negro," *The Elevator,* (San Francisco, California) December 6, 1867, 1.
[26] "Equality. Social and Political," *Colored American* (Augusta, Georgia), January 6, 1866, 2.

Social and Political Equality as the white man is *not to let him have it,*" the paper answered its own question in the negative along with the retort that black men have had "*enough of [social equality] without his consent, God knows*." The implication was clear; African Americans had long endured white men's forced intermixture and were far less interested in obtaining "social equality" than white men were committed to preventing it. What Black Americans were committed to, however, was getting the state's preexisting law against concubinage enforced, exhorting white men to behave morally, and ending unwanted "social equality" as whites had long practiced it:

> Social Equality is not the goal of the ambition of the colored man by any means, for it has always been the "skeleton" of his household, and now that he has the *right* to rule his household according to his own notion, he has determined that that "skeleton" shall be removed, and the one that dares try to replace it, shall do so at his peril.

Instead of seeking out social equality, this account makes clear, African Americans were willing to use force to prevent interference as a black man "holds his domestic relations as sacred and inviolable as the white man does."[27]

For many newspapers like the *Colored American*, the issue was the double standard that allowed white men to cry loudly at the prospect of "a man with a *dark skin* leading to the altar a woman with a *white skin.*" Above all, the *Colored American* sought to expose the hypocrisy at work in the fear-mongering among whites over "social equality."[28] Interracial marriage and social equality seemed another matter entirely in the

[27] Ibid.
[28] Ibid.

face of the vast history of forced mixing and aspersions of black men's alleged intentions toward white women.

To many Black Americans, social equality was something that had to be earned and chosen—meaning they too had the right to determine who to allow in their domestic spheres. They believed they had the right to freely associate with whomever they chose, but social equality, many insisted, was not something they sought primarily because they did not want a continuance of the "social equality" white men had long imposed upon them. White men could pretend that they were above cavorting with black women, but black families well knew that social barriers fell in the face of white men's lust. As the *New Orleans Tribune* put it, "we do not see why friends should be imposed upon us any more than social associations can be imposed upon [whites]."[29]

Accounts like these show that many Black Americans believed interracial marriage and white men's abuse of black women were inherently linked. At the least, the charges of black malfeasance needed to be reversed and the wrongdoing of whites recognized before a true discussion of interracial marriage could begin. In the mean time, Black Americans aimed to stop the unwanted "social equality" between white men and black women. The merits or problems of legalizing interracial marriage did not even enter into the discussion as there were larger, albeit related, battles to be fought.

As such, the *Colored American* neither endorsed nor condemned interracial marriage. Instead, it confined itself to issues of morality and consistency. White men had been the immoral ones in the past. Now, white men—the paper warned—should control

[29] "Accepting the Past but Opposing the Future," *New Orleans Tribune,* 12 December 1867, 4.

their lusts because black men would stop them if they did not. Fairness dictated that if white men continued to gratify their "passions," they could not reasonably refuse the same right to black men. Thus, for the *Colored American,* whites' cries against interracial marriage and denunciations of African Americans' supposed demands for social equality was but a distraction from the real issue—protecting black women from the lust of white men, ensuring financial support for the children begot by white men on black women, and obtaining political rights.[30]

By using the terminology that had become the bugbear of the white public—a veiled and yet explicit means to refer to amalgamation—African Americans could expose the paranoia behind the true meaning of the phrase "social equality" and avoid taking a stance on interracial marriage itself. Their emphasis on white men's practice of "social equality" was a direct challenge to the narrative of black malfeasance. Given the violence of the era and the stakes of conceding on such a wide-reaching subject as social equality, the use of the term social equality instead of something more direct like "miscegenation" was an astute reading of the situation and a principled refusal to concede an issue of symbolic importance and practical concern.

Of course, not all thought denying interest in interracial marriage appropriate. Marriage to a white person, instead of concubinage, some pointed out, was the height of respectability and stood in stark contrast to most white men's out-of-wedlock relationships with black women. Black newspapers reported on instances of interracial marriage far less often and with far less sensationalism than mainstream papers. When

[30] "Equality. Social and Political," 2.

they did report on such marriages though, they emphasized the respectable and legitimate aspects of these relationships. For example, in August 1865, the *New Orleans Tribune* reported matter-of-factly on the marriage between a white man, Mr. Ursin Pelletier, and a black woman, Miss Betsy Thomas, and listed the name of the reverend who married them and the Justice of the Peace who accepted their marriage license. The article's use of respectful social titles for both parties and the inclusion of the religious and secular officiates' roles and the lack of further embellishments on the couple's reasons for marrying stood in profound contrast with coverage from mainstream newspapers about similar marriages.[31] The mention of the official channels that condoned the marriage in particular emphasized the union's legitimacy—even if the legality of an interracial marriage in 1865 Louisiana stood on tenuous footing. The only addition to the announcement from the paper was that "many other…Caucasians could take the hint, and now that the law allows it, legitimate their children." Grouping the announcement under several other articles showing the tremendous work remaining to achieve equality, the paper implied that for true "equality before the law," white men would have to take

[31] For example, an Oregon newspaper's coverage of an interracial marriage in Mississippi was typical of mainstream coverage. Its headline, "Practical Miscegenation," alluded to E.W. Clay's by-then nearly thirty-year-old series, "Practical Amalgamation," with updated terminology. Like Clay's series, the social order had been upended as a wealthy white bachelor married his former slave. To explain this occurrence, the newspaper reported that the man had not entered into the union willingly. His mistress had forced him into it when she "took it into her head that she ought to be the lawful wife of her master." She reportedly tricked him through jealousy when she feigned interest in another man. Thus, only through trickery, the story suggested, did the black woman manage to get the white father of her children to marry her. The paper suggested no impropriety on the part of the former master. It saved its condemnation only for the black woman's supposed manipulation. "Practical Miscegenation," *Morning Oregonian*, (Portland, Oregon) February 7, 1866, 3.

responsibility for their past misdeeds to demonstrate equality in fact and not merely in rhetoric.[32]

When black newspapers were more explicit in their endorsement of interracial marriage, they confined their arguments to individual rights. Even still, they never outright endorsed interracial marriage as something good, merely something that should be left to individuals' discretion. With the city's history of tolerance for interracial couples through the *plaçage* system, the *New Orleans Tribune* made one of the earliest endorsements of the right to interracial marriage in the postwar period.[33] "None but fools," the paper editorialized, "have ever imagined that the selection of a wife or a husband is a fit matter for legislation." The *Tribune* maintained that legislators had no right to outlaw personal preference: "We will not allow any one to dictate what we have to eat or not to eat, how we have to dress, and whom we want to marry." The paper even tied this stance to assertions of citizenship: "We claim entire freedom on these points, as will claim any true American." Accordingly, the *New Orleans Tribune*'s stance was that the state had no role to play in this domain and that in arguing for the protection of individual freedom to chose matters that lay within the private sphere, Black Americans

[32] Although Louisiana's Democratic-controlled legislature considered a bill in 1865 to repeal the state's interracial marriage ban, fifty-eight of the sixty-two state legislatures voted to maintain the marriage ban. Accordingly, such a marriage should not have been legal at the time of these reported nuptials. Charles F. Robinson, "The Antimiscegenation Conversation: Love's Legislated Limits (1868-1967)," Ph.D. Dissertation, University of Houston, 1998), 119; "The World Moves. A Marriage between African and Caucasian," *New Orleans Tribune* August 6, 1865.

[33] The *plaçage* system involved wealthy white men forming contractual agreements with women of color in which the man pledged to provide financially for the woman and any children that resulted from their relationship. Although some of these relationships could prove to be short-term, many resembled common-law marriages.

were being good Americans.[34]

The desire for interracial relationships, the newspaper consistently argued, lay with white men who had carried out such relationships, and now the duty rested on them to protect their illegitimate children by legitimizing them through marriage. It avoided editorializing on interracial relationships themselves, instead emphasizing that white men were the perpetrators and accordingly fairness and righteousness required legal interracial marriage and a moral responsibility to legitimate children. For better or worse, once interracial sexual lines were crossed, the newspaper suggested, interracial marriage should result and was an individual right. White rhetoric about the supposed wrongdoing of black men and attempts to further restrict rights, led African Americans to work to protect themselves from unwanted interracial relationships and to defend themselves from physical and verbal assault by denying interests in interracial relationships. To redirect charges of miscegenation or social equality onto white men, they called for the protection of black women.

A Case Study: The Arkansas Constitutional Convention

The earliest postwar governments in the states of the former Confederacy had reinforced interracial marriage bans without dissension as African Americans were excluded from participation. Federal intervention in the form of the Fifteenth Amendment (reinforcing black male suffrage by threatening state representation if denied) and federal troops to enforce it, however, meant the inclusion of black voters, delegates, and

[34] "Amalgamation," *New Orleans Tribune* November 3, 1867, 4.

representatives for the first time in the South and African Americans' first chance to engage the topic of interracial marriage as officeholders. With the intensity of white hysteria over interracial marriage, however, the Reconstruction requirement that southern states rewrite their constitutions did not outwardly seem to be an ideal opportunity to engage on the topic. When faced with aspersions on their race and the threat of further restrictions, however, black delegates in Arkansas engaged wholeheartedly and even managed a victory in the process.

Seventy delegates—eight of whom were black—gathered in January of 1868 to write a new constitution for Arkansas.[35] Thirty years earlier, Arkansas had banned interracial marriage when it became a state. It reemphasized the ban in its post-war law allowing former slaves to marry and reinforced it again in 1867 when its Democrat-controlled legislature passed yet another ban.[36] These clear legislative prohibitions against interracial marriage, however, did not prevent white delegates from making the issue a major point of contention. Despite an absence of calls to repeal interracial marriage prohibitions, a debate about enshrining a ban in the state's constitution took

---

[35] William Henry Grey, Monroe Hawkins, Thomas P. Johnson, James Mason, William Murphy, Henry Rector, Richard Samuels, and James T. White were black delegates to Arkansas's convention. Grey and White were freeborn while the rest had been enslaved at some point in their lives. Three were ministers, four farmers, and one a postmaster. All but White—a native Indianan—were southerners. Mason was the son of the state's largest slaveholder and had been educated at Oberlin University and in France. Richard L. Hume, "The Arkansas Constitutional Convention of 1868: A Cast Study in the Politics of Reconstruction," *The Journal of Southern History* 39, no. 2 (May 1973), 206; Joseph M. St. Hilaire, "The Negro Delegates in the Arkansas Constitutional Convention of 1868: A Group Profile," *The Arkansas Historical Quarterly* 33, no. 1 (Spring 1974), 42.

[36] Charles F. Robinson, "'Most Shamefully Common': Arkansas and Miscegenation," *The Arkansas Historical Quarterly,* 60, no. 3 (Autumn, 2001), 266; *Acts of the General Assembly of the State of Arkansas, Passed at the Session held at the Capitol, in the City of Little Rock, which began on Thursday, the Second day of April, A.D. Eighteen Hundred and Sixty-eight, and adjourned the twenty-third day of July Eighteen Hundred and Sixty-eight, to reassemble on the seventeenth day of November the same year* (Little Rock: John G. Price, State Printer, 1868) *1866-67*, No. 35, 98-100.

over three days of Arkansas's constitutional convention and laid bare white and black delegates' vast differences on the matter.

From the convention's onset, an issue whites enmeshed with interracial marriage became a focus of debate. A former Confederate officer claiming "to be a friend of the negro," Jesse N. Cypert, proposed that the convention refuse to allow black men to vote so they would not be "made the rulers of white men." William H. Grey, a freeborn black man new to Arkansas, was the first to challenge Cypert's proposal. Grey retorted with a stirring speech about the rights black men had earned and the fact that the matter was not genuinely up for debate as it was a federal mandate that new state constitutions extend voting rights to black men. After four days of heated debate, Cypert's proposal lost handedly, 53 to 10.[37] Despite the clear defeat, the four days of debate showed that even securing rights that were supposed to be basic would be hard fought.

Denied one means to limit black men, some white delegates searched for an

[37] "Debates and Proceedings," 91; Grey was born free in Washington, D.C. in 1829. His mother had been emancipated two years earlier by future Governor Henry A. Wise of Virginia. Grey attended school in D.C. and served then-Congressman Wise as a body servant. Accordingly, some historians have speculated that Grey gained his considerable debating skills by observing Wise in Congress. Grey, however, was at most in his early teens when he served Wise as Grey moved to Pennsylvania and later Ohio in the early 1840s with his mother and stepfather. Grey, described as a "mulatto" and purportedly favored by Wise, might have been Wise's son. His mother was the only slave Wise ever manumitted and Grey bears Wise's first name as a middle name. In the 1850s, Grey moved to Missouri and became a minister in the African Methodist Episcopal Church. He moved to Helena, Arkansas in 1865 and founded a grocery and bakery with several business partners. After serving as a delegate to Arkansas's constitutional convention, he went on to serve as a state legislator in 1869, a clerk of the First Circuit Court and Recorder of Deeds in 1870, and a delegate to the Republican national convention in 1872. Fellow delegate James Mason, the son of the state's largest slaveholder before the war, was likewise the product of an interracial relationship and a seemingly congenial one at that, but he remained silent during debates. Grey and Mason, however, surely knew that their experiences with seemingly benign white fathers were far from the norm. Most interracial offspring had vastly different experiences and Grey alluded to this in his reversal of the charges laid against black men. Craig M. Simpson, *A Good Southerner: The Life of Henry A. Wise of Virginia* (The University of North Carolina Press, 1985), 34; St. Hilaire, "The Negro Delegates," 42; Todd E. Lewis, "William Henry Grey (1829-1888)," *The Encyclopedia of Arkansas History & Culture* http://www.encyclopediaofarkansas.net/encyclopedia/entry-detail.aspx?entryID=5696; St. Hilaire, "The Negro Delegates in the Arkansas Constitutional," 43; "Debates and Proceedings," 89, 157.

alternative route. Two weeks later, John Bradley, a white, Arkansas native elected as a Republican, found another way. Bradley proposed a constitutional ban on interracial marriage. Stating from the onset—and presumably on behalf of his fellow black delegates or constituents—Grey responded to Bradley's proposal, "as far as we are concerned, I have no particular objection to the resolution." Nevertheless, Grey added to Bradley's proposal: "In order to make the law binding, there should be some kind of penalty attached to its violation—kill them, quarter them, or something of that kind." Offered in jest, Grey's remark sought to highlight the proposed ban's absurdity. More pointedly, however, he added that if interracial marriage was banned in the constitution, he must "insist, also, that if any white man shall be found cohabiting with a negro woman, the penalty shall be death."[38]

For Bradley, banning interracial marriage was *the* means of restoring white supremacy after emancipation. Despite an absence of calls to repeal Arkansas's long-standing legislative ban on interracial marriage, Bradley considered the matter "the great question that is agitating Arkansas from center to circumference" as the federal requirement to adopt political equality demanded that delegates prevent an accompanying rise in social equality. Bradley insisted to his fellow white delegates that racial lines had to be demarcated or else black men would marry white women and domineer over white men. To the black delegates, however, Bradley issued a different threat: support this marriage ban or have your intentions with white women questioned. "Why, in the name of God," Bradley demanded, "if you do not mean to rush into these practices…do you

[38] "Debates and Proceedings," 363.

object to having a line [between the races] established?"[39]

Confronted by outlandish allegations of malfeasance with white women, the convention's eight black delegates responded with allegations of their own. Led by Grey, the black delegates aimed to reverse Bradley's charges, establish protections for black women, and prevent a symbol of inequality from being inscribed into the state's highest law. Through the debate, the black delegates seized a moral position while pointedly noting the hypocrisy of white delegates' sudden concern for racial mixture through honorable marriage instead of illicit intercourse. The Arkansas debate shows black delegates' willingness to engage in a controversial fight over a principled matter and the united stance they took in publicly opposing restrictions. Far from the easier course of acceding to the ban as it would make little difference given the legislative ban, the black delegates both denied interest in white women and emphasized the hypocrisy of a ban given white men's record with black women.

At the heart of the debate lay the unstated and unchallenged assumption that interracial marriage would be between black men and white women while interracial cohabitation would be between white men and black women. Prohibiting interracial marriage, therefore, would only limit black rights. An interracial marriage ban would limit black women's access to the rights and respectability that accompanied marriage and their children would not be able to inherit white wealth. In contrast, curtailing interracial cohabitation would limit white men's accustomed privileges. Black men, as would be made clear, would be prevented from illicit or legitimate interracial

[39] Ibid., 363, 365, 364.

relationships by white lynch mobs.

Grey argued that a ban would be "superfluous" as northern states found no need for such laws. In the North, he incorrectly stated, "liberty is extended to men of all classes and colors, [but] such outrages upon society are seldom committed." Heretofore, Grey added, African Americans had abstained from making romantic overtures toward whites, but whites had not done the same. Although Grey spoke with humor, he made serious points regarding the resolution's exclusive focus on marriage and white men's culpability; "no gentleman will lay it to our door," he insisted about the amalgamation that had already transpired.[40]

Astounded and outraged by Grey's addition of cohabitation to his proposed marriage ban, Bradley protested Grey's "foul insinuations" on "the integrity, the honor, and the nobility of the people of my country!" He objected to Grey's suggestion that white men were responsible for past intermixture and insisted that he had "never belonged to a bleaching-machinery." Denying his own personal culpability and ignoring white men's collective responsibility, he challenged black delegates' intentions toward white women if they did not immediately vote in favor of his resolution. Opposing it, Bradley insisted, was tantamount to desiring that the two races be "mixed in one common amalgamation" and evidence that they sought "to rush into these practices." He further retorted by explicitly tying the issue of interracial marriage to enfranchisement; interracial marriage bans were not necessary in the North because "there is no negro suffrage in the Northern States." Bradley next revealed his concern to be legal marriage

[40] Ibid., 363, 366.

and not racial mixture: "if men are so much alarmed about having a barrier in the way—why, if you want to, scratch under, and get to the other race; but for God's sake let us build a wall!" Interracial sex and procreation (so long as it took place out-of-wedlock) posed no real concern for Bradley as white men could "scratch under" his proposed wall.[41] Blacks and whites could intermix illicitly, but he sought an impassible barrier to legal marriage and its accompanying respectability and rights.

Grey could not let Bradley's remarks go unchallenged. He repeated—again from the onset—that he had "no objection to the proposition." Nevertheless, he feigned confusion for the need for such a ban: "I have so often heard it stated, by some of the grandest minds of America, that such things were utterly impossible, that they were so abhorrent to the feelings." Mocking rhetoric from whites that they would never desire intimate relations with black people, Grey pointed out that there had, in fact, been a substantial degree of racial intermixture under slavery and repeated who was at to blame for this—white men. Consequently, Grey only saw complications arising from adopting a constitutional ban, as the state would have to create a board of scientists to determine race, as "the purity of the blood, of which [Mr. Bradley] speaks, has already been somewhat interfered with." In the case of those with small quantities of black blood, Grey questioned, what distinctions could the state make? Legislation would become a "farce" as boards struggled to assign racial designations. Although Grey insisted that his resistance centered on the impossible task of establishing what degrees of intermixture

[41] Bradley's concession that one could "scratch under" was not directed at Grey but at the white man who had preceded Grey in opposing his proposal. Presumably, Bradley adamantly opposed the idea of black men "scratching under." Ibid., 364, 365.

should prevent intermarriage, his larger point lay in restating who was to blame for racial lines already being crossed. "It is no fault of ours," he insisted.[42]

While Bradley's resolution concerned itself with preventing the formation of legitimate unions, Grey bemoaned the immorality of illegitimacy persisting if Bradley's resolution succeeded. Adopting Bradley's analogy of a physical barrier, Grey proposed that if whites and blacks could not marry honorably, "we shall stop this crawling under the fence;" white men should no longer be permitted to freely have their way with black women. If individuals desire interracial relations, Grey insisted, "it shall be done honorably and above-board."[43] From his initial statement of indifference to Bradley's proposal, Grey revealed himself to be a staunch opponent of interracial cohabitation and a tentative defender of interracial marriage rights—if only for reasons of morality.

This proved to be too much for Bradley. He insisted that Grey's addition to his proposal be dropped from his ban on marriage. Unsuccessful on parliamentary grounds, the delegates voted on a resolution to ban both interracial marriage *and* interracial cohabitation. In a revealing vote on the first day of debating the issue, Grey and seven of the eight black delegates voted for the joint banning while Bradley voted against his own, amended, resolution. By a vote of 32 to 34, the resolution narrowly failed and the debate wore on. All but one black delegate voted to constitutionally ban all interracial relationships while a majority of white delegates voted against it. Voting alphabetically,

---

[42] Ibid., 366. As the state already had a legislative ban on interracial marriage, Grey's remarks here could be read as an attack on the existing legislative ban and not simply the proposed constitutional ban. His larger aim, however, likely was to emphasize white men's culpability because of past amalgamation and to highlight the fluidity of race and thus the folly of making racial restrictions of any kind.
[43] Ibid.

Richard Samuels was the last black delegate to vote and one of the last delegates to vote. Accordingly, his vote might have been a strategic means to prevent the measure from passage while putting most black delegates on the "safer" and symbolically important side of the issue. Had he and Bradley both voted for the measure, a constitutional ban on interracial marriage and cohabitation would have passed.[44]

Given the seeming deadlock over the issue, a white delegate suggested that they include a clause in the constitution "requiring the General Assembly to enact laws to more effectually prevent miscegenation." Bradley thought this insufficient; he desired a clear constitutional statement against "social equality and amalgamation" and claimed his constituents—black and white—had asked for this. Obviously by his earlier vote, however, he sought a clear constitutional statement only against social equality, not against amalgamation.

The delegates continued to debate the matter, but the consensus seemed to be that there was no need to place a ban in the constitution as the legislature could handle the matter. Some agreed with Grey's point that they should not ban interracial marriage without also prohibiting cohabitation. Supporters of Bradley's proposal, however, sustained the debate over three full days. Grey spoke several times the first day, remained silent the second day, and only spoke again on the matter a week later when it reemerged for a final day of debate.

Grey remained the only black delegate to speak on the issue until the final day. Having already staked out his position, he perhaps saw no need to remain distant from the

[44] Ibid., 367.

issue. The others probably did not want to add to accusations that their opposition to a marriage ban suggested they desired relations with white women. This silence seemed the wise course so long as Grey and a few white allies countered Bradley and his supporters. Excepting the first vote, black delegates voted together on all subsequent votes on the matter and thus presumably were sufficiently in agreement with Grey to let him speak for them. In contrast, numerous white delegates engaged on the topic.

Faced with the realistic possibility that Bradley would succeed, Grey grew more forceful in his arguments after the first vote. His final remarks the first day were a passionate defense against immorality, a call for protecting black women, and a demand for equality before the law. Indeed, to Grey, a marriage ban alone would be a grave injustice with implications far beyond cohabitation. He raised the example of a similar marriage ban in Kentucky in which:

> not only is a negro forbidden to marry into the Saxon race, but for the crime of rape, he is burned to death; yet that same law does not contemplate it as possible for a white man to commit a rape upon, or even to cohabit with, a negro woman.

Banning marriage alone, Grey insisted, would leave black women unprotected and subject to white men's lust. It would also allow black men to be killed for actions white men freely committed. An interracial marriage ban, in other words, represented far more than merely the prohibition of marriage to the person of one's choice—its banning represented inequality and injustice for black men and women. Simple justice, Grey therefore insisted, should "make the law equal on both sides of the house." Were there a way "to make its restrictions as binding upon others as upon me," Grey repeated for the

third time that day, "I have no objections in the world to its adoption."[45] Importantly, however, he still saw such legislation as "superfluous" and onerous upon the state.

After two days of debate, delegates passed the matter off to a committee that would in turn pass the matter off to a future legislature by recommending the following wording be added to the constitution: "This convention is utterly opposed to all amalgamation between the white and colored races, whether the same is legitimate or illegitimate. We would therefore recommend that the next General Assembly enact such laws as may effectively govern the same." Voted on during the third day of debate, all black delegates voted in favor of the nonbinding recommendation while Bradley voted against it and continued lobbying for a ban on marriage only. The measure passed by nearly the same margin as the vote weeks earlier on black suffrage.[46]

Before settling on this nonbinding resolution though, the delegates delved into a fierce third day of debate. Bradley opposed any measure that failed to prohibit interracial marriage—and interracial marriage alone—in the constitution. Grey, more forcefully than earlier, bemoaned that the topic had arisen at all and thought it a "bugbear" given "the history of the past two hundred and fifty years." White men, "our sages," Grey offered sarcastically, seemed to have only recently discovered this terrible issue but they "ought first to repent, before proposing any amendments!" Only hypocrisy, in other words, led to white men's sudden concern over the "perils" of racial mixture. White men perpetuated amalgamation. Now, fearing politically empowered black men could do the same and

[45] Ibid., 374-5.
[46] Ibid., 489, 495, 507. The final vote on the measure was 56-9. Three of the ten white delegates who had voted to not enfranchise African Americans (Cypert, Bradley, and James H. Shoppach) voted against the compromised measure and instead sought a constitutional ban. Ibid., 507.

worse yet do so honorably through marriage, they objected. "It does seem strange to me," Grey observed, "gentlemen oppose it only when it takes place in a legitimate form."[47]

Pointedly, Grey retorted to a white delegate who had spoken at length about the harm racial mixture *could* do, by noting the harm that *had* already been done. Grey declared, "as far as the intercourse between the races is concerned, there is no gentleman here, whatever may be his opinions, that objects to it more strenuously than I."[48] Black Americans, he pointed out, were the ones who had been harmed by the rampant, illicit, and forced amalgamation. Accordingly, Grey maintained that whites should not be the ones in hysterics over it now. The right to object and cry foul falls to those who had been most affected by it, African Americans, in Grey's arguments.

Although Grey had thrice denied interest in interracial marriage by claiming that he had no objection to Bradley's proposal, he revealed he firmly opposed marriage restrictions in the constitution. He pledged to accept the delegates' recommendation that the legislature pass laws restricting miscegenation, but he was "utterly opposed to the insertion, into the constitution, of any piece of prejudice that shall give evidence that men have not outgrown their swaddling-clothes." A constitutional ban, he warned, would be an anathema to building a state "upon the solid adamantine foundations of justice, upon the basis of equality before the law, and rights for all men." A ban, in the "organic law" of the state, would be pandering "to the prejudices of a few voters who have not been educated" and would not reflect the principles a constitution should represent. Equality before the law, he pleaded, should be the bedrock of the state's constitution. He could

[47] Ibid., 491, 498.
[48] Ibid., 492.

abide a legislative prohibition of "current prejudices," but not a constitutional one that would taint the very equality the document was supposed to establish.[49] For Grey, a marriage ban could be nothing but an affront to black rights and equality. As his earlier vote indicated, he could accept restrictions, but only if they fell equally on the races.

Grey only grew more forceful and open in his arguments. He no longer claimed to have "no objection" and was no longer willing to accept a constitutional ban of any kind. Having made a principled argument, Grey next made a practical one that stressed the lack of urgency for the issue and therefore the root political motivations at work. "If the danger [of complete racial blending] is so imminent," Grey noted, the legislature meets frequently enough that it may enact prohibitions. Heretofore, "race pride" had sufficed to prevent complete racial mixture and would continue to prohibit it. Furthermore, if race pride would not suffice, class pride would. Blacks and whites, Grey insisted, were no more likely to intermarry than nobles and peasants of monarchial governments.[50]

Indeed, Grey suggested racial differences were akin to class differences. Far from conceptualizing of race as a fixed biological reality, Grey thought of race as possessing fluidity. Likening the four million freedpeople to a vassal class, he ridiculed attempts to demarcate race. In an aside questioning the urgency of the issue, he offhandedly offered his conception of race:

> If the danger is so imminent, that the two races will collide and come together, that the one will lose its beautiful color (or, rather, that the two extremes shall be turned into some color—for I hold, with some philosophers, that neither black nor white are colors, but the extremes of all colors),—the Legislature, meeting here from time to time, may enact such laws as may be requisite.

[49] Ibid., 492, 493, 493, 500.
[50] Ibid., 492, 493.

In other words, Grey did not believe in distinct and separate races; rather he conceptualized race as existing along a spectrum. "If you can show me where the line can be drawn," Grey offered with confidence that it could not be done, "I am perfectly willing" to accept marriage proscriptions.[51] Rather than drawing a line or erecting a wall, Grey sought a rejection of racial distinctions in the law and insisted that "race pride"—presumably on both sides of the color line—and class differences would suffice as a barrier to widespread mixture.

Grey held that the issue was more a manipulative political tool than an actual need. It sought to tie the non-issue of interracial marriage to political equality and "no amount of reading or logic can separate the two things, in their minds." Grey insisted that he would not be a part of it; "I want equality before the law; and I do not propose to abate one jot or tittle of that." Thus, Grey firmly objected to inscribing a ban he considered based purely on prejudice, inequality, and political propaganda into the constitution.[52]

The white delegates who spoke in agreement with Grey were far less extensive in their rationales. They did not want to "clutter" the constitution with matters the legislature could manage. One delegate proffered arguments that "if persons want to intermarry in this way, they ought certainly to have the privilege."[53] Grey never made such an argument beyond his far more tenuous pronouncement that *if* individuals were

---

[51] Grey frequently made use of verbal ambiguity for rhetorical purposes. He did not specify which race possessed a "beautiful color" just as he did not say whose "race pride" would prevent widespread racial mixture. "Debates and Proceedings,"492, 497-8, 366. Of course, Grey's belief that states could not draw racial lines proved incorrect as states did define and redefine race over the course of the late 19th and early 20th centuries. Arkansas eventually settled on the one-drop rule in 1911.
[52] Ibid., 493-4, 492, 499.
[53] Ibid., 363.

interacting romantically across racial lines, it should be done honorably. The former stressed interracial marriage as a legitimate preference and a right. Grey spoke of the matter as merely a means to salvage an immoral situation and as an indicator of equality before the law. Ultimately, he saw the attempt to ban interracial marriage in the state's highest law as a means to "log off, little by little, here and there, those rights which [former slaves] have at length obtained!"[54]

As an astute politician—and a black man in a majority white southern state—Grey would never have outright endorsed interracial marriage. Such a position would garner him little sympathy and would likely imperil his cause—and his personal safety—all the more. Alternating between direct statements of opposition ("I am opposed to miscegenation") and indirect non-endorsements that were not condemnations either ("I am not utterly opposed to amalgamation"), Grey's genuine position is difficult to decipher. Yet, he clearly considered it a matter of "justice and right."[55] Accordingly, given his pronouncements from the first day of debate especially, Grey seemed to object to interracial marriage and yet fought for the legal right to it nevertheless—or at least to prevent its ban being in a more difficult to dislodge and symbolically ruinous form of a constitutional provision. What ultimately mattered to Grey was not amalgamation itself but equality and the protection of black women.

Grey was likely ambivalent towards interracial marriage. Beyond the principle of not including a discriminatory bar to it, he might very well have had no opinion or even been opposed to such relationships. Like his antebellum counterparts, he thought all were

[54] Ibid., 493.
[55] Ibid., 499, 498.

"of one blood," but his personal view did not matter for his political position so much as his unwillingness to compromise the principles at stake. Cohabitation was immoral to Grey—a minister in the A.M.E. Church—and had to be suppressed or allowed to become honorable through marriage. When called to vote on a resolution that would outlaw interracial marriage alone and with no comment on interracial cohabitation, Grey announced "I vote against the clause that comes in conflict with the Constitution of the United States, which gives me the same rights and privileges with any citizen of the Untied States. As far as miscegenation is concerned, I am opposed to that. I vote No."[56] Thus, Grey came out against miscegenation—a term that could incorporate both marriage and cohabitation—and yet voted against banning marriage. The principle of equality, and the need to protect black women, mattered far more than whatever preference Grey might have had regarding amalgamation.

Grey's astute charge of hypocrisy and call for consistency and equality garnered the favor of several white allies who took up this same line of argument after Grey raised it. John R. Montgomery, a white Republican delegate originally from Ohio, introduced the first compromise measure, which sought to combine Bradley and Grey's positions by calling on the legislature to enact laws preventing both marriage and cohabitation. Montgomery's resolution took up Grey's defense of black women, morality, and equality: "We do not desire the insertion of a clause which shall declare that no [white] man shall marry a black woman, but which says, in effect, that a [white] man may

[56] Ibid., 500, 505.

cohabit with a black woman, illegitimately."[57] James Hodges, a white Union veteran from New York elected as a Republican, reflected Grey's influence, although in a manner far more radical than Grey would ever have attempted. His completely ignored-by-the-delegates proposal on the final day of debate entirely reversed Bradley's resolution; it proposed that illicit relations be outlawed and cohabiting couples automatically be married. Children of interracial relationships from the past would also be automatically legitimized and, thus, permitted to inherit. He framed his proposal as a means to "effectually prevent amalgamation" with the threat of automatic marriage, but his proposal seemed more a means to correct the past wrongs Grey had outlined. Black delegates might have supported it, but could easily have thought it politically inexpedient to do so and been relieved not to have to vote on the measure that no delegate seconded.[58]

Faced with an entrenched opposition unwilling to settle for less than a constitutional ban, ultimately Grey and the other black delegates voted for a compromise: the nonbinding condemnation of "all amalgamation…legitimate or illegitimate" and a call for the legislature to enact laws to this effect.[59] Some might have genuinely opposed interracial marriage and been willing to vote for a ban, but given that all the black delegates supported the compromise measure, they saw it as necessary and perhaps even a victory. Voting in favor of a *nonbinding* recommendation to a future legislature carried with it far less threat than a constitutional amendment. They could take a united stance that placed them on the safe side of a taboo subject and they obtained a recommendation

[57] Ibid., 371, 372.
[58] Ibid., 503.
[59] Ibid., 507.

against concubinage. In doing so, they prevented a marriage ban from being inscribed into the state's constitution where repeal would be far more difficult than the existing legislative ban and the symbolic drawing of racial lines more prominent.

Denouncing amalgamation in this form carried no political consequence for the black delegates and instead, they could hope, might lessen accusations against black men. It also served as a means to appease their fellow Republicans who were threatening to fracture over the issue of interracial marriage. The black delegates' vote could also be read as an acknowledgement of the long history of white men's rape of black women. Condemning amalgamation was a condemnation of past unwanted liaisons and a recognition that in the near future at least, most illicit interracial liaisons would continue to be between white men and black women and that many would be nonconsensual or predicated on asymmetrical power relations. Grey had noted marriage bans' relationship to discriminatory rape laws with his example from Kentucky. Indeed, his first line of argument alluded to rape as he sarcastically suggested the death penalty for white men who engaged in such behavior—a penalty more befitting the crime of rape than cohabitation.[60] The nonbinding resolution rejected illegitimate amalgamation and therefore could be considered a stance against the past wrongs—even if it also condemned interracial marriage in the present.

So central was the history of mistreatment of black women by white men that a rejection of this history finally prompted another black delegate to speak. George H.

[60] No one objected to Grey's proposal to punish *only* white men for cohabitating with black women and not to punish black men for cohabitating with white women as, presumably, no one saw the latter as a realistic possibility. The law need not condemn black men to death for cohabitating with white women; the white public would punish such "infractions" through lynch law. "Debates and Proceedings," 495.

Kyle, a white delegate, expressed his fear that "the 'poor white trash'" were "unprotected" from social degradation. Black men who managed to acquire property, he insisted, would "insidiously make their advances to these unfortunate and helpless persons, and, by the use of their power, can mislead and misguide them, into error and folly." Echoing the tone of white newspapers that maintained that only through trickery could African Americans secure white spouses, he cited an example from his district of a black man who had "misled an unfortunate step-daughter of his employer" into running off with him. He boasted that this man's "bones lie bleaching to-day" after a dozen white men pursued him, but nevertheless poor "unprotected" white women needed to be guarded from black men and only a constitutional amendment would suffice in Kyle's estimation, despite his reference to a white mob's role in "protecting" white women.[61]

James T. White—a black delegate originally from Indiana and a minister—felt compelled to respond explicitly to Kyle's remarks. He began, like Grey had, with a claim of indifference; "I did not think that I would have anything to say upon this subject." Nevertheless, he noted, "the gentlemen on the other side of the house have forced me to say a few words." He objected to Kyle's insistence that political equality would lead to forced social equality. He then directly asked Kyle "who is to blame for the present state of affairs?" Answering his own question, he said of all the mulattoes, "not one of them [was] the heir of a white woman." During the war, he further observed, black men were left alone with white women without a single incident. "Gentlemen," he insisted in response to Kyle's accusations, "the shoe pinches on the other foot." Kyle's suggestion

[61] Ibid., 495.

that black men would seduce, trick, and force white women into relationships stood in stark contrast to black men's honorable treatment of white women and white men's contested history with black women. Continuing, White lamented:

> White men of the South have been for years indulging in illicit intercourse with colored women, and in the dark days of slavery this intercourse was in a great majority of cases forced upon the innocent victims; and I think the time has come when such a course should end.

This history, White insisted, should not be rewritten to put the blame onto black men. White believed that this was being done "to arouse the prejudice of the ignorant conservative element" in order to suppress black suffrage rights. As such, he begged, "this honorable body [to] strip the question of negro suffrage of all outside issues."[62] Like Grey, White believed the issue to be a false concern maliciously tied to suffrage and he sought to redirect blame onto the proper parties.

That White and Grey, the only two black delegates to speak during the debate, were ministers and had lived in the North seems fitting. As clergymen, they could ground their cries against immorality in religious positions. Despite this, even they had to be strategic in their statements. Both began with claims of indifference. Grey repeatedly insisted that a ban would in no way inhibit his romantic prospects and used history to suggest that it was white men who had been attracted to black women, not the other way around. Likewise, White expressed his outrage over a white delegate's reversal of the history of rape. He made this critique palatable to white delegates by purporting to defend "the virtue of the white women of this State." Black men would not seek relations with

[62] Ibid., 501, 502.

white women because white women, White suggested, were too virtuous to want such relationships. To doubt this, would be to doubt white women's virtue.[63] Both men also used humor, sarcasm, and indirection to soften their rhetorical blows.

If any of the black delegates desired the legalization of interracial marriage, they knew better than to raise the issue.[64] Grey and his fellow black delegates were not able to remove the legislative ban to interracial marriage, but such an option was not even on the table. Only one white delegate argued that interracial marriage should be legal and he received no support. The debate instead centered on if it should be constitutionally banned or remain only legislatively prohibited. Legalizing interracial marriage was simply not an option and pursuing it would only weaken their position. In a convention where black delegates had to fight for a basic federal requirement dictated to the state—enfranchisement—they were not going to be able to repeal the state's legislative ban on interracial marriage.

Thus, on the final day of debate the stakes were set. The options ranged from a constitutional amendment banning interracial marriage but not interracial cohabitation to a politically impossible proposal to automatically marry cohabiting couples. In between stood a compromise measure that would avoid a constitutional ban and promise to protect black women if a future legislature acted as recommended. Condemning amalgamation in

---

[63] Ibid., 501, 502.

[64] Despite the uniformity of the black vote on the matter, not all black delegates seemed comfortable condemning "all amalgamation." Henry Rector—a former slave in his early twenties—asked to be excused from voting on the final measure. Denied his request, Rector voted in line with his fellow black delegates condemning all amalgamation. In the topic's first vote, Richard Samuels might have also signaled his resistance to voting for a constitutional ban as he voted against the first day's compromise measure. He fell in line with his fellow black delegates and voted with them on all subsequent measures. Ibid., 507, 367.

a manner that was unlikely to influence the laws but that would keep it out of the constitution therefore had no downside to the black delegates. The symbolic condemnation and concrete avoidance of a constitutional ban qualified as a win in Arkansas's political climate. Presumably, Grey and his fellow black delegates would have preferred that the entire issue not come up as it was a virtually unwinnable scenario, but once raised, they preserved equality before the law in the constitution and challenged the narrative of black wrongdoing.

The black delegates—although only a tenth of the convention—prevented an interracial marriage ban from being written into the constitution. They also succeeded in getting several white delegates to endorse their charges of hypocrisy and thereby changed the nature of the debate. Instead of centering on allegations of black malfeasance, the conversation focused heavily on white men's misdeeds—much to Bradley and his allies' displeasure. Measured in terms of the possible, the compromise, nonbinding resolution was a legal and symbolic success for the black delegates. They would accept racial segregation in the form of a preexisting legislative ban on interracial marriage so long as it remained outside the constitution and recommend restricting white men too.

Importantly though, Arkansas's black delegates were willing to support a constitutional marriage ban in order to emphasize white men's culpability and challenge white delegates to support the full logic of their anti-miscegenation rhetoric. If white delegates wanted to decry the "evils" of miscegenation, then black delegates were going to force them to vote against it in all of its forms—meaning white men's right to fraternize with black women would be restricted too.

Although Grey's arguments evolved over the debate, he consistently focused on white men's culpability. White similarly entered the fray after a denial of white men's past wrongs. They might have preferred the issue never to have arisen, but once it did they even embraced a constitutional ban so long as it limited the races equally. When given the opportunity, they showed that they preferred a nonbinding recommendation over a constitutional ban, but the stance they took on the first day mattered—especially given the position it placed Bradley in, voting against his own, amended, proposal.

The black delegates attempted to redirect the blame to where it belonged. Despite white hysteria over the topic, they did not take the politically easier route of consenting to a ban. They denied interest in white women, sought to protect black women, condemned white men, and refused to consent to a marker of inferiority in the constitution. Banning interracial marriage in Arkansas's constitution would have foretold far more than merely a restriction on the marriage preferences of a few. Proponents of the ban sought to forge distinct racial categories in order to preserve white power, not prevent amalgamation. Banning interracial marriage was a gateway to outlawing other rights as it would necessitate the defining of race itself and therefore make permanent racial distinctions. Despite the seeming neutrality of an interracial marriage ban, Grey and his fellow delegates refused to accept it and secured a victory given the hostile political climate.

The debate in Arkansas reveals the savvy attempts of black delegates to navigate a political minefield and emerge largely victorious. Grey's arguments evolved to meet the level of white opposition. Early in the debate, Grey portrayed himself as ambivalent on the subject and perhaps sought to squash the topic at its inception by attempting to make

a mockery of the proposal by suggesting the death penalty. As the issue persisted and therefore became more threatening, Grey challenged white men's conduct with black women, questioned the need for such measures, and alleged that racial lines could not reasonably be drawn all while maintaining that he had "no objection" to Bradley's ban, to which, ultimately, he did object. On grounds of equality, white men's culpability, and the false links between interracial marriage and political equality, he had no vocal black support until even more egregious charges against black men moved White to join him. Had Grey and White come out on the first day of debate as forcefully as they did on the final day, they might have only incurred backlash from the white majority they needed for support. Caution and carefully framed arguments seemed the order of the day.

As Grey foresaw, white delegates like Bradley were attempting to rewrite history. Using what would later be termed the myth of the black male rapist, such rhetoric would lead directly to lynchings and curtailing of rights under the guise of protecting white women from black "brutes." Suggestions that black men would seduce, trick, and force white women into relationships stood in stark contrast to white men's terrible history with black women. African Americans would be assailed with an ever-growing national narrative of black malfeasance, but Arkansas's black delegates offered an early attempt to change the nature of the debate and show the base political motivations at work.

The debate also hints that the united front black delegates presented despite suggestions they were not clear-cut. Like many Black Americans would do in the coming years, Arkansas's black delegates fought to protect the right to something that many personally opposed. Still others only offered hints at their complex positions and the

difficulty of publicly supporting a right one might personally oppose.[65] They fought, nevertheless, for equal citizenship in all of its manifestations—even as interracial marriage remained illegal in Arkansas for ninety-nine more years.

Although Arkansas's debates seem the most dramatic because they were the best recorded, similar debates occurred elsewhere too wherein black representatives fought to prohibit illicit unions while protecting the rights of black women and children of such relationships. In Mississippi's 1868 Constitutional Convention, black delegates called upon the legislature to enact a law to punish adultery and concubinage and managed to defeat a measure outlawing interracial marriage. The convention adopted a watered-down version of their proposal akin to Arkansas's allowing that the legislature "may" rather than "shall" pass a law against concubinage.[66] Similarly, in 1870, a black Georgia legislator sought legislation to force fathers to support their illegitimate children—an appeal with white men who had fathered children with black women in mind. In Louisiana, black legislators in 1868 initiated a bill that would formally repeal the state's interracial marriage ban and legitimatize the children of such couples. In 1876, George A. Mebane, a black North Carolina legislator, unsuccessfully attempted to convince his state to enact a law against white men and black women who "lewdly and lasciviously associate, bed, or cohabit together."[67]

---

[65] Ibid., 505, 501.

[66] *Journal of the Proceedings in the Constitutional Convention of the State of Mississippi* (1868), 199-200; 211-212.

[67] The Georgia legislator did not live to see his legislation voted upon as he was shot and killed by a white delegate the day after introducing this bill over a dispute involving the firing of a black page. Another black legislator reintroduced the bill and secured its passage through the house. Ethel Maude Christler, "Participation of Negroes in the Government of Georgia, 1867-1870," (1932). *ETD Collection for AUC Robert W. Woodruff Library*. Paper EP15599, 62; Robinson, "The Antimiscegenation Conversation," 121,

Most public remarks on interracial marriage by African Americans in the immediate years after the Civil War therefore were not endorsements or denouncements of interracial marriage. Instead, they were endeavors to protect black women and attempts to reverse the charges whites were laying at black people's feet to justify limiting black political rights. Put on the defensive from the start, the postwar period might have been an opportunity for a newly freed population to internally debate the advisability or inadvisability of interracial marriage for the race. Instead, African Americans had to profusely deny any interest in pursuing such unions and protect black women from white men, whether that meant fighting for marriage rights, demanding protection from concubinage, or emphasizing white wrongdoing. Most might have agreed with Nashville's *Colored American*: "so far as miscegenation with the white race is concerned, all the colored race wish[es] is to be left alone," but marriage bans did not mean black women would be left alone and indeed left them vulnerable to continued abuse and subject to infringements on their freedoms.[68] Legal principle, protection of black women, white men's continued abuse, and an unwillingness to concede to the racist assumptions behind whites' desires for keeping their race "pure," meant that Black Americans could not leave the issue alone no matter how much they might have wished.

122; F. Logan, *Negro in North Carolina, 1876-1890* (Chapel Hill: University of North Carolina Press, 1964), 199-200.

[68] "Miscegenation," *New Haven Daily Palladium* (New Haven, Connecticut) quoting *The Colored Tennessean,* October 3, 1865.

Chapter 3: Wives Not Concubines: Demanding Rights after Emancipation

Alfred Foster purchased Leah Foster in the 1830s. Between 1837 and the mid-1850s, Leah had five children and, unlike all of Alfred's other slaves, all bore the Foster name. In 1847, he took Leah and their three children from Louisiana to Ohio and emancipated them. Leah and her children lived in Ohio for four years with Alfred visiting periodically and "provid[ing] them with the necessaries of life." In 1851, he moved to Texas and brought Leah and the children with him where they had two more children. In 1867, Alfred died and left everything to Leah and the five children. Although he never called Leah his wife, his will declared: "should the freedwoman Leah at any time after my Death marry she thereby relinquishes all her interest in my estate."[1]

Despite this rather husbandly provision, Leah and Alfred were not married—something that carried tremendous consequence for the inheritance. The estate's administrator, a white neighbor, found the estate deeply in debt and auctioned off the land to pay the debts. Leah and her children were left with nothing. Under Texas law, a widow's homestead could not be seized to pay a husband's debts. Accordingly, had Leah and Alfred been married, one hundred sixty acres of land would have been protected

[1] "Release of Claims," Bonds v. Foster M-6471, no 859 (1871), Texas State Library and Archives Commission; E.M. Wheelock, *Reports of Cases Argued and Decided in the Supreme Court of the State of Texas During The Latter Part of the Second Annual Session of the Court, Commencing the First Monday of December, 1871* (St. Louis: The Gilbert Book Company, 1882), 69.

from creditors. Yet, Texas banned interracial marriage in 1837 and maintained the prohibition for the next 130 years.[2]

Despite their decades-long relationship, their five children, and the will, the Fosters were not legally wed in the eyes of the state. Had Leah been white the state would have presumed that they were married and therefore protected the majority of the estate from its supposed creditors. Most states protected wives as financial dependents from financial ruin brought upon a husband's death; either keeping homesteads beyond the reach of debt-collectors or protecting a widow's "third."[3] Legal marriage brought concrete protections to inheritance law; in this case, nearly two hundred acres of prime Texas real estate was the difference between being a wife and being a concubine. Thus, classifications of legitimate marriage or illicit sex mattered greatly. Only wives, not concubines, received the protections of patriarchy.

Historian Gerda Lerner defined patriarchy as "the manifestation and institutionalization of male dominance over women in society." Patriarchy subordinated women to men; under its legal principle of coverture, a wife had no right to enter a contract, acquire property, or even keep her wages. As limiting as patriarchy was for women, it also came with concrete protections in the form of a husband's financial obligations and protection. Created for white women, black women like Leah Foster nevertheless embraced the protection it promised. As they were already bound by the restrictions of patriarchy (and white supremacy), they claimed its obligations. As

---

[2] Fort Bend County Clerk's Office, Richmond Texas, Estate of Alfred H. Foster, Probate Case No. 67-CPR-000653, http://tylerpaw.co.fort-bend.tx.us/PublicAccess/default.aspx.
[3] Luis Acosta, "United States: Inheritance Laws in the 19th and 20th Centuries," Library of Congress (2015).

Catherine Adams and Elizabeth Pleck found of New England black women in the colonial era, "patriarchy appealed to many black women as well as black men in the positive meaning of respectability and in the security that monogamy in marriage offered, in the protection of inheritance rights for their children through legitimacy, and in various legal principles of coverture that upon occasion might be used to their advantage."[4] Patriarchy undeniably hindered women, yet inherent in its restrictions was a promise of exchange; legal and social subordination in return for protection. Subject to the limitations of patriarchy, black women in relationships with white men seized upon patriarchal protections and occasionally succeeded in their demands.

Seeking the obligations of patriarchy, Leah refused to lose her and her children's inheritance. Calling herself Alfred's widow, she claimed the wifely privilege of the exemption of the homestead and appealed the sale of the land in 1871. Her appeal proved to be well timed. Between the initial settlement of the Foster's estate in 1868 and Leah's 1871 appeal, their county of Fort Bend underwent a revolution in its representation. African Americans were seventy seven percent of the county in 1870 and thus, once enfranchised by the Fifteenth Amendment, were in control of the local government. The judge who had agreed with the assessment that the Foster estate was insolvent lost his office and the case fell to Judge Livingston Lindsay; a former slaveholder but considered a moderate Republican in postwar Texas.[5]

---

[4] Gerda Lerner, *The Creation of Patriarchy* (New York: Oxford University Press, 1986), 239;Catherine Adams and Elizabeth Pleck, *Love of Freedom: Black Women in Colonial and Revolutionary New England* (New York: Oxford University Press, 2010), 10.

[5] Wheelock, *Reports of Cases*, 69; Peggy Pascoe, *What Comes Naturally: Miscegenation Law and the Making of Race in America* (Oxford, Oxford University Press, 2009), 33.

Despite these representational changes, Leah did not have a promising case. Louisiana and Texas's bans on interracial marriage excluded her and Alfred from having a common-law marriage. What Leah could use, however, was civil law's emphasis on the responsibilities of husbands for their wives. In life and death, husbands were expected to provide for their wives so the state would not have to care for indigent women and children. If Leah could demonstrate she was a wife rather than a concubine, she could win back her homestead.

Her appeal therefore hinged on the question: "was Leah the wife of Foster, and are her children the offspring of his loins?" Although the court heard testimony regarding the paternity of the children, no one doubted that a wealthy bachelor sired children with a former slave and even white neighbors testified to Alfred's paternity. The issue instead turned on the status of Leah and Alfred's relationship. To answer this, the court heard from Alfred's former slaves, the Foster children, and white neighbors. Former slaves testified that Alfred and Leah "bedded together every night" and "lived same as man & wife."[6] In contrast, white neighbors insisted that Leah and Alfred's thirty-year relationship amounted to nothing more than illicit sex.

The opposing attorneys' strategy relied on tropes of immorality as they sought to diminish Alfred and Leah's relationship. Under cross examination, the former slave who had described Alfred and Leah as "liv[ing] same as man & wife," conceded that she had never heard Alfred "say they were married." White neighbors added to this admission

[6] Wheelock, Reports of Cases Argued, 69; http://tylerpaw.co.fort-bend.tx.us/CaseDetail.aspx?CaseID=1024; Bonds v. Foster, Texas Supreme Court, M-6471, no. 859, Texas State Library/Archives, Austin, 19-21.

Alfred's reputation as a bachelor, even if it was well known that he "kept a negro woman by whom he had mulatto children." Further, they insisted that Alfred treated Leah as a servant who attended them when they dined there, but did not eat with them as a wife would. Former slaves, however, pointed to the tenderness, affection, and monetary support Alfred offered to Leah and the children. "Foster treated Leahs [sic] children as his own," testified one former slave while another insisted that Alfred "treated her children different from other negroes."[7] While white witnesses testified to a standard master-servant relationship, former Foster slaves detailed an affectionate relationship.

Regardless of the testimony offered, what ultimately mattered for the judge was Alfred's intent. Leah's attorney emphasized expectations that a man provide for his wife; Alfred recognized his children, supported Leah, and lived with her as if man and wife. Lindsey, however, dwelled only briefly on this testimony in his decision. What ultimately swayed the judge was the will. The clause denying Leah her inheritance if she should marry demonstrated to Lindsay that Alfred thought of Leah as a wife.[8]

Although the decision came down to a judge respecting the intentions of a propertied white man, Lindsay justified the protection of the homestead from creditors through a tangled logic of civil marriage that could surmount Texas's interracial marriage ban. Lindsay held that although Leah and Alfred could not have legally wed in either Louisiana or Texas, interracial marriage was legal when Leah lived in Ohio. Alfred's visits and his financial provisions during this time sufficed "to raise the legal presumption of a marriage." Texas's ban on interracial marriage did not contain a provision nullifying

[7] Bonds v. Foster, Texas Supreme Court, M-6471, no. 859, Texas State Library/Archives, Austin, 22.
[8] Wheelock, Reports of Cases Argued, 70.

marriages contracted elsewhere. Thus, the judge decided that because Leah and Alfred *could* have legally wed in Ohio, *then* Texas should consider them married. Lindsay ruled in Leah's favor and the Texas Supreme Court affirmed the ruling on appeal. Texas's highest court seemed amused by the will's "jealous husband" clause and found it clear evidence that Alfred regarded Leah as a wife.[9]

As a wife, the state protected Leah's inheritance from creditors. Leah and her children returned to the land and worked their holdings until Leah's death in 1882 when her sons and a son in-law divided it among themselves. Into the twentieth century, the Foster children and their descendants held onto that land in a county with almost no other black landowners.[10] Ironically, a stipulation meant to impinge upon Leah's freedom to (re)marry saved her inheritance. Her brief Ohio residence and the restrictive clause in the will clinched the case. Her insistence that she was a wife, not a concubine, allowed her to claim the rights and protection of legal marriage by invoking patriarchal protections.

Some black women like Leah Foster were able to harness the patriarchal protections meant for white women. Black women who had been in long term relationships with white men attempted to gain these patriarchal protections by insisting

---

[9] Ohio banned interracial marriage in 1861 and did not repeal the ban until 1887. The ban, however, said nothing about invalidating past marriages. Wheelock, Reports of Cases Argued, 69, 71. Far more than simply a "jealous husband" clause, the provision in Alfred's will was itself a demonstration of a patriarchy. Gerda Linda held that women could escape one man's control "only if they place themselves as wives under the dominance/protection of another man." Accordingly, Alfred's will renounced his continued marital obligations of financial support if Leah put herself "under the dominance/protection of another man" by marrying one. Linda, *The Creation of Patriarchy* (Oxford: Oxford University Press, 1986), 240.

[10] Letters of Testamentary, 000907 (1882) Fort Bend County Probate Records. http://tylerpaw.co.fort-bend.tx.us/CaseDetail.aspx?CaseID=1512; Entries for Leah Foster, Fields Foster and Bros., Field Foster, Monroe Foster, George Foster, and John Milton, Ford Bend County Tax Rolls, 1838-1910, Texas State Library Records Division, Office of the Tax Assessor-Collector, Microfilm, Reel 107901 (1838-1889), 107902(1889-1900), and 107903 (1900-1910).

that their relationships were not illicit concubinage, but respectable marriages. While black men took the lead in constitutional and legislative battles to protect interracial marriage rights, black women fought for the concrete protections of marriage. They fought primarily through the court system to uphold or contest wills. For a brief time, black women were somewhat successful at using the judicial branch to this end, particularly in Texas. This chapter explores these battles where many lost in the end, but in demanding inheritance rights, these women claimed the rights of wives and, in some cases, obtained financial security for themselves and their children. At the same time, the post-Emancipation provisions allowing former slaves to marry changed black views on marriage itself and led many to rethink interracial relationships.

Black women's fight for inheritance rights, legislative fights, provisions allowing former slaves to marry, the Civil Rights Act of 1866, and the Fourteenth Amendment, all challenged interracial marriage bans. The legality of interracial marriage became murky for a brief period in some states and clearly legal in others. At the same time, understandings of marriage itself underwent a profound revolution for Black Americans after Emancipation. Seeking the protection and respectability of marriage, African Americans married in droves in the postwar era. As they did so, formerly acceptable relationships were increasingly considered disreputable—a change that affected views on interracial relationships.

Denied legal marriage and its protections under slavery, the newly freed rushed to gain legal recognition of their marriages. The great majority of these marriages were

neither interracial nor new relationships, but longstanding relationships between former slaves. The couples—old and new—sought official recognition and the privileges of marriage: particularly citizenship and property rights. They hoped that marriage would protect black women from the sexual exploitation of white men.[11]

The protections that marriage offered families were so important to the newly emancipated, that those attending the first statewide Freedmen's Convention in North Carolina in the fall of 1865 demanded recognition of their domestic relations. They met as white lawmakers gathered elsewhere to write a new constitution. The delegates at the Freedmen's Convention called for the protection of their families through legal recognition of them. As Adams and Pleck noted of freed slaves in New England two generations earlier, "they wanted freedom, with patriarchal assumptions embedded within the definition of freedom" and freedom to marry meant the ability to have their unions legally recognized.[12]

Although Union officials and Freedmen's Bureau agents patronizingly stressed the importance of marriage to the newly emancipated, freedpeople needed little inducement to pursue marriage. They married for the same reasons anyone marries: love,

---

[11] Barry A. Crouch, "The 'Chords of Love': Legalizing Black Marital and Family Rights in Postwar Texas," *Journal of Negro History* 79 no. 4 (Fall 1994), 334; For an example, see Mississippi's Black Codes, which state: "it shall not be lawful for any freedman, free Negro, or mulatto to intermarry with any white person; nor for any white person to intermarry with any freedman, free Negro, or mulatto; any person who shall so intermarry shall be deemed guilty of felony and, on conviction thereof, shall be confined in the state penitentiary for life; and those shall be deemed freedmen, free Negroes, and mulattoes who are of pure Negro blood, and those descended from a Negro to the third generation inclusive, though one ancestor of each generation may have been a white person." Mississippi Black Code, *Laws of the State of Mississippi, Passed at a Regular Session of the Mississippi Legislature, held in Jackson, October, November and December, 1965, Jackson, 1866* (Jackson, Cooper and Kimball State Printer, 1869), 82-93.
[12] Raleigh *Journal of Freedom,* 7 October 1865 in Roberta Sue Alexander, *North Carolina Faces the Freedom: Race Relations During Presidential Reconstruction, 1865-67* (Durham: Duke University Press, 1985), 24-27; Adams and Pleck, *Love of Freedom,* 12.

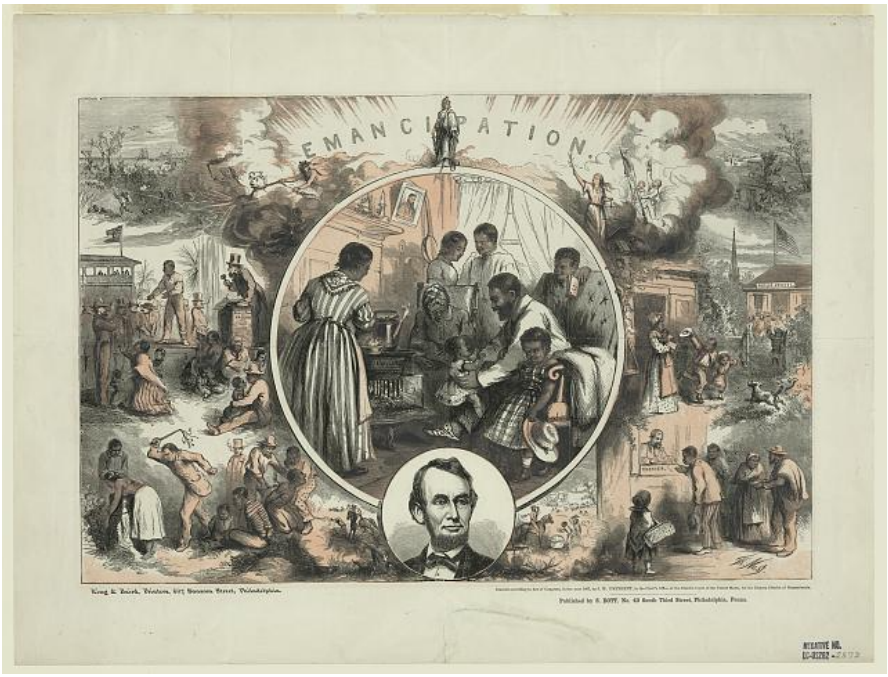
romance, commitment, respectability, acknowledgement of their relationship from communities large and small, and to gain the protection, structure, and economic security nineteenth century marriage seemed to promise. Certainly though, particular motivations were magnified during and immediately after the Civil War. Formalizing a relationship through marriage not only brought public recognition to a relationship that would have formerly been disregarded to suit the monetary concerns of a slaveowner, but in the midst (and aftermath) of a deadly war, it promised economic protection to potential and actual military widows who would only qualify for a pension with a recognized marriage.[13]

Still others found themselves automatically married through legislative fiat. Black Mississippians, Georgians, North Carolinians, South Carolinians, and Virginians who had not sought to legalize their relationships found themselves legally wed in 1866 after their states declared all co-habiting black couples to be man and wife.[14] Thus, freedpeople married—or had marriage thrust upon them—as soon as they were legally permitted for the same reasons anyone marries. Yet, many also married from motivations unique to a newly emancipated people and by officials who thought it necessary to force marriage onto them.

---

[13] Colonel William A. Pile, a commander of a division of U.S. Colored Troops during the Civil War, for example, maintained that marriage would "civilize" the former slaves. He held that "one of the first things to be done with these people, to qualify them for citizenship, for self-protection and self-support, is to impress upon them the family obligations." Statement of Col. William A. Pile, American Freedmen's Inquiry Commission, Records of the Adjutant General's Office, 1780's-1917, Record Group 94, M 619, roll 201, frame 139, National Archives, Washington, D.C. Legal marriage was not always necessary to secure pensions if a widow could prove that she and the deceased were recognized as married by their community. Nevertheless, legal marriages, with proper documentation, eased the process.

[14] Mississippi's phrasing of the law, for example, read: "All freedmen, free negroes and mulattoes, who do now and have heretofore lived and cohabitated together as husband and wife shall be taken and held in law as legally married." Mississippi Black Code, *Laws of the State of Mississippi,* 82.



Although designed by a white man, the artist's choice to put a black family at the center of this illustration in 1865 was a recognition of family's importance to freedpeople. At its center, emancipation meant the restoration of families as this idyllic familiar image shows.[15]

Figure 5: "Emancipation"

Marriage could be a symbolic first act of freedom that also came with tangible benefits and the seeming promise of additional rights. Slaves' inability to marry underscored their dependence; marriage therefore stood as a rejection of that dependence. White male heads of households before emancipation held economic, legal, and moral responsibility for their dependents—wives, children, and slaves. These patriarchs even controlled dependents' interests in the public sphere through voting and other citizenship duties. As Elizabeth Fox-Genovese argued, "an ideology of male-dominated households permitted [white] southerners to perpetuate the ideal of democratic political relations

[15] Thomas Nast, "Emancipation," (King & Baird, printers, 1865). http://www.loc.gov/pictures/item/2004665360/.

among free men in a society unmistakably grounded in hierarchical and corporatist relations of all kinds."[16]

No longer legally dependent after slavery, black men could become heads of households with its accompanying private and theoretical public rights through marriage. A corporal in the U.S. Colored Troops in 1866 explained the implications of the right to marry thusly: "The Marriage Covenant is at the foundation of all our rights. In slavery we could not have *legalized* marriage: *now* we have it...and we shall be established as a people."[17] Marriage appeared to be a means to rights as heads of households, as dependents, and as citizens and was thus widely embraced and eagerly pursued.

Conservative and reform-minded whites also wanted African Americans to marry after emancipation. They saw marriage as a means "to consolidate state power over freedpeople and compel them to fulfill domestic obligations." Believing that black men would only care for their children if forced to, whites permitted freedpeople to marry so that black women and children would not become wards of the state. The newly emancipated, in turn, wanted access to marriage to gain the public rights that were supposed to accompany marriage.[18] Blacks and whites were in agreement even if for very different reasons and expectations. Whites wanted to impose responsibility they thought would be lacking and African Americans sought the protections and rights marriage promised in order to fulfill the obligations they already felt responsible for.

---

[16] Elizabeth Fox-Genovese, *Within the Plantation Household: Black and White Women of the Old South* (Chapel Hill: The University of North Carolina Press, 1988), 64.
[17] Quoted in Ira Berlin, Joseph P. Reidy, and Leslie S. Rowlands, eds., *The Black Military Experience* (New York: Cambridge University Press, 1982), 672.
[18] Laura F. Edwards, "'The Marriage Covenant is the Foundation of all Our Rights': The Politics of Slave Marriages in North Carolina after Emancipation," *Law and History Review* 14, no. 1 (Spring 1996), 85, 94.

Marriage mattered as a matter of perception too. Slaves were accused of lacking the requisite "marital and familial attachments" that allowed lasting unions.[19] Entering into legally recognized unions, community leaders hoped, would combat this stereotype. Therefore, marriage served not just as a right of freedom, but also as a corrective to allegations that black people were unable to fulfill private duties. Consequently, more than a personal act of reorganizing one's life after slavery, black marriages possessed political implications.

As central as family life was for freedpeople, not all thought marriages were necessary or desirable. Many believed that they had long ago married in "the eyes of god" so legal unions were unnecessary and an insult to the validity of their longstanding relationship. Still others valued the fluidity informal relations allowed. "Taking up" with one another in a manner similar to dating or a trial marriage permitted black people to dictate their own personal relations. Slave marriages had been "governed by custom and the community, not a legal contract" and allowed for couples to easily separate and begin new relationships. Legal divorce, in contrast, was forbidden in some states or financially prohibitive in others. African Americans' definitions of marriage sometimes put community recognition at its center and had far more tolerance for short-term sexual liaisons and family constructions that differed from white norms.[20]

---

[19] Herbert G. Gutman, *The Black Family in Slavery and Freedom*, 1750-1925 (New York: Pantheon Books, 1976), 428.

[20] Noralee Frankel holds that African Americans rarely used the expression "took-up" to describe casual sexual relationships only. While "sex was part of a nonmarital cohabitational relationship," it was not a causal or trivial relationship. Frankel, *Freedom's Women,* 118; Edwards, "The Marriage Covenant," 107.

Nevertheless, the new ability for all African Americans to legally wed fundamentally changed expectations for the legally married and unmarried alike. Those who refused to legally wed found their relationships labeled illegitimate, immoral, unworthy of respect, and a supposed indicator of black people's inability to act as citizens. Abolitionists had long pointed to the lack of legal protection for slave marriages (and thereby the inherent immorality this was thought to encourage) as one of the greatest wrongs of slavery. Slavery, and not the slaves themselves, were considered the culprit, but after slavery's demise, the formerly enslaved became the immoral ones if they did not enter legal wedlock. Thus, relationships that had long been considered moral by the enslaved population now became illegitimate.

Slaves did not look down upon out-of-legal-wedlock relationships so long as they remained consistent with community values—such as avoiding promiscuity. Before legal marriage was permitted, those who were not legally wed faced no social or religious penalty. Stemming from either African traditions or an adaptive response to sudden disruptions, slaves practiced a multiplicity of community-tolerated intimate relationships. With the ability to legally wed, however, all other forms of intimate relationships that had once been permitted and respected came to be defined as illegitimate and immoral. As legal scholar Katherine Franke phrased it, "gaining the right to marriage resulted in marriage 'occupying the field'…crowding out all other kinds of relationships."[21]

[21] Katherine Franke, *Wedlocked: The Perils of Marriage Equality, How African Americans and Gays Mistakenly Thought the Right to Marry Would Set Them Free* (New York: New York University Press, 2015), 16.

As Noralee Frankel observes, black churches became particularly adamant about freedpeople legally marrying and frowned upon unmarried couples who cohabitated. Some black churches even denied membership to those living out-of-wedlock. Black churches policed their members' marital status in order to use "marriage as a weapon against white stereotypes and charges of African American promiscuity and uncontrolled sexuality."[22] Black middle class reformers likewise emphasized the importance of marriage. Such positions did not develop overnight, but institutions and reformers' emphasis on the importance of marriage began with marriage's legalization for freedpeople and only strengthened in the years after.

The rise of new community standards, however, posed a different set of complications for interracial couples. Relationships that might have been tolerated by slave communities before emancipation could now face community condemnation for failing to be legal marriages, even if such relations remained prohibited. "Several" black women in relationships with white men in Yazoo County Mississippi, for example, were "turned out of church" for "living in adultery."[23] Marriage had become the expected state of being after emancipation. Therefore, those left out of wedlock found increased intolerance for their relationships.

Seemingly consensual relationships ended after emancipation because some black women refused to continue in the relationships without the protection of marriage. The son of a white man and a slave woman in Louisiana, for example, recalled, "when

[22] Frankel, *Freedom's Women*, 86.
[23] A. T. Morgan, *Yazoo, or on the Picket Line of Freedom in the South* (Washington, D.C.: Published by the Author, 1884), 358-362.

freedom come my mama and papa split up." He remembered his parents' relationship as amicable, but they nevertheless separated and his mother married a black man afterward. Similarly, Harriet Ann Daves recalled that her father was her mother's master, but "he never denied me to anybody." Her father professed to love her mother and refused to marry anyone else, claiming "if he could not marry Mary he did not want to marry." Her mother, however, "told my father she was tired of living that kind of a life" and "if she could not be his legal wife she wouldn't be anything to him, so she left him."[24] Historians cannot know the woman's true reasons for ending the relationship. This might have simply been a convenient excuse to end an undesired relationship, a story told to a child to save her from grief, or a genuine attempt to claim her independence, her self-worth, or public respectability. What is clear is that the illegality of interracial marriage either prevented this woman from continuing in a relationship she might have genuinely desired or aided her in ending an unwanted relationship.

Across the South, pre-existing interracial pairings underwent transformations with the arrival of freedom. One observer reported that "colored concubines" in Yazoo County, Mississippi had high social status from their connections with wealthy white men. After emancipation, some of these women were rejected by their churches for "'living in adultery' in the sight of man as well as God." In response, they sought legal marriages but to no avail, even after the state briefly legalized it. The white observer—who himself married a black woman—reported that few actually secured legal marriages

[24] *Federal Writers' Project: Slave Narrative Project, Vol. 16, Texas, Part 1, Adams-Duhon* (1936), Manuscript/Mixed Material, interview with Olivier Blanchard, 90; *Federal Writers' Project: Slave Narrative Project, Vol. 11, North Carolina, Part 1, Adams-Hunter* (1936), Manuscript/Mixed Material, interview with Harriet Ann Daves, 232-4.

from their "white sweethearts." The women purportedly denied their paramours their bodies: they "not only kicked against the pricks, they actually began to wear armor against them." One man built his concubine "an elegant new residence" instead of offering nuptials, another gave money, some severed ties, and one secretly married. Those promised marriages continued what the observer termed their "harass[ment] nigh unto death" of their white lovers for years thereafter to little avail.[25] Black women in interracial relationships who sought the protection and respectability of marriage, but could not get it ended the relationship or attempted to obtain its security in other ways.

For some black women in Texas, this security came through seeking inheritances. Black Texans had in fact long used the court system to gain official recognition of their interracial relationships. They did so by leveraging two loopholes that made the state's judicial system more amenable to their situation than other southern states: Mexican law governing until 1836 and a provision in the state's 1869 Constitution to legalize the marriages of former slaves. Between 1828 and 1837, before the newly declared Texas Republic outlawed it, interracial marriages were legal in Mexican-controlled Texas. Under Mexican law, if an owner married his slave (and the presumption was that it would be a he), the marriage legally emancipated the slave.[26]

The 1869 Texas Constitution automatically legitimized "the marriage of all persons formerly precluded from the rights of matrimony because of the law of bondage."

---

[25] Morgan, *Yazoo*, 358-362.

[26] In some cases, the laws of three or even four nations could be invoked over an inheritance dispute. Spain ruled Mexico until 1821, Mexico ruled Texas until 1836, the Republic of Texas ruled until 1846, and then Texas became a U.S. state only to succeed from the Union in 1861. Texas completed the Reconstruction requirements to reenter the Union in 1870 and approved a new constitution in 1869; Guess v. Lubbock 5 TX 535 (1851) https://www.ravellaw.com/opinions/32378eacd52e930160c86d203ea7b0d7

Other states had passed similar provisions, but Texas's wording left room for a wider, albeit unintentional, interpretation that could apply to interracial couples too. Coupled with these legalities unique to Texas, the state recognized putative marriage—a presumption of marriage wherein unless there was a legal bar to a marriage, Texas courts assumed a marriage existed.[27] The state's 1837 ban on interracial marriage qualified as a "distinct and absolute" bar to marriage, but residence in Texas before 1837 or in another state could circumvent this as the Foster case demonstrates.

Although some black women achieved official recognition as wives to white men, these were by far the minority as few were even able to have their day in court. Nevertheless, the existence of cases, successful or not, shows the perseverance of the women to be heard and to accrue the symbolic and concrete benefits of official recognition of their interracial relationships. Limited by both patriarchy and white supremacy, they sought the protections patriarchy promised.

Undoubtedly, however, the overwhelming majority of black women who had seemingly benign or clearly abusive relationships with white men were not able to gain official recognition. Finding a lawyer willing to take their case, having sufficient evidence of a relationship of the type the court would recognize, and even surviving long

[27] The full text of Section 27 reads: "All persons who, at any time heretofore, lived together as husband and wife, and both of whom, by the law of bondage, were precluded from the rites of matrimony, and continued to live together until the death of one of the parties, shall be considered as having been legally married; and the issue of such cohabitation shall be deemed legitimate. And all such persons as may be now living together, in such relation, shall be considered as having been legally married; and the children heretofore, or hereafter, born of such cohabitations, shall be deemed legitimate." Constitution of the State of Texas (1869) https://tarltonapps.law.utexas.edu/constitutions/texas1869/a12; As it did not emerge as a contentious point in an otherwise contentious adoption of the 1869 constitution, presumably there was no intent by constitutional delegates to legalize interracial marriage through this wording; Joel Prentiss Bishop, *Commentaries on the Law of Marriage and Divorce, and Evidence in Matrimonial Suits*, 3rd ed. (Boston: Little Brown, 1859), 36.

enough to get to court were often insurmountable barriers. Only those who had relationships with very wealthy white men seemed able to entice lawyers to take their case. Presumably, too, many black women could never call their owners, with whom they were forced to have a "relationship," a husband. The allure of an inheritance was not enough for them to term the years of unwanted sexual assault a marriage. Unique features of Texas law nevertheless allowed some black women the space to fight for the rights they would have automatically received had the state permitted interracial marriage.

Importantly, however, court records offer limited evidence regarding the nature of these relationships. The women and those who knew them might offer testimony about a tender and loving relationship, but the true nature of a relationship begun under the asymmetrical power structure of slavery makes the consensual nature of these relationships dubious. Often referred to as "slave-wives," such a description seems oxymoronic. Historian Nancy Cott puts consent at the heart of American understandings of marriage and slave women simply could not freely enter into marital-like relationships.[28] Nevertheless, "slave-wives" could feel justified in seeking the protections wives received from marriage. Even if she never loved her owner and supposed husband or consented to their relationship, a woman forced into a marital-like arrangement should still posses all the rights of a wife.

Even before emancipation, claiming marriage could be a route to freedom. Six years before *Dred Scott v. Sandford* (1857), a black woman in Texas not only had the standing to bring a lawsuit, but she actually secured her freedom by claiming marriage.

[28] Nancy Cott, *Public Vows: A History of Marriage and the Nation* (Cambridge: Harvard University Press, 2000), 3.

Around 1836, Adam Smith appears to have owned Margaret Gess. Exactly when or even if he purchased Gess was a point of contention for the court. Smith and Gess lived together for several years and had a child together. Smith also purchased—purportedly with Gess's money—a boardinghouse "in trust" for Gess, which she ran independently for years thereafter. In 1840, they separated and Smith gave a note stating that "the bearer, Margaret, a negro woman, about 30 years of age, is free and at liberty to go and do the best she can to make an honest livelihood in the world." The pair lived amicably separated until Smith died without a will in 1848. Francis Lubbock—Smith's nephew and a future governor of Texas—claimed Gess, her daughter, and the boarding house as part of his inheritance.[29]

Gess filed a lawsuit protesting this in 1848, but Lubbock—the District Clerk of the county in which the case would be heard—stalled the hearing until 1850. Meanwhile, Gess and her daughter labored as Lubbock's slaves. At the trial, the judge dismissed the note from Smith as "meaningless" as it lacked the required five white for a deed of emancipation according to the laws of the Republic of Texas under which it was signed. Accordingly, the court ruled that Gess, her daughter, and the boardinghouse belonged to Smith's estate and therefore to Lubbock.[30]

Unwilling to relinquish her own and her daughter's freedom, however, Gess

[29] Margaret's last name varies by document. The trial proceedings referred to her as "Gess," the Supreme Court as "Guess," a reporter as "Guest," and in probate proceedings filed by the defendant, "Less." The first trial court used "Gess" and thus will be used as her surname here; Guess v. Lubbock 5 TX 535 (1851) https://www.ravellaw.com/opinions/32378eacd52e930160c86d203ea7b0d7.

[30] Guess v. Lubbock 5 TX 535 (1851). The judge ruled that the note was "evidence only of Smith's admission that plaintiff is free. It amounts to nothing more." In other words, the note only showed that Smith thought Gess was free, not that she was free, and because of the lack of sufficient signatures, it could not have freed Gess.

secured a new lawyer and appealed the decision to the Texas Supreme Court. In 1851, the Court reversed the lower court's decision and remanded the case for a new trial. The Court objected to the original handling of the suit due to Lubbock's attorney failing to contest Gess's ability to sue if she were a slave. Having failed to plead a lack of capacity to sue, the Court ruled, Lubbock could not introduce any evidence of Gess's slave status. In fact, the Court called into question that a slave status even existed. Smith began living with Gess, the Court ruled, in February of 1836—conveniently the month before adoption of the Republic of Texas's Constitution and therefore still under Mexican jurisdiction. Since that date, the Court held, Smith lived with Gess "as his wife" and "said on all occasions that she was free," including in the note that the lower court had dismissed. Thus, Gess was free as marriage was a means of emancipation under Mexican law. The Court further argued that Gess rightfully owned the boardinghouse.[31]

With the ruling, however, the Texas Supreme Court did not free Gess. Instead, it remanded the case for retrial at the local level—meaning Gess and her daughter had to endure fifteen more months of enslavement. Given the Texas Supreme Court's ruling, the local judge had little choice but to find in Gess's favor. In 1852, the judge ruled that Gess and her daughter were free. Gess, however, seems to have recognized her precarious situation. Should the Texas Supreme Court's composition change, Lubbock could appeal the decision and re-enslave Gess and her daughter. She had endured two trials and five years enslavement since Smith's death. By rights, she could have sued for back wages for

[31] Mark Davidson, "One Woman's Fight for Freedom: Gess v. Lubbock, 1851" in Randolph B. Campbell, ed. *The Laws of Slavery in Texas: Historical Documents and Essays* (Austin: University of Texas Press, 2010), 91; Guess v. Lubbock 5 TX 535 (1851) https://www.ravellaw.com/opinions/32378eacd52e930160c86d203ea7b0d7.

her and her daughter's time as Lubbock's slave, but the risks of re-enslavement if the court found against her were too great. Accordingly, she immediately sold the boardinghouse, perhaps to pay attorney fees or merely to make a clean break, and she and her daughter disappeared from the public record.[32]

Despite how long it took Gess to win back her freedom, her case is an extraordinary example of a black woman's gaining freedom by a presumption of marriage to her owner. She provided no documentation or even claims that she and Smith had legally wed, only that they had lived openly as if man and wife before they had separated. Relying on the peculiarities of a set of laws nearly twenty years old and two governments removed by 1852, however, the case offered a poor precedent for others to use going forward, which perhaps also aided Gess's cause as the court need not fear setting a precedent. Like Leah Foster's case twenty years later, Gess's case also came down to respecting the wishes of a white man, even if that meant ruling in favor of a black woman over the demands of creditors or powerful would-be heirs. Through Gess's persistence that she had been a wife to her former owner, even if they had later separated, she won hers and her daughter's freedom and property.

A few years later, another black woman successfully used the courts to secure her freedom and property. David Webster owned Betsy Webster and for over thirty years they lived openly together. David willed Betsy 5,000 acres of land, twenty-one city blocks in Galveston, their home, and her freedom. Despite the clear terms of the will, in 1858, two years after David's death, a woman purporting to be a cousin of David's

[32] Davidson, "One Woman's Fight for Freedom." Under any of the names used for Gess in the court records, she does not show up in any census records in Texas or elsewhere.

contested the will and claimed Betsy and the rest of the property as her own.

Betsy and David came to Texas from Florida in 1847. Arriving after Texas's statehood, neither the laws of Mexico nor the Republic of Texas could come into play. Florida banned interracial marriage in 1831 so they could not have entered into a common-law marriage there. Betsy did not claim a marital relationship with David and yet she seemingly did not have to as few disputed that this, for all intents and purposes, was their living arrangement. Even white neighbors testified that "the connection between them was for a great number of years of the most intimate character." Still another held that Betsy cared deeply for David and involved herself in household affairs. Betsy, a former neighbor testified, made "much of [David's] property if not [being] the origin of it." She managed David's finances and valuables according to still another white neighbor. When David faced financial difficulties in the 1840s, he sold all his slaves except Betsy.[33] All seemed agreed, Betsy and David lived as if man and wife.

Yet, the case turned on a technical matter, not a marital one: whether the will was valid. David's will clearly stated his intent to "manumit, emancipate and set free [his] negro woman, Betsy, and declare her to be entirely liberated from slavery" and bequeathed her "all the real and personal and mixed estate." Importantly, however, he did not outright leave Betsy his property. Instead, he created a trust controlled by a Mrs. E.J.

---

[33] Letter from Robert Meyers to Messrs. Potter & Ballinger (Sept. 23, 1858), 1 in William Pitt Ballinger Papers (Briscoe Center for American History at University of Texas) as cited in Jason A. Gillmer, "Lawyers and Slaves: A Remarkable Case of Representation from the Antebellum South," *University of Miami Race & Social Justice Law Review*, vol. 1 (2011), 42; Transcript of Trial to Texas Supreme Court, Webster v. Heard, No. 3088 (Texas District Court Galveston City, Fall Term 1858) (Collection of Texas State Library and Archives Commission) (testimony of Mary Hopkins), 230; Letter from Robert Meyers to Messrs. Potter & Ballinger; Transcript of Trial, Webster v. Heard (testimony of Marcia Paschal), 236.

Hardin and instructed her to manage it "at the pleasure and request of said Betsy." Establishing a trust for Betsy instead of giving her the funds outright was a necessity given Betsy's status as a slave at the time of David's death. If he left her the money directly, even if he made provisions for her freedom, she could not have inherited anything as her enslavement disqualified her from inheriting anything but her own freedom. Creating a trust preserved the estate for Betsy until she could be freed.[34]

Nearing seventy, Betsy seemed simultaneously a shrewd guardian of her finances but also someone who merely wanted to continue living in the simple cottage she and David had shared. To this end, after his 1856 death, she sought the assistance of an attorney that David had known when they lived in Florida. The attorney-client relationship, however, quickly eroded as the lawyer, L.A. Thompson, considered Betsy "very annoying." Thompson declined to continue representing her after he filed the initial paperwork. As later testimony revealed, despite being illiterate, Betsy seemed a sound judge of finances and thus perhaps Thompson objected to her scrutiny over his work. Still another explanation could be the politics of assisting a black woman in gaining her freedom and a fortune in Texas in the late 1850s.[35]

As Betsy searched for new representation, Martha Greenwood, a woman claiming to be David's cousin, challenged the will. David, she alleged, was not of sound mind when he made the will. Never having met him, Greenwood offered no evidence of this and relied entirely upon the notion that a person who would leave his entire estate to a

[34] Transcript of Trial, Webster v. Heard (will), 38-40; Betsy Webster v. John Corbett (1870) in Wheelock, *Reports of Cases Argued*, 273.
[35] Transcript of Trial, Webster v. Heard (testimony of L.A. Thompson), 264.

slave could not have been of sound mind. She also challenged Betsy's freedom and ability to inherit. Betsy could not be freed without being removed from the state, Greenwood's attorney insisted, and the will made no provisions to pay for Betsy's removal. Without being legally emancipated, Betsy could not inherit.[36]

Betsy turned to Mark M. Potter and William Pitt Ballinger, prominent attorneys in Galveston. Perhaps indicating her difficulties in finding a lawyer willing to represent her, Betsy supposedly promised half the estate—meaning they would get over $10,000. Still technically a slave at the time, her ability to enter into a legally binding contract is dubious, but if the account is true, she did not seem to have been duped into the arrangement. Witnesses in later cases described her as a "sensible" person who knew "property as well as any white person could." The attorneys claimed to have rejected the offer and insisted on a more typical contingency fee of one-third of the estate. Given what occurred in later years, however, the veracity of the account that Betsy promised half her estate and the lawyers generously insisted on only a third is dubious.[37]

Claiming the status of a wife would seemingly be of little value as common-law marriage was not an option; instead, Betsy's attorneys relied on disputing Greenwood's charges against the validity of the will. Witnesses testified that David was of sound mind when he made the will. In doing so, they revealed Betsy and David's intimate ties. From as far back as the 1840s, one witness reported, he "always supposed as did all the neighborhood that in case of [David's] death, the negro woman, Betsy, would be set free

[36] Transcript of Trial, Webster v. Heard (Petition of Martha Greenwood), 21-22.
[37] Transcript of Trial, Webster v. Heard (testimony of W.P. Ballinger), 165; Transcript of Trial, Webster v. Heard (testimony of Oscar Parish), 157; Transcript of Trial, Webster v. Heard (testimony of W.P. Ballinger and Contract), 165, 135.

and get his property." Indeed, had he not left his property to Betsy, "it would have been to [the witness] evidence that his mind was unsound and weakened at the time of making his will." Others testified to David's mental lucidity in the days before his death and around the signing of the will. Like the Gess and Foster case before and after, the Webster case turned on the white man's intent. David, testimony revealed, clearly intended Betsy to obtain her freedom and his estate. Greenwood's attorney, perhaps confident that no sane person would leave his estate to a slave or at least that no court would uphold such a will, offered no evidence that this was not David's intent.[38]

Likewise, Greenwood's second contention also turned on questions of David's intent. Holding that Betsy had not been taken to a free state to be emancipated as the law required, Greenwood's council insisted that Betsy was not free and thus not able to inherit. Since the will did not outline provisions or delegate specific funds for Betsy to be taken out of state, she was not free. Betsy's attorneys retorted that David's clear intent that Betsy be emancipated implied that provisions be taken to legally achieve this and that she would be taken out of state to be formally emancipated later.[39]

Having countered all of the purported cousin's allegations, Betsy's attorneys argued that Greenwood had no standing to challenge the will as she provided no evidence she was related to David. To substantiate this, several witnesses testified that David had never mentioned any relatives. Greenwood never responded to the request for evidence

[38] Letter from Robert Meyers to Messrs. Potter & Ballinger, 1-2; Letter from [name ineligible] to Mr. Potter (April 24, 1857), 1 in William Pitt Ballinger Papers (Briscoe Center for American History at University of Texas) as cited in Jason A. Gillmer, "Lawyers and Slaves: A Remarkable Case of Representation from the Antebellum South," *University of Miami Race & Social Justice Law Review*, vol. 1 (2011), 52.
[39] Webster v. Heard, 32 Texas at 700.

that she was related to David so the court dismissed the case in 1858. With no one left to contest the will, the court enforced it as written.[40]

With the ruling, Betsy became one of the wealthiest Texans and occupied an anomalous position in a state that had less than 200 free women of color. Her attorneys urged her to leave, but she "positively refused to leave Galveston." She did, however, take their advice to shrink her presence by selling "the greater part if not all of her real estate." She settled with her attorneys—$7,000 worth of land and cash—and continued living in her and David's former home.[41] She incurred little legal trouble—even as a law passed the very year she won her case made her continued residence in Texas a crime punishable by re-enslavement.

In 1866, however, Betsy filed suit against her former attorneys for "fraudulently swindling [her] out of her just, lawful and equitable rights and property." In a seemingly counterintuitive argument, her new lawyer contended that Betsy had only been freed by the Thirteenth Amendment. She had never left the state as the law previously required for emancipation. As such, she could not have entered into a contract with Potter and Ballinger. Even if she had been able, Betsy denied ever agreeing to the transfer of property to them.[42]

---

[40] Transcript of Trial, Webster v. Heard (testimony of Mary Hopkins), 236; Transcript of Trial, Webster v. Heard (testimony of W.P. Ballinger), 165.

[41] There were 174 free women of color in Texas in 1860. The Eight Census, The U.S. Census 1860 for Texas https:/www2.census.gov/library/publications/decennial/1860/population/1860a-34.pdf; Transcript of Trial, Webster v. Heard (testimony of W.P. Ballinger), 168; Transcript of Trial, Webster v. Heard (testimony of Oscar Parish), 156; (testimony of W.P. Ballinger), 172; Transcript of Trial, Webster v. Heard (testimony of Granger), 160; Diary of William Pitt Ballinger, in William Pitt Ballinger Papers (January 6, 1859) (collection of Texas Briscoe Center for American History).

[42] Transcript of Trial, Webster v. Heard (Petition), 1; Webster, 32 Texas, 708-9; Webster v. Heard, 32 Texas 686-7.

Jason Gillmer's article on the case finds Betsy's decision to sue seven years after the will's initial settlement curious, especially for a woman nearing eighty. Coming just a year after the Civil War, however, Betsy's timing seems perfectly logical. Soon after she paid Potter and Ballinger purportedly by signing over several city blocks of Galveston to them, they sold the land.[43] Although most described Betsy as knowledgeable in finances, that does not preclude the possibility that she was or thought she had been defrauded by her attorneys and the woman meant to manage her trust. She might have believed or been told that these lots would be held in trust for her. The sale of the lots would have therefore caused her great alarm, but what redress could she seek in 1859 Texas? She had already been turned down by at least one attorney and now had a dispute with seemingly the only two attorneys in Galveston who had been willing to take her case. Further, by 1859, when the lots were sold, the state banned free black people from residing in Texas. Although not enforced, the law held that she must either leave the state or select a new master. Accordingly, disputing the matter any earlier than 1866 would likely have only incurred trouble. Betsy could rightly fear that challenging her first attorneys' handling of the case would undo her freedom.

Gillmer concedes that the two attorneys' did not take Betsy's case as abolitionists. Nor did they take the case for the promise of monetary reward, according to Gillmer, as they could permanently risk their public reputations by defending a slave. Instead, Gillmer holds that they likely took the case for honorable reasons; they believed "Betsy was entitled to her freedom and the property." They advocated for her "because Betsy

[43] Gillmer, "Lawyers and Slaves, 61; Transcript of Trial, Webster v. Heard (Petition), 1.

was a neighbor and a companion."[44] Unfortunately, Gillmer never considers why Betsy might have doubted that Potter and Ballinger were acting in her best interests.

Neither the local court nor the Texas Supreme Court were impressed by Betsy's 1866 suit. "A court of competent jurisdiction decreed the will valid, and thereby decreed Betsy a free woman," the Court ruled. The judge reasoned that if Potter and Ballinger had not secured Betsy's freedom, all the property would have gone to another heir and Betsy would have received nothing. "No person," the judge continued, "of less legal ability… could have saved for her either the property or freedom." Betsy, the judge advised, should have built "a monument over the grave" of the recently deceased Potter instead of filing suit. Doing so, would "have given stronger proof than she now has that her gratitude has not yielded to her avarice."[45] Betsy, in other words, was an ungrateful (former) slave in the court's mind.

Betsy's legal fight continued. In 1870 with Reconstruction underway, she found more success in a suit against a subsequent owner of disputed property when the new owner tried to evict her from her home. The new judge on the Texas Supreme Court was less impressed with Potter and Ballinger's success in obtaining Betsy's inheritance. He thought the lawyers and the trustee had not served Betsy well as laws forbade a trustee from selling land without court approval. Even after this ruling, however, Betsy continued to have legal troubles into her nineties as those who were supposed to protect her interests repeatedly fell short.[46] Through her own determination, the nonagenarian

[44] Gillmer, "Lawyers and Slaves," 64.
[45] Webster v. Heard, 32 Texas, 710, 686-87.
[46] Webster v. Heard, 32 Texas at 686-87, 708; Webster and Williams v. Mann, 52 Texas 416 (1880).

fought to retain control over most of what had been promised to her. Neither patriarchal protections nor a trust did little to protect her without her own persistence.

The successful outcomes of Gess and Webster's cases perhaps drew negative attention to interracial couples in Texas. The same year Betsy settled her initial 1858 case, the legislature outlawed mixed-race cohabitation and fornication with penalties of up to $1,000 and five years hard labor. Texans could not avoid the prohibition against such marriages by marrying in another state and returning to Texas as that too became illegal as did free black people's continued residence in Texas. No one was prosecuted for interracial cohabitation before the Civil War, but the small free black population in Texas likely took alarm at the threat of enslavement if they brought attention to their continued residence. Unsurprisingly then, no new cases involving black women contesting wills arose until after the Civil War.[47]

Despite the difficulty of succeeding in a Texas court at this time, few other states have a similar record of even this limited success. Indeed, the state best-known for interracial marriage-like relationships expressly designed its inheritance laws to prevent women deemed concubines from inheriting. The Louisiana Civil Code banned bequeathing a concubine more than a tenth of an estate. This provision weighed heavier upon enslaved women than white ones, as this could inhibit their own emancipation; their very value as slaves worked against them. If their appraised value was more than ten percent of an estate, they could not be freed. In 1851, this prevented a slave woman, Nancy, from gaining her freedom and prevented her children from inheriting. William

[47] Randolph B. Campbell, *An Empire for Slavery: The Peculiar Institution in Texas, 1821-1865* (Baton Rouge: Louisiana State University Press, 1989), 113.

Adams Jr. lived in "open concubinage" with his slave Nancy. When he died, his will granted Nancy her freedom, a watch, and $1,000 for each of their two children. Adam's legitimate white son sued on the grounds that the entire estate was worth just under $5,000, so Nancy—a slave valued at $1,000—could not be freed and her children could not receive inheritances.[48]

Louisiana justified its provision on the basis of not wanting to deny a legitimate heir an inheritance based upon the deceased's immorality. Such a rationale, however, assumed that both parties were guilty of behaving immorally. In 1851, a slave woman contested this idea as she argued that she should be able to inherit her own freedom even if it was more than a tenth of the estate because, as a slave, she could not be a concubine. Concubinage, implied consent, something she could not give. She won in a lower court, but the Louisiana Supreme Court ruled against her and in doing so charged that nearly all slave women who had relationships with their owners willingly entered into them:

> The female slave is particularly exposed...to the seductions of an unprincipled master. This is a misfortune; but it is so rare in the case of concubinage that the seduction and temptation are not mutual that exceptions to a general rule cannot be founded upon it.[49]

As paltry as the record of success was in Texas for enslaved women gaining their freedom and inheritance by asserting themselves as wives, not concubines, other states like Louisiana deemed slave women inherently concubines who willingly entered illicit

---

[48] Records to not clearly state this, but presumably the children had been freed during William Adams's lifetime as their freedom was never disputed in court. *Adams v. Routh and Dorsey,* 8 La. Ann. 121 #3009 (1853) in Judith K. Schafer, "'Open and Notorious Concubinage': The Emancipation of Slave Mistresses by Will and the Supreme Court in Antebellum Louisiana," *Louisiana History: The Journal of the Louisiana Historical Association,* Vol. 28, No. 2 (Spring, 1987), 169.

[49] Vail v. Bird, 6 La. Ann. 223 #2129 (1851) as cited in Judith Kelleher Schafer, *Slavery, the Civil Law, and the Supreme Court of Louisiana* (Baton Rouge: Louisiana State University Press, 1994), 172-3.

relationships. Although black women were more successful in Texas than in Louisiana, a similar presumption held sway in Texas as the court's focus repeatedly came down to questioning whether the black woman was more a wife or a concubine—a question not asked of white women. Legally wed or not, a white woman who had long lived with and had children by a white man who was not married to someone else would automatically be assumed to be a wife under Texas law.

The end of slavery did not end questioning over whether black women were wives or concubines and a backlog of cases emerged in Texas. One of the earliest postwar cases required no claim of wifely status as the terms of the deceased's will were clear and should have been binding without the need to claim marriage. Nevertheless, the black woman involved claimed the status of wife in legal documents even as her inheritance came through her son and not through claims of marriage to a white man. For at least twenty years, Sam Hearne and his slave Azeline lived together. He purchased her in Louisiana in the 1840s and brought her to Texas in 1853. They had four children together; only one—"Dock" Samuel Jones Hearne—survived childhood.[50]

When Sam died in 1866, he left everything to his son with the sole stipulation that Dock "furnish his mother with a comfortable and liberal support during her natural lifetime." Terming it "a supposed or pretended will," his white relatives immediately contested the will and demanded to be made administrators of the estate. One of Sam's brothers even began managing the plantation under the permission of the local court system despite the clear terms of the will. After the brother's seizure of the plantation,

[50] Dale Baum, *Counterfeit Justice: The Judicial Odyssey of Texas Freedwoman Azeline Hearne* (Baton Rouge: Louisiana State University Press, 2009), 13, 30.

Azeline and Dock moved to Galveston at the recommendation of a Freedmen's Bureau agent to await the will's settlement. That agent, while he too would let Azeline and Dock down, reported to his headquarters in 1867 prophetic words: if the "legal, just, and rightful" heirs of Sam's estate did not have a fair and competent attorney, they would surely be "cheated out of the entire estate." The Bureau intervened by temporarily prohibiting any litigation regarding the estate and by taking charge of the estate in the interregnum. Dock and Azeline had been bombarded with lawsuits from anyone who could make any sort of claim to it so the prohibition helped. Yet, the Bureau offered poor management of the estate and abandoned it before settling the case.[51]

Sam had carefully written his will, but to little avail. He named a friend, Jeremiah Collins, as the will's administrator and guardian of twenty-year-old Dock. Although only a year away from reaching legal age, Collins refused to be Dock's guardian or the will's administrator. Sam had included a generous financial incentive to fill these roles, but beyond filing the will at the courthouse, Collins refused to do anything else. Sam's choice of witness, however, proved ideal. His relatives were hard pressed to make the case that the will was a forgery when a local judge had witnessed Sam signing and sealing it. After the probate court recognized the will as valid, the Hearne family changed their claims from the will being fraudulent to claims of Sam being mentally unsound. Alcoholism, the family insisted, made Sam "non compos mentis."[52]

---

[51] Will of Samuel R. Hearne, as cited in Baum, *Counterfeit Justice,* 67, 69; Oscar F. Hunsaker to Joel T. Kirkman, July 31, 1867, cited in Baum, *Counterfeit Justice*, 99*,* 264.
[52] Baum, *Counterfeit Justice,* 68, 28.

Azeline and Dock turned to a local attorney, Thomas P. Aycock, for assistance. To obtain it, however, they had to sign a contingency fee agreement promising Aycock half of the 900-acre estate for his services—a steep price for what should have been a routine legal process and probably an indication of their difficulty in finding representation. The first in a series of attorneys, Aycock proved to be uninterested in protecting Dock and Azeline's interests but a fierce litigant when it came to protecting his own interests. While awaiting the settlement of the estate, Dock died of yellow fever in 1868. His father's white relatives used this and any other apparent opening to contest the will. Provisions for Azeline's care in the will and her status as the will's legatee should have made the matter straightforward, but Sam's white relatives, untrustworthy lawyers, self-interested executors, and assorted opportunists caused the matter to drag on for years. The Freedmen's Bureau agent who had been assisting with the case abandoned the matter when Dock died.[53]

Without the assistance of her attorney, Azeline got the case moved from civil courts to be tried by a special military court, but this ultimately proved to be of little use. The local Freedmen's Bureau closed in 1869 and left Azeline to hire an administrator and executor of the estate for a will that was still unsettled after three years. The new attorney ended up charged with murder in unrelated events—but only after he had defrauded her of rental income and failed to pay taxes on the estate. Her next legal representation came from a county commissioner, who committed malfeasance against the city and sold some of Azeline's property without her permission to two different, unwitting buyers. A

[53]Ibid., 69-70, 81.

subsequent administrator proved no less corrupt even as he remained for a decade. Still another man claimed to be the estate's owner in 1869, and demanded rent from tenants. The sheriff and courts proved unwilling to assist Azeline in ousting the pretender.[54]

Despite being the legal heir to one of the wealthiest estates in Texas, Azeline lived in poverty and did odd jobs as she lived out her days in the crumbling home she and Sam had once shared. In 1882, she testified that for the last decade or so she had "sewed, washed dishes and cooked for black people for something to eat." Only "by the goodness of the black people that she had anything to live on at all" testified another witness. Local whites had done nothing but take advantage of Azeline as the will remained unsettled and under the administration of those unconcerned with her welfare. Assumptions that "town patriarchs [would] overs[ee] the rule of individual patriarchs" and ensure that dependents were taken care of failed Azeline.[55]

Through thirteen trials, multiple appeals, and her own attorney suing her, Azeline fought for her inheritance only to be finally divested of everything in 1884. Azeline should have become one of the wealthiest Texans—black or white—on what was once one of the most successful cotton plantations in Texas. Instead, she lost everything to lawyers' fees and to Sam's white family members over sixteen years of litigation. When

---

[54] Ibid., 95, 113, 134, 157, 172. This administrator claimed the estate was in debt and consequently could not give Azeline any of property's rental income. Court documents later showed that he could have easily paid off the estate's debts in two or three years and instead allowed debts to compound so that he might force her to sell the property and purchase it himself. In 1875, he offered Azeline a paltry $200 a year for life in exchange for signing over all her rights to the estate. Azeline refused. Periodically, the administrator brought Azeline to his home to cook and clean for his wife. In exchange, his wife would give her a dress after two weeks of work. Baum, *Counterfeit Justice,* 197, 229.

[55] "Deposition of Asaline [sic] Hearne and G.W. Laudermilk," and "Deposition of Jasper Miles," *Asaline [sic] Hearne v. H.D. Prendergast* (1882), as cited in Baum, *Counterfeit Justice,* 228 and 232; Adams and Pleck, *Love of Freedom*, 10-11.

under the protection of the Freedman's Bureau she faired fairly well, but the Bureau had a short tenure in Texas. After the political revolution of the Fifteenth Amendment, she faired better. The Texas Supreme Court ruled favorably on her behalf in 1870. Nevertheless, when Reconstruction ended in Texas, her fortunes dwindled and she spent her final days as a pauper surviving off the assistance of others. She lost the last of the estate in 1884 and died sometime in the 1890s.[56] Patriarchy failed Azeline.

Because Sam had clearly left Dock his estate, there was no need for Azeline to claim the status of a wife in court. As such, court documents reveal painfully little about the nature of Sam and Azeline's relationship. Nevertheless and despite the lack of a legal need to do so, Azeline did claim the status of a widow to Sam in some documents; "in all matters in anywise connection with [her] interest—as widow and legatee under the will of Samuel R. Hearne deceased" read one of the few surviving documents with Azeline's signature.[57] Her inheritance hinged on her relationship to her son, nevertheless, she claimed the status of a wife in legal matters.

Azeline's case demonstrates that black women's ability to succeed in court depended largely on timing alongside their own persistence. Had Sam died just a few years before, Azeline and Dock would have stood little chance of inheriting and likely would have been sold by Sam's relatives. Betsy Weber and Margaret Gess had secured their freedom earlier, but this path to freedom ended in 1858. Given the court's handling of matters before the Freedmen's Bureau intervened, a will emancipating Azeline and

[56] Justice Moses B. Walker, Texas Supreme Court Justice, to Joseph J. Reynolds, April 11, 1870 as cited in Baum, *Counterfeit Justice,* 100; Baum, *Counterfeit Justice,* 255.
[57] Baum, *Counterfeit Justice,* 135.

Dock and leaving them his fortune would likely have been suppressed in Civil War Texas. Even in 1866, the matter only made it to court because the man Sam had asked to serve as administrator submitted the will to the court before he refused to do anything more. Without this action, white members of the Hearne clan likely could easily have destroyed or hidden the will. With the presence of the Freedman's Bureau, Azeline obtained a veneer of justice, but was still repeatedly taken advantage of and cheated. The Bureau left before the will was settled and afterwards the justice system allowed those it had appointed to oversee the estate to slowly take everything. With such a fortune at stake and powerful white relatives to contest the will, even Sam's intentions seemed of little concern in court.

Although support from the Freedman's Bureau proved insufficient for Azeline, some did received assistance from the Bureau. Two Texas black women were able to get the Bureau to extract support from the still-living white men who had cohabited with and then abandoned them. In 1868, a white man "got [Eliza Morgan] in a family way." They had been living together for two years but the pregnancy prompted the white man's abandonment of Eliza and the unborn child. The Bureau forced the man to pay child support. Similarly, Emma Hartsfield got the Bureau to secure a house and plot of land from the white man she had been living with after he abandoned her.[58] Like white women had long done when abandoned by white men to whom they had been married or merely

[58] Letter re: Eliza Morgan, Records of the Field Offices for the State of Texas Bureau of Refugees, Freedmen, and Abandoned Lands, 1865-1872, v.49 at 210 (May 1867-December 1868), microfilm M1912-Roll 12, National Archives and Records Administration, Washington, D.C.; Letter re: Emma Hartsfield, Records of the Field Offices for the State of Texas Bureau of Refugees, Freedmen, and Abandoned Lands, 1865-1872, v.52 at 5 (June 1867), microfilm M1912-Roll 12, National Archives and Records Administration, Washington, D.C.

cohabitating with, these women sought protection and financial support and the Bureau proved at least temporarily helpful in this domain.

In a county neighboring Leah Foster's and in the same year the courts ruled in her favor, the children of a similar relationship filed suit over a disputed inheritance. John C. Clark was one of the largest slaveholders in the state. When he died without a will in 1861, no heirs immediately stepped forward so the state sold the property, including the slaves, and deposited the funds in the public trust. Three of those sold were Clark's children and their mother, Sobrina, with whom he had a thirty-year relationship. In 1871, the children sought to claim the estate as his heirs. Sobrina died in 1869 and therefore could not claim the estate as Clark's widow.[59]

Echoing the Foster case, the Clark case came down not to a question of if Clark had fathered the children, but if the relationship was legitimate; was Sobrina a wife or a concubine? The state did not dispute that Clark had fathered the children, but contended that they could not inherit their father's estate because they were illegitimate. Unlike prior cases, however, the Clark case offered a sweeping, if short-lived precedent that revolutionized Texas marriage and inheritance laws. With Reconstruction in Texas at its apex, the years of individual decisions with limited applicability finally fell as the children of a white man and a slave successfully insisted that their mother was a wife, not a concubine, and the state made a sweeping ruling potentially impacting many more.[60]

Clark purchased Sobrina in the early 1830s. A former slave recalled that Clark

---

[59] Transcript of Trial to Supreme Court, *Clark v. Honey*, No. 789, at 1-2 (Texas District Court Wharton City December 1871) Collection of Texas State Library and Archives Commission.
[60] Transcript of Trial to Supreme Court, *Clark v. Honey*.

immediately "put Sobrina in the house and stated he wanted her for his own woman." The records do not reveal Sobrina's reaction. Torn from four young children she had previously, she was also perhaps separated from a husband when her new master proclaimed his intentions over her. Additionally, if she had wanted a relationship a nearby slave, Clark warned them away. Sobrina, a former slave from a neighboring plantation testified, "was [Clark's] wife—and we boys must keep out of the way."[61]

Even if she had still been alive to testify, Sobrina's feelings toward Clark were not the court's concern so her point of view received little attention. What mattered to the court was Clark's regards toward Sobrina and former slaves gave ample evidence of this. One declared that Clark treated Sobrina "exactly like a man does his wife" while another testified that Clark "regarded her as his wife and she was so considered." Former slaves insisted that Clark "forsake[d] all others for her" and put her in a position of authority. Former slaves called Sobrina "the mistress of the plantation." She "carried the keys and exercised the authority of the mistress of the house." They had to treat Sobrina "the same as if she was white." As they grew older, Clark called her "old woman" and "dear" while she called him "old man"—one of the few instances where Sobrina's feelings are somewhat documented. As a testament to Clark's regards for Sobrina as more than just a slave to sexually exploit, he eventually purchased her four previous children and brought them to live with them.[62]

---

[61] Transcript of Trial to Supreme Court, *Clark v. Honey,* (testimony of Albert Horton), 56, (testimony of Clarisa Bird), 53, testimony of Sharp Jackson, 70.

[62] Transcript of Trial to Supreme Court, *Clark v. Honey,* (testimony of James Montgomery), 58, (testimony of Pleasant Ballard), 76; Transcript of Trial to Supreme Court, *Clark v. Honey,* (testimony of Clarisa Bird), 51, (testimony of James Montgomery), 59*,* (testimony of Albert Horton), 59, (petition of Dan and Louis

Clark and Sobrina's first two children together were born under Mexican rule and former slaves testified that he treated them as his own. They called him "papa" and he held them in his lap as children. They were not compelled to work and the son testified that Clark "always told me I was working for myself." Clark also jealously guarded his daughters and forbade male slaves from courting them. He even broke off a budding romance by sending a suitor to a different planation. One year, Clark moved his family to town to escape his mosquito-filled plantation. He enrolled his children in school and only removed them when one became ill.[63]

Sobrina seemed to have reciprocated the care Clark offered their children. A former slave held that Sobrina "did all that could be done for [Clark] with the affection of a wife." Others also pointed to normal marital disputes arising periodically; the pair "fell out a little like all people" testified one former slave yet they were "as loving as any other people together." While the former slaves testified to a marital-like relationship, the relationship likely began against Sobrina's will. Perhaps she eventually came to care for him or at least acted as though she did, given the care he gave her and their children and the necessity of continuing to please the man who held her fate and that of her children in his hands. After nearly thirty years together, Clark—reported a former slave—"cared for

---

Owens and Sethe Young), 43-45. Court records do not reveal how Clark treated these children or even when he purchased them. He owned them just as he owned his children, but nothing indicates if he treated these children different than his other slaves or in a similar manner to his own children. Crucially though, he never freed these four children or even his own children. Reuniting these children and their mother might suggest Clark's warm feelings toward Sobrina, but it does not change the unbalanced power dynamics under which their relationship existed. Like his own children, he made no provisions for their future freedom as Texas law forbade emancipation after 1858 without removing a slave from the state. When he died, therefore, Sobrina and all her children were sold off with the rest of the estate.

[63] Transcript of Trial to Supreme Court, *Clark v. Honey,* (testimony of Albert Horton), 57, (testimony of Bishop Clark), 78, (testimony of Pleasant Ballard), 74-75.

no other woman," and Sobrina for "no other man."[64]

White witnesses, however, painted a different portrait. "[I] don't remember that [I] ever saw them socially together," testified one white witness who insisted the surrounding community thought of them as nothing more than "master and slave." Clark's son explained that his father told him "that people would talk about him if we called or treated him as a father in their presence." Differentiating his behavior according to the audience, invariably black and white witnesses offered contrary testimony. White witnesses distinguished between a respectable marriage-like relationship and an illicit one with the difference seemingly only being a lack of social recognition among whites. Clark "kept" a black woman, but she was not his wife insisted one white witness. Still another added that he had "never heard of a marriage between Sobrina and John C. Clark." Nevertheless, the same witness testified, "Clark kept Sobrina and had children by her." Clark never publicly called Sobrina his wife. Yet, the witness had no doubt of the paternity of the children and saw no contradiction in those two statements. Another white witness offered an explanation for Clark's failure to publicly define his relationship with Sobrina; maintaining such a relationship "would have been dangerous" as "it would not have done for any person to have introduced a black woman as his wife."[65]

The distinction for white witnesses between marriage and illicit unions then turned on social recognition of the relationship by the wider white community, not widespread

---

[64] Transcript of Trial to Supreme Court, *Clark v. Honey,* (testimony of David Prophet), 71, 75, (testimony of Clarisa Bird), 55, 51, 55, 52.

[65] Transcript of Trial to Supreme Court, *Clark v. Honey,* (testimony of Stephen R. Herd), 80, (testimony of Bishop Clark), 78, (testimony of Stephen R. Herd), 82, (testimony of H.P. Cayce), 84, (testimony of Stephen R. Herd), 82, (testimony of Q.M. Hard), 82, 83; Transcript of Trial to Supreme Court, *Clark v. Honey,* (testimony of Edward Collier), 97, (testimony of I.M. Dennis), 91.

public knowledge of a sexual relationship, the length of their time together, or even public knowledge of them having children together. Paradoxically, however, those same witnesses substantiated Clark's explanation to his son as to why he could not have openly recognized his children and by extension his ties to Sobrina. In the logic of the white neighbors, Clark and Sobrina could not have been married without the white public's knowledge of it and yet white sentiment demanded Clark not publicly acknowledge it. By definition then, for the white witnesses, the relationship could only be illicit. Former slaves, in contrast, presented an alternative view of marriage. Simply put, former slaves recognized Clark and Sobrina as man and wife because they had lived as man and wife.

The lawyer for the Clark children argued that under Mexican law—when the first children were born—masters and slaves could marry and that no proof of marriage was necessary. He further insisted that Clark and Sobrina's relationship had been sanctioned after-the-fact by the 1869 provision automatically legitimizing "the marriage of all persons formerly precluded from the rights of matrimony because of the law of bondage." They had "lived together as husband and wife" as the provision stipulated "until the death of one of the parties" so the children were legitimized by the clause that "the children heretofore, or hereafter, born of such cohabitations, shall be deemed legitimate."[66] As legitimate children, they were the rightful heirs.

The judge instructed the jury that if Clark lived with Sobrina merely "as a concubine or kept-woman and not as a wife" they could not award an inheritance. By not defining the difference, the judge allowed the mostly black jury to use their own

[66] Constitution of the State of Texas (1869) https://tarltonapps.law.utexas.edu/constitutions/texas1869/a12.

definition. They found that Clark and Sobrina had begun living together as if man and wife around 1833 or 1834, meaning their relationship began under Mexican rule and they were accordingly able to establish a common-law marriage before the Republic of Texas banned interracial marriage. The jury further concluded that the 1869 Constitution retroactively married Clark and Sobrina and legitimized their children.[67] Like the former slaves who testified, the primarily black jurors held a more flexible position than the white witnesses on what constituted a marriage.

The jury awarded the inheritance to Sobrina's children. Importantly, that meant not just the Clark children, but their half-siblings as well. As the jury found Clark and Sobrina to have been legally married, their property was communal and thus would have gone to Sobrina after Clark's death. Upon her death, she would have left the property to all her children, meaning the three children she and Clark had together and the three surviving children she had before Clark purchased her. Her children therefore received their inheritance not as the children of a white man, but as the children of a black woman deemed legally wed to a white man.[68]

On appeal to the Texas Supreme Court in 1872, the court held that the 1869 Texas Constitution was "intended to legalize the marriage of certain persons, and legitimate their offspring." Those "persons" were "those who live together as husband and wife, and

[67] List of Jury Served, Minute Book "C," at 76 (Texas District Court Wharton City December 14, 1871) Wharton County District Court; 1870 Census: Inhabitants, Wharton County, 281. Clark v. Barden, No. 1059, 8 (Texas District Court Wharton City December 1877) Wharton County Historical Museum; Transcript of Trial to Supreme Court, *Clark v. Honey,* (testimony of Pleasant Ballard), 101, 111.
[68] Transcript of Trial to Supreme Court, *Clark v. Honey,* (verdict), 113.

who, by law, were [previously] precluded the rights of matrimony."[69] In other words, the 1869 provision legitimated all interracial cohabitants in the state. The children of such relationships were therefore free to inherit and black women claiming to be the widows of white men could more easily inherit estates and have those estates protected from creditors. With its decision, the Texas Supreme Court legalized common-law interracial marriage and legitimated all existing and past interracial couples and their offspring. Through the insistence of the Clark children that their mother was a wife and not a concubine, they received a vast inheritance and eased the way for others to claim the same rights. They won legal recognition of black women as wives, not concubines.

Despite the clear ruling and its sweeping effects, the decision would not be the final word on the matter. Over the next three decades, legal battles continued for the Clark children. Clark's half-brother and half-sister from Virginia made claims on the estate in 1867. An initial suit proved unsuccessful for the white relatives but sufficiently frightened the Clark children into signing a deal securing 100 acres apiece if the courts later awarded the half-siblings all the land. Tried in a neighboring county in 1878, a court declared the now deceased half-sister's son to be Clark's legitimate heir. The Texas Supreme Court reversed the judgment, but as suits continued and decades passed, much of the land was auctioned off for unpaid taxes or attorney fees. Clark's son probably lost the last of the land in 1905 to pay for yet another lawyer over disputes on the land.[70]

The case's precedent did not last long either. George and Mary Clements had been

---

[69] Transcript of Trial to Supreme Court, *Clark v. Honey,* (verdict), 113.
[70] State v. Wygall, 51 Texas 632-35 (1879) as cited in Gillmer, *Slavery and Freedom in Texas,* 194; Martin v. Clark, No. 3399, 1-3 (Texas District Court Wharton City May 1905) Collection of Wharton County Historical Museum.

living together since 1868 and had children together. George was white and Mary was black. When the couple faced financial difficulty, their home went into foreclosure and Mary sued for homestead rights in 1874. Creditors could not seize a home from a wife, even if the husband was still alive. The case fell apart, however, when George—likely fearing prosecution for the interracial relationship—testified that he "never was married to any one." Accordingly, the court denied Mary homestead rights and then went further by overturning the Clark case from just two years prior. When put to its first real test and one in which the white man was still alive to express his wishes—and recant them in the face of the threat of imprisonment—the precedent fell apart. The 1869 act allowing former slaves to marry no longer permitted interracial marriage in the court's view. It did not "confer on any parties, white or black, whose intercourse was illegal and immoral, the rights and benefits of lawful wedlock" according to the Texas Supreme Court. The Clements's "marriage" continued though as Mary began passing for white after they lost their home and moved to a new town.[71]

Several other cases in 1874 received similar rulings. Sally Catchings termed herself "the lawful wife of the deceased" Augustus Catchings, her former master, and claimed his estate. Sally lost—although the court's rationale stood on technicalities and avoided commenting upon larger questions. Similarly, Phillis Oldham claimed the status of wife when her former owner died after they had spent thirty years together. "She being one-half African blood, and he being white," the chief justice ruled, "they could not have been

[71] Clements v. Crawford, 42 Texas 601 (1875) cited in Jason Gillmer, *Slavery and Freedom in Texas: Stories from the Courtroom, 1821-1871* (Athens: University of Georgia Press, 2017), 52; Eleventh Census of the United States (1900) Galveston County, Texas.

man and wife." Despite an 1869 jury ruling in her favor, she lost her inheritance when those claiming that they were owed debts by the estate appealed to the Texas Supreme Court in 1874. The temporary window of justice had already closed as former Confederates returned to power in Texas.[72]

Even within the brief window, postwar Texas was a perilous place for black people. Claiming an inheritance from a white person could incur retribution. The Freedmen's Bureau counted more than 1,500 acts of violence against black residents in the state and at least 350 former slaves were murdered in Texas between 1865 and 1868. When Azeline and Dock Hearn left Robertson County to await the settlement of the will, an average of one black person was killed every two days in their county. With the possibility of Dock becoming one of the wealthiest Texans, and given his white relatives' animus towards him, he very well might have been murdered had he remained in Robertson County. Once the Freedmen's Bureau in Texas closed in 1870, conditions only worsened.[73] Those whose claims made it to court successfully avoided physical retribution against them, but presumably many more would-be claimants thought the risk to their physical safety too high and avoided making a claim.

---

[72] Wilson v. Catchings, 41 Texas 587, 588-9 (1874) in A.S. Walker, Sr., ed., *The Texas Reports: Cases Adjudged in the Supreme Court,* Volume 84 (The State of Texas, 1892), 533; Terrell & Walker, *The Texas Reports: Cases Adjudicated in the Supreme Court,* Volume 49 (Houston: EH. Cushing Publisher, 1883), 563; The newly elected former Confederate governor replaced the state's Supreme Court justices and many lower court judges as well. By 1874, every member of the Texas Supreme Court was a southern Democrat and the court overruled the precedent set just a few short years before. Robert Calvert and Arnoldo De Leon, *The History of Texas* (Arlington Heights, Ill.: Harlan Davidson, Inc. 1990), 146-7.

[73] Baum, *Counterfeit Justice,* 85, 90, 94; Linda S. Hudson, "Black Women and Supreme Court Decisions During the Civil War Era," in Deborah Liles and Angela Boswell, eds. *Women in Civil War Texas: Diversity and Dissidence in the Trans-Mississippi* (Denton, TX: UNT Press, 2016), 135.

Even during the years in which black women and their children obtained inheritances, the courts did not rule in their favor because of any rights the court held black women were entitled to. Vitally, in all the cases in which black women won, their cases hinged not on their rightful claim as widows, but on the courts protecting the wishes of deceased white men. The the courts were more interested in the intents of white men than the state's automatic assignment of patriarchal protections for widows. Underscoring this, "no civil court ever upheld a marriage between a Black man and a White woman" in the South during Reconstruction.[74] Courts proved hesitant to extend patriarchal rights to black women and completely unwilling to offer them to white women married to black men. Although the examined women were fierce advocates for themselves, court victories ultimately depended upon the court's ability to discern the intentions of white men, not the automatic extension of patriarchal protections to widows that the black women demanded.

Obtaining those rights was also highly contingent on not just a white man's clear intent, but also on the presence or absence of competing white heirs. Even distant white relatives could be considered more legitimate heirs over black women and children. Alfred Foster seemingly had no white relatives who could offer competing claims against Leah's claims. She and her children were therefore able to hold onto their inheritance long after the courts would have surely ruled against her. Margaret Gess faced off against a white heir and a powerful one at that. However, the uniqueness of her case and the timing of her appeal brought her success and she disappeared so her victory could not be

[74] Pascoe, *What Comes Naturally,* 44.

contested. Betsy Webster only won her claims against a competing white heir when the would-be heir failed to prove the all-important fact of her relationship to the deceased. Azeline Hearne eventually lost everything because white relatives continued to contest the will. Likewise, the Clark children lost most of their inheritance to the continuing claims of distant white relatives. The black claimants might have initially succeeded because of the intentions of deceased white men, but what ultimately determined claimants' ability to keep their inheritances was competing white heirs. Thus, claiming the status of a wife only worked for black women when the political climate was right and in the absence of competing white claims that readily superseded black claims, no matter how distant the white relative.

Despite the ultimate outcome of many of these cases, these victories should not be discounted. That black women who had long been considered mere slave-concubines claimed the status of wives and occasionally won is of tremendous importance as it affected future cases, demonstrated black women's views of themselves, and their involvement in political realms. Successes surely inspired others as lawyers suddenly became more willing to take a case after hearing of the success of another. Leah won in 1871 and soon after in a neighboring county the Clark children—perhaps unable to find an attorney before then—filed suit. Their victory produced a precedent that others could have used if the court had not quickly reversed itself.

Claims of being a wife to a white man, however, was not merely a useful legal tool black women adopted to claim a fortune. They were a reflection of how many of these women likely thought of themselves and represented a determination to claim

legitimacy for themselves, their relationships, and their children. They lived and performed as wives so they were wives in fact if not in law. As testimony from witnesses illustrate, black and white witnesses had competing definitions of marriage and the women insisting upon the legitimacy of their relationships were asserting a definition reliant upon their lived experiences, not legal technicalities. They were wives to these white men because of their years together and the recognition of their surrounding black community. They were married because they had long lived *as if* man and wife.

Legal historian Mary Francis Berry sees the existence of such cases as a testament "to the validity of [the] relationships." Women who lost cases, however, likely still maintained that their relationships were valid even if the courts did not concur. Berry found that state supreme courts in the South decided at least twenty-seven cases on interracial inheritances between 1868 and 1900. "On the facts," Berry holds, "these cases could have been decided either way" and yet "African Americans won twenty cases," and those in which the black party lost, "only small amounts of property were involved."[75] Such a positive assessment, however, runs counter to the cases examined here. Even

[75] Mary Frances Berry, "Judging Morality: Sexual Behavior and Legal Consequences in the Late Nineteenth-Century South," in Donald G. Nieman, ed., *Black Southerners and the Law: 1865-1900* (New York: Garland Publishing, Inc., 1994), 21. Berry cites the following cases in which African Americans won: *Powers v. McEachern,* 7 S.C. 290 (1876); *Wbster v. Corbett,* 34 Tex. 263 (1870); *Bonds v. Foster,* 36 Tex. 68 (1871); *Honey v. Clark,* 37 Tex. 686 (1872); *Davis v. Strange*, 86 Va. 793 (1890); *Burdine v. Burdine's Executor*, 98 VA 515 (1900); *Thomas's Administrator v. Lewis*, 89 Va. 1 (1892); *Munroe v. Phillips*, 64 Ga. 32 (1879); *Smith v. DuBose Executors*, 8 Ga. 413 (1887); *Berry v. Alsop*, 45 Miss. 1 (1871); *Dickerson v. Brown,* 49 Miss. 357 (1873); *Bedford v. Williams*, 45 Tenn. 202 (1868); *Casanave v. Bingaman*, 21 LA. 435 (1869); *Succession of Caballero v. Executor*, 24 La 573 (1872); *Fowler and Morgan v. Morgan*, 25 La. 206 (1873); *Monnatt v. Parker*, 30 La. 585 (1878); *Hart v. Hoss and Elder*, 26 La. 90 (1874); *Neel v. Hibard*, 30 La. 808 (1878); *Blasini v. Succession of Blasini*, 30 La. 388 (1878); *Succession of Hebert*, 33 La. 1099 (1881). She cites the following cases as the ones that lost: *Webster v. heard,* 32 Tex. 686 (1870); *Clements v. Crawford*, 42 Tex. 601 (1875); *Riddell v. Johnson,* 67 Va. 152 (1875); *East v. Garrett and Wife,* 84 Va. 522 (1888); *Greenbow v. James*, 80 Va. 636 (1885); *Jacks v. Adair*, 31 Ark. 616 (1876); *Kingsley v. Broward*, 19 Fla.

"small amounts of property" could dramatically improve a black person's economic outlook. Further, even successful cases were not clear victories, but mostly pyrrhic ones in which years of litigation weighed on these women and their children.

All of these cases make clear, as Harriet Jacobs wrote that "slavery is terrible for men, but it is far more terrible for women."[76] Most of these relationships began under slavery when the women had no real say in the matter. Witnesses in the Clark case, for example, testified that John Clark "cared for no other woman," but little can be known regarding Sobrina's feelings. The courts were not interested in the black women's views. What mattered was the intent of the white males in question. The women's insistence that they be treated and viewed as wives, however, does suggest that no matter the nature of the relationship, these women wanted justice. In demanding their rights, they laid the groundwork for future struggles and sometimes succeeded in improving their own and their children's economic position. These court battles would foretell later appeals for rights. Approaches, however, would have to change as black women could find less and less legal recognition for their marital-like relationships with white men. Increasingly, many would appeal to members of their race to eschew such relationships as this mixed legal record showed that the white public continued to deny respect and legal protection to black women.

[76] Harriet Jacobs, *Incidents in the Life of a Slave Girl: Written by Herself* (Cambridge: Harvard University Press, 2000), 77.

Chapter 4: Personal Rights, Public Responsibilities: Frederick Douglass's Interracial Marriage

On the morning of January 24th 1884, Frederick Douglass went to his office. No one thought much of it when his secretary, Helen Pitts, left around two and Douglass shortly after. As a well-known figure, however, clerks noticed when Douglass entered Washington, D.C.'s city hall to obtain a marriage license. He requested the clerk maintain "the strictest secrecy." Despite the request, the clerk immediately contacted a reporter. The reporter headed straight for Douglass's office and informed his daughter, a co-worker of Pitts, of the impending nuptials. After noting that she was "visibly affected" by the news, the reporter headed to Pitts's home. Upon "persistent questioning," Pitts confirmed that she and Douglass were to be married. That evening the reporter met the couple outside Douglass's home and congratulated the pair as they had already married. The newlyweds answered the reporter's questions "in good spirit" until Douglass intimated that the "questioner was rather 'cheeky'" and bid him goodnight.[1]

Douglass and Pitts had married at the home of Francis Grimké, D.C.'s most prominent black minister and the acknowledged but illegitimate nephew of white abolitionists Sarah and Angelina Grimké. The first elected black senator to serve a full term, Blanche K. Bruce of Mississippi, and his wife Josephine served as witnesses. No

[1] "A Black Man's Bride—Frederick Douglass Married Last Night to Miss Helen Pitts—The Woman Young, Attractive, Intelligent, and White," *National Republican* (D.C.), January 25, 1884, 1.

family attended the wedding; Douglass's children only learned of it hours before. Pitts's mother was visiting D.C. at the time, but only learned of it from newspapers, as did her father in New York. Thus, Douglass and Pitts married in an intimate setting with close—and prominent—friends, but without advance warning to family or the public.[2]

The front-page of the *National Republican* the next day revealed the reasons for the reporter's steadfast pursuit of the story and Douglass's discretion. This was not simply a noteworthy marriage of a prominent figure, but a budding scandal. The headline read: "A Black Man's Bride—Frederick Douglass Married Last Night to Miss Helen Pitts—The Woman Young, Attractive, Intelligent, and *White*." In the ensuing days, responses to the marriage ranged from joy to amusement to outrage. One newspaper described the marriage as "one of the best things that could happen," while another termed it a "national calamity."[3] Whether considered a boon or a disaster, Douglass's interracial marriage caused a reaction.

News of the marriage lingered in newspapers for months and long remained a point of contention. An advertisement from 1886 (Figure 6), which disparagingly pictures Douglass and Pitts, testifies to the persistent public consciousness of the marriage. It features the couple emerging from a pharmacy with Douglass clutching a package, "Sulphur Bitters: The Great Blood Purifier." In addition to the racial overtones of a "blood purifier," the advertisement intimates that Pitts, whispering to Douglass and

---

[2] Francis Grimké, "The Second Marriage of Frederick Douglass," *The Journal of Negro History* (1934), 325.
[3] "A Black Man's Bride," 1. Italics added; *The New York Independent* quoted in "The National Capital," *New York Globe,* February 9, 1884, 1; *Grit* (D.C.) quoted in "Mr. Douglass's Marriage: Sentiments of the Colored Press," *New York Globe,* February 9, 1884, 2.

having him carry her coat and purse, is pushing him to change his complexion and thereby his race.[4] The advertisement also depicts the black-haired Pitts as a blonde, likely so she would not be mistaken for a light-skinned black woman. The cat and a dog, a common trope in depictions of amalgamation, connoted the perceived unnaturalness of the pairing. Douglass, the advertisement intimates, was attempting to change his race.

Figure 6: "Sulphur Bitters: The Great Blood Purifier" (1886) [5]

Even nearly a century later, the marriage continued to be controversial. Douglass's great-granddaughter complained that his marriage to a white woman was the only thing African Americans knew about him. This exaggerated assessment partially reflected the resurgence of Black Nationalism in the 1970s and its leaders'

[4] Another contemporary advertisement for the product promised that it would "cure the worst kind of…stubborn, deep seated diseases." "Sulphur Bitters: The Greatest Blood Purifier Known," *Kendallville Standard* (IN), March 8, 1895, 4.
[5] "Frederick Douglass advertisement, c. 1886 [Sulpher Bitters]," *Miscellaneous Ephemera* http://www.mtholyoke.edu/~dalbino/ephemera/misc.html.

characterization of Douglass as insufficiently radical, but also highlights the marriage's continued contentiousness. Further eliciting a lack of knowledge and misinformation about Douglass, the co-authored work, *The Color Complex: The Politics of Skin Color Among African Americans* (1992), incorrectly reported that Douglass divorced his first wife, a "dark-skinned Black woman (who allegedly made the sailor suit Douglass wore when he escaped from slavery), to marry a White woman."[6] While Douglass's first wife, Anna Murray Douglass, indisputably played a crucial role in his escape, she and Douglass never divorced; after forty-four years of marriage, she died of a stroke in 1882. Eighteen months later, Douglass and Pitts married.

Douglass insisted that his marriage was a personal matter of no public consequence, but the marriage of the most prominent black man of the era to a white woman could never be purely a private matter. As a contemporary said of Douglass:

> His surroundings and doings are of more consequence to our people than those of all the other colored men who have and have ever had white women for wives. No comparison then can be made between them, because none have held the peculiar position in public life that Douglass holds.

As the foremost African American of his day, Douglass was without equal and thus the reaction to his marriage is, at best, an imperfect comparison to all other responses to interracial marriages. His prominence simultaneously excused him and subjected him to increased criticism. Recognized as a man of distinction and ability even by racist critics,

---

[6] "People Are Talking About…" *Jet,* November 22, 1979, 30. *Jet* reported, "Anne Weaver Teabeau, great-granddaughter of revered writer-abolitionist Frederick Douglass, is sick and tired of people approaching her only to complain that Douglass married a White woman on his second go-round. 'It seems,' she sighs, 'that's the only thing Blacks know about Frederick Douglass'"; Kathy Russell, Midge Wilson, and Ronald Hall, *The Color Complex: The Politics of Skin Color Among African Americans* (New York: Harcourt Brace Jovanovich Publishers, 1992), 117.

Douglass escaped some of the worst dehumanizing depictions other Black Americans faced. Had he been less prominent or lived outside the relative safety of Washington, D.C., his marriage might have had lethal consequences.[7] Among Black Americans, however, he faced far more censure than he otherwise would have as his "doings" were indeed of more "consequence" to them. African Americans seemed decidedly agreed that Douglass had a legal right to his marital choice, but it was a right with dire and unwanted public consequences that most thought he should not have exercised.

Thus, although unique in many respects, Douglass's marriage caused widespread debate among African Americans as the race was far from in agreement on the best path towards racial advancement and a means to end white discrimination. Few could ignore the political implications of the country's most prominent black man marrying a white woman, celebrated with the minister of the most prominent black church, and witnessed by the country's second most prominent black leader. Further, all three of the men involved were the products of amalgamation between white men and enslaved women. Senator Bruce had himself met public disapproval when he married a light-skinned black woman in 1878 and Grimké's brother had married a white woman in 1879.[8] African Americans' future as a race seemed at a cross roads and Douglass's choice of spouse seemed an anathema to the direction in which most African Americans were heading. This chapter will explore both Douglass's position on amalgamation and Black

[7] "The Douglass Marriage," *Cleveland Gazette,* February 2, 1884, 2; In 1877, a black minister, Arthur St. Clair, was lynched in Florida after he married a black man and white woman. Interracial marriages were legal at that time in Florida. Paul Oritz, "'Like Water Covered the Sea': the African American Freedom Struggle in Florida, 1877-1920," (Dissertation, Duke University, 2000), 99-100.
[8] "Mrs. Senator Bruce," *Weekly Louisianan,* 30 November 1878, 2.

Americans' responses to his marriage. As crystalized in the responses, Douglass's proffered solutions for racial strife were falling out of favor and Black Americans increasingly looked to other routes for racial peace and opposed what Douglass's choice of spouse suggested about black men and women.

The marriage's timing proved crucial. Just three months prior, the Supreme Court overturned the Civil Rights Act of 1875, opening the floodgates for Jim Crow to operate freely. As such, the period was one of readjustment. With Reconstruction fading into the background and segregation, lynching, and discrimination rising, many Black Americans were losing faith in the full integration in American society that characterized the post-emancipation period. Racial pogroms terrorized many and prompted exoduses to all-black towns in the West and emigration to Liberia. All the while, white ethnologists predicted Black Americans' pending extinction as the race could supposedly not survive without the "protection" of slavery. Abandoned by the government and with many mired in conditions little better than under slavery, African Americans looked to race solidarity for survival. Black Americans felt their continued existence within the U.S. to be imperiled. "Unless some protection is guaranteed to our race," a black petitioner appealed to President Rutherford Hayes in 1878, "we will cease to be a race."[9]

Appeals for integration and assimilation therefore fell flat among a population who increasingly saw emigration and racial solidarity as the only possible path in the face of white racism and violence. Interracial marriage—as it represents complete social,

[9] Henry Adams (New Orleans, LA.) to Rutherford B. Hayes, January 5, 1878, American Colonization Society Papers, Manuscript Division, Library of Congress, Washington, D.C., ser. 1A, vol. 230.

economic, and physical integration—seemed the ultimate form of assimilation and carried a connotation of racial abdication. Many, therefore, cited the marriage as indicative of Douglass's lack of race pride and cause to challenge his loyalty and leadership. In an era of heated debates over racial destiny, Black Americans were far from agreement on the best means to bolster the race's collective prospects, but interracial unions seemed a particularly poor avenue and an even poorer choice for a black leader to make. For Douglass, however, the state of affairs that made his marriage all the less acceptable made its symbolic consequences all the more powerful.

The interracial marriage of the most prominent black man revealed the contentiousness of debates among African Americans over not just interracial marriage but the very future of the race. Far more than simply a personal decision, Douglass's marriage held political ramifications and crystalized his proposed solutions for racial strife: assimilation. Integration and the development of what Douglass described as a "composite nationality" would end racial strife in his mind. White racism would cease, in Douglass's worldview, as African Americans were given their rights and permitted to succeed. Yet, many African Americans were moving away from such solutions, both because they thought continued white racism made it impossible but also because they desired racial solidarity and race pride. Amalgamation hindered race pride and solidarity as many of those who could pass for white abandoned the race or erected barriers within the race over skin color.

Why, some asked, seek to intermix with a cruel white race when they could instead celebrate their own race and contribute to its uplift? Douglass continued to push

for assimilation while more and more African Americans sought alternatives like emigration. The two strands of thought that arose in the antebellum era—integrationist versus separatist in nature—endured, but Douglass's integrationist sentiment seemed an increasingly inept solution. Akin to their antebellum and Reconstruction predecessors, however, Black Americans nearly unanimously defended Douglass's right to marry the woman of his choice. They might have opposed his choice, but they defended his right to it as a principle they could not concede.

Despite being heralded today as the most prominent black man of the nineteenth century, Douglass and his second marriage almost vanished from the historical record. His autobiographies were out of print for most of the twentieth century and he received scant scholarly attention until the 1960s.[10] Even after his reemergence, knowledge of his post-slavery career remained limited as his first autobiography, *The Narrative of the Life of Frederick Douglass* (1845), dominated Douglass studies. After emancipating himself at the age of twenty, Douglass spent his nearly six decades of freedom as an orator, newspaper editor, traveler, adviser to presidents, bank president, federal marshal, Recorder of Deeds for D.C., and minister to Haiti. He was a leading abolitionist, an early crusader for women's rights, a tireless advocate for black suffrage, and a stalwart member of the Republican Party. He was lauded by nearly all African Americans and earned at least grudging respect from many whites.

[10] John Stauffer deems Douglass's "canonization" a relatively recent phenomenon. Stauffer in John McKivigan and Heather Kaufman, eds., *In the Words of Frederick Douglass: Quotations from Liberty's Champion* (Ithaca: Cornell University Press, 2012), xi.

Despite all this, few today know much of his post-Civil War career. Fewer still know of his second marriage. His role as America's most famous ex-slave overshadowed all of his subsequent endeavors and continues to delineate his historical coverage. In keeping with "the model of most nineteenth-century autobiographies," Douglass included only minimal personal information. His autobiographies were, as Eric Sundquist suggests, "public political acts with a single goal foremost in view"—ending slavery and combating discrimination. In the revised version of his final autobiography (1892), Douglass barely referenced his second marriage or the controversy it caused. His initial biographers, repeating the structure and themes of Douglass's autobiographies, omitted controversial aspects, especially his second marriage.[11] Douglass's views on assimilation and amalgamation were often overlooked, too.

Only since interracial marriage has become more acceptable have biographers given Douglass's views on assimilation, amalgamation, and his second marriage more,

---

[11] Eric J. Sundquist, ed. *Frederick Douglass: New Literary and Historical Essays* (Cambridge: Cambridge University Press, 1990), 8; Douglass mentioned the outcry surrounding the marriage in the revised version of his final autobiography, but only because it served a political purpose of depicting the marriage's opponents as unreasonable. He mentioned the scandal, but not the cause as he did not mention Pitts's race. As such, the marriage seemed commonplace and the reaction unjustified. Douglass, *Life and Times of Frederick Douglass*, (New York: Thomas Y. Crowell Company, 1966), 961; Douglass's first biography, Frederick May Holland's *Frederick Douglass: The Colored Orator* (1891), only mentioned Pitts once—a dramatic contrast to coverage of Douglass's first wife and children. Moreover, both her race and the controversy surrounding their marriage are entirely absent from the biography. Professor James M. Gregory's *Frederick Douglass: The Orator* (1893) mentions Pitts's race, but does not mention the controversy surrounding their marriage. Charles Chesnutt's *Frederick Douglass* (1899) only devoted three sentences to Douglass's second marriage and the resulting controversy. Furthermore, he buried it within a paragraph also relating the death of Douglass's first wife and the erection of a bronze bust of Douglass. The last Douglass biography for over forty years, Booker T. Washington's *Frederick Douglass* (1906), only offered a page to Douglass's second marriage. Despite describing the marriage as causing "something like a revulsion of feeling throughout the entire country" and depicting the general sentiment to be that Douglass had "made the most serious mistake of his life," Washington diminished the controversy around the marriage by embedding it in a chapter entitled: "Evidence of Popular Esteem." Booker T. Washington, *Frederick Douglass* (New York: Signet Classic, 2000 [1901]), 306, 302.

albeit limited, attention. The first biography on Douglass in over forty years, Benjamin Quarles's *Frederick Douglass* (1948) covered the marriage and its controversy more than any previous work. Published when integration was beginning to seem possible and direct action was gaining currency, Quarles praised the marriage as "a burning protest against color prejudice." Philip Foner's *Frederick Douglass* (1964) focused on those who congratulated the newlyweds.[12] Although mentioning the outcry that the marriage caused, neither Quarles nor Foner assess how the act fit within Douglass's views on assimilation or amalgamation. Nor do they contextualize white or black resentment to the marriage.

More recent works have used the marriage as proof of Douglass's support for assimilation. Waldo Martin offered the first intellectual biography of Douglass—*The Mind of Frederick Douglass* (1984)—and incorporates the marriage into discussions of Douglass's philosophy. He notes the public condemnation and deems the black reaction "particularly intense" as some "argued that Douglass had slapped his race in the face." The next biographer, William McFeely in *Frederick Douglass* (1991), did not attempt to explain the public reaction and focused instead on the response from family and friends.[13]

Leigh Fought's *Douglass's Women* (2017) offers even more context for the marriage by delving into Douglass's long dependence upon women. She argues that Douglass insisted upon "defiant transparency" in which he attempted to shield his family life from the world but publicly partnered with white women in direct opposition to the

[12] Benjamin Quarles, *Frederick Douglass* (New York: Atheneum, 1948), 300; Phillip Foner, *Frederick Douglass* (New York: The Citadel Press, 1969), 337-8. Foner quotes extensively from congratulatory notes from Elizabeth Cady Stanton, H.W. Gilbert, and Julia Griffiths Crofts.
[13] Waldo Martin, *The Mind of Frederick Douglass* (Chapel Hill: The University of North Carolina Press, 1984), 99; William McFeely, *Frederick Douglass* (New York: W.W. Norton & Company, 1991), 137.

clandestine, illicit, and nonconsensual nature of white men's treatment of black women. David Blight's *Frederick Douglass* (2018) addresses the marriage and its controversy and finds that Black Americans' "racial pride easily felt wounded" by Douglass's choice. Blight categorizes the reaction to the marriage as "explo[sive]" but presents the marriage as consistent with Douglass's longstanding position that "God…hath made of one blood all nations of men."[14]

Outside of biography, scholars debate what changes, if any, the marriage caused in Douglass's philosophy. Wilson Moses and August Meier contend that Douglass grew more unequivocal in his statements against all forms of racial exclusiveness in his last decade. Meier suggests this resulted from Pitts's influence, but Moses contends that Douglass's "long-standing distaste for racial chauvinism" is what allowed him to marry Pitts.[15] Neither Moses nor Meier assess the possibility, however, that Douglass grew more committed to (or at least vocal about) the issue in the face of condemnation and allegations that he had betrayed his race. A rise in support for separatist solutions among African Americans, ever increasing white supremacy, and Pitts's influence might have all contributed to his increased opposition to racial separatism, but so too did the backlash over what Douglass insisted was (or should be) a private matter. As his views, the

---

[14] Leigh Fought, *Women in the World of Frederick Douglass* (New York: Oxford University Press, 2017), 7; David Blight, *Frederick Douglass: Prophet of Freedom* (New York: Simon and Schuster, 2018), 651, 650; See also Bill E. Lawson and Frank M. Kirkland, eds., *Frederick Douglass: A Critical Reader* (Malden, MA: Blackwell Publishers, 1999); Peter Myers, *Frederick Douglass: Race and the Rebirth of American Liberalism* (Lawrence: University Press of Kansas, 2008); Ronald Sundstrom, *The Browning of America and the Evasion of Social Justice* (Albany: State University of New York Press, 2008).
[15] August Meier in Benjamin Quarles ed., *Great Lives Observed: Frederick Douglass* (Englewood Cliffs, NJ: Prentice-Hall, Inc., 1968), 160; Wilson Moses in Sundquist, ed., *Frederick Douglass*, 78.

marriage, and the reaction to it have not been explored in combination, this perspective has been overlooked.

This is partially because controversial aspects of Douglass's life have always been "play[ed] down." Moses finds this a critical gap as Douglass's true views are not well known. Moses finds that although Douglass believed "racial pride 'ridiculous' he has come to be venerated among the most important saints in the Afrocentric pantheon." Martin concurs that Douglass's actual views have frequently been overlooked, the result of which has been Douglass's ironic categorization as a black nationalist.[16]

Such a categorization flies in the face of Douglass's actual positions. He believed assimilation and amalgamation to be America's destiny. He thought nations were best served by a blending of races into a "composite nationality." He made no secret of his support for assimilation, but given the political climate, remained circumspect on what he saw as assimilation's natural consequence—amalgamation. Nevertheless, he considered amalgamation inevitable, natural, and beneficial. Because he had long associated with and found intellectual companionship among white women, he believed it only natural that he marry a woman with whom he had much in common regardless of her race.[17] Aware of the political implications, however, he sought to minimize the backlash.

---

[16] Wilson Moses, *Creative Conflict in African American Thought: Frederick Douglass, Alexander Crummell, Booker T. Washington, W.E.B. Du Bois, and Marcus Garvey* (New York: Cambridge University Press, 2004), 30, 59, 27. Waldo Martin in Sundquist ed., *Frederick Douglass: New Literary,* 281.

[17] Leigh Fought maintains that Douglass "seemed most at home in the company of women, and those women were most often white because they comprised the majority of women in the middle-class, activist world in which he moved and because they had greater access to the resources that he needed." Fought, *Women in the World of Frederick Douglass,* 6.

Douglass had long believed that "there is but one destiny it seems to me, left for us, and that is to make ourselves and be made by others a part of the American people in every sense of the word. Assimilation and not isolation is our true policy and our national destiny." Isolation, on the other hand, as white racists and black separatists proposed, would endanger the race. Emigration, Douglass likewise dismissed as impractical, unjust, and detrimental to interracial alliances. He thought it would do little to thwart white supremacy and would further inscribe the belief that the races could never coexist. Self-segregation or imposed segregation, Douglass maintained, would bring about Black American's extinction. Assimilation and its concordant amalgamation promised the only means of survival to Douglass; "Unification for us is life: separation is death."[18]

Not only did he think assimilation and amalgamation natural and inevitable, he thought, both were also the only complete solutions to racism. Complete because the union of whites and blacks on terms of equality would create a uniquely American race with shared interests and thereby no cause for strife. To accomplish this, Douglass maintained that all rights should be extended to African Americans, as they were American by both culture and birthright; "the American Negro is American. His bones, his muscles, his sinews, are all American." They must therefore be treated as and act like the full members he considered them to be. Moreover, Douglass believed, the U.S. would benefit from the full inclusion of all of its members as he held great nations to be a product of the comingling of numerous cultures and lineages. Douglass therefore opposed

[18] Frederick Douglass, "The United States Cannot Remain Half-Slave and Half-Free, April 16, 1883," in Phillip S. Foner, ed., *Frederick Douglass: Selected Speeches and Writings* (Chicago: Lawrence Hill Books, 1999), 668.

the rise of Jim Crow and calls for black separatism as he thought them to be essentially the same—"an assumption of superiority upon the ground of race and color."[19]

For Douglass, integration served a practical need. Holding that white Americans would never support things purely in the interests of Black Americans, he sought to align interests. African Americans, he maintained, "should distribute ourselves among the people, build our houses, where if they take fire other houses will be in danger. Common dangers will create common safeguards." Only through uniting interests, would white Americans remember their duties to and commonalities with Black Americans. Only by ensuring "that the destiny of the colored man is bound up with that of the white people of this country," would black interests "be subserved by a generous care for the interests of the Nation at large" in Douglass's analysis.[20]

American Indians, to Douglass, were the quintessential example of what racial isolation produced. He believed they were becoming extinct because their isolation prevented them from having shared interests with white Americans. The numerically superior white population would always put their interests ahead of an isolated group. Accordingly, Douglass believed integration to be the only means to survive, an action

---

[19] Douglass, "Why the Negro is Lynched, 1894," in Foner, ed., *Frederick Douglass: Selected Speeches and Writings,* 768; Douglass, "The Nation's Problem," in Foner, ed., *Frederick Douglass: Selected Speeches and Writings,* 730.

[20] Douglass, "The Nation's Problem," in Foner, ed., *Frederick Douglass: Selected Speeches and Writings,* 732. This had long been Douglass's policy. In 1869 he declared: "Our salvation, the salvation of every race in this country, is in becoming an integral part of the American government, becoming incorporated into the American body politic, incorporated into society, having common aims, common objects, and common instrumentalities with which to work with you, side by side." Douglass, "Let the Negro Alone: An Address Delivered in New York, New York, on 11 May 1869," in John W. Blassingame and John R. McKivigan, eds., *The Frederick Douglass Papers: Series One: Speeches, Debates, and Interviews* Vol. 4 (New Haven: Yale University Press, 1991), 206; Douglass, "The Destiny of Colored Americans," in Foner, ed., *Frederick Douglass: Selected Speeches and Writings,*148; Douglass, "The United States Cannot Remain Half-Slave and Half-Free," in Foner, ed., *Frederick Douglass: Selected Speeches and Writings,* 668.

which would inevitably lead to amalgamation. Racial difference would disappear and a new composite race would emerge. Yet, for many Native and Black Americans, Douglass's proposed means to avoid extinction was simply extinction by another means. When mixing with whites, Native identity tended to be submerged and disappear into the larger white populace bent on assimilating Natives into white culture, not blending cultures together. Douglass, however, saw integration and amalgamation as producing a new composite race, not the eradication of a race.[21]

A composite race, Douglass insisted, would benefit the entire nation. Civilization, to Douglass, needed cross-cultural diffusion:

> Nations, however dissimilar, may be united in one social state, not only without detriment to each other, but, most clearly, to the advancement of human welfare, happiness and perfection. While it is clearly proved, on the other hand, that those nations freest from foreign elements, present the most evident marks of deterioration.

He deemed flourishing nations to be the result of amalgamation and floundering nations to be marked by isolation. "In the Highlands of Scotland," Douglass insisted, "the boast is made of their pure blood, and that they were never conquered, but no man can contemplate them without wishing they had been conquered." England ruled the world

[21] Douglass believed American Indians would die-off because they refused to assimilate; "The Indian wraps himself in gloom, and proudly glories in isolation—he retreats before the onward march of civilization… and dies of a broken heart." In contrast, Douglass believed African Americans had shown their ability and desire to assimilate; "Work him, whip him, sell him, torment him, and he still lives, and clings to American civilization." Douglass, "The Future of the Negro People of the Slave States, speech delivered before the Emancipation League in Tremont Temple, Boston, February 5, 1862," in Foner, ed., *Frederick Douglass: Selected Speeches and Writings,* 485.

because it had mixed with successive invaders. Nearby Scotland, in contrast, remained backward because of its isolation in Douglass's estimation.[22]

Believing in unique racial gifts, while still maintaining equality across all races, Douglass like William Allen before him held that "all great qualities are never found in any one man or in any one race." United, these qualities would "temper, modify, round and complete the whole man and the whole nation." Douglass thought the U.S., with its abundant races—"the material essential to further national growth and greatness"—had immense potential.[23]

Yet, to build a truly composite nation, all of its members must be granted equal rights. If African Americans were allowed to advance, the impediments to amalgamation would fall as "the tendency of the age [was] unification, not isolation; not to clans and classes; but to human brotherhood." Despite the degraded condition of slaves, Douglass argued in a remark referencing white men's rape of black women, "they were sufficiently attractive to make possible an intermediate race of a million." If it occurred given such "odious barriers," amalgamation would surely increase in freedom.[24] A composite nation was therefore not only beneficial to Douglass, but imminent.

---

[22] Douglass, "The Claims of the Negro Ethnologically Considered," 296; Douglass, "Our Composite Nationality: An Address Delivered in Boston, Massachusetts, on 7 December 1869," in Blassingame and McKivigan eds., *The Frederick Douglass Papers: Series One: Speeches, Debates, and Interviews* Vol. 4, 254; Douglass, "Our Composite Nationality," 240.

[23] Douglass, "Our Composite Nationality," in Blassingame, and McKivigan eds., *The Frederick Douglass Papers: Series One: Speeches, Debates, and Interviews* Vol. 4, 241; Douglass, "Our Composite Nationality," 255. While granting the unique racial gifts, Douglass reiterated his belief in equality and the universal brotherhood: "man is man the world over…the sentiments we exhibit, whether love or hate, confidence or fear, respect or contempt, will always imply a like humanity." [257]; Douglass, "Our Composite Nationality," 255.

[24] Myers, *Frederick Douglass*, 167; Douglass, "The Future of the Negro," *North American Review*, July 1884, http://memory.loc.gov/cgi-bin/query/P?mfd:1:./temp/~ammem_bLBb; Douglass, "The Future of the

Yet, Douglass hesitated to declare his open support for amalgamation, as he believed advocating for it would paradoxically retard its advance. Having been physically attacked for socializing with white women and subject to accusations of infidelity because of his close working relationships with them, Douglass knew that even the appearance of interracial intimacies could cause white hysteria. Such irrational fears, he insisted, could not be overcome by "any theory of the wisdom of such blending of the two races." In fact, he considered its support "a cruel hoax calculated to provoke a racist backlash," according to Douglass biographer Waldo Martin. Instead, he thought, only "the fullness of time" and the granting of equal rights would allow amalgamation to "be so adjusted to surrounding conditions as hardly to be observed" and to occur "without shock or noise."[25] Amalgamation was a result, not a solution to Douglass.

Accordingly, Douglass demurred rather than offer an outright endorsement of amalgamation, but his advocation for a composite nationality and his declarations of amalgamation's naturalness and inevitability leave little doubt about his views. In the midst of the Civil War, Douglass all but directly stated his support for amalgamation. Directing his comments to what he considered the central question of the age, he asked: "Can the white and colored people of this country be blended into a common nationality?" To which he answered: "most unhesitatingly, I believe they can." Lest such

---

Negro," *North American Review;* Douglass, "The Future of the Colored Race," in Foner, ed., *Frederick Douglass: Selected Speeches and Writings*, 591.

[25] Douglass, "The Future of the Colored Race," in Foner, ed., *Frederick Douglass: Selected Speeches and Writings*, 591; Martin, *The Mind of Frederick Douglass*, 221; Douglass, "The Future of the Colored Race," in Foner, ed., *Frederick Douglass: Selected Speeches and Writings*, 591. Likening the degraded position of slaves to the Irish, Douglass also listed—in a seeming tangent to his address—the harsh and unjust laws under which the Irish once languished. The last of the "barbarous and inhuman laws" he lists is the prohibition on marriages between Protestants and "Papists." These laws were eliminated and so too should the "present barbarous laws against the free colored people," he argued, "share the same fate."

pronouncement be construed as just cultural and political assimilation and not biological amalgamation, Douglass made clear in 1866 that his blended nation involved amalgamation too. He declared his "strongest conviction as to the future of the Negro" to be that "he will be absorbed, assimilated, and will only appear finally, as the Phoenicians…in the features of a blended race."[26]

Douglass's most explicit comment on amalgamation came in a speech before the American Anti-Slavery Society in 1869. In response to the charge that black suffrage would lead to amalgamation, contrary to abolitionist denials and in direct contrast to the attempts to uncouple the two concepts by black delegates to Arkansas's constitutional convention the year before, Douglass boldly proclaimed: "It will lead just there. Don't be afraid." The admission did not go unnoticed; the *New York Herald* claimed Douglass would not be satisfied with the "recognition of the legal and political rights of the negro...[rather] amalgamation is the ultimatum of Fred. Douglass."[27]

---

[26] Douglass, "The Present and Future Condition of the Colored Race in America," *Douglass Monthly,* June 1863, http://teachingamericanhistory.org/library/index.asp?document=777; Douglass, "The Future of the Colored Race," in Foner, ed., *Frederick Douglass: Selected Speeches*, 591; Martin, *The Mind of Frederick Douglass*, 220-1; Myers, *Frederick Douglass*, 168.

[27] Douglass, "Let the Negro Alone: An Address Delivered in New York, New York, on 11 May 1869," in Blassingame and McKivigan eds., *The Frederick Douglass Papers: Series One: Speeches, Debates, and Interviews* Vol. 4, 205. Douglass, illustrating a typical debate between an abolitionist and a Democrat, suggested that "The Democrat said, 'The right to vote means amalgamation.' The Abolitionist said, 'No, that don't follow.' 'It will dissolve the Union.' 'No it won't.' 'It will lead to amalgamation.' 'No, it won't.' But it will lead just there. Don't be afraid"; Douglass, "Let the Negro Alone," 208. He made another, albeit veiled, gesture of support for amalgamation when he declared that when African Americans were incorporated "completely into the American body politic...you will soon begin to find that Mr. Bluebeard's beard is not quite so blue after all." Referencing a fictional character of French folklore who was despised because he had a blue beard, Douglass implied that with political and social equality would come the lightening of African Americans and the darkening of Caucasians and thereby the removal of the original cause of strife. New York *Herald*, 14 May 1869, quoted in Blassingame and McKivigan eds., *The Frederick Douglass Papers: Series One: Speeches, Debates, and Interviews* Vol. 4, 199.

As to his own marriage, Douglass persistently argued it was a private matter and declined to defend it as anything more. "I don't see why there should be any comment," Douglass replied to a reporter in seeming surprise at the outcry, "I have simply exercised the right which the laws accord to every citizen." Aware of the outcry against amalgamation, however, Douglass would have known what to expect. This public pretense of shock contradicts Douglass's intelligence, his awareness of detractors, and his private statements. He faced public condemnation multiple times for his relations with white women and knew the likely response. Douglass's faux surprise even contradicts his own efforts to maintain secrecy ahead of the marriage.[28]

Aware that "surrounding conditions" had not yet "adjusted," Douglass's strategy for managing the outcry against his marriage appears to have been a failed attempt to demonstrate amalgamation's occurrence "without shock or noise." He not only strove to keep what he believed a personal matter as private as possible, but also to serve his philosophical aims. He adopted the pretense that the interracial aspect of the marriage was of little public interest as drawing attention to it only served to reinforce assumptions

[28] "Mr. Douglass Interviewed. A Statement of His Action," *Cleveland Gazette* February 2, 1884, 3; "Mr. Douglass Interviewed. A Statement of His Action," Illustrating his supposed surprise at the extent of the interest, Douglass told a reporter: "I am astonished that a city so large as I considered Washington to be should become at once so small"; Douglass, "The Future of the Colored Race," in Foner, ed., *Frederick Douglass: Selected Speeches and Writings,* 591; Douglass was known for having an "intense dislike of being addressed or spoken of as Fred Douglass." His *New York Times* obituary noted this fact along with a story of him correcting a woman in the White House who with the stern but polite rebuke addressed him in this manner: "Frederick Douglass, if you please." So the use of the diminutive form of his name could connote a disrespect for Douglass. Ironically, despite showing great awe for Douglass, the very same obituary that noted his dislike of being called "Fred" used that moniker in the headline announcing his death. "Death of Fred Douglass," *The New York Times,* 21 February 1895, 2.

that such unions were unnatural. "What would you have me say? I can give no explanation. I can make no apology," Douglass insisted.[29]

Contemporaries' assessments as well as Douglass and Pitts's actions testify to their awareness of the reaction their union would garner. Even thirty years removed, Douglass would well remember the mob's vitriol surrounding the nuptials of William Allen. A friend of Pitts's concluded that the couple knew what they would face: "They both are intelligent enough to have foreseen that it would cause widespread comment." The privacy of their courting and their failure to inform or invite much family or friends also testifies to their awareness of the consequences. His own words—in a letter to Elizabeth Cady Stanton written four months after the marriage—further demonstrate his precognition of the enmity his marriage would create. "I could never have been at peace with my own soul or held up my head among men," Douglass wrote Stanton, "had I allowed fear of popular clamor to deter me from following my convictions as to this marriage."[30] They expected a critical response and chose to marry despite it.

Publicly, Douglass maintained his interracial marriage was of no consequence and that he and Pitts encountered little hostility. Privately, however, he admitted to the

---

[29] Were he to have married a black woman, Douglass implied, he would not have been asked to defend his choice of spouse. Accordingly, he would not explain his choice or make it seem as if he could not help it by proclaiming that he fell in love with Pitts. His marital relations were his private domain and thus in no need of a public defense. "Mr. Douglass Interviewed. A Statement of His Action," *Cleveland Gazette*, February 2, 1884, 3.

[30] O. H. Stevens in an interview with a *Rochester Herald* reporter, January 1884 as quoted by Nelson, "Have We A Cause," 112; "A Black Man's Bride—Frederick Douglass Married Last Night to Miss Pitts—The Woman Young, Attractive, Intelligent, and White," *National Republican* January 25, 1884, 1; Douglass to Stanton, May 30, 1884, in Foner, ed., *Frederick Douglass: Selected Speeches and Writings,* 694; Pitts remarked similarly about the need for courage in the face of expected condemnation: "Love came to me, and I was not afraid to marry the man I loved because of his color." Pitts quoted by Nelson, "Have We A Cause," 126.

troubles they endured. In the letter to Stanton, he expressed his admiration for his wife's bravery in the face of "the assaults of popular prejudice" and "the storm of opposition." He thanked Ida B. Wells for being "the only colored woman save Mrs. Grimké who has come into my home as a guest and has treated Helen as a hostess has a right to be treated." Wells's autobiography recounts several other instances of "sneers and discourtesies heaped upon them." Douglass also expressed frustration at the public's seeming obsession—"What business has the world with the color of my wife?" he asked an old friend in frustration seven months into their marriage. Likewise, he asked another friend who had married a white woman several years earlier "How have you escaped?"[31]

Douglass claimed that his marriage had "not diminished the number of invitations" he received for lectures. If newspaper reports are to be believed, however, attendance and his reception at speeches were indeed diminished. Despite his assertions that they met "not a single repulse or insult," he faced displeasure from family members and the wider public. He kept a scrapbook of letters expressing outraged over his marriage. In public, his son Lewis insisted his "father had a right to marry whom he pleased," but behind the scenes, family opposition seethed and even spilled into the public realm in a messy legal suit.[32]

---

[31] Douglass letter to Stanton, May 30, 1884, in Foner, ed., *Frederick Douglass: Selected Speeches and Writings,* 694; Ida B. Wells, *Crusade for Justice: The Autobiography of Ida. Be Wells* (Chicago: University of Chicago Press, 1970), 72, 73; Douglass letter to Amy Post, August 27, 1884, The Gilder Lehrman Collection, The Gilder Lehrman Collection, The Gilder Lehrman Institute of American History, New York https://www.gilderlehrman.org/collection/glc05819. William Sanders Scarborough quoting Douglass, *The Autobiography of William Sanders Scarborough* (Detroit: Wayne State University Press, 2005), 320.

[32] Douglass letter to Amy Post, August 27, 1884; See for example A.L.M. "Our Baltimore Letter," *Grit* March 3, 1884, 2 and "Wait and See," *Washington Bee,* April 14, 1888, 2; Douglass letter to Amy Post, August 27, 1884; *Washington Star,* 7-9, February 1884. One such clipping was the complaint of an Atlanta reverend against President Cleveland for inviting Douglass and Pitts to dinner. He could excuse Cleveland

When pushed to offer an explanation for his marriage, Douglass turned to his belief in a composite nationality and emphasized his biracial status—"I am not an African…I am not a Caucasian" he declared after the wedding. He further noted that had he married a darker woman, rather than a lighter one, "there would have been nothing said about it." He also insisted that as his first wife was darker than he, that marriage could have been classified as an interracial marriage as well. Indeed, he held that an honest assessment would find most marriages in the U.S. interracial as European races mixed freely. Why then, he contended, not so with Africans, Asians, and American Indians, mixing with Europeans? The opposition reeked of hypocrisy in Douglass's mind, as he did "in one direction what my father did in another" and yet did it honorably through marriage. He likewise took to joking that his marriage proved his impartiality; "my first wife was the color of my mother, and the second, the color of my father." Douglass used being biracial, and even multiracial—as he believed he possessed American Indian heritage as well—as a means to mock the illogic of racialism. He argued that he "occup[ied] a middle position" and could therefore "speak more

---

for "getting the nigger into his house for supper," but could not abide by the extension of the invitation to "the low wife." Reverend Sam Small quoted in McFeely, *Frederick Douglass,* 365. The sister of Douglass's son-in-law, who had been living with Douglass since the early 1870s, sued for $2,640 in back wages for housekeeping duties she claimed she was owed. She moved out immediately after Douglass and Pitts's marriage and was assisted in the lawsuit by Douglass's son-in-law. The familial drama played out in newspapers where the son-in-law charged that the great abolitionist had not been paying a black woman for her labor; he charged that Douglass's "experience and the doctrines you preach should have taught you not to deny to any one a fair day's wages for a fair day's work, even though the work was done in *your* kitchen." *Washington Star*, 8, 9, 12, 14 February 1884; *Harrisburg State Journal*, 16 February 1884. They eventually settled the dispute, but Douglass complained that the suit was "an attempt to take a mean and cowardly advantage of the supposed unpopularity of my recent marriage to malign and blackmail me, to extort money." *Philadelphia Press,* 6 February 1884; *Washington Star,* 9 February 1884.

impartially." From his self-proclaimed position of neutrality, Douglass held that the two races "should go together: one cannot get along without the other."[33]

Even before his marriage, as the son of a white man and a multiracial woman, Douglass considered himself the embodiment of a composite nationality. To Douglass, the options were either to retain a binary concept of race or to transcend race. As his protestation multi-racialism testifies to, he not only sought the latter, but thought it already a *fait accompli* because of prior amalgamation. Nor was this a new argument for Douglass. "Two hundred years ago there were two distinct and separate streams of human life running through this country," Douglass declared in 1866. Once at "opposite extremes of ethnological classification," there was now "an intermediate race" that defied binary definitions of "Caucasian" or "Ethiopian." After his marriage, he repeated these same words almost verbatim and only added: "You may say that Frederick Douglass considers himself a member of the one race which exists."[34]

For Douglass, race did not—or at least should not—matter. Therefore, maintaining distinctions, especially as one was marked by association with slavery, could only perpetuate race's unreasonable stigma. As he told an audience in 1886:

> A painter was painting me today and insisted on showing my full face, for that is Ethiopian. Take my side face, said I, for that is Caucasian; though you try my quarter face you would find it Indian. I don't know that any race can claim me,

---

[33] "Mr. Douglass Interviewed. A Statement of His Action," *Cleveland Gazette*, February 2, 1884, 3; Douglass as quoted in Fought, *Women in the World of Frederick Douglass,* 244; Douglass quoted in Martin, *The Mind of Frederick Douglass,* 100; Douglass, "Measuring the Progress of the Colored Race: An Address Delivered in Boston, on 22 May 1886," John Blassingame and John McKivigan, eds., *The Frederick Douglass Papers,* V (Yale University Press, 1992), 240; Douglass, "Measuring the Progress of the Colored Race," in Blassingame and McKivigan, eds., *The Frederick Douglass Papers,* V, 240.
[34] Douglass, "The Future of the Colored Race," in Foner, *Frederick Douglass: Selected Speeches and Writings,* 591; "Mr. Douglass Interviewed. A Statement of His Action," *Cleveland Gazette,* February 2,1884, 3.

> but, being identified with slaves as I am, I think I know the meaning of the inquiry.

Emphasizing monolithic racial identities in the face of multiracialism only reinforced stigmatized and illegitimate barriers to Douglass. He considered maintaining claims of racial partiality, with so much amalgamation already, to be a harmful affectation. With nearly a quarter of African Americans possessing white blood, in his estimation, Douglass declared in 1889: "When a colored man is charged with want of race pride, he may well ask, What race?" One day, Douglass insisted in 1866, "they will not pervert and sin against the verity of language as they now do by calling a man of mixed blood, a Negro; they will tell the truth."[35] Nearly twenty years later, Douglass still referred to himself as a Negro, but proclaimed his composite status and hoped others would too.

As such, Douglass's interracial marriage was both a personal and a political act. On a personal level, Douglass and Pitts appeared to be well-matched with much in common and a deep mutual respect; Douglass held Pitts to be "steady, firm and strong" and he admired "her heroic bearing." Mary Church Terrell described Pitts as "very much in love with her husband" and "that she admires and is proud of him is plain to see." Terrell concluded: "It is not strange that Douglass should have wished to marry this woman somewhat his equal intellectually." By all contemporaries' accounts, they were

---

[35] Douglass, "Measuring the Progress of the Colored Race," in Blassingame and John McKivigan, eds., *The Frederick Douglass Papers,* V, 240; "The Nation's Problem," in Foner, ed., *Frederick Douglass: Selected Speeches and Writings,* 735; Douglass, "The Nation's Problem," 731; Douglass, "The Future of the Colored Race," in Foner, ed., *Frederick Douglass: Selected Speeches and Writings*, 592. Similarly, Douglass declared in 1889: "When a colored man is charged with want of race pride, he may well ask, What race?" Douglass, "The Nation's Problem," in Foner, ed., *Frederick Douglass: Selected Speeches and Writings*, 731.

happy together. When they were not traveling together, the pair spent many afternoons musically accompanying one another, Douglass on his violin, Pitts on the piano.[36]

On a philosophical level, Douglass's marriage was, in the words of a contemporary, "marvelously harmonized with the broad philanthropical doctrines which he has been preaching these many years." Douglass insisted he did not seek to set an example, but he "clearly viewed his second marriage as both a personal and a symbolic act" according to Gregory Stephens. He argues that Douglass's interracial marriage was a "mediatory symbol"—an action symbolic of his commitment to the creation of a multiracial society.[37] His first marriage asserted his freedom as slaves were not allowed to legally marry. His second marriage asserted his faith in integration. Pursuing an interracial marriage for its own sake would have been a perversion of Douglass's beliefs that race was of little consequence. Yet, by being open to all races, he found a woman with whom he could be happy, who happened to be white.

Despite Douglass's longstanding positions on assimilation and amalgamation, his marriage came as an undesirable surprise to many Black Americans. One paper even speculated that Douglass might be "succumbing to the influences of a second childhood." Writing of the reaction, Douglass both bemoaned the outcry and downplayed the matter, "No man, perhaps, had ever more offended popular prejudice than I had then lately done.

---

[36] Douglass to Elizabeth Cady Stanton, May 30, 1884, in Foner, ed., *Frederick Douglass: Selected Speeches and Writings*, 695; Mary Church Terrell, "I Remember Frederick Douglass," *Ebony*, September 12, 1953; Douglass to Elizabeth Cady Stanton, May 30, 1884, in Foner, ed., *Frederick Douglass: Selected Speeches and Writings*, 695; Martin, *The Mind of Frederick Douglass,* 99.

[37] "Washington: Great Example of Miscegenation. Building Better than he Knew. The Old Man Eloquent Takes a White Bride. Views of Our Correspondent—Prof. J.M. Gregory," *Cleveland Gazette,* February 2, 1884, 2; Gregory Stephens, *On Racial Frontiers: The New Culture of Frederick Douglass, Ralph Ellison, and Bob Marley* (Cambridge: The University of Cambridge, 1999), 95.

I had married a wife." Deemed "the all-absorbing theme of newspapers and almost everyone you meet," news of Douglass's marriage long remained a point of contention. Black and white newspapers alike disparaged Pitts's appearance and character. Some papers focused on innocuous details such as the bride's attire or joked about the couple's age differential, which was substantially smaller than most reported. Few, however, refrained from commenting on the interracial character of the marriage, the political implications of it, and the meaning this held for African Americans.[38]

Whites seemed especially concerned about the legal aspects of the marriage and, as time wore on, about the "great many airs" that Douglass supposedly exhibited since marrying. Among Black Americans, however, the marriage exposed long simmering debates. The most common view among African Americans was to consider the marriage a private act, but one with undesirable implications, especially for a race leader. Despite marrying the couple, Francis Grimké conceded, "the colored people, generally, did not approve of his marriage." "Political suicide," his life's "fatal error," his "one grand mistake," and "a national calamity" were just a few monikers black newspapers used to

[38] *Springfield Weekly Review* in *New York Globe*, February 9, 1884; *The New York Independent* quoted in "The National Capital," *New York Globe,* February 9, 1884, 1; *Grit* (D.C.) quoted in "Mr. Douglass's Marriage: Sentiments of the Colored Press," *New York Globe,* February 9, 1884, 2. Frederick Douglass, *The Life and Times of Frederick Douglass* (New York: Thomas Y. Crowell Company, 1966 [1892]), 961; Africanus, "That Marriage: Some Very Sensible Reasons Why Frederick Douglass Should Have Selected a Wife from His Own Race," *Cleveland Gazette,* February 16, 1884, 1; [Untitled] *Gazette* (Franklin, Virginia), February 1, 1884; Almost all papers took years off of Pitts's age and added years to Douglass's. The *Arkansas Mansion* subtracted the most as the paper described her as "not many years out of her teens." Junius, "Washington Letter," *Arkansas Mansion.* February 2, 1884*,* 5. Only two papers correctly list her age as forty-six. See [Untitled], *New York Globe,* February 2, 1884, 1; "The Marriage of Frederick Douglass," *Jackson Citizen Patriot* (MI)*,* February 2, 1884, 2. Douglass was almost sixty-six at the time of his second marriage, although he thought he was sixty-seven at the time as like many former slaves, Douglass was unsure of his date of birth. Dickson J. Preston, *Young Frederick Douglass: The Maryland Years* (Baltimore, Md.: Johns Hopkins University Press, 1980).

describe the marriage. One crestfallen commentator mourned that "the Negroes' idol has fallen" while another insisted that he had "deserted" them.[39]

Interracially, many feared the repercussions from whites and took pains to deny the idea that all African Americans desired such unions; "he does not represent the intelligent and more self-respecting colored men of the South," insisted a North Carolina black paper.[40] Within the race, many questioned Douglass's ability to represent them and bemoaned the marriage's ramifications for race pride. Yet, most black responses also fiercely defended Douglass's *right* to marry interracially alongside equally fierce criticism of Douglass's *choice* to marry interracially.

Despite the growing hysteria among whites about the "threat" miscegenation posed to "racial purity," mainstream newspapers almost universally contended that the marriage "has brought out much more criticism from men of Mr. Douglass's color than from the whites." The *New York Times* characterized the general white sentiment as considering the marriage "ill-advised" but "a matter concerning [the couple] alone." In contrast, the *Times* portrayed Black Americans as unhesitant to "denounce the conduct of their leader as almost a direct insult to their race." Far from simply a reflection of African Americans' guarding their behavior by condemning the marriage in front of whites, black papers similarly assessed the disparity in sentiments. The black weekly, the *Cleveland*

---

[39] Grimké, "The Second Marriage of Frederick Douglass," 325; "A Beggar on Horseback Fred Douglass Wants the Earth*," St. Louis Republic,* September 26, 1889, 9; ["No Headline,"] *Weekly Nevada State,* February 2, 1884, 1; *Grit* (D.C.) quoted in "Mr. Douglass's Marriage: Sentiments of the Colored Press," *New York Globe* February 9, 1884, 2; *Pilot* (Birmingham, AL), quoted in "Mr. Douglass's Marriage: Sentiments of the Colored Press," *New York Globe,* February 9, 1884, 2; *Grit* (D.C.) quoted in "Mr. Douglass's Marriage: Sentiments of the Colored Press," *New York Globe,* February 9, 1884, 2; *Southern Tribune* (Petersburg, Virginia) quoted in "Mr. Douglass's Marriage: Sentiments of the Colored Press," *New York Globe,* February 9, 1884, 2.

[40] *Raleigh Banner-Enterprise* in *New York Globe,* February 9, 1884.

Gazette, for example, declared that the marriage had provoked "the most unparalleled excitement and the most unfavorable comment" among African Americans, but reported no such mass disfavor from whites.[41]

The strength of the opposition took some white commentators by surprise. The *Boston Daily Globe* pondered "the queerest imaginable changes in public sentiment" that provoked such a seeming reversal in outrage:

> It isn't long since there would have been a howl of horror from North to South because a white woman had married a negro. Now the greatest comment and disturbance made about it come from the colored people themselves, who think that Douglass did wrong to marry a white woman.[42]

The *Boston Daily Globe*, however, mistook African Americans' reaction against the marriage and whites' relative nonchalance as representing their positions on all interracial marriages. The issue that seemed to cause the greatest consternation among African Americans was not *an* interracial marriage, but *the* interracial marriage of their most prominent representative. Long accused and persecuted for supposedly desiring white women, many Black Americans reacted with more vehemence than some whites because of the example the marriage set and the connotations to which it lent itself. As one

---

[41] "Fred Douglass's Marriage," *The New York Times,* January 26, 1884. That white reactions tended toward the bemused, however, should not be taken as meaning all were of this sort. Some mainstream newspapers pondered the legality of interracial marriage in D.C. and speculated that even if legal, Douglass should be arrested "just for fun." "Discovered District," *Jackson Citizen,* February 19, 1884, 7. For another example expressing similar assessments, see *Philadelphia Times* quoted in "Fred. Douglass not Denounced," *Washington Bee,* February 2, 1884, 2; "Washington. Great Example of Miscegenation," *Cleveland Gazette,* February 2, 1884, 2; Waldo E. Martin, *The Mind of Frederick Douglass* (Chapel Hill: The University of North Carolina Press, 1984), 99; See also: Philip S. Foner, *Frederick Douglass* (New York: The Citadel Press, 1969), 337-8; Booker T. Washington, *Frederick Douglass* (New York: Argosy-Antiquarian LTD, 1969), 189; Benjamin Quarles, ed., *Great Lives Observed: Frederick Douglass* (Englewood Cliffs, NJ: Prentice-Hall, Inc., 1968), 161; John Muller, *Frederick Douglass in Washington, D.C.: The Lion of Anacostia* (Charleston: The History Press, 2012), 141.

[42] ["No Headline,"] *Boston Daily Globe,* January 27, 1884, 4.

commentator observed, "if Mr. Douglass was a man of little note, his marrying a white woman would not have been noticed." Yet, as "the acts and doings of men are measured by their prominence," Douglass faced severe censure from black people as "the burden of disclaiming his act [was] now upon them."[43] He had very publicly broken with the longstanding precedent going back to at least David Walker of denying interest in interracial marriage. While far from the first black man to marry a white woman, he was by far the most prominent to do so. As such, Douglass, many worried, had confirmed the myth that all black men sought white women. His actions, therefore needed to be decried and the idea that other black men sought white brides needed to be countered.

"Among the whites," in striking contrast to the serious discussions among African Americans, one newspaper held that "the marriage is a topic of mere amusement." Despite the animosity and violence from some whites towards even the suggestion of interracial intimacy, the mainstream press reacted with little animus. The mocking tone, however, belie the consequences outside of print journalism. The high-profile marriage prompted the introduction of bills prohibiting interracial marriage in the District of Columbian and Maryland—despite Maryland already having a ban. Grimké received a death threat for performing the ceremony. Additionally, white responses seemed especially muted because few mainstream papers in the South reported the marriage. Perhaps following the antebellum tradition of avoiding publishing news of abolitionists

[43] "Fred Douglass's Fatal Leap! His Marriage Ventilated! The Golden Egg Crushed!," *Savannah Weekly Echo,* February 10, 1884, 4; Others, such as the *Arkansas Mansion* argued similarly: "Douglass's case was an exception on account of his being a leader of the people. We think at present that it is a bad example for him to set." "Maj. Bankston Returned," *Arkansas Mansion,* February 16, 1884, 1; *Greencastle Banner* (IN) quoted in "Fred Douglass," *Danville Hendricks County Republican* (IN), February 7, 1884, 4; "Fred Douglass's Fatal Leap!," 4.

for fear the reports would inspire rebellion, mainstream newspapers in the South seemed loath to report the marriage.[44] Despite the tone of bemusement among whites, the marriage threatened real consequences for the continued legality of interracial marriage locally and the safety of African Americans nationally.

Few black people seemed to approve, but none seemed willing to deny his right to it; "Although the colored people in general do not look upon the intermarriage of the races with favor," stressed one newspaper, "they do not propose to tolerate any *further* abridgment of their personal liberties."[45] It was still a personal right to be protected and Douglass's marriage imperiled the very right he exercised. Black newspapers disparaged the D.C. bill's sponsor for proposing a ban, but blamed Douglass as the true instigator. One black weekly derided the "crank [Congressman Risden] Bennett," but told readers they could "charge this up to the account of Fred Douglass." Another black weekly similarly reported, "Douglass marrying a white woman has alarmed the national legislature." Thus, many believed the prominent marriage brought unwanted attention to a matter better left alone. Furthermore, as a response to an environment "where mob violence sought to castrate black men figuratively and literally," Michele Mitchell argues, some African Americans proposed "ostracism for those black women and men who

---

[44] "Bennett's Anti-Miscegenation Bill," *Cleveland Gazette,* July 5, 1884, 2; ["No Headline"], *Goshen Daily News* (IN), January 26, 1884, 3; Francis Grimké, "The Second Marriage of Frederick Douglass," *The Journal of Negro History* (1934), 325; The largest reaction appeared to be in response to a defense of Douglass's marriage in the *New York World*. Alabama's *Mobile Register* chastised the *New York World* for its support of Douglass's marriage and threatened that if they continued, the paper "must not be surprised if it soon comes to be considered an improper paper to be introduced into a Southern family circle." Apparently, deeming even knowledge of the marriage "improper" for Southern families, few other papers mentioned it. *Mobile Register* quoted in "Not Their Kind of a Democrat," *New York Herald,* February 10, 1884, 10.

[45] "Bennett's Anti-Miscegenation Bill," *Cleveland Gazette,* July 5, 1884, 2.

crossed the sexual color line." Already long on the defensive by the 1880s, many African Americans did not tolerate Douglass's action as it highlighted assumptions of black men preying on white women and imperiled not only the legality of such unions, but the safety of all subject to the "myth of the black rapist." At least fifty-one black men were lynched in 1884 alone and some could reasonably believe Douglass's prominent marriage lay behind the twisted rationale for these murders.[46]

Accordingly, many emphasized their disdain for such unions by distancing themselves from Douglass. For example, despite having an editor sympathetic to Douglass and amalgamation, the black weekly, *The New York Globe*, stressed that "as a rule, intermarriages between the races are not desirable to black or white." Many other black-authored articles made it a point to mention the race's general disfavor of interracial marriage.[47]

---

[46] For examples of black newspapers disagreeing with Douglass's marriage but holding that he had every right to marry whomever he pleased, see: "The Navy Disgraced," *Cleveland Gazette,* October 5, 1889, 2; "Fred Douglass's Fatal Leap! His Marriage Ventilated! The Golden Egg Crushed!," *Savannah Weekly Echo,* February 10, 1884, 4; *Ohio Weekly Review* (Springfield) in "Mr. Douglass's Marriage: Sentiments of the Colored Press," *New York Globe,* February 9, 1884, 2; *Sentinel* quoted in "Mr. Douglass's Marriage: Sentiments of the Colored Press," *New York Globe,* February 9, 1884, 2; *Arkansas Mansion* quoted in "Mr. Douglass's Marriage: Sentiments of the Colored Press," *New York Globe,* February 2, 1884, 2; *Gate City Press* (KA) quoted in "Mr. Douglass's Marriage: Sentiments of the Colored Press," *New York Globe,* February 9, 1884, 2; *New Era* quoted in "Mr. Douglass's Marriage: Sentiments of the Colored Press," *New York Globe,* February 2, 1882, 2; *Hub* quoted in "Mr. Douglass's Marriage: Sentiments of the Colored Press," *New York Globe,* February 9, 1884, 2; *Atlanta Pilot* quoted in "Mr. Douglass's Marriage: Sentiments of the Colored Press," *New York Globe,* February 9, 1884, 2. "Bennett's Anti-Miscegenation Bill," *Cleveland Gazette,* July 5, 1884, 2; "Bennett; Columbia; Fred Douglass," *State Journal* (PA), February 9, 1884, 2; "Mr. Douglass; Mr. Bennett," *Arkansas Mansion,* February 9, 1884, 1; Michele Mitchell, *Righteous Propagation: African Americans and the Politics of Racial Destiny After Reconstruction* (Chapel Hill: The University of North Caroline Press, 2004), 214; The "myth of the black rapist" is the idea that African American men have been methodically portrayed as sexual predators to justify white violence against them. Angela Davis, *Women, Race, and Class* (New York: Random House, Inc., 1983), 185; "Lynching, Whites & Negroes, 1882-1968," Tuskegee University, Tuskegee, AL.

[47] "The National Capital," *New York Globe,* February 9, 1884, 1; See, for an example, "Fred Douglass's Fatal Leap!," *Savannah Weekly Echo,* February 10, 1884, 4.

Black newspapers also joined whites in a common narrative—that whites who entered into interracial unions were of the lowest sort. A few papers, such as one near Pitts's hometown, defended her, but nearly all others—on both sides of the color line—suggested she was low-class or morally dubious. A contributor to the *Arkansas Mansion,* for example, considered Pitts inherently beneath Douglass's dignity, as "no white woman of the higher order of American society would marry a colored man." Mainstream newspapers were of the same mind and sought to depict Pitts as such. Michigan's *Jackson Citizen Patriot* reported that she had been fired from teaching "on account of her violent temper." The *Cincinnati Commercial Tribune* insinuated that Pitts married Douglass for his "considerable property." Cleveland's *Plain Dealer* described Pitts as "a white spinster…almost as round as she [was] long."[48] Perceptions of how class and race interacted therefore shaped responses to the marriage along both sides of the color line.

Erroneous as these depictions of Pitts might be, few readers would know otherwise and could therefore assume Douglass used his class status to gain the racial status of a white spouse while Pitts traded her racial status for Douglass's class status. Later termed "status exchange theory" by sociologists, this theory predicts that African

[48] Some coverage spoke of Pitts in a gracious manner describing her as "handsome," "a fine-looking lady," or "beautiful and cultured." "Frederick Douglass Remarried: Choosing a White Wife," *Baltimore Sun,* January 25, 1884; "The Marriage of Frederick Douglass," *Jackson Citizen Patriot,* February 9, 1884, 2; *Rochester Democrat* quoted in "General News in Brief," *State Journal* (PA), February 2, 1884, 1; "[No Headline]," *Arkansas Mansion,* February 16, 1884, 1; "Washington Letter," *Jackson Citizen Patriot* (MI), February 15, 1884, 2. Julie Nelson's Master's Thesis on Pitts makes no such reference to Pitts being fired for such causes. Instead, Nelson holds she disliked teaching. Julie Nelson, "Have We A Cause: The Life of Helen Pitts Douglass, 1838-1903" (Master's thesis. Shippensburg University, 1995), 102; "Fred. Douglass Marries: His Second Wife a White Lady, a Clerk in His Office—This Creates Quite a Sensation," *Cincinnati Commercial Tribune,* January 25, 1884, 2. Cleveland's *Plain Dealer* insinuated similarly by announcing Douglass's marriage along with a highly inflated figure of his salary—"about $12,000 a year"—and an estimate of his net worth—$200,000. "Washington Notes and Gossip Fred Douglass," *Plain Dealer,* February 1, 1884, 1; "Washington Notes and Gossip Fred Douglass," *Plain Dealer,* February 1, 1884, 1.

Americans of wealth and achievement will marry whites of a lower social station. Thus, Black Americans could worry that their most successful members would marry white people of a lower social position for the perceived value of their skin color. As Pitts was in actuality from a prominent family and of a relatively high class, such a theory only applies to the public perception of the marriage.[49]

Nevertheless, these depictions point to a reason some might have protected the legal right to interracial marriage while despising its actual practice. Many perceived interracial marriages as a union between affluent blacks and low-class whites. Indiana's mainstream newspaper, *The Recorder*, for instance, argued in 1899 in favor of a repeal of the state's interracial marriage ban. The newspaper held, however, that "white women are not expected to make a grand rush for Negro husbands like Fred Douglass's white wife who went after his money and got it."[50] Disparaging those who entered such unions eased whites' concerns over amalgamation as they could maintain that only the most morally dubious whites married interracially. Similarly, African Americans claiming the same narrative could reiterate their aversion to it.

Considerations of class posed a double-edged sword, especially among the black elite—primarily those with education, family respectability, and steady and above average incomes. Acutely sensitive to the loss of social rights, elite African Americans

---

[49] Robert K. Merton, "Intermarriage and the Social Structure: Fact and Theory," *Psychiatry* V 4 no. 3 (1941): 361-374; Kingsley Davis, "Intermarriage in Caste Societies" *American Anthropologist* V 43 (1941): 376-395. Status exchange theory has been challenged by scholars, but the criticism of it is on the applicability of it to describe interracial couples, not on the perceptions of such couples. See Michael J. Rosenfeld, "A Critique of Exchange Theory in Mate Selection," *AJS* V 110 no. 5 (March 2005): 1284-1325; Pitts was well educated, from a wealthy and respected family, and a descendant of passengers on the Mayflower. Nelson, "Have We A Cause," 107.

[50] "Repeal the Black Laws," *Recorder* (IN), January 21, 1899, 3.

were the fiercest advocates of "freedom of marriage." Yet, they rarely breached the color line in matrimony as to do so often violated, or had the appearance of violating, class-consciousness. Even in "those very circles of Negroes who have a large infusion of white blood, where freedom of marriage is most strenuously advocated," W.E.B. Du Bois noted of the black elite, "white wives have always been treated with disdain bordering on insult, and white husbands [were] never received on any terms of social recognition."[51]

Unsurprisingly then, Douglass and Pitts were not well received after the marriage. The *New York World* reported that D.C.'s white society no longer associated with Pitts and "hightoned [sic] colored people" no longer associated with Douglass. Even Sunday church services became an opportunity to express dissatisfaction. The *Washington Bee* reported that the newlyweds were snubbed at Grimké's predominantly black Fifteenth Street Presbyterian Church because Pitts was considered of a lower station than Douglass. Their reception at the church was described as "a cold one" with "indignant" black women glaring at "the old man and his bride as if they were two dangerous animals." The *Bee*'s society columnist and a church member opined: "While I have no objections to him marrying whom he pleased, I do object to him forcing his bride upon our society." When the couple switched to the predominantly white First Presbyterian Church of Washington, the pews reportedly became emptier every week. The cause of "this fashionable hegira," according to the mainstream *Saturday Union* of Massachusetts was "the presence of Fred. Douglass and his white wife." The mainstream *Kansas City*

[51] Willard B. Gatewood, *Aristocrats of Color: The Black Elite, 1880-1920* (Bloomington: Indiana University Press, 1990), 18, 179; Joel Williamson, *New People: Miscegenation and Mulattoes in the United States* (New York: The Free Press, 1980), 117; W.E.B. Du Bois, *The Philadelphia Negro: A Social* Study (Philadelphia: University of Pennsylvania, 1899), 359.

Times assured readers in a questionable distinction that Douglass's "presence caused a sensation, not so much from his color as on account of the prejudice against his marriage."[52] Thus, perceptions of class shaped many reactions among African Americans, while whites seemed more mindful of the interracial union itself.

When Douglass was appointed Minister to Haiti in 1889, the marriage provoked renewed debate and criticism from both sides of the color line. Whites held that Douglass would be ineffective in his post because of objections to his marriage. The *New York Herald* decried Douglass's appointment as a government endorsement of interracial marriage. The paper predicted his diplomatic career would "probably be very short, unless the administration has resolved publicly to avow its approval of intermarriage."[53]

Many African Americans, however, were angered by the economic and symbolic affronts they believed Douglass caused by bringing his white wife and a white secretary to Haiti. Their presence, the *Philadelphia Tribune* reported, was evidence that "colored women [were] not held in very high esteem by Mr. Douglass." Choosing a white secretary, and a white female at that, many Black Americans held, both deprived the race of a patronage position and made a statement about the presumed competence and abilities of black women. As William Sanders Scarborough would experience three

---

[52] *New York World* quoted in "New York; Mrs. Frederick Douglass," *Washington Bee,* May 10, 1884, 2; "Louisa To Clara," *Washington Bee,* March 1, 1884, 3; S.W. Foss in the *Saturday Union* (Mass.) quoted in "Fred Douglass and His Wife," *Washington Bee,* June 13, 1885, 2; "Washington," *New York Herald,* February 25, 1885, 4; "The President and Fred Douglass at Church," *Kansas City Times,* June 7, 1884, 12.
[53] "A Beggar on Horseback Fred Douglass Wants the Earth," *St. Louis Republic*, September 26, 1889, 9; "A Miscegenation Administration," *New York Herald,* October 3, 1888, 6.

decades later, a patronage position could renew complaints about an interracial marriage and how it affected one's race loyalty.[54]

Many Black Americans contended Douglass's choice reinforced the stereotype by suggesting that no black woman was worthy of the eminent Douglass. As such, black newspapers thought his choice reflected poorly "upon the colored ladies of the country." Topeka, Kansas's *Tribune* was explicit on just what they believed that choice reflected:

> When we recollect that it is common for white men to allege that chastity, and other refined virtues which make ladies are not found in our race, we think that if consulted about it we would have advised Mr. D. to hunt a little further before strengthening this malicious libel by going among another race for a wife.

Likewise, the *Arkansas Mansion* believed Douglass's choice "branded" Black Americans "inferior to the white race." After T. Thomas Fortune praised Douglass by declaring, "We all love him," the *Cleveland Gazette* could not contain its wrath:

> There are thousands of our ladies and many of the men folk who do not love him, for one reason or another. Some of them, doubtless, thought he might or ought to have married a lady of the race instead of his present (white) wife.

Even allies who liked Pitts could understandably lament the implications of his choice and wish, as Ida B. Wells did, that he had "chosen one of the beautiful, charming colored women of my race for his second wife." Fortune similarly held "the colored ladies take [Douglass's marriage] as a slight, if not an insult, to their race and their beauty."[55]

---

[54] See, for example, "Mr. Douglass," *Freeman* (Indianapolis, IN), October 19, 1889, 4; *Philadelphia Tribune* quoted in "Jews," *Cleveland Gazette,* October 19, 1889, 1; Scarborough, a black classical scholar at Wilberforce University who married a white woman in 1881, faced almost no controversy regarding his marriage until President Warren Harding appointed him to a position in the Department of Agriculture forty years later. "Here They Are," *Washington Bee* (January 8, 1921), 4; "Cottrill's End Hastened By Recent Defeat: Ohio Politician Lost In Race to Head G.O.P., and Land Job of Register." *The Afro American* (December 6, 1924), 6.

[55] Baptist quoted in "Mr. Douglass's Marriage: Sentiments of the Colored Press," *New York Globe,* February 9, 1884, 2; "Fred Douglass not Denounced," *Philadelphia Times* quoted in the *Washington Bee,*

Proponents of emigration too tended not to look fondly upon Douglass's marriage. Kansas's *The Western Recorder,* proclaimed its firm opposition in an editorial titled "The Life of Frederick Douglass Can Now Be Written." The paper spoke to the marriage's broader implications:

> The mother of his children, who was to him a tower of strength, to take his own word for it, was a black woman. She has been dead about a year. We regard his last marriage as the great mistake of his life. We would have seen the women of our own race honored and elevated in every motion made by the once great Douglass, but Alas! Alas![56]

Although far from the fiercest denouncement of Douglass, the paper succinctly summarized the heart of the opposition that many other black newspapers also demonstrated. By selecting a white wife, the paper insisted, Douglass implied black women were unworthy of him; the "once great" leader believed himself to be too good for black women despite the strength of his first wife—and by implication all black women who had supported his career. The marriage, the paper made clear, deeply wounded the race. Not only did it reveal what the paper believed to be Douglass's lack of gratitude toward the race, but it also broadcast an insult upon all black women.

As such, the fallout from Douglass's marriage would not easily dissipate. Months later, *The Western Recorder* maintained that Douglass's marriage disqualified him from continued leadership: "the Negro's idol has been torn down, torn down by his own

---

February 2, 1884, 2; "Fred Douglass," *Critic-Record,* January 28, 1884, 2; Topeka Tribune quoted in "Mr. Douglass's Marriage: Sentiments of the Colored Press," *New York Globe,* February 9, 1884, 2; *Arkansas Mansion* quoted in "Mr. Douglass's Marriage: Sentiments of the Colored Press," *New York Globe,* February 9, 1884, 2; "Hon. Fred Douglass," *Cleveland Gazette,* July 25, 1891, 2; Wells, *Crusade For Justice*, 73; Fonder quoted in Martin, *The Mind of Frederick Douglass,* 95.

[56] "The Life of Frederick Douglass Can Now Be Written," *Western Recorder* (Lawrence, KA)*,* February 1, 1884, 2.

jealous ambition, let us burn up the false God." The editorial continued, "we want no man for whom we have erected a palace and after its erection, to say to our mothers, our wives, and our daughters, you are not worthy to come under my roof, we want no man who insults every black man, woman, and child."[57] By marrying outside of the race, the paper fumed, Douglass had undone all his good work, renounced his racial affiliation, and belittled all African Americans, particularly women.

There were other reasons for resistance to Douglass's marriage. According to Angela Davis, the formation of the "myth of the black rapist" was already underway in the 1880s and becoming "an essential ingredient of the postwar strategy of racist terror." The 1880s and onward were decades of lynching—public acts of mutilation, castration, burning, hanging, and shooting with hundreds and occasionally thousands of witness-accomplices. The widespread coverage and the brutality of the lynchings produced a chilling effect that both deterred African Americans from having interracial liaisons and encouraged them to denounce such aspirations.[58]

Safety, therefore, was often an unspoken undercurrent in the black reaction to Douglass's marriage. Indeed, *The New York Globe* reported the "general disapproval" of African Americans toward Douglass's marriage alongside a report of the brutal slaying of several black men by whites and the rape of a ten-year-old black girl in Tennessee.[59] The

---

[57] H.C.C. Astwood, "San Domingo," *Western Recorder,* (Lawrence, Kansas) May 16, 1884, 3. The author also urged for Douglass to lose his post as representative at the upcoming Republican National Convention.
[58] "Lynchings, by Year and Race, 1882-1968," The Charles Chesnutt Digital Archive, http://www.chesnuttarchive.org/classroom/lynching_table_year.html; Davis, *Women, Race, and Class*, 185; Martha Hodes, *White Women Black Men: Illicit Sex in the Nineteenth-Century South* (New Haven: Yale University Press, 1997), 177, 207.
[59] Ham Hannible, "A Bloody Indictment," *New York Globe,* February 16, 1884, 1.

prominent example of a black man and a white woman could cause some to fear it would provoke retaliation from whites and fuel beliefs that *all* black men sought white women. Similarly, Douglass's choice of a white wife could be construed as contributing to a narrative that black women lacked morality and genteel qualities, aspersions white men used to justify rape. While these implications primarily remained unspoken, a few reports were more direct. A mainstream Indiana paper proclaimed that Douglass, "for [African American's] sake should have restrained himself." The *New York Graphic*, implying that black men would want to follow Douglass's example, warned that

> black men of minor importance had better be a little careful how they assume questionable matrimonial responsibilities, [as] there are a large number of white men who are continually in the ditch, from whiskey and other causes, and they are extremely sensitive with regard to the dignity of the noble Caucasian.[60]

Even among those who tolerated interracial marriage, such a union seemed an improper act for a race leader. As a public figure, many black commentators argued, Douglass should not have married someone who would imperil his public role. With a blaring headline, "His Strong Grasp on the Negro Race as a Party Leader Lost Eternally!," the black *Savannah Weekly Echo* held that the marriage caused him to lose "all claim" to leadership. Ohio's black *Weekly Review* contended, "from a private stand point" Douglass was entitled to his choice, "but viewed through the public lens it is

[60] *Greencastle Banner* (IN) quoted in "Fred Douglass," *Danville Hendricks County Republican* (IN), February 7, 1884, 4; *The New York Graphic* quoted in "Scissorizing," *Grit*, February 16, 1884, 2; Jacqueline M. Moore, *Leading the Race: The Transformation of the Black Elite in the Nation's Capital* (Charlottesville: University Press of Virginia, 1999), 190; *Greencastle Banner* (IN) quoted in "Fred Douglass," *Danville Hendricks County Republican* (IN), February 7, 1884, 4.

contrary to everything one would imagine."[61] Few people agree with Douglass's insistence that the public and private dimensions of his life were not connected.

Some black people not only questioned Douglass's ability to remain a leader but outright rejected his leadership. Under the provocative headline "A Leader Wanted," Texas's *Austin Citizen* clamored that "we are without a leader for the colored race" as Douglass "jumped the race" by marrying a white woman. Several papers argued that Douglass should lose his leadership position for the same reasons a white politician would lose his if he were to marry a black woman. With the marriage, *The Pittsburg News* bid adieu to "black blood in that family" and declared "We have no further use for him as a leader. His picture hangs in our parlor; we will hang it in the stable."[62] Even

---

[61] "Fred Douglass' Fatal Leap!," *Savannah Weekly Echo,* February 10, 1884, 4; Others, such as the *Arkansas Mansion* similarly argued, "Douglass's case was an exception on account of his being a leader of the people. We think at present that it is a bad example for him to set." "Maj. Bankston Returned," *Arkansas Mansion,* February 16, 1884, 1; Likewise, the *Pilot* held Douglass "forfeited his claim to the leadership of his race" by marrying a white woman. *Pilot* (Birmingham, AL) quoted in "Mr. Douglass's Marriage: Sentiments of the Colored Press," *New York Globe,* February 9, 1884, 2; *Weekly Review* (Springfield) in "Mr. Douglass's Marriage: Sentiments of the Colored Press," *New York Globe,* February 9, 1884, 2. Likewise, the *Gate City Press* placed Douglass in an impossible situation wherein the paper held, "as a matter of duty to himself Mr. Douglass should have married the woman of his choice." Yet, if "his duty to his race" was "paramount to that he owes to himself," then the "his miscegenation [was] baneful." The paper left the question as to whether Douglass owed greater allegiance to himself or his race unanswered, but regardless, Douglass was either betraying himself or harming his race in the *Gate City Press*'s estimation. *Gate City Press* (Kansas City, MO) quoted in "Mr. Douglass's Marriage: Sentiments of the Colored Press," *New York Globe,* February 9, 1884, 2.

[62] *Citizen* (Austin, TX) quoted in "A Leader Wanted," *Arkansas Mansion,* March 3, 1884, 1; Africanus, "That Marriage: Some Very Sensible Reasons Why Frederick Douglass Should Have Selected a Wife from His Own Race," *Cleveland Gazette,* February 16, 1884, 1]; *Western Recorder* (Lawrence, KA) likewise commented that "the colored people of this country will not take kindly to the marriage of Douglass, no more than the white people would honor the marriage of [Senator George] Edmunds, [Senator William] Allison or [Senator John] Logan, to a black woman." "There is No Use to Attempt to Conceal it," *The Western Recorder* (Lawrence, KA), February 1, 1884, 2; "The Douglass Marriage," *Cleveland Gazette,* February 2, 1884, 2; "Passing Events," *Cleveland Gazette,* February 9, 1884, 2; Douglass, "The Future of the Colored Race," in Foner, ed., *Frederick Douglass: Speeches and Writings*, 592; "The Douglass Marriage," *Cleveland Gazette,* February 2, 1884, 2; *The Pittsburg News* quoted in "Mr. Douglass's Marriage: Sentiments of the Colored Press," *New York Globe,* February 9, 1884, 2.

more doubted the race's continued loyalty to Douglass. The *Cleveland Gazette* put Douglass's future leadership prospects thusly:

> It will be many *many* years, if at all, before he will be the popular man he was a few weeks ago…We question no man or woman's right to marry whom they please; but we do question the wisdom of a leader of a people who enter into relations that will take from him the good will, support and respect of a large portion of his followers.

Even a proponent of interracial marriage thought Douglass had lost his influence over the marriage. T. Thomas Fortune, writing years later, maintained Douglass's leadership ended in 1884. Kelly Miller, a Howard University professor, likewise concluded that Douglass had "seriously affected his standing with his people by that marriage."[63]

Douglass, like all unelected leaders, however, possessed only an ephemeral leadership. He could be railed against in newspapers and his speeches could suffer from low turnout, but his nearly fifty years of prominence could not evaporate overnight. His position as Recorder of Deeds, however, was more tangible and was threatened by both his marriage and the election of a Democratic administration in November of 1884. As the new president filled government positions, the *Cleveland Gazette* ran a story about "designing men" who were petitioning for Douglass's office. The petitioners purported that "Douglass was no longer regarded as a leader of the colored race, on account of his marriage relation." When President Cleveland finally sought to replace Douglass in 1886,

[63] "That Marriage," *Cleveland Gazette,* February 9, 1884, 2; T. Thomas Fortune, "The Quick and the Dead," *A.M.E. Church Review,* April 1916, 247-8; Kelly Miller, "As to the Leopard's Spots: An Open Letter to Thomas Dixon, Jr." (Washington, D.C.: Howard University, 1905), 17.

Cleveland's *Plain Dealer* reported that black voters in the North were pleased as "Colored men…have drawn a line on Fred Douglass since he married a white wife."[64]

Many Black Americans saw Douglass's action as a threat to race pride and solidarity; they believed he created a color line within the color line. Referencing the marriage, a letter to the *Cleveland Gazette* raised the specter of intra-racial division in Haiti "where the feuds and hatreds have caused so much bloodshed between the blacks and mulattoes to see what a state of things he proposes to introduce among us." Concluding, the letter writer held: "The only way to manhood is to look upon ourselves as a race as the equals of all other races, and to have as much love for our race as any other race has for its race."[65]

The black public especially rejected Douglass's claim to "composite nationality." "GOD FORBID," the *Cleveland Gazette* responded bitterly, "that any man from our ranks should lead us or our race, in whom there is not race pride enough to own he is a Negro." The paper held that Douglass's leadership was all but lost after this:

> When men who claim to be representatives of our race, men who upon all occasions should hold high the banner of *race respect*, can so forge themselves as to trail it in the dust of humiliation, we say let them loose their hold upon identification with the race and the benefits accruing therefrom.

---

[64] "Hon. Fred. Douglass," *Cleveland Gazette,* March 21, 1885, 1; "A Negro Democrat After Mr. Bruce's Position," *Cleveland Gazette,* March 21, 1885, 1; "Cleveland; Fairly," *Plain Dealer* (Cleveland, OH), March 6, 1886, 4; Douglass made it a point to credit President Cleveland for magnanimity in the revised version of his third autobiography: "When President Cleveland came to Washington, I was under a considerable cloud not altogether free from angry lightning. False friends of both colors were loading me with reproaches." Douglass, *Life and Times,* 961. For an example of coverage critical of Douglass and Pitts's attendance at a White House reception, see: "Mr. Douglass at the Reception," *The Washington Critic,* February 13, 1886, 1. That Cleveland kept someone in office who both campaigned for his opponent and had a controversial marriage, however, speaks either to the tremendous prestige Douglass still carried, to Cleveland's magnanimity, or his administration's slow replacement of appointees.

[65] Africanus, "That Marriage: Some Very Sensible Reasons Why Frederick Douglass Should Have Selected a Wife from His Own Race," *Cleveland Gazette,* February 16, 1884, 1.

The writer could not abide his claims of biracialism as he viewed it as only a source of division, disrespect, and disregard. Douglass had come to prominence through the support of Black Americans, and now, famous, wealthy, and connected, he could not abandon his racial allegiance without losing their patronage and support.

Not all, however, opposed Douglass's marital choice. A few black newspapers congratulated Douglass, praised his courage, or defended his position. The *Indianapolis Leader* seemed unperturbed: "Mr. Douglass has simply put into practice the theories of his life." Chicago's *Conservator* "wish[ed] him many years of married felicity." Philadelphia's *Christian Recorder* thought the marriage indicated that Douglass "had the courage to tell the country, both white and black, that he would marry the lady that pleased him, and we laud him for it." Several African Americans emphasized their belief that interracial marriage was a personal choice. Former Congressman Joseph Rainey, William E. Matthews, Captain O.S.B. Wall, and John F. Clark all were reported to hold that "marriage is a question to be determined by the contracting parties." Bishop Henry McNeal Turner of the A.M.E. Church and no fan of amalgamation nevertheless considered it to be a private choice as he quipped with a reference to the Civil Rights Cases months prior: "I would not have married the lady, but I am glad he did. I would like to see that infernal Supreme Court decide that unconstitutional."[66]

---

[66] *Indianapolis Leader* quoted in "Mr. Douglass's Marriage: Sentiments of the Colored Press," *New York Globe,* February 9, 1884, 2; *Chicago Conservator* quoted in "Mr. Douglass's Marriage: Sentiments of the Colored Press," *New York Globe,* February 9, 1884, 2; *Christian Recorder* quoted in "Mr. Douglass's Marriage: Sentiments of the Colored Press," *New York Globe,* February 9, 1884, 2; "[No Headline]" *New York Globe,* February 2, 1884, 2. Similarly, Thomas Fortune told an interviewer: "it seems to me that matters of this kind are private and personal, rather than public," "Romance of Douglass's Wedding,"

Others, however, went further and expressed support for Douglass's action and his insistence that it was natural. George L. Ruffin, a Democrat and the first black graduate of Harvard Law School, vehemently defended Douglass's marriage and emphasized the inevitability of amalgamation. Holding that "the negro must go," he contended that African Americans would "be swallowed up and merged in the mass of Southern people." He admitted that Black Americans, who sought to vindicate the race, would dislike this but "the merging" was "inevitable" in Ruffin's estimation. An article in *The New York Globe* argued that criticism of Douglass's marriage by black people was hypocritical as the race was "always prating about the unreasonable prejudices of other people." The article further contended—in words that easily could have been spoken by Douglass twenty years prior—interracial unions are "not only natural but are likely to be more frequent occurrences in the future."[67] Both Douglass and the article's author—probably T. Thomas Fortune—believed amalgamation would only increase.

Professor J.M. Gregory went further than Douglass when he erroneously attributed a bold declaration in support of amalgamation to Douglass:

> In his great speech at Lincoln Hall not quite a year ago Mr. Douglass said: "I do not believe in isolation, I do not believe in emigration, but I do believe in amalgamation, in the assimilation of races; and I tell you, fellow citizens, the power that rocks the cradle of civilization to-day is amalgamated power." Assembled thousands agreed with Mr. D. in toto then, but as soon as he has set the example by his own worthy action the ignorant prejudiced masses are insulted and enraged.[68]

Cincinnati Commercial Tribune, January 27, 1884, 1; "Tidings of Comfort and Joy," *Cleveland Gazette,* March 1, 1884, 3.

[67] George L. Ruffin, "A Look Forward," *A.M.E. Review*, II (July, 1885), 29; "[No Headline]" *New York Globe,* February 2, 1884, 2.

[68] The closest Douglass comes to offering such a sentiment was his "The Civil Rights Case, speech at the Civil Rights Mass-Meeting held at Lincoln Hall, Washington, D.C., October 22, 1883"; "Washington:

While the words Gregory attributes to Douglass do not appear in any of his extant speeches, Gregory accurately captures the sentiment, although not the directness, of Douglass's position. Gregory again evoked Douglass's philosophy in a passage that reads like a summary of Douglass's 1869 address, "Our Composite Nationality":

> In our free Government, where the Irish is converted into the American, the German, Spaniard, Greek and French likewise, why not totally Americanize the colored man? We are Americans all. We are a composite nation. Let us maintain our composite uniformity.

Gregory wholeheartedly embraced Douglass's vision for an amalgamated future.[69]

Another supporter relied less on reiterating Douglass's philosophy and instead focused on some of the specific critiques to which Douglass had been subjected and disputed the idea that interracial marriage was "a bad thing for the race from a social standpoint." The author held Douglass had the right to follow "the bent of his inclination" and mocked the idea that black men would "follow" Douglass's example "as so many sheep over a fence" and that "every marriageable lady…had a claim on him for a husband" and were thus insulted by his choice. Douglass, the author held, "cast no great gloom over" black women as "we can charitably suppose he would have married Miss Pitts just as quickly had her complexion been something else."[70]

Still others offered qualified support. A writer in the *New York Globe* held that amalgamation would not end prejudice, as it was an acquired and not innate trait, but amalgamation would result "as a natural consequence" once "its universally established

---

Great Example of Miscegenation. Building Better than he Knew," 2.
[69] "Washington: Great Example of Miscegenation. Building Better than he Knew," 2.
[70] D.E.A., "Wilberforce" *Cleveland Gazette,* March 8, 1884, 3.

that 'a man is a man.'" The writer further held that "intermarriages of races should serve as a weather-cock to show the course of the wind rather than a means of changing that course." As such, the author condoned Douglass's choice "if such a marriage represents the state of American sentiment," but "if it is a means to shape such sentiment, the method has been badly chosen." Only once African Americans were accepted as equals, should they "be assimilated in the great composite body of the future America."[71] Thus, amalgamation was not a solution to this writer, but the signal of prejudice transcended.

Douglass was of the same mind. In 1883, in response to a reporter's question as to whether amalgamation could solve the "Negro problem," Douglass offered a resounding no and described the question itself as "the child of mental and moral confusion." He held that amalgamation was natural, but he believed it could not resolve the central dilemma: white racism. Thus, assimilation should be pursued in Douglass's estimation, but amalgamation could "not be reached by any hurried or forced process."[72]

"What effect," Douglass asked, "can the affairs of my private life have upon my principles of justice?" As the reaction to his marriage illustrates, many believed at least for a leader, private affairs and public principles were deeply intertwined. Douglass had long been aware of opposition from Black Americans to amalgamation. He dismissed this, however, as "the merest affectation," that would "never form an impassable barrier to the union of the two varieties." He held many racially mixed individuals had

---

[71] See, for example, Douglass's use of the phrase "a man's a man for a' that" in Douglass, "The Future of the Colored Race," in Foner, ed., *Frederick Douglass: Selected Speeches and Writings,* 591; Consistency, "Methods of Assimilation," *New York Globe,* March 29, 1884, 2.
[72] Douglass quoted in Martin, *The Mind of Frederick Douglass,* 221; Douglass, "The Future of the Colored Race," in Foner, ed., *Frederick Douglass: Selected Speeches and Writings,* 591.

"internalized the 'one drop' ideology," and were therefore "more noisily opposed" to it than anyone else.[73] The years and many lynchings ahead would prove whites were the more intransigent race toward the matter. Nevertheless, the strengthen of black opposition to Douglass's marriage and visions for the race's future had a lasting influence that would play out in the decades of debates ahead.

[73] "Fred Douglass on His Marriage: He is Neither an African nor a Caucasian and has no apology to Offer: From the *Washington Post," The New York Times,* January 27, 1884; Douglass, "The Future of the Colored Race," in Foner, ed., *Frederick Douglass: Selected Speeches and Writings,* 592; Stephens, *On Racial Frontiers,* 105.

Chapter 5: Extermination, Emigration, Amalgamation: Debating and Policing Interracial Activities

Just a few months after Frederick Douglass and Helen Pitts married, a leading black thinker, Wiley Lane of Howard University, proclaimed that there were only three possible outcomes for African Americans: "extermination, emigration, or amalgamation." In Lane's estimation, Black Americans would die off (or be killed), would move (or be sent) elsewhere, or whites and blacks would intermarry and produce a single race. Lane thought the latter inevitable. He acknowledged this would be resisted, but he saw it as a progression: "Frederick Douglass… advanced the proposition that the Negro race is to be assimilated. Tonight you do not ask me to use any stronger term than the word absorbed. Not many years hence no word will be proper to express the relation between the races but the word amalgamated." In a rhetorical scale from assimilation to absorption to amalgamation, all reduced, in Lane's estimation, to one incontrovertible result already underway. Despite Lane's certainty, Black Americans were far from in agreement that there were only three possible destinies for the race and that the future inevitably meant, or should mean, amalgamation.[1]

---

[1] "The Destiny of the Negro. Prof Wiley Lane Discusses the Vexed Question—Subjection, Absorption, or Colonization—Looked at in the Light of the Contact of the Races in this Country," *New York Globe,* July 5, 1884, 2; Michelle Mitchell also found that proponents of interracial marriage tended to use "'race absorption,' 'race assimilation,' 'intermarriage,' or even 'social equality' and 'amalgamation'" interchangeably, despite their separate meanings. While Lane refers to a speech of Douglass's from two years prior, he could have only been speaking of Douglass's 1883 "The United States Cannot Remain Half-Slave and Half-Free," speech. No major Douglass address from 1882 given in Washington, D.C. used the

According to historian Michele Mitchell, "Afro-American thought was dominated by debates about racial destiny" in the post-Reconstruction period.[2] The subjects of amalgamation and interracial marriage were among the most contentious of these debates as they lay at the heart of fears over the race's future. Black activists were concerned that a legacy of amalgamation compromised the race's morals and possibilities for improvement. Most could agree that amalgamation without legal marriage was undesirable, but views differed wildly beyond that. Should legalizing these relationships be a priority for reasons of morality and political principle, or should such relationships simply be shunned no matter their legal status as they challenged race pride and solidarity? Would fighting for interracial marriage only confirm white hysteria that black men desired white women? Would tolerating out-of-wedlock relationships between black women and white men confirm allegations that black women were immoral? Supporting interracial relationships might hasten the end of racial divisions as the population grew more homogenous, but would it also mean African Americans—as the smaller population—would essentially disappear and loose the opportunity to demonstrate their capacity or cultivate unique racial gifts? Were extermination, emigration, or amalgamation the only avenues for the race? Racial destiny, and the deeply intertwined issue of amalgamation was highly contested in the post-Reconstruction Era.

In contrast to earlier eras, fighting to preserve or obtain the legal right to interracial marriage in the post-Reconstruction South seemed increasingly an impossible

---

word "assimilation," so Lane must have been mistaken about when the speech occurred. Michele Mitchell, *Righteous Propagation: African Americans and the Politics of Racial Destiny After Reconstruction* (Chapel Hill: The University of North Carolina Press, 2004), 201.

[2] Mitchell, *Righteous Propagation*, 7.

and impolitic feat. Black men, gradually in some states and overnight in others, were stripped of the vote and lost political offices. Black women found courts even less receptive to their demands for patriarchal protections so were less and less able to obtain inheritance or child support from the white fathers of their children. White mobs increasingly justified the lynching of black men under the excuse of protecting white women from supposed black aggression. Black journalists who dared suggest a mutual attraction between the races had their presses destroyed and lives threatened.[3] Black women withdrew as much as possible from white oversight, but economic necessity meant most still had to work in spaces in which white men could freely abuse them.

The legal fight for interracial marriage never completely died out, but it evolved in the post-Reconstruction period. Black southerners risked much to call for the legalization of interracial marriage or even to point out the hypocrisy of whites' concern over it, but the fight's public component largely shifted to the North. Even there though, it morphed from its earlier emphasis on rights and equality to a focus on behavior and perceptions of behavior within the black community. Except in Indiana, interracial marriage was legal in all northern states after Ohio removed its ban in 1887. After 1887, only new states added bans and the existing bans remained until a California State

[3] In 1892, a mob destroyed the offices of *Free Speech,* Ida B. Wells's newspaper, and threatened to kill her. She had published an editorial condemning "that old threadbare lie that Negro men rape white women. If Southern men are not careful, a conclusion might be reached which will be very damaging to the moral reputation of their women." Wells had to flea Memphis in fear of her life. In 1898, Alex Manly, the editor of the *Daily Record* in Wilmington, North Carolina asserted that "poor white men are careless in the matter of protecting their women" and that "women of [the white] race are not any more particular in the matter of clandestine meetings with colored men than the white men with the colored women." A mob of 500 set his press offices on fire and he was forced to flea during the Wilmington Race Riots that followed. David S. Cecelski, *Democracy Betrayed: The Wilmington Riot of 1898 and Its Legacy* (Chapel Hill: The University of North Carolina Press, 1998).

Supreme Court decision (*Perez v. Sharp*) in 1948. Newly proposed bans emerged periodically in the North and needed concerted political action to defeat, but with entrenched southern bans, the era was not one of targeting laws but of policing intra-racial activity and debating the race's future as many were not even sure the bans should be fought. Unable to substantially address the legal hurdles that made interracial marriage unlawful where most of the black population lived, race leaders moved to control what they could by policing intra-racial activity as a means to both cope with the barrage of attacks upon the race but also as a search for identity and belonging.

From the 1880s to the 1910s, black thinkers and leaders openly debated the ramifications of interracial marriage and amalgamation. Their warring views represented competing visions for the future of the race. Would amalgamation spell the race's doom, be its salvation, or were there still other paths beyond "extermination, emigration, and amalgamation"? All positions represented competing strategies for the race's collective well-being, even if they were starkly different visions for the future. Denied full inclusion into American life and beset by white violence, the race concerned itself with its own survival and future and these debates were a means to work out the nature of that future.

For most, the matter came down to Professor Lane's assessments that only three paths lay ahead: extermination, emigration, or amalgamation, but still others turned to other possibilities, emphasized racial uplift, stressed the need to police intra-racial activity, or demanded protection for black women. Men and women tended to fundamentally differ in their views on the subject too. The debates were a search for identity and a questioning of what the race could or should be and how best to achieve

that end. This chapter explores this debate and the competing visions offered for the future of the race. Black Americans increasingly moved towards a collective rejection of amalgamation, but their debates reveal much about their thoughts and strategies during this precarious era.

Black Americans though first had to stress that they had a future. With freedom, many white commentators maintained that African Americans would die off as they no longer had the "protections" of slavery. Backed by some error-ridden census figures and high infant mortality rates among black children, white ethnologists held that the race would be unable to care for itself. Interracial progeny would lose fertility or become too physically, mentally, and morally weak to survive. While Black Americans rejected the notion that they could not survive in freedom, many were concerned about the impact of amalgamation on the race as some thought it might spell extinction.[4]

More than just a dubious claim convenient for white apologists for slavery, extinction predictions held real political consequence. If the race were going extinct, then investing in policies that would aid the black population served little purpose. Building schools to educate black youths or even extending political rights to this supposedly damned race was futile and counterproductive. As Darwin's theory of evolution and its

[4] Black women's fertility rates seemed to drop after 1880 and infant mortality was higher for black babies than for any other ethnic group. Meanwhile, black morbidity levels skyrocketed from diseases like tuberculosis. Mitchell, *Righteous Propagation*, 81.
Extinction and extermination of course have slightly different meanings and connotations. Extinction implies a population cannot sustain itself through natural reproduction, even if that is brought on by outside factors. Extermination, however, implies an outside force acting to bring about an extinction of a population through violence. Despite the differences, both were used but the differences were not directly discussed. Likely, when discussing the effects of amalgamation, thinkers meant extinction. As such, this analysis will use extinction over extermination, but both surely weighed on black thinkers minds.

more pernicious form of "survival of the fittest" gained ground in scientific and policy circles, aiding a race thought to be doomed was not only wasteful but could imperil the entire nation. Baring widespread racial pogroms, African Americans did not face a realistic threat of extinction, but they faced a realistic threat of the white public believing they would go extinct and setting public policy accordingly.

Despite dismissing white predictions of extinction, many black thinkers were concerned about the impact of amalgamation on the race's "vitality." Some openly questioned if interracial progeny were inferior while others wondered if amalgamation was extinction by another name. White culture, norms, as well as skin color would dominate as both a demographic reality given the larger white population but also from widespread assumptions of the way assimilation would occur.[5] A genuine blending of two races would entail the creation of a hybrid culture and identity. Yet, if Black Americans were prevented from contributing, they would disappear into the larger white population without substantially altering it; a fate akin to extermination.[6]

---

[5] American Indians, for example, were expected to assimilate into white society or else face extermination; white Americans would not change to incorporate American Indians but American Indians were expected to change nearly everything about themselves to fit into white society. For an example of such thinking, see Captain Richard H. Pratt's 1892 "Kill the Indian, and Save the Man" address. Since the passage of the Dawes Act in 1887, federal policy sought to "Americanize" American Indians, primarily through the use of boarding schools for Native children that forbade the speaking of native languages and the adoption of white names and attire. Pratt's address makes an analogy to the "civilizing" of "savages" and the "civilizing" of African Americans. He terms slavery "the greatest blessing that ever came to the Negro race" as it got them on the path toward citizenship faster than any other method could have accomplished. *Official Report of the Nineteenth Annual Conference of Charities and Correction* (1892), reprinted in Richard H. Pratt, "The Advantages of Mingling Indians with Whites," *Americanizing the American Indians: Writings by the 'Friends of the Indian' 1880-1900* (Cambridge: Harvard University Press, 1973), 260-271.

[6] Not all, of course, held this to be the case. Frederick Douglass's notion of a "composite nationality" for example embodies the idea a blended identity. Yet, akin to terming racial strife the "negro problem" instead of the "nation's problem," even liberal white thinkers assumed that Black Americans and American Indians should and would even want to assimilate into the white populace.

Seemingly more imminent a threat, however, was the feared ethnological and moral effects of interracial mixture. Historian Kevin Gaines holds that "the visceral fear [of racial extinction] found calmer, more genteel expression in the fear of mulatto degeneracy." The theory held that if Black Americans continued to mix with whites, they would eventually be unable to reproduce or would become a (physically, intellectually, or morally) weakened race.[7] Race mixture, adherents believed, "diluted" the race by enabling some to "pass" for white, could be ethnologically harmful, or fueled assumptions of immorality. The era's literature—by white and black authors—abounded in such notions as seen in the tragic mulatto stereotype.[8] Whether one feared that the race would actually become extinct or simply feared the response to the expectation of it, amalgamation offered nothing but harm.

Black ethnologists strove to counter allegations of a looming extinction, but were themselves concerned with the high infant mortality rate and the 1890 census results that showed a population decline. Many therefore adopted positive eugenic strategies, sought evidence of a fecund population producing vigorous progeny, and believed the race needed to take charge of its sexuality by eschewing interracial relationships. Rhetoric

---

[7] Kevin Gaines, *Uplifting the Race: Black Leadership, Politics, and Culture in the Twentieth Century* (Chapel Hill: The University of North Carolina Press, 1996), 72; See, for example on loss of fertility, Russ James, quoted in John David Smith, *An Old Creed for the New South: Pro-Slavery Ideology and Historiography, 1865-1918* (Westport, Conn.: Greenwood Press, 1985), 20.

[8] Historian Joel Williamson holds that the years 1880 to 1925 were "the great age of passing." All who could and desired to began living as white people and estimates of the number who did range from 2,500 a year to 100,000. Some of the seeming decline in African Americans' relative population stemmed from this. Joel Williamson, *New People: Miscegenation and Mulattoes in the United States* (New York: The Free Press, 1980), 103. For an analysis of the "tragic mulatto" trope, see Andrea Williams, *Dividing Lines: Class Anxiety and Postbellum Black Fiction* (Ann Arbor: The University of Michigan Press, 2013), 187.

surrounding this most often focused on black women's supposed misdeeds and on controlling their sexuality.

The threat of extinction and its relationship to amalgamation, accordingly, became a frequent topic for black thinkers. In *Principia of Ethnology* (1879), Martin Delany maintained that there were three "pure" or "sterling" races and amalgamation could not produce a new race. "A general intermarriage of any two distinct races," he espoused, "would inevitably result in the destruction, the extinction of the less numerous of the two; that race which preponderates entirely absorbing the other." In the U.S., that meant the destruction of African Americans as the smaller population. Whether through illicit intercourse or legal marriage, amalgamation meant racial extinction to Delany. Holding the African race to be a "redeemer" race with "faculties, designed by the Creator as essential to the divine plan for civilization," Delany thought the absorption of blacks by whites would be an anathema to God's plan.[9]

Still others thought that instead of going extinct, black population growth was outpacing white. William A. Lynch—an 1891 contributor to the A.M.E. *Church Review*—did not fear extinction. The race, he maintained, should not fear extinction nor turn to "rosy" biological theories of assimilation. He insisted that African Americans had no "desire to mingle [their] blood with that of the white races." Instead, they "exalt in the purity of [their] blood" as a point of race pride and see "a foreign element in it as not only not desirable, but even objectionable." He wrote against the idea of amalgamation as he declared that the "Negro character…has a peculiar power of resistance and permanence, a

[9] Martin R. Delany, *Principia of Ethnology: The Origin of Races and Color* (Philadelphia: Harper and Brother, Publishers, 1888), 105-6, 100.

strong tendency to remain apart."[10] Like Delany, he foresaw a progressive future for African Americans if they avoided amalgamation.

Perhaps the climax of extinction discussions came at the American Negro Academy's inaugural meeting in 1897. W.E.B. Du Bois presented an address on the "Conservation of the Races" to a mixed response while Kelly Miller's retort to a German statistician's report that African Americans were going extinct received widespread praise. Du Bois essentially came out against amalgamation while Miller left the question of "mulatto degeneracy" open for debate. Du Bois's call for preserving racial distinction endured as the more memorable address, but at the time, Miller's garnered more interest.[11] The papers embodied two strands of thought within black discussions of extinction: misgivings that amalgamation might be ethnologically harmful from Miller and apprehension that amalgamation would mean extinction from Du Bois.

Miller directly confronted the question "is the Negro threatened with extinction" in his retort to Frederick Hoffman's widely popular *Race Traits and Tendencies of the American Negro* (1896). Hoffman, a German-born statistician, concluded that Black Americans were declining "physically and morally in such manner as to point to ulterior extinction." The race's "natural" immorality fueled the deterioration according to Hoffman, but so too did racial mixture. It affected African Americans' longevity and brought disease and physical weakness. Hoffman's report had been widely lauded, but Miller—a mathematics professor at Howard University—challenged Hoffman's evidence

[10] William A. Lynch, "Race Assimilation," *AME Church Review,* 8 (October 1891), 211-13.
[11] Mia Bay, *The White Image in the Black Mind: African American Ideas About White People, 1830-1925* (New York: Oxford University Press, 2000), 195.

and conclusions. Miller demonstrated that white and black rates of increase were nearly identical when controlling for immigration. The decline of the black population from 19 percent in 1810 to only 12 percent of the population in 1890, for example, resulted from high rates of white immigration, not from black deterioration as Hoffman alleged. "The colored race," Miller concluded, "most stubbornly refuses to be argued out of existence on an insufficient induction of data and unwarranted conclusions deduced therefrom."[12]

Miller, however, was less willing to challenge Hoffman's contention that racial mixing "has been detrimental to [the Negro race's] true progress and has contributed more than anything else to the excessive and increasing rate of mortality." Miller conceded, "the pure African type has been well nigh obliterated" in the U.S. through amalgamation, but held that more investigation was needed before concluding anything about the status of interracial progeny. He questioned the small pools of data from which Hoffman's assessments stemmed, but conceded that the subject was "a debatable question."[13] Black Americans were not going extinct in Miller's assessment, but they might be degenerating from racial mixture.

As to Hoffman's contentions that Black Americans who "attained distinction have been those of mixed blood," Miller took umbrage. Conceding that "an infusion of white blood" might "enlive[n] the disposition of the progeny," Miller pointed out the material advantages some mixed race people received from white fathers. Often freed earlier,

---

[12] Frederick L. Hoffman, *Race Traits and Tendencies of the American Negro* (New York: American economic Association, 1896), 95, 311; Kelly Miller, "A Review of Hoffman's Race Traits and Tendencies of the American Negro," (Washington, D.C.: The American Negro Academy Occasional Papers, No. 1), 12, 4, 7-8.

[13] Miller, "A Review of Hoffman's Race Traits," 19, 20, 22.

treated better, and given educational advantages, the children of white men and black women unsurprisingly succeeded at higher rates than those without help. In contrast, Miller contended, "the Negroes who have shown any unusual intellectual activity, in America at least, have usually been of the purer type." He cited Phyllis Wheatly, Benjamin Banneker, Edward W. Blyden, and Paul Dunbar as evidence of the probable intellectual superiority of people of only African descent.[14]

While Hoffman held that "the character of one or both of the contracting parties [of an interracial marriage] is usually unsavory," Miller redirected the discussion by noting that, "a study of the fertility of such marriages and the physical, moral, and intellectual stamina of the progeny would furnish valuable sociological data." He said this despite speaking to an audience that included at least one black man married to a white woman (William Scarborough) and another (Francis Grimké) who had officiated his brother's interracial marriage, and was along with his brother, biracial. Miller did not dispute Hoffman's disparagement of the character of interracial couples. Hoffman himself had conceded that his evidence stemmed from "a very limited number of cases," but Miller offered no critique of this or Hoffman's premise that mixed marriages were "in violation of a natural law." Miller categorically rejected extinction as a realistic possibility, but negative effects from interracial reproduction remained an open question in his mind.[15]

---

[14] Ibid., 21, 22.

[15] Miller, "A Review of Hoffman's Race Traits," 25; Hoffman, *Race Traits and Tendencies,* 204,198. Perhaps following Miller's lead, Du Bois repeated the request a few years later that more study was required before assessments of the effects of amalgamation could be made. Holding that "there is no question before the scientific world in regard to which there is more guess work and wild theorizing than in regard to causes and characteristics of the diverse human species," Du Bois argued for the need for more research. This issue, he held, was avoided "because the subject of amalgamation with black races is a sore point." In consequence, the subject has been "utterly neglected" and the resulting discussions have been

Du Bois focused on the ramifications of the black response to extinction discussions. Black Americans, Du Bois held, had "been led to deprecate and minimize race distinctions" and "to believe intensely that out of one blood God created all nations" in their quests for rights and freedom. As such, the race had not considered what they should do if they differed from whites—if they had unique, beneficial racial qualities that would be lost through amalgamation. Du Bois held that they needed to acknowledge the existence of distinct races as only through "the development of these race groups, not as individuals, but as races," could a race offer its "genius" to the world. Black Americans had to realize that "their destiny is *not* absorption by the white Americans," but to offer "a stalwart originality which shall unswervingly follow Negro ideas." Until they gave "to civilization the full spiritual message which they are capable of giving," he believed they should avoid racial mixture or else they would deny the world their unique gift and rob the race of an opportunity to demonstrate its own capabilities—a denial that essentially equated to an extinction of their talents.[16]

Thus, Du Bois saw amalgamation as akin to extermination and dismissed notions that creating a unified nation through amalgamation would provide "salvation." Du Bois held that Black Americans could develop their race alongside white Americans and offer

---

based "upon pure fiction." In order to undertake a true scholarly approach, Du Bois insisted, they needed at least basic demographic information like the number of mixed race individuals, the extent of their mixture, and assessments of their abilities. Despite the lack of this information, Du Bois bemoaned, "there is scarcely a man or woman who would not be able or willing at a moment's notice to express a full and definite opinion concerning American Mulattoes." Extinction might have no longer been a major concern by 1904, but a lack of information on the quality of the mixed race population continued to limit assessments according to Du Bois. W.E.B. Du Bois, "The Atlanta Conferences," *Voice of the Negro* V 1. (New York: Negro Universities Press, 1904), 86, 87.

[16] W.E.B. Du Bois, "Conservation of the Races," (Washington, D.C.: The American Negro Academy Occasional Papers No. 2, 1897), 5, 10.

their unique cultural contribution, but only by spurning race absorption. Could "self-obliteration," he rhetorically asked, be "the highest end to which Negro blood dare aspire?" Already having provided the world with the only uniquely American form of music, fairy tales, and "pathos and humor," African Americans must be allowed to develop themselves or else their unique gifts would be lost.[17]

Du Bois therefore maintained that Black Americans must "conserve" their "physical powers, intellectual endowments," and "spiritual ideals" until "broader humanity" can recognize racial differences while deploring racial inequality. Until humanity recognized that racial differences did not mean racial hierarchies, Black Americans, Du Bois advised, must spurn racial mixture. For this to work, Du Bois held that the race must believe in its own abilities; our "one means of advance, our own belief in our great destiny." Continued emphasis on the commonness of all races, instead of insistence on the necessity of equality of opportunity for all despite differences, would do little to advance the race in Du Bois's mind. Although he meant more than avoiding amalgamation when he called for the conservation of the races, this was central. The race, he held, must strive for "the development of strong manhood and pure womanhood" or risk obliterating its gifts in a hollow quest to prove its commonality with whites.[18]

---

[17] Ibid., 10, 12, 11.

[18] Ibid., 12, 13, 15. Du Bois, it seems, had made a personal sacrifice to "conserve" the race through his own marital decisions. While studying abroad in the early 1890s, Du Bois fell in love with a German woman. They seemed altar bound, but Du Bois ultimately decided, "that it could not be!" Marrying interracially, he later wrote, would be "fatal for [his] work at home." Biographer David Lewis maintained that Du Bois's "racial pride was as much a bar to intermarriage" as white prejudice. The decision seemed to have weighed on him heavily; even sixty years later, his wife recounted that his German love remained on his mind. W.E.B. Du Bois, *The Autobiography of W.E.B. Du Bois: A Soliloquy on Viewing My Life from the Last Decade* of Its First Century (New York: International Publishers, 1979), 161; David Lewis, *W.E.B. Du*

For many, however, simply denying that the race was going extinct or pleading that interracial relationships be avoided was insufficient. To truly avoid amalgamation or extinction through amalgamation, some thought emigration necessary. Post-emancipation emigrationist sentiment peaked in 1879, but persisted into the 1890s. Emigrationist and separatist doctrines primarily gained currency in the rural South where white violence and seizure of political power crushed post-emancipation optimism. The Black Exodus, which started in 1879 with tens of thousands migrating west to states like Kansas, exemplifies Black Americans' growing distrust in America's promise and desires for self-determination. Emigration to Liberia experienced a boom as well. Historian Steven Hahn argues this grass roots movement indicates a sense of "incipient popular nationalism" among the black poor. Not only was it a drive for protection from dire economic circumstances and paramilitary violence, but also "the articulation of a deep sense of identity…and of a desire for social separatism."[19]

With the founding of all-black towns, not only could Exodusters hope to obtain economic independence and self-determination, but also to prevent white men from continuing to abuse black women. As a correspondent to the American Colonization Society, phrased it, "Why should the collord people…stay in the South[?]…Can we Raise

---

Bois: Biography of a Race, 1868-1919 (New York: Henry Holt and Company, 1993), 130; Shirley Graham-Du Bois, *His Day Is Marching On* (Philadelphia: Lippincott, 1971), 100-1.

[19] Emigrationist sentiment was strongest in "areas with large and numerically dominant black populations that had experienced political gains during Reconstruction, but that also saw explosions of paramilitary violence and then concerted attacks on black rights and protections once Redemption was achieved." Steven Hahn, *A Nation Under Our Feet* (Cambridge: The Belknap Press of Harvard University Press, 2003), 331, 333.

our Doughters hear with no law to pretec them[?]"[20] Emigration—be it to Kansas, Liberia, or elsewhere—offered the promise of protection from white men who sought to dominate politically, economically, and sexually.

With few exceptions, those who favored emigration opposed interracial marriage as they viewed such unions as counterproductive. For thinkers like Delany, two races could not live side-by-side without one overtaking the other. Emigration, therefore, seemed a sound strategy for black collective advancement, survival, and building a national identity. It offered Black Americans a means to seek out new opportunities and stem racial and sexual violence. Be it moving to all-black towns in western states or across an ocean to Liberia, the aim was to find better economic and political conditions, and, for many, to remove themselves from the reach of whites in order to enjoy uncontested citizenship rights, avoid amalgamation, and secure a racial destiny.

Thousands left, but emigrationist sentiment extended far beyond those who actually managed to leave. For many, a desire for emigration or some sort of self-segregation, were central tenets in a plan to obtain a positive destiny for the race. Preserving sexual integrity certainly figured into the rhetoric. Petitioners to Congress and correspondents to emigration societies explicitly raised the issue of amalgamation as a justification. The African Emigration Association of Topeka, for example, listed "the

[20] James Dubose to William Coppinger, February 12, 1891, *The American Colonization Society Papers,* quoted in Michelle Mitchell, *Righteous Propagation: African Americans and the Politics of Racial Destiny After Reconstruction* (Chapel Hill: The University of North Caroline Press, 2004), 43.

pe[r]petuity of our race, which is here losing its identity by intermixture with the white races," as a reason to leave.[21]

Not all who desired to emigrate, however, opposed amalgamation. Pennsylvanian George Giles feared the potential of violence after his marriage to a white woman. He sought to move to a land where he and his white wife could live freely, as "man and wife." His 1883 request for assistance to the American Colonization Society (ACS), however, garnered him little sympathy. The ACS curtly responded that the organization aided "colored people only."[22] Fallout from an interracial marriage might provoke desires to emigrate, but the ACS would not use its meager resources on such a couple.

Far more common were requests for assistance from the ACS in order to avoid undesired interracial relationships. In an 1891 letter to the ACS, James Dubose insisted as part of his rationale for wanting to leave that black families had no means to protect wives and daughters from illicit sex with white men and therefore black men could not be true men. Black manhood and womanhood were imperiled without emigration as the laws offered no protection or even hope of eventual protection in Dubose's mind.[23] Interracial marriage, illicit interracial relationships, and interracial rape differed, but to those who lived where interracial relationships could never be legitimized and white men's rape of black women never be prosecuted, the laws offered no protection for and

---

[21] *Seventieth Annual Report of the American Colonization Society* (Washington, D.C.: American Colonization Society, 1887), 7-9.
[22] George Giles (Pittsburgh) to William Coppinger, January 10, 1883, American Colonization Society Papers, Manuscript Division, Library of Congress, Washington, D.C. ser. 1A, container 250; Coppinger to Giles, January 13, 1883, American Colonization Society Papers, ser. 2, container 30.
[23] Mitchell, *Righteous Propagation,* 42; James Dubose to William Coppinger, February 12, 1891, American Colonization Society Papers, ser. 1A, container 279, vol. 282.

from any kind of interracial relationship. What might have otherwise been a mutually desired relationship took the guise of illegitimacy where interracial unions were illegal.[24]

Beyond calls for emigration centering on self-determination, particularly in sexual matters, appeals stressed improving the race's manhood and womanhood by avoiding amalgamation. Such rhetoric was central to emigrationist appeals and highlights fears of extinction. Without emigration, African Americans might perish because racial mixture weakened them morally. As such, emigrationists stressed moral regeneration. With ACS policies that excluded single women from emigrating alone and black men from leaving their families behind, the organization emphasized traditional family structures and gender conventions as a corrective to the abuses of the past—even if that meant the most vulnerable population, single black women, were excluded from emigration.[25] Emigration would offer an opportunity for moral restoration as it offered freedom from white corruption, but only for those within traditional family structures.

Emigration, many believed, could also ameliorate perceived ethnological damage. As Delany wrote in *The Condition, Elevation, Emigration, and Destiny of the Colored People* a generation earlier, "we have been, by our oppressors, despoiled of our purity, and corrupted in our native characteristics, so that we have inherited their vices, and but few of their virtues, leaving us in character really a *broken people.*"[26] Racial separation could allow for moral and ethnological regeneration by ending amalgamation.

---

[24] Hannah Rosen, *Terror in the Heart of Freedom: Citizenship, Sexual Violence, and the Meaning of Race in the Postemancipation South* (Chapel Hill: University of North Carolina Press, 2009), 179-242.
[25] Mitchell, *Righteous Propagation,* 45.
[26] Martin Robinson Delany, *The Condition, Elevation, Emigration, and Destiny of the Colored People of the United States* (Project Gutenberg EBook, [1852]), Appendix, no page.

Indeed, many emigrationists believed that "pure" blacks were racially superior to people of mixed descent. Edward Wilmot Blyden, for one, preferred that migrants be "unadulterated." Considering "homogeneity…essential to harmony…[and] to permanent national existence," he sought a population with "unimpaired integrity" with which to build an all-black nation. He questioned whether people of mixed backgrounds even belonged in the same racial category as unmixed people and thought eliminating those of mixed blood from the classification of "Negro" would simplify things as "the race will be called upon to bear its own sins only and not the sins also of a 'mixed multitude.'" Emigration for those free from a legacy of amalgamation would therefore lead the way to a strong nation. For T. McCants Stewart, however, emigration could be regenerative for those with some white ancestry. He therefore welcomed "intermarriage with the natives" in Liberia to restore the race to a "purer" form.[27]

Bishop Henry McNeal Turner might have offered similar arguments about the inferiority of a heterogeneous population in an 1894 article he likely wrote in *Voice of Missions*. The article proposed that "all children born under the sense of menace, danger and degradation, will be inferior and their posterity will continue to inferiorate" to the point that they face "complete extinction." As such, he held that only emigration could save the race's "fecundity." Claiming widespread sterility and disease among American Indians as a precedent, he argued emigration served as the only means to "give birth to men of manly stamina" and thereby prevent extinction. Emigration would rehabilitate

[27] Edward Wilmot Blyden "Africa and the Africans," *Fraser's Magazine* (August 1878), XVIII: 188-9; T. McCants Stewart, *Liberia: The Americo-African Republic* (New York: Edward O. Jenkins' Sons, 1886), 81, 83.

black sexuality, which in Turner's mind could not be repaired so long as white men's access to black women's bodies compromised black manhood.[28] Adherents saw emigration as a means to obtain self-determination, support black nationalism, and forge a healthy and powerful race—a prospect that for many required racial integrity and freedom from illicit amalgamation. Wrapped in fears over extermination, desires to control sexuality, and ethnological and moral arguments, emigrationist sentiment abounded in the 1880s and 1890s in no small part from opposition to amalgamation.

For those who envisioned an amalgamated future as natural, unstoppable and in need of legalization, however, calls for maintaining "racial integrity" and emigration were counterproductive. A few white thinkers openly encouraged interracial marriage as a means to rapidly erase racial divisions and to improve America's racial stock.[29] Yet, black thinkers argued amalgamation was a result of decreased racial strife, not a cause. One might condemn the inequality and ill-effects of marriage bans, call for bans' removal, and even insist that there was nothing wrong with marrying across the color line, but few African Americans openly encouraged interracial marriage as a means to end racism. Not only did it require Black Americans to change themselves in the hopes of ending white racism, but the "solution" seemed ill-equipped to dismantle a pernicious system. The solution implied that racism was passive, something that could fade away over time instead of something actively perpetuated. Amalgamation alone, many Black

[28] "A Nut for the Negro Philosophers to Crack," *Voice of Missions* 2, no. 5 (May 1894), 2.
[29] For an example of one such white person espousing a position that amalgamation held ethnological benefits and proposing that it should be actively pursued, see John James Holm, *Holm's Race Assimilation: or, The Fading Leopard's Spots; A Complete Scientific Exposition of the Most Tremendous Question that has Ever Confronted Two Races in the World's History* (Naperville, Ill.: J.L. Nichols & Company, 1910).

Americans knew, would not solve racism. If it could, then every master who had relations with his slaves should have been freed from racist beliefs and states would not be increasingly tightening definitions of who was white.[30] Consequently, supporting amalgamation differed from being a proponent of amalgamation. Black thinkers decried the immorality of illicit interracial relationships and protested the injustice of marriage bans, but did not advocate for amalgamation as a solution to prejudice.

To a few, however, amalgamation was a chance for peace. George Wilson Brent, a frequent contributor to the A.M.E.'s *Church Review,* saw amalgamation as the fulfillment of God's will. God, Brent argued, created whites after the biblical flood to continue his vengeance. Each race retained distinguishing racial characteristics and cruelty was one of the white race's unique characteristics. He held that God had promised Noah that all races would one day live in harmony. America, as a home to people from all races, represented an opportunity for God to fulfill this promise. Brent held that "colored people" had been produced through intermarriage and were thus central to God's plan. Through amalgamation, whites would eventually disappear and the U.S. would become God's promised land as whites' cruel tendencies were pacified through amalgamation.[31] Although hewing closer than most other black thinkers to the notion of amalgamation as a solution, his vision depended upon white change, not black change.

Eminent scholar William Sanders Scarborough also believed that the future would be an amalgamated one, but only if people abandoned the notion of "race integrity." He

[30] While states varied and changed over time, the "one-drop" rule was not codified in law until 1924 with Virginia's Racial Integrity Act. Nevertheless, states moved from generally having a one-forth standard to a one-sixteenth standard to define who was white and who was black around the turn-of-the-century.
[31] George Wilson Brent, "Origins of the Race," *AME Church Review*, 9 (January 1893), 278, 288.

thought emigration "suicidal" and thought racial designations would soon be looked upon as antiquated. Black Americans, he maintained, had already mixed with "every nation that ha[d] set its foot upon [the] shores" of the United States. Attempting to obtain "racial integrity" at this juncture was therefore foolhardy. He believed the U.S. would be filled with a population that was "neither black, white, red, [nor] yellow." Accordingly, appeals for race integrity could not halt a process long underway. To promote further blending, he favored "mixed schools, mixed churches and mixed everything else that will tend to wipe out these invidious distinctions."[32]

Considering race integrity one of the "cherished superstitions to which world-masses cling," Scarborough insisted it was designed "to perpetuate race discrimination, race hatred and race conflict." He maintained that no race could claim purity and suggested that many whites had "more of the Negro blood than they have of any other mixture." Black Americans were also "guilty" of believing in the myth of racial integrity according to Scarborough. Holding to the idea of "racial integrity" was to accept "the position of an outcast, ostracized people" as it was to concede to the false notion that there are distinct races with meaningful differences. White southerners, Scarborough held, were "endeavoring by playing upon such terms as 'social equality,' and 'race integrity' to wipe us from the face of the earth." Thus, insisting upon race integrity, to Scarborough, was nothing but a plot to subjugate African Americans. He pleaded that

---

[32] W.S. Scarborough, "The Exodus—A Suicidal Scheme," *Christian Recorder,* January 3, 1878, 4; William Sanders Scarborough, "Race Integrity," *Voice of the Negro,* V 4 no. 5 (May 1907), 201; "Prof. W.S. Scarborough," *Cleveland Gazette*, 31 May, 1884, 2; Scarborough, *The Autobiography of William Sanders Scarborough: An American Journey from Slavery to Scholarship*, Michele Valerie Ronnick, ed. (Detroit: Wayne State University Press, 2005), 87.

people should free themselves from "that abominable and intolerable stupid dogma of 'race integrity'" and urged "a new and better meaning for [the]...term...race integrity" that moved all races toward "the cultivation of the highest possible character." Adopting these virtues, "racial boundaries will fade away far more quickly than through wars and bloodshed."[33] Rejecting false notions of racial integrity and seeking instead a new kind of integrity would hasten the rise of a united nation in Scarborough's mind. He therefore saw no harm in amalgamation and married a white woman in 1881.

T. Thomas Fortune also abhorred appeals for preserving "race integrity." The editor of the popular *New York Age* believed "race absorption" was inevitable. He espoused a theory of "ultimate absorption" wherein all racial types would be blended "into the bone and sinew of the Republic." Unlike American Indians, whom he thought too savage to be blended, Fortune maintained Black Americans could be absorbed into the white population along with their "eloquent, musical, poetic and philosophical" attributes. To hasten the process, Fortune proposed a federal law legalizing interracial marriage. He believed that environment, language, and religion formed the true bonds of humanity and he fought forcefully for this vision as one of the era's most influential black men.[34]

---

[33] Scarborough, "Race Integrity," 196, 196-7, 200, 201, 202.

[34] From 1880 to 1907, Fortune edited a newspaper first known as the *New York Globe,* then the *New York Freeman,* and finally *The New York Age.* As newspaper databases refer to all these papers by its final name, *The New York Age* will be used for all references to the paper. John Hope Franklin maintained, "some contemporary observers regarded Fortune as the most influential Negro American from the decline of Frederick Douglass to the rise of Booker T. Washington." Franklin in Emma Lou Thornbrough, *T. Thomas Fortune: Militant Journalist* (Chicago: The University of Chicago Press, 1972), viii; Thomas Fortune, "Race Absorption," *AME Church Review,* 18 (July 1901), 54-66. Fortune's fellow leading newspaper editor, differed substantially in his views on amalgamation. Journalist John Bruce complained about the "ethnological betweenities," who "are always ready to sell the race for a mess of pottage." The prominence of mixed race figures and whites' belief that their talent stemmed from their non-African ancestry, frustrated dark-skinned figures like Bruce. Known as "the prince of Negro correspondents," Bruce held a low opinion of those who married interracially and opposed the color consciousness he claimed

Fortune foresaw only two alternatives: amalgamation or what he thought to be a harmful preservation of racial distinctions. He believed removing marriage bans would legitimize amalgamation and allow the creation of "the future race type." To Fortune, this would occur even without amalgamation as he held that climate operated as "absorbing agents constantly at work" and made African Americans more like Europeans than Africans. Fortune insisted that "gradually" Black Americans would be "bleach[ed] out." Far from a comment upon a superior race dominating another, Fortune's position rested on demographics realities. He thought this could be delayed, but not avoided. Amalgamation, to Fortune, was extinction but in a benign manner as Black Americans' talents would enter into the general population.[35]

Fortune thought much of the outcry against amalgamation among Black Americans disingenuous and hypocritical. He critiqued Du Bois, who he observed "is not black at all; but brown, and did not take a black woman to wife," but a brown one. Alexander Crummell and John Wesley Cromwell, he further lamented, were unmixed, but married mixed women. Those, he complained, who "clamor most loudly and persistently for the purity of the negro blood have taken to themselves mulatto wives." Fortune contended that those "who want to preserve the negro type should not marry

---

accompanied it. He charged that some black parents were even seeking white grooms for their daughters. These parents, he claimed, were willing to essentially prostitute their daughters to any white man who would take them. Unlike Fortune, Bruce saw nothing but divisiveness and debasement arising from interracial marriage. John E. Bruce to John W. Cromwell, November 10, 1899, Alain Locke Papers, MSRC, Box 17, Folder 38; Gaines, *Uplifting the Race,* 57; John Edward Bruce, "Washington's Colored Society," 1877, Bruce papers, M.S.B.F. 13-14. (#913), The New York Public Library Schomburg Center for Research in Black Culture.

[35] "Afro-Americans to Become White: Absorption the Manifest Destiny of the Race, Says T. Thomas Fortune. Fading of the Color Line. Blood of the Negro Already Corrupted and His Characteristics Disappearing. Race Problems Discussed." No newspaper title shown, No month, 9, 1893, 27. The New York Public Library Schomburg Center for Research in Black Culture, T. Thomas Fortune Scrapbook, SCM90-12, MG 287, Box 1; [No Headline], *New York Herald*, July 9, 1893.

mulatto women" as their choice of spouse "destroy[s] the logic of their preaching."[36]

Fortune likewise held that those who were light-skinned enough to pass for white and desired to pass should.[37] For Fortune, race integrity meant preventing artificial barriers from arising—no matter which side of the color spectrum they were from. While some saw interracial marriage as leading to barriers, Fortune saw preventing such unions and appeals for racial chauvinism as creating new and harmful divisions.

The subject of racial absorption was more than just a passing interest to Fortune. He wrote numerous articles and filled scrapbooks on the subject. Fortune also assisted at least one interracial couple. In 1898, immigration officials detained a Scottish woman because she came to the U.S. to marry a black man. Officials held her in an attempt to dissuade her from the marriage until Fortune threatened to seek a writ of habeas corpus and secured her release. When the couple wed, Fortune served as the best man.[38]

While Fortune repeatedly called for the repeal of interracial marriage bans, he knew they would not be removed anytime soon. "Gradually," however, he thought the "demoralizing miscegenation laws that now disgrace the statue books of all the southern

---

[36] T. Thomas Fortune, "The Latest Color Line," *Liberia,* November, 1897, 62-65; Fortune's grandfather was an Irishman and his mother was mixed race; Nina Gomer, Du Bois's first wife, was the daughter of a black man and an Alsatian woman. David Levering Lewis describes her as having a lighter complexion than Du Bois's, "but not so light as to appear white, although she could easily have been mistaken for a South American or even a southern Italian." Du Bois described his own racial heritage as "a flood of Negro blood, a strain of French, a bit of Dutch, but thank God, no 'Anglo-Saxon.'" David Levering Lewis, *W.E.B. Du Bois: A Biography* (New York: Henry Holt and Company, 2009), 126; W.E.B. Du Bois, *Darkwater: Voices from Within the Veil* (New York: Harcourt, Brace and Company, 1920), 9; T. Thomas Fortune, "The Latest Color Line: Drawn by Full-Blooded Negroes Against Mulattoes," *The Sun,* (May 16, 1897).
[37] Fortune, "Afro-Americans to Become White: Absorption the Manifest Destiny of the Race," 27.
[38] "Colored Man Weds His Lassie," *The Evening Star,* July 20, 1897; *New York Sun*, September 13, September 14, 1897; *Washington Bee*, September 17, 1897. The New York Public Library Schomburg Center for Research in Black Culture, T. Thomas Fortune Scrapbook, SCM90-12, MG 287, Box 1; "Rich Mrs. Provost Married to a Negro," No newspaper name listed, October 26, 1897. The New York Public Library Schomburg Center for Research in Black Culture, T. Thomas Fortune Scrapbook, SCM90-12, MG 287, Box 1.

states" would "disappear." Responding to another newspaper's critique of his position, Fortune boldly declared "we do demand miscegenation as our prerogative…We are American citizens pure and simple, and there is no right a white man enjoys as a citizen to the full and equal enjoyment of which we are not entitled."[39]

Fortune turned the debate to the protection of black women. "Until our womanhood is properly protected by law as white womanhood is," Fortune stressed, "we shall have a larger volume of immorality and crime than belongs to us." Black women were blamed for immoral relationships, but white men—and the black men who allowed it—were the ones truly at fault. If "the white men in the South who have reared common-law-families by Afro-American women were made to support them," he wrote, "there would be a vast gain to southern morality." Instead of worrying about black womanhood, Fortune held, both races should work towards "the development of a virtuous manhood," by removing marriage bans.[40]

Of course, not all who supported amalgamation opposed emigration. Some even changed positions over time. Colored Methodist Episcopal Bishop Lucius Holsey of Georgia, for instance, supported amalgamation, but proposed emigration to avoid sexual violence. In an 1898 essay, Holsey made his position clear that legal amalgamation was not a sin. The impulses for such relationships, Holsey maintained, were natural as the "passion of men goads them on to blacklisted indulgences that even racial

[39] T. T. Fortune, "Bleach the Negro's Skin: Dusky Brides and White Grooms End the Race Trouble All Over the Land" The New York Public Library Schomburg Center for Research in Black Culture, T. Thomas Fortune Scrapbook, SCM90-12, MG 287, Box 1; T. Thomas Fortune, *The New York Globe*, March 1, 1884.
[40] Thornbrough, *T. Thomas Fortune,* 128-9; *Boston Globe,* January 14, 1899.

prejudices...cannot restrain." As "no man is born higher, purer, and better than another," he thought nothing wrong with interracial relationships if they were legitimate.[41]

By 1903, however, Holsey had become more concerned with unlawful amalgamation. Holsey now thought "race segregation" the only means to solve racial strife and protect black women from white men. No longer did he think that the two races could be "easily engrafted upon another" or at least not through legitimate channels. He had come to believe that the two races could not even live in the same territory "*when the one is Anglo-Saxon and the other Negro, unless the Negro, as a race or en masses, lives in the submerged realm of serfdom and slavery.*" He desired something akin to the Exodusters' strategy of twenty-five years earlier. He called for the government to set aside land for African Americans to form a state of their own within the U.S. as prejudice made peaceful relations and equal political rights for all impossible in shared states.[42]

The supposedly seamless process of assimilation he had foreseen five years earlier now seemed imperiled as he held it "difficult to assimilate very distinct and dissimilar races and peoples." Even the passing of decades, Holsey believed, could "not change or destroy this old gory monster" of prejudice. Racial uplift, he thought, proved hopeless in combatting this scourge; "there would be hope to the rejected and aspiring Afro-American if good character and behavior would or could count for anything in the civic arena. But we are now confronted by conditions where merit in the black man does

---

[41] Bishop L.H. Holsey, *Autobiography, Sermons, Addresses, and Essays of Bishop L.H. Holsey, D.D.* (Atlanta: The Franklin Printing and Publishing Co., 1898), 233, 234.
[42] Lucius Holsey, "Race Segregation," in the National Sociological Society, *How to Solve the Race Problem: The Proceedings of the Washington Conference on the Race Problem in the United States* (Washington, D.C.: Beresford, Printing, 1904), 50, 42.

not weigh one iota in human rights." Education, wealth, morality, and skills "amount to nothing whatever" in diminishing prejudice and gaining rights; an accomplished man like Booker T. Washington, he lamented, "has no more chance than the most degraded of our race." Reduced to "serfdom and political peonage that is just short of abject slavery," African Americans had no future in the South in Holsey's assessment.[43]

For Holsey, a possible solution was "legally allowed amalgamation" as it "would settle all racial difficulties by the natural process of absorption and disintegration of racial characteristics, but that is a thing unthinkable, unlegalizable and beyond the realms of debate" given the strength of prejudice. Amalgamation occurred, he insisted, yet without legal and moral protections, it offered no solution as the children of such unions were "rejected by the ruling race to the same extent as the typical Negro." Illegal and immoral, amalgamation could offer no solution to racial strife to Holsey. Unlawful amalgamation "debauches the moral sense and destroys the purity and dignity of young Negro motherhood."[44] Legitimately, Holsey believed, amalgamation could solve racial strife but racial strife prevented it from occurring legitimately.

Worse still, while whites and blacks remained in the same territory, there could be no halting the production of "'*half bloods,*' *quarter bloods, and a mongrel progeny*"—a threat in Holsey's mind to respectability and morality. Indeed this, he held, was the largest problem the race faced; there was "nothing connected with the life of a race so damaging and destructive to its morals, mental expansion and physical development as to have its mothers corrupted and despoiled." Amoral reproduction, he bemoaned, could

[43] Holsey, "Race Segregation," in *How to Solve the Race Problem,* 42, 43, 47.
[44] Ibid., 47, 48, 49.

only "beget a race of weaklings and effeminates in moral, mental and physical health." The offspring would be weak not because of inherent flaws in amalgamation, but in the immorality and the violence associated with illicit relationships. "How," he asked, could a people "become wise, upright and healthy in body and mind while their mothers, daughters and sisters are polluted in their genital powers"? The abuse, poor example, and criminality of the white fathers, prevented the race from improving and yet even if they could under such conditions it would not change white prejudice.[45]

Like Fortune, Holsey decried arguments that improving black women's morality could solve the problem as the problem lay with whites' desires to dominate and thus "it does not help the case to argue that…their virtue ought to be a guarantee of successful resistance against attack." Women, he lamented, could no more protect themselves with their own virtue than could a learned and successful black man obtain political and civic rights in the South. Their vulnerability was not a reflection of black chastity but of white malfeasance. True protection, he believed, could only come in the form of "diminishing the opportunities of the advancing foe"—by removing black women from predatory white men. Like emigrationists a generation earlier, Holsey saw racial separation as a means to protect women from sexual assault. White people would not be permitted to become citizens of the states Holsey proposed, "unless identified with the Negro race by marriage" as the aim was to ensure self-determination, not continued control by whites.[46]

Holsey saw no other option than to self-segregate. Amalgamation, he allowed, could produce "a stronger, longer lived…more…homogenous race," but not without legal

[45] Ibid., 50, 51.
[46] Ibid., 51, 54, 56.

and moral protection. While his views on interracial marriage being natural and even beneficial if done legally did not change between 1898 and 1903, his faith in finding a solution to the problem of racial prejudice and therefore unlawful amalgamation radically changed. Ultimately, freedom from forced amalgamation, along with the self-determination that allowed it, stood at the heart of solving the race problem for Holsey; "the Union of the States will never be fully and perfectly re-cemented with tenacious integrity until black Ham and white Japheth dwell together in separate tents."[47] Black Americans' future, he now insisted, should be a concerted effort to avoid absorption into the white race unless it could be done legitimately.

Presented at a conference, Holsey's plan met a critical response in all areas save his proposal of sexual segregation. White men, one commentator made clear, needed to stay away from black women; "if [white men] will stay away [our women] will be all right." The commentator, however, saw no realistic possibility of moving to a separate state. No one else—including Kelly Miller and Roscoe Conkling Bruce—agreed with Holsey's plan for segregation as most sarcastically held the race to be already segregated enough. Were they even able to manage to secure states of their own, most doubted that they could prevent white interference. Upon "the discovery of gold, or springs of oil," they would be "flooded" by whites just as the American Indians had experienced. They agreed with Holsey that protecting black women's sexual integrity stood at the heart of the problem, but they saw no permanent or practical solution in segregating themselves and

[47] Ibid., 48, 59.

offered no corresponding views on the naturalness of amalgamation.[48]

Reverend J.W. Wood of Mobile, Alabama believed amalgamation to be the ultimate solution to racial "bickering," but it came with a caveat. Neither legislation nor physical force could keep the races apart, as Wood thought, "the art of love-making is prevalent between the races." With time, the black race would lose its "stainspots" as it became more educated, wealthy, moral, and "brighter." He thought "the question of social equality will in time adjust itself" and it would begin among "the more intelligent of both races," who recognized the foolishness of remaining apart.[49] Wood's comments were clearly in support of amalgamation, but he suggested education and time proved at least as decisive in advancing social equality as amalgamation, "education has not driven the whites and blacks apart to any alarming extent, but on the other hand has brought them closer together in a social way." Indeed, he presented amalgamation more as a result of equaling social conditions than a cause. "SOCIAL EQUALITY," he insisted, "IS AS SURE TO COME AS THERE IS A GOD" as Black Americans advanced "with each succeeding generation, and this of itself will in time equalize the races socially." He saw racial mixture and racial improvement as, at most, coterminous forces. Eventually, Wood believed, "the Negro race will be a race of 'white Negroes,'" not only through amalgamation but through black advancement and white acceptance of that advancement, which would in turn fuel amalgamation and end racial "bickering."[50]

Still others thought the entire idea of the race going extinct, emigrating, or

---

[48] Harvey Johnson and Walter H. Brooks response to Holsey, in *How to Solve the Race Problem,* 60, 59.
[49] J.W. Wood, "The Afro-American as He Was, Now Is and Will Be. How He Is Bleaching and Will Become Socially Equal," in *Holm's Race Assimilation*, 526.
[50] Wood, "The Afro-American as He Was," in *Holm's Race Assimilation*, 519, 521, 525.

amalgamating to be nonsense. The Harvard and Yale trained William H. Ferris held that only "pessimists" believed that the race would "be subjugated, exterminated, deported or amalgamated." Seeking a cultural identity akin to what Du Bois desired, Ferris was both a black nationalist and an assimilationist. Urging the adoption of the term "Negrosaxon," he believed that "after the Negrosaxon has been made over into the likeness of the white man he can hope to be made into the images of God." Black Americans, he maintained, could assimilate "the highest elements of the Anglo-Saxon civilization" while remaining apart sexually. In doing so, they would not only make their impact on the world, but they would obtain the respect and acceptance of whites.[51] Assimilation rather than amalgamation was the solution to racial antagonism, according to Ferris.[52]

Ferris "honor[ed] the Anglo-Saxon for desiring to keep his race stock pure," although he distained their approach. Instead of segregation to prevent intermarriage, he insisted that the two races could live together in equality "without intermarrying." Yet, Ferris thought that the law had no role to play in preventing interracial marriage. Individuals would make their own choices and thus should be permitted to legally marry. Interracial marriage represented an "evil," but a lesser evil compared to the damage to "the individual and the community" from unlawful cohabitation or clandestine relations. Interracial marriage should be legal, but discouraged in his view.[53]

Ferris was far from alone in his opposition to amalgamation, although not all were

---

[51] William Henry Ferris, *The African Abroad, or His Evolution in Western Civilization, Tracing His Development under Caucasian Milieu* (New Haven, Conn.: Tuttle, Morehouse and Taylor Press, 1913), 101-2; Gaines, *Uplifting the Race,* 117; Frank Lincoln Mather, ed., *Who's Who of the Colored Race* (Chicago: NP, 1925), 102; Ferris, *The African Abroad,* 120-4.
[52] Ferris, *The African Abroad,* 191.
[53] Ibid., 228, 229, 406.

so confident that it could be avoided. Bishop Wesley Gaines of the A.M.E. Church dismissed extinction and emigration as impossibilities. Extinction, he insisted, stood in contradiction to "the latest statistics" and he thought emigration impracticable. Amalgamation, in contrast, was "no longer theory" but a near certainty as arresting "further amalgamation [was]…chimerical." Insisting that this reality "may be unpleasant and unpalatable truths," he nevertheless thought the issue needed to be addressed.[54]

Despite believing amalgamation a near certainty, Gaines opposed it and sought to "preserv[e] the racial integrity of [his] people." In his 1897 book, he condemned the hypocrisy and immorality of marriage bans, but wanted them to remain in place as he thought removing them would "encourage by law rapid miscegenation" and increase racial strife.[55] He thus decried the immorality of illicit relationships, sought to maintain race integrity, complained about marriage bans but did not want the bans removed, and yet thought amalgamation a certainty.

Gaines's opposition to amalgamation stood on several grounds. Foremost was the impossibility of its occurring legally in most places. All children born of interracial relationships in the South, Gaines lamented, were bastards and their mothers adulterers. This illegitimate status made it "a standing threat to the virtue of the race, a sword of Damocles which hangs suspended above the chastity of every daughter of the negro." Accordingly, Gaines held that such relationships "sap[ped] the virtue of the race." Further racial mixture, Gaines held, fueled prejudice as whites and blacks alike preferred

[54] Bishop Wesley John Gaines, *The Negro and the White Man* (Philadelphia: A.M.E. Publishing, 1897), 151, 163.
[55] Ibid., 153.

mulattoes. With such preferences, came assumptions that the race only accomplished anything because of the "admixture of white blood in their veins." Therefore, avoiding amalgamation, for Gaines, was a means to give the race an opportunity to prove itself.[56] Discouraging amalgamation would allow the race to demonstrate its capacity without accusations that it succeeded only because of white blood.

Gaines's position stood on grounds of race pride too; "I for one am proud of my blood and I would not help to adulterate it." Further, Gaines believed amalgamation would mean the erasure of his race and he thought it only natural "that any human being should resist a process that means the extinction of the race to which he belongs." He had "that pride of race which would make [him] desire to preserve it."[57] Gaines saw amalgamation as a form of extinction or at least a short-changing of the race's potential. He aimed to slow amalgamation by appeals to morality and race pride.

For Gaines though, racial mixture itself was not an evil, "the evil of miscegenation" lay in the illegitimacy under which most of it occurred. Upon ethnological grounds, Gaines believed "that interblending of races is favorable to the general progress of mankind." Gaines held, "had it not been for that mixture of dark blood in the Greek composition, that race of poets, artists, and philosophers would never have existed." His primary opposition, therefore, was the lost opportunity to demonstrate "what my race could accomplish under its present civilizing environment."[58]

Given his lack of ethnological opposition, Gaines's position did not preclude an

[56] Ibid., 157, 158, 159.
[57] Ibid., 164-5, 165.
[58] Ibid., 27, 161, 9, 12, 13.

eventual acceptance of interracial marriage. Under current conditions and prejudices, however, such relationships operated "to the detriment of the colored people." Its illegality made it immoral and its contributions to racial assumptions detracted from black accomplishments. Further still, were it to become legal, "the intense prejudice of the whites in the South would render such legalized miscegenation a source of constant friction."[59] Similar to Du Bois's position, Gaines implied that after black people had demonstrated their abilities and thereby eliminated the prejudice against their race, then amalgamation could occur without harm.

Opposing interracial marriage did not mean Gaines demonstrated personal animus against those who married interracially. He maintained a lifelong relationship with William Scarborough, who praised Gaines as the "one who had stood by me unflinchingly from the beginning of my career." Despite this friendship, Gaines thought most who married interracially were of a low class and held that "the intelligent and educated people of this country are not seeking intermarriage."[60] The intelligent and educated Scarborough aside, Gaines thought little of those in such relationships.

Black newspapers reporting on Gaines' publication, however, overlooked his opposition to the amalgamation he thought inevitable. Despite being just a portion of his book, coverage focused extensively on Gaines's thoughts on amalgamation and papers found his logic of inevitability to be sound. The Indianapolis *Freeman* predicted that

---

[59] Ibid., 166, 156.

[60] During Scarborough's tenure as President of Wilberforce, Gaines served on the university's Executive Board. *Wilberforce University Catalogue: 1911-1912* (Industrial Student Print, 1912), 3; Scarborough, *The Autobiography of William Sanders Scarborough*, 112, 361n. 52, 227; Gaines, *The Negro and the White Man,* 166.

many would want to see Gaines's thought process on the theory of the "absorption of the blacks of this country by the dominant ruddy race." The paper offered that the absorption "theory is very unpopular with the less thoughtful classes of our people." Differing from Gaines's own views and yet presenting it as in accord with the Bishop's views, the paper held that low class individuals opposed the theory of race absorption because "they gauge the truthfulness of a theory" by "its agreeableness." Gaines had made clear he thought race absorption the truth, just not agreeable.[61]

Nebraska's *Afro-American*, took another lesson from Gaines's book. The newspaper called it "one of the most sensational books which has ever been published" on the destiny of Black Americans. Focusing on Gaines's prediction, the *Afro-American* labeled Gaines's work "strange" but "frank." Summarizing the causes of amalgamation, the paper especially noted his allegations that black people sought "white blood." After quoting from the work at length, the paper concluded that Gaines's predictions were sound as African Americans "themselves are putting a premium on their own shame."[62] Thus, Gaines's predictions that the race would be eventually absorbed were widely reported and many accepted this assessment as the inevitable, if undesirable, future. Gaines's opposition to this future he predicted, however, was less widely reported.

Most Black Americans who wrote on the topic, however, disagreed with Gaines's that bans should remain. Black religious leaders especially thought legal bars to interracial marriage were designed explicitly to promote immorality. Bishop J.W. Smith, for one, proclaimed that bans were designed to "besmear filth over the good name and

[61] "New Book on the Market," *The Freeman* (Indianapolis, Indiana), October 16, 1897.
[62] "Blacks Will Be White," *Afro-American Sentinel* (Omaha, Nebraska) December 18, 1897.

progress of the black race." Because of the bans, "so-called amalgamation" became a justification for "fornication and adultery" practiced by "unprincipled white and black people." Legalizing interracial marriage, he insisted, would prevent lust and lewdness among these classes, as many would avoid such relationships if they could be solemnized. He insisted he disliked interracial marriage, but held he knew of too many successful ones to disparage the whole idea. His aunt married a white man in 1866 with the blessing of the Union military in North Carolina and to Smith they were an example of the righteous and respectable lives interracial couples could lead were such unions permitted as lawmakers had no right "to regulate the affection of human beings."[63]

Likewise, Bishop Alexander Walters, co-founder of the National Afro-American Council with Fortune and a future vice president of the NAACP, held that Christians should "begin a crusade…until the laws are changed" as marriage bans were "contrary to the laws of nature...and… inimical to the best interests of mankind." He thought bans were "CRIMES WHICH ARE CALLING ALOUD TO ALMIGHTY GOD FOR VENGEANCE, AND WE ARE COMPELLED TO SUFFER AS A NATION UNTIL SUCH WRONGS ARE RIGHTED." Similarly, James E. Shepard, the president of what is now North Carolina Central University, insisted that banning interracial marriage lay entirely beyond the state's purview. Individuals, he conceded, could discriminate along class or racial lines, but the state, "*has no right to regulate the social status of the*

[63] Smith thought there was "no such thing as amalgamation or miscegenation between human beings," as all were "of one blood." As such, racial mixture was impossible in Smith's mind. Nevertheless, offering no explanation, he professed he would not "marry outside of my race." Despite holding interracial unions to be "entirely within the range of propriety," such a union was not for him, and he considered a rationale for this seeming contradiction so commonsensical and reasonable it needed no explanation. J. W. Smith, "All Human Blood is Alike—Intermarriage," in *Holm's Race Assimilation,* 514, 515, 516, 517, 518.

individual."[64] For Shepard, interracial marriage was purely a matter for individuals to determine for themselves and state involvement a grave injustice. Similarly passionate, James E. McGirt, the editor of the literary publication *McGirt's Magazine*, forcefully supported the freedom to marry because true freedom required "freedom of marriage and association." Accordingly, marriage bans "MUST GO."[65]

For others though, legalization of interracial marriage was only one piece of a larger slate of issues in need of change. William Pickens—"the leading young Negro linguist"—believed bans were a "strange reversal of the laws of God and nature," but their primary harm lay in fostering bad relations of all sorts. By forbidding honorable relationships, they allowed only illicit ones and this extended to all types of relationships as whites' fear of "social equality" fueled segregation and hampered regular social interactions. Members of both races did not truly know one another as each interacted only with the "worst sort" of the other race.[66] To improve relations therefore, the better classes of each race must become familiar on a personal level and they could do so by integrating workplaces, churches, and schools in order to promote healthy interaction. Thus, his seeming approval of legalizing interracial marriage was beside the point. Relations needed to be improved in all domains, not just in marital ones. Legal amalgamation was a start, but far from an end for Pickens.

---

[64] Original emphasis. Alexander Walters, "Miscegenation and Its Baneful Effects," in *Holm's Race Assimilation,* 487, 488, 486, 487, 488.; James E. Shepard, "Color Prejudice in America and Europe—Causes," in *Holm's Race Assimilation,* 449, 450, 448. For more on Shepard, see Reginald K. Ellis's *Between Washington and Du Bois: The Racial Politics of James Edward Shepard* (Gainesville: The University Press of Florida, 2017).
[65] James E. McGirt, "Economic Law Demands Freedom of Marriage," in *Holm's Race Assimilation,* 483, 485; McGirt, "Economic Law Demands Freedom of Marriage," in *Holm's Race Assimilation,* 485, 486.
[66] Pickens, "Intercourse Between the Races," in *Holm's Race Assimilation,* 470, 472, 480.

Like Gaines, however, a few opposed the removal of interracial marriage bans. Professor G.E. Davis of what is now Johnson C. Smith University in North Carolina believed that the harm of amalgamation came not in its illegality but in advocating it. Davis held that the races could live together without conflict "by tact and courtesy," so long as they avoided "topics that arouse useless contention." So long as the issue was left alone, Davis believed whites would allow Black Americans to live in peace and mutual prosperity. Indeed, Davis insisted "there will always be racial peculiarities and distinctions and these may be insisted upon."[67]

Still others, although primarily favoring the legalization of interracial marriage, emphasized the immorality of most interracial relationships and the harm such mixture caused to black women. More than facing pernicious stereotypes from whites, black women also faced them from black men, particularly in discussions of amalgamation. The need to protect black women became the focus of male race leaders, but many at least partially blamed black women—especially poor black women. Black women, in contrast, were critical of black men for their failure to protect them as women.

Bishop Walters considered interracial marriage bans "one of the greatest crimes committed against the Negro race." White men degraded black women, he complained, and were protected in doing so "by drastic legislation." For Walters, marriage bans lay at the root of all degradation caused by illicit interracial relationships as the laws treated black women as "nothing but a 'thing' to be used by [white] men."[68] Eliminating bans

[67] Davis, "An Optimistic View of the Negro Question," in *Holm's Racial Assimilation,* 456, 461, 458, 464, 466.
[68] Walters, "Miscegenation and Its Baneful Effects," in *Holm's Race Assimilation,* 488.

would therefore change the status of black women in the law and bring about their equitable treatment.

Yet, Walters was unusual in his position as many black thinkers were more critical of black women for engaging in illicit relationships. For Bishop Gaines, responsibility ultimately fell upon white men and their insufficient "virtue." Yet, he did not shy away from also faulting black women, their upbringing, and their lack of religious devotion. In the same work in which he predicted an amalgamated future, he noted that economic necessity often forced black girls into domestic work at an early age where "they become easy prey of the white man." Yet, his description of "the young and unsophisticated colored girl" implied that they had a hand in their own "despoiling." Had the young girls been more sophisticated, Gaines dubiously suggests, they could have prevented their employers from raping them. Indeed, he portrays the "despoiling" of young black women as seductions and not the rape most instances invariably were.[69]

Gaines considered the economic need for black women to work outside the home to be one of the chief contributors to amalgamation, yet he offered no solution save uplift. Instead of calling for protections for domestic workers, he laid the blame partially at these women and girls' feet; characterizing many of them as ignorant and lacking in chastity. He excoriated white men, but his accusations against black women aligned with the stereotypes of them as unchaste—or at least too unsophisticated to behave morally—that fueled white men's rape of them.[70]

---

[69] Bishop Wesley John Gaines, *The Negro and the White Man* (Philadelphia: A.M.E. Publishing House, 1897), 153.
[70] Ibid., 157, 155.

Gaines considered black women responsible for perpetuating illicit interracial relationships through their childrearing practices. Black girls could only learn "virtue" in "well-ordered homes," which were lacking in the black community according to Gaines. "In well-guarded and protected homes, virtue and chastity are as highly prized as with any similar class of any race," he insisted, and yet he found many black homes producing daughters who did not properly guard their virtue against white men. "By failing to be a 'keeper at home,'" black women were not instilling chastity and purity in their daughters. Gaines blamed white men and the legacy of slavery, but he also laid the blame squarely upon black women's deficiencies in preparing their daughters for the world. "Ignorant and untutored, the average colored girl," Gaines bemoaned, "goes out to the tempting and seductive influences of an exposed life."[71] Gaines questioned the morality of black women who in fact lacked the financial means to shield their daughters or themselves from predatory white men.

In Gaines's rhetoric, not only were black women and girls vulnerable to seduction, but some actually sought it out. Coveting "white skin and straight hair" for their children, Gaines insisted, some women were proud of their illegitimately conceived children. Black men, Gaines complained, prefer "girls with light skins and straight hair" to "women of pure African decent" and thus contributed to this debasement. Regardless, behind white men, Gaines held black women the next most responsible, as "it takes two to make a bargain of any sort" Gaines noted in a remark that ignored the power dynamics and nonconsensual nature of many of the "bargains" struck between white employers and

[71] Ibid., 154, 144-5, 154.

the black domestics they forced themselves upon.[72]

Gaines's critique did not go unnoticed by newspapers. "We have many bad women all over the South," the *Colored American* noted, "as Bishop Gaines' book tells us." Who, the paper asked though, "made them bad? Not the colored people surely." As such, the paper suggested that instead of critiquing black women, a better solution would be treating "cases of carnal knowledge," instead of interracial marriage, as a crime. This, the paper held, would do more to solve the problems Gaines outlined as it redirected blame for illicit, interracial relationships from black women to white men.[73]

Yet, Gaines was far from alone in his blame of black women and far from the most critical. A fellow Georgia minister, G.W. Johnson, thought black women who engaged in interracial affairs compromised the race's collective advancement and made themselves unworthy of protection. Calling out "enemies of the race who are members of the race," Johnson put the "class of women who boast of their association with white men" at the top of his enemies list, just above "professional pimps." These women, Johnson complained, "demand honor and respect from men of the race," but should receive only scorn as they fuel stereotypes. "The white men who seek to lead astray every good-looking woman in our race," Johnson explained, "frequently refer to the immorality of colored women" as a justification. To reverse such views, the black community, Johnson advised, should "make [these women] feel their isolation at all hazards." Akin to lepers, Johnson insisted, these women should "be pronounced unclean." This community

[72] Ibid., 155, 156.
[73] "Dr. J.N. Johnson," *Colored American* (Washington, DC) May 13, 1899, 6.

banishment, Johnson suggested, should be permanent as he advised black men not to marry these women even after they ceased their relationships with white men.[74]

When black women wrote on the issue, they had a pointedly different view. Race integrity to them meant legalizing interracial marriage and preventing assaults on black women's character and bodies by black *and* white men. Addie Hunton, for example, an organizer for the National Association of Colored Women and a secretary for the Young Women's Christian Association, emphasized black women's special burden instead of stressing black women's perceived immorality. In their unique capacity "to sustain, nourish, train and educate the future man," Hunton held that "the salvation of the human race absolutely depends upon its womanhood." Praising black women's work in "purifying of the home," Hunton found little fault in black women.[75]

Hunton advised, however, that a black woman "must tear herself away from the sensual desires of the men of another race who seek only to debase her." Hunton's qualms with amalgamation centered on its immoral aspects and not in an opposition to it in principle. Earlier amalgamation between the Briton, Saxon, and Norman occurred "through honorable wedlock," but black women—Hunton complained—had no such option before them and thus must shun interracial intercourse. The struggle to resist such encounters, Hunton bemoaned, lay upon black women as they are "alone and unprotected" and also burdened with resisting "a pestilence of vice within [their] own

---

[74] G.W. Johnson, "Race Evils" in *Sparkling Gems of Race Knowledge Worth Reading: A Compendium of Valuable Information and Wise Suggestions that Will Inspire Noble Effort at the Hands of Every Race-Loving Man, Woman, and Child,* comp. James T. Haley (Nashville: J.T. Haley, 1897), 64.
[75] Addie W. Hunton, "A Pure Motherhood the Basis of Racial Integrity," in Irvin Garland Penn, John Wesley Edward Bowen, eds., *The United Negro: His Problems and His Progress, Addresses and Proceedings of the Negro Young People's Christian and Educational Congress* (Atlanta, D.E Luther Publishing Co., 1902), 433-434.

race." Black women, in other words, were responsible for not only resisting interracial desires and predatory white men but for ensuring the morality and uplift of the entire race. Hunton offered little doubt that black women could meet these challenges and indeed held that "womanly virtue and integrity" had been succeeding since emancipation. Nevertheless, Hunton maintained they still bore the entire burden of remaining "pure" and thus maintaining the race's "integrity." Although Gaines, Johnson, and others assumed that black women—or at least a particular class of black women—were immoral, Hunton cautioned "we must not be misled by the assumption that the colored woman is wholly depraved."[76]

Victoria Earle Matthews offered concrete means to help black women avoid illicit relationships and worked to repair damaged perceptions of black womanhood. The daughter of an enslaved woman and her master, Matthews moved to New York City and entered domestic work at a young age. She became a fierce advocate for black women and strove to remove the stigma of rape from conceptions of black womanhood. In 1897, Matthews founded a settlement house, the White Rose Industrial Home for Working Class Negro Girls, with the expressed purpose of protecting the newly arrived from being sexually abused and forced into prostitution. Matthews's best-known writings explore issues of race pride, self-worth, and their relation to amalgamation.[77]

Matthews believed race women needed assistance in purifying their "tenderloins"

---

[76] Hunton, "A Pure Motherhood," 433-434.
[77] Cheryl D. Hicks, *Talk With You Like A Woman: African American Women, Justice, and Reform in New York, 1890-1935* (Chapel Hill: The University of North Carolina Press, 2010), 95; Hallie Q. Brown, *Homespun Heroines and Other Women of Distinction* (New York: Oxford University Press, 1988 [1926]), 208-216; Victoria Earle Matthews, "The Awakening of the Afro-American Woman," an address delivered at the Annual Convention of the Society of Christian Endeavor, San Francisco, July 11, 1897 (New York: Published by the author, 1897), 8.

and "building again slowly the ruined castle of honor," but they were making progress and were deserving of assistance and respect, not stereotypes. Slavery, she held, had "despoiled" black women by destroying "virtue, modesty, [and even] the joys of maternity." Careful teaching and uplift efforts, Matthew insisted, could repair this. Without assistance, however, black women could quickly become locked in immoral situations. "Sporting and disreputable" men of both races, Matthews warned, preyed upon these "green" women with promises of employment. She warned especially of the perils of amalgamation; "By various sophistries, many refined, educated girls, particularly mulattoes and fair quadroons, are secured for the diversion of young Hebrews."[78] Promised an escape from economic exploitation, many became trapped in a system that left them abused and their children facing a similar future.

Despite the continuing perils for black women, Matthews presented a far more optimistic assessment of women's progress and morality than Gaines. She marveled "not that [black women] have succeeded, not that they are succeeding, but that they did not fail, *utterly fail.*" Given the challenges before them and the damages wrought by slavery, she held that black women of all classes should receive "the admiration of mankind for the glorious work that they have accomplished." Although she called for class differentiation, she also upheld the dignity and honor of lower classes.[79]

To Matthews, however, black women could not receive their deserved respect until

---

[78] Victoria Earle Matthews, "Some of the Dangers Confronting Southern Girls in the North" *Hampton Negro Conference, Number 11, July 1898* (Hampton, VA: Hampton Institute Press, [1898]), 68, 67.68, 69; Victoria Earle Matthews, "The Awakening," 6; Matthews, "Some of the Dangers Confronting Southern Girls in the North," 62-9.

[79] Matthews, "The Awakening," 8, 9, 10; Victoria Earle Matthews, "Aunt Lindy: A Story Founded on Real Life," (Press of J.J. Little& Amp, 1893), 1-16.

the laws were changed. "As long as the affections are controlled by legislation in defiance of Christian law, making infamous the union of black and white," she thought there would be "unions without the sanction of the law, and children without legal parentage, to the degradation of black womanhood and the disgrace of white manhood." Matthews therefore urged a uniform national marriage law that would "legalize, the union of mutual affections." Anything else would allow the continuation of "the greatest demoralizing forces with which our womanhood has to contend." The current laws, she lamented, protected white men, but left "us defenseless."[80]

Matthews sought a positive representation of black womanhood as she saw this as the only means to resist the sexualized racism black women faced. To Matthews, this meant focusing on black women's accomplishments and ways to help them, instead of focusing on moral failings as Gaines and others did.[81] This would allow black women to lead the race by restoring black dignity and virtue and legalizing interracial marriage, Matthews maintained, would go a long way towards this goal.

Other women joined Matthews in her efforts to praise black women's morality, accomplishments, and assist them. Nannie Helen Burroughs, who would later found the first vocational school for black women and girls, had had enough with black men's critiques of black women's perceived immorality while they hypocritically preferred light-skinned women. In a biting speech to the National Baptist Convention in 1904, Burroughs complained that black men critique women for relationships with white men and yet these same men would gladly marry light-skinned children of such relationships.

[80] Matthews, "The Awakening of the Afro-American Woman," 10-11, 11.
[81] Ibid., 12.

To Burroughs, interracial relationships were not the problem. The problem was colorphobia and a lack of respect for black women. She held, "many Negroes have colorphobia as badly as the white folk have Negrophobia." This played out as a preference for light-skinned women, which both men and women were guilty of as men sought these women as brides without regard to their character and these women sought products that lightened their skin and straightened their hair. All of this preference for light skin not only wasted the race's vital time in Burroughs's estimation, but it reinforced prejudice and did nothing to protect black women.[82]

"I have seen black men," Burroughs complained, "have fits about black women associating with white men, and yet these same men see more to admire in a half-white face owned by a characterless, fatherless woman than in faces owned by thoroughbred, legal heirs to the throne." These men put color above character; they chose debased women instead of "the most royal queen in ebony." Accordingly, she sarcastically remarked, these men should thank white men who had illegitimate children with black women as they did "a favor for some black man who would marry the most debased woman, whose only stock in trade is her color." Black men complained bitterly about black women's behavior with white men, but they saw no contradiction in seeking a light-skinned bride. Distinguishing between color and character, Burroughs concluded that those who prioritized color in the selection of a spouse, "invariably get nothing but color" while "the man who puts character first, always gets a woman."[83]

---

[82] Nannie Helen Burroughs, "Not Color but Character," *Voice of the Negro* V 1. (New York: Negro Universities Press, 1904), 277.
[83] Ibid., 277, 278.

Burroughs thought fault for this fetishization of light skin belonged to many. Most of her critiques, however, lay with black men who did not enter "manly protests against all who insist on having social equality of the wrong sort." These men were failing to check immoral behavior as they were not preventing white men from encroaching upon black women and they were joining in on the critiques that made such encroachments possible. White men, she lamented, "offer more protection to their prostitutes than many black men offer to their best women." True gentlemen, she held, should offer respect to a woman "not because she is white or black," but because they were "taught that there is a certain amount of respect due every woman." White men too, were guilty in Burroughs's eyes as they failed to treat any black woman, no matter how moral, educated, or refined as equal to "the lowest of the low of [their] own race." Certainly, too white men were guilty in Burroughs's estimation of seeking immoral relationships with black women, but her focus remained primarily upon black men's failure to treat black women as women deserving of patriarchal protection.[84]

Burroughs queried where black women could receive "protection and genuine respect" if not from black men? They certainly were not going to get it from white men, she held, especially so long as black men did not offer it to them. Black women could be "strengthened morally and be saved from the hands of the most vile" if black men would "defiantly stand for the protection of their women." Any race, she lamented, that failed to protect its women placed "no premium on virtue" and could not be saved.[85]

Burroughs accepted amalgamation, but she rejected illicit unions. Although she

[84] Ibid., 278, 278-9, 279.
[85] Ibid., 279.

called for black women to behave in a particular manner, unlike Gaines and others, her remarks were a call to action for black women, not a critique of behavior. Race women should think enough of themselves and of their men to stop all immoral encroachments as moral development was impossible otherwise and it was "criminal for any woman of our race to tolerate for a moment such relations with men…who believe that the women of our race can be bought, sold or bartered to satisfy their lusts." Be they black or white men, Burroughs maintained, black women should shun those who did not treat them with respect as women; "It is the duty of Negro women to rise in the pride of their womanhood and vindicate themselves of the charge by teaching all men that black womanhood is as sacred as white womanhood." Black women, she said in closing, should rise so high that "the name 'Negro woman' will be a synonym for uprightness of character and loftiness of purpose."[86]

While Hunton demanded that black women hold their heads up high, Burroughs called for patriarchal protections and respect for black women as women. To do so, black men must recognize the hypocrisy of condemning black women for relationships with white men while marrying light-skinned women. True race pride and race integrity, for Burroughs and Hunton too, meant offering black women respect by ceasing criticism and offering them much needed protections from white males' "encroachments" and black men's disrespect.

Similarly, Louisiana club woman Sylvanie Williams, in a response to aspersions upon all black women's character, celebrated the "educated virtuous colored women who

[86] Ibid., 279.

are trying to lift their race out of the mire of sin" and away from "the immorality of the superior race." Far from their detractors' statements that all black women were immoral, Williams showcased the "noble Negro women who are teaching by precept and example the doctrine of race integrity." Through such work, she insisted, they were "doing more to preserve the purity of the Caucasian race than all the laws against miscegenation." The teachers of "race integrity," in Williams's mind, however, needed to be more class conscious in their remarks. She called for class distinctions to be made among black women, just as they are made among white women; "We could not…feel aggrieved, if in citing the immorality of the Negro, the accusation was limited to the pauperized and brutalized members of the race." Despite this, she insisted that even among the lowly, moral conditions were improving.[87]

Anna D. Borden required more than class distinctions and uplift efforts. She bemoaned that the onus fell on black women regarding morality when it belonged to everyone. She held, "men and women of both races must go forth and slay the great Goliath of moral depravity between the races." She demanded the law allow interracial marriage, but until then insisted that black women treat "any approach of white men as an unpardonable affront." Believing that "renouncing the horrible practice of illicit mixing of the past" and avoiding it in the present would cause black women to gain more respect. If they did not receive it, she advocated launching a campaign to "revolutionize the laws of some of our un-American states" as true freedom demanded "THE COLORED WOMEN OF THIS COUNTRY MUST BE COMPLETELY EMANCIPATED FROM

[87] Sylvanie Francaz Williams, "The Social Status of the Negro Woman," *Voice of the Negro* V 1. (New York: Negro Universities Press, 1904), 299.

THE THRALLDOM OF THE PAST." Black women were demanding their rights and men of both races, she insisted, needed to join in and protect them "as the mother of a race and as a woman." True freedom for black women, to Borden, required the same protections as white women, otherwise black women would remain in a state of "semi-slavery" regardless of their uplift efforts.[88]

Borden critiqued black leaders for their relative silence on illicit relationships and their hypocritical stance on the unwed mothers of mulatto children. Race leaders, she bemoaned in a manner that echoed Burroughs, freely condemned unwed black mothers and yet would gladly marry the light-skinned offspring of such a relationship. Rather than a critique of amalgamation, Borden instead targeted the inconsistency that hurt black women. Black leaders, she maintained, should save their critiques of black women's morality and instead focus on repealing marriage bans. Borden held that the issue could not be left alone to avoid raising conflict with whites as conflict already existed; black women were being hurt by illicit relationships with white men, unjust condemnation by black leaders, and the entire race faced an identity crisis as a result.[89]

Borden professed that she did not advocate amalgamation, which needed "no advocacy" as "that process has long taken care of itself." Condemning amalgamation, she insisted, would do nothing to stop it and thus legalizing it was the only just option because "as a race we can no longer silently endure the curse which this illicit mixing engenders." Further, people should have the "God-given" right to select "their life companion." Accordingly, "no colored man or woman should be condemned by our race

[88] Borden, "The Colored Woman as She Is," in *Holms' Race Assimilation,* 496.
[89] Ibid., 498, 496.

if they find and choose their affinity in the white race, if there be a mutual consent between them, and if they can legally obtain such a union." Solve the legal dilemma and then no one had a right to object to the union of two "sane and responsible citizens."[90]

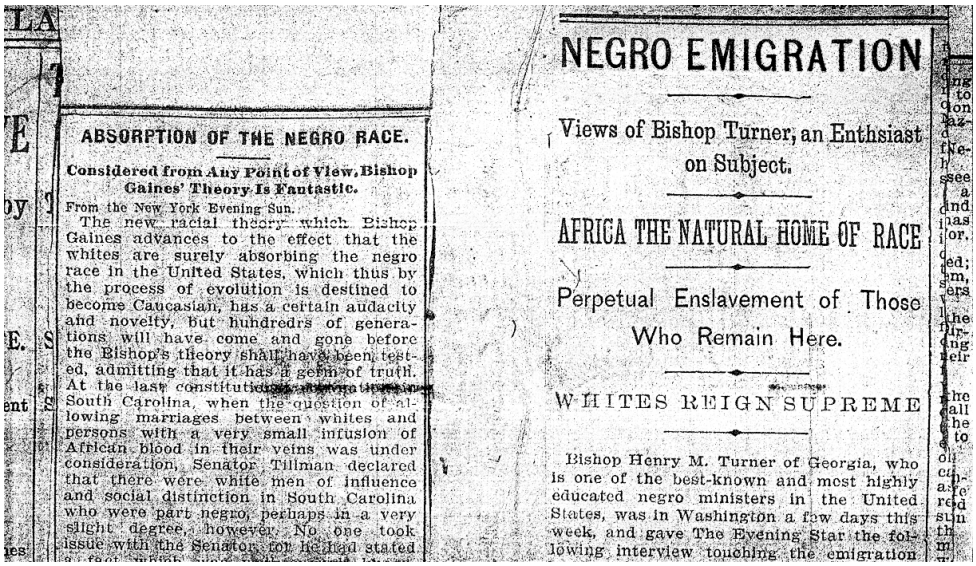
Vitally to Borden, the onus of illicit behavior lay upon the law and white men, not upon black women. Although she thought few would marry interracially, the effect of access to legal marriage would extend to all black women as "the horde of immoral men in the South would hesitate to accost and insult a decent colored woman…if she were equally protected by law with her white sister." Legalizing interracial marriage, to Borden, would protect not only the mothers of mixed-race children, but would entail public recognition of black women as women—and thus deserving of patriarchal protection. She did not think upright behavior alone could stem the tide of illicit amalgamation as "the lusts of men" reigned freely without protection for black women.

Burroughs, Matthews, Williams, Borden, and many other race women saw great harm in critiquing black women's characters when it came to interracial relationships. They called for legalizing interracial marriage, even as they called for black women to avoid white men so long as those relationships were illegal. Moreover, they saw that if immorality and improper conduct existed, it extended to black men too. Relatively in agreement that amalgamation should be permitted and accepted so long as it was legal, race women called for protection from unwanted and exploitative relationships with white men but emphasized the need for black men to respect and protect black women first. Few black women were willing to condemn amalgamation. While a handful of

[90] Borden, "Some Thoughts for Both Races to Ponder Over," in *Holm's Race Assimilation,* 499.

black men defended black women against charges of immorality, black women did not condemn black women for interracial relationships and called for more protection.

For black women, interracial marriage must be legalized not simply as a mater of equality or citizenship, but as a fundamental sign of respect for black women as women. Race integrity to these women meant supporting the legalization of interracial marriage and ending the attacks on the character and the bodies of black women from white *and* black men. Black men, according to these women, were, in effect, joining white, racist criticism as long as they were not preventing white men's assaults upon black women.



ABSORPTION OF THE NEGRO RACE.

Considered from Any Point of View, Bishop Gaines' Theory Is Fantastic.

From the New York Evening Sun.

The new racial theory which Bishop Gaines advances to the effect that the whites are surely absorbing the negro race in the United States, which thus by the process of evolution is destined to become Caucasian, has a certain audacity and novelty, but hundredrs of generations will have come and gone before the Bishop's theory shall have been tested, admitting that it has a germ of truth. At the last constitutional convention in South Carolina, when the question of allowing marriages between whites and persons with a very small infusion of African blood in their veins was under consideration, Senator Tillman declared that there were white men of influence and social distinction in South Carolina who were part negro, perhaps in a very slight degree, however. No one took issue with the Senator, for he had stated

NEGRO EMIGRATION

Views of Bishop Turner, an Enthsiast on Subject.

AFRICA THE NATURAL HOME OF RACE

Perpetual Enslavement of Those Who Remain Here.

WHITES REIGN SUPREME

Bishop Henry M. Turner of Georgia, who is one of the best-known and most highly educated negro ministers in the United States, was in Washington a few days this week, and gave The Evening Star the following interview touching the emigration

Figure 7: Sara A. Turner Scrapbook[91]

For Black Americans, these discussions were not merely academic or the province of leaders. They were debates about the very future of the race. Black Americans confronted the issue of interracial marriage and weighed the consequences of it. Embodying this, Sara A. Turner, a woman otherwise unknown to history, kept a

[91] Sara A. Turner Collection, Scrapbook No. 1, Box 107-2, Moorland Spingarn Research Center Howard University, 6.

scrapbook for over thirty years. Amidst the poems, prayers, and obituaries Turner collected, she pasted two articles side-by-side, "Absorption of the Negro Race" and "Negro Emigration." Published months apart and in different newspapers, but they represented the competing futures for the race from two of the leading black religious figures: Bishop Wesley Gaine's theory of the inevitability of race absorption and Bishop Henry McNeal Turner's insistence that the future could only be "a question of extermination or emigration."[92] Although Sarah Turner did not directly record her views, by pasting these competing visions side-by-side into her scrapbook suggests the staunch alternatives they represented and perhaps her own wrestling with what those futures held.

For Black Americans at the turn-of-the-century, interracial marriage truly was a matter of debate. Few were held with the formal trappings of a debate, but the subject was nevertheless widely discussed and argued over. For most, the matter came down to Professor Lane's assessments that only "extermination, emigration, or amalgamation" lay ahead, but still others turned to different possibilities, emphasized the importance of racial uplift, stressed the need to police intra-racial activity, or demanded protection for black women. Race men and women tended to approach the issue very differently, although women had some allies in men who also called for the preservation of race integrity, not by avoiding interracial relationships but by calling for them to be legal. The debates were also more than a quest for equality but also a search for identity and a fundamental questioning of what could or should the race be and how best to achieve that end.

[92] Turner Collection, Scrapbook, 6-7.

Conclusion: Battling Bans, Bemoaning Blowback: Interracial Marriage and Public Scandal

The premiere work on sex education at the-turn-of-the-century did not explicitly say anything regarding interracial sex. Just as it assumed relationships would be heterosexual and said nothing of homosexuality, the work assumed intra-racial relationships. That the publisher created two different editions for blacks and whites, however, suggests the presumption of very real sexual differences or at least a perceived need for different presentations. *Golden Thoughts on Chastity and Procreation* (1903), marketed to black readers, stressed respectability with its title whereas the white-oriented *Social Purity, or, the Life of the Home and Nation* (1903) emphasized the eugenic implications of sexuality for the entire (white) nation in its title.

Beyond the titles, the two books only differed in a handful of illustrations and the inclusion of a one-page introduction in *Golden Thoughts* by a black physician, Henry Rutherford Butler. *Social Purity* contained no analogous introduction. Butler heralded "the coming of a new aristocracy, a people powerful in strength, morals, culture, wealth and refinement." For Butler, the book had a two-part mission: to share with Black Americans "thoughts on how to perfect themselves" and as proof "that some good thing can come out of Ethiopia." What followed might have been identical to *Social Purity*, but in this light, it was a work of race pride. Save for an image of a "one-room cabin" at the beginning of the book, all the illustrations in *Golden Thoughts* showed clean, respectable

looking, and decidedly upper-class black families. Chastity, morally upright reproduction, and respectable behavior, race leaders maintained in works like this, would lead to racial advancement.[1] For whites, sex and reproduction meant keeping the race "pure." For Black Americans, it was about keeping their reputations pure, demonstrating their worth, and ultimately racial improvement.

The similar frontispieces for *Golden Thoughts* (left) and *Social Purity* (right). Like the book titles, the differing illustrations suggest divergent goals as well. Titling the above illustration "A Modern Home" in *Golden Thoughts* was aspirational—what African Americans could hope to achieve in the new century. An "Ideal Family Life" in *Social Purity* suggested such conditions had already been achieved and only needed to be maintained.

Figure 8: "A Modern Home" and "Ideal Family Life"[2]

[1] Henry Rutherford Butler in Professor and Mrs. J.W. Gibson, *Golden Thoughts on Chastity and Procreation Nation* (New York: J.L. Nichols & Co., 1903), np.; Professor and Mrs. J. W. Gibson, *Social Purity, or, the Life of the Home and Nation* (New York: J.L. Nichols & Co., 1903), np. See also Michelle Mitchel, *Righteous Propagation: African Americans and the Politics of Racial Destiny After Reconstruction* (Chapel Hill: The University of North Carolina Press, 2004).
[2] Gibson, *Golden Thoughts,* np.; Gibson, *Social Purity,* np.

Accordingly, amalgamation held very different meanings for Black Americans than for white Americans. Chastity and the appearance of upright behavior, many believed, were paths to rights for the race. Strict codes of Victorian morality and policing sexual behavior were thought necessary to eradicate vice and protect black men from lynch mobs and black women from white rapists. Works like *Golden Thoughts* because of their title and introduction preached respectability and sexual comportment as a means to subvert racial stereotypes and build pride.[3]

In line with this, by the turn-of-the-twentieth-century, Black Americans had largely settled upon opposition to interracial marriage. Extermination seemed less likely with each census, emigration seemed impractical, and amalgamation seemed increasingly unrealistic and undesirable. Instead, race leaders stressed racial conservation as part of a "larger intellectual struggle of extracting a positive black identity from pejorative racial theories."[4] Black leaders consistently preached uplift and celebrated a race on the rise despite ever-more strident forms of discrimination and repression. Through upright behavior, the race would redeem itself, prove its worth, and protect itself from white defilement. Interracial unions, therefore, ran counter to these efforts and threatened to confirm the very stereotypes race leaders worked against.

---

[3] Carroll Smith-Rosenberg, *Disorderly Conduct: Visions of Gender in Victorian America* (New York: Alfred A. Knopf, 1985); Nell Irvin Painter, "'Social Equality,' Miscegenation, Labor, and Power," in *The Evolution of Southern Culture,* ed. Numan V. Bartley (Athens: University of Georgia Press, 1988), 47-66; Willard B. Gatewood, *Aristocrats of Color: The Black Elite, 1880-1920* (Bloomington: Indiana University Press, 1990); Darlene Clark Hine, "Rape and the Inner Lives of Black Women in the Middle West: Preliminary Thoughts on the Culture of Dissemblance," *Signs* 14 no. 4 (Summer 1989): 912-20.

[4] Kevin Gaines, *Uplifting the Race: Black Leadership, Politics, and Culture in the Twentieth Century* (Chapel Hill: The University of North Carolina Press, 1996), 121.

Especially among the black elite, anxiety remained that interracial marriage could lead to race suicide and moral debasement. Even if a couple had legally wed, interracial relationships carried connotations of immorality, race disloyalty, and class degradation. Many associated interracial relationships with white prostitutes or otherwise low-class white women, white male rapists, and low-class black women. Even respectable interracial couples from similar social classes were subject to these assumptions and could, therefore, seem disreputable. Black men and women were expected to shun illicit relationships, present a chaste appearance, and practice self-restraint in an attempt to combat stereotypes about black promiscuity. Black women, in particular, were expected "to project a flawlessly upright appearance."[5]

Given this climate, black heavyweight champion Jack Johnson's very public cavorting with white prostitutes and marriage to two white women met a fierce response. A symbol of race pride after his 1910 victory against the "Great White Hope," Johnson's activities outside the ring outraged whites and blacks alike. Newspapers provided in lurid detail of his flashy lifestyle, his affairs with white women, his 1911 marriage to a white woman, her suicide in 1912, his arrest for transporting women across state lines, and his

[5] Perhaps the clearest evidence of this was the existence of a social club for interracial couples that sought to change the public perceptions of interracial couples by presenting themselves as respectable and morally upright. The Manasseh Society was an organization in Chicago and Minneapolis from the late 1880s to the early 1930s for "respectable" interracial couples. A clergyman associated with the organization claimed it had as many as 700 members at one point. The club's membership was selective, only allowing those in legal marriages and with gainful employment. Its annual fundraising ball attracted fifteen hundred in 1908. St. Clair Drake, *Black Metropolis: A Study of Negro Life in a Northern City* (New York: Harcourt, 1945), 129-73; Clotye Murdock Larsson, *Marriage Across the Color Line* (Chicago: Johnson, 1965) 58-61; Greg Carter, *The United States of the United Races: A Utopian History of Racial Mixing* (New York: New York University Press, 2013), 146; Stephanie Shaw, *What a Woman Ought to Be and To Do: Black Professional Women Workers During the Jim Crow Era* (Chicago: The University of Chicago Press, 1996), 23.

marriage to another white woman later that year. Coverage especially focused on reports that Johnson boasted that he could "get as many white women" as he desired.[6]

Johnson's actions and demeanor prompted rebuke from all corners of the black community. Booker T. Washington denounced Johnson's lifestyle and termed it injurious "to the whole Afro-American race." A "Conference of Representative Chicago Colored Citizens" condemned Johnson's actions. The *Freeman* insisted that Johnson had broken no law in marrying across the color line, but he had "no moral right" to have done so. The *Washington Bee* derided him for "flaunt[ing] his immorality in the face of a decent public." His actions, the black newspaper insisted, did not "represent, in the remotest degree the best morals of the Negro race." Johnson, the newspaper bemoaned, "is not regarded as a hero, but a pariah among respectable colored men and women."[7] His behavior ran counter to the image black leaders were trying to present of the race and threatened to undo all their efforts.

---

[6] The 1910 championship fight between Johnson and white boxer Jim Jeffries had been billed as a contest for racial superiority, and Jeffries nicknamed the "Great White Hope." Geoffrey C. Ward, *Unforgivable Blackness: The Rise and Fall of Jack Johnson* (New York: Alfred A. Knopf, 2005), 79; Randy Roberts, *Papa Jack: Jack Johnson and the Era of White Hopes* (New York: The Free Press, 1983), 68-58. The Mann Act was designed to end "white slavery." Lucille Cameron, the woman he was initially charged with taking across state lines, however, refused to cooperate and could not be forced to testify once she and Johnson married in December 1912. Undeterred, investigators found another woman who would be willing to testify against Johnson. The charges are largely considered to have been unjust as the transportation of a woman across state lines predated the passage of the Mann Act. An all-white jury convicted Johnson in 1913, but Johnson fled the country until 1920 when he turned himself in and went to prison for a year. In 2018, Johnson received a posthumous presidential pardon. David Langum, *Crossing Over the Line: Legislating Morality and the Mann Act* (Chicago: The University of Chicago Press, 1994), 185. Johnson denied making such a boast, but when questioned about it he insisted that he was "not a slave" and accordingly had "the right to choose who my mate shall be without the dictation of any man. I have eyes and I have a heart, and when they fail to tell me who I shall have for mine I want to be put away in a lunatic asylum." "Johnson Denies Gilt! [sic] Statement Attributed to Him is Utterly False," *Freeman,* November 2, 1912, 1.

[7] "Passing Comment," *Plaindealer* (Topeka), October 25, 1912, 2; "The Affairs of John Arthur Johnson are Not a Racial Matter," *Broad Ax,* November 16, 1912, 2; "Statement By Conference of Representative Chicago Colored Citizens," *Broad Axe,* October 23, 1912; "Jack Johnson In Bad," *Freeman,* October 26, 1912, 4; "Intermarriage," *The Washington Bee* December 21, 1912, 4.

Consequently, Black Americans quickly and roundly denounced Johnson in ways that would have made the responses to Frederick Douglass's interracial marriage nearly thirty years earlier seem moderate in contrast.[8] Unlike those who had married interracially before, no one defended Johnson beyond appealing for him to have a fair trial in the face of trumped-up charges against him and, if he was going to have a relationship with a white woman, marriage seemed preferable to an illicit relationship. No one defended interracial relationships in general as respectable choices; interracial marriage was merely a means to salvage an undesirable situation. Criticism of Johnson was nearly unanimous among whites and blacks alike.

Yet, Black Americans had to decide how to respond to the concrete results of Johnson's notorious marriages—white legislators' introduction of bills to ban interracial marriage in eleven of the nineteen states where they were legal, as well as a bill for the District of Columbia and a proposed constitutional amendment. The proposed bans threatened to further restrict rights, imperil black women, and serve as a symbolic affront to equality. While far from a bastion of equality, the North (except Indiana) had been free of interracial marriage bans for over twenty-five years. The (re)enactment of marriage bans across the North would be a significant step backward in the fight for equality.

Black Americans' debates had been culminating for well over a century but never before had the contrast between the need to defend the principle of interracial marriage rights and the desire to disavow such unions been so palpable. Support for marrying interracially seemed to be bottoming out, but the issue of defending interracial marriage's

[8] For a compilation of reactions to Johnson's actions from black newspapers, see "The Passing of Champ Johnson," *Freeman* (Indianapolis), November 9, 1912, 7.

legality continued. The particular circumstances made the topic especially fraught, but nearly a century of cultivating the means to decry bans without condoning interracial marriage gave race activists the tools to combat this newfound flurry of opposition to interracial marriage's legality. The debates had given rise to a collective sense of identity, and as the black response surrounding Johnson's marriage and the political fights that followed underscore, Black Americans did not see a healthy future for themselves through interracial marriage. The fight to obtain rights and end discrimination, however, continued in demands for the right to interracial marriage in principle.

With news of Johnson's second marriage to a white woman, anti-miscegenation fervor swept the nation. States that had never had bans or had long ago repealed them considered enacting them. South Carolina's governor openly called for Johnson's lynching. The House of Representatives overwhelmingly passed a ban the District of Columbia. The proposed constitutional amendment not only contained a sweeping definition of a "negro or person of color," but was openly and virulently racist, even for 1912, as it decried interracial marriage as "slavery to black beasts."[9]

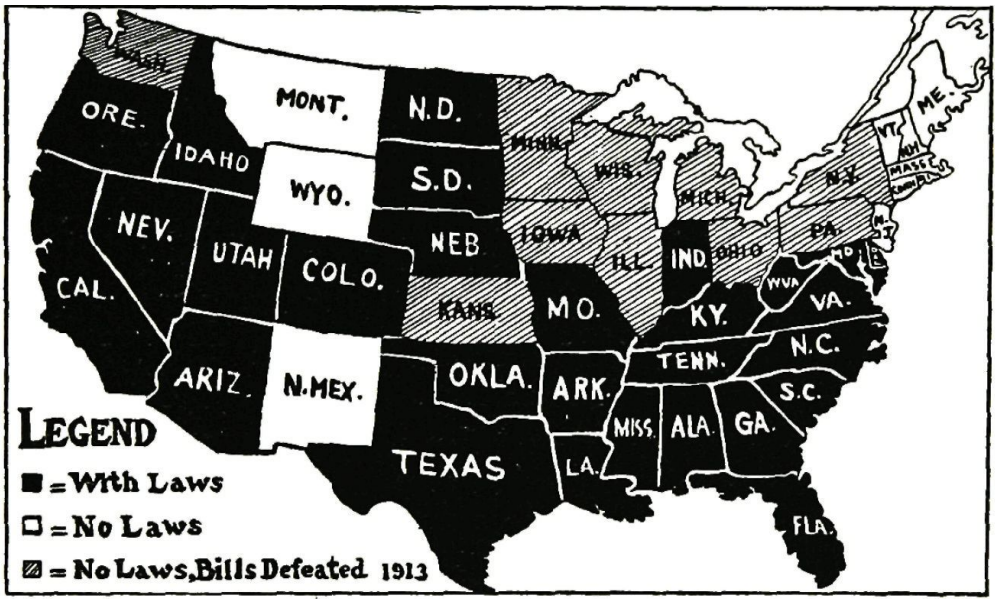
[9] David H. Fowler, *Northern Attitudes Towards Interracial Marriage: Legislation and Public Opinion in the Middle Atlantic and the States of the Old Northwest, 1780-1930* (New York: Garland Publishers, 1987), 299; Peggy Pascoe, *What Comes Naturally: Miscegenation Law and the Making of Race in America* (Oxford: Oxford University Press, 2009), 167; Edward Stein, "Past and Present Proposed Amendments to the United States Constitution Regarding Marriage," *Washington University Law Review* 82 U.L.Q. 611 (2004), 630. The proposed constitutional amendment read, in part: "Intermarriage between whites and blacks is repulsive and averse to every sentiment of pure American spirit. It is abhorrent and repugnant. It is subversive to social peace. It is destructive of moral supremacy, and ultimately this slavery to black beast will bring the nation to fatal conflict." *Congressional Record,* 62nd Congress, 3rd session, December 11, 1912. Vol. 49, p 502.

The National Association for the Advancement of Colored People (NAACP) ultimately took the lead in combatting the proposed bans. Only three years old, it had three branches and 329 members at the end of 1912. While tripling in size in 1913, it remained a small organization. Nor was it a given that the NAACP would take on the issue. W.E.B. Du Bois had made his opposition to interracial marriage clear in his 1897 address on the "Conservation of the Races." Nevertheless, in 1910 he termed bans "wicked devices to make the seduction of women easy and without penalty, and should be forthwith repealed." Yet, Du Bois was not the entirety of the NAACP. The outgrowth of interracial activists opposed to Booker T. Washington, the NAACP was nevertheless funded by white donors and hoped to grow its membership by appealing to middle-class and professional people from both races—demographics who were among the most vocal opponents of marrying interracially. In its earliest years, therefore, the NAACP largely avoided the issue. Joel Springarn, chairman of the NAACP and one of its first Jewish leaders, for instance, cautioned against addressing the issue as "too much publicity might crystallize unconscious desires that had never been self-conscious before."[10]

Du Bois's direct approach to the topic, therefore, was "almost as shocking to many of his African-American readers as it was to his white audiences," according to biographer David Levering Lewis. In the pages of the NAACP's *Crisis* magazine*,* Du Bois made clear that he expected most to marry within their race, but the legal right

[10] Manfred Berg, *The Ticket to Freedom: The NAACP and the Struggle for Black Political Integration* (Gainesville: University Press of Florida, 2005), 23; W.E.B. Du Bois, "Fragment from 'Marrying of Black Folk,'" *Independent*, October 1910, *W.E.B. Du Bois Papers* (MS 312). Special Collections and University Archives, University of Massachusetts Amherst Libraries; David Levering Lewis, *W.E.B. Du Bois: A Biography* (New York: Henry Holt and Company, 2009), 279; Joel E. Springarn, file note on conversation with Franklin Delano Roosevelt, January 27, 1913, fr. 16, Part 11, Series B, Reel 3, Papers of the NAACP, Microfilm Edition.

needed to be preserved and established for the principle as well as for the protection of black women who were treated "in the eyes of the law to the position of dogs." As much as he made his disapproval of Johnson clear, he allowed that as Johnson and the white woman were determined to live together, legal wedlock was preferable to living in the manner of "the Bourbon South." Centrally too, prohibiting interracial marriage for Du Bois deemed "black blood a physical taint—a thing that no decent, self-respecting black man can be asked to admit." Interracial marriage bans, to Du Bois, were insulting, degrading, and must be defeated "not because we are anxious to marry white men's sisters, but because we are determined that white men shall let our sisters alone."[11]



A 1916 map depicting where interracial marriage bans existed and were proposed in1913.

Figure 9: Interacial Marriage Law Map[12]

[11] Lewis, *W.E.B. Du Bois,* 279; Du Bois, "Intermarriage," *Crisis,* 5 (February 1913), 181, 180.
[12] Map from Albert Ernest Jenks, "The Legal Status of Negro-White Amalgamation in the United States," *American Journal of Sociology* 21 no. 5 (1916), 669. Massachusetts is not depicted as having proposed a ban in 1913, but it not only proposed but enacted a bill to invalidate marriages by couples from states where such marriages were illegal. The effect would be to prevent out-of-state interracial couples from marrying in Massachusetts and was intended to be a first step towards banning interracial marriage. See

The Johnson scandal, therefore, put the NAACP in an awkward position. Johnson's behavior subverted black leaders' efforts to distance the race from the worst accusations of white supremacists. He flaunted his wealth, drove fast cars, operated a nightclub, and openly cavorted with "loose" women. His purported statements made it seem as if he preferred white women. He physically abused his first wife and newspapers widely reported alleged statements from her shortly before she took her own life that all her troubles came from marrying a black man. His second wife's mother alleged that Johnson had abducted her daughter and they married only after Johnson had been arrested for transporting her across state lines for "immoral purposes."[13]

Given outrage over Johnson's behavior, silence or condemnation alone might have been the preferred route, but the proposed bans would be a devastating defeat. Thus, existing and newly formed NAACP branches took on the issue. Topeka, Kansas's branch, for instance, began lobbying against the state's proposed ban before it even elected its first officers. New York's branch had to combat a proposed bill that listed sterilization as a possible punishment. Ohio's bill was only narrowly defeated and would have invalidated existing marriages and threatened couples with imprisonment if they did not separate. Famed author Charles Chesnutt and organizations like the Douglass Men's Club and the Cleveland Association of Colored Men lobbied against the bill. There was not yet a branch in California, so when that state considered reinforcing its ban, the New York

---

Zebulon Miletsky, "The Dilemma of Interracial Marriage: The Boston NAACP and the National Equal Rights League, 1912-1927," *Historical Journal of Massachusetts,* Vol. 44 (Winter 2016): 137-169.
[13] "Mrs. Etta Johnson, Wife of Jack Johnson," *Broad Ax* September 14, 1912, 1; Al-Tony Gilmore, "Jack Johnson and White Women: The National Impact," *The Journal of Negro History* Vol 58, No 1 (January 1973): 18-38.

branch sent a protest. In Washington state, a letter from the NAACP to lawmakers made its position clear: "the passage of such a law invariably means the introduction of other measures designed to reduce the colored man to a condition of caste inferiority." Members of the Boston branch of the National Equal Rights League organized against a ban as well as separate streetcars—the same twin issues activists took on in Massachusetts in 1843.[14]

Black newspapers likewise made clear their disapproval of Johnson and interracial marriages, but their defense of the right to them. The *New York Age* insisted "we do not need to favor the marriage of blacks and whites as a personal matter…we do need to stand by the principle that blacks and whites shall be free to marry if they so desire." The *Washington Bee* proclaimed that they were "unalterably opposed to inter-marriages," but were "just as unalterably opposed to the enactment of any statute, state or national, to prohibit them." Others too tried to distance Johnson's actions as a "sporting man" from the "better classes" of African Americans.[15]

It would take a few years and repeated campaigns, but in the end, all proposed bans were defeated. The NAACP, according to the executive secretary, "had much to do with killing all the anti-intermarriage bills." The small black populations in the states where the bans were proposed might have had as much to do with the bills' defeats as the

---

[14] Nathaniel Sawyer to May Childs Nerney, December 29, 1913, fr. 486-86; New York Senate Bill no. 158, January 15, 1913, ms. fr. 923-25; Charles W. Chesnutt to W.E.B. Du Bois, April 28, 1913, fr. 968; Douglass Men's Club, resolutions against the intermarriage bill, copy, n.d., fr. 931; Cleveland Association of Colored Men to Ohio legislators, March 8, 1913, fr. 954; NAACP to Chairman of the California Senate Committee of Education, March 3, 1913, fr. 935; NAACP national office to Senator Harry Rosenhaupr, June 2, 1913, fr. 972; All above from Part 12 Series D, Reel 6, Papers of the NAACP, Microfilm Edition; Miletsky, "The Dilemma of Interracial Marriage," 163.

[15] *New York Age,* December 19, 1912; "The Bee Office," *Washington Bee,* March 17, 1913, 5; Philadelphia *Tribune,* December 14, 1912, 7.

NAACP's efforts as it allowed legislators like future president Franklin Roosevelt to insist that "this is not a matter of sufficient practical importance in this State to warrant legislation of this kind."[16]

Yet, the NAACP's stance mattered. It lobbied state and federal officials with a clear demand that interracial marriage be legal as a matter of principle and to protect black women. Peggy Pascoe holds that the NAACP "invented a way to oppose miscegenation laws without also endorsing interracial marriage," but Black Americans had been doing this since at least David Walker in 1829.[17] With few exceptions, African Americans had long fought for the legal right to interracial marriage without condoning interracial marriage itself. Their lines of argument too were far from unique as those in 1913 sounded very similar to and were built on earlier fights.

Olaudah Equiano's 1788 "Why not establish intermarriages" certainly differed from Du Bois's position, but at their root, they amounted to much the same response—an appeal to morality and a conviction that there was nothing inherently unnatural with amalgamation. "Granted," Du Bois wrote, "that Johnson and Miss Cameron proposed to live together, was it better for them to be legally married or not?" Acknowledging that interracial sex was going to occur, Du Bois demanded that it occur within the confines of marriage. Equiano too acknowledged interracial sex as he detailed the problems of out-of-wedlock liaisons and appealed for it become a national strength by occurring within the confines of marriage rather than a national stain. Yet, where Equiano saw

---

[16] May Childs Nerney to James C. Waters, April 15, 1914, fr. 6, Part 11, Series B, Reel 3, Papers of the NAACP, Microfilm Edition; Franklin D. Roosevelt to Oswald Garrison Villard, January 30, 1913, fr. 928, Part 11, Series B, Reel 2, Papers of the NAACP, Microfilm Edition.
[17] Pascoe, *What Comes Naturally,* 4.

amalgamation as a means to forge a unified identity, Du Bois saw a process that would eclipse the unique contributions Black Americans could make. Interracial marriage, to Du Bois, was a means to minimize an immoral situation, not a path to national harmony. Despite these differences, both insisted that interracial marriage should be legal.[18]

The arguments Du Bois and others made in 1913 seemed even more in line with David Walker in 1829 and the black delegates at Arkansas's constitutional convention in 1868. Far from the NAACP inventing a way to oppose bans without endorsing interracial marriage, Walker came out forcefully against bans as the quintessential example of America's wholesale denial of black men's rights and the imposition of second-class status. At the same time, he made his opposition to interracial marriage clear—he would "not give a *pinch of snuff* to be married to any white person." Likewise, the NAACP "earnestly protest[ed] against the bill forbidding intermarriage between the races, not because the Association advocate[d] intermarriage, which it does not," but because it understood the importance of fighting for the right in principle.[19] Akin to antebellum activists insisting that all were "of one blood," the fight in 1913 in part centered on maintaining that interracial marriage was natural and resisting the construction or reinforcement of racial castes.

Consistent too from some of the earliest black expressions on the topic were denials of accusations that African Americans sought white spouses to obliterate their dark skin.

---

[18] *The Public Advertiser,* 28 January 1788 in Vincent Carretta, ed., *Olaudah Equiano: The Interesting Narrative and Other Writings,* (New York: Penguin Books, 2003), 331-2; Du Bois, "Intermarriage," *Crisis,* 5 (February 1913), 181.

[19] David Walker, *David Walker's Appeal to the Colored Citizens of the World* (University Park: The Pennsylvania State University Press, 2002), 11; Letter from Oswald Garrison Villard and W.E.B. Du Bois, March 8, 1913, in Albert Ernest Jenks, "The Legal Status of Negro-White Amalgamation in the United States," *American Journal of Sociology* 21 no. 5 (1916): 670-1.

In 1905, Howard University professor Kelly Miller addressed this notion when he insisted that black men do "not 'hope and dream of amalgamation.'" Contending that amalgamation should be legal, Miller insisted, "was merely the expression of a belief, not the utterance of a preference nor the formulation of a policy." Favoring legalization was not equivalent to thinking it should be encouraged or represented a solution.[20]

Echoing those who earlier stressed that all were "of one blood," Miller insisted, black people did not think amalgamation "a feasible policy solution." But that did not mean that they would, "proclaim that [they are] so diverse from God's other human creatures as to make the blending of the races contrary to the law of nature."[21] To deny their natural right to marry interracially would be to deny their common humanity with whites and their right to equality. Black Americans could simultaneously think that one should not marry interracially all while believing that such marriages should be legal as a matter of principle. White people could oppose amalgamation by holding that it was unnatural, but for African Americans, to hold such a position was tantamount to admitting that blacks and whites were fundamentally different and were not entitled to the same rights. From at least Walker onward, nearly all black thinkers on the topic supported interracial marriage's legality.

Miller did not see amalgamation as necessary. "Civilization," to Miller, was "not an attribute of the color of skin, or curl of hair or curve of lip." As such, he saw "no necessity for changing such physical peculiarities" whether or not it would assuage white

[20] Kelly Miller, *As To The Leopard's Spots: An Open Letter to Thomas Dixon, Jr.* (Washington, D.C.: Hatworth Publishing House, 1905), 15, 17.
[21] Ibid., 15-16.

racism. Black Americans' hearts "already beat at a normal human pace," and given that Miller asked, why "would you desire to change" it?[22] Why, Miller fundamentally asked, should Black Americans have to change to accommodate white prejudice?

Miller's position was consistent with earlier espousals from black thinkers but also had evolved to fit the era. As racism itself developed, black views adjusted. Earlier positions that foresaw a post-racial future through racial mixture envisioned racism as passive—something that could fade away gradually over time. Amalgamation seemed no solution and all the less desirable in the face of white racism and domination. Walker had first offered a hint at this position, and thinkers like Miller developed it more fully over the years in between.

Like the black delegates in Arkansas in 1868, the unequal application of marriage bans and the culpability of white men stood at the forefront of discussions for those fighting proposed bans in 1913. Interracial marriage remained a means to keep black men from entering into respectable unions with white women while allowing white men to keep black concubines who had no legal recourse—be it from rape, abandonment, or child support. Just as the Arkansas delegates had, Du Bois and the NAACP, forgrounded protecting black women as well as continual refrains of who was responsible for most illicit amalgamation. Bans, in the words of white NAACP spokesperson Oswald Garrison Villard, were a "menace to the whole institution of matrimony, leading directly to concubinage, bastardy, and the degradation of the negro woman." Du Bois specifically called out white men for preferring to "uproot the foundations of decent society than to

[22] Ibid., 15, 13.

call the consorts of their brothers, sons and fathers their legal wives."[23] In doing so, they echoed their Reconstruction forbearers who reminded whites about who was actually responsible for most racial mixture. They echoed even earlier activists too as antebellum abolitionists had long attempted to reverse accusations against themselves as being amalgamationists by calling attention to slaveowners' rape of black women.

So foundational was this stance of insisting that black women needed protection from white men that even Booker T. Washington proved unable to avoid the issue. In 1911, he insisted that he had "never looked upon amalgamation as offering a solution to the so-called race problem" and he maintained most black people never even gave much thought to the issue. Nevertheless, he held that he had heard objections from some black people to marriage bans because the laws "enable[d] the [white] father to escape his responsibility, or prevent him from accepting and exercising it when he has children by colored women." Washington offered his support if a means could be found to "protect the racial integrity of the negro and the white Americans, and can also protect the present unfortunate victim, the negro woman."[24] Washington, however, never described what such a law would look like and remained silent about the proposed bans.

Arguments about protecting black women remained necessary because the patriarchy black women had fought for, to be treated as wives to deceased white men with whom they had had long-term relationships, proved elusive. Black Americans had

---

[23] Letter from Oswald Garrison Villard and W.E.B. Du Bois, March 8, 1913, in Albert Ernest Jenks, "The Legal Status of Negro-White Amalgamation in the United States," *American Journal of Sociology* 21 no. 5 (1916): 670-1; Du Bois, "Intermarriage," *Crisis,* 5 (February 1913), 180.

[24] Booker T. Washington to Albert Ernest Jenks, December 4, 1911, in Albert Ernest Jenks, "The Legal Status of Negro-White Amalgamation in the United States," *American Journal of Sociology* 21 no. 5 (1916): 672-3.

repeatedly been shown from the antebellum era onward that without legal wedlock white men and the courts would rarely protect black women in interracial relationships. Out-of-wedlock interracial couples struggled to receive the same protection as married couples. While some black men critiqued black women for engaging in interracial relationships, by 1913 and thanks to black women's retorts to critiques, most adopted a standard narrative that emphasized the need to protect black women by legalizing interracial marriage. Legal marriage would not only protect the black wives of white men but, many hoped, would prevent the formation of such unions in the first place. Changing the law to protect black women would improve their position in society by bringing about respect and thereby halt the formation of interracial relationships with white men who did not intend to marry black women.

Nor was the condemnation of someone who married interracially particularly new. Critiques of Frederick Douglass and Johnson certainly differed in tone as the two men's behavior and reputations differed. But the overall response was the same: their unions set a poor example and were a poor choice for prominent black men. William Scarborough, for example, had married interracially in 1881. Because he was not yet a prominent figure, however, he received little critique as few likely even knew he had a white wife. Well-known and in a position of leadership as president of Wilberforce University by 1913, however, Scarborough became caught up in the critical coverage of Johnson. *The Washington Bee* held that Scarborough should resign his position, as he was "a handicap to that institution" because of his marriage. By continuing to serve in such a prominent position, the *Bee* maintained, Scarborough was keeping alive the "wave of

unjust criticism of the race which the marriage act of Jack Johnson" began.[25] Douglass, Scarborough, and Johnson all had a legal right to marry interracially according to the black press. But doing so invalidated their positions of leadership, or, in Johnson's case, prominence and admiration.

Scarborough had faced an outcry against his marriage from whites in 1910 when it first became widely known, but none from black newspapers until the Johnson scandal. President William Howard Taft, Justice John Marshall Harlan, several Republican Senators, and Ohio's entire congressional delegation were scheduled to attend a fundraising banquet for Wilberforce when the "circulation of a report" about Scarborough's white wife led to abrupt cancelations. Few, black or white, seemed to have known that he was married interracially before this event. The black press, however was silent on the issue in 1910 but not in 1913. As with Douglass, Johnson's prominence brought widespread black criticism and fears that it would hurt the race. Scarborough, although he would face criticism from black people again in 1921 when he took a minor position in the Harding administration, was caught in the wake of the outrage over Johnson and the changing climate in which fewer Black Americans supported interracial marriage in anything but principle.[26]

Yet, this view had been longstanding. For Black Americans in the antebellum, Reconstruction, and post-Reconstruction eras, personal disapproval of interracial

---

[25] "Scarborough's Duty," *The Washington Bee,* February 15, 1913, 4.
[26] "Plans Threatened By Race Question," *Washington Bee* (February 26, 1910), 4; "Here They Are," *Washington Bee* (January 8, 1921), 4; "Cottrill's End Hastened By Recent Defeat: Ohio Politician Lost In Race to Head G.O.P., and Land Job of Register." *The Afro American* (December 6, 1924), 6; "Public Men and Things," *Washington Bee* (June 11, 1921), 2.

marriage did not equate to a willingness to concede the right to interracial marriage in principle. Nevertheless, black opposition to interracial marriage seemed to be reaching its apex by 1913. The debate that had characterized the earlier eras seemed nearly at an end. Although never widely embraced, black thinkers by the turn-of-the-century rarely saw—at least without dread—amalgamation as the future for the race. William Allen, Frederick Douglass, and T. Thomas Fortune's embrace of the concept of an amalgamated future America had been supplanted by a widespread drive to protect the race, cultivate race pride and solidarity, and demonstrate the race's worth by avoiding interracial relationships. Consistent with their forbearers, Black Americans in the early twentieth century continued to fight for interracial relationships to be conducted honorably through marriage if they could not be avoided.

The debates of course adapted to fit conditions and evolved as Black Americans built an intellectual tradition and nationalistic ideas. Coinciding with the rise of pseudo-science that placed black people somewhere in between humans and animals in the great chain of being, black views were undoubtedly shaped in part by white views. However, these positions were much more than black accommodations to white thoughts, whether that thought came from the white delegates to Arkansas's constitutional convention, the Texas Court of Appeals, or the latest publication of a European phrenologist.

Black thinkers, and leaders, and otherwise unknown former slaves, like Leah Foster, openly challenged and debated the prevailing views on interracial marriage. Their diverse ideas represented competing visions for the future of the race. Would amalgamation spell the race's doom, be its salvation, or were there still other paths

beyond “extermination, emigration, or amalgamation”? All positions represented strategies for the race’s collective well-being, even if they represented starkly different visions for the future. Denied full inclusion in American life and beset by white violence, the race concerned itself with its own survival and future and these debates were a means to work out the nature of that future.

From race leaders to lesser-known individuals filling scrapbooks, filing inheritance lawsuits, and participating in a church debating society, Black Americans confronted the issue of interracial marriage and weighed the consequences of it for the future of their race. Through an array of competing positions, Black Americans had forged a collective notion of racial destiny and built strategies for their well-being. By the twentieth century, interracial marriage seemed to have no real part in that collective vision but fighting for the legal right to it remained vital. Since the 1660s, interracial marriage bans had served as a means to maintain white supremacy. As such, the future Black Americans built through their debates involved an unequivocal defense of the legal right to interracial marriage without necessarily condoning interracial marriage in practice. These fights prepared the race to confront the onslaught of proposed bills in 1913 and the many civil rights struggles ahead.

Bibliography

Archival Sources

Library of Congress
- American Colonization Society Papers
- Frederick Douglass Papers at the Library of Congress
- Papers of the NAACP

The Moorland-Spingarn Research Center, Manuscript Division, Howard University

- Bethel Literacy and Historical Association Records
- Blanche K. Bruce Papers
- Thomas H. R. Clarke Papers
- Anna Julia Cooper Papers
- Thomas and William Dorsey Collection
- Frederick Douglass Collection
- George T. Downing Papers
- E. Franklin Frazier Papers
- Thomas Montgomery Gregory Papers
- The Angelina Weld Grimke Collection
- The Archibald H. Grimke Papers
- The Francis J. Grimke Papers
- Alain Locke Papers
- Daniel A. Payne Collection
- Daniel Alexander Payne Murray Papers
- Josiah Thomas Settle Collection
- Mary Ann Shadd Cary Papers
- Mary Church Terrell Collection
- Ruffin Family Papers
- Sara A. Turner Collection

National Archives, Washington, D.C.
- The American Freedmen's Inquiry Commission
- Records of the Adjutant General's Office, 1780's-1917
- Records of the Field Offices for the State of Texas Bureau of Refugees, Freedmen, and Abandoned Lands, 1865-1872

Schomburg Center for Research in Black Culture, Manuscripts and Archives Section, New York Public Library
John E. Bruce Papers
Alexander Crummell Papers
The Henry Davis Marriage Book
Beth Day Papers
Aaron Douglass Correspondence
Aaron Douglass Papers
Dowridge-Challenor Family Letters
W.E.B. Du Bois Papers
St. Clair Drake Papers
T. Thomas Fortune Scrapbook
Jack Johnson scrapbook
Miscellaneous American Letters and Papers Collection
William S. Scarborough Letters
Schuyler Family Papers
Shivery Family Papers
Smith/Shivery Family Papers
Booker T. Washington Correspondence

Texas State Library and Archives Commission
Bonds v. Foster, Texas Supreme Court, M-6471, No. 859
Case File, Bonds v. Foster, Texas Supreme Court
County Clerk's Office, Richmond Texas
Fort Bend County Tax Rolls, 1838-1910, Microfilm
Probate File, Estate of Alfred H. Foster, Probate no. 653, Fort Bend
Texas Supreme Court Archives and Information Services Division
Tom C. Clark Papers, Tarleton Law Library, University of Texas, Austin
Transcript of Trial to Texas Supreme Court, Webster v. Heard, No. 3088
Transcript of Trial to Texas Supreme Court, *Clark v. Honey*, No. 789

Published Materials

A Resolution to Encourage Enlistments and to Promote the Efficiency of the Military Forces, U.S., *Statutes at Large, Treaties, and Proclamations of the United States of America* 13 (Boston, 1866).

Acts of the General Assembly of the State of Arkansas, Passed at the Session held at the Capitol, in the City of Little Rock, which began on Thursday, the Second day of April, A.D. Eighteen Hundred and Sixty-eight, and adjourned the twenty-third day of July Eighteen Hundred and Sixty-eight, to reassemble on the seventeenth day of November the same year. Little Rock: John G. Price, State Printer, 1868. No. 35.

Adams, Catherine and Elizabeth Pleck, *Love of Freedom: Black Women in Colonial and Revolutionary New England.* New York: Oxford University Press, 2010.

Adams-Campbell, Melissa. *New World Courtships: Transatlantic Alternatives to Companionate Marriage.* Dartmouth: Dartmouth College Press, 2015.

Adeleke, Tunde. *Without Regard to Race: The Other Martin Robinson Delany.* Jackson: University Press of Mississippi, 2003.

Alexander, Roberta Sue. *North Carolina Faces the Freedom: Race Relations During Presidential Reconstruction, 1865-67.* Durham: Duke University Press, 1985.

Allen, William G. *A Short Personal Narrative*. Ithaca: Cornell University Library Digital Collections, 1860.

Allen, William G. *The American Prejudice Against Color.* New York: Arno Press, 1969.

American Negro Academy. *The American Negro Academy Occasional Papers, 1-22.* New York: Arno Press, 1969.

Applebaum, Harvey. *Miscegenation Statues: A Constitutional and Social Problem.* Washington, D.C.: Georgetown University Law Center, 1964.

Ball, Erica L. *To Live and Antislavery Life: Personal Politics and the Antebellum Black Middle Class.* Athens: The University of Georgia Press, 2012.

Bartley, Numan V. *The Evolution of Southern Culture.* Athens: University of Georgia Press, 1988.

Baum, Dale. *Counterfeit Justice: The Judicial Odyssey of Texas Freedwoman Azeline Hearne.* Baton Rouge: Louisiana State University Press, 2009.

Bay, Mia. *The White Image in the Black Mind: African-American Ideas about White People, 1830-1925.* Oxford University Press: New York, 2000.

Berg, Manfred. *The Ticket to Freedom: The NAACP and the Struggle for Black Political Integration.* Gainesville: University Press of Florida, 2005.

Berlin, Ira, Joseph P. Reidy, and Leslie S. Rowlands, eds. *The Black Military Experience.* New York: Cambridge University Press, 1982.

Berry, Marry Frances. *The Pig Farmer's Daughter and Other Tales of American Justice: Episodes of Racism and Sexism in the Courts from 1865 to the Present.* New York: Alfred A. Knopf, 1999.

Bhusal, Ashok. "The Rhetoric of Racism and Anti-Miscegenation Laws in the United States," *Journal of Arts and Humanities,* 4 (Autumn 2017): 84-89.

Bigelow, Melville Madison ed. *The Acts and Resolves, Public and Private, of the Province of the Massachusetts Bay.* Vol. I. Boston: Wright & Potter, 1869.

Bishop, Joel Prentiss. *Commentaries on the Law of Marriage and Divorce, and Evidence in Matrimonial Suits*, 3rd ed. Boston: Little Brown, 1859.

Blassingame, John W. *Black New Orleans, 1860-1880.* Chicago: The University of Chicago Press, 1973.

Blassingame, John W. and John R. McKivigan, eds. *The Frederick Douglass Papers,* Vol 5. Yale University Press, 1992.

Blassingame, John W. and John R. McKivigan, eds. *The Frederick Douglass Papers: Series One: Speeches, Debates, and Interviews.* Vol. 4. New Haven: Yale University Press, 1991.

Blight, David. *Frederick Douglass: Prophet of Freedom.* New York: Simon and Schuster, 2018.

Blyden, Edward Wilmot. "Africa and the Africans." *Fraser's Magazine,* August 1878.

Botham, Fay. *Almighty God Created the Races: Christianity, Interracial Marriage, and American Law.* Chapel Hill: University of North Carolina Press, 2009.

Boulukos, George E. "Olaudah Equiano and the Eighteenth-Century Debate on Africa," *Eighteenth-Century Studies.* Vol. 40, No. 2 (Winter 2007).

Bracey, John H. Jr., August Meier, and Elliott Rudwick. *Black Nationalism in America.* Indianapolis: The Bobbs-Merrill Company, Inc., 1970.

Branam, Chris W. "The Africans Have Taken Arkansas": Political Activities of African Americans in the Reconstruction Legislature." *The Arkansas Historical Quarterly.* Vol. 73, No. 3 (Autumn 2014): 233-267.

Brattain, Michelle. "Miscegenation and Competing Definitions of Race in Twentieth-Century Louisiana." *Journal of Southern History,* 61 (August 2005): 621-58.

Brent, George Wilson. "Origins of the Race." *AME Church Review.* (January 1893).

Brown, Elsa Barkley. "Negotiating and Transforming the Public Sphere: African American Political Life in the Transition from Slavery to Freedom." *Public Culture* (1994): 107-146.

Brown, Hallie Q. *Homespun Heroines and Other Women of Distinction.* New York: Oxford University Press, 1988 [1926].

Brown, Kathleen. *Good Wives, Nasty Wenches & Anxious Patriarchs: Gender, Race, and Power in Colonial Virginia.* Chapel Hill: The University of North Carolina Press, 1996.

Burroughs, Nannie Helen. "Not Color but Character." *Voice of the Negro* Vol. 1. New York: Negro Universities Press, 1904.

Bynum, Victoria E. *Unruly Women: The Politics of Social and Sexual Control in the Old South.* Chapel Hill: The University of North Carolina Press, 1992.

Calvert, Robert and Arnoldo De Leon. *The History of Texas.* Arlington Heights, Ill.: Harlan Davidson, Inc. 1990.

Campbell, Randolph B. *An Empire for Slavery: The Peculiar Institution in Texas, 1821-1865.* Baton Rouge: Louisiana State University Press, 1989.

Campbell, Randolph B. ed. *The Laws of Slavery in Texas: Historical Documents and Essays.* Austin: University of Texas Press, 2010.

Carlson, A. Cheree. *The Crimes of Womanhood: Defining Femininity in a Court of Law*. Urbana: University of Illinois Press, 2009.

Carrol, Joseph. "Most Americans Approve of Interracial Marriages." *Gallop News Service,* August 16, 2007.

Carretta, Vincent ed., *Olaudah Equiano: The Interesting Narrative and Other Writings.* New York: Penguin Books, 2003.

Carter, Greg. *The United States of the United Races: A Utopian History of Racial Mixing.* New York: New York University Press, 2013.

Cashin, Sheryll. *Loving: Interracial Intimacy in America and the threat to White Supremacy.* Boston: Beacon Press, 2017.

Cecelski, David S. *Democracy Betrayed: The Wilmington Riot of 1898 and Its Legacy*. Chapel Hill: The University of North Carolina Press, 1998.

Chamberlin, J. Edward and Sander L. Gilman, eds. *Degeneration: The Dark Side of Progress.* New York: Columbia University Press, 1985.

Chateauvert, Melinda. "Framing Sexual Citizenship: Reconsidering the Discourse on African American Families." *The Journal of African American History,* Vol. 9. No. 2. (Spring 2008): 198-222.

Chesnutt, Charles. *Charles W. Chesnutt: Stories, Novels, and Essays.* New York: Literary Classics of the United States, 2002.

Chesnutt, Charles W. *Frederick Douglass: A Centenary Edition*. Atlanta, GA: Clark Atlanta University Press, 2001.

Child, Lydia Maria Francis. *The Oasis.* Boston: Benjamin C. Bacon, 1834.

Christler, Ethel Maude. "Participation of Negroes in the Government of Georgia, 1867-1870." (1932). *ETD Collection for AUC Robert W. Woodruff Library*. Paper EP15599.

Clinton, Catherine and Nina Silber, eds. *Divided Houses: Gender and the Civil War.* New York: Oxford University Press, 1992.

Coleman, Arica L. *That the Blood Stay Pure: African Americans, Native Americans, and the Predicament of Race and Identity in Virginia.* Bloomington: Indiana University Press, 2013.

Collins, Patricia Hill. *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment.* New York: Routledge, 2000.

Coryell, Janet L., Thomas H. Appleton, Jr., Anastatia Sims, Sandra Gioia Treadway., eds. *Negotiating Boundaries of Southern Womanhood: Dealing with the Powers that Be.* Columbia: University of Missouri Press, 2000.

Cott, Nancy. *Public Vows: A History of Marriage and the Nation.* Cambridge: Harvard University Press, 2000.

Cox, Samuel Sullivan. *Eight Years in Congress*. New York: D. Appleton and Company, 1865.

Craig-Henderson, Kellina. *Black Men in Interracial Relationships: What's Love Got to do with It?* New York: Routedge, 2017.

Craig-Henderson, Kellina. *Black Women in Interracial Relationships: In Search of Love and Solace*. New Brunswick: Transaction Publishers, 2011.

Croly, David Goodman and George Wakeman, *Miscegenation: The Theory of the Blending of the Races, Applied to the American White Man and Negro.* New York: H. Dexter, Hamilton & Co., 1864.

Crouch, Barry A. "The 'Chords of Love': Legalizing Black Marital and Family Rights in Postwar Texas," *Journal of Negro History,* 79, no. 4 (Fall 1994).

Daileader, Celia R. *Racism, Misogyny, and the Othello Myth: Inter-racial Couples from Shakespeare to Spike Lee.* Cambridge: Cambridge University Press, 2005.

Daniel, G. Reginald. *More Than Black? Multiracial Identity and the New Racial Order.* Philadelphia: Temple University Press, 2002.

Dann, Martin E., ed. *The Black Press: 1827-1890: The Quest for National Identity.* New York: Capricorn Books, 1972.

Davis, Allison, Burleigh B. Gardner, and Mary R. Gardner. *Deep South: A Social Anthropological Study of Caste and Class.* Chicago: Chicago University Press, 1941.

Davis, Angela. *Women, Race, and Class* New York: Random House, 1981.

Davis, Kingsley. "Intermarriage in Caste Societies." *American Anthropologist* Vol. 43 (1941): 376-395.

Dawson, Michael C. *Black Visions: The Roots of Contemporary African-American Political Ideologies.* Chicago: The University of Chicago Press, 2001.

Day, Beth. *Sexual Life Between Blacks and Whites: The Roots of Racism.* New York: World Publishing, 1972.

Day, Caroline Bond. *A Study of Some Negro-White Families in the United States.* Westport, CT: Negro Universities Press, 1932.

Debates and Proceedings of the Convention which Assembled at Little Rock, January 7, 1868 to form a Constitution for the State of Arkansas. Little Rock: J. G. Price, 1868.

Delany, Martin R. *Principia of Ethnology: The Origin of Races and Color*. Philadelphia: Harper and Brother, Publishers, 1888.

Delany, Martin Robinson. *The Condition, Elevation, Emigration, and Destiny of the Colored People of the United States.* Project Gutenberg EBook, [1852].

Digital Archive of Massachusetts Anti-Slavery and Anti-Segregation Petitions, Massachusetts Achieves, Boston, MA. https://doi.org/10.7910/DVN/FDFEX.

Dixon, Chris. *Perfecting the Family: Antislavery Marriages in Nineteenth-Century America.* Amherst: University of Massachusetts Press, 1997.

Douglass, Frederick. *Frederick Douglass: Autobiographies—Narrative of the Life of Frederick Douglass, an American Slave; My Bondage and My Freedom; and Life and Times of Frederick Douglass*. N.p.: The Library of America, 1994.

Douglass, Frederick. "The Future of the Negro," *North American Review*. (July 1884).

Douglass, Frederick. *Life and Times of Frederick Douglass*. 1892. Reprint, New York: Thomas Y. Crowell Company, 1966.

Douglass, Frederick. *Narrative of the Life of Frederick Douglass: An American Slave Written By Himself*. 1845. Reprint, New York: Signet Classic, 1997.

Douglass letter to Amy Post, August 27, 1884, The Gilder Lehrman Collection, The Gilder Lehrman Institute of American History, New York. https://www.gilderlehrman.org/collection/glc05819.

Downing, Karen, Darlene Nichols, Kelly Webster, eds. *Multiracial America: A Resource Guide on the History and Literature of Interracial Issues.* Lanham, Maryland: The Scarecrow Press, Inc., 2005.

Drake, St. Clair and Horace R. Cayton. *Black Metropolis: A Study of Negro Life in a Northern City.* 2 vols. New York: Harper and Row, 1962.

Du Bois, W.E.B. *Against Racism: Unpublished Essays, Papers, Addresses, 1887-1961*. Edited by Herbert Aptheker. Amherst: The University of Massachusetts Press, 1985.

Du Bois, W.E.B. "The Atlanta Conferences," *Voice of the Negro* Vol. 1. New York: Negro Universities Press, 1904.

Du Bois, W.E.B. *The Autobiography of W.E.B. Du Bois: A Soliloquy on Viewing My Life from the Last Decade of Its First Century*. 1968. Reprint, New York: International Publishers, 1979.

Du Bois, W.E.B. "Conservation of the Races." Washington, D.C.: The American Negro Academy Occasional Papers No. 2, 1897.

Du Bois, W.E.B. *Darkwater: Voices from Within the Veil*. 1920. Reprint, New York: Oxford University Press, 2007.

Du Bois, W.E.B. *Dusk of Dawn: An Essay Toward An Autobiography of A Race Concept*. 1940. Reprint, New Brunswick: Transaction Publishers, 1992.

Du Bois, W.E.B. *The Philadelphia Negro: A Social Study*. Philadelphia: University of Pennsylvania, 1899.

Du Bois, W.E.B. *The Souls of Black Folk.* 1903. Reprint, New York: Signet Classic, 1995.

duCille, Ann. *The Coupling Convention: Sex, Text, and Tradition in Black Women's Fiction.* Oxford: Oxford University Press, 1993.

Easton, Hosea. *To Heal the Scourge of Prejudice: The Life and Writings of Hosea Easton.* Amherst: University of Massachusetts Press, 1999.

Easton, Hosea. *A Treatise on the Intellectual Character, and Civil and Political Condition of the Colored People of the United States*. Boston: Isaac Knapp, 1837.

Edwards, Laura F. "'The Marriage Covenant is at the Foundation of all Our Rights': The Politics of Slave Marriages in North Carolina after Emancipation." *Law and History Review,* Vol. 14, No. 1 (Spring 1996): 81-124.

Elbert, Sarah, ed. *The American Prejudice Against Color: William G. Allen, Mary King, Louisa May Alcott.* Boston: Northeastern University Press, 2002.

Ellis, Reginald K. *Between Washington and Du Bois: The Racial Politics of James Edward Shepard.* Gainesville: The University Press of Florida, 2017.

Eubanks, W. Ralph. *The House at the End of the Road: The Story of Three Generations of an Interracial Family in the American South.* New York: Harper Collins Publishers, 2009.

Faber, Paul Lawrence. *Mixing Races: From Scientific Racism to Modern Evolutionary Ideas.* Baltimore: The John Hopkins University Press, 2011.

Federal Writers' Project: Slave Narrative Project, Vol. 16, Texas, Part 1, Adams-Duhon. 1936. Manuscript/Mixed Material.

Federal Writers' Project: Slave Narrative Project, Vol. 11, North Carolina, Part 1, Adams-Hunter. 1936. Manuscript/Mixed Material.

Ferris, William Henry. *The African Abroad, or His Evolution in Western Civilization, Tracing His Development under Caucasian Milieu.* New Haven, Conn.: Tuttle, Morehouse and Taylor Press, 1913.

Fitzhugh, George. *Sociology of the South*, *Or the Failure of Free Society.* Richmond: A Morris Publisher, 1854.

Fitzhugh, George. *Cannibals All!, or Slaves Without Masters.* Richmond: A Morris Publisher, 1857.

Foner, Phillip. *Frederick Douglass.* New York: The Citadel Press, 1969.

Foner, Phillip S. ed. *Frederick Douglass: Selected Speeches*. Chicago: Lawrence Hill Books, 1999.

Foner, Phillip and Robert James Branham, eds. *Lift Every Voice: African American Oratory 1787-1900.* Tuscaloosa: The University of Alabama Press, 1998.

Fort Bend County Clerk's Office, Richmond Texas. Estate of Alfred H. Foster. Letters of Testamentary, Fort Bend County Probate Records. Probate Case No. 67-CPR-000653.

Ford Bend County Tax Rolls, 1838-1910, Texas State Library Records Division, Office of the Tax Assessor-Collector, Microfilm, Reel 107901 (1838-1889), 107902(1889-1900), and 107903 (1900-1910).

Fortune, Thomas "Race Absorption." *AME Church Review.* 18 (July 1901).

Fought, Leigh. *Women in the World of Frederick Douglass.* New York: Oxford University Press, 2017.

Fout, John C. and Maura Shaw Tantillo, eds. *American Sexual Politics: Sex, Gender, and Race since the Civil War.* Chicago: The University of Chicago Press, 1993.

Foster, Frances Smith. *'Til Death or Distance Do Us Part: Love and Marriage in African America.* Oxford: Oxford University Press, 2010.

Fowler, David H. *Northern Attitudes Towards Interracial Marriage: Legislation and Public Opinion in the Middle Atlantic and the States of the Old Northwest, 1780-1930.* New York: Garland Publishing, Inc., 1987.

Fox-Genovese, Elizabeth. *Within the Plantation Household: Black and White Women of the Old South.* Chapel Hill: The University of North Carolina Press, 1988.

Frank, Katherine. *Wedlocked: The Perils of Marriage Equality: How African Americans and Gays Mistakenly Thought the Right to Marry Would Set Them Free.* New York: New York University Press, 2015.

Frankel, Noralee. *Freedom's Women: Black Women and Families in Civil War Era Mississippi.* Bloomington: Indiana University Press, 1999.

Frederickson, George. *The Black Image in the White Mind: The Debate on Afro-American Character and Destiny, 1817-1914.* Hanover, NH: Wesleyan University Press, 1971.

Funderburg, Lisa. *Black, White, Other: Biracial Americans Talk About Race and Identity.* New York: William Morrow and Company, 1994.

Gaines, Bishop Wesley John. *The Negro and the White Man*. Philadelphia: A.M.E. Publishing, 1897.

Gaines, Wesley. *Negro and the White Man.* Philadelphia: A.M.E. Publishing House, 1897.

Gaines, Kevin. *Uplifting the Race: Black Leadership, Politics, and Culture in the Twentieth Century.* Chapel Hill: The University of North Carolina Press, 1996.

Garnet, Henry Highland. *The Past and the Present Condition, and the Destiny of the Colored Race: A Discourse Delivered on the Fifteenth Anniversary of the Female Benevolent Society of Troy, New York*. Troy: Steam Press of J.C. Kneeland and Co., 1848.

Gatewood, Willard B. *Aristocrats of Color: The Black Elite, 1880-1920*. Bloomington: Indiana University Press, 1990.

Gerber, David A. *Black Ohio and the Color Line, 1860-1915.* Urbana: University of Illinois Press, 1976.

Gibson, Professor and Mrs. J.W. *Golden Thoughts on Chastity and Procreation Nation.* New York: J.L. Nichols & Co., 1903.

Gillmer, Jason. *Slavery and Freedom in Texas: Stories from the Courtroom, 1821-1871.* Athens: University of Georgia Press, 2017.

Gillmer, Jason A. "Lawyers and Slaves: A Remarkable Case of Representation from the Antebellum South." *University of Miami Race & Social Justice Law Review*, Vol. 1 (2011): page numbers. URL/DOI/online source.

Gilmore, Al-Tony. "Jack Johnson and White Women: The National Impact." *The Journal of Negro History,* Vol. 58, No. 1 (January 1973): 18-38. URL/DOI/online source.

Gold, Susan Dudley. *Supreme Court Milestones Loving v. Virginia: Lifting the Ban Against Interracial Marriage*. New York: Marshall Cavendish, 2008.

Gordon, Dexter B. *Black Identity: Rhetoric, Ideology, and Nineteenth-Century Black Nationalism.* Carbondale: Southern Illinois University Press, 2003.

Gordon-Reed, Annette. *The Hemingses of Monticello: An American Family.* New York: W.W. Norton & Company, 2008.

Gordon-Reed, Annette ed. *Race on Trial: Law and Justice in American History.* Oxford: Oxford University Press, 2002.

Graham-Du Bois, Shirley. *His Day Is Marching On*. Philadelphia: Lippincott, 1971.

Green, Sharony. *Remember me to Miss Louisa: Hidden Black-White Intimacies in Antebellum America.* Dekalb: Northern Illinois University Press, 2015.

Gregory, James M. *Frederick Douglass: The Orator*. 1893. Reprint, Chicago: Afro-Am Press, 1969.

Grimké, Angelina Emily. *Appeal to the Christian Women of the South*. American Anti-Slavery Society, 1836.

Grimké, Francis. "The Second Marriage of Frederick Douglass." *The Journal of Negro History* (1934).

Guess v. Lubbock 5 TX 535 (1851) https://www.ravellaw.com/opinions/32378eacd52e930160c86d203ea7b0d7.

Gullickson, Aaron. "Black-White Interracial Marriage Trends, 1850-2000." *Annual Meeting of the Population Association of America* (2006).

Gutman, Herbert G. *The Black Family in Slavery and Freedom.* New York: Pantheon Books, 1976.

Guy-Sheftall, Beverly. *Daughters of Sorrow: Attitudes Toward Black Women, 1880-1920*. New York: Carlson Publishing Inc, 1990.

Hahn, Steven. *A Nation Under Our Feet*. Cambridge: The Belknap Press of Harvard University Press, 2003.

Haley, James T. comp. *Sparkling Gems of Race Knowledge Worth Reading: A Compendium of Valuable Information and Wise Suggestions that Will Inspire Noble Effort at the Hands of Every Race-Loving Man, Woman, and Child.* Nashville: J.T. Haley, 1897.

Hall, Jacquelyn Dowd. *Revolt Against Chivalry: Jessie Daniel Ames and the Women's Campaign Against Lynching,* New York: Columbia University Press, 1979.

Hall, Raymond L. *Black Separatism in the United States.* Hanover, New Hampshire: University Press of New England, 1978.

Hall, Stephen. *Faithful Account of the Race: African American Historical Writing in Nineteenth-Century America.* Chapel Hill: The University of North Carolina Press, 2009.

Haller, Mark H. *Eugenics: Hereditarian Attitudes in American Thought.* New Brunswick: Rutgers University Press, 1984.

Hannaford, Iva. *Race: The History of an Idea in the West.* Baltimore: The Johns Hopkins University Press, 1996.

Harley, Sharon. "For the Good of Family and Race: Gender, Work, and Domestic Roles in the Black Community, 1880-1930." *Signs* V 15, No. 2 (Winter 1990): 336-349.

Hartman, Saidiya. *Scenes of Subjection: Terror, Slavery, and Self-Making in Nineteenth-Century America.* New York: Oxford University Press, 1997.

Hartman, Saidiya. "Seduction and the Ruses of Power." *Callallo* Vol. 19, No. 2 (Spring 1996).

Hening, William Walter comp. *The Statutes at Large: Being a Collection of All the Laws of Virginia (1619-1792)*. Vol. 2. Charlottesville: University Press of Virginia, 1969.

Hicks, Cheryl D. *Talk With You Like a Woman: African American Women, Justice, and Reform in New York, 1890-1935.* Chapel Hill: The University of North Carolina Press, 2010.

Higginbotham, Evelyn Brooks. *Righteous Discontent: The Women's Movement in the Black Baptist Church.* Cambridge: Harvard University Press, 1993.

Hine, Darlene Clark. "Rape and the Inner Lives of Black Women in the Middle West: Preliminary Thoughts on the Culture of Dissemblance." *Signs* 14 no. 4 (Summer 1989): 912-20.

Hinks, Peter P. *To Awaken My Afflicted Brethren: David Walker and the Problem of Antebellum Slave Resistance.* University Park: Penn State University Press, 2000.

Hobbs, Allyson. *A Chosen Exile: A History of Racial Passing in American Life.* Cambridge: Harvard University Press, 2014.

Hodes, Martha ed. *Sex, Love, Race: Crossing Boundaries in North American History.* New York: New York University Press, 1999.

Hodes, Martha. *White Women Black Men: Illicit Sex in the Nineteenth-Century South.* New Haven, CT: Yale University Press, 1997.

Hoffman, Frederick L. *Race Traits and Tendencies of the American Negro*. New York: American economic Association, 1896.

Holder, Ann S. "What's Sex Got to Do with It? Race, Power, Citizenship, and 'Intermediate Identities' in the Post-Emancipation United States." *The Journal of African American History*, Vol. 93, No. 2 (Spring 2008): 153-173.

Holland, Frederic M. *Frederick Douglass: The Colored Orator.* 1893. Reprint, New York: Haskell House Publishers Ltd., 1969.

Hollinger, David A. "Amalgamation and Hypodescent: The Question of Ethnoracial Mixture in the History of the United States." *The American Historical Review* 108 (2003): 1363-1390.

Holm, John James. *Holm's Race Assimilation: or, The Fading Leopard's Spots; A Complete Scientific Exposition of the Most Tremendous Question that has Ever Confronted Two Races in the World's History.* Naperville, Ill.: J.L. Nichols & Company, 1910.

Holsey, Bishop L.H. *Autobiography, Sermons, Addresses, and Essays of Bishop L.H. Holsey, D.D.* Atlanta: The Franklin Printing and Publishing Co., 1898.

Holsey, Lucius. "Race Segregation," in the National Sociological Society, *How to Solve the Race Problem: The Proceedings of the Washington Conference on the Race Problem in the United States.* Washington, D.C.: Beresford, Printing, 1904.

Horton, James Oliver. *Free People of Color: Inside the African American Community.* Washington: Smithsonian Institution Press, 1993.

Hume, France. Richard L. "The Arkansas Constitutional Convention of 1868: A Cast Study in the Politics of Reconstruction." *The Journal of Southern History* 39, no. 2 (May 1973).

Hunter, Tera W. *Bound in Wedlock: Slavery and Free Black Marriage in the Nineteenth Century.* Cambridge: The Belknap Press of Harvard University Press, 2017.

Jacobs, Harriet. *Incidents in the Life of a Slave Girl: Written by Herself.* Cambridge: Harvard University Press, 2000.

James, Davis F. *Who Is Black? One Nation's Definition.* University Park, Pennsylvania, The Pennsylvania State University Press, 2002.

Jefferson, Thomas. *Notes on the State of Virginia*. Ann Arbor: Text Creation Partnership, 2007 [1794].

Jenkins, Candice M. *Private Lives, Proper Relations: Regulating Black Intimacy.* Minnesota: University of Minnesota Press, 2007.

Jenks, Albert Ernest. "The Legal Status of Negro-White Amalgamation in the United States." *American Journal of Sociology* 21, No. 5 (March 1916): 666-678.

Jones, Jacqueline. *Labor of Love, Labor of Sorrow: Black Women, Work, and the Family from Slavery to the Present*. New York: Basic Books, 2010.

Journal of the Proceedings in the Constitutional Convention of the State of Mississippi (1868).

Jordan, Winthrop D. "American Chiaroscuro: The Status and Definition of Mulattoes in the British Colonies." *The William and Mary Quarterly.* Vol. 19, No. 2 (April 1962).

Jordan, Winthrop D. *White Over Black: American Attitudes toward the Negro, 1550-1812*. Chapel Hill: The University of North Carolina Press, 1968.

Kachun, Mitch. *Festivals of Freedom: Memory and Meaning in African American Emancipation Celebrations, 1808-1915.* Amherst: University of Massachusetts Press, 2003.

Kaplan, Carla. *Miss Anne in Harlem: The White Women of the Black renaissance*. Boston: Harper, 2013.

Kaplan, Sidney. "The Miscegenation Issue in the Election of 1864." *The Journal of Negro History* 34, No. 3 (July 1949).

Kennedy, Randall. *Interracial Intimacies: Sex, Marriage, Identity, and Adoption.* New York: Pantheon Books, 2003.

Kennedy, Randall. *Sellout: The Politics of Racial Betrayal.* New York: Pantheon Books, 2008.

Kerber, Linda K. "Abolitionists and Amalgamators: The New York City Race Riots of 1834." *New York History.* Vol. 48 No. 1 (January 1967).

Kingman, Bradford. *History of North Bridgewater, Plymouth County, Massachusetts, From its First Settlement to the Present Time.* Boston: Published by the Author, 1866.

Kinney, James. *Amalgamation!: Race, Sex, and Rhetoric in the Nineteenth-Century American Novel.* Westport, Connecticut: Greenwood Press, 1985.

Kinshasa, Kwando M. *Emigration vs. Assimilation: The Debate in the African American Press, 1827-1861.* Jefferson, North Carolina: McFarland & Company, Inc., 2012.

Klineberg, Otto, ed. *Characteristics of the American Negro.* New York: Harper and Brothers Publishers, 1944.

Kramer, Steve. "Uplifting Our "Downtrodden Sisterhood"" Victoria Earle Matthews and New York City's White Rose Mission, 1897-1907." *The Journal of African American History,* Vol. 91. No. 3 (Summer 2006): 243-266.

Kuby, William. *Conjugal Misconduct: Defying Marriage Law in the Twentieth-Century United States.* Cambridge: Cambridge University Press, 2018.

Langum, David. *Crossing Over the Line: Legislating Morality and the Mann Act.* Chicago: The University of Chicago Press, 1994.

Larsson, Clotye M., ed. *Marriage Across The Color Line*. Chicago: Johnson Publishing Company, 1965.

Lawson, Bill E. and Frank M. Kirkland, eds. *Frederick Douglass: A Critical Reader*. Malden, MA: Blackwell Publishers, 1999.

Lemire, Elise. *"Miscegenation": Making Race in America.* Philadelphia: University of Pennsylvania Press, 2002.

Lerner, Gerda. *The Creation of Patriarchy.* New York: Oxford University Press, 1986.

Letters Received, Office of the Adjutant General. "Racial Violence in the South, 1865-1866." Main Series, 1861-1870, Reel 505, National Archives.

Levine, Robert S. ed. *Martin Delany: A Documentary Reader.* Chapel Hill: The University of North Carolina Press, 2003.

Levine, Robert S. *Martin Delany, Frederick Douglass, and the Politics of Representative Identity.* Chapel Hill: The University of North Carolina Press, 1997.

Lewis, David. *W.E.B. Du Bois: Biography of a Race, 1868-1919*. New York: Henry Holt and Company, 1993.

Lewis, David Levering. *W.E.B. Du Bois: A Biography.* New York: Henry Holt and Company, 2009.

Lewis, Earl and Heidi Ardizzone. *Love on Trial: An American Scandal in Black and White.* New York: W.W. Norton and Company, 2001.

Lewis, Todd E. "William Henry Grey (1829-1888)." *The Encyclopedia of Arkansas History & Culture.* http://www.encyclopediaofarkansas.net/encyclopedia/entry-detail.aspx?entryID=5696.

Liles, Deborah M. and Angela Boswell. *Women in Civil War Texas: Diversity and Dissidence in the Trans-Mississippi*. Denton, Texas: UNT Press, 2016.

Little, Lawrence S. "The African Methodist Episcopal Church Media and Racial Discourse, 1880-1900." *The North Star: A Journal of African American Religious History.* Vol. 2, No. 1 (fall 1998): 1-14.

Livesay, Daniel "Emerging from the Shadows: New Developments in the History of Interracial Sex and Intermarriage in Colonial North America and the Caribbean." *History Compass.* 13/3 (2015).

Logan, F. *Negro in North Carolina, 1876-1890.* Chapel Hill: University of North Carolina Press, 1964.

Lopez, Haney. *White By Law: The Legal Construction of Race.* New York: New York University Press, 1996.

Love, E. K., and Daniel Murray Pamphlet Collection. Oration Delivered on Emancipation Day, January 2nd. [Savannah, GA.: s.n, 1888] Pdf. https://www.loc.gov/item/9189263/.

Lyons, Clare E. *Sex Among the Rabble: An Intimate History of Gender and Power in the Age of Revolution.* Chapel Hill: The University of North Carolina Press, 2006.

"Lynchings, by Year and Race, 1882-1968." The Charles Chesnutt Digital Archive. http://www.chesnuttarchive.org/classroom/lynching_table_year.html.

Mather, Frank Lincoln, ed. *Who's Who of the Colored Race.* Chicago: NP, 1925.

Matthews, Victoria Earle. "Aunt Lindy: A Story Founded on Real Life." Press of J.J. Little& Amp, 1893.

Matthews, Victoria Earle. "The Awakening of the Afro-American Woman," an address delivered at the Annual Convention of the Society of Christian Endeavor, San Francisco, July 11, 1897. New York: Published by the author, 1897.

Matthew, Victoria Earle. "Eugenie's Mistake: A Story." AME *Church Review*. (January 1892).

Matthews, Victoria Earle. "Some of the Dangers Confronting Southern Girls in the North." *Hampton Negro Conference, Number 11, July 1898*. Hampton, VA: Hampton Institute Press, [1898].

Martin, Waldo. *The Mind of Frederick Douglass.* Chapel Hill: The University of North Carolina Press, 1984.

McFeely, William. *Frederick Douglass*. New York: W.W. Norton & Company, 1991.

McKivigan, John and Heather Kaufman, eds. *In the Words of Frederick Douglass: Quotations from Liberty's Champion.* Ithaca: Cornell University Press, 2012.

Mencke, John G. *Mulattoes and Race Mixture: American Attitudes and Images, 1865-1918.* UMI Research Press, 1979.

Merrill, Walter M. ed. *The Letters of William Lloyd Garrison: No Union with the Slaveholders, 18414-1849.* Cambridge: The Belknap Press of Harvard University Press, 1973.

Merton, Robert K. "Intermarriage and the Social Structure: Fact and Theory." *Psychiatry* V 4 no. 3 (1941): 361-374.

Miletsky, Zebulon. "City of Amalgamation: Race, Marriage, Class and Color in Boston, 1890-1930." Ph.D. Dissertation, University of Massachusetts Amherst, 2008.

Miletsky, Zebulon. "The Dilemma of Interracial Marriage: The Boston NAACP and the National Equal Rights League, 1912-1927." *Historical Journal of Massachusetts,* Vol. 44 No. 1 (Winter 2006): 136-169.

Miller, Kelly. "As to the Leopard's Spots: An Open Letter to Thomas Dixon, Jr." Washington, D.C.: Howard University, 1905.

Miller, Kelly. "A Review of Hoffman's Race Traits and Tendencies of the American Negro." Washington, D.C.: The American Negro Academy Occasional Papers, No. 1

Mills, Gary B. "Miscegenation and the Free Negro in Antebellum 'Angle' Alabama: A Reexamination of Southern Race Relations." *The Journal of American History* 68 (1981).

Mississippi Black Code. *Laws of the State of Mississippi, Passed at a Regular Session of the Mississippi Legislature, held in Jackson, October, November and December, 1965, Jackson, 1866.* Jackson, Cooper and Kimball State Printer, 1869.

Mitchell, Michele. *Righteous Propagation: African Americans and the Politics of Racial Destiny After Reconstruction.* Chapel Hill: The University of North Carolina Press, 2004.

Moore, Jacqueline M. *Leading the Race: The Transformation of the Black Elite in the Nation's Capital.* Charlottesville: University Press of Virginia, 1999.

Moran, Rachel F. *Interracial Intimacy: The Regulation of Race and Romance.* Chicago: University of Chicago Press, 2001.

Morgan, A. T. *Yazoo, or on the Picket Line of Freedom in the South.* Washington, D.C.: Published by the Author, 1884.

Morgan, Edmund S. *American Slavery, American Freedom: The Ordeal of Colonial Virginia.* New York: W.W. Norton and Company, 1975.

Morton, Samuel George. *Crania Americana: Or a Comparative View of the Skulls of Various Aboriginal Nations of North and South America.* Philadelphia: J. Dobson, 1839.

Moses, Wilson. *Creative Conflict in African American Thought: Frederick Douglass, Alexander Crummell, Booker T. Washington, W.E.B. Du Bois, and Marcus Garvey*. New York: Cambridge University Press, 2004.

Moulton, Amber D. *The Fight for Interracial Marriage Rights in Antebellum Massachusetts.* Cambridge: Harvard University Press, 2015.

Mukhopadhyay, C.C., R. Henze, and Y.T. Moses. *How Real is Race? A Sourcebook on Race, Culture, and Biology.* Lanham, MD: Rowman & Littlefield, 2014.

Myers, Amrita Chakrabarti. *Forging Freedom: Black Women and the Pursuit of Liberty in Antebellum Charleston*. Chapel Hill: The University of North Carolina Press, 2011.

Myers, Peter. *Frederick Douglass: Race and the Rebirth of American Liberalism*. Lawrence: University Press of Kansas, 2008.

Myrdal, Gunnar. *An American Dilemma: The Negro Problem and Modern Democracy.* New Brunswick: Harper and Row Publishers, 1944.

Nash, Gary B. *Race and Revolution*. Madison, Wis.: Madison House, 1990.

Nash, Gary B. *Race, Class, and Politics: Essay on American Colonial and Revolutionary Society.* Urbana: University of Illinois Press, 1986.

Nelson, Julie. "Have We A Cause: The Life of Helen Pitts Douglass, 1838-1903." (Master's Thesis, Shippensburg University, 1995.

Nieman, Donald G. ed. *Black Southerners and the Law: 1865-1900.* New York: Garland Publishing, Inc., 1994.

Newbeck, Phyl. *Virginia Hasn't Always Been for Lovers: Interracial Marriage Bans and the Case of Richard and Mildred Loving.* Carbondale: Southern Illinois University Press, 2004.

Newby, I.A. *Jim Crow's Defense: Anti-Negro Thought in America, 1990-1930.* Baton Rouge: Louisiana State University Press, 1965.

Nott, Josiah C. *An Essay on the Natural History of Mankind: Viewed in Connection with Negro Slavery.* N.p.: Thomas Dade, 1851.

Novkov, Julie. *Racial Union: Law, Intimacy, and the White State in Alabama, 1865-1954.* Ann Arbor: University of Michigan Press, 2008.

Nyong'o, Tavia. *The Amalgamation Waltz: Race, Performance, and the Ruses of Memory.* Minneapolis: University of Minnesota Press, 2009.

Official Proceedings of the Republican National Convention Held at Chicago, June 3, 4, 5, and 6, 1884. Charles W. Johnson, Publisher 1903.

Onwuachi-Willig, Angela. *According to Our Hearts: Rhinelander v. Rhinelander and the Law of the Multiracial Family.* New Haven: Yale University Press, 2013.

Oritz, Paul. "'Like Water Covered the Sea': the African American Freedom Struggle in Florida, 1877-1920." Dissertation, Duke University, 2000.

Papers of the NAACP, Microfilm Edition. Intermarriage File, Part 11, Series B, Reel 2.

Pascoe, Peggy. *What Comes Naturally: Miscegenation Law and the Making of Race in America.* Oxford: Oxford University Press, 2009.

Patton, Lori D. "Preserving Respectability or Blatant Disrespect." *International Journal of Qualitative Studies in Education.* Vol. 27 Issue 6 (2014).

Penn, Irvin Garland and John Wesley Edward Bowen, eds. *The United Negro: His Problems and His Progress, Addresses and Proceedings of the Negro Young People's Christian and Educational Congress.* Atlanta, D.E Luther Publishing Co., 1902.

Penningroth, Dylan C. "African American Divorce in Virginia and Washington, D.C., 1865-1930." *Journal of Family History,* Vol. 33, No. 1 (January 2008): 21-35.

Porter, Dorothy. *Early Negro Writing, 1730-1837.* Boston: Beacon Press, 1971.

Powell, Carolyn. "'What's Love Got To Do With It?'": The Dynamics of Desire, Race and Murder in the Slave South." PhD Diss., University of Massachusetts Amherst (2002).

Pratt, Richard H. "The Advantages of Mingling Indians with Whites," *Americanizing the American Indians: Writings by the 'Friends of the Indian' 1880-1900.* Cambridge: Harvard University Press, 1973.

Price, George R. and James Brewer Stewart, eds. *To Heal the Scourge of Prejudice: The Life and Writings of Hosea Easton.* Amherst: University of Massachusetts Press, 1999.

Proceedings of the Freedmen's Convention of Georgia, Assembled at Augusta, January 10, 1866, Augusta: Published by Order of the Convention (1866).

Quarles, Benjamin. *Frederick Douglass.* New York: Atheneum, 1948.

Quarles, Benjamin, ed. *Great Lives Observed: Frederick Douglass*. Englewood Cliffs, NJ: Prentice-Hall, Inc., 1968.

Redkey, Edwin S. *Black Exodus: Black Nationalists and Back-to-Africa Movements, 1890-1910.* New Haven: Yale University Press, 1969.

Remond Family Papers. Charles Lenox Remond Letters. The Phillips Library at the Peabody Essex Museum.

Renda, Mary A. *In Talking Haiti: Military Occupation and the Culture of U.S. Imperialism 1915-1940.* Chapel Hill: The University of North Carolina Press, 2001.

Reuter, E.B. "The Superiority of the Mulatto." *American Journal of Sociology,* V 23, No. 1 (July 1917): 83-106.

Reuter, Edward Byron. *Race Mixture: Studies in Intermarriage and Miscegenation*. New York: McGraw-Hill Book Company, Inc., 1931.

Richards, Leonard L. *"Gentlemen of Property and Standing": Anti-Abolition Mobs in Jacksonian America.* Oxford: Oxford University Press, 1970.

Richter, Jeremy. "Alabama's Anti-Miscegenation Statutes." *The Alabama Review* 68 (October 2015).

Ripley, C. Peter ed. *The Black Abolitionist Papers Volume 3.* Chapel Hill: The University of North Carolina Press, 1991.

Robers, J.A. *As Nature Leads: An Informal Discussion of the Reasons Why Negro and Caucasian are Mixing in Spite of Opposition.* Baltimore: Black Classic Press, 1987 [1919].

Roberts, Randy. *Papa Jack: Jack Johnson and the Era of White Hopes.* New York: The Free Press, 1983.

Roberts, Robert Edward Thomas. "Negro-White Intermarriage: A Study of Social Control." Dissertation for University of Chicago Department of Anthropology, 1940.

Robinson, Charles F. "'Most Shamefully Common': Arkansas and Miscegenation," *The Arkansas Historical Quarterly.* 60, No. 3 (Autumn, 2001).

Robinson, Charles R. "The Antimiscegenation Conversation: Love's Legislated Limits, 1868-1967." Ph.D. Dissertation, University of Houston, 1998.

Robinson, Charles R. *Dangerous Liaisons: Sex and Love in the Segregated South.* Fayetteville: University of Arkansas Press, 2002.

Romano, Renee C. *Race Mixing: Black-White Marriage in Postwar America.* Cambridge: Harvard University Press, 2003.

Rosen, Hannah. *Terror in the Heart of Freedom: Citizenship, Sexual Violence, and the Meaning of Race in the Postemancipation South.* Chapel Hill: The University of North Carolina Press, 2008.

Rosenfeld, Michael J. "A Critique of Exchange Theory in Mate Selection." *AJS* V 110 no. 5 (March 2005): 1284-1325.

Rothman, Joshua D. *Notorious in the Neighborhood: Sex and Families Across the Color Line in Virginia, 1787-1861.* Chapel Hill: University of North Carolina, 2003.

Russell, Kathy. Midge Wilson, and Ronald Hall, *The Color Complex: The Politics of Skin Color Among African Americans.* New York: Harcourt Brace Jovanovich Publishers, 1992.

Sandweiss, Martha A. *Passing Strange: A Gilded Age Tale of Love and Deception Across the Color Line.* New York: The Penguin Press, 2009.

Scarborough, William Sanders. *The Autobiography of William Sanders Scarborough.* Detroit: Wayne State University Press, 2005.

Scarborough, William Sanders. "Race Integrity." *Voice of the Negro,* V 4 no. 5 (May 1907).

Scarborough, W.S. "The Exodus—A Suicidal Scheme." *Christian Recorder.* (January 3, 1878).

Schafer, Judith K. "'Open and Notorious Concubinage': The Emancipation of Slave Mistresses by Will and the Supreme Court in Antebellum Louisiana." *Louisiana History: The Journal of the Louisiana Historical Association,* Vol. 28, No. 2 (Spring 1987): 165-182.

Schafer, Judith Kelleher. *Slavery, the Civil Law, and the Supreme Court of Louisiana.* Baton Rouge: Louisiana State University Press, 1994.

Seventieth Annual Report of the American Colonization Society. Washington, D.C.: American Colonization Society, 1887.

Sexton, Jared. *Amalgamation Schemes: Antiblackness and the Critique of Multiracialism*. Minneapolis: The University of Minnesota Press, 2008.

Shah, Courtney Q. *Sex Ed, Segregated: The Quest for Sexual Knowledge in Progressive Era America.* Rochester: University of Rochester Press, 2015.

Shaw, Stephanie. *What a Woman Ought to Be and To Do: Black Professional Women Workers During the Jim Crow Era.* Chicago: The University of Chicago Press, 1996.

Shockley, Ann Allen. *Afro-American Women Writers, 1746-1933.* Boston: G.K. Hall & Co., 1988.

Simpson, Craig M. *A Good Southerner: The Life of Henry A. Wise of Virginia*. The University of North Carolina Press, 1985.

Simmons, LaKisha Michelle. *Crescent City Girls: The Lives of Young Black Women in Segregated New Orleans.* Chapel Hill: University of North Carolina Press, 2015.

Sollors, Werner. *Interracialism: Black-White Intermarriage in American History, Literature, and Law.* Oxford: Oxford University Press, 2000.

Spencer, John Michael. *The New Colored People: The Mixed-Race Movement in America.* New York: New York University Press, 1997.

Spickard, Paul R. *Mixed Blood: Intermarriage and Ethnic Identity in Twentieth-Century America.* Madison: The University of Wisconsin Press, 1989.

Smith, Charles E. "Negro-White Intermarriage: Forbidden Sexual Union." *The Journal of Sex Research*, Vol. 2, No. 3 (November 1966): 169-177.

Smith, Earl and Angela J. Hattery. *Interracial Intimacies: An Examination of Powerful Men and their Relationships Across the Color Line.* Durham: Carolina Academic Press, 2009.

Smith, John David. *An Old Creed for the New South: Pro-Slavery Ideology and Historiography, 1865-1918.* Westport, Conn.: Greenwood Press, 1985.

Smith-Pryor, Elizabeth M. *Property Rites: The Rhinelander Trial, Passing, and the Protection of Whiteness*. Chapel Hill: The University of North Carolina Press, 2009.

Smith-Rosenberg, Carroll. *Disorderly Conduct: Visions of Gender in Victorian America.* New York: Alfred A. Knopf, 1985.

Sundstrom, Ronald. *The Browning of America and the Evasion of Social Justice*. Albany: State University of New York Press, 2008.

Sundquist, Eric J. ed. *Frederick Douglass: New Literary and Historical Essays.* Cambridge: Cambridge University Press, 1990.

Stanton, William. *The Leopard's Spots: Scientific Attitudes toward Race in America, 1815-59.* Chicago: The University of Chicago Press, 1960.

Stauffer, J.L. ed. *The Works of James McCune Smith: Black Intellectual and Abolitionist.* Oxford: Oxford University Press, 2006.

Stein, Edward. "Past and Present Proposed Amendments to the United States Constitution Regarding Marriage." *Washington University Law Review.* 82 U.L.Q. 611 (2004).

Stephens, Gregory. *On Racial Frontiers: The New Culture of Frederick Douglass, Ralph Ellison, and Bob Marley*. Cambridge: The University of Cambridge, 1999.

Sterling, Dorothy, ed. *We Are Your Sisters; Black Women in the Nineteenth Century.* New York: W.W. Norton and Company, 1984.

Stewart, T. McCants. *Liberia: The Americo-African Republic.* New York: Edward O. Jenkins' Sons, 1886.

St. Hilaire, Joseph M. "The Negro Delegates in the Arkansas Constitutional Convention of 1868: A Group Profile," *The Arkansas Historical Quarterly.* 33, no. 1 (Spring 1974).

Swigert, Jacob. *A Digest of the General Laws of Kentucky.* Cincinnati: R. Clarke, 1866.

Syrett, Nicholas. "Miscegenation Law and the Politics of Mixed-Race Illegitimate Children in the Turn-of-the-Century United States." *Journal of the History of Childhood and Youth* 11 (January 2018).

Talty, Stephan. *Mulatto America: At The Crossroads of Black and White Culture: A Social History.* New York: Harper and Row, 2003.

Tappan, Lewis. *Life of Arthur Tappan.* New York: Hurd and Houghton, 1870.

Terrell & Walker, *The Texas Reports: Cases Adjudicated in the Supreme Court.* Volume 49. Houston: EH. Cushing Publisher, 1883.

Thornbrough, Emma Lou. *T. Thomas Fortune: Militant Journalist*. Chicago: The University of Chicago Press, 1972.

Turner, Henry McNeal. "On the Anniversary of Emancipation," an address for the Emancipation Day Anniversary Celebration in Augusta, Georgia on January 1, 1866.

Van Tassel, Emily Field. "'Only the Law Would Rule Between Us': Antimiscegenation, the Moral Economy of Dependency, and the Debate over Rights After the Civil War." *Chicago-Kent Law Review* (1995): 873-926.

Vital Records of Medway, Massachusetts to the Year 1849. Boston: New England Genealogical Society, 1905.

Walker, A.S. Sr., ed. *The Texas Reports: Cases Adjudged in the Supreme Court.* Volume 84. The State of Texas, 1892.

Walker, David. *David Walker's Appeal to the Colored Citizens of the World.* University Park: The Pennsylvania State University Press, 2002.

Wallenstein, Peter. *Tell the Court I Love My Wife: Race, Marriage, and Law—An American History.* New York: Palgrave Macmillan, 2002.

Wallenstein, Peter. *Race, Sex, and the Freedom to Marry.* Lawrence: University of Kansas Press, 2014.

Wallenstein, Peter. "Reconstruction, Segregation, and Miscegenation: Interracial Marriage and the Law in the Lower South, 1865-1900." *American Nineteenth Century History,* Vol. 6, No. 1 (March 2005): 57-76.

War, William E. "Charles Lenox Remond: Black Abolitionist, 1838-1873." PhD Dissertation Clark University (1977).

Ward, Geoffrey C. *Unforgivable Blackness: The Rise and Fall of Jack Johnson.* New York: Vintage Books, 2004.

Washington, Booker T. *Frederick Douglass*. 1906. Reprint, New York: Argosy-Antiquarian LTD, 1969.

Weierman, Karen Woods. *One Nation, One Blood: Interracial Marriage in American Fiction, Scandal, and Law, 1820-1870.* Amherst: University of Massachusetts Press, 2005.

Wells, Ida B. *Crusade for Justice: The Autobiography of Ida. Be Wells.* Chicago: University of Chicago Press, 1970.

Wells, Ida B. *A Red Record: Lynchings in the United States.* Chicago: 128 Clark Street, 1895.

Wells, Ida B. *Southern Horrors: Lynch Law in All Its Phases.* New York: The New York Age Print, 1892.

Wheelock, E.M. *Reports of Cases Argued and Decided in the Supreme Court of the State of Texas During The Latter Part of the Second Annual Session of the Court, Commencing the First Monday of December, 1871*. St. Louis: The Gilbert Book Company, 1882.

White, Deborah Gray. *Too Heavy a Load: Black Women in Defense of Themselves, 1894-1994.* New York: W.W. Norton and Company, 1999.

White, Shane. *Prince of Darkness: The Untold Story of Jeremiah G. Hamilton, Wall Street's First Black Millionaire*. New York: St. Martin's Press, 2015.

Whiting, Gloria McCahon. "Power, Patriarchy, and Provision: African Families Negotiate Gender and Slavery in New England." *Journal of American History.* Vol. 105 Issue 3 (December 2016).

Wilkinson, AB. "People of Mixed Ancestry in the Seventeenth-Century Chesapeake: Freedom, Bondage, and the Rise of Hypodescent Ideology." *Journal of Social History* 52 (Spring 2019): 593-618.

Wilkinson, Doris Y. *Black Male/White Female: Perspectives on Interracial Marriage and Courtship.* Rochester: Schenkman Books, Inc, 1975.

Williams, Andrea N. *Dividing Lines: Class Anxiety & Postbellum Black Fiction.* Ann Arbor: The University of Michigan Press, 2013.

Williamson, Joel. *New People: Miscegenation and Mulattoes in the United States.* New York: The Free Press, 1980.

Williams, Patricia J. *The Alchemy of Race and Rights.* Cambridge: Harvard University Press, 1991.

Williams, Sylvanie Francaz. "The Social Status of the Negro Woman." *Voice of the Negro* V 1. New York: Negro Universities Press, 1904.

Wilson, Anne. *Mixed Race Children: A Study of Identity.* London: Allen and Unwin, 1987.

Woodson, Carter G. *Free Negro Heads of Families in the United States in 1830.* Washington, D.C., 1925.

Wright, James D., ed. *International Encyclopedia of the Social & Behavior Sciences.* Amsterdam: Elsevier, 2015.

Yee, Shirley. *Black Women Abolitionists: Study in Activism, 1828-1860.* Knoxville: The University of Tennessee, 1992.

Zangrando, Robert L. *The NAACP Crusade against Lynching, 1909-1950.* Philadelphia: Temple University Press, 1980.