

PERSECUTION AND PERSEVERANCE: BLACK-WHITE INTERRACIAL  
RELATIONSHIPS IN PIEDMONT, NORTH CAROLINA

by

Casey Moore

A thesis submitted to the faculty of  
The University of North Carolina at Charlotte  
in partial fulfillment of the requirements  
for the degree of Master of Arts in  
History

Charlotte

2017

Approved by:

---

Dr. Aaron Shapiro

---

Dr. David Goldfield

---

Dr. Cheryl Hicks



## ABSTRACT

CASEY MOORE. Persecution and perseverance: Black-White interracial relationships in Piedmont, North Carolina. (Under the direction of DR. AARON SHAPIRO)

Although black-white interracial marriage has been legal across the United States since 1967, its rate of growth has historically been slow, accounting for less than eight percent of all interracial marriages in the country by 2010. This slow rate of growth lies in contrast to a large amount of national poll data depicting the liberalization of racial attitudes over the course of the twentieth-century. While black-white interracial marriage has been legal for almost fifty years, whites continue to choose their own race or other races and ethnicities, over black Americans. In the North Carolina Piedmont, this phenomenon can be traced to a lingering belief in the taboo against interracial sex politically propagated in the 1890s.

This thesis argues that the taboo surrounding interracial sex between black men and white women was originally a political ploy used after Reconstruction to unite white male voters. In the 1890s, Democrats used the threat of interracial sex to vilify black males as sexual deviants who desired equality and voting rights only to become closer to white females. Their campaign championed white supremacy and united all classes of white men by declaring it their Christian duty to protect white womanhood from black men. This tactic resulted in a landslide victory for Democrats in the 1898 election, while also leading to an increase in vigilantism as white men began increasingly lynching black men for sexual crimes against white women.

While the taboo had its origins in the nineteenth-century, it remained in the state to some degree throughout the twentieth-century. The threat of racial mixing was used as an excuse to fight school integration in the 1950s. And in the 1960s, North Carolina witnessed the largest Ku Klux Klan reemergence of any southern state, coming to power with a familiar message: white supremacy, Christian duty and the protection of white women from deviant black men.

This thesis further argues that the early criminalization of black men and deeply engrained taboo against racial mixing has continued to affect the white approval rate of interracial marriages and white approval in North Carolina. In 1976 two magistrates in Winston-Salem refused to marry a black-white couple because of deeply held religious beliefs against racial mixing. In the late 1980s, a Catawba County black-white couple reported having a cross burned on their lawn. While black-white interracial marriages were legal after 1967, a national Gallup poll found white approval of interracial marriage did not breach fifty percent until the late 1990s.

While white North Carolinians did not publicly denounce interracial relationships and marriage, some discrimination still lingered privately and into the mid-1990s, interracial couples in the state continued to face disapproval from family members who believed such unions were unnatural. While the taboo against interracial marriage still exists for some North Carolinians, national studies depict that these tend to be older, white southerners who lived through segregation. White acceptance, however, should continue to rise with future generations of North Carolinians, who, studies have shown, are less inclined to view these relationships as taboo.

## DEDICATION

I must thank my family, especially my grandfather Pinkney Hull, for welcoming and loving my husband; proving that growth, love, and acceptance are possible at any stage in life.

## ACKNOWLEDGEMENTS

First and foremost, I would like to thank my thesis advisor, Dr. Aaron Shapiro, who provided suggestions, support, and countless office hours to help me understand and interpret this topic. I would also like to thank my other committee members: Dr. David Goldfield and Dr. Cheryl Hicks whose comments and support helped to narrow my focus and create this thesis. My husband, Chris Moore, also must be acknowledged for providing technical assistance and helping me to interpret the quantitative data presented in this thesis.

## INTRODUCTION

In 1944, Swedish economist Gunnar Myrdal published a study on American race relations that exposed the influence of sexuality on segregation in the South. He argued that sex was the principle “around which the whole structure of segregation of the Negro” was organized. Social segregation, he found, could only be explained as a way to thwart the races from viewing one another as equals and possibly intermarrying.<sup>1</sup> While Myrdal’s observations depicted the South in general, his findings are relevant to North Carolina’s history specifically. To preserve the southern social order after Reconstruction, North Carolina’s political leaders engaged in a rhetorical battle to control the state which strategically utilized interracial sex and racial mixing. At the turn of the century, Democrats in the state used newspapers to print political propaganda vilifying black men as sexual predators while celebrating the white woman as the pillar of white supremacy.

The campaign was a success. Antimiscegenation laws became more rigid and penalties increased. State and local judges established precedents invalidating out of state marriages and began using the court system to determine a person’s racial lineage. The number of black men lynched for sexual crimes against white women increased sharply after the campaign, as did the number of crimes committed against black men in the name of white supremacy. Fears of racial mixing, perpetrated by sensationalist news stories, helped pave the way for Democrats to take over the state politically and push for the enforcement of antimiscegenation laws and protection of white purity. In less than a

---

<sup>1</sup> Gunnar Myrdal, *An American Dilemma* (New York, NY: Harper and Brothers, 1944), 587, 606.

decade, North Carolina Democrats had engrained the social taboo and fear of race mixing as inborn southern values, while coaxing the poor, white vote. Their campaign was so successful that remnants of the taboo remained in the white community into the late twentieth-century and continued to affect the rate of growth of black-white relationships and couples themselves.

While researching black-white relationships, several questions drove my research. My first goal was to learn the extent to which black-white interracial couples were able to engage in relationships prior to the repeal of antimiscegenation laws and to learn how such relationships were policed. Second, in the period after *Loving*, I sought to understand if discrimination against black-white couples persisted and to what degree. Last, I wanted to compare experiences of couples in the Piedmont region of North Carolina to national polling data documenting the growing approval rate of interracial marriage amongst whites to learn the extent to which racial taboos had eroded in the state and what might have caused this change.

This thesis argues that the creation of the taboo surrounding black-white interracial sex, while originally politically motivated, remained in the state to some degree throughout the twentieth-century. In the 1940s and 1950s, black men continued to be persecuted for supposed sexual crimes against white women; their persecutors using the same rhetoric Democrats forged in the 1890s. Likewise, interracial couples continued to be tried and convicted for violating antimiscegenation laws by biased judges and juries comprised of white men. Verdicts and judicial opinions were often steeped in religious language; another turn of the century political tactic to convince southern white men that the protection of white womanhood was their Christian duty. Evidence of the continuity



of this belief can be found as late as 1976, when two Winston-Salem magistrates refused to marry a blind, interracial couple.

Some interracial couples in the state reported discrimination even in the late twentieth-century. Oral histories and interviews conducted by the author revealed that while it had become politically incorrect to publicly denounce interracial couples or disapprove of interracial marriages, some North Carolinians still did so privately. Discrimination ranged from couples receiving poor service at restaurants to rude stares and verbal remarks. In the late 1980s, one couple reported having a cross burned on their lawn in rural Catawba County. The discrimination suffered by interracial couples must also be understood in terms of national public opinion polls which also reflected white disapproval in the time period.

While the continuity of the taboo is difficult to measure, opinion polls and scientific studies, paired with census data, have shown that the growth of black-white interracial marriage remains slow and that white approval of these marriages only breached fifty percent nationally in the late 1990s. Sociologists have historically studied interracial marriage by interviewing interracial couples. These studies research the conditions under which the races are likely to intermarry and the experiences couples have once married. Fewer studies have focused on a specific region, like the South, and Robert P. McNamara's work *Crossing the Line* was one of the first to look at a specific state, South Carolina, in 1999. In the 1990s, some studies analyzed the etiology of approval toward interracial marriages using sociodemographic and political indicators.<sup>2</sup>

---

<sup>2</sup> See: C. Y. Fang, J. Sidanius, and F. Pratto, "Romance Across the Social Status Continuum: Interracial Marriage and the Ideological Symmetry Effect," *Journal of Cross-Cultural Psychology*, 29 no. 2, 1998, 290-305; H. Schuman et al., *Racial Attitudes in America: Trends and Interpretations* (Cambridge, MA:

Ewa A. Golebiowska extended the study of approval into the twenty-first century by using data from the 2000 General Social Survey to investigate the role of racial stereotypes in how whites view blacks and black-white intermarriage. While her study was national in scope, her research offered some insight into regional differences, finding that the most influential indicator of disapproval of intermarriage was the belief in historically biased stereotypes of blacks in general.<sup>3</sup>

Historians have approached the history of interracial marriage differently as well. Historians Martha Hodes and Glenda Gilmore have written extensively on the topic of North Carolina and their work is instrumental in examining interracial relationships in the antebellum period, as well as the political use of racial stereotyping and the effect it had on interracial relationships.<sup>4</sup> Scholarship by Renee C. Romano, Peter Wallenstein, Peggy Pascoe, and Rachel F. Moran remain critical to understanding the subject of twentieth and twenty-first century black-white relationships. Their work focuses mainly on the creation of colonial miscegenation laws, and interracial marriage from the post-bellum period to after the 1967 *Loving* decision. Wallenstein, Pascoe and Moran write from a mostly legal perspective and tend to incorporate other races and ethnicities into their discussion, while Romano's work represents the social and, to an extent legal history of

---

Harvard University Press, 1997); S. Welch et al., *Race and Place: Race Relations in an American City* (Cambridge, UK: Cambridge University Press, 2001)

<sup>3</sup> Ewa A. Golebiowska, "The Contours and Etiology of Whites' Attitudes Toward Black-White Interracial Marriage," *Journal of Black Studies* 38, no. 2 (November 2007), 268-287.

<sup>4</sup> Martha Elizabeth Hodes, *White Women, Black Men: Illicit Sex in the Nineteenth-Century South* (New Haven, CT: Yale University Press, 1997) and Glenda Gilmore, *Gender and Jim Crow: Women and Politics of White Supremacy in North Carolina, 1896-1920* (Chapel Hill, NC: University of North Carolina Press, 1996)

black-white unions in America. Wallenstein is the only historian to have published research specifically surrounding North Carolina couples and miscegenation laws.<sup>5</sup>

Romano's work heavily influenced how this thesis measured the declining taboo against interracial marriage in North Carolina. *Race Mixing* placed miscegenation within the growing Civil Rights movement blooming by the end of World War II. The work traced changing attitudes regarding black-white relationships through popular culture, such as films and articles in *Life* and *Ebony* magazine, and through Gallup poll data that began tracking American attitudes toward interracial intimacy in 1958.<sup>6</sup> Romano examined the erosion of miscegenation taboos in America after the *Loving* decision and the effect of those taboos on interracial family life and the children of interracial couples. Romano concluded that while *Loving* helped to eliminate some of the tension surrounding black-white relationships, the social taboo remains in America to some degree. This thesis parallels Romano's argument and Golebiowska's findings that the lagging rate of black-white interracial marriage in the twenty-first century is linked in part to the continuity of the taboo against black-white intermarriage.

This thesis uses national data, local news sources, legal cases, oral histories, and interviews with interracial couples to depict the persecution and perseverance of black-white relationships in North Carolina. Focusing on the Piedmont region provides a balance of rural and urban areas, including three major cities, Raleigh, Greensboro, and Charlotte, that played prominent roles in the state's civil rights efforts. This work relies

---

<sup>5</sup> Renee Christine Romano, *Race Mixing: Black-White Marriage in Postwar America* (Cambridge, MA: Harvard University Press, 2003), Peggy Pascoe, *What Comes Naturally: Miscegenation Law and the Making of Race in America* (Oxford, England: Oxford University Press, 2009), Peter Wallenstein, *Tell the Court I Love My Wife: Race, Marriage, and Law: An American History* (New York: Palgrave Macmillan, 2002) and Rachel F Moran, *Interracial Intimacy: The Regulation of Race & Romance*. (Chicago: University of Chicago Press, 2001)

<sup>6</sup> Romano, *Race Mixing*, 45.

heavily on local news outlets to gauge public opinion surrounding specific events and to illuminate how Democrats used the press. Many of the state's early newspapers were subsidized by political parties or partisan organizations and after the Civil War. Several newspapers became "the leading lights of North Carolina journalism" throughout the century, including the *Raleigh News and Observer*, *Charlotte Observer*, *Asheville Citizen-Times*, *Statesville Record and Landmark*, *Durham Herald-Sun* and *Winston-Salem Journal*.<sup>7</sup> Depictions of race in the press rose alongside the white supremacy political movement in the 1890s and race became a controversial but intriguing topic for readers. The state's newspapers depicted a clear lack of respect for blacks and often failed to condemn lynch mobs. Josephus Daniels, editor of the *Raleigh News and Observer*, managed to turn the newspaper into "arguably the most powerful political voice in North Carolina."<sup>8</sup> The *Charlotte Observer* was politically independent and attempted to avoid controversial topics, however the paper endorsed white supremacy laws.<sup>9</sup> Improved transportation only increased the circulation and influence of papers in Charlotte, Raleigh and Greensboro meaning a large portion of the Piedmont population were reading the same stories of white supremacy and black male sexual lust.

Examining the North Carolina Piedmont, the subsequent chapters narrow the history of black-white interracial sex and relationships even further by focusing mainly on black men and white women and the white community's response to their existence as interracial couples. These relationships were the most taboo, and the most regulated, because of the threat they posed to white purity and white supremacy. Regulation of these

---

<sup>7</sup> William S. Powell, *Encyclopedia of North Carolina* (Chapel Hill, NC: The University of North Carolina Press, 2006), 795.

<sup>8</sup> Ibid., 796.

<sup>9</sup> Ibid., 204.

unions dates to the colonial period, when a child's lineage was maternal. Whereas the union of black women and white men would produce an enslaved child, a child born to a white woman would be free. Furthermore, relationships between white men and black women were often manifestations of white male privilege and occurred regardless of consent before the Civil War and even after, as countless men were found innocent of raping black women into the 1950s.<sup>10</sup> The goal of this project is to reveal consensual relationships and document the creation of the taboo surrounding interracial sex. As a result, it is important to discuss the implications the taboo had for black men, how they were targeted as sexual deviants, and the lengths to which couples journeyed in order to stay together.<sup>11</sup> The early criminalization of black men, I argue, has continued to affect the white approval rate of interracial marriages and white approval in North Carolina.

Individuals involved in interracial marriages have attempted to create a zone of privacy, which makes it difficult to find historical evidence of their lives, even their existence. The stories of those who have married interracially can be found in legal documents, studies, interviews, and oral histories and they illuminate the degree to which couples were persecuted by the state, and sometimes, how they persevered. Many suggested the 2008 election of President Barack Obama was proof that America had become a post-racial society. While radical changes in America over the last sixty years have increased general acceptance of interracial marriages, not all of the country's hearts and minds have been altered. While discrimination still happens in the North Carolina

---

<sup>10</sup> See Danielle L. McGuire, *At the Dark End of the Street: Black Women, Rape, and Resistance—a New History of the Civil Rights Movement from Rosa Parks to the Rise of Black Power* (New York, NY: Vintage, 2011).

<sup>11</sup> While many of the accounts and couples presented in this thesis suggest that romance is the prime motivation for viewing couples and their relationships, other reasons have been documented to explain the choice to date interracially. These include the belief in "marrying up," assimilation, economic motivations, and cultural rebellion. Romano, *Race Mixing*, 138.

Piedmont, couples agree that it has only become easier to marry interracially and raise a family in the state. Although the number of black-white interracial couples continue to be a small portion of marriages throughout the country, that does not mean they are not significant. If anything, their presence is a testament to changes in the state and the eventual end to an antiquated taboo.

## TABLE OF CONTENTS

LIST OF FIGURES	xvii
CHAPTER ONE: LEGISLATING MISCEGENATION: EXTENDING TABOOS INTO THE MID TWENTIETH CENTURY	1
DETERMINING RACE IN THE ANTEBELLUM PERIOD	4
THE ORIGINS OF “MISCEGENATION”	17
RECONSTRUCTION POLITICS AND RACE	23
THE QUESTION OF INTERSTATE-COMITY	27
FROM THE 1890S TO THE TWENTIETH-CENTURY: MISCEGENATION’S LASTING LEGACY	36
MISCEGENATION ON TRIAL IN THE TWENTIETH-CENTURY	46
THE CASE AGAINST SAM MILLER	49
CONCLUSION	55
CHAPTER TWO: MISCEGENATION’S MAJOR HURDLES: INTEGRATION, LEGALITY, AND SOCIAL ACCEPTANCE	58
DISCRIMINATION IN THE POST-WAR ERA	61
BLACK MEN ON TRIAL: THE 1950S	69
THE KU KLUX KLAN IN NORTH CAROLINA	82
PUBLIC OPINION AND INTERRACIAL UNIONS	90
IN THE WAKE OF <i>LOVING V. VIRGINIA</i>	97
LOVE IS BLIND, JUSTICE IS NOT	105
CONCLUSION	112

CHAPTER THREE: AT THE CENTURY'S CLOSE	115
SOCIAL ACCEPTANCE AND NORTH CAROLINA COUPLES	118
"IT'S AMAZING, THE POWER OF A BABY"	131
ATTITUDES AND FEARS	134
CONCLUDING THOUGHTS	140
 WORKS CITED	 142



## LIST OF FIGURES

FIGURE ONE: N.C. LYNCHING BY YEAR AND OFFENSE	40
FIGURE TWO: BLACK-WHITE PUBLIC APPROVAL OF INTERRACIAL MARRIAGE	102
FIGURE THREE: PERCENTAGE OF BLACK-WHITE MARRIAGE NATIONALLY	117

## CHAPTER ONE: LEGISLATING MISCEGENATION: EXTENDING RACIAL TABOOS INTO THE MID TWENTIETH-CENTURY

In October of 1943, Sam Miller sat before a jury of white men in Newton, North Carolina, to defend his out-of-state marriage to Josephine Shook—a white girl, fifteen years his junior—and to defend his racial lineage. A string of local white men were paraded before the jury. Their testimony would ultimately decide Miller’s paternal lineage and specify his race. Dr. Fred Long, Miller’s delivering physician, argued that Miller was mixed race because “[his] scrotum or private organs were darker” upon his birth.<sup>12</sup> White male community members testified to local hearsay that Miller’s supposed father was an African American. Although these accounts contradicted his own mother’s testimony that Miller’s father was white and a completely different man, the white male authority on the witness stand was enough to convince the jury. Ultimately, the court decided that Miller was “about 3/8 negro,” leading the jury to deny him any further contact with his wife, lest he serve time in prison.<sup>13</sup>

The antiquated law which led to Miller’s conviction first dated to the 1700s and barred intermarriage between whites and blacks, amongst other groups. In 1741 the law began to define a person’s racial makeup by forbidding whites to intermarry anyone black to the third generation.<sup>14</sup> The law was then added to the post-Reconstruction North Carolina constitution as an amendment in 1875 and the subsequent decades were used to

---

<sup>12</sup> *State v. Miller*, 224 N.C. 228 (1944), 6.

<sup>13</sup> *State v. Miller*, 224 N.C. 228 (1944), 7.

<sup>14</sup> North Carolinians were considered black if one grandparent was of African heritage, making their racial makeup one-eighth black.

launch a new era of prosecution for interracial couples. Citing the threat of black male rape in the aftermath of emancipation, politically motivated Democrats used the threat of racial mixing to suppress the rights of North Carolina freedmen—solidifying racial taboos that continued to affect interracial marriages well into the early twentieth-century.

Miller appealed his guilty fornication verdict twice, resulting in two trials between 1942 and 1943, but the evidence used to prove his racial makeup was an archaic social construction that had allowed white men to mask their contempt for racial mixing under the guise of protecting white purity since the eighteenth-century. Why was a law defining the racial makeup of an African American and dating to 1741, still being used to decide interracial marriage cases over two hundred years later? And what compelled magistrates to cite personal religious beliefs as a reason to refuse to marry an interracial couple in Winston-Salem, nine years after *Loving v. Virginia* struck down southern miscegenation laws? Historically, North Carolinians have used legislation and the court system to restrict the civil liberties of interracial couples. Although the state voted to repeal the miscegenation amendment upon adopting the 1971 constitution, the state's habit of using legislation to promote racial purity, to reinforce the social taboos against interracial marriages, and to legislate marriage in general has historical precedence.<sup>15</sup>

Although interracial cohabitation was illegal in the state, there are several examples of couples who had relationships in the Piedmont, prior to 1850. These examples establish that while social taboos against interracial mixing existed, they were

---

<sup>15</sup> In 2012, voters overwhelmingly approved adding Amendment One to the constitution, making it unconstitutional for the state to recognize or perform same-sex marriages. Sixty-one percent of North Carolinians approved the ban, with many voters justifying their vote by citing their religious beliefs. The amendment was deemed unconstitutional two years after enactment. See: Tom Curry, "North Carolina Approves Ban on Same-Sex Marriage by Wide Margin," NBC Politics, May 8, 2012.

not typically enforced through violence and lynching. The reluctant tolerance of these couples waned quickly, however, in the decade before the Civil War. During Reconstruction, North Carolina became one of the few southern states that maintained their ban on black-white interracial marriage, despite Republican control of the General Assembly. Regardless of the illegality of mixed-race marriage, some couples from the Piedmont region of North Carolina took advantage of South Carolina's repeal of miscegenation law, and wed in the neighboring state. This practice led to a number of couples prosecuted for miscegenation and fornication and adultery, pressing state and local judges to quickly establish precedents to invalidate marriages and use the court system to verify a person's racial lineage. While some of these judges attempted to uphold the rule of law over their personal biases, they would eventually succumb to the politics of the era and newly entrenched taboos against interracial cohabitation. Fears of racial mixing, perpetrated by sensationalist news stories, helped pave the way for Democrats to take over the state politically in the 1870s and late 1890s and push for the enforcement of miscegenation and protection of white purity.

As a result of this effort, white supremacists used their power as elected officials in the post-Reconstruction era to both recreate and reinforce racial taboos that would influence the biases of North Carolinians and continue to impact the state's interracial couples. Historical accounts of these marriages originate in sources such as state court minutes, legal opinions, and through examples of public backlash in local newspapers, which often suppressed the black voice. Regardless, examples of interracial couples cohabiting, marrying, and producing children can all be found in the state's Piedmont region. While most of the historical evidence of these couples must be gathered from

their legal prosecutions, these examples still serve as proof that interracial relationships were formed—some even acknowledged and tolerated by the white community—and some eventually flourished, regardless of the potential threat of violence stemming from the political agenda of the state’s Democrats after the Civil War.

#### DETERMINING RACE IN THE ANTEBELLUM PERIOD

North Carolina was the fourth colony to enact a law barring interracial union, seeking to create distinction between the colony’s black slaves and white indentured servants. Created to curtail the birth of mulatto children, the law also established the groundwork needed to create the state’s racial hierarchy. In 1662, Virginia became the first colony to depart from England’s inheritance tradition which allowed children to inherit their father’s status. Legislating the status of children meant black-white mixed race children born in Virginia could be sold as servants, denied government positions and overwhelmingly stripped of their civil rights.<sup>16</sup> The law also excused the behavior of white men who historically “enjoyed ready and open access to black and mulatto women as a mark of their untrammelled freedom and privilege.”<sup>17</sup> North Carolina followed the colonial precedent set by Virginia, as did other slave colonies. The state’s 1715 law dictating sexual mores was also important since a mixed-race child born to a white woman would inherit her status, denying the colony of its natural born labor force and creating the potential for the child to inherit property. The law stated “no White man or woman shall intermarry with any Negro, Mulatto or Indyan [sic.] Man or Woman,” and

---

<sup>16</sup> Rachel F. Moran, *Interracial Intimacy: The Regulation of Race and Romance* (Chicago, IL: The University of Chicago Press, 2001), 21.

<sup>17</sup> Moran, *Interracial Intimacy*, 24.

penalized the white perpetrator by imposing a fifty pound fine.<sup>18</sup> In *North Carolina Through Four Centuries*, Walter S. Powell estimated there were around 1,000 blacks living in the colony at the time the law was established. Slavery was legally recognized in 1665, and by the time voting and marriage rights had been denied to slaves five decades later, “Blacks, both slave and free, were considered to be a separate social group.”<sup>19</sup>

By 1741 the state had enacted a new law that further prohibited intermarriage between the previously mentioned groups, but also began to define race. The act stated “that if any white Man or Woman, being free, shall intermarry with an Indian, Negro, Mustee [a mixed race Native American], or Mulatto Man or Woman, or any person of mixed Blood to the Third Generation, bond or free, he shall... forfeit and pay the Sum of Fifty pounds.” The language used in “An Act Concerning Marriage” depicted the social stigma of intermarriage. The purpose given for outlawing potential unions was “for Prevention of that abominable Mixture and spurious issue which hereafter may increase in this Government” if the marriages were allowed. The law further forbade any minister or justice of the peace from performing such marriages, lest the union add to an abhorrent class of mulattos.<sup>20</sup>

Punishing the white perpetrator for interracial cohabitation was not uncommon prior to the Civil War. In his essay “The Enforcement of Anti-Miscegenation Laws,” Randall Kennedy linked the practice to both the white assumption that “blacks were too irresponsible and inferior to punish,” and to the belief that whites were responsible for

---

<sup>18</sup> “Acts of the North Carolina General Assembly. 1715-1716,” Documenting the American South: Colonial and State Records of North Carolina, 2004.

<sup>19</sup> Walter S. Powell, *North Carolina Through Four Centuries* (Chapel Hill, NC: The University of North Carolina Press, 1989), 116.

<sup>20</sup> “Acts of the North Carolina General Assembly, 1741,” Documenting the American South: Colonial and State Records of North Carolina, 2004.

maintaining white racial purity. By upholding white women as the keepers of this racial purity, the “racial regulation of intimacy... not only pitted colored people against white people,” it also pitted the sexes against each other.<sup>21</sup> These social conventions directly affected white women by subjecting them to the most severe punishments for racial transgressions and by creating a group of “gatekeepers” who would need white male protection from freedmen after the Civil War. In her monograph *Interracial Intimacy*, Rachel F. Moran asserted “these laws stripped whites of racial privileges based on their intimacy with blacks,” in an effort to degrade whites into upholding racial purity.<sup>22</sup> Given this heavy burden of responsibility, it is little wonder that white women in the North Carolina Piedmont attempted to abort children, commit infanticide, or accuse their lover of rape in an effort to conceal the products of their illicit affairs.

In an effort to legislate black freedom and control property inheritance, social stigmas dictating interracial unions were created. These taboos also reinforced the emerging racial hierarchy in the state. Moran traced colonial racial mixing laws to the consolidation of slavery in the late seventeenth-century, when such marriages became dangerous. Interracial relationships created a problem for white society as they:

enabled black women to control access to their sexuality through marriage, and... black men to occupy a superior position to white women in a patriarchal institution that treated the husband as master. Marriages across the color line could give blacks and their mixed race offspring access to white economic privileges by affording them the property protections that marriage and inheritance laws offered.

---

<sup>21</sup> Randall Kennedy, “The Enforcement of Anti-Miscegenation Laws.” In *Interracialism: Black-White Inter-marriage in American History, Literature, and Law*, edited by Werner Sollors, 144-145. Oxford: Oxford University Press, 2000.

<sup>22</sup> Moran, *Interracial Intimacy*, 20.

Aside from inherited property, racial mixing threatened the “presumption that blacks were subhuman slaves incapable of exercising authority, demonstrating moral responsibility, and capitalizing on economic opportunity.”<sup>23</sup> In short, mixed-marriages had the potential to prove blacks were adept human beings and therefore could potentially threaten the perpetuated illusions of black ineptitude that slavery was built upon.

The illegality of interracial unions did not stop interracial cohabitation from happening. Mecklenburg County wills recorded one instance of a potential relationship. In 1821, James Potts noted he had purchased a plantation on Rocky River from “John Gillespie and the negro woman Sue.” Although the nature of their relationship was not dictated within the will, the language used assumed that Sue not only resided on the plantation, but that she shared some type of ownership with Gillespie.<sup>24</sup> Another example, found in an 1813 runaway slave advertisement from the same county was recorded in the *Raleigh Register and North Carolina Weekly Advertiser*. Nicholas Gibney advertised the flight of his slave Jim, writing it was “Probable that he has a white woman with him as one that he was too intimate with was seen with him 15 miles beyond Lincolnton.”<sup>25</sup>

These examples are informative in the language used to describe interracial unions. Both excerpts discussed the women in a passive manner that acknowledged that while interracial cohabitation was illegal, relationships were not only happening, they

---

<sup>23</sup> Ibid., 19.

<sup>24</sup> Herman W. Ferguson, *Mecklenburg County, North Carolina: Will Abstracts, Tax Lists*. (Rocky Mount, NC 1993), 586.

<sup>25</sup> Nicholas Gibney, "Twenty Dollar Reward," *Raleigh Register and North Carolina Weekly Advertiser*, January 29, 1813. North Carolina Runaway Slave Advertisements Digital Collection.



were also not being prosecuted. Martha Hodes also noted this phenomenon in her monograph *White Women, Black Men*. Hodes' research found that local white communities were often knowledgeable about interracial sex—even when it pertained to black men and white women—and most often moved to prosecute the couple only when marriage or a child were involved. The explanation for this lack of action was the institution of slavery, “for under slavery such liaisons did not sufficiently threaten the social and political hierarchy,” like they would after emancipation.<sup>26</sup> Community status of the white individual was also a factor in potential unions and if they were tolerated by whites prior to the 1850s. Hodes found evidence of this, and to the extent the local white community tolerated such relationships, in the case of a white servant named Polly Lane and a slave named Jim, in Davidson, North Carolina.

The case resulting from Polly and Jim's union was indeed atypical. Around the age of eighteen, Polly Lane had been hired out to a yeomen family, the Peppingers, in her native Davidson County. Her employment as a servant “was a mark of borderline poverty” for the Lanes, and in a county that was 75 percent white, Polly joined a household consisting of white masters, four-hundred-acres of farmland, and ten slaves.<sup>27</sup> In the fall of 1825, Polly accused the slave Jim of rape; an accusation that led to a fast conviction and his death sentence. However, void of the mob violence and lynching that southern communities would come to associate with accusations of rape in the post-Civil

---

<sup>26</sup> Martha Elizabeth Hodes, *White Women, Black Men: Illicit Sex in the Nineteenth-Century South* (New Haven, CT: Yale University Press, 1997), 6-7.

<sup>27</sup> *Ibid.*, 40.

War period, county residents eventually shifted their sympathies to the slave Jim upon learning of Polly's pregnancy two months later.<sup>28</sup>

The pregnancy sparked local gossip that forced the community to re-analyze the court proceedings. Polly had denied consensual sex and that she was pregnant during her testimony; however, witnesses painted a different picture. Another Peppinger slave and a white boy testified to having come upon the couple in the woods, having seen the couple in bed together, and to overhearing the couple question Polly's pregnancy. A fellow slave, Dick, alleged Polly had offered him money if he could "get her something to destroy it [the fetus]." <sup>29</sup> Despite Dick's testimony and Jim's lawyer's use of white witnesses to prove the couple had "carried on an illicit intercourse with each other," Jim was found guilty of rape. These transcripts provide another detail of the story; that this interracial union was locally known.<sup>30</sup> Even Polly's father acknowledged that the couple were probably involved, and that it was likely the broader community knew of the affair. Why, then, had no legal action been taken against Polly?

In *Romance and Rights*, Alex Lubin argued that the policing of interracial relationships happened at the local and community level prior to the Civil War. Communities did not always consider this a pivotal obligation, however, which led to the creation of relationships that had the potential to thrive. Although laws existed to curb these relationships they, "were sporadically enforced and only entered local public-sphere politics when interracial sexuality affected property relations"—in Polly's case, the birth

---

<sup>28</sup> Until the beginning of the nineteenth-century, it was considered medically impossible to become pregnant as a result of rape. In Polly's trial, four separate doctors submitted statements affirming this belief, stating "without an excitation of lust, or the enjoyment of pleasure in the venereal act, no conception can probably take place." This explains the community response to Polly's accusations upon learning of her pregnancy. See Hodes, *White Women, Black Men*, 47.

<sup>29</sup> Ibid., 41.

<sup>30</sup> Ibid., 42.

of a potential heir.<sup>31</sup> Rachel Moran reiterated this claim adding that communities tolerated relationships as long as they “left norms of racial and sexual privilege intact.” This is why cohabitation between a white woman and black man could be “dismissed as indecent and depraved,” but allowed to continue so long as it existed on the fringes of white society—but a mixed race child changed the nature of the affair.<sup>32</sup> Given this, it is probable Polly’s social class was the reason for the community indifference and both she and Jim were likely viewed as ill-reputed characters.<sup>33</sup> One juror admitted that the case proved that “in the neighborhood, a greater intimacy existed between the blacks and whites than [was] usual or considered decent.”<sup>34</sup> But at this point, the relationship had only been an affair. Now Polly would be mother to a mulatto child. The majority of the community responded with petitions to the governor to pardon Jim, and threats against Polly to shift the crime from rape to illegitimacy—an act which would lay the blame on the mother. However, some community members were still sympathetic to Polly, as she evaded her arrest for bastardy by fleeing her home until after her child’s birth.

Living in the rural Piedmont, Polly would have been aware of options available to her to navigate an illegitimate pregnancy. In the same region, Hodes found five examples of women who had either married white men prior to giving birth to biracial children, hidden the pregnancy and birth until the child could be removed, or engaged in total abandonment of the child or infanticide.<sup>35</sup> Polly Lane would have also known how easily

---

<sup>31</sup> Alex Lubin, *Romance and Rights: The Politics of Interracial Intimacy, 1945-1954* (Jackson, MS: University Press of Mississippi, 2005), 4.

<sup>32</sup> Moran, *Illicit Sex*, 23.

<sup>33</sup> Hodes, *White Women Black Men*, 41, 44. Dick’s testimony commonly grouped Polly with slaves, when speaking about white citizens. The couple were also accused of stealing \$200 from a Mr. Palmer in the days prior to the rape, leading to the end of Polly’s employment and plans to sell Jim.

<sup>34</sup> *Ibid.*

<sup>35</sup> *Ibid.*, 51-54.

a woman's reputation and future marriage prospects could be forfeited if she engaged in a consensual relationship with a black man or had his child. At least three white women between 1818 and 1859 were targets of "local tattling" after their affairs with black men were uncovered, one having an account of her illicit fornication nailed to a tree for the community to read. Of course, proof of these events come from the transcripts of trials where the white community prosecuted women for their actions, or where gossip culminated in slander lawsuits.<sup>36</sup>

Had Jim been a free man, Polly may not have felt the need to accuse him of rape. By 1850 a local court in the North Carolina Piedmont had set a precedent ordering that free black men were "bound to support their bastard children, whether begotten upon a free white woman or a free black woman."<sup>37</sup> This case is interesting for several reasons. In the 1820s and 1830s the General Assembly passed various laws to regulate the free black population of the state and to limit their emigration. These provisions made it almost impossible for masters to free their slaves, for freed slaves to reside in the state, and greatly limited a free black man's interaction with slaves and white citizens.<sup>38</sup> Despite these strict laws and illegality of interracial cohabitation, the court felt the need to mandate paternal duty and force fathers to support their offspring. This case, like that of Polly and Jim's, suggests that prior to the Civil War, white communities were more concerned with biracial, illegitimate children and where they would fit into racial hierarchy, than they were policing interracial sex.

---

<sup>36</sup> Ibid., 53.

<sup>37</sup> Ibid., 54.

<sup>38</sup> "An Act Concerning Slaves and Free People of Color." From Documenting the American South. University of North Carolina, Chapel Hill.

The case of Polly and Jim was atypical in that the community, by their failure to act to stop the illicit relationship, had created the circumstances in which a mulatto would be born into their midst. After Candas Lane's birth, community members took it upon themselves to determine the child's race, with one defending his claim of the child's black lineage by citing "the deep yellow color of the fingers near the roots of the nails, and the darker color of the upper lip near the nose, and the very back cast of its eyes and hair, and the retraction of the hair when stretched, and the figure of the nose, and from the unusually large size and clamminess of the feet."<sup>39</sup> As this case shows, a child did not need to be physically examined by a doctor to have its racial make up validated. Based on these opinions from white community members, the local doctor determined Candas to be black without visually examining the child. These same methods of assessment would be used all over the country until at least the 1940s to determine a child's race.<sup>40</sup>

Candas' birth and subsequent race determination proved Polly's guilt as a fornicator and perjurer and resulted in a pardon for slave Jim, who was most likely sold out of the county following his master's initial plan.<sup>41</sup> As for the child, she was born free following Polly's status, but was forced to work as a servant, either because of her racial makeup or because of her inherited improvised status. This case study should not be viewed as a typical reaction to charges of rape by white women. Hodes noted two examples of executions resulting from rape charges in 1801 and 1838 in the state, both cases being tried in court, and considering the black man's character and white woman's social standing as determining factors. Hodes points to "property rights and the value of

---

<sup>39</sup> Hodes, *White Women, Black Men*, 55-56.

<sup>40</sup> See: Frank W. Sweet, *Legal History of the Color Line: The Rise and Triumph of the One-drop Rule* (Palm Coast, FL: Backintyme, 2005), 444. And *State v. Miller*, 224 N.C. 228 (1944).

<sup>41</sup> Hodes, *White Women, Black Men*, 67.

slave labor, an alleged victims moral reputation, and white fears about black male sexuality” as sources of community tension following rape accusations.<sup>42</sup>

These early cases depict the degree to which white communities were willing to uphold the social taboos surrounding interracial relationships. In these cases, the woman’s social rank and reputation determined the community’s response, and in areas such as the Piedmont, where fewer families held slaves, courts were not quick to deprive a master of his property. These sentiments began to wane in the wake of the Civil War with supposed threats of race-mixing linked to the Republican Party platform. Prior to 1860, the courts began to hear new cases concerning the affairs of white women and black men, with accusations stemming not from slanderous local gossip but white yeomen farmers.

The push to enforce the state’s racial hierarchy did not initially come from elite white males who often owned slaves, but from yeomen’s utilization of the judicial system; a practice that attempted to force judges and legislators to place white supremacy above the written law. Although the courts were closed to one-third of the state’s enslaved population, John W. Wertheimer argued that the ability of “non-elite white men... to seek divorce in court, was significant,” and that their insistence for judges to define race and promote racial hierarchy, was ultimately a push to “persuade elite judges to inscribe white supremacy into law.”<sup>43</sup> Two very similar divorce appeals from 1832 make his point, and also illustrate the judicial system’s influence over race in the state—a

---

<sup>42</sup> Hodes, *White Women, Black Men*, 57.

<sup>43</sup> John Wertheimer, *Law and Society in the South: A History of North Carolina Court Cases* (Lexington, KY: University Press of Kentucky, 2009), 14-15.

practice that would initially uphold cultural conservatism over white supremacy, but later would use its power to prevent interracial unions.

In 1832, two separate men filed divorce appeals for the same reason—their wives had birthed mulatto children. The cases are notable for several reasons. First, the state Supreme Court would hear these cases the same year idealistic Jacksonian Democrats influenced the legislature to propose bills that would drastically limit the power of elite judges.<sup>44</sup> Second, democratization had led to an increase in power for non-elite whites, like yeomen farmers, that brought with it total disfranchisement for free blacks and by virtue, more clearly defined racial lines. Wertheimer argued “Jacksonian democratizers sought, among other things, to sharpen racial distinctions,” and this new clarity would not fare well for a white household raising a biracial child.<sup>45</sup> Third, the cases are notable because although the circumstances were extremely similar and the same justices presided over both cases, only one culminated in divorce.

In the late 1820s, Marville Scroggins of Buncombe County and Jesse Barden of Wayne Count both filed for divorce after realizing their white wives had given birth to biracial children. Scroggins contended that “all hopes of happiness” had dissipated with the news, which Barden mirrored by writing in his appeal for divorce that the realization had “completely ruined his peace and happiness for life.”<sup>46</sup> Their divorce filings place both couples as members of the middling yeomanry; their status making a legal divorce

---

<sup>44</sup> By December of 1832, several propositions had been proposed in the General Assembly to cut the salaries of state Supreme Court justices, to mandate popular election of court clerks and most radical of all, to abolish the North Carolina Supreme Court in favor of seven judicial circuits. Wertheimer argues the last proposition was a clear message to Ruffin and his brethren that democratizers were coming for their elite power, and they were traveling on the shoulders of public opinion. *Ibid.*, 18-19.

<sup>45</sup> *Ibid.*, 21.

<sup>46</sup> *Ibid.*, 13.

necessary as they would have needed it to resolve property disputes.<sup>47</sup> After losing in superior court and appealing their decisions, their cases were heard in North Carolina's Supreme Court in December 1832, with Justice Thomas Ruffin presiding.

The Scroggins and Barden cases created political snares for the state's highest court and Justice Ruffin because they "pitted two of the day's top social values—marital sanctity and white supremacy—against each other."<sup>48</sup> Ruffin was a well known planter, slave owner, and politician, who would briefly leave politics to preside over the North Carolina State Bank in 1828, before his election to the state Supreme Court. As a political elite, he believed it his Christian duty to uphold the sanctity of marriage in the state, for marriage loopholes in other states, like Virginia, paved the way for a record number of divorce cases. Yeomen, on the other hand, cared more about matters of race since black suppression helped elevate their social hierarchy. In order to get a divorce, both men would have to "win the approval of the elite planters who dominated the state's legal machinery."<sup>49</sup> Why then, did the court approve Barden's divorce and not Scroggins, if the two men had similar cases, and Ruffin was a staunch advocate of marital sanctity?

Wertheimer argued the *Scroggins* ruling was the elite judiciary's cultural conservatism entering North Carolina common law in the form of Christian duty and marital sanctity. Clearly, Marville Scroggins had a stronger claim for divorce. Scroggins' wife had given birth four and a half months after being wed, meaning Scroggins could have been oblivious to his wife's affair. Barden married his wife sometime after his child

---

<sup>47</sup> Jesse Barden had at least one slave, which he sold to George Y. Lowe before March 22, 1832. On that date, Lowe reported the slave Mike's disappearance in the *Fayetteville Weekly Observer*, noting "I had him from Jesse Barden of Wayne County, North Carolina, where he had a wife." A \$100 reward was offered for his apprehension. See George Y. Lowe, "\$100 Reward," *Fayetteville Weekly Observer*, March 27, 1832. And *Ibid.*, 16.

<sup>48</sup> *Ibid.*, 19.

<sup>49</sup> Wertheimer, *Law and Society in the South*, 15.



was born. In terms of legal aid, both men hired lawyers to work their initial cases, but only Scroggins sent a lawyer to the North Carolina Supreme Court to argue his appeal. The reason for the reversal of opinion seems to lie outside the court, with public opinion.

Historians Martha Hodes, Hendrik Hartog and Peter Bardaglio all qualified the public outcry assertion. In their view, the public backlash following the *Scroggins* decision and its failure to punish the illicit behavior of Marville Scroggin's wife, led the court to back down and allow Barden's divorce. Wertheimer reached a different conclusion, however, arguing that Ruffin's "about-face" was a conspicuous bow to public opinion that "invited future courts to ignore his reversal and abide by the powerful pro-marriage reasoning in *Scroggins*." Ruffin averted crisis by appearing to bend to public will in a way that "inoculated his court against democratic reform," thereby protecting the power of the elite.<sup>50</sup> In support of his argument, Wertheimer found no evidence of public outcry in local newspapers, and instead found a wily politician in Justice Ruffin who was able to deflect public disapproval and avoid responsibility for his own rulings.

Scroggins was denied his divorce, but Ruffin blamed the decision on an ambiguous 1827 statute that revoked the previous impotence and adultery specifications for divorce and now allowed the state's courts to grant divorces as they saw fit. He then reflected on the sacredness of marriage and chastised Scroggins for his inability to gauge the bride's character prior to their divorce. Ruffin knew the case may cause public backlash so he "plastered *Barden* with detour signs urging future jurists to ignore what they were reading and return to *Scroggins*."<sup>51</sup> Interestingly, Ruffin questioned the public's ability to testify to racial makeup by stating that Jesse Barden "did not, and

---

<sup>50</sup> Ibid., 14.

<sup>51</sup> Ibid., 24.

could not, from inspection, ascertain the truth' regarding the child's lineage... as he would have had to prove that 'upon inspection at the time the real color was not so obvious as to be detected by the petitioner, or a person of ordinary diligence and intelligence.'" The same form of community testimony that sealed the fate of Candace Lane's racial lineage and would do the same for countless others into the 1940s, could be dismissed as unreliable if the case was being decided in the white plaintiff's favor. Ruffin ended his opinion by stating the ruling was "a concession to the deep rooted and virtuous prejudices of the community;" an implication that the court respected public opinion and would politically "play ball" in the wake of democratization. Politically, Ruffin's opinion in *Barden* seemed to have the desired effect as the 1835 Constitutional revisions did not effect the elite power of judges. The popular election of judges would not go into effect until after the Civil War, a delay scholars attribute to Ruffin's personal popularity.<sup>52</sup> Regardless of the court's decision, Marville Scroggins separated from his wife and eventually remarried in another state. Judicial elitism and cultural conservatism would not stop him from suffering a biracial child.

### THE ORIGINS OF "MISCEGENATION"

Black-white race mixing had been a political issue for the Republican Party prior to the Civil War but Democrats found reason to revive the politicized topic during Abraham Lincoln's campaign for reelection in 1864.<sup>53</sup> Diane Miller Sommerville

---

<sup>52</sup> Ibid., 25-26.

<sup>53</sup> Elise Lemire noted the first attacks on Lincoln as a supporter of interracial marriage came after his "house divided" speech in 1858, which argued for the eventual demise of slavery nationwide. After the war, radical abolitionists like Louisa May Alcott supported intermarriage as a way to unite the country. Although most Northerners were against the practice, Democrats sought to marry the party to miscegenation through propaganda, in an effort to secure a win for the Democrats in 1864. Elise Lemire,

connected this revival to southern anxieties and uncertainties surrounding the war's outcome; especially as they pertained to the social and political equality of freedmen.<sup>54</sup> To prove that miscegenation was a scare tactic used for propaganda, Sommerville examined Virginia and North Carolina prior to the war and found no great concern of slaves raping white women as the war began, even though countless southerners were away from their homes. After 1864, newly freed slaves no longer retained their monetary value, causing white southerners to abandon the idea of the loyal male slave for that of a threatening black brute. This transformation of ex-slaves into "menacing brutes intent on ravishing white females after the war, helped to justify myriad measures, legal and extralegal, such as lynching and disfranchisement, to subjugate the region's black population," and those efforts would be aided by politicizing the rape of white women and by connecting the Republican Party to racial mixing.<sup>55</sup>

As Southern military defeat loomed, Confederates shifted their efforts to the defeat of Lincoln and the Republican Party. Throughout 1864, the leading Democratic news outlet, the *New York World*, exacerbated the supposed Republican acceptance of race mixing through columns and political cartoons. Aiding this new prerogative, Democrats would create a term for race mixing that, regardless of its origins, would come to be associated with human nature and morality instead of white supremacy and politics. The term was "miscegenation" and it would inundate law and society for the next one hundred years.

---

"*Miscegenation: Making Race in America*, (Philadelphia, PA: University of Pennsylvania Press, 2009), 115-117.

<sup>54</sup> Miscegenation was not the only topic to receive political attention. After the Civil War, almost any racial topic became politicized as a way for whites to suppress equal rights for freedmen.

<sup>55</sup> Diane Miller Sommerville, *Race & Rape in the Nineteenth-Century South*, (Chapel Hill, NC: University of North Carolina Press, 2004), 120-121.

Prior to the Civil War, racial mixing laws were necessary as a way to control African American citizenship and determine racial lines. However, Peggy Pascoe noted “It was not until the Civil War threw the future of slavery into doubt that lawyers, legislators, and judges began to develop the elaborate justifications that signified the emergence of miscegenation law and made restrictions on interracial marriage the foundation of post-Civil War white supremacy.”<sup>56</sup> The demand for black male political equality gave rise to concerns over their social equality and fears the racial hierarchy of the South might be undone by racial mixing and the blurring of racial categories.<sup>57</sup> The creation of the term “miscegenation” began this process and brought the issue of race-mixing into the political spotlight prior to the 1864 presidential election.

The term found its origin in a pamphlet, published by Democrats as “a thinly disguised parody.” The pamphlet, *Miscegenation: The Theory of the Blending of the Races, Applied to the American White Man and Negro*, was a pseudo-scientific attempt at arguing “intermarriage [was] indispensable to a progressive humanity” and that Lincoln’s Emancipation of southern slaves basically proclaimed that interracial mingling was inevitable.<sup>58</sup> The term miscegenation was created by pamphleteers following their insistence that there be an independent term for race mixing. To replace the older term “amalgamation” (the mixture of metals), they combined *miscrere* (mix) and *genus* (race) to form the more scientific sounding “miscegenation.”<sup>59</sup> The pamphlet was mailed to well known abolitionists, appeared in newspapers abroad, and even went through a second

---

<sup>56</sup> Peggy Pascoe, *What Comes Naturally: Miscegenation Law and the Making of Race in America* (Oxford University Press, 2009), 27-28.

<sup>57</sup> Sommerville, *Race & Rape in the Nineteenth-Century South*, 178.

<sup>58</sup> *Ibid.*, 28.

<sup>59</sup> *Ibid.*, 1.

printing. Of course the authors were actually “aiming to marsh scientific evidence against inter-marriage as they were aiming to convince readers of the opposite views to those they were pretending to advocate,” and abolitionists fell into their ploy by acclaiming their ideas to be cutting edge in their efforts to solve problems of racial equality.<sup>60</sup>

This Democrat-led plot to marry Republicans to racial mingling was soon exposed; however, the term miscegenation and the threat of it becoming the new natural order became deeply ingrained in not only the southern psyche, but in new antimiscegenation legislation affecting couples in Southern and Western states.<sup>61</sup> Pascoe argued that these postwar laws were considerably harsher than antebellum statutes and also “used assumptions about sex and gender in marriage already woven through the American legal system to restructure American race relations.”<sup>62</sup> Along with newly created anti-miscegenation statutes across the south, Sommerville found the “Racist rhetoric of southern whites became more commonly infused with fears of race mixing” upon the war’s end.<sup>63</sup> Furthermore, Sommerville’s research established that at no time in history did white southerners express greater concern surrounding black male sexuality. North Carolina was no exception.

Piedmont newspapers in 1864 were headlining news of local political races. Their coverage of the miscegenation pamphlet didn’t begin until April of 1864, when most Democratic news sources ran excerpts from northern papers, linking the party of Lincoln to mixed-race sex. Stories regarding miscegenation often appeared on the second page of

---

<sup>60</sup> Lemire, “*Miscegenation: Making Race in America*, 126-127.

<sup>61</sup> It is important to understand the term “miscegenation” in its historical context. Twenty-first century scholars, such as Peggy Pascoe and Renee C Romano, have refused to use it in reference to interracial mixing because historically its use implied disapproval of black-white relationships. These historians prefer the neutrality of terms such as interracial, mixed-race or inter-mixing.

<sup>62</sup> *Ibid.*, 30.

<sup>63</sup> Sommerville, *Rape & Race in the Nineteenth Century South*, 179.

news publications and many were reprints from larger papers, often from Raleigh, proving that many North Carolinians were reading the same articles on the topic. Although news outlets would eventually expose the pamphlet as a political hoax, the term would achieve widespread use<sup>64</sup> and even make its way into discussions of state legislation and trial transcripts.

The *Daily Progress* out of Raleigh reported in April, 1864, that the “Yankees [were] running mad... in their love for the negro.” Using news sources from New York, the article claimed the Republican Party had added miscegenation to their creed as the last phase of abolitionism in the North. The article included an excerpt from the *New York Times* discussing a troubling new “rage” in which Republicans were intermarrying with blacks. For the *Daily Progress*, this was an open cry for help by Republicans and an acknowledgement that the fate of the country could only be saved by Democrats. The article ended with a call for the story to be spread and circulated in every southern paper.<sup>65</sup> The *Asheville News* and *Tarborough Southerner* also ran the *Times* excerpt, the latter concluding that the new doctrine of miscegenation threatened the extinction of the white race and proved that Northern black Republicans “[were] not only enemies of the Southern people but... enemies to the entire [white] race.”<sup>66</sup>

Four days after the initial story, the *Daily Progress* printed a letter from New York correspondents with a story of two “miscegenators” currently living in New York. The conclusion reached was that the “preaching of abolitionism and negro equality [was]

---

<sup>64</sup> *The Charlotte Observer* would use the term to describe racial mixing, most commonly black-white racial mixing, from 1864 into the 1920s. Newspapers.com search of term “miscegenation” between 1864 and 1980.

<sup>65</sup> “Miscegenation—What it Means—Remarkable Confessions of a Republican Journal,” *The Daily Progress*, April 11, 1864.

<sup>66</sup> “What Are We Coming To?” *The Tarborough Southerner*, April 16 1864.

having its effect in certain circles” and “the natural repugnance of the white to the negro race” was being replaced with sentimental regard.<sup>67</sup> The final conclusion of this story was aimed at poor white soldiers and warned, the prime Republican objective was total equality between poor whites and blacks.<sup>68</sup> Furthering this point, Raleigh’s *Daily Confederate* printed a scathing article aimed at poor soldiers arguing that the Civil War had been “continued for the negro to the impoverishment of the white race.” Here, the plight of poor whites and yeomen farmers holding no slaves, was pitted against the economic, social and political equalities that would be extended to blacks after the war. To the author, the repercussions of this were already being seen in the Carolinas, as “sixty-four matrons, white Yankee women... came down to the Port Royal settlement, South Carolina... to nurse hospital patients; and each of them [returned], each carrying a nigger baby.” The same story was reprinted in *The Tarborough Southerner* as legitimate news from the Lieutenant Colonel of the South Carolina regiment of negro troops; the alleged fathers of the sixty-four mulatto children.<sup>69</sup>

By January 1865, the *Daily North Carolinian* out of Fayetteville had reported the “miscegenation” pamphlet to be a “political hoax.” Quoting the *Philadelphia Inquirer*, the paper conceded that since Lincoln had achieved a victory, ‘there [was] no further use for “miscegenation”’ as a term.<sup>70</sup> However, North Carolinians had been using the term to describe black-white relationships since early 1864, and exposing the hoax would do nothing to end its practical use. In fact, the term made its way into General Assembly discussions, local and state court transcripts, state election campaigns, and even the

---

<sup>67</sup> “Practical Amalgamation in New York,” *The Daily Progress*, April 15, 1864.

<sup>68</sup> “Let the Poor Man Read,” *The Daily Confederation*, April 15, 1864.

<sup>69</sup> “Sixty-four Miscegenators,” *The Tarborough Southerner*, April 16, 1864.

<sup>70</sup> “Miscegenation All a Hoax,” *Daily North Carolinian*, January 17, 1865.

United States Congress, leaving a lasting legacy that would continue to define mixed-race unions into the twentieth-century.

## RECONSTRUCTION POLITICS AND RACE

The conclusion of the Civil War brought with it questions regarding the fate of Southern states and their newly freed people of color. The connection between Republican rule and racial mixing had been established, making miscegenation a political issue that many Republican-led state legislatures would have to face. North Carolina was no exception, as the state endured a turbulent period between 1864 and 1877 in which new political parties were adopted, a new constitution was created, and eventually, state Democrats regained the political strength they maintained before the war. During this time period, there were also interracial unions—mostly black men and white women—who attempted to marry and live in North Carolina legally. Prosecution of these couples show that during this period identical cases could garner different results, as judges weighed their own personal biases against the explicit nature of the law. Although there were some triumphs for couples, ultimately the state Supreme Court would ignore earlier precedents and rule on interracial out-of-state marriages, leading courts to begin prosecuting defendants for their racial make-up, not the validity of their marriage.

The beginning of Reconstruction was grim for the state's Conservative Party. In 1867, William Holden and other loyal unionists officially formed the state's Republican Party, issuing a cordial welcome to any interested blacks wishing to join. Their adopted platform included supporting congressional Reconstruction and "complete civil and



political equality for blacks.”<sup>71</sup> Politically, the remainder of North Carolinians still held on to their antebellum affiliations as either secession Conservatives or unionists Whigs. Although most whites living in the state were conservative, they lacked both the strength and organization to rally against the new Republican Party. Instead, many citizens did not even bother to register to vote after the war’s end. This left a serious mark on the state during early Reconstruction as 72,932 of the 179,653 registered voters were black.<sup>72</sup>

The creation of a new constitution was the first task of the newly elected state officials. The state elected 107 Republicans to attend the convention, including 18 northern carpetbaggers and 15 blacks—all points of contention for white conservatives.<sup>73</sup> The 1868 constitution created from these efforts was considered to be a progressive text and the Republican platform shined through. The document eliminated land ownership as a priority for voting and extended suffrage to all male citizens in the state, limiting the political power of elite, landowning conservatives. This dilution of power meant the state could potentially be politically dominated by the poor and the elite were especially fearful of blacks gaining any political power. Regardless of these fears, a large portion of registered voters (30,000 of the 196,872) failed to vote in the 1867 election, leading to the adoption of the new constitution, the election of Holden as Governor, and the Republican sweep of fifty-eight of the eighty-nine counties in the state.<sup>74</sup> The election pressured conservatives to seek a means to change the “corrupt” government dominated by blacks and carpetbaggers, setting their sights on the Ku Klux Klan.

---

<sup>71</sup> Powell, *North Carolina Through Four Centuries*, 388.

<sup>72</sup> Ibid., 391-392.

<sup>73</sup> Ibid.

<sup>74</sup> Ibid., 395.

The year 1870 was one of political turmoil for the state of North Carolina, marking the return of Conservatives—or Democrats, as they would be known in the mid-1870s—to political prominence, brought to power through tactics of racial fear mongering and the language of white supremacy. Some notorious Klan leaders were also editors of prominent North Carolina newspapers, making the dissemination of politicized, anti-black rhetoric both convenient and widespread. William L. Saunders, editor of the *Wilmington Journal*, and Josiah Turner, Jr., editor of the *Raleigh Sentinel*, were both known Klansmen. From 1868-1870 the Klan focused its efforts on voter intimidation in counties without large black populations or where Republicans barely held majorities. Most of these early efforts were concentrated in the state's Eastern counties, but the atrocities of Klan actions may have contributed to the overall decline of the Republican Party in the state, which led to the political dominance of Democrats in the mid 1870s.<sup>75</sup>

Unsure of their political hold on the state, the new conservative General Assembly passed legislation in March of 1875 to hold a constitutional convention that would allow them to solidify their racial dominance by amending the progressive constitution of 1868. Although miscegenation had been illegal for a century through state statute, the 1868 session of the General Assembly did pass a resolution expressing their adversity to intermarriage. The resolution, adopted March 16<sup>th</sup>, 1868, communicated “It is the sense of this Convention that intermarriages and illegal intercourse between the races should be discountenanced, and the interests and happiness of the two races would be best promoted by the establishment of separate schools.”<sup>76</sup> Regardless of the formal

---

<sup>75</sup> Ibid., 397-398.

<sup>76</sup> Constitution of the State of North Carolina, Together with the Ordinances and Resolutions of the Constitutional Convention, Assembled in the city of Raleigh, Jan. 14<sup>th</sup>, 1868. Raleigh: NC, Joseph W.

antimiscegenation law and this resolution, one of the thirty proposed changes to the state constitution included the illegality of black-white race mixing. In October of 1875, delegates to the state convention ratified the amendment of Article Fourteen to read “All marriages between a white person and a negro, or between a white person and a person of negro descent to the third generation inclusive, are hereby forever prohibited.” A year later, it was one of eight amendments presented to voters as a single ballot issue and ratified by a vote of 120,159 to 106,554.<sup>77</sup>

The question of interracial marriage was also being discussed in the United States Congress, provoked by a Republican bill introduced by Charles Sumner and Benjamin Butler—The Civil Rights Act of 1875. Citing the Fourteenth Amendment, the act called for racial equality through the desegregation of public places, without specifically abolishing miscegenation laws, or even mentioning them at all.<sup>78</sup> North Carolina Representative James Harper, a Democrat, openly fought the bill, alleging that race-mixing was the direct or logical result of desegregation. In 1872 Harper stated before the House, “If Congress has the power to pass this bill and make it a law it has the power to enact laws to regulate the minutest social observances” which he noted included forcing one to “not interpose an objection on account of [a negro’s] color to any advances he may make toward your children or family.”<sup>79</sup> This accusation enraged Congressional

---

Holden, Convention Printer, 1868. Mary and Harry Dalton Collection, UNC Charlotte Atkins Library Special Collections, 122.

<sup>77</sup> N.C. Const., 1875 art. 14, sec. 8. [http://www.ncleg.net/library/Documents/Amdts\\_1875.pdf](http://www.ncleg.net/library/Documents/Amdts_1875.pdf)

<sup>78</sup> Bank acknowledged that prior to the 1875 act, Republicans resolved the question of miscegenation by embracing the principal of symmetrical equality—blacks were prohibited to do things whites could do and vice versa. This interpretation of racial equality would be reflected in Supreme Court cases from Reconstruction throughout the twentieth-century, including the *Pace v. Alabama* miscegenation case. *Ibid.*, 304.

<sup>79</sup> Steven A. Bank “Anti-Miscegenation Laws and the Dilemma of Symmetry: The Understanding of Equality in the Civil Rights Act of 1875,” *The University of Chicago Law School Roundtable*: 2, issue 1, article 21, 308.

Democrats who also felt Sumner's proposal to remove all distinction of race from legislation, would ultimately repeal miscegenation laws. Eventually, the act was signed into law in 1875 but it would be declared unconstitutional by 1883, ushering in a new wave of white supremacy across the South. For North Carolina, Reconstruction would come to an end in 1877, restoring the "home rule" that Democrats longed for after years of Northern oversight, and forcing them to court the poor white vote, if they hoped to keep it that way.

It took Democrats several years to assume control over local governments, and the influx of population to towns like Charlotte which experienced a population surge in the 1870s after already quadrupling between 1850 and 1870, made it more difficult.<sup>80</sup> As was the case of Pinkney and Sarah Ross, some couples relocated to escape the desolation and poverty that defined most southern states after the war, only to find themselves prosecuted in the new south city, as an interracial couple.

### THE QUESTION OF INTERSTATE-COMITY

The Ross case is pivotal to understanding the new order of white supremacy permeating the state after Reconstruction and its relation to politics. John Wertheimer argued that the case showed how "political shifts in the ranks of public officials... [could] alter legal outcomes dramatically, even absent any formal changes in written law." However, the case also proved this was not always so during the Reconstruction period, as some judges "overcame strongly held personal and social biases and enforced the

---

<sup>80</sup> Wertheimer, *Law and Society in the South*, 32.

law's dictates.”<sup>81</sup> The couple moved to the state at a time of political turbulence but they would not be the last interracial couple to fall victim to political pressure and judicial bias.

Pinkney Ross and Sarah Spake were married in Spartanburg, South Carolina in 1873. Pink Ross had most likely been a former slave who met Sarah Spake across the state border in Cleveland County, North Carolina, after being emancipated. Sarah had been married before, but was a widow by 1870 when she met Ross, five years her junior. Social taboos had restricted interracial relationships prior to emancipation and it wasn't until 1865 that South Carolina passed its first interracial marriage ban. The ban was repealed in 1868 when a majority-black Republican government won control of the state legislature, providing the Ross' a legal avenue toward marriage.<sup>82</sup>

Wertheimer cited war casualties and decriminalization as reasons for the small increase in white women marrying black men during Reconstruction. This rationale is somewhat contrary to the findings of J. David Hacker, Libra Hilde, and James Holland Jones' work on post-war white marriage trends which found that white women age 20-24 outnumbered white marriageable men between 25-29 by 13 percent on the eve of war in 1860. Despite this deficiency, and the Confederate mobilization of 75 to 85 percent of eligible southern men, most women did eventually marry white men.<sup>83</sup> Furthermore, they argued miscegenation became even more taboo after the Civil War, partly because slaves were now free people of color, but also because of the war's effect on the percentage of marriageable men in the South. These fears led to the passage of more laws and

---

<sup>81</sup> Ibid., 28.

<sup>82</sup> Ibid., 31.

<sup>83</sup> J. David Hacker, Libra Hilde, and James Holland Jones, “The Effects of the Civil War on Southern Marriage,” *The Journal of Southern History*, 76, no. 1 (February 2010) 44.

strengthening of taboos. Hacker, Hilde and Holland found that more miscegenation laws were passed “during the Civil War and Reconstruction than in any comparably short period.”<sup>84</sup> Social pressures, however, probably suppressed the rise of such unions, while the courts began to hear a number of cases related to the state’s legal definition of blackness.<sup>85</sup> Peter Wallenstein reflects this opinion as well, arguing the shortage of white men during Reconstruction led states to address “sexual access and prospective marriage partners... in postwar politics and law.”<sup>86</sup> Therefore, the creation of new legislation occurred more over the fear of interracial mixing and marriage, not so much because it was actually happening across the South. But when it did occur, as in the case of Pinkney and Sarah Ross, the case could be used to sensationalize the already taboo subject and bolster the Democrat platform.

The Ross’ moved to Charlotte in 1873 after being married and living in Spartanburg, South Carolina for three months. During this time, Republicans still controlled much of the local government in Charlotte. Wertheimer noted the city’s solicitor, W.P. Bynum, “did not prosecute interracial couples aggressively,” and the superior court judge George Logan had a reputation as a lenient Radical Republican.<sup>87</sup> In 1874, the Republicans were ousted from these positions as W.J. Montgomery, a Confederate veteran, and David Schenck, a former Ku Klux Klan chief, were elected as

---

<sup>84</sup> Ibid., 48.

<sup>85</sup> Hacker, Hilde and Holland acknowledged that calculating the number of interracial marriages or cohabitations would be impossible for the period. While census records would have been kept, societal pressures may have forced couples to claim they belonged to the same race. One example would be Pinkney and Sarah Ross, whom the South Carolina census documented as an African American couple after their trial. Hacker, “The Effects of the Civil War on Southern Marriage,” 48. See Jones and Wertheimer, “Pinkney and Sarah Ross,” 348.

<sup>86</sup> Peter Wallenstein, *Tell the Court I love My Wife: Race, Marriage and Law: An American History* (New York, NY: Palgrave Macmillan, 2002) 60-61.

<sup>87</sup> Judge Logan had issued a verdict of “not guilty” in the trial of Alexander Reinhardt and Alice Love, who had married in North Carolina despite Reinhardt’s mixed race, in 1869. Ibid., 33.

solicitor and superior court judge.<sup>88</sup> By 1876, Solicitor Montgomery had brought a record number of fornication and adultery charges against interracial couples—a charge historically brought against two white parties, unmarried and cohabitating. Between 1873 and 1876, fornication and adultery charges went from 1-2 percent of criminal cases heard in Mecklenburg County, to 10 percent of cases. Pink and Sarah Ross were one of the twelve couples charged in 1876.<sup>89</sup>

The Ross' case was similar to another heard in 1876, that of Isaac and Mag Kennedy. Both couples had legally married in South Carolina and returned to North Carolina to reside. The proximity of the cases placed Judge Schenck in a position to both establish a legal precedent surrounding out-of-state marriages and close a loophole for interracial couples attempting to marry in another state. In the Kennedy case, Judge Schenck “formulated a legal rule to govern couples who... sought to circumvent North Carolina’s interracial marriage ban” by declaring another state’s marriage law only applied to couples who were both residents of that state at the time of marriage. Since the Kennedy’s were not residents of South Carolina, they were found guilty and put in jail.<sup>90</sup>

Given the Kennedy verdict, the Ross’ decided to hire legal counsel to defend their marriage and ultimately used the same lawyers representing the Kennedys. Their lawyers, William Shipp and William Bailey, first argued that their marriage was protected by the Fourteenth Amendment. Although this argument would prevail in *Loving v. Virginia* over a century later, the amendment was not yet interpreted to extend to social rights, such as marriage, and was therefore an inadequate argument. Secondly, they attempted to

---

<sup>88</sup> Ibid., 33.

<sup>89</sup> Ibid., 34.

<sup>90</sup> Ibid., 35.

establish residency for the couple since they had resided in South Carolina for three months after their marriage, and Pink was a native of the state. Although there were inconsistencies with this argument, Judge Schenck was forced to rule in favor of the defendants, respecting the legal rule he had devised during the Kennedy trial. But their legal trouble did not stop there.<sup>91</sup>

In 1876, the first act of the new state attorney general, Democrat Thomas Kenan, was to appeal the *State v. Ross* decision. Kenan argued against the rule that valid home-state marriages should be respected in all other states, citing that incestuous and polygamous marriages were invalid in North Carolina, and interracial marriage was “as unnatural and as revolting as an incestuous one,” therefore, the state had the right to void the marriage. Fortunately, the Ross trial took place during a political “changing of the guard,” before the courts had completely merged miscegenation with Christian duty and social morality. Although personally agreeing with Kenan, presiding Supreme Court Justice William Rodman’s legal conclusion was that miscegenation did not qualify as an exception to the general home-state rule, “however revolting” it might have been to white society.<sup>92</sup> Pink and Sarah Ross were therefore, free and legally married.

Challenging the court and winning was an obvious triumph for the Ross’ but their victory probably did not extend much further. As Democrats continued their rule in the state, anti-miscegenation rhetoric became more pronounced and the social taboo against it, more inescapable. After their legal victory, Pink and Sarah Ross moved back to South Carolina—a choice that suggests although their marriage was now valid, other entities, perhaps society, were not convinced that was so. In 1879, shortly after their return to

---

<sup>91</sup> Ibid., 38.

<sup>92</sup> Ibid., 39-40.



Spartanburg, South Carolina reinstituted its ban on interracial marriage, which could be the reason Sarah Ross listed her race as black in the state's 1880 census. The cases of prosecuted couples during the 1860s and 1870s illustrate the difficulties the state encountered dealing with interracial love after emancipation. By electing Democrats, the state also elected a platform of black social and political suppression that at its core, was achieved by the threat of miscegenation.

Sarah Ross' change in race was only one example of the apparent heightening of racial tensions, especially as they concerned racial mixing. The language being used to depict interracial relationships had also evolved. The late antebellum period discussed an interracial affair in terms of the white woman's social standing. A woman's reputation might be ruined, but little would come of the affair unless a child was conceived or the woman was raped. After emancipation, slaves were no longer chattel, controlled by a master who profited from their labor. At this point, Peggy Pascoe argued miscegenation law was engendered in the sense "that both its proponents and its opponents used assumptions about sex and gender in marriage already woven through the American legal system to restructure American race relations." And also in that the laws were "selectively, and powerfully, linked to very particular race-gender pairings"—white women and black men.<sup>93</sup> Now, bygone stereotypes of sexually deviant black men, who lacked the control once enforced by their masters, were pitted against white womanhood—white women being the keepers of racial purity and obviously, the most desirable sexual conquests for black men. Glenda Gilmore, writing explicitly about North Carolina in the 1890s, contended "the assumption of poor white women's purity would

---

<sup>93</sup> Pascoe, *What Comes Naturally*, 30.

constitute more than just a tool for racial solidarity; it would become an integral part of an exchange for poor men's votes." The assertion of white women's purity also made it "easy to draw clear lines in rape cases involving black men and white women," since this logic made white women incapable of consensual interracial sex or relationships with black men.<sup>94</sup>

Some of the first evidence of this change in rhetoric occurred as the war drew to a close and questions of equal rights for blacks were discussed. In 1864, *The Daily Confederate* wrote a biting article about the future of race in the south, meant to infuriate poor confederate soldiers to the point of action and place blame on Northern Republicans. The article asserted that Northern states, like New York, had little understanding of the outcome of their abolitionist actions. The article declared:

They did not foresee a day when these beaux... would be turning away from the blue eyes and the hair all streaks of golden auburn, to hunt for beauty in the cheeks and lips of a mulatto; nor the dainty girls of white complexion ever imagine that they themselves... would pine to plump their cheeks against the thick lips of an African, to mingle her nature with his, and draw health from contact with the warm-blooded, wooly-headed, odoriferous nigger.<sup>95</sup>

The language used in this hypothetical account was mirrored in a *Charlotte Observer* story, reprinted in the *Statesville American* in 1876. The latter paper reported the original story, detailing "a revolting case of miscegenation, where a black rascal, in Buncombe county, inveigled a young and delicate white girl to elope with him." The nineteen-year-old white woman was apprehended after five weeks with the man, stating that the "negro... acquired a great deal of influence over her." Although she could not say

---

<sup>94</sup> Glenda Gilmore, *Gender and Jim Crow: Women and Politics of White Supremacy in North Carolina, 1896-1920* (Chapel Hill, NC: University of North Carolina Press, 1996), 66.

<sup>95</sup> "Let the Poor Man Read," *The Daily Confederate*, April 15, 1864.

how, she became “enough infatuated to yield to his persuasions, and run off with him.” Of course, prior to their meeting, the young woman was “a good and virtuous girl.” The victimization expressed by the white woman is clear in her account, as are the notes of black seduction and white purity. The article went on to describe the girl as “a perfect blonde” with “a really pretty face... neatly dressed, and so modest and quiet that it can be said that she is lady-like to her manner.” While the black man, at least ten years her elder, was described as “dirty and repulsive.”<sup>96</sup>

In 1895, members of the state legislature quickly learned how deeply the issue of miscegenation had effected the state, if they did not already see it. Honoring Frederick Douglass’ death, members of the house passed a resolution to adjourn for the day. The decision sparked a firestorm of protest from the general public accusing the assembly of condoning miscegenation, since Douglass’ second wife had been a white woman, twenty years his junior. The *News and Observer*, notable for its use by Democrats to spread sensationalized stories during 1896 election campaigns, broke the story under the headline “Miscegenation Endorsed.” The article detailed how the resolution to honor Douglass had passed the house, whereas similar resolutions to honor President Washington and Robert E. Lee, had not. This “endorsement of the miscegenation leader,” the article claimed, “more correctly than any other official proceeding of [the] legislature,” depicted its true spirit.<sup>97</sup> Two days later, the paper berated Douglass’ marriage as “an inoffencable [sic.] wrong to society,” citing the “preservation of white purity and integrity of the white race [as] a condition precedent to every other consideration... a law written by the Creator of all races in the hearts of men... a breach

---

<sup>96</sup> “Judge Lynch Invoked!” the *Statesville American*, April 1, 1876.

<sup>97</sup> “Miscegenation Endorsed,” *News and Observer*, February 22, 1895.

of the law of nature itself.”<sup>98</sup> The paper devoted the entire front page to the affair, citing similar accounts of shame and disgust sent in from news outlets across the south. Their coverage continued well into the year, the last article appearing almost a full year after the resolution was adopted.

By the 1890s, the discussions of interracial sex and miscegenation had moved beyond stories of consensual fornication and into discussions of black men, rape, and the protection of white purity. In 1897 Raleigh’s *News and Observer* ran a front page article about the “negro problem”—an apparent ploy by black men to use racial blending to eradicate the color line in America. Speaking in rebuttal to bishop Gaines’ (a black preacher) comments on the country’s racial makeup, author W. E. Christian professed, “I very much doubt whether the negro has evolved [to understand the] moral obligation which enables him to see that rape is a crime very much to be reprehended.” To defend his statement, he cited the 107 lynchings that had occurred in the last ten months and applauded the use of mob-rule.<sup>99</sup> Articles such as this would only flourish in the last years of the nineteenth-century, as Democrats pursued a campaign to unite white voters under the banner of white purity.

Between 1868 and 1890, North Carolina digressed from the possibilities of racial equality written into the new constitution, to the addition of restrictive amendments and political takeover by conservative Democrats. Throughout the period, courts grappled with issues surrounding the legality of interracial marriage and out-of-state interracial marriages and for the most part, put personal bias aside in favor of the written law. The

---

<sup>98</sup> “Shame, Shame, Shame!” *News and Observer*, February 24, 1895.

<sup>99</sup> According to Vann R. Newkirk’s *Lynching in North Carolina*, this number was obviously overstated to appear more sensational. See Figure One. W. E. Christian, “Just a Chat,” *News and Observer*, October 31, 1897.

election of Democrats did have an effect on interracial marriages in the Piedmont, though, as the number of arrests for fornication and adultery increased in Mecklenburg County and the state attorney general appealed the *Ross* decision. As the issue of miscegenation became more political in nature, the language used in news sources changed as well. Interracial sex was no longer socially tolerated and the social standing of white women was no longer a factor at all. As the century wore on, the origins of miscegenation as a political ploy would be forgotten and race mixing would be seen as an immoral, anti-Christian threat to the white race; all beliefs supposedly entrenched in the heart and mind of white southerners since the beginning of time.

#### FROM THE 1890S TO THE TWENTIETH-CENTURY: MISCEGENATION'S LASTING LEGACY

North Carolina Democrats led the crusade to entrench the social taboos and fears of race mixing as inborn southern values, coaxing the poor, white vote. Glenda Gilmore argued the class of New White Men<sup>100</sup> in the state hoped to use poor white women's purity as a tool for racial solidarity, writing "If men put race over class at the polling place... poor white women could be boosted up to the pedestal."<sup>101</sup> One party goal was to remove black men from politics altogether and reorder the social landscape of the state through segregation and Jim Crow laws. This proved problematic in the mid-1890s as Democrats fought to maintain their political hold on the state after the emergence of a

---

<sup>100</sup> Glenda Gilmore defined the New White Man as a generation of "educated, urban, and bourgeois" white men, plotting to "recapture power from the Populist/Republican coalition" in the 1890s. The New White Man was established in an effort to end black political participation and "eclipse the possibility of the rise of a black Best Man. They planned to do this by stereotyping the erupting chaos and racial confusion from the coalition's end, as a demonstration of the need for firmer male control in the state. Gilmore, *Gender and Jim Crow*, 63-64.

<sup>101</sup> Gilmore, *Gender and Jim Crow*, 68.

third party, the Populist Party, which had merged with blacks and Republicans to create the Fusionists.<sup>102</sup> After losing the state legislature and governor's seat in 1896 to Republicans, Democrats reorganized under a campaign of white purity using Democratic news outlets, like the *News and Observer* and *Charlotte Observer* to spread their sensationalized message.<sup>103</sup>

The 1898 campaign was organized by Furnifold Simmons, a lawyer and former congressman, to exacerbate fears of growing black power heightened by the return of black soldiers from the Spanish-American War. Simmons chose to "make protection of white women the centerpiece of the campaign" and vilify all black males as a class of savages, barely able to control their sexuality and lust for white women.<sup>104</sup> In his 1898 address entitled "The Election Nears," Simmons summed up the evidence against Republicans stating "the negro...[had] dared openly and publicly to assail the virtue of our pure white womanhood." As a response to the reign of "negro supremacy" that had overtaken North Carolina, Simmons conjectured that the state's Democrats had, "in a whirl of indignation, which burst forth like the lava from the pent-up volcano... thrust to the front the all-absorbing and paramount question of white supremacy." His words reaffirmed the notions of "Anglo-Saxon honor," pronouncing North Carolina to be "a white man's state [that] white men will rule." To further make his point, the words white

---

<sup>102</sup> Ibid., 78.

<sup>103</sup> Gilmore contended Democrat leader "Josephus Daniels used the Raleigh *News and Observer* to spread wildly exaggerated accounts of interracial clashes." At first weary of the stories, other papers eventually joined the campaign that was backed by large monetary contributions from the state's industrialists. The *Charlotte Observer* energetically endorsed the Democrat cause to disenfranchise blacks in 1898 and the subsequent grandfather clause amendment that made it law in 1900. Ibid., 88-89.

<sup>104</sup> Ibid., 83. Simmons also used political cartoons to vilify the Republican Party and promote white supremacy and the protection of white womanhood. Cartoons by Norman Jennett ran in the *News and Observer* from 1896 to 1898 and Democrats praised his work as "one of the powers that brought about the revolution." See "The 1898 Election," North Carolina Collection, University of North Carolina at Chapel Hill.

supremacy, white people and white womanhood were printed fully capitalized throughout the article.<sup>105</sup>

The sensationalist campaign wrote off all black accomplishment as an attempt to get close to white women and used the news media to spread sensationalist stories of black deviant males. The strategy worked. Elite, conservative Democrats who had once fought poor farmers for political power, now “embraced poor whites across class lines and politicized [their] personal lives, destroying the fragile black/white political alliance that had emerged with the Populist Party.” Their efforts “racialized the definition of manhood and substituted race for class” by exploiting sensationalized reporting.<sup>106</sup> Black men and white women were not the only groups affected by the campaign. By pulling poor whites from the Populist and Fusion parties, elite white men also controlled their poorer white male counterparts. In this way, they could control the state government while giving their white male counterparts the illusion of power. Politically, the Democrats achieved a great victory but the repercussions of exaggerating sex crimes and planting seeds of hysteria did not bode well for black men. The campaign also helped make interracial mixing a social taboo, steeped in white supremacy, honor, and religion, that whites would come to believe had always been engrained in their culture.

Diane Miller Sommerville argued that the origin of white rape fears was not embedded in chattel slavery and Antebellum southern society. Her study of southern race and rape found they originated at the end of the nineteenth-century, noting “the creation of the myth of the black rapist [was] a relatively recent phenomenon,” and one that

---

<sup>105</sup> F. M. Simmons, “To the Voters of North Carolina,” *News and Observer*, November 3, 1898.

<sup>106</sup> Ibid.

occurred simultaneously with the rise of white supremacy and black disfranchisement.<sup>107</sup>

This point is critical as it explains why some communities tolerated interracial affairs before the Civil War and why Reconstruction era judges, even one former Ku Klux Klan member, judicially validated some interracial marriages, following the law above their own personal biases.

Proof of a Democratic campaign for white supremacy can also be found in changes to state law, a shift in overall rhetoric, and in the number of lynchings based on sexual offenses occurring during the period. In February 1899, the state legislature passed a bill making miscegenation a felony. Prior to this, the act was a misdemeanor, punishable with imprisonment not exceeding two years. The new law increased this to five years.<sup>108</sup> Newspapers approved of the new rigidity and effect this would have on drawing color lines. Mob rule was also used to enforce laws designed to uphold white supremacy and purity.<sup>109</sup> Sarah Burke's article, "Without Due Process," found the struggle by various parties for political power in North Carolina played a significant role in the number of lynchings that occurred. Between 1880 and 1900, fifty-eight lynchings were carried out in North Carolina. Although most of these were responses to murder allegations, a growing number were related to charges of rape. Burke noted "in North Carolina... untoward behavior in the presence of a white woman was a primary cause for

---

<sup>107</sup> Diane Miller Sommerville, *Race & Rape in the Nineteenth-Century South*, 9.

<sup>108</sup> "H. A. London. Editor," *The Chatham Record*, February 2, 1899.

<sup>109</sup> The use of mob violence further illuminates how deeply entrenched racial mixing taboos had become and the extent to which white men would go to protect white womanhood. North Carolina law punished rapists with the death penalty and Sommerville found courts were more likely to utilize that punishment for black perpetrators. Ultimately, the examples discussed in this chapter show that although black men accused of rape would probably have been sentenced to death, infuriated mobs lynched victims (sometimes mutilating the bodies) in the name of protecting white womanhood. See Sommerville, *Race & Rape in the Nineteenth-Century South*, 190-193.



many lynchings.”<sup>110</sup> And the 1896 and 1898 election cycles provoked some of this violence. Burke found “Democrats in the Tar Heel state fabricated an ‘imminent’ rape threat that capitalized on traditional values and fears,” culminating in a wave of racial violence that reached its peak in 1898.<sup>111</sup> Furthermore, from 1865 to 1885, 21.25 percent of lynchings were the product of sexual related offenses, rising to 31.5 percent between 1886 to 1920—a 48% increase (see Figure One).<sup>112</sup> Of the 170 lynchings recorded by Newkirk, nineteen were white males and of those, only two were convicted of sexually-related crimes against women.

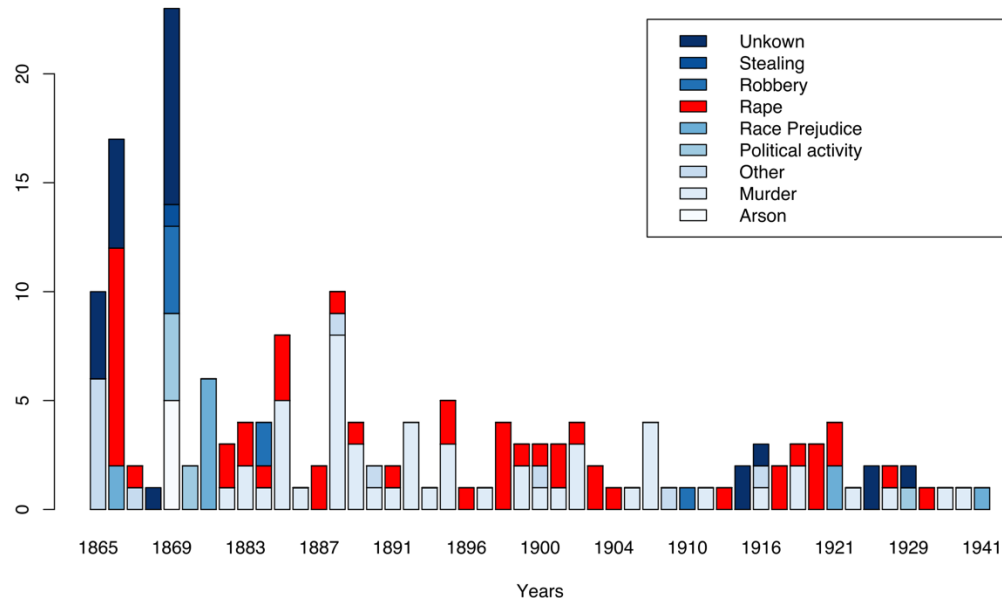


Figure One: N.C. Lynching by Year and Offense

<sup>110</sup> Sarah Burke, “Without Due Process: Lynching in North Carolina 1880-1900” Senior Thesis Project, East Carolina University, 5.

<sup>111</sup> Ibid., 6.

<sup>112</sup> The offense of “Rape” includes assaulted women and children, attacked women, attempted rape, criminal assault (rape), rape and murder, a man found in a white woman’s room, and one case of a “peeping Tom.” Category “Other” includes cases of fraud, being an informer, making threats, arson and burglary, trespassing and one dispute with a landowner. Data compiled by Vann R. Newkirk with the edition of the McCauley and Mozeley lynchings added by the author. Van R. Newkirk, *Lynching in North Carolina: A History 1865-1941*, (Jefferson, NC: McFarland and Company, Inc., 2009), 167-170.

Gilmore supports this claim, citing eight instances of black men accused of rape from 1897 and 1898, of which four were sentenced to death and three were lynched. Two of these three occurred in the Piedmont. In 1897, the town of Snow Hill lynched Dock Black for rape and drove all blacks from the town. In 1898, the town of Concord—renowned as a center for black progress in the state—lynched two black men for the rape and murder of a twelve-year-old girl, a crime one journalist blamed on the “familiarity between white female teachers at Scotia Seminary and their African American women students” and racial co-mingling in general.<sup>113</sup> In August of 1898 the editor of the only black daily newspaper in the state, Alexander Manly, printed an editorial on interracial affairs. The article fought against the basic tenets Democrats had been peddling, arguing that white women lied about being raped and implying that they were not the vessels of white purity the Democrats wanted them to be—in other words, they welcomed black male attention.<sup>114</sup> As a result, the town of Wilmington erupted in violence against its black population, leading many wealthy blacks to flee the state entirely.<sup>115</sup>

Manly’s accusation that rural white women were consensually involved with black men obviously shocked those who openly embraced the white purity badge. Ironically, the same week as the race riots in Wilmington, a white woman fled her husband and children to be with her black lover. Maggie Brewer was a twenty-eight-year-

---

<sup>113</sup> Gilmore, *Gender and Jim Crow*, 83-85.

<sup>114</sup> *Ibid.*, 108

<sup>115</sup> Manly was not the only opponent of stereotypical white rape fears. Black women also played an integral part in maintaining and extending traditions of protest against lynching and other violent incidents. Historian William F. Pinar acknowledged that educated, middleclass black women, like Ida B. Wells, as well as countless rural black women, were involved in this fight. As editor of the *Memphis Free Speech*, Wells risked her life to denounce white brutality against black men often endorsing “violence in the name of self-defense and protection.” William F. Pinar, “Black Protest and the Emergence of Ida B. Wells,” *Counterpoints* 193 (2001), 429-432

old farmer's wife and mother of four, when she ran away with Manly (Manuel) McCauley, an eighteen-year-old black man who had worked her husband's farmland near Chapel Hill. The couple was found four days later and Brewer was taken to her father's house. Gone were the antebellum days of nailing an account of a white woman's illicit affair to tree, however. Several papers reported McCauley "disappeared" on his return to Chapel Hill, along with some members of the posse used to find the couple. Brewer had been tied and bound for the journey, accompanied by a mob of twenty-five to thirty men. Many papers also printed that "Judge Lynch" was the culprit.<sup>116</sup> Correct in their assumption, McCauley's body was found hanging from a tree four days after the couple had been found.<sup>117</sup>

Coverage of the story continues to show the shift in attitudes regarding interracial love and the success of the Democrat's campaign advocating white purity. Unlike exposed, illicit relationships during the Antebellum era, Brewer's social status was never discussed in the accounts of her affair. Instead, her father, an alleged liberal Republican, received most of the blame. As a white male, he had failed in his moral duty to protect white purity by not protecting his daughter. Evidently he did this by encouraging racial equality, as the *Wilmington Messenger* rationalized "That a white woman could stoop so low as to elope with a negro seems impossible. But the woman was born of a family who winked at social equality."<sup>118</sup> The *News of Chapel Hill* came to the same conclusion stating her father had "always appeared to be painfully apprehensive that the negro's

---

<sup>116</sup> "Negro and White Woman Elope," *Asheville Daily Gazette*, November 3, 1898.

<sup>117</sup> Gilmore, *Gender and Jim Crow*, 114.

<sup>118</sup> "The Negro is Dead: Elope with a White Woman and Paid the Penalty," *Wilmington Messenger*, November 10, 1898.

rights would be taken from him.”<sup>119</sup> Maggie’s husband also received his fair share of the blame. Called a “respectable farmer” in some accounts, *The Chatham Record* identified him as a Republican who had “been seen hanging around among the negroes.” This fact alone was enough to condemn him and explain his wife’s actions, as the author concluded “It is not to be wondered at sometimes that such occurrences take place when white men who ought to stand up for their race in preference to all others, prefer to associate and mix up among negroes.”<sup>120</sup>

Other sources speak to Maggie’s “good reputation” and “pretty face,” while Manly McCauley is identified as “a negro as black as the ace of spades” and as “a black, repulsive, grossly impertinent and reproachful negro.”<sup>121</sup> Of course, the latter was printed on the front page of a Chapel Hill newspaper. The headline alone is indicative of the depth to which anti-interracial mores had permeated society: “A Shocking Affair! A Beautiful Young Married Woman Elopes with a Rough, Thick-lipped, Impudent, Repulsive Negro.”<sup>122</sup>

Over the course of the month, news of the elopement and subsequent lynching spread across the state. From Asheville to Albemarle, North Carolinians read of the affair. Its political implications were made clear by some news sources, the elopement having come just weeks before the 1898 election. *The Durham Sun* reported that Mr. Brewer had become a man of influence in the area, noting his “conversion to Democracy and white supremacy will have a great effect in solidifying and causing the white people all through this part of the country to support the white man’s ticket.” *The News*

---

<sup>119</sup> “A Shocking Affair,” *The News*, November 4, 1898.

<sup>120</sup> “A Scandalous Elopement,” *The Chatham Record*, November 3, 1898.

<sup>121</sup> Ibid. and “A Shocking Affair,” *The News*, November 4, 1898.

<sup>122</sup> Ibid.

contended the affair should be a lesson for Populists and Republicans who doubted the authenticity of sensationalist news stories of black rape and white womanhood, stating “The White Man’s Party the Anglo-Saxons, have given accurate and vivid descriptions of such horrors during this campaign, but pen-pictures fell upon deaf ears and prejudiced minds and were called Democratic lies... Is this a Democratic lie? Isn’t this a dose of ‘Nigger’ and that too, right in a nest of Republicanism?” The article finished its political stump speech by imploring readers to come out “on the side that stands pledged for the protection of the virtue of your wives and daughters.”<sup>123</sup>

Four men, including Maggie’s husband Milton Brewer, were tried for the murder of Manly McCauley. The men were charged with murder, and assault and battery after McCauley’s uncle swore an affidavit against them. Tried November 18<sup>th</sup>, *The Durham Sun* reported the prompt acquittal of all four men, of all charges. Speaking of the “unfortunate affair,” the article concluded “It is doubtful whether it will ever be known who did hang McCauley.” In late November, officer Jesse King was also acquitted for allowing the lynch mob to take McCauley from his charge. *The Farmer and Mechanic* of Raleigh, spoke of McCauley’s lynching in terms that are both dispassionate and horrific to twenty-first century audiences:

It appeared on trial that King was alone with his prisoner, returning to Chapel Hill, when he was met by a mob of masked men who overpowered him and took his prisoner to a neighboring dog-wood, bent it down and after tying to its bough the rope around McCauley’s neck, turned it loose, jerking him into mid air and breaking his neck instantly.<sup>124</sup>

McCauley’s lynching was the second to occur in a two-week span in the state. Mitch Mozeley was the second. A resident of the mountainous Macon County, he was

---

<sup>123</sup> Ibid.

<sup>124</sup> “Two Lynchings in Two Weeks,” *The Farmer and Mechanic*, November 22, 1898.

arrested on charges of burglary and the attempted rape of two women. While Mozeley was in jail awaiting trial, “the people of Macon decided, Mozeley having confessed, that it was useless to go to the expense of a special term of court.” According to *The Farmer and Mechanic*, a lynch mob “swung him to the nearest tree.”<sup>125</sup>

Vann R. Newkirk argued that much of the world was unaware of the lynchings in North Carolina,<sup>126</sup> and when news outlets did cover the stories, ‘many frightening details were obscured by sensational portrayals of white virgins and ravenous “black brutes” for whom righteous men delivered swift retribution.’<sup>127</sup> Both the McCauley and Mozeley lynchings validate this argument. It wasn’t until 1920 that North Carolinians took note of the violence. Until then, “most whites accepted violence and lynching as a part of daily life.”<sup>128</sup> The 1893 law classifying lynching as a felony also did little to curtail mob violence, as white juries were likely to acquit the men on trial, as seen in the McCauley case. The entrenchment of white supremacy as a moral cause, coupled with apathetic local judges and law enforcement entities, allowed the practice to continue because, “As long as the men who made up the juries believed lynching was a useful method for controlling African Americans and for defending the chastity of white women, lynching remained strong.”<sup>129</sup> Although the number of lynchings in the state decreased after 1920, mob violence continued unpunished and, prior to 1941, the state had never convicted a white man of lynching a black man.<sup>130</sup>

---

<sup>125</sup> Ibid.

<sup>126</sup> North Carolina law declared a lynching only occurred “when a person was taken from a jail or from the custody of law enforcement officials” thus, “the number of recognized lynchings in North Carolina was far fewer than in the Deep South.” Vann R. Newkirk, *Lynching in North Carolina*, 3.

<sup>127</sup> Ibid., 3.

<sup>128</sup> Ibid., 4

<sup>129</sup> Ibid.

<sup>130</sup> Ibid., 125.

Given the culture of violence and white honor in North Carolina during the period, it is not surprising that there are few examples of interracial couples living in the state. In 1900, the state passed voting legislation disenfranchising black voters and crippling the Republican Party.<sup>131</sup> This repression, coupled with segregation and the extreme taboo against interracial sex, explains why there were few couples or rather, little evidence to prove their existence. The bulk of court cases after 1900 dealing with interracial relations are all concentrated on defining the racial makeup of the couple. These twentieth-century cases exemplify the depth to which social taboos had permeated the law, the judicial system, and white citizens, as the political origins of miscegenation were completely forgotten.

#### MISCEGENATION ON TRIAL IN THE TWENTIETH-CENTURY

Reactions from the court and society in general were often different when the interracial couple included a white man and a black woman. Historically these relationships had not been consensual and in the post-emancipation period, evidence of relationships between black men and white women have been more prevalent, found in sources of litigation and public outrage printed in news sources. Gilmore noted of the Reconstruction generation: “whites and blacks alike over-looked the occasional white man and black woman who lived openly in a long-term domestic arrangement.”<sup>132</sup> Although no interracial couples could legally marry, these couples were more likely to be accepted.

---

<sup>131</sup> Charles David Phillips, “Exploring Relations Among Forms of Social Control: The Lynching and Execution of Blacks in North Carolina, 1889-1918,” *Law and Society Review* 21, No. 3 (1987), 368.

<sup>132</sup> Gilmore, *Gender and Jim Crow*, 71.

Relationships between white men and black women continued after Reconstruction, and the New White Men of the 1890s, as well as Black Best Men formed patrol units in an attempt to limit these liaisons.<sup>133</sup> Nevertheless, relationships and sex persisted. Questions of the consensual nature of these relationships arose, however, and in 1898, one of the last black legislators, W. Lee Person, introduced a bill to protect black women from white advancements. The bill was introduced “for the protection of the morals of our colored ladies,” and attempted to prevent cohabitation without marriage. An 1899 bill was also introduced to fine white men found sleeping with black women. Both bills failed in the state legislature.<sup>134</sup> This double standard can also be seen in newspaper stories and court records relating to these couples. In 1900, E. White, the deputy sheriff of Winston, North Carolina, was charged with fornication and adultery and set to appear before a local judge. The “negro woman” also charged remains unnamed in the *Greensboro Telegram* and the paper fails to follow up the article in later editions.<sup>135</sup> It is clear the press handled this story differently than reports of fornication charges between white women and black men. There is no sensationalist reporting or mobs threatening to lynch E. White. Perhaps his position of authority also impacted his case. Regardless, white men were not held to the same standards as white women in terms of their commitment to white purity. Not only were white men charged with fornicating with black women, some also attempted to use the social taboos reiterated by white Democrats for their own personal gains.

---

<sup>133</sup> Ibid., 70-72.

<sup>134</sup> Ibid., 258.

<sup>135</sup> “For Fornication and Adultery,” *Greensboro Telegram*, June 8 1900.



In 1907, Frank S. Ferrall filed for divorce from his wife Susie, in Franklin County. Ferrall had recently learned that, according to the state constitution, he was married to a black woman. Apparently, his wife's great-grandfather was of mixed ancestry—a realization that prompted Ferrall to immediately seek a divorce and freedom from paying alimony or child support. The trial became an attempt to define race in terms of the law. Did Susie's great-grandfather need to be a full blooded African American for her to be considered one-eighth black?<sup>136</sup> Unlike the deep South's one-drop rule, which was severe enough to indict many who attempted to pass as another race, North Carolina's legal specification of race was difficult to prove. Although the jury found Susie Ferrall to be white, the judge ruled to the contrary, leading Susie to appeal to the state Supreme Court. In a unanimous reversal of the lower court's decision, Justice Hoke's decision held that "any blood fraction rule had to be based on the most recent ancestor of one hundred percent African genetic admixture, not an ancestor with mixed blood."<sup>137</sup> The decision also established that community or social acceptance could *not* be the determining factor of one's race, because it ignored the constitution's definition of race.<sup>138</sup> Both of these precedents would be ignored some thirty years later, when Sam Miller's fate was decided.

The Ferrall case was also an example of "private citizens... using anti-miscegenation laws as too enhance their positions in civil cases."<sup>139</sup> In *Dangerous Liaisons*, Charles Frank Robinson exposed Frank Ferrall's ulterior motives, providing

---

<sup>136</sup> Frank W. Sweet, *Legal History of the Color Line: The Rise and Triumph of the One-drop Rule* (Palm Coast, FL: Backintyme, 2005), 406.

<sup>137</sup> Ibid., 407.

<sup>138</sup> Justice Hoke would refute his own interpretation of the law four years later, when he abandoned the blood fraction rule for the one-drop rule used to separate the races into segregated schools. Ibid., 419-420.

<sup>139</sup> Charles Frank Robinson, *Dangerous Liaisons: Sex and Love in the Segregated South* (Fayetteville, AR: University of Arkansas Press, 2003), 91.

that Susie testified as to telling her husband about her possible African American lineage. Regardless, Ferrall insisted they still marry. Even the court found Ferrall's case to be self-centered. In a concurring opinion, Justice C. J. Clark 'chastised Frank for taking advantage of his wife's "youth and beauty" and seeking not only to deprive her of any support but also to consign her and his children "to the association of the colored race."' In a telling explanation of social norms regarding race taboos, Clark also wrote that "'justice and generosity dictated" that he should remain silent' upon learning of his wife's lineage.<sup>140</sup>

#### THE CASE AGAIN SAM MILLER

Sam Miller had grown up in rural Catawba County and worked as a wage laborer all of his life. It is unclear how he came to meet Josephine Shook, a white girl fifteen years his younger, but it is clear that the community retaliated against the couple. Sam never knew his father. Raised by his white mother, her siblings, and his white grandfather it seems he was generally accepted in the county—that is, until he married Josephine Shook. The court cases that ensued would not only include the ideas propagated by Democrats in the 1890s, judges at the local and state level would also ignore precedents from the *Ferrall decision* and racial definitions stipulated in their own Constitution.

Sam and Josephine's courtship may have been impacted by the state's racial tensions in some way. In April of 1941, a black man was brutally murdered by a group of white men in neighboring Gaston County when a carload of white men heckled a black couple and the black husband replied. Newspapers across the state covered the incident because the Tuskegee Institute listed it as a lynching. The murder marked a turning point

---

<sup>140</sup> Ibid., 92.

for racial violence in the state, as the four white men involved were given lengthy prison sentences—a first in state history—but the coverage of the murder could have made the couple at least wary of community reactions to their relationship; especially since local gossip contended Miller was mixed race.

Trial transcripts prove it likely that there was gossip in the community regarding Miller's racial lineage. The couple crossed state lines to marry in Gaffney, South Carolina in October of 1942 when Shook was fifteen and Miller thirty-one. This fact proves that Miller's complexion was light enough to pass as white, but also raises doubt as to why the couple left the state to marry if Miller was unaware of the controversy surrounding his lineage. One answer could lie with Shook's mother. Louvenia Fulbright Shook, who first reported the couple to the authorities after learning of their marriage, attesting that Miller was "of mixed blood."<sup>141</sup> This may have been a reaction to local gossip or reaction to the fifteen-year age discrepancy between the now married couple. Regardless, Josephine's family would not be called to the witness stand, despite her mother's involvement with the case. On October 20<sup>th</sup> the couple appeared before the Catawba County recorder's court where the charge of miscegenation was dropped and the court instead found them guilty of fornication. Their marriage was declared invalid because it was believed that "Sam Miller [was] the grandson of Hensley Hewitt... a negro of pure blood" making Miller a "negro within the third generation inclusive."<sup>142</sup> Their trial would be heard in the county's superior court where they each faced two years sentences.

---

<sup>141</sup> "Couple in County Are Charged with Miscegenation by Girls Mother; Trial Slated Tuesday," *Catawba News-Enterprise*, October 16, 1942.

<sup>142</sup> "Couple Free in Miscegenation Case but Convicted on Immorality Charge When S.C. Marriage Declared Invalid," *Catawba News-Enterprise*, October 23, 1942.

In July of 1943, their case was heard by an all white jury who found Miller guilty of fornication and adultery, but acquitted Shook of all charges.<sup>143</sup> Trial transcripts barely mention Shook as a co-defendant and fail to call her as a witness, giving no indication as to why she was acquitted. Miller's sentence was also vexing. He was sentenced to 18 months in the county jail and assigned to work the roads, but his sentence was to be suspended for two years if he did not "associate or communicate with directly or indirectly with Josephine Shook or have anything to do with her."<sup>144</sup> The liberal sentence could possibly be explained by Miller's social standing in the community prior to the charges against him. Regardless, it is clear Miller felt his marriage was justified, as he planned to appeal the case to the State Supreme court "alleging errors and the rejection and admission of evidence" as well as the lack of impartiality in the trial.

One of the principal legal questions central to Miller's appeal was whether a man could be convicted of fornication and adultery without hard evidence that his ancestor was of pure black blood. Trial transcripts depict his father as a mulatto and few witnesses actually remembered his supposed grandfather. His lineage hinged on the opinion of a local physician, Dr. Fred Long, who delivered him as a child. The state cited Long's credentials as "an expert medical man and surgeon," and repeatedly asked Long to provide his opinion on what percentage of black blood Miller might possess. His answers ranged from "he is of the whole or of mixed blood" to "I consider him of the negro race" to "I think he is something like 3/4 negro; no...about 3/8 negro." As Long stated many

---

<sup>143</sup> The jury was charged to "put out of your mind any feeling that you may have, any prejudice you may have against a negro" at the beginning of the trial. Miller's lawyer perceived this not as a favorable instruction, meant to initiate a fair trial, but an indication by the court that they had already determined Miller was a negro. SC, 13.

<sup>144</sup> Denial of Appeal, North Carolina State Supreme Court, *State v. Miller*, 224 N.C. 228 (1944).

times in his testimony, his opinion was based on his own perceptions and also on those of community members, a justification that was thrown out in the *Ferrall decision* and the 1820s Barden case, and was cited by Miller's lawyer upon appeal to the Supreme Court. Long's testimony rested on his expert opinion of the child's race upon his birth. He noted:

when he was born he did not have features exactly like a white child... his hair was different and his lips thicker, and the scrotum or private organs were darker when born... this boy's skin there was darker than a white child's always is; that has always been my experience that those organs are darker in the colored race.<sup>145</sup>

Other community members were also assembled to testify to Miller's race, after, of course, establishing that these white men knew "colored people" and were therefore, qualified to determine Miller's race. John L. Murray testified, "I think I know a colored person when I see one;" proof of his authority to testify Miller was "part darkey."<sup>146</sup> Upon appeal, the state supreme court completely supported these testimonies citing "It is a matter of common knowledge that persons of the negro race have dark skin, curly hair and thicker lips than members of the white races." For the highest court in the state, using community members to determine a person's race through physical characteristics "was certainly evidence of the highest order to prove that he was of negro descent;" regardless of the fact that that very entity had thought otherwise on multiple, separate occasions.<sup>147</sup>

---

<sup>145</sup> Like Dr. Long's testimony to the color of Miller's private organs, it was not unusual for race to be determined visually by a white community member. During a 1927 New York case, the defendant was asked to remove her clothing, so the jury could inspect the color of her nipples. A 1941 California case allowed the testimony of a manicurist who claimed the color of the defendant's hands and fingernails, proved her African American lineage. See: Frank W. Sweet, *Legal History of the Color Line: The Rise and Triumph of the One-drop Rule* (Palm Coast, FL: Backintyme, 2005), 444.

<sup>146</sup> Denial of Appeal, North Carolina State Supreme Court, *State v. Miller*, 224 N.C. 228 (1944), 9.

<sup>147</sup> *Ibid.*, 4.

Of course, Miller's racial make up could be easily determined if the court knew his paternal lineage. This became another key aspect of the case, as the prosecution called white men before the jury to remark on the subject. Most of these expert witnesses peddled the same local gossip, that Miller's father was a black man named Henry Hewitt. This fact completely contradicted Miller's mother's testimony that his father was a white man named Brather McGinnis who had worked the Miller farm. Unfortunately, McGinnis had died prior to the 1943 trial. The defense attempted to introduce a photo of McGinnis brother into evidence to prove similarity between McGinnis and Miller, but that offer was denied. According to Miller's mother, McGinnis had black, curly hair and "kind of thick lips," a family trait the defense hoped to illuminate by introducing the photograph.<sup>148</sup> Although Annie Miller's sister had caught Annie and Brather McGinnis engaged in sexual intercourse, and the dates he worked on her father's farm aligned with the year in which Sam was born, community allegations that Sam was mixed race overruled this testimony. Annie's sister Pearl testified that Sam "associated with other white people besides us and worked for white people" and to her knowledge, "the general public accepted him [Sam] as a white boy," questions of his race having only been discussed prior to the trial.<sup>149</sup>

Miller's mother was also subjected to attacks by the court. They cited that the fact that she did not place Miller in the local white school proved she knew her son was of negro descent. In the same line of questioning she was berated for not doing everything and "anything [she] could to protect his [Miller's] name," including attempting to enroll

---

<sup>148</sup> Ibid., 15.

<sup>149</sup> Ibid., 19.

him in school to prove his racial lineage; a fact she did not know needed to be proven.<sup>150</sup>

This concern echoed the call of white supremacists to do all that was in their power to protect the sanctity of white purity. As a single mother, Annie Miller had obviously not lived up to that high calling. She did testify, however, that she had never had a sexual relationship with a black man.

In closing, the defense addressed the twelve white men sitting in the court room as jurists and implored them to examine the evidence. That evidence relied on eye-witness accounts of a black man, passing through Catawba County, some thirty years prior to the trial. Could this evidence prove beyond a reasonable doubt that Miller was black to the third generation? At this point, we see one of the only acknowledgements of Josephine Shook as a defendant, as Miller's attorney related "The co-defendant the female defendant says that if you do find he is of negro blood... he does not know it and did not know it" attesting that the jury would be the body to establish the first knowledge of his racial makeup if they found him guilty.<sup>151</sup> Regardless of their pleas, Sam Miller was found guilty of fornication and adultery, Josephine was not, and the Supreme Court denied the appeal.

Although the Millers spent the first two years of their "married" life on trials that resulted in defeat, perseverance ultimately won out. The couple eventually left the state, settling in Virginia Beach, Virginia where they purchased a home just blocks away from the ocean. Josephine was a housewife and Sam worked for the Ford Motor Company. At this point, the couple passed as white with Josephine's death certificate<sup>152</sup> listing her race

---

<sup>150</sup> Ibid., 6.

<sup>151</sup> Ibid., 29.

<sup>152</sup> Death Certificate for Josephine Miller, November 27, 1967, File No. 67-030696, Vital Records-Virginia Department of Health, Copy in possession of author.

as white and Sam's listing his as Caucasian.<sup>153</sup> Josephine died in November 1967, a mere five months after the Supreme Court issued the *Loving decision*, striking down the remaining miscegenation laws across the south. Her siblings had her remains brought back to Catawba County and buried her in Bethel Lutheran Church cemetery—perhaps a sign she had made peace with her family.<sup>154</sup> Sam died almost ten years later on September 25<sup>th</sup>, 1976, still living at their house in Virginia Beach. The name of his father was left as “unknown” on his death certificate and he never married again.

## CONCLUSION

North Carolina had enacted strict laws in the colonial period to prevent interracial marriage and end the birth of mulatto children, creating a society of separate races. But as the works of Martha Hodes and Diane Miller Sommerville have found, those laws and judicial decisions simply did not stop racial mixing. Although the state attempted to determine race through legislation, those laws lacked any specification of how race should be proven in court, leading to numerous trials where precedents were misconstrued or completely ignored, depending on the race of the plaintiff or defendant. Furthermore, race simply was not the rigid classification governing officials wished it to be. Racial categories were “porous, anemic, and mutable in everyday life,” creating a complex view of the southern society that has only recently been noted by historians.<sup>155</sup>

Race was an important factor when couples were prosecuted for fornication and when black men were accused of rape, but as this chapter shows, a number of factors

---

<sup>153</sup> Death Certificate for Sam Miller, September 25, 1976, File No. 76-028739, Vital Records, Virginia Department of Health, Copy in possession of author.

<sup>154</sup> “Mrs. Miller Dies in Virginia,” *Observer News-Enterprise*, November 29, 1967.

<sup>155</sup> Sommerville, *Rape & Race in the Nineteenth-Century South*, 8.



shaped a community's response to these incidents, including whether they occurred before or after emancipation. Because cohabitation was policed by communities and local governing bodies, laws were not upheld evenly and interracial relationships occurred and were even acknowledged by local whites. The creation of the term miscegenation at the end of the Civil War led to fears of race mixing and white purity; fears that Democrats would use in the mid-1870s and late 1890s to reinforce social taboos against interracial sex and divide voters by race, instead of social class. Their renewed political power would lead to the total disenfranchisement of black North Carolinians in 1900 and the use of mob violence and lynching to punish those blacks accused of threatening white purity through sexual offenses.

The state court and legislative systems also evolved around the issue of miscegenation. Over the course of a century, miscegenation grew from a misdemeanor, to a constitutional amendment, to a felony, the latter which extended the punishment for the offense to five years in prison. Although cases would be decided resulting in precedents later ignored by state and local judges, the court's invalidation of interracial out-of-state marriages also forced them to become the determining factor in a defendant's racial makeup. Key evidence in these cases rested on the opinions of local, white community members. Cases across the century allowed gossip and opinion to determine racial lineage—such as in the case of Polly Lane's child—but also disallowed its use, determining the practice to be unreliable especially if the opinion were being decided in the white plaintiff's favor—the case of Barden. Regardless, public opinion was used across the country into the 1950s to determine race, forcing couples like the Millers to flee the state in an effort to lead a normal, married life. The superficial nature of these

cases would be exposed yet again when judges abandoned the state constitution's "to the third generation" rule to determine race, and adopted the one-drop-rule to keep public schools segregated.

African American involvement in the Second World War would ignite a spark, eventually lighting the fire for the Civil Rights Movement and the battle to integrate schools would yet again initiate a campaign of white supremacy that held at its core issues of race mixing. The same sensationalized stories warning of threats to white purity would again be read across the state. And regardless of the 1967 *Loving decision's* end of miscegenation laws, in 1977 an interracial blind couple would be denied the right to marry by two separate magistrates, in Winston-Salem, North Carolina.

## CHAPTER TWO: MISCEGENATION'S MAJOR HURDLES: INTEGRATION, LEGALITY, AND SOCIAL ACCEPTANCE

In June of 1977, Thomas Person, a black man, and Carol Ann Figueroa, a white woman, entered a Winston-Salem court house with the intention of leaving as man and wife. Although their ceremony would have occurred almost ten years after the *Loving v. Virginia* decision struck down Southern miscegenation laws, the couple found that an end to bigotry could not be court ordered. Two separate magistrates refused to perform the ceremony citing deeply held religious convictions against interracial marriage. Ironically, Person and Figueroa were also legally blind, meaning, as one local newspaper reported, “the bride and groom...[were] being denied the right to get married on grounds that couldn’t possibly matter to them.”<sup>156</sup> Their fight to be married in their local court house would be delayed three years while the case made its way through court.

The event demonstrated that the attitudes of some North Carolinians had become so deeply engrained against interracial romance over the course of the century, that they were willing to face prison sentences to “protect” those values. Magistrates J. C. Lewter and Harold Thomerson knew their actions would trigger harsh repercussions, however they were willing to publically put their faith above their pledge to uphold the Constitution. The fact that this occurred in “racially progressive” North Carolina ten years after miscegenation laws were invalidated illustrates that while the state complied

---

<sup>156</sup> “Love is Blind; Justice is Not,” *The Winston-Salem Chronical*, June 4, 1977.

with Civil Rights-era legislation and court decisions, public opinion did not match its government's progressive efforts.

It was not just the *Loving* decision that brought questions surrounding miscegenation into mainstream media. The resurgence of animosity against interracial romance began on the home front during the Second World War and grew with opposition to the *Brown v. Board of Education* decision to desegregate public schools. During the war, Roosevelt's push to end discrimination in wartime manufacturing led to a racially mixed workforce, which southerners perceived as a personal attack on southern society. News of black veteran acceptance while stationed abroad and their relationships with white and Japanese women, also sparked criticism. The integration of white and black schools created a firestorm of public backlash that ultimately argued school segregation was necessary for the protection of white racial purity. As was the case throughout the South, North Carolina schools would be slow to integrate, encountering set-backs and some public disapproval.

Shortly after the *Brown* decision, the Supreme Court had several opportunities to rule on the legality of miscegenation law, but it would not do so until 1967. This chapter will evaluate this period of North Carolina history, including the public backlash against integration and the extent to which interracial sex and co-mingling lay at the heart of those reactions. The targeting of interracial couples, like the Persons, continued during the post-*Loving* period despite public opinion polls depicting the liberalization of American opinion toward racial integration. Using newspaper articles, oral histories, and archives, this chapter argues that following a lull in the early twentieth-century, the social taboo against interracial marriage underwent a reemergence in the 1950s and 1960s with

the modern civil rights movement and the Ku Klux Klan revival in the state. The public, and sometimes private, ideas and attitudes against interracial relationships continued to persist in some parts of the North Carolina Piedmont decades after miscegenation laws were struck down. To combat school integration and interracial co-mingling in public places, white supremacists and segregationists used rhetoric and strategy similar to those of the Democratic Party in the 1898 election to promote fears of interracial sex.

For reasons that will be discussed in the chapter, the post-war period presented challenges for interracial couples. Not only were the unions still illegal in North Carolina, but the push to integrate schools and achieve racial justice for black citizens was met with accusations of racial mixing from whites, who resorted to some of the same arguments surrounding white supremacy that were prevalent at the turn of the century. Given this period of racial tension, historians have found it difficult to find enough historical evidence of these relationships in the South to write about them collectively. Some, like Peggy Pascoe, have focused on other races and ethnicities, such as Mexican American and Native American relationships with blacks, and their fight for marriage. Historian Renee C. Romano looked outside of the South, finding examples of black-white relationships in the North to supplement the time period. Other scholars have written about the southern public backlash against intermarriage, arguing that that context is the reason why black-white relationships were hidden from the historical record or only exposed through court proceedings. My own research aligns with the latter approach to this problem and attempts to push the literature in a new direction by unveiling oral histories which support a historically limited amount of archival evidence.

The first portion of this chapter attempts to place North Carolina, particularly the Piedmont, within the larger scope of the South, as the public fought against the modern civil rights movement. The second half explains how the state grappled with the *Loving* decision and documents the shift in public opinion that begins to occur after integration, regarding black-white relationships.

### DISCRIMINATION IN THE POST-WAR ERA

The 1940s marked a difficult time for southern legislators. The Second World War brought with it complications for southern segregation. As Americans migrated North and West looking for manufacturing jobs in wartime industries, racial and gender discrimination policies were exposed. This exposure, and the need to keep manufacturing as productive as possible, led to an executive order aimed at preventing discrimination in wartime production. Ultimately, this led to a mixed workforce across race and gender lines, that clashed over issues of racial mixing. During the war, black soldiers fought and died for a country where they were disenfranchised and deemed second class citizens. But their experience also led them to taste the freedoms of integrated society while stationed abroad. These circumstances led some African Americans to bring home Japanese and European war brides, and although the South's miscegenation laws blocked southern black soldiers from taking white wives, southern conservatives were still aware of the intimate relationships that had taken place overseas. The 1940s also pitted southern legislators against the federal government, arguing against the federal government's power to influence a state's right to regulate marriage. Generally speaking,

the modern civil rights movement politicized interracial intimacy and pushed the subject into the national spotlight.<sup>157</sup>

The American government framed its entry into war as a struggle for democracy against racism and totalitarian regimes; a total contradiction to segregation on the home front. Furthermore, black leaders ensured soldiers that their efforts in the name of patriotism would not contradict the push for racial justice. This leverage worked, as Congress passed the Selective Service and Training Act in 1940 expanding black recruitment and black military units. One year later, President Roosevelt created the Committee on Fair Employment Practices (FEPC) to investigate and end discrimination in employment related to the war effort.<sup>158</sup> To promote racial justice, Robert L. Vann, editor of the *Philadelphia Courier*, encouraged the idea of a “double victory” against racism in Europe and racism in the United States as a response to black hesitancy to join the war effort.<sup>159</sup>

The President’s creation of the FEPC would be one of the first to advocate for African American workers, pushing manufacturers and unions to hire them. Although most of these manufacturers were located on the West Coast or in the Midwest, southerners responded to the FEPC’s integration efforts that compelled white men and women to work alongside blacks. In her study of the racialization of workers during World War II, Eileen Boris found the subject of miscegenation and the sexual deviancy of black men to be at the center of many of the debates surrounding the FEPC. In Alabama, then Commissioner of Public Safety Eugene “Bull” Connor, wrote to President

---

<sup>157</sup> Alex Lubin, *Romance and Rights: The Politics of Interracial Intimacy, 1945-1954*, (Jackson, MS: University Press of Mississippi, 2005), 5.

<sup>158</sup> Ibid., 13-14.

<sup>159</sup> Ibid., 15.

Roosevelt warning that “any effort now by any person connected with the federal government officially, or socially to destroy segregation and bring about amalgamation of the races will hinder the Southland in its war efforts.”<sup>160</sup> Southern Democrats went even further by filibustering FEPC funding and blocking legislation to make it a permanent agency; and they did so in the name of racial intermixing.<sup>161</sup>

White southerners migrating for wartime jobs brought with them reinforced racial hierarchies. Although whites and blacks were employed in the same positions, white southerners believed skin color elevated their status.<sup>162</sup> Furthermore, Boris’ study concluded that although black citizens fought for racial justice in various ways during the war, they “struggled to be heard against a discourse that displaced demands for economic equity into openings for sexual intimacy.”<sup>163</sup> This perception was evident in wartime manufacturing. Boris found that “Fear of bodily closeness... sparked workplace confrontations that interrupted war production and brought charges of discrimination before the FEPC.”<sup>164</sup> Gossip accusing black men of rape occurred in California, Texas, Massachusetts and Michigan. An Alabama factory went on strike because segregated clocking lines were too close in proximity. In the same state, white male and female workers began stoning their black colleagues one work day, after accusations that a black man had killed a white woman the night before. Integrated toilets were a special point of contention, as they symbolized social equality. This, along with false preconceived notions of the lack of black cleanliness and high rate of syphilis amongst blacks, led

---

<sup>160</sup> Eileen Boris, “‘You Wouldn’t Want One of Em’ Dancing with Your Wife’: Racialized Bodies on the Job in World War II,’ *American Quarterly* 50, no. 1 (March 1998), 81.

<sup>161</sup> *Ibid.*, 83.

<sup>162</sup> *Ibid.*, 79.

<sup>163</sup> *Ibid.*, 81.

<sup>164</sup> *Ibid.*, 87.



white women to threaten to quit work, strike and become violent toward black female coworkers.<sup>165</sup>

In North Carolina, an editorial column responded positively to the creation of the FEPC, writing “The Fair Employment Practice Committee is not concerned with segregation or any other of the long-standing problems of race relations in the South... It has nothing to do with our race problems and such. And yet there are hateful whisperings, ugly and dishonest pretensions that this is some sinister plot against Southern Order.” The article continued by blaming politicians for creating animosity between the races for political gain, but ended placing most of the fault on black leaders, such as Walter White, head of the National Association for the Advancement of Colored People (NAACP), who, in the writer’s opinion, used a time of national crisis to “insist the Negro question be settled overnight... obstructing the genuine patriotism” of blacks.<sup>166</sup>

The FEPC was a weak agency that worked by complaint only and could not impose sanctions or take violators to court.<sup>167</sup> After Roosevelt’s death, President Truman proposed a bill to strengthen the FEPC by giving it more police power, while Southerners strongly opposed the legislation, citing the federal government’s ability to force integration that could lead to miscegenation. The *Asheville Citizen-Times* ran an article in 1948 outlining the “Southern revolt against the national Democratic party,” citing as its platform ‘Southern determination to maintain its present pattern of “white supremacy.”’ The writer argued that the biggest point of contention for the South was “segregation and

---

<sup>165</sup> Ibid., 87-95.

<sup>166</sup> While the *Asheville Citizen-Times* was developed in 1870 to be “a voice for Conservative-Democratic politics,” some moderate views appeared in opinion columns, which were always labeled as such. John Temple Graves, “This Morning,” *Asheville Citizen-Times*, June 22, 1942. John L. Bell “*Asheville Citizen-Times*,” in *Encyclopedia of North Carolina*, edited by William S. Powell (Chapel Hill, NC: The University of North Carolina Press, 2006), 70.

<sup>167</sup> Boris, “You Wouldn’t Want One of Em’ Dancing with Your Wife,” 82.

the FEPC proposals,” claiming the two would give blacks social, economic and political equality. Amalgamation was also included as a result of the FEPC’s passage, proof that almost any racial topic could be utilized for political gain. When the Fair Employment Practice Bill reached the House of Representatives two years later, North Carolina representatives voted overwhelmingly against its passage.<sup>168</sup> With the help of southern Democrats, the bill was completely watered down, eliminating any police powers President Truman had requested to combat civil inequalities. The South had won another victory for white supremacy.<sup>169</sup>

Fears of racial mixing appeared on the home front in other forms. Black men were turned away from recruitment stations, sometimes beaten for questioning why they were not allowed allowed to volunteer. When segregated camps were established in the state, they were often met with reproach by local residents. Established in Monroe, Camp Sutton—ironically named in honor of a black Monroe man who had died in the war after joining the Royal Canadian Air Force—created an economic boom for the county. But black troops routinely clashed with white police officers; a fact Timothy B. Tyson attributed to the sexual subtext surrounding black troops and their push for social equality. Social equality, Tyson argued, ‘was the euphemism of choice for the ancient taboo of sex between black men and white women. Virtually any self-assertion on the part of African Americans conjured images of “amalgamation” in the minds of white Southerners.’<sup>170</sup> Even Chapel Hill, often deemed the progressive seat of the state,

---

<sup>168</sup> “Carolina Delegations Solidly Oppose Bill,” *Asheville Citizen-Times*, February 24, 1950.

<sup>169</sup> Bem Price, “Writer Says Dixie Quarrel Won’t End with Election,” *Asheville Citizen-Times*, October 24, 1948.

<sup>170</sup> Timothy B. Tyson, *Radio Free Dixie: Robert Williams and the Roots of Black Power*, (Chapel Hill, N.C.: University of North Carolina Press, 1999), 34-35; 43-44.

encountered tension as Reverend Charles M. Jones, a Presbyterian minister, invited members of the black Navy Band to attend church with local University of North Carolina coeds. The event reached the War Department in an intelligence report titled “Commingling of Whites and Negroes at Chapel Hill, N.C.,” as the local police chief reported members of both races walking together on city streets. Jones’ daughter, a nineteen-year-old white woman, went on at least one date with one of the black men, pushing many church members to refuse to attend church as long as Jones was minister.<sup>171</sup>

This politicization of interracial mixing only intensified as black troops returned to America after serving abroad. The black soldiers’ experience of relative integration abroad and their relationships with foreign women drove the taboo into the political spotlight. Both black and white men brought war brides back to America; brides that at times challenged miscegenation laws. Those experiences also helped spark the fight for integration and racial justice.

In *Romance and Rights*, Alex Lubin examined the decade after World War II, particularly how it affected interracial romance. Lubin noted, “During and after World War II, fears of interracial intimacy within the military and between servicemen and civilians threatened to blur racial and national boundaries,” and the growing civil rights movement made policing relationships more difficult.<sup>172</sup> Furthermore, he argued, soldiers stationed abroad represented black communities and the United States as a whole, placing them in a unique position to use their intimate choices to “represent the struggle for

---

<sup>171</sup> Ibid., 34-35.

<sup>172</sup> Alex Lubin, *Romance and Rights: The Politics of Interracial Intimacy, 1945-1954* (University Press of Mississippi, 2005), 96-97.

expanded civil rights at home.”<sup>173</sup> Black soldiers in Europe challenged white military officers by exposing their inability to control relationships between white females and black men. Those relationships were later key in protesting the government’s attempt to stop black men from marrying these women and bringing them to the United States.

The U.S. policy for soldiers wishing to marry European women called for the soldier to obtain permission from his commanding officer. For black men, the rules were much more challenging and even unclear at times. Although the Army insisted their procedures for allowing marriage “were applicable to all members, regardless of race, creed or color,” their practices showed otherwise. Peggy Pascoe documented the NAACP’s fight for black veterans and their white counterparts.<sup>174</sup> After being questioned, the military argued a black man must marry according to the laws of his home state. Even if a couple wished to reside elsewhere, however, commanding officers often refused black soldier’s repeated appeals with hollow arguments.<sup>175</sup> The NAACP also drew attention to mixed couples stationed in the south, who would be in violation of miscegenation law if they were assigned these postwar duties; an action that forced the Army to relocate couples to northern posts.<sup>176</sup>

---

<sup>173</sup> Ibid.

<sup>174</sup> Lubin expands on the NAACP’s role in fighting miscegenation law by clarifying that the group was “loath to advocate the abolition of antimiscegenation laws at home” but were “willing to advocate the right to intermarriage abroad.” For the NAACP, black men won the right to have “their romantic and intimate choices acknowledged and respected” as part of the terms of their service abroad. Lubin, *Romance and Rights*, 107-108.

<sup>175</sup> Pascoe found evidence of these refusals within NAACP archives. One officer’s denial read the marriage “[was] considered to be against the best interests of the parties concerned and of the service.” Pascoe, *What Comes Naturally*, 198.

<sup>176</sup> Since soldiers were allowed to marry according to the miscegenation laws of their state, relocating couples to the North appears to be an appropriate response from the U.S. military. However, it should also be noted that couples often faced discrimination and alienation in northern cities and communities. Ibid., 199.

While there is little evidence black GI's attempted to settle in North Carolina with white war brides, newspapers carried stories of prosecuted couples from other southern states. From 1947 to 1949, multiple articles circulated the state's piedmont and mountain regions covering miscegenation cases. Most cases alleged the veteran was technically black and stories circulated from such southern states as Mississippi, Virginia, Louisiana and Georgia.<sup>177</sup> As early as 1946, the *The Daily Times-News* of Burlington, North Carolina, contended "The biggest problem on the 'imported war brides' allegedly concerning miscegenation. Several came here and discovered their Indian grooms ain't..."<sup>178</sup> *The Asheville Citizen-Times* covered a Louisiana miscegenation case in 1949 that involved "a Negro soldier and his shapely German wife" who married in New York and returned to the man's native New Orleans, where he was stationed at the Port of Embarkation reservation. The article suggested the commanding officer of the post felt the soldier should be reassigned to a northern post because of the attention the mixed race marriage was receiving.<sup>179</sup>

Although there is no indication the state prosecuted returning veterans and their white brides, counties continued to prosecute black men for assault in the post-war decades. The alleged "social equality" that blacks had been seeking by joining the war effort continued to conjure images of black rapists. In fact, according to white North Carolinians at the time, all forms of equality, whether political, social or economic, had

---

<sup>177</sup> "Charge Racial Law Violated," *The Gastonia Gazette*, December 20, 1948. "Couple Jailed in Georgia...", *The Gastonia Gazette*, October 17, 1949. "Miscegenation," *Statesville Daily Record*, December 29, 1948. "Miscegenation Case Dismissed," *Statesville Daily Record*, February 5, 1949. "Miscegenation Charged to Vet," *Statesville Daily Record*, December 15, 1947. "Miscegenation Case Stirs Community in Mississippi," *Asheville Citizen-Times*, December 19, 1948.

<sup>178</sup> James Marlow, "The Nation Today," *The Daily Times-News*, March 21, 1946.

<sup>179</sup> "Negro Soldier and Wife Face Possible Trial," *Asheville Citizen-Times*, March 30, 1949.

the end goal of miscegenation. Writing in 1947 for an eastern North Carolina newspaper, J. B. Benton “mirrored widespread feelings among whites” by proclaiming:

The negro has been “up North,” he has joined the Eleanor Clubs, he has heard of the activities of the northern-financed “Society for the Advancement of the Colored Race,” he remembers that during the war he was allowed to eat and sleep with white men, he is conscious of a friendly federal government... He has heard of the white preachers who advocated you and I being thrown with the negro socially, he has ideas that at last the colored man and woman is coming into his own and will soon be rulers of the land. So all in all why shouldn’t he go out and take a white woman when he pleases?

This would mark the atmosphere soldiers returned to after the war. An orchestrated “rape movement” created from sensationalized rumors, spread by the press, blamed partly on soldiers’ wartime experiences and partly on communist perversion.<sup>180</sup> This atmosphere eventually encouraged protest, helped to build the Civil Rights movement and strengthen the NAACP in North Carolina, in an effort to fight for racial equality.

### BLACK MEN ON TRIAL: THE 1950S

In June 1951, a black tobacco farmer named Matt Ingram was arrested for assault in Caswell County.<sup>181</sup> Seventeen-year-old Willa Jean Boswell accused the forty-four-year-old of slowly driving his truck along her father’s farm and watching her flee through a field. Arrested later that day, Ingram argued he had not seen the girl at all and was unaware the Boswell family even had a daughter. Although Ingram knew family patriarch A. B. Boswell, and testified that he had only been driving slowly to seek him

---

<sup>180</sup> An image of a black veterans dancing white women abroad during World War II was used in an election handbill to smear Senator Frank Porter Graham during the 1950 election. David Cunningham, *Klansville, U.S.A.: The Rise and Fall of the Civil Rights-Era Ku Klux Klan*, (New York, NY: Oxford University Press, 2013), 78. Tyson, *Radio Free Dixie*, 58-59.

<sup>181</sup> Matt was consistently called Mack and Mark in newspaper accounts, during his trials, and in an NAACP brochure attempting to raise money for his appeal.

out and ask permission to borrow a trailer, he was charged with “unlawfully and willfully” assaulting the girl “with the intent to criminally assault her.” Appearing before an all white jury, Ingram received two years in jail. By November, the NAACP had taken Ingram’s case, publicized his story and asked for monetary contributions to aid his appeal in North Carolina.<sup>182</sup>

Part of that appeal would include the publicity of the trial after the Communist Party had picked up the story and spread it to news outlets from New York to London.<sup>183</sup> Local papers called the accounts ‘prejudicial’ and spoke to the innocence of the “young white bride-elect.”<sup>184</sup> They reported that the negative publicity abroad pushed the U.S. State Department to call for the facts to be thoroughly explored. The *Durham Morning Herald* reported there were hints that “the S.B.I. and the F.B.I. may be called in to ascertain if there [were] Communist Party members or persons with communist leanings trying to disrupt peaceful race relations with distorted reports of local happenings.” At the same time, Willa Jean Boswell began receiving hate mail from New York and London, pushing the prosecuting solicitor to demand “protection for white womanhood from uppity niggers.”<sup>185</sup>

In 1951, the superior court returned the case to Yanceyville to be retried, and Ingram was again found guilty. This time, the judge sentenced him to a six-month prison sentence, but suspended the sentence if Ingram agreed to appear yearly before the court

---

<sup>182</sup> “Assault”—at 75 feet,’ NAACP Legal Defense and Educational Fund, Inc. November, 1951.

<sup>183</sup> The case attracted the attention of Junius Scales, Carolina District Chairman of the Communist Party. Along with national press, the communist party’s *Daily Worker* reported regularly on the case. Scales involvement in publicizing the case would later hurt Ingram’s chance to have the venue changed for his third trial, which occurred in Caswell County before an all white jury. Mary Frances Berry, “Reckless Eyeballing’:The Matt Ingram Case and the Denial of African American Sexual Freedom,” *The Journal of African American History* (93, no.2, 2008), 227.

<sup>184</sup> State v. Ingram, 74 S. E.2d 532d (N.C. 1953), 28.

<sup>185</sup> Ibid., 29-30.

with “three reputable witnesses” to verify his good behavior.<sup>186</sup> *The Carolina Times* called the case a “blessing in disguise.” Commenting on Ingram’s suspended sentence and five-year probation period, the article informed readers the court was merely trying to placate both whites in Caswell county and the rest of the country, who found his arrest to be ridiculous. The national press coverage and absurdity of charges, the article hoped, might allow justice to prevail.<sup>187</sup> Two years later it did when an appellate court reversed the conviction on the grounds that his action, that is, the act of “leering” or looking at the girl alone, were not a display of violence or threat. While this represented a small victory for black men, they could still be prosecuted for assault if there was any bodily movement in the direction of the victim.

The Ingram trial and the local coverage of miscegenation cases are both telling examples of just how little had changed in race relations after the war; especially the perception of interracial sex and the potential threat of black men. *Ebony* magazine helped publicize the Ingram trial and also documented Ingram’s life after prison in a collection of photographs by John G. Zimmerman, depicting the lives of blacks in the Jim Crow south. Although the family had emerged victorious, the trial caused hardships that almost resulted in foreclosure. Black farmers refused to hire Ingram and long time friends were afraid to speak to him. White community members stared and whispered when the family appeared in public, but would not speak to them, and eventually they stopped shopping in Yanceyville, preferring to cross the border into Danville, Virginia, where they could remain anonymous.<sup>188</sup> Another critical case demonstrating the public’s fear of

---

<sup>186</sup> Ibid., 65-66.

<sup>187</sup> “The Mack Ingram Case a Blessing in Disguise,” *The Carolina Times*, November 22, 1952.

<sup>188</sup> Berry, “The Matt Ingram Case,” 233.



racial mixing would take place in 1958, four years after the *Brown* decision. What became known as the “Kissing Case” would put Monroe, North Carolina on the map, and demonstrate the lengths to which white citizens were willing to go to prosecute interracial co-mingling.

In 1958, James Hanover Thompson and David “Fuzzy” Simpson were arrested in Monroe, North Carolina and charged with molesting three white girls. Thompson was nine-years-old and Simpson was seven. The two friends were playing in a white neighborhood with other children, when someone suggested a kissing game. Sissy Sutton, a young white girl, and two of her white friends, kissed both boys on the cheek. When Sutton told her parents about the game, the town reaction was immediate. Sutton’s father instantly retrieved his shot gun and left their home in search of the boys. And neighbors remembered a white mob, appearing at the Thompson home and threatened not only to kill the boys but to lynch their mothers.<sup>189</sup>

At first it was unclear exactly what had transcribed during the game. Early reports suggested one to three white girls were involved, that the boys had held the girls down and demanded the girls kiss them. Other white sources asserted the boys had tried to rape the white girls. The *Carolina Times*, Durham’s only black newspaper, argued the entire ordeal stemmed not from assault, but from the embarrassment of white officials that the children had not yet learned “the unwritten law of white supremacy.”<sup>190</sup> Achieving world-wide notoriety, the case would come to emphasize the power of sexual issues in

---

<sup>189</sup> Tyson, *Radio Free Dixie*, 95.

<sup>190</sup> The Standard Advertiser, Durham’s only black newspaper, came under the direction of Louis E. Austin in 1927 when it formally adopted the name the *Carolina Times*. Austin changed the paper’s motto to “The Truth Unbridled” building its weekly following into “one of the state’s most important African American newspapers.” See Edwin H. Mammen, “Changing Technologies, New Voices and the Trend Toward Corporate Ownership,” in *Encyclopedia of North Carolina*, William S. Powell (Chapel Hill, NC: University of North Carolina Press, 2006), 77. *Ibid.*, 92.

the racial politics of the segregated south. Historian Timothy B. Tyson analyzed the event's implications by suggesting "One fundamental truth shines through all accounts of the Monroe 'kissing case,' however seething or partisan: relations between black and white citizens in North Carolina were such that a single kiss between small children, stole or shared across the color line, could cause the earth to tremble."<sup>191</sup>

Monroe police found the boys before the mob and detained the children for six days, allowing them no contact with relatives. Later, a local judge would report to the Governor of North Carolina, Luther H. Hodges, that the children were detained for their own protection. However, the children were victims of brutal beatings during their incarceration. In an interview with National Public Radio, Thompson remembered being told they had "raped a little white girl," as they were immediately taken to a cell, handcuffed and beaten. Thompson recalled "They didn't beat us to the face, where nobody could see it; they just punched us all in the stomach, and back and legs. We was hollering and screaming. We thought they was gonna kill us."<sup>192</sup> On one occasion, jailers dressed in white bed sheets just to terrorize the children.<sup>193</sup> Detained, terrified and not allowed contact with their families, the fate of two young boys from the small town of Monroe seemed to be sealed, but the arrest and sentencing of the boys soon drew national attention thanks to Robert F. Williams.

Williams was a Monroe native who grew up to lead one of the most militant chapters of the NAACP. At eleven-years-old, he witnessed the brutal beating of a black woman by Jesse Alexander Helms, Sr., a white police officer, noting the total

---

<sup>191</sup> Tyson, *Radio Free Dixie*, 94.

<sup>192</sup> James Hanover Thompson, "'The Kissing Case' And The Lives It Shattered," National Public Radio, April 29, 2011.

<sup>193</sup> Tyson, *Radio Free Dixie*, 99.

emasculation of black male bystanders while whites looked on with amusement at the suffering woman. He spoke often of this event and of the general degradation of the black population by white men preying on black women. His great-grandfather had been his enslaved great-grandmother's master and Williams noted repercussions of intimacies such as this one could be seen throughout Union County in the Jim Crow era.<sup>194</sup>

Perhaps because of his own lineage, white supremacists' use of racial mixing to maintain segregation in the county infuriated Williams. When he went to work with his father, a railroad boiler washer, he observed the racial politics of the railroad yard. White men would walk about nude, knowing that black women traveled the route for work. They spoke of black women "they had gone with... as a deliberate humiliation [to black male workers], an expression of white dominance."<sup>195</sup> And these circumstances did not only plague Monroe's black community.

In an oral history interview, Price F. Davis described growing up in Charlotte during the 1930s. As a teenager, his family lived in the predominantly white township of Providence, where they were generally ignored by white residents. He remembered racism as a sickness, perpetrated by the police and politicians who understood, "the one that could get out there and use the "n" word and holler the loudest [was] the one that generally won." The police force was comprised of uneducated white men and racial beatings were "every day occurrences." Davis managed to elude physical violence at the hands of the police until he was a teenager and when it happened, he was so ashamed he was afraid to tell his father.

---

<sup>194</sup> Ibid., 1-2, 10-11.

<sup>195</sup> Ibid., 19.

Davis was visiting a girlfriend who was very light skinned when the incident occurred. He was stopped by a police officer who asked him “whatcha’ doing with that white girl?” Instead of proclaiming that she was black, David replied “she’s my girlfriend” and suffered a beating for his alleged interracial transgression.<sup>196</sup> Davis also acknowledged that while there was a stigma against black men and white women racially mixing, relationships still occurred. He admitted that in the 1930s his brother was involved with a white girl, a relationship they both chose to pursue, but he feared for his brother’s safety. Playing the role of lookout for the couple, Davis overheard his brother explaining to his white girlfriend that if she ever became angry with him, there could be dire consequences for him as a black man.

In the Cherry neighborhood where Davis lived as a teenager, there was a “bootleg joint” that mixed couples frequented.<sup>197</sup> The racial mixing that occurred between white male politicians and black women frustrated Davis. Although he declined to identify the senator, he remembered one particular senator “was hollerin’ the N word but at night he was running out there sleeping with the black women and that’s something that was happening in Charlotte.” As a black teenager, this hypocrisy was difficult to view and understand.

In a separate oral history interview, Davis remembered white policemen coming into his neighborhood to ask black men where they might find “some of the ‘n’ women.” In the late 1930s, Davis would have been between thirteen and fifteen years old. His teenage years were tainted with memories of racist police who would patrol Cherry in the

---

<sup>196</sup> Price F. Davis oral history interview 3, November 18, 2006, J. Murrey Atkins Library Special Collections and University Archives, University of North Carolina at Charlotte.

<sup>197</sup> Vermelle Ely, Price Davis, and John Funches oral history interview, June 29, 2004, J. Murrey Atkins Library Special Collections and University Archives, University of North Carolina at Charlotte.

daylight to beat black men, and return after dark to seek out black women. His next door neighbor John was beaten unmercifully by policemen because a white officer was sleeping with John's wife. According to Davis, John's wife had forced him out of their home and begun to allow the white man to stay there most nights. Unwilling to heed the reproaches of other community members, the woman, according to Davis, showed no regret over the situation and eventually the policemen brought three or four other men into the house, all of which engaged in intercourse with the woman. Davis later verified this fact by sneaking under the house and listening to its occupants in the night.

Frustrated with the situation and the hypocrisy of the city's police force, Davis reached out to his teenage neighbors to devise a plan to break up the nightly occurrences. In an effort to dispel the policemen, the boys pummeled every window with rocks simultaneously, even attacking the men as they ran out of the house. Apparently, shots were fired at the boys who also broke the window of the men's car as they fled the scene.<sup>198</sup> It is clear from Davis' tone that the story evoked a sense of pride and admiration for what he and his neighbors had accomplished. And it was those same frustrations and hypocrisies that drove a young Robert F. Williams two decades later to commit his life to fighting racial inequality and the injustice faced by the black community. He too had organized his friends into a vigilante group whose purpose was to protect the black community from white intruders and he too had won that battle. Given the military training he had received during World War II and his knack for grassroots organizing in

---

<sup>198</sup> Price Davis remembered *The Charlotte Observer* running at least one article about the attack in Cherry. During the recording, Davis was unsure as to the date of the event or his age, providing a four-year time period in which the attack could have taken place. So far, the author has been unable to locate the article using *Observer* microfilm collection. Ibid.

the post-war era, he was a clear choice to defend the two Monroe children who had become the latest target of white rape fears in the small Piedmont town.

Thompson and Simpson were held for six days. Prior to their hearing, the case's judge wrote to the State Board of Corrections and Training to arrange their admittance to Morrison Training School for Negroes in Hoffman, North Carolina. Their fate had been sealed before they entered the court room; their trial, only a formality. No legal counsel was provided and Sissy Sutton did not appear in court to identify the defendants. The judge twice referred to the boys as "niggers," giving them indeterminate sentences and imparting that if they behaved well, they might be released before age twenty-one.<sup>199</sup>

In the 1950s, America was in the precarious position of attempting to solve its race issues while battling the Cold War. Martin Luther King Jr. had used that knowledge and national media coverage to expose America's racial contradictions to the world and push for racial justice. Williams also exploited the federal government's embarrassment of the overt white supremacy perpetuated in the south. Governor Hodges also understood the kissing case's threat to his own political career and the town of Monroe—furthermore, because the family had personal ties to the town. While still a segregationist, he was more moderate than Arkansas' Orval Faubus leading many to praise his leadership and view him as a rising star in the Democrat Party. It was that reputation that cornered the governor when, at Williams' direction, the case received national attention.

Beginning with a *New York Post* article, Williams first contacted the NAACP to help secure the boys' release. But the case ultimately centered around sex, and the NAACP had "consistently distanced itself from issues of interracial sexuality, knowing

---

<sup>199</sup> Ibid., 100-101.

that the deep-rooted taboo fueled white resistance to its goals.”<sup>200</sup> Kelly Alexander, a Charlotte native and head of North Carolina’s NAACP chapter, declined to become involved.<sup>201</sup> Determined to spread the story, Williams led a press campaign that involved press releases, calls to television networks and telegrams to ensure the story would remain in the headlines. Harry Golden, a Jewish newspaper publisher from Charlotte, was integral in these efforts. Golden used humor and social criticism to combat integration and was well known thanks to essays and columns in his paper, the *Carolina Israelite*. Through Golden’s literary connections, a British reporter for the *London News-Chronicle* flew to America to interview the boys and Monroe’s mayor in what resulted in a “blistering front-page editorial” which made its way across Europe. The story unleashed embassy protests and thousands of letters from outraged Europeans. Governor Hodges was forced to obtain translators from the University of North Carolina at Chapel Hill to allow him to respond.<sup>202</sup>

After the story made international news, the Governor’s begrudging response to the situation was to vilify the black boys by redefining the incident as an assault on white womanhood. Reporters were told the incident was actually a “vicious rape attempt,” that molestation and assault charges ensued. Hodges also falsely claimed that welfare agencies proved the boys’ families were disgraceful, that the two boys could not be blamed for “a shiftless and irresponsible family.” The press was also attacked for its role

---

<sup>200</sup> Ibid., 109.

<sup>201</sup> Alexander also understood the precarious situation the NAACP felt nationally, as white supremacists attempted to link its mission to amalgamation and communism. Given Robert Williams’ supposed links to communist organizations, it is understandable that the NAACP would decline to offer legal support in the case. The North Carolina NAACP also faced problems with the state legislature, which threatened to follow Alabama in requiring the organization to publish membership lists. Ibid., 121.

<sup>202</sup> Ibid., 118.

in perpetuating propaganda stemming from the NAACP, an attack that many Piedmont newspapers in the state completely supported.<sup>203</sup>

After months of hostility surrounding the case and a habeas corpus hearing that concluded with the boys returning to the reformatory, on February 13<sup>th</sup>, 1959, the boys were released. Why Governor Hodges chose that particular day to pardon the boys is unclear. Although many key actors, such as Harry Golden, have claimed responsibility, Hodges had stipulated that the boys might be released after their behavior had been reformed and their parents had obtained adequate housing. Since the NAACP had provided the Hanover and Thompson family with houses in Charlotte, Hodges could technically pardon the boys at any time while upholding his original bargain; a bargain meant to showcase his compassion.<sup>204</sup>

While white sexual fears explain the fierce reaction of white citizens to the case, the more immediate context for sexual paranoia was the prospect of public school integration. Less than two weeks before the kissing incident, Robert F. Williams had petitioned the local school board to allow his sons to integrate an all white elementary school, thoroughly panicking local whites whose defense of maintaining segregation was steeped in sexual fears. In a letter to the editor of the *Charlotte Observer*, one resident warned “If [black children] get into our rural schools and ride the buses with our white children, the Monroe ‘kissing’ incident is only a start of what we will have.”<sup>205</sup>

---

<sup>203</sup> The *Charlotte Observer* called the *New York Post* a “tabloid.” The *Fayetteville Observer* praised Hodges as “a one-man Anti-defamation League to defend the good name of the people of North Carolina. The *Winston-Salem Journal and Sentinel* blamed the public backlash on “editing in Northern press rooms.” Ibid. 124.

<sup>204</sup> Ibid., 135.

<sup>205</sup> Tyson, *Radio Free Dixie*, 99.



After the case, Williams remained in Monroe where he continued to enroll members in the Monroe NAACP and fight racial injustice with growing, militant, efforts. Militancy would prove its value, however, as black America became more organized in its push for Civil Rights and as the Ku Klux Klan underwent a revival in the state. As these groups clashed throughout the decade, the underlying thread of interracial sex as a dangerous result of integration remained. An attempted rape case in Monroe just months after the kissing case convinced Williams of the need for militancy in the face of a government that frankly did not care about black citizens.

On May 5, 1959, a white man stood in a Monroe courtroom charged with assault with intent to rape. Mary Ruth Reed, a twenty-five-year-old black woman, accused a white mechanic, Lewis Medlin, with entering the family's sharecropper cabin and attempting to rape her in front of her five children. Reed, pregnant at the time, fled the house with her youngest child but was knocked the ground by Medlin, who beat her until a neighbor heard her screams and called the police. After Medlin's arrest, Reed was offered \$100 to drop the charges. When she refused, the family began to receive threats. This, coupled with Judge J. Emmett Griffin's statement to the press that Medlin was drunk at the time and "probably not guilty," prompted Williams and the Monroe NAACP to intervene. Even Governor Hodges understood the implications the case held for Monroe and the State of North Carolina. He sent a solicitor to the town to warn the judge not to dismiss the case.

The trial itself was a testament to Monroe's hold on Jim Crow. Medlin's defense attorney argued the man was merely "drunk and having a little fun," therefore, he was not guilty. When Mary Ruth Reed took the stand "the *New York Post* reported, several of the

white jurors laughed out loud” during her testimony. Despite an eye witness account from Reed’s white neighbor who had called the police, this was not enough to prove assault. To discredit Reed, the defense grounded the case in white purity by “having Medlin’s wife sit with him at the defense table and by appealing to the sentiments of the jurors with respect to gender and race.” Richardson, Shaw’s attorney argued: “Your Honor, ladies and gentlemen of the jury... you see this pure white woman, this pure flower of life, God’s greatest gift to man, this is [Medlin’s] wife. This white woman is the pure flower of life, one of God’s lovely creatures. And, do you think he would have left this pure flower, God’s greatest gift, for *that*?” After forty-five minutes of deliberation, the white, male jury found Medlin not guilty.<sup>206</sup>

The case, among other things, helped to solidify Williams’ call for militancy. Rationalizing the outcome of the proceedings, he told reporters if “We cannot take these people who do us injustice to the court... it becomes necessary to punish them ourselves... We cannot rely on the law.”<sup>207</sup> These brash words alienated many of Williams’ allies and caused his suspension from the NAACP. The question of blacks fighting violence with violence would not be soon forgotten, however, as several Ku Klux Klan revivals plagued the state in the 1950s and 1960s. Their goal to maintain segregation and white supremacy would rely on recruiting whites in the same manner as their Democratic brethren at the turn of the century. Combining racial superiority and Christian duty, Klansmen of all organizations viewed themselves as the defenders of white womanhood against the threat of sexualized black brutes.

---

<sup>206</sup> Ibid., 148.

<sup>207</sup> Ibid., 149.

## THE KU KLUX KLAN IN NORTH CAROLINA

Between 1949 and 1954, the Ku Klux Klan experienced a reemergence in North Carolina, most successfully on the east coast. Sparked by successful klaverns in Georgia and the deep south, Thomas Lemuel Hamilton vowed to form an Association of Carolina Klans in North and South Carolina in 1949. A South Carolina native, Hamilton secretly used Billy Graham's evangelical crusade to recruit knights and by 1950, his group covered state lines, from Columbus County, North Carolina, to Myrtle Beach, South Carolina. Although its reemergence occurred prior to the *Brown* decision, the threat of racial mixing spurred from integration was one of Hamilton's favorite recruiting tools. At rallies, he used religious rhetoric and threats of race mixing to promote white supremacy and the Klan as southern saviors:

[I am] fed up with the government and what goes on in America that promises to force us to go to school with the niggers and merge us into a society of half-breeds... It won't be long before young white men and women will be dating and marrying the colored people in the communities if they take away our white public schools... Let me assure you tonight that the Ku Klux Klan is determined not to let this integration succeed in the Carolinas. We have organized to preserve the white race...<sup>208</sup>

The reemergence in North Carolina targeted mostly whites and blacks accused of immorality, but "much of this regulative action responded to violations of racial codes and anxiety over the looming possibility of government-mandated desegregation." David Cunningham noted this era of Klansmen "disproportionately targeted black residents, in particular those they suspected were involved in interracial relationships."<sup>209</sup> In Whiteville, policeman William Farrell went after Bessie Page, a white woman, and her

---

<sup>208</sup> David Cunningham, *Klansville, U.S.A.: The Rise and Fall of the Civil Rights-Era Ku Klux Klan*, (New York, NY: Oxford University Press, 2013), 29-30.

<sup>209</sup> Ibid, 29.

supposed black lover William Fowler. Fowler's black wife was also accused of "going with" a white man. On January 18<sup>th</sup>, 1951, the Fowler's home was besieged and both victims were whipped. Page, living near by, witnessed the beating but escaped. Ten additional beatings occurred in the Columbus County town of Fair Bluff where local policemen whipped eight white and two black targets for "moral infractions." In a 1952 rally near Tabor City, Hamilton linked the recent admission of a black war veteran to the University of North Carolina's school of law, to interracial sex stating "Do you want some burr-headed nigra [sic.] to come up on your porch and ask for the hand of your daughter in marriage?... if I had a daughter, I would never let her darken [the University's] doors again."<sup>210</sup> Both government agents conducting Klan raids and the arrest of Hamilton in 1952 all but eliminated the Klan as an organized force, but this did nothing to erase the taboo surrounding interracial sex that would only intensify with federally mandated school integration..<sup>211</sup>

Most communities did not need an active Klan to promote mob violence against black males, especially when a white woman was involved, as the Ingram case detailed. The event that solidified white racist solidarity against racial mixing was the *Brown v. Board of Education* decision, and the subsequent *Brown II*, which mandated school integration proceed "with all deliberate speed." Michael Newton's history of the Ku Klux Klan, *White Robes and Burning Crosses*, pointed to the ruling as "a shot heard round the Jim Crow world, the opening gun of a 14-year guerrilla war against the tide of change."<sup>212</sup> And North Carolina, one of the twenty states affected by the ruling, would be

---

<sup>210</sup> Tyson, *Radio Free Dixie*, 61-62.

<sup>211</sup> Michael Newton, *White Robes and Burning Crosses: A History of the Ku Klux Klan from 1866*, (Jefferson, N.C.: McFarland & Company, Inc., 2014), 99-101.

<sup>212</sup> *Ibid.*, 104.

a battlefield of resistance boasting the largest and most successful postwar Ku Klux Klan in the 1960s.

David Cunningham's comprehensive study on the Carolina Klan provides valuable insight on the group's most successful reemergence in the 1960s. In *Klansville, U.S.A.*, Cunningham explored why North Carolina, long viewed as a progressive and moderate southern state, contained the most klaverns and members of any state during the 1960s.<sup>213</sup> To explain this phenomenon, Cunningham drew upon a mediated competition model, demonstrating "the UKA organized most successfully where (1) white residents perceived civil rights reforms to be a significant threat to their status; (2) mainstream outlets for segregationist resistance were lacking; and (3) the policing of the KKK's activities was laissez-faire, limited to attempts to prevent acts of organized violence."<sup>214</sup> It was these factors that made North Carolina a perfect breeding ground for Klan activity. Compared with the deep South, North Carolina's approach to civil rights was much more progressive. The state obeyed federal law with key cities participating in school integration and its politicians and authorities were not vehement white supremacists. In this way, segregationists were forced to detach themselves from political elites who viewed race relations through a moderate lens, often focusing on the positive economic impact integration could bring. As a reactive movement the Carolina Klan became *the* opposition to integration, whereas Klans in the deep South faced competition from elected officials and mainstream institutions which were equally dedicated to maintaining segregation.

---

<sup>213</sup> The term "Klansville, U.S.A." was used by Klansmen to refer to the UKA in North Carolina. Its use was indicative of the Klan's reach and power in the state. Cunningham, *Klansville, U.S.A.*, 5.

<sup>214</sup> Ibid., 7.

While the Carolina Klan did not boast the same level of brutality and violence as their Alabama and Mississippi counterparts, its distinctive size, organizing capacity and exponential growth is not only indicative of the engrained legacy of white supremacy in the state, it also allows us to assume the Klan had a profound impact on the lives of North Carolinians in the 1960s. Cunningham uncovered hundreds of acts of Klan violence in the state throughout the decade, including “shootings, cross burnings, physical beatings,” and intimidation accounts. It must also be assumed that a large portion of Klan-related violence was never reported and the majority of the documented reports were never published in local papers. That argument is also supported by the reaction from law enforcement who believed Klan action was relatively harmless and chose not to investigate cross burnings because no injured parties were involved. Furthering the contention that Klan violence went unreported despite its dramatic effect on victims, Cunningham quoted historian David Cecelski’s work on Hyde County integration, where he found:

public record includes only a fraction of Klan outrages... Several oral history projects... have recently interviewed large numbers of local black citizens who lived through the KKK revival. Undocumented Klan atrocities emerge in nearly every interview. Newspapers almost never mentioned these racial attacks, nor did law enforcement agencies investigate then. They represented the real Klan that tens of thousands of... North Carolinians crowded to see and hear.<sup>215</sup>

Among the racial threat factors contributing to the rise in Klan membership was the level of interracial contact in schools, shops, and other public venues. A 1966 rally in Raleigh, North Carolina drew over 5,000 attendees in support of state Grand Dragon J. Robert “Bob” Jones, who was facing a federal prison sentence for his failure to turn over

---

<sup>215</sup> Ibid., 14.

subpoenaed Klan records. George Dorsett, the UKA's Chaplin and a secret FBI informant who had infiltrated the group, received the loudest applause for his remarks on the fate of white children. In heated racist rhetoric he remarked, "I'm fighting not for myself, but for the children of America, to keep them from being raped, mugged, and knifed."<sup>216</sup>

Although these words were spoken by an infiltrator, his choice in summoning the image of the angry, over-sexualized black man and the crowd's favorable reaction prove that the engrained taboos perpetrated by the democratic party remained a key component of white supremacy's stance against integration and interracial sex.

Early in the wake of *Brown* there was hope that North Carolinians might accept the ruling and move toward school integration. Jonathan Daniels, editor of the increasingly moderate *Raleigh News and Observer* hypothesized the decision would "be met in the South with the good sense and the good will of the people of both races in a manner which will serve the children and honor America." But that prediction was unfounded and quickly the rhetoric surrounding integration became synonymous with interracial intimacy.<sup>217</sup> Assistant Attorney General I. Beverly Lake was an ardent segregationist who represented North Carolina during *Brown*, arguing against integration. In 1957, three years before Lake would run for governor on the platform of maintaining school segregation, he denounced *Brown* as an effort "to condition your children, even before they are old enough to be conscious of sex, to accept integration not only in the

---

<sup>216</sup> Ibid., 4.

<sup>217</sup> While some white citizen's councils did form in Charlotte and other North Carolina cities prior to integration, they quickly dissolved, finding the public to be against integration, but unwilling to act on their beliefs. This lay in contrast to states in the deep South like Arkansas, where Governor Orval Faubus attempted to block black students from desegregating Little Rock High School. The *Brown* decision was also met with more hostility in Arkansas. One of the nine students who would eventually integrate Little Rock High School, Melba Patillo Beals, was almost raped leaving her segregated high school in 1954, by a white man angered by the court order. Melba Patillo Beals, *Warriors Don't Cry*, (St. Louis, MO: Turtleback Books, 2007), 12-16.

classroom but in the living room and the bedroom as well.” Although North Carolina’s governor Luther H. Hodges did not stand in school doorways to stop segregation, a 1955 radio and television address to North Carolinians made it clear he opposed integration and felt it would lead to racial mixing. Hodges proclaimed “The white citizens of the state will resist integration strenuously, resourcefully, and with growing bitterness...” while the NAACP would have the black race “lose itself in another race” and “lose their identity in complete merger” with whites.<sup>218</sup> The state’s reaction to his remarks brought Hodges to the peak of popularity for voicing that state’s popular sentiment.

Prior to the UKA’s emergence in North Carolina, James “catfish” Cole led yet another Klan revival in the wake of school integration, naming him the Grand Wizard of the Carolina Knights of the Ku Klux Klan, located mostly in the state’s Piedmont.<sup>219</sup> Beginning in 1956, the Knights primary agenda was thwarting integration and attacking it as a link to miscegenation. Holding rallies in and around Monroe, NAACP membership in the area dropped considerably as blacks and whites alike were “prodded” by Klan members. Cole’s Knights had some competition from U.S. Klan factions in the state, but the Knights’ militancy attracted members of their competing organizations. A trickle of members joined the Knights to participate in armed motorcades through black neighborhoods, cross burnings and general harassment, mostly by telephone.

In 1957, Robert F. Williams led a protest of Monroe’s white-only swimming pool, following the death of a young black boy swimming in a nearby lake. Petitions to force the city to open a segregated pool for blacks or to allow them to use Monroe’s facilities drew harsh criticism from whites and provoked images of interracial intimacy. Even

---

<sup>218</sup> Tyson, *Radio Free Dixie*, 74-75.

<sup>219</sup> Cunningham, *Klansville U.S.A.*, 32.



Harry Golden, a Jewish liberal in Charlotte, thought the petition was a mistake. He believed the idea of interracial sexuality “haunt[ed] every mention of the race question.”<sup>220</sup> Whites reacted with anger, failing to see the real issue at stake, that black children were dying because they had no access to safe swimming facilities. Monroe’s white citizens collected 2,000 signatures on a petition to drive Williams out of Monroe and Klan leader Catfish Cole used the situation to his advantage, holding large rallies in and outside of Monroe.

Just a year later, Cole virtually disappeared from the Knights, facing prison time for his leadership in an attack on the Lumbee Indians in early 1958. Cunningham argued that state involvement in the Klan’s criminal acts and its ability to organized, helped to curtail Klan membership by the next year. By late 1959, membership was estimated to be just over 150. The SBI was successful in its effort to use Klan competition to turn members into informers and use officers to gather evidence. They also policed rallies and gatherings and threatened to expose members publicly. The downfall of the 1950s era Klan in many ways resembled the heavy policing that curtailed the Klan after Reconstruction.<sup>221</sup>

Historians denote the civil rights-era Klan in North Carolina as the third wave. It was not a complete rebirth, rather a new beginning, still steeped in Klan heritage but now combatting the threat of Jim Crow’s demise. During this wave, core leaders committed to the cause were able to use deep connections to Klan ideology to overcome the infighting and competing groups. These members who saw the Klan as integral to their own identity, were able to help build a Klan infrastructure partly through their own active civic

---

<sup>220</sup> Ibid., 85.

<sup>221</sup> Cunningham, *Klansville U.S.A.*, 36-38.

and business lives. This, coupled with strong leadership, explains the unparalleled success of the third wave.<sup>222</sup> It also provides insight as to why the taboo against interracial marriage continued to permeate society throughout the 1960s and perhaps why a Winston-Salem couple was denied marriage in 1977. The sheer number of Klan members and Klaverns—roughly two hundred or two per North Carolina county—exposes the reality that the UKA affected the lives of North Carolinians in the 1960s. Whether that affect was achieved through direct contact or just sheer presence of Klan members, their success in the state undermines North Carolina’s reputation as a progressive, racially moderate state. The degree to which white citizens participated in Klan rallies, picnics, and events also suggests an atmosphere of rebellion against integration and their exposure to ideas and beliefs the group stood for—white supremacy, white purity and anti-miscegenation.<sup>223</sup>

By 1965 Klan membership was estimated to be between 8,000 and 10,000, with Durham having one of the largest Klaverns in the state.<sup>224</sup> In an effort to demonstrate their opposition toward all forms of integration, the Klan held large public marches through small main streets and large city streets. By interjecting themselves into public spaces where racial co-mingling occurred, they were able to reach more citizens than their rallies while making their presence in a town known. Local Klaverns also found ways to insert themselves into interracial incidents. When an interracial group of college

---

<sup>222</sup> Ibid., 39-40.

<sup>223</sup> Rally attendance grew around the same rate as Klan membership, rising rapidly throughout 1964 and peaking in 1965. Attendance at each rally ranged from 200 to 6,000 according to police estimates. Ibid., 47.

<sup>224</sup> Durham’s headquarters was so successful its members built a headquarters that could accommodate up to 500 people. While the UKA did not empathize violence as an organization, the rhetoric used by local officers often countered this notion. Durham was no exception and Klansman Lloyd Jacobs’s proclamation that “Klansmen are going to have to kill these Jews, Communists, and Negroes that are taking over our country and raping our white women” was a typical rallying cry. Ibid., 53, 60.

students came to Elm City, in eastern North Carolina, to help renovate a black church, students were threatened and Klansmen attempted to set the structure on fire. The underlying racial transgression was the fact that students were being housed in black residents' homes. Leading Bob Jones to assert the girls in the group "would be taking black babies back to Pittsburgh." Governor Terry Sanford was forced to intervene in the matter, suggesting the students be housed in a hotel. Sanford's compromise reinforced the legitimacy of racial norms in the state and provided support for the Klan's stance. Cunningham argued it was this continued "accommodationist dynamic" from state authorities that allowed the Klan to grow during the period.<sup>225</sup>

#### PUBLIC OPINION AND INTERRACIAL UNIONS

In 1952, *The Carolina Times* summarized the absurd southern reaction to interracial love in an article titled "Interracial Marriages." While some whites were reportedly disturbed that a black jazz singer and white drummer for Duke Ellington's band had announced their marriage, the article rationalized the case for interracial marriage.

What should disturb all of us is when people of opposite races are forced to carry on illicit love affairs because asinine customs and laws in some sections of this country and the world will not permit honest love affairs... The only time some folks become disturbed is when persons of the white and Negro races have decency enough to culminate their love affairs with the respectable institution of marriage.

Offering an extremely liberal view of black-white marriage for the decade, the article's suggestions—especially blaming white men for the majority of biracial children—would

---

<sup>225</sup> Ibid., 55-56.

have offended and appalled many North Carolinians.<sup>226</sup> From a public opinion perspective, most of the sources that express views on black-white interracial marriage do so in negative ways. Whether it is trial transcripts, letters to local and state officials, or Klan related events or literature, these opinions were prevalent enough to assume they impacted interracial relationships.

It is difficult to judge the effect of Klan intimidation on black-white relationships in the state during the 1950s and 1960s. Public opinion must also be considered as a factor, given that many white citizens were attending Klan rallies, sometimes purchasing Klan literature or bumper stickers, without becoming members. Likewise, many North Carolinians did oppose school integration and felt it would lead to miscegenation. This view commonly aligned citizens with ideology expressed by the Klan, whether they were members or not. In the wake of the Pearsall Plan, a Charlotte couple wrote to the local board of education to express their belief that the plan was “simply the opening wedge in the deliberate attempt of Kelly Alexander and the NAACP to mix the Negroes and white people in the Charlotte schools, and thus begin the degradation of the white people and ultimate mongrelization of the white race.”<sup>227</sup> On the same day that twelve black students in Greensboro, Winston-Salem and Charlotte were assigned to white schools, Governor Hodges issued a statement condemning any violence that might potentially threaten the students. He also reminded readers that his “personal views against the mixing of the races [were] well known.”<sup>228</sup> Alongside coverage of integration across the south, a Lumberton newspaper ran an article about a preacher condemning race mixing and its

---

<sup>226</sup> “Interracial Marriages,” *The Carolina Times*, November 22, 1952.

<sup>227</sup> Damaria Etta Brown Leach, *Progress Under Pressure: Changes in Charlotte Race Relations, 1955-1965*, thesis University of North Carolina, Chapel Hill, 1976, 17.

<sup>228</sup> “Hodges Speaks on Race Issue,” *Statesville Record and Landmark*, August 29, 1957.

role in creating “a degenerate race of people.”<sup>229</sup> The year before, the same paper ran a letter to the editor in which a white woman both defended black citizen’s right to equal opportunities—promising whites their end goal was not amalgamation—and reassured readers that after legal integration, segregation would occur naturally on its own, just as she had witnessed during a visit to Pennsylvania.<sup>230</sup>

Given the rise of the Klan, negative coverage of school integration across the south and opinions, such as those expressed above, it is understandable that there are few examples of interracial couples existing in North Carolina. Also, interracial couples were still denied the right to marry, so there were compelling reasons to keep a relationship concealed. These factors would have made it difficult for a relationship to begin, much less thrive. In 1965, Dorothy Spencer, a white woman residing in Charlotte, mailed a letter to Kelly Alexander seeking advice regarding this situation. She wrote, “I have a very good colored friend from Spartanburg, South Carolina, and I have not been able to find a place here where I can see him. I have a small apartment in Myers Park... but due to neighbors where I live, I can not have him come there. There must be a club or someplace here where mixed couples are accepted, isn’t there?”<sup>231</sup> While there is no evidence of Alexander’s reply, the letter illuminates some interesting points. First, Charlotte neighborhoods were constructed with racial separation in mind.<sup>232</sup> Black

---

<sup>229</sup> Vance Johnston, “Race Mixing Isn’t God’s Will, Says Kentucky Parson,” *The Robesonian*, September 27, 1956.

<sup>230</sup> Bess C. McNair, “Finds Natural Separate of Races without Segregation,” *The Robesonian*, April 15, 1955.

<sup>231</sup> Alexander (Kelly), Sr. Papers Concerning the NAACP, J. Murrey Atkins Library Special Collections, University of North Carolina at Charlotte.

<sup>232</sup> Many of the historically black neighborhoods in Charlotte were constructed for freedmen after reconstruction or developed for skilled labor around the turn of the century. These include Biddleville, Brooklyn and Cherry. When the Smallwood neighborhood was built after World War II, developers maintained segregation between itself and Biddleville by constructing the houses so that their backs faced the street. Charles Jones, a noted Charlotte activist, remembered the road running between the

Charlotteans would not have been welcome in white neighborhoods unless they were employed as housekeepers or gardeners. This fact necessitated that interracial couples date in black communities. However, for black men, being seen with a white woman or having the woman in his home, could also be grounds for a fornication and adultery charge. Secondly, Spencer's frustration culminated in a letter to the state NAACP president, who had gone to great lengths to keep the organization and miscegenation separate.<sup>233</sup>

Without proof, such as Spencer's letter, it is impossible to gauge the number of relationships that ensued across the state, or the number of couples that dissolved their relationships or left the state during the 1960s. At a conference in Boston, David Cunningham connected with a young woman who knew about his research on the Carolina Klan. She was raised in the North Carolina Piedmont in a mixed-race household. In the late 1960s, the family awoke to a burning cross on their lawn, convincing them to flee and not return to the state.<sup>234</sup> Police records cannot shed light on the frequency of these occurrences because they were rarely reported or investigated. Victims of intimidation, both couples and their children, left little proof of these

---

neighborhoods as a literal divide between black and white. Black children in Biddleville did not cross the road to play with Smallwood white children. Pam Kelley, "White people in Biddleville: The story of a changing neighborhood," *The Charlotte Observer*, March 18, 2016.

<sup>233</sup> Pascoe noted the NAACP historically had reasons to avoid the subject of interracial marriage. In its early history, its long-term membership plan relied on appealing to middle-class and professional blacks and whites, who also distanced themselves from the "stigma of immorality and illegitimacy produced by the sexualization of miscegenation laws." Although the group fought in northern states between 1913 and 1929 to combat newly created miscegenation laws, they did not interfere in southern laws that were already established. The organization also opposed the laws based on a plea for marital freedom, not an endorsement of the practice. Pascoe, *What Comes Naturally*, 169-173.

<sup>234</sup> Cunningham, *Klansville, U.S.A.*, 14.

indiscretions and many of their stories and perspectives had come to light only recently through oral histories.<sup>235</sup>

In November 1957, amidst the beginning of school integration in three Piedmont cities, the public turned its attention to the state's student legislature and their supposed support of interracial marriage.<sup>236</sup> North Carolina's student legislature is the oldest acting legislature in the country. Its purpose is to bring college students together from around the state to allow them to participate in a model General Assembly. While exploring the legislative process, students tackle current issues by researching, writing and voting on those issues.<sup>237</sup>

In its November meeting of 212 delegates, it passed a resolution calling "for all states to rescind laws against interracial marriage."<sup>238</sup> The decision was based not on condoning or condemning these marriages, but on a person's right to choose. While the group was not focusing on black and white marriage, politicians and newspapers reported it that way. Democratic Representative Harold Cooley addressed the students during their closing session and rebuked their actions. He noted "You have shocked the sensibilities of our people... I regret very much the actions taken by this assembly."<sup>239</sup> A Statesville paper reported the event under the headline "Brainwashed," which went on to suggest

---

<sup>235</sup> Ibid.

<sup>236</sup> Throughout November and December, Piedmont newspapers in Chapel Hill, Asheville, Statesville, and Gastonia followed coverage of a fake bill invalidating interracial marriage laws passed by a model General Assembly of college students. Coverage continued when the governor responded to the students' vote and the student legislature was forced to account for their actions. See *The Daily Tar Heel*, *The Gastonia Gazette*, *Asheville Citizen-Times*, and *Statesville Record and Landmark* between November 10 and December 14, 1957.

<sup>237</sup> "Elon University NCSL Delegation," Elon University. <http://org.elon.edu/ncsl/>

<sup>238</sup> Samantha Rich, "Student legislation brings echoes of the past," Special Collections News, NC State University. <http://news.lib.ncsu.edu/scrc/2011/11/14/student-legislation-brings-echoes-of-the-past/>

<sup>239</sup> "Cooley Rebukes Student Legislature for Inter-Racial Marriage Stand," *Asheville Citizen-Times*, November 10, 1957.

students from junior high school to college were being influenced in a radical way. As evidence it notes “the tone of editorials appearing in the *Daily Tar Heel*...” and the observance of “certain local racial aberrations.” The mock legislation also seemed to confirm their suspicions. Following the student view that miscegenation law violated a person’s “right to choose,” the paper noted following this path would only hopelessly confuse our rights and values as humans.<sup>240</sup>

Student papers rushed to defend their resolution and its general purpose. The editor of *The Daily Tar Heel*, called the bill “an extension of civil liberties,” but also used the article to condemn black-white marriage specifically. While he felt the bill was admirable, he noted:

the tone of the measure, especially at this particular time when racial flare-ups and proposed educational integration has the South on the tip of its touchy toes, was definitely in poor taste... We very definitely and very vehemently oppose inter-marriage between Negroes and whites. We can think of nothing more despicable than amalgamation and miscegenation. But we do not condone nor endorse governmental prohibition of racial intermarriage.<sup>241</sup>

Salem College attacked the press, stating “Through presentation and through interpretation, a large part of the nation now believes that North Carolina’s Student Legislature approves of interracial marriage.” In hindsight, the paper noted students should have recognized the potential ramifications of their resolution.<sup>242</sup> To rectify the situation and restore favorable public opinion, George Cochran, president of the student legislature, appeared on WRAL television to give a speech. After discussing the negative press coverage and the group’s intent, he read a clarifying resolution the group had

---

<sup>240</sup> “Brainwashed,” *Statesville Record and Landmark*, November 11, 1957.

<sup>241</sup> “Intermarriage Measure Misconstrued & Untimely but Very Admirable...,” *The Daily Tar Heel*, November 12, 1957.

<sup>242</sup> “Student Legislature Act Is Untimely, Irrational,” *The Salemite*, November 22, 1957.



adopted, to clear up any “misunderstanding.” The resolution opened with a reassurance that the group “neither explicitly nor by implication gave its approval to interracial marriage.”<sup>243</sup>

Throughout the next decade, a number of university students across the nation would continue to lead the charge toward better race relations, and North Carolina was no exception. A speaker ban against members (or supposed members) of the communist party at the University of North Carolina Chapel Hill “provided a focus for developing student activism” on the campus in the 1960s. By the mid 1960s, UNC Chapel Hill had “developed a reputation for its progressive and even liberal leanings around the state and the region.”<sup>244</sup> In addition, liberal leaders such as Robert Kennedy, Martin Luther King, Jr. and Stokely Carmichael visited universities in the state and North Carolina students took part in lunch counter protests and joined groups like the Student Nonviolent Coordinating Committee (SNCC). In 1967, UNC Charlotte’s campus newspaper, *The Carolina Journal*, published an article predicting “we will soon be faced with the question of whether or not interracial will become an accepted pattern in the near future,” and that the practice would remain stigmatized for “at least another generation.” The article argued that continuing segregation that existed in secondary and higher education further retarded the acceptance of the black racial group—a barrier that kept whites from viewing them as assimilated, marriageable partners. The only difference between the races, the author continued, lied in pigmentation.<sup>245</sup>

---

<sup>243</sup> “State’s SG President Defends SSL,” *The Campus Echo*, November 27, 1957.

<sup>244</sup> “Speaker Ban Controversy,” I Raised My Hand to Volunteer, 2007, Manuscripts Department, Wilson Library, University of North Carolina at Chapel Hill. <https://exhibits.lib.edu/exhibits/show/protest/speaker-essay>

<sup>245</sup> Rod Smith, “Inter-racial Dating: A View from Dixie,” *The Carolina Journal*, February 7, 1968.

While black-white marriage was being publically debated in the state, couples continued to be arrested and tried for their illicit affairs. In 1962, Candi Law, a white volunteer working with the Congress of Racial Equality (CORE), began openly dating a black activist in Durham. The event sparked open hostility from the other volunteers and concluded with the national director of CORE, James Farmer, insisting that she leave the state. Farmer likely saw her relationship as distracting to the original purpose of the organization's work. In 1962, two white sisters were arrested with two black men on fornication and adultery charges in Caldwell county. Separated from their husbands, the women were living with the black men in a rural cabin. The couples were also charged with larceny and breaking and entering and admitted to a series of robberies. The white women were described as "two attractive white sisters."<sup>246</sup>

#### IN THE WAKE OF *LOVING V. VIRGINIA*

Anna Hill met her husband Charles when he was stationed in Germany after World War II. Charles spoke fluent German and by 1948 they were engaged to be married. Being German, Anna knew very little about American race relations. She remembered lying to American soldiers about her boyfriend's race to enter their base in Landsberg, Germany. She never felt race to be a burden until Charles received orders for Fort Bragg, North Carolina, despite his request to be station somewhere other than the south.<sup>247</sup> They relocated in the late 1960s, in the wake of *Loving v. Virginia*, but she still remembered feeling like an outcast.

---

<sup>246</sup> "Morals Charges Link Whites and Negroes," *Asheville Citizen-Times*, February 7, 1962. "Negro Men, White Gals Sentenced," *News and Observer*, March 2, 1962.

<sup>247</sup> This request was denied and the couple was assured racial tensions in the south had eased and they would have no problems.

Driving from Fort Dix in New Jersey with their two daughters, the family was greeted by “White Only” signs when they tried to stop for lunch. In Fayetteville, the couple had a hard time finding housing during the wait for Army housing and ended up sharing a bedroom, kitchen and bathroom; the latter was also used by another tenant. Their oldest daughter, Delores, attended an integrated high school and became friends with a white girl. But when Charles aided his daughter and her friend after car trouble, the girl’s mother furiously forbade the friendship. Most of their time was spent on the base since leaving garnered stares and general rudeness. For Anna and Charles Hill, the stigma surrounding interracial marriage was more than apparent in the late 1960s. While the Klan was not burning crosses on their front lawn and while moving to the Army base awarded them some protection, this German woman’s experience was both typical and atypical for the 1967-1968 period.<sup>248</sup>

During the 1950s and 1960s, Civil Rights legislation had introduced a number of laws that enfranchised black Americans and integrated the south. Anti-miscegenation laws were the last vestiges of racial segregation and the core of white supremacy. Even the Supreme Court was hesitant to consider interracial love. In 1964 the NAACP led the appeal of an interracial Florida couple who were arrested for living together.<sup>249</sup> In *McLaughlin v. Florida* the court found the “Florida law punishing unmarried interracial couples more harshly than unmarried same-race couples was unconstitutional.” But the court failed to extend the ruling to overturn state anti-miscegenation laws.<sup>250</sup> The court

---

<sup>248</sup> Anna Hill, March 3, 2012, oral history, the Southern Oral History Program Collection (#4007) at The Southern Historical Collection, The Louis Round Wilson Special Collections Library, UNC-Chapel Hill.

<sup>249</sup> The fact that the NAACP represented an interracial couple is telling of the progress that had been made regarding integration and equal rights. It should also be considered a sign that the respectability of antimiscegenation laws were waning.

<sup>250</sup> Renee Romano, *Race Mixing: Black-White Marriage in Postwar America* (Gainesville, FL: University Press of Florida, 2003), 188.

needed a case that directly raised the issue of constitutionality with regard to legally banning marriage.

The case that would illuminate this issue had begun more than six years before *McLaughlin*, in the neighboring state of Virginia. Richard and Mildred Loving, a black-white interracial couple, were married in Washington, D.C. in 1958, returning to their native Caroline County to live as man and wife. Five weeks later, they were arrested for violating the state's anti-miscegenation law. They were sentenced to jail unless they left the state, agreeing not to return together for the next twenty-five years. Living in Washington, D.C., the couple were directed to the American Civil Liberties Union (ACLU) who would bring their case before the Supreme Court.<sup>251</sup>

The Fourteenth Amendment, particularly its equal protection clause, was pivotal to the case and that, coupled with the court's ruling in *McLaughlin*, made it difficult to defend the constitutionality of miscegenation laws. The court ruled unanimously that the statutes contained unjustifiable racial discrimination that violated the couple's equal protection and due process.<sup>252</sup> Thirteen years after *Brown*, white supremacy's stronghold and the most entrenched of the segregation laws had been invalidated.

Unlike *Brown*, massive resistance and organized violence did not sweep the South, but there also was not instant compliance in all southern states. A handful of cases around the South arose when judges refused to issue marriage licenses to interracial couples.<sup>253</sup> Others were begrudgingly forced to do nothing as their power to legally enforce the color line had disappeared. The *Loving* decision also did not generate a

---

<sup>251</sup> Ibid., 188-189.

<sup>252</sup> Ibid., 190.

<sup>253</sup> Cases in Delaware, Alabama, Tennessee, Mississippi and Georgia arose when clerks and judges refused to give couples' marriage licenses. Some of these occurred three years after the ruling. Ibid.

dramatic increase in the number of interracial marriages. The few that did marry in North Carolina seemed to have been attached to academia or involved spouses that had met or were employed in university positions.

In 1968, *The Carolina Times* published a headline article announcing details of the first interracial marriage that had been performed in Hickory in December, 1967. The bride was an assistant professor at Winston-Salem State College and had met her Swedish husband while attending university abroad. The couple planned to live abroad in Sweden.<sup>254</sup> Elizabeth City State University announced the marriage of Dr. John Richards, a chemistry and mathematics teacher at the school, with a black graduate student studying education at Ohio State who would soon be employed at ECSU. Even in 1970 at a historically black college, the marriage was deemed “of particular interest since it [was] interracial.” The campus newspaper, *The Compass*, included Dr. Richards comments on interracial marriage in the article. He suggested “Once the nonsense about superiority of one race over another disappears, the simple biological fact will remain that mutual attractions between men and women... are greatest between different races.”<sup>255</sup>

The liberalizing of some college students, as well as the decrease of spatial segregation on college campuses in the 1960s, could explain why university areas offered couples an ideal environment to meet and an accepting community in which to live upon marriage.<sup>256</sup> SNCC activist Emily Gordon, a white woman, dated black men throughout the 1960s, during her undergraduate and masters work. In Ann Arbor, Michigan, in 1964, she and her boyfriend were harassed and had their vehicle followed. Even in this

---

<sup>254</sup> “Negro, Swede Wed in Hickory,” *The Carolina Times*, January 13, 1968.

<sup>255</sup> “Wedding Announcements,” *The Compass*, February, 1970.

<sup>256</sup> Romano, *Race Mixing*, 177.

northern environment, there were few other visible black-white couples, and if they were verbally affronted, it was with phrases like “Must be the goddamn university folk.”

Another relationship in Auburn, Alabama ended because, even though the couple lived in a university town, it was too racially charged to be an open interracial couple.<sup>257</sup>

While at least two marriages had already taken place in the state, Durham County still questioned the legality of granting an interracial marriage when North Carolina’s law remained in the State Constitution. In October, 1971, *The Carolina Times* reported that a 41-year-old black man and white woman were asked to write to the office of the state Attorney General in Raleigh before the magistrate would perform their marriage. Registrar of Deeds A. J. Gresham admitted he had turned down three prior requests to perform interracial marriages because he had received “no new official interpretation of North Carolina’s marriage law.” Gresham performed the marriage only after the bride “obtained a favorable opinion from the state” and a recent report entitled North Carolina Marriage Laws and Procedures, which stated “Marriages between whites and Negroes are legal in this state.”<sup>258</sup>

The trickle of black-white marriages in the state occurred alongside an overall liberalization of southern attitudes surrounding interracial marriage. In a 1958 survey of over 4,000 Americans, including over 1,000 non-Hispanic blacks, only four percent of Americans approved of “...marriages between white and colored people.” After 1968, the organization began reporting on opinions of both whites and non-Hispanic blacks and the rate of approval slowly started to rise. In 1968, seventeen percent of whites approved of

---

<sup>257</sup> Emily Gordon oral history interview, March 20, 2012, the Southern Oral History Program Collection at the Southern Historical Collection, The Louis Round Wilson Special Collections Library, UNC-Chapel Hill.

<sup>258</sup> “Durham County Sanctions First Mixed Marriage,” *The Carolina Times*, October 30, 1971.

“...marriages between whites and nonwhites,” while fifty-six percent of blacks approved. By 1983, white approval had increased to thirty-eight percent, black approval to seventy-one (see figure two).<sup>259</sup>

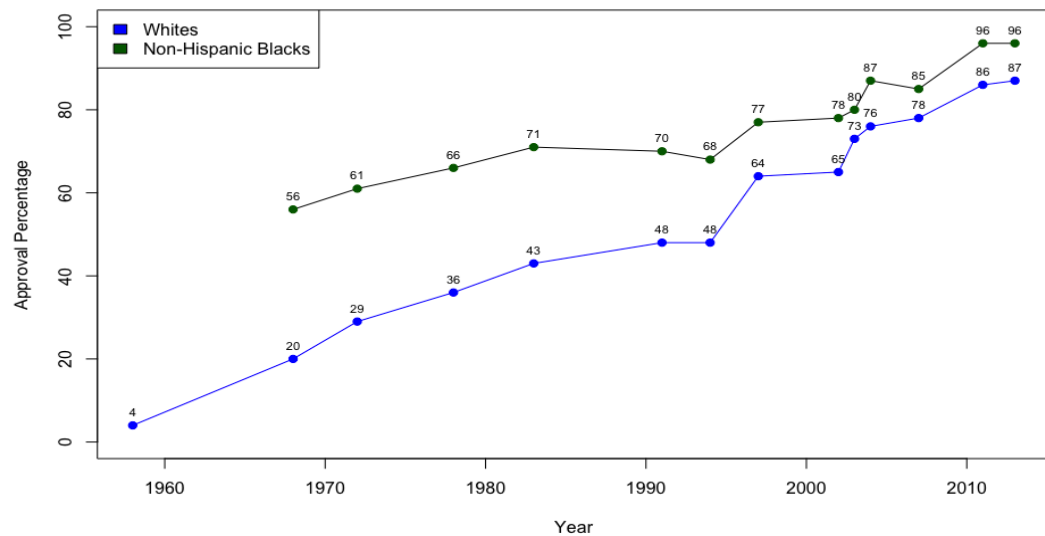


Figure Two: Black-White Approval of Interracial Marriage

A 1963 *Newsweek* poll found similar results in the south and nationwide. White participants were asked to rate the extent to which they would or would not mind specific interracial interactions with blacks. These included working alongside, sitting next to, children attending school with, and residing next to blacks. The question inquiring about their “teen-age daughter dating a Negro” was met with near unanimous disapproval (around ninety-eight percent), compared to similar disapproval nationwide (around

<sup>259</sup> In 1958, whites were asked if they approved of “... marriages between white and colored people.” That wording changed to “... marriages between whites and nonwhites” from 1968 to 1978. After 1978, Gallup asked “Do you approve or disapprove of marriage between blacks and whites?” Frank Newport, “In U.S., 87% Approve of Black White Marriage, vs. 4% in 1958,” Gallup, July 25, 2013. <http://www.gallup.com/poll/163697/approve-marriage-blacks-whites.aspx>

ninety-three percent). Romano suggested this last question explicitly made the connection between white male patriarchal power and interracial sex by personalizing the issue.<sup>260</sup>

However, vocal disapproval of interracial marriage was becoming less publicly accepted, regardless of the poll data depicting heavy disapproval. The marriage of Secretary of State Dean Rusk's daughter to a black man attracted national media attention. Rusk, a Georgian, received several hundred hate letters and phone calls over the event, but they were written off as being out of step with the public mood surrounding racial progress. The positive publicity the marriage garnered exhibited the progress that had been made in regard to interracial relationships. Only four years earlier, in 1963, former President Harry Truman had vehemently opposed interracial marriage on the grounds that it violated biblical teachings. He went on to tell a reporter that he personally "edited" the men his daughter dated.<sup>261</sup> This shift was representative in the treatment of Anna and Charles Hill at Fort Bragg in the late 1960s. North Carolinians who continued to view interracial relationships as taboo were forced to respond with stares, glares, rude remarks and other forms of passive aggressive resistance. Hill's uncomfortable, albeit short lived, time in North Carolina has helped to shed some light on how interracial couples experienced life in the state in the wake of *Loving*.

Another oral history from Charlotte, illuminates a different side of interracial relations; the continued harassment and manipulation of black women by white men. Girvaud Justice was one of the original four students chosen to integrate Charlotte schools in 1957. After attending UNC Charlotte for a brief period, she became one of the first black women to work at the local water department and social security

---

<sup>260</sup> Romano, *Race Mixing*, 197-198.

<sup>261</sup> *Ibid.*, 204-206



administration. In 1967, she took a job with the postal service, working in the downtown branch. In a 2006 interview, Justice noted the office she would be working for had the nickname “Peyton Place” for the indecent way employees were treated by white male staff. She reflected that as groups of new employees were hired, white male employees, some of them management, would note which were male and which were female. They kept sticks with notches for every female employee they slept with and “when the new people came in, every [woman] in that bunch they’d all see who could have her first or whatever.”

Justice described the culture of working in such conditions. Men would go to lengths to look up women’s skirts as they ascended the interior stairs and it was well known that women were required to sleep with male staff in order to gain promotions. On one occasion, Justice slapped a male employee for laying a hand on her back. Of the job she mentioned, “I’ve had filed more grievances to keep from having sex with people ... then the law would allow.” Black and white women alike experienced sexual harassment while employed with the postal service, but unlike Justice, many accepted the patriarchal culture and used the opportunity to sleep their way to higher positions. She remembered a light skinned black woman who became pregnant after sleeping with a white employee. Justice believes that she filed a complaint with the company when the man refused to acknowledge the child. She was promptly fired. She had heard white management would also have parties and pick the black females they wanted to invite. It was assumed that the black women knew they were expected to be sexually intimate with the men. Of the situation between white men and black women, Justice related it to the era before Civil Rights, proclaiming “...it’s the same o’ same o’ that’s been going on for years. They’ll

[white men] pick you up on the street and that was a cesspool, I mean you would see them driving all hours.”<sup>262</sup> The blatant sexism and racism that polarized the post office supports the *Newsweek* finding that racial justice legislation had not forced southerners to relinquish their racial biases. Also, white men continued to devalue black women and exploit them for sexual purposes. Justice remained with the post office throughout the 1980s while noting her fight against racism and sexism was a continuous process that resulted in a vast amount of written complains and grievances.

### LOVE IS BLIND, JUSTICE IS NOT

In the 1970s, Thomas Roger Person and Carol Ann Figueroa were an atypical interracial couple in that neither had fully functioning eye sight. The pair met in a vocational training course in Raleigh and developed a friendship while working in Winston-Salem for the Industries of the Blind. Person, a native to the state, and Figueroa, a transplant from the northeast, became engaged in 1976. What was supposed to be a relatively quick marriage turned into a three-year legal battle that ended in federal court.<sup>263</sup>

Nine years after the *Loving* ruling, the couple walked into the Forsyth County court house “for a simple civil ceremony.” To Figueroa’s amazement, both magistrates in the court house refused to marry the couple on the grounds of their “deep religious convictions.” The *Winston-Salem Chronicle* wrote “What can the magistrates possibly hope to gain by refusing to perform the ceremony? Did they have some thought about

---

<sup>262</sup> Girvaud Justice, oral history interview 4, September 22, 2006, Living Charlotte: The Postwar Development of a New South City, J Murray Atkins Library Special Collections, University of North Carolina at Charlotte.

<sup>263</sup> Amy Davidson, “Can Gay Couples Be Turned Away in North Carolina,” *New Yorker*, June 3, 2015.

protecting a white maiden from the clutches of a black man? Scratch that excuse [the couple] have a two-year old daughter.”<sup>264</sup> The first magistrate J. C. Lewter, refused the couple’s request immediately stating “deeply felt religious and personal beliefs against such marriages,” that he would not perform the marriage or discuss it further. The second magistrate, Harold Thomerson, also refused.

Regardless of his vision loss, Person was raised in rural North Carolina aware of the deeply engrained racial etiquette that permeated the state. He was not surprised by the actions of the magistrates or their reluctance to wed the couple, as it would be proof that they had bowed to the once rigid social taboo. However, they also risked loosing their jobs. Under oath to uphold the Constitution, both magistrates faced law suits that would inevitably move forward, because under North Carolina law, their begrudging agreement to marry the couple would not have protected them from a lawsuit.<sup>265</sup>

Distraught, the couple immediately went to the legal aid office, expecting the matter to be resolved with a quick phone call. Instead, Ervin Brown walked them back to the magistrate’s office where one of the perpetrators defended their claim on religious grounds. Carol Ann remembered, “One recited the Lord’s Prayer to the other one and recited a verse from Genesis (6:20) about fowl being with fowl, cattle being with cattle, everything of the earth being with its kind.”<sup>266</sup> The encounter encouraged Brown to file a lawsuit on their behalf, stating “discrimination still exists... but these days it is masked under other excuses, which you have to tackle in a lawsuit.”<sup>267</sup>

---

<sup>264</sup> “Love is Blind; Justice Isn’t,” *Winston-Salem Chronicle*, June 4, 1977.

<sup>265</sup> Ibid.

<sup>266</sup> Scott Sexton, “Robbins Couple Sees Same Wrongheaded Logic as 39 Years Ago,” *Winston-Salem Journal*, March 7, 2015.

<sup>267</sup> “Interracial Couple Sues Magistrates,” *The Winston-Salem Chronicle*, June 4, 1977.

North Carolina legislators did not repeal the contradictory state miscegenation law until March 24, 1977, ten years after *Loving*. The repeal came six years after the state constitution was amended to also remove interracial marriage, and the legislation was overwhelmingly approved by the House, passing eighty five to nine.<sup>268</sup> The bill was sponsored by Representative Patricia Hunt who argued the law was already rendered unconstitutional, noting it was time to “repeal a law that is an embarrassment to some of the citizens of North Carolina.”<sup>269</sup> The *Asheville-Citizen Times* ran an article from Tennessee surrounding the failure of southern states to repeal Jim Crow laws. Sheer apathy was noted as the reason legislators had not removed these laws and constitutional amendments. Charles Carter, assistant general counsel of the NAACP, cited “neither confusion or indifference are the only reasons for defeat and delay... I think the majority of the people still want [the laws]... If people in the south, and a lot of people in the north for that matter, had a choice, if all the civil rights laws were put to referendums, I think they would repeal them.”<sup>270</sup>

In the wake of the miscegenation law repeal and new constitution, interracial marriage was something of a pariah for state government officials. Because Lewter and Thomerson were appointed members of the state judicial system, it was expected the state North Carolina Attorney General, Rufus Edmiston, would defend the magistrates. However, his office issued a statement stating “they could not take the case because it would constitute a conflict of interests in the laws making such marriages legal.”<sup>271</sup> Person’s lawyer, Ervin Brown, told a local newspaper that the senior deputy to the

---

<sup>268</sup> “N.C. Senate Passes Ports Bill: Legislative Roundup,” *The Daily Times-News*, March 5, 1977.

<sup>269</sup> “ERA Debate Vote Prepared,” *The Daily Times-News*, February 23, 1977.

<sup>270</sup> “Jim Crowism Alive in Six States,” *The Asheville Citizen-Times*, April 16, 1978.

<sup>271</sup> “Magistrates Settle with Interracial Pair,” *Winston-Salem Chronicle*, July 30, 1977.

Attorney General called him personally and gave an even stronger response against defending the magistrates.<sup>272</sup> When the case went to trial on July 20<sup>th</sup>, both magistrates refused to answer questions, pleading the Fifth Amendment. The men also asked that their depositions be sealed and an injunction be issued to prevent the disclosure of any of their testimony. After hearing the evidence against the men, U. S. Magistrate Herman Smith advised Lewter and Thomerson's lawyers to settle the case out of court, but the details of the proposed settlement were masked in secrecy. As part of this initial attempt to settle, the men were to be compelled to sign a consent order agreeing to marry all interracial couples, and although there would be a monetary settlement, the magistrates stipulated the exact amount of the payment could never be publicized. Ultimately the July negotiations failed when their settlement offer was rejected and the case would proceed to trial.

While the magistrates managed to conceal their personal opinions regarding racial mixing and intermarriage, Person and Figueroa were also affected by the publicity of the trial. Both were employed by Industries for the Blind, and in the week before the trial, Figueroa was demoted to a job that paid half of her previous salary. In an interview with the *Winston-Salem Chronicle*, Figueroa noted the company demoted her because she "wasn't blind anymore." However, her former job was given to a sighted person and her most recent vision test was eighteen months old. She believed the transfer and pay cut were related to her involvement with the lawsuit.<sup>273</sup>

In December of 1979, a federal judge in U. S. District Court ordered the magistrates to pay \$2,600 in legal fees for the couple after the judge ruled the pair had

---

<sup>272</sup> Law Firm Defends Magistrates," *Winston-Salem Chronicle*, June 18, 1977.

<sup>273</sup> "Magistrates Settle with Interracial Pair," *Winston-Salem Chronicle*, July 30, 1977.

violated the equal protection clause of the U. S. Constitution.<sup>274</sup> Since the suit was filed in 1977, Thomerson had retired from his position in Forsyth County. The indignation the couple felt resurfaced in 2012 when magistrates in some North Carolina counties began refusing to marry same-sex couples. In 2015 the state passed Senate Bill Two, a bill that would allow magistrates to refuse to perform gay marriages if they had “sincerely held religious objection.” After the American Civil Liberties Union reached out to the couple to speak about the parallels between their battle and this newest civil rights fight, the Persons joined the lawsuit against the state.<sup>275</sup> The federal complaint filed against legislative leaders accused legislators of “passing a law that supports a specific religious view, defies court rulings that same-sex couples have a constitutional right to marriage and enables magistrates and other officials to ignore their oaths to uphold the law.” The bill suggests that civil service can be selective; a view that the Persons fought against forty years earlier.<sup>276</sup>

Still, Lewter and Thomerson’s actions represented this very viewpoint. To these magistrates, civil service could be selective and their Christian and personal beliefs surrounding interracial marriage were a kind of higher moral law, held above their oaths to uphold the constitution. Their actions in the court room suggest they knew their personal views had become politically incorrect. By pleading the Fifth Amendment and attempting to conceal their testimonies, the men were shielding their personal views from

---

<sup>274</sup> “Magistrates Ordered to Pay Couple’s Fees,” *Wilmington Star-News*, December 9, 1979.

<sup>275</sup> Scott Sexton, “Robbins Couple Sees Same Wrongheaded Logic as 39 Years Ago,” *Winston Salem Journal*, March 7, 2015.

<sup>276</sup> Jim Morrill and Michael Gordon, “Suit Challenges NC Law that lets Magistrates Refuse to Perform Same-Sex Marriages,” *The Charlotte Observer*, December 9, 2015.

the public—views which presumably paralleled many of the same arguments made by segregationists in the 1890s and civil rights era.

In her article “Sex, Segregation, and the Sacred after *Brown*,” Jane Dailey noted historians have not connected the religiosity of anti-integrationists in the same manner as they have studied the impact of religion on the Civil Rights Movement.<sup>277</sup>

“Segregationists,” Dailey maintained, “argued... There are distinctions on earth (different languages, races, sexes)... These distinctions are created by God; and, although humans can all become one in spirit through conversion to Jesus... in this world and in this flesh earthly distinctions are real—and Christians should not rebel against them.”<sup>278</sup> Thus, it was through sex that segregation assumed significance and theologians across the south found ways to deeply intertwine theology with segregationist ideology that supported Jim Crow.

Throughout the late nineteenth and twentieth centuries, segregationists found ways to link biblical verse, racial mixing and even historical events to support their claim that miscegenation was the ultimate sin. In 1867 a clergyman and publisher from Nashville, Buckner H. Payne, argued that Eve, the first woman, was actually tempted in the garden by a talking beast, a black man.<sup>279</sup> He concluded, “a man can not commit so great an offense against his race.... As to give his daughter in marriage to a negro—a *beast*—or to take one of their females for his wife.” The impending flood that prompted

---

<sup>277</sup> Dailey noted Paul Harvey, Bill Leonard, Charles Marsh, Wayne Flynt, and Andrew Michael Manis as the few historians who have grappled with the “substance of segregationists’ religious beliefs.” Jane Dailey, “Sex, Segregation, and the Sacred after *Brown*,” *The Journal of American History* 91, no. 1, (June, 2004), 120.

<sup>278</sup> *Ibid.*, 121.

<sup>279</sup> Dailey maintained Payne’s argument remained current through the middle of the twentieth-century and was also supported by popular literature such as Charles Charroll’s *The Negro Beast* (1900) and *The Tempter of Eve* (1902), which was sold by door-to-door salesmen to many poor whites. *Ibid.*, 124.

Noah to build the arc was suddenly intended to eliminate a population of miscegenators. The Tower of Babel was destroyed for the same sin, forcing God to disperse people across the globe to prevent interracial mixing. In 1959, D. B. Red explained in his pamphlet *Race Mixing a Religious Fraud*, that the sexual mingling of Jews had led God to issue a final solution: the Holocaust.<sup>280</sup> In 1955, Reverend James Dees addressed the Statesville Lions Club with a speech that linked the NAACP's efforts to integrate schools with intended ultimate goal; interracial mixing. Such a goal was not only "abhorrent to God," but also against Divine law because the races were created to be separate entities.<sup>281</sup>

It wasn't just protestant ministers and legislators from the deep south who were perpetrating the sinful nature of interracial intimacy. Dailey found "The argument that God was against sexual integration was articulated across a broad spectrum of education and respectability," which included organizations like the Daughters of the American Revolution, Rotarians, sorority sisters, and housewives.<sup>282</sup> Ironically judges, who were bound to their oath to remain impartial to religion, used scripture to defend and argue judicial decisions. Cases referenced the will of God as if He were the prosecution. For example, Alabama's *Green v. State* held that God made the races different and meant for them to be separate. Additionally, Indiana's *State v. Gibson* held that natural law forbade racial intermarriage.<sup>283</sup> Caroline County, Virginia Judge Leon A. Bazile's written opinion prior to the *Loving* trial became infamous as he declared "Almighty God created the races

---

<sup>280</sup> Ibid., 123-124.

<sup>281</sup> "Minister Says Negro Race Being Led Toward Destruction," *Statesville Record and Landmark*, May 10, 1955.

<sup>282</sup> Ibid., 125.

<sup>283</sup> Alan C. Brownsfield, "Mixed Marriage and the Supreme Court," *Marriage Across the Color Lines*. Ed. Cloyte M. Larsson (Chicago, IL: Johnson Publishing Company, 1962), 52.



white, black, yellow, malay and red, and he placed them on separate continents. And but for the interference with his arrangement there would be no cause for such marriages. The fact that he separated the races shows that he did not intend for the races to mix.”<sup>284</sup>

Although the Supreme Court had ruled on miscegenation nine years before the Forsyth County incident, a court order would not be enough to compel Lewter and Thomerson to reevaluate their personal opinions against interracial marriage or the moral high ground they believed they held. We can assume they were not alone in this view. A 1958 Gallup poll asked southerners “Do you think the day will ever come in the South when whites and Negroes will be going to the same schools, eating in the same restaurants and generally sharing the same public accommodations?” Over one third of the participants answered “no.”<sup>285</sup> In 1967, Guy Benton Johnson, a University of North Carolina sociologist who studied race relations and aided Gunnar Myrdal’s research on American race relations, predicted that growing resentment amongst whites was no longer centered in the Deep South. He believed the push for black power in the late 1960s had alienated whites who had become “bitter toward the Negro.” He feared this southern movement would culminate in the election of staunch conservatives who whites felt might better control blacks.<sup>286</sup>

## CONCLUSION

While the taboo against black-white interracial marriage was clearly eroding in the south, there was some backlash to racial integration and marriage in North Carolina, specifically the Piedmont. Magistrates Lewter and Thomerson defended their refusal to

---

<sup>284</sup> Pascoe, *What Comes Naturally*, 275.

<sup>285</sup> Thirty-three percent answered “no” in 1956, climbing to thirty-eight percent in 1957, and thirty-seven percent in 1958. George Gallup, “Gallup Poll,” *Greensboro Daily News*, October 16, 1958.

<sup>286</sup> “White Resentment: Prelude to Revolt?” *The Charlotte Observer*, February 12, 1967.

marry Thomas Person and Carol Ann Figueroa by citing their deeply held religious beliefs. As Jane Dailey has shown, southern segregationists had used religion as a definitive argument against interracial sex and integration since the post-bellum period. And organizations from the Ku Klux Klan and Daughters of the American Revolution, to protestant pastors and housewives, helped to validate and disseminate these beliefs.

Even after the *Loving* decision, interracial couples in the state seemed to stay close to universities and university towns, and many met their significant others within the integrated academic setting. In contrast to these havens, oral histories from North Carolinians have depicted the atmosphere in some cities and rural areas toward interracial dating and marriage to be socially unacceptable and rigid in terms of co-mingling. A letter to the NAACP illustrated the racial rigidity of Charlotte neighborhoods and the difficulty of even dating interracially in the segregated city. In the post *Loving* era, an interracial couple stationed at Fort Bragg faced discrimination during visits to neighboring towns, and the move toward racial integration had affected few of the white men working for the Charlotte post office during the 1960s and 1970s.

While few North Carolinians openly acted on their personal beliefs surrounding interracial relationships leaving little evidence for historians to examine, opinion polls have charted these beliefs throughout the latter half of the century. In a random sample of all Americans, Gallup reported between 1968 and 1979 acceptance of interracial marriage grew from twenty percent to only thirty-six percent.<sup>287</sup> Evidence of discrimination is also becoming clear in oral histories, where North Carolinians are shedding light on interracial dating before and after *Loving*. Price F. Davis served as a lookout for his brother, when

---

<sup>287</sup> Newport, "In U.S., 87% Approve of Black-White Marriage, vs. 4% in 1958" *Gallup*, July 25, 2013.

his white girlfriend visited their home. Their relationship would not become public until after *Loving* because of the threat of violence against the black man's life. David Cunningham uncovered families who had fled the state's Piedmont area after the Ku Klux Klan left burning crosses on their lawns.

The difficulty that was involved in pursuing an interracial relationship into the 1970s is apparent through these sources. But given the fact that public approval did not breach fifty percent until the mid 1990s, how did black-white couples fare in the decades after 1980? And were they affected by the same arguments Democrats vying for political power were using in the 1890s and segregationists fighting the integration of schools used in the 1950s and 1960s? The conclusion of this thesis relies on interviews with interracial couples and newspaper articles to answer these questions and reveal how the shift of attitudes in the state affected and are still affecting couples' lives. The new societal norm of being politically correct in public thwarted any physical abuse that would have been commonplace before the 1960s, but it did not alter every North Carolinian's private opinion of black-white interracial sex and marriage. Muttered comments and stares accompanied couples into the 1980s and 1990s and some of that discrimination was aimed at the growing population of biracial children in communities. In the wake of this new quiet persecution, couples found ways to persevere by looking to religion, forming community groups, and slowly changing the minds and opinions of family members who for so long had argued "but would you really want one to date your daughter?"

### CHAPTER THREE: AT THE CENTURY'S CLOSE

In the early 1990s, Glenna and Deric, an interracial couple living in the Raleigh-Durham area, were preparing to walk down the aisle to be married. When they announced their engagement, it was apparent that Glenna's father would not attend his daughter's wedding. He had never approved of her dating interracially as a teenager and this event was a sort of culmination of years of hostility surrounding the topic of interracial sex. The couple was comfortable with their church family, however; and had found a welcoming atmosphere that accepted the multiracial couple and would offer a nurturing environment in which to raise their future children. Their happy day would be momentarily interrupted. In just a few moments at their reception, one glimpse of prejudice would serve as a reminder of the extent to which white people might truly oppose their union, simply because of the racial makeup of the partners involved.

Glenna and Deric's story of initial hesitancy on the white side of the family proved to be a relatively common occurrence for interracial couples in the state. While national public approval of interracial marriage had risen dramatically with whites by 1998, growth was slower in the late 1970s and 1980s. When asked if they approved of "...marriages between whites and nonwhites," thirty-six percent of whites agreed in 1978, rising to forty-three percent in 1983 and forty-eight percent in 1992 and 1995. That number rose again three years later as approval went from forty-eight percent to sixty-four percent.<sup>288</sup> Each of the four couples interviewed for this thesis, as well as my own

---

<sup>288</sup> Frank Newport, "In U.S., 87% Approve of Black-White Marriage, vs. 4% in 1958" *Gallup.com*, July 25, 2013.

experience, involved some initial hesitancy by family members of the white partner at either the onset of the relationship or when the couple planned to be wed. These accounts mirror local newspaper stories of couples forming community and religious groups with other interracial married couples. Their experiences suggest that although interracial marriage was legally accepted, some North Carolinians continued to hold ingrained prejudices surrounding racial mixing and interracial marriage; specifically, if the couple were black-white. Because it was not politically correct to be outwardly vocal about the matter, much of the discrimination faced by couples occurred as verbal assaults, leaving no lasting historical record, save oral histories.

While black-white interracial marriages are historically on the rise, their growth is slow. In 2010, these marriages accounted for only 7.9 percent of all interracial marriages in the country; about one percent of all marriages as seen in graph two. Out of seven groups studied, marriages between “non-Hispanic white and non-Hispanic black” couples were the fourth lowest common interracial union.<sup>289</sup>

---

<sup>289</sup> Census data from 2010 shows unions between “non-Hispanic white and non-Hispanic black” couples constitute 7.9 percent of all interracial marriages. This statistic was the fourth lowest interracial union out of seven intermarried groups studied. The seven groups chosen represented 94 percent of all intermarried households. Least common than black-white unions were cases where both citizens reported multiple races (6.4 percent) or in the case of non-Hispanic white marriages to indigenous peoples, such as Native Americans or native Alaskans (5.2 percent). Black-white unions were also slightly higher than unions between Hispanics and non-Hispanics (excluding whites), which constituted 7.3 percent of all intermarriages. As of 2010, interracial marriages made up 9.5 percent of all marriages in the United States, increasing from 7.4 percent in 2000. Tallese D. Johnson and Rose M. Kreider, “Mapping Interracial/Interethnic Married-Couple Households in the United States: 2010” (Research presented at the annual meeting of the Population Association of America, New Orleans, Louisiana, April 11-13, 2013).

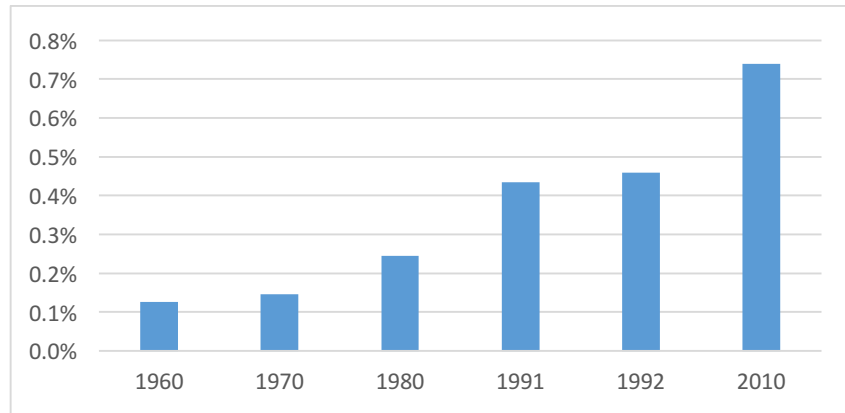


Figure Three: Percentage of Black/White Marriages Nationally

Without a state-wide survey surrounding the prejudices and racial beliefs of white North Carolinians, it is difficult to prove that white North Carolinians continue to see black-white interracial sex and marriage as taboo. But we can study the discriminations felt by interracial couples and poll whites to determine their opinions, as Ewa A. Golebiowska did nationally in a 2000 study on white attitudes toward interracial marriages. Sociologist Robert P. McNamara conducted interviews with black-white couples in the South Carolina upstate, also arguing that “the negative attitudes toward these types of relationships has remained strong and the problems created for Black/White couples have many far-reaching implications.”<sup>290</sup> Oral histories and interviews are an important glimpse into this reality, however. As more couples choose to grant interviews and talk about their experiences, we can begin to study and assess the reality of interracial dating and marriage in the state while also assessing approval. For this thesis, I interviewed four couples in the Charlotte and Raleigh-Durham areas, three

<sup>290</sup> Robert P. McNamara, Maria Tempenis, and Beth Walton, *Crossing the Line: Interracial Couples in the South* (Westport, CT: Greenwood Press, 1999), 39.

of which were dating or married in the 1980s and 1990s. These interviews were combined with my own experience of dating and marrying interracially in the state, and with newspaper articles and interviews, to argue that the taboo against black-white marriage is still common within the state. However, the social repercussions of expressing those views have driven North Carolinians to suppress these feelings publically, while continuing to express disapproval privately, raising children who acknowledge that their parents feel interracial dating is wrong.

### SOCIAL ACCEPTANCE AND NORTH CAROLINA COUPLES

In 2001, the *Washington Post*, the Henry J. Kaiser Family Foundation and Harvard University conducted a national survey on acceptance of interracial couples across the United States. The survey figures implied that “interracial marriages and their approval [was] increasing terribly fast,” and the majority of couples surveyed stated they had “introduced their partners to accepting parents and family members.”<sup>291</sup> However, this approval was not equally reported in all racial groups. Nearly half of the black-white couples surveyed stated they believed the unions made their marriages more difficult, and two-thirds of black-white couples surveyed stated at least one set of parents objected to their unions in the beginning. The article also cited a companion study, stating “nearly half of whites-more than any other racial group- believe[d] it [was] better for people to marry someone of their own race.”

One of the couples surveyed was Fran and Pierre Maloka. They met in Pierre’s native Belgian Congo and made the decision to move away from Fran’s rural North

---

<sup>291</sup> Darryl Fears and Claudia Deane, “Biracial Couples Report Tolerance; Survey Finds Most Are Accepted by Families,” *The Washington Post*, July 5, 2001.

Carolina hometown after marrying. Fran remembered “When we came to the states, I chose Chicago rather than North Carolina because I felt we could be more anonymous there.” The couple would not return to Fran’s hometown until 1972. Even in Chicago, the couple experienced rude servers in restaurants and ugly stares. When they decided to return to her native state, they chose to live in Jacksonville where they might “blend in” with servicemen stationed at Camp Lejeune and the growing number of couples with interracial partners.

Tom W. Smith, director of the General Social Survey at the National Opinion Research Center, argued that the number of black-white relationships should statistically be higher. He suggested “If race and ethnicity made no difference, then marriages would be random. Black Americans represent twelve percent of the total population. The percent of black-white marriages should be higher than Asian,” but “There’s a racial barrier to black-white marriage.” But even in 2001, thirty-four years after *Loving*, few studies had been conducted surrounding the daily life of interracial couples. And that continues to hold true despite the growing number of young Americans—more than four in ten— who have dated interracially.<sup>292</sup>

In 1994, the *Winston-Salem Chronicle*, a newspaper that heralded itself “the choice for African-American news and information, ran a story titled “Mixed Marriages: Is it Blind Love or Simply Mystique?.” The article looked at a few couples in the area to examine what drove them to date and marry interracially. Lee and Martha Cox asserted that their mutual attraction was simply their compatibility. The article contended that black-white dating had made national headlines when a high school principal in

---

<sup>292</sup> Ibid.



Wedowee, Alabama referred to racially mixed students as a “mistake,” and barred interracial couples from the school’s prom. While local psychologist Ed Dewindt-Robson acknowledged that interracial dating was normal, he also added “too many times a person is rejected by their family or friends and they feel they are no longer accepted by their own race,” leading the partnerships to dissolve. His own relationship with a black woman, he discussed, was successful because it was sincere and the couple had similar interests.<sup>293</sup>

A 1998 article in the Durham-based *Herald Sun* illustrated a similar story. A white, native Texan, Kevin Hill, met Sylvie Kiaku, a black woman born in the Republic of Congo. Raised in Dallas, Hill had little contact with blacks and moving to North Carolina was the first time he was exposed to issues of racism, as well hearing people use the “n-word.” When the couple began dating in Johnston County, there was some tension about how the public would react to their relationship and they found it stressful to live near so many confederate flags.

Dr. Robert James, a Durham psychologist who counseled interracial couples, was also interviewed in the article. He noted that the state continued to see color when it came to black-white couples. He stated “It’s a contrast and is something that has been so instilled in our culture- that the races should be separated. It’s just a long history of that.” In his ten years of working with interracial couples, James had found repeatedly that the black families of such partnerships tended to be receptive of interracial marriage and that acceptance seemed to be higher when the woman was white and the man black; although he noted these were generalizations made from his own experiences.

---

<sup>293</sup> David L. Dillard, “Mixed Marriages: Is it Blind Love or Simple Mystique,” *The Winston-Salem Chronicle*, April 14, 1994.

When Hill asked his girlfriend to marry him, religion was considered a more important factor than race to her family. Sylvie remembered, “The first question they asked was if he was a Christian. It wasn’t what color he was.” Hill’s father was more cautious in his approval having stated, “I feel that’s his choice and her choice. God love ‘em, but its gonna be a tough row to hoe.” Hill expressed hesitancy as to how his extended family members would act at his wedding. He was concerned that a white family member may have “a slip of the tongue, or something.”<sup>294</sup>

While most interracial couples seeking therapy in the Durham area were not coming to discuss issues of discrimination or concern over family acceptance, that did not mean they weren’t experiencing those things. Twenty-first century debates surrounding the constitutionality of gay marriage brought interracial couples to the forefront once more, with comparisons between the LGBTQ community’s struggles to those black-white couples faced in the 1960s. One 2004 article in the *Herald-Sun* spoke to the lives of interracial couples. A professor at the University of Maryland, Jaslean LaTaillade, noted her research found “interracial couples generally report[ed] very little of the discrimination felt by previous generations. But even if [was] not overt, some people still stare[d],” according to couples she interviewed. Disapproving groups usually consisted of older white citizens who were “still living pre-1950s, 1960s, and black females.” Tony and Lori Hawkins, a black-white couple living in the Research Triangle area, expressed that Lori’s family generally accepted dating interracially but not marriage. Hawkins’ explained, “The guise for them was that the children would be hurt, that the outside community would be attacking us or not befriending us... But I really think a lot of that

---

<sup>294</sup> John McCann, ‘Prelude to bliss; Interracial Couples Have More to Think About Before Saying “I Do,”’ *The Herald Sun*, July 5, 1998.

had to do with a stereotypical image of the black American.” Lori’s parents did not attend the wedding and she walked down the aisle herself; a memory Hawkins’ remembers as “a Kodak moment.”<sup>295</sup>

Religion was also a staple for the Hawkins’ family. Their Durham church, Chapel of the Cross, developed a type of support group called “Mixed Blessings” for its interracial couples. A black female pastor, Kym Lucas, who was married to a white man, developed the group. Her husband, Mark Retherford, remembered his mother’s reaction to the relationship. Born in rural Missouri, she objected to the union and refused to attend the couple’s wedding. As an interracial couple, when Kym and Mark were out in public, they reported receiving occasional comments. Two instances involved black men questioning the Kym about her choice with such remarks as “What does he have, that I don’t have,” and one assertion by a group of black men who stated, “He’ll never take you home to meet his family.”<sup>296</sup>

Religion continued to be a uniting factor for couples married in the 1990s. Claudine Woods met her now husband Quinton in 1993 at a church in Charlotte, North Carolina. In 1994 they went on their first real date while attending a couple’s retreat to Jekyll Island, Georgia. Their early dates involved some service dates where the couple helped out at elderly homes in the Durham area. In 1995, the couple traveled to Dearborn, Michigan for Christmas. Prior to the trip Claudine had traveled to the state to talk with her family about her relationship with Quinton. Her grandparents had immigrated to the country from Italy and she always felt that the family had hoped she would marry an Italian. She spent an afternoon with her grandmother and showed a picture of Quinton to

---

<sup>295</sup> McCann, “Prelude to bliss,” *The Herald Sun*, July 5, 1998.

<sup>296</sup> Ibid.

her to which she replied “You’re a pretty girl, why do you have to go with someone like that?”

Claudine admitted her grandmother did not leave her house often and that this interaction occurred in the wake of O.J. Simpson’s arrest for murdering his white wife. She challenged her grandmother on her comparison of Quinton to O.J. Simpson, where her grandmother defensively stated she was not prejudiced. Claudine pointed out the discrepancy here; by comparing Quinton to O.J. she was also assuming the color of Quinton’s skin was synonymous with murder. When the couple visited family months later at Christmas, Quinton and Claudine’s grandmother resolved her initial concerns through just one conversation. It seemed Claudine’s grandmother had never known anyone black.<sup>297</sup>

Carrie and Mark Gladwell met at Lenior-Rhyne College in Hickory, North Carolina in the late 1990s. Mark grew up in Florida with a diverse set of friends spanning different races and ethnicities and Carrie grew up in a predominantly white New Jersey neighborhood. After Mark graduated, working as a director of multicultural student services, he remembered coming to North Carolina that the white people on campus had some type of cultural barrier to the black students and were not totally comfortable. Growing up in New Jersey, Carrie remembered few black students at her high school, but she was friends with a pair of black twin sisters that often visited her home.<sup>298</sup>

When Carrie and Mark began to date, Carrie learned that although her parents were well educated and assumingly not prejudiced, they were not comfortable with her dating Mark. This was completely shocking news to Carrie, who felt her parent’s reaction

---

<sup>297</sup> Interview with Claudine and Quinton Woods by the author, January 16, 2017.

<sup>298</sup> Interview with Carrie and Mark Gladwell by the author, November 19, 2016.

was not toward Mark it was about her. Living so far away from her family, her parents worried she would be discriminated against for openly dating a black man. When Mark asked her father for permission to marry, he was turned down. Carrie remembered that her father fully expected her to turn down the proposal as well, because of his own concerns. For a year or two, the relationship between Carrie and her parents remained strained. They were unsure her parents would even attend the wedding, much less help pay for it, so they planned everything themselves and paid for it. Six months before the wedding, her parents flew to Charlotte and asked the couple to meet at a family member's home. Her parents had decided they wanted to be a part of her life, even if she married Mark.

Although both Carrie and Mark had ties to the local university in Hickory, North Carolina, Catawba County is by all definitions a rural county. They, too, turned to religion to grow their relationship, having found an accepting church that welcomed diverse groups. At the turn of the twenty-first century, the church contained many interracial couples and the Gladwells found a community of peers. After leaving that church five years later, they have had a hard time finding a good fit for their biracial family. The Gladwells also became members of Lake Hickory country club when they moved neighborhoods in 2014. They remarked on the fact that each time they visit the clubhouse, older white members continuously mistake Mark for two other black men whom he looks nothing like. Their children also experienced some racism at a summer camp sponsored by the country club where some of the white children ridiculed the Gladwell's seven-year-old son for liking Barack Obama only because the son was black.

Even as ten-year-old, their daughter questioned why the kids at her school disliked President Obama.<sup>299</sup>

Meeting and dating in Charlotte in the early twenty-first century, Dereka and Ryan Wolf had not encountered the same racisms as the generation before. Meeting in the corporate world and living in South Charlotte, neither family opposed their relationship. Dereka, a black woman and fourth generation college graduate, felt education was more important to her family than race and they would have been much angrier had Ryan not gone to college. Ryan grew up in a Jewish family in New York, having members of his own family struggle with intermarrying Americans of a different faith. He felt this led to their general acceptance.

The interviewees willing to participate in my own research were four of over twenty-five couples I initially approached.<sup>300</sup> Paired with other sources, their stories have similarities. Most of the partners had resided outside of the state before moving to North Carolinas. Most couples met in cities, universities or other metropolitan areas, and that is where they dated and socialized. How much influence might have this had on a couple's relationship and their social standing in their community? Election results clearly show that North Carolina's cities and university areas have cast more liberal votes in the past three decades than their rural counterparts. Lastly, why were older couples in more rural towns and counties, less likely to agree to be interviewed about their relationships?

---

<sup>299</sup> Interview with Carrie and Mark Gladwell by the author, November 19, 2016.

<sup>300</sup> McNamara, Tempenis and Walton had a similarly difficult time finding couples who were willing to be interviewed surrounding their involvement in an interracial relationship or marriage. Not only was locating couples difficult because of the lack of national databases or state statistics that tracked black-white marriages; they also found couples were hesitant to participate in studies "for fear of retaliation or simply because they [did] not wish to be labeled" as interracial. Out of a list of 150 couples who were initially found through analyzing marriage licenses, and through advertising the study to other sources, the researchers eventually found twenty-eight couples agreeing to be interviewed. McNamara, Tempenis, and Walton, *Crossing the Line*, 28.

Glenna Boston's experience of growing up and attending high school in rural Catawba County is one of the only interviews indicative of interracial dating in a rural community.

As a teenager, Glenna dated outside of her race, which led to a strained relationship with her father. Beginning as a sophomore in high school and through her freshman year in college, 1987 to 1991, her attraction to athletes led to many interracial relationships. She remembered prejudice stemming not only from her own family, but also the community in and around Catawba County. As a high school student, Glenna was leaving a basketball game with other black team mates in her car. She was pulled over in Claremont, North Carolina because her vehicle matched the description of a vehicle used in a robbery. She was surrounded by at least three patrol cars and remembered police officers shining their flashlights in her face. It wasn't until the officers recognized her maiden name and realized she was the daughter of a local magistrate, that she and her friends were released.

In 1991, she and a white friend were leaving a movie theater in Hickory, North Carolina after watching "Boyz N the Hood," when they passed police officers who had pulled over and were questioning a group of black men. Her friend yelled out the window as they passed, "Why does it always have to be a black man." Moments later, their car was pulled over. As the police approached the vehicle, they busted Glenna's back headlight. She had been drinking underage at the time and therefore was hesitant to attempt to defend herself or even verbally communicate with the officers. The two girls were removed from the car and harassed. Flashlights were shown directly in their eyes, and the officers told them "you're the reason why this stuff keeps happening," meaning rioting across the nation. After the police allowed them to leave, Glenna called her father.

When he tried to inquire about the event, the family realized the officers had never reported pulling her car over; a clear violation of protocol. These events caused Glenna to never have a trusting relationship with law enforcement until she pursued her law degree.

Glenna and Deric met in Hickory through mutual acquaintances. Like her other interracial relationships, Glenna's father objected to their dating and eventual engagement. Glenna remembered her husband calling her father prior to the wedding, to assure him of his intentions. Her father replied, "I'm sure you'll take care of my daughter but you'll never be welcome in my house." Glenna's family members would not attend their wedding. Deric's family also expressed initial objections to the relationship. Having grown up in rural Alexander County during segregation, and attending segregating schools, Deric knew his family had "endured a lot at the hands of whites." Given those barriers, they were assuming there would be struggles ahead for Deric if he dated Glenna. Once they were married however, there was a reluctant acceptance of the couple which grew stronger after Glenna finished college and received a law degree, and Deric received his master's degree.

Religion was also the cornerstone of this couple's relationships. They began attending church in Chapel Hill in 1993 and regarded their church as multi-cultural and multiracial. However, when the couple wed two years later, they were only the second or third interracial couple to be married there. During their reception, a former member of the church who had dropped by unexpectedly had to be escorted out. The man called one of the two ministers performing the wedding a "nigger" and also whispered to Deric that "there would be lots of white guys who would like to have [his] wife in bed" that night. Glenna remembered being shocked and frustrated. None of their other friends getting



married were having to face prejudice on their wedding day. But the ordeal also illuminated that there would be obstacles and hurdles in their marriage. And that they must face these as a family.

After their marriage, the Bostons saw themselves as one bonded family. If both she and Deric were unwelcome at Glenna's family's gatherings, neither would attend. Glenna admitted it was difficult, but she remained humble and continued to ask her father to be invited to family events, to which he repeatedly invited her, but not her husband. Through time and consistency that bond began to heal and after four years, Glenna's father and Deric became close, speaking to each other daily. It was clear to the Boston's that there was no reason for Glenna's father to dislike Deric except for skin color. Her father's ability to overcome these feelings led the couple to begin counseling other interracial couples in relationships to help them understand themselves, their racial differences, and how to use their relationships to better their own communities and relationships with God.

When asked their opinion on the taboo surrounding interracial marriage, many couples were hesitant to speak for the community of interracially married couples. Personally, they all felt that society was shifting in a positive direction on the topic, and that as biracial children become older and begin to have their own families, the blurring of ethnic and racial lines will help to ease this deep seeded social custom. Deric Boston noted that racism is something people choose to "hang their hats on" as they feel threatened or undervalued; that is not going to change. But for the Bostons, it has become easier to live their lives authentically, and unapologetic to others who feel their relationship is wrong. Glenna noted, as we begin to watch our biracial children grow up,

thrive, and have families of their own, the white apologist statement “but I just feel sorry for the kids,” will have no significance.<sup>301</sup>

Robert McNamara was teaching a class on race and ethnic relations in the mid-1990s when it became apparent that research conducted on interracial marriages mainly focused on areas outside of the South.<sup>302</sup> Working with students at Furman University, McNamara and researchers began to seek out black-white interracial couples to interview in North and South Carolina, finding that the Carolinas could be “a land of contradictions when it [came] to race.” The interviewers, which led to a larger book project, found that marrying interracially could expose couples to stares and comments from strangers and could at times bring to the surface hidden prejudices in family members. While these black-white families might not define themselves by their interracial status, society has had a harder time with acceptance. *The Charlotte Observer* documented McNamara’s preliminary research in a 1999 article where they interviewed additional couples, finding “the sight of an interracial couple still stirs strong feelings about power, culture, morality, religion and sexuality for some people.”

McNamara’s interviews tend to tell a similar story as he explained, “They heard accounts of everything from hate mail and obscene phone calls to real estate agents steering couples away from white neighborhoods. Some believed prejudices about their marriage hurt them on the job.”

---

<sup>301</sup> Interview with Glenna and Deric Boston by the author, January 5, 2017.

<sup>302</sup> In *Crossing the Line*, McNamara, Tempenis and Walton explains that limited census data, combined with locating couples to interview, made it difficult for sociologists to study interracial marriage; much less concentrate on a single area of the United States. Therefore, studies conducted before the mid-1990s focused on demographic characteristics of the couples, frequency of mixed marriage, and sex and race of married partners. McNamara, Tempenis and Walton, *Crossing the Line*, 38.

Also, couples who had relocated to South Carolina tended to agree that the state's citizens treated them worse than their former residence. In 1998, one of the couples interviewed joined a support group in Rock Hill, South Carolina, called Guiding Interracial Families together. The group helped the couple feel more comfortable in public and ignore the use of derogatory language to describe the black race. McNamara also found that discrimination could come as a shock to the white partner in these relationships. Amy and Jeff Ross, a couple from Charlotte, encountered a barrage of insults from white men as they were leaving a convenience store. Although Amy wanted to confront the men, Jeff "convinced her that would be pointless and dangerous." While the Ross' found heated confrontations to be rare, far more common were ignorant comments from acquaintances upon discovering that one partner in the marriage is black.

303

Many of the interviewees living in the Carolinas spoke to their time living in environments where racial mingling was accepted. They pointed to the military, church, schools and neighborhoods, as places of co-mingling. But even an acceptable environment is not always enough to change the hearts of parents. Charlotteans Charlie and Clara Lawing attempted to write in "human" on their marriage-license application instead of race, but were forced to conform to the application questions. Although Charlie's white parents had known Clara for eight years prior to their engagement, his parents could not accept the union. He recalled "No matter what their intellectual beliefs... it was something I don't think they were emotionally equipped to handle."<sup>304</sup>

---

<sup>303</sup> Ann dross Helms, "Interracial Couples Still Face Racism," *The Charlotte Observer*, January 25, 1999.

<sup>304</sup> Ibid.

Historian Renee C. Romano acknowledged in her book, *Race Mixing*, that few couples today have suffered any serious acts of discrimination because of their relationships, but this fact did not ease the perception of intolerance and feeling that society was somewhat hostile toward them. That feeling explains why couples often remember small instances of racial discrimination in vivid detail. Couples often report bad service at restaurants or uncomfortable stares. One of the most common involves couples being given separate checks after a meal.<sup>305</sup> Romano found, however, that in the South, especially areas outside of metropolitan centers, “outspoken disapproval by whites remains relatively common.” She cited an early 1990s example in a Greensboro, North Carolina newspaper, where a picture of a teenage interracial couple ‘provoked a storm of protest from whites who complained the picture was “distasteful, demoralizing, suggestive” and promoted race mixing.’<sup>306</sup> Although the four couples interviewed did not encounter physical violence, Glenna Boston still admits that she takes these very factors into account prior to planning family vacations.

#### “IT’S AMAZING, THE POWER OF A BABY”

Mark Retherford’s mother remained distant from her son and his black wife, until her first grandchild was born. Retherford remarked, “It’s amazing, the power of a baby.” But he also questioned how accepting his mother would have been of a darker child. While babies can help to reunite estranged family members, they also force couples to face new realities. Parents can be assumed to be the baby’s nanny and when a stranger

---

<sup>305</sup> This was a repeated complaint in the interviews and through my own experience as a partner in an interracial marriage. This passive opposition seemingly ends once a couple have children and begin bringing them to restaurants. Interview with Ryan and Dereka Wolf by the author, October 22, 2017.

<sup>306</sup> Renee C. Romano, *Race Mixing*, 256.

assumes a mother or father's mixed-race child is not their own, anger, sadness or resentment can ensue.<sup>307</sup> Carrie Gladwell's mother was upset for days after a hairstylist asked Carrie and her mother where they had gotten the biracial girl that accompanied them.<sup>308</sup>

Glenna Boston illustrated this point further with regard to the preconceived notions of human beings. She has been asked "where'd you buy your babies," meaning the commenting parties assumed she had adopted the children. She also found the clothes she wore could change the conception. If she were in work or professional attire, it was assumed she had adopted the children and that they had a father. If she were in comfortable clothes, such as sweat pants, she found people stereotyped her as a single, unwed mother. Glenna spoke of the latter scenario almost as though the commenting party was admonishing her for her irresponsibility in becoming pregnant out of wedlock.<sup>309</sup> Ryan and Dereka Wolf are raising their bi-racial infant in South Charlotte. Commenting on their neighborhood's predominantly white demographic, Dereka expressed similar concern surrounding her appearance in public. To her, it was necessary to always wear nice clothes when leaving the house. Dressed down in more comfortable clothes, she might be considered a drug addict or single mother. Furthermore, she worried about being considered a threat in her neighborhood because of her race. She reflected, 'I feel like I want to just put a sign up like "there's a black person in this neighborhood, don't be scared!'" Dereka also commented on what it was like to stroll her daughter throughout their neighborhood and how, even if her neighbors assumed she was the

---

<sup>307</sup> McCann, "Prelude to bliss," *The Herald-Sun*, July 5, 1998.

<sup>308</sup> Interview with Carrie and Mark Gladwell by the author November 19, 2016.

<sup>309</sup> Interview with Glenna and Deric Boston by the author, January 5, 2017.

nanny, if it made them comfortable with her as a black woman, it was fine. However, she noted it was sad that race still carried a significant negative stereotype in the twenty-first century.<sup>310</sup>

Some parents see their own children as a chance for teachable moments with others. Dawn Allen, a white woman in Durham, constantly fielded questions from her son's classmates. In 2004, his fellow first-graders would ask, "Are you his mommy?" She reveled in their curiosity, having stated "They are very curious, which is a good thing. You don't necessarily have to be in love with just white people or just black: you can fall in love with people of a different color, and this is what happens when you fall in love. You have a baby, I tell them. They are very accepting at that age."<sup>311</sup> Claudine Woods taught a character education lessons to her son's third grade class in 2016, when a black girl asked Woods' son if Claudine was his mother. When her son answered yes, the child assumed allowed, "so that's your mommy and your daddy is black, but your daddy doesn't live with your mommy." Claudine noted that it seemed in the child's reality, that dynamic would not work.<sup>312</sup>

Raising their children in rural Catawba County, Carrie and Mark Gladwell had always been aware that their socio-economic level and the social groups they communicated with, could have an effect on their children. They remarked that the county had few black professionals. They worry the children may perceive black and minority groups as poor because of this, and that as the children grow older, they may have to dispel some of those stereotypes that children absorb. Mark commented "In my

---

<sup>310</sup> Interview with Ryan and Dereka Wolf by the author, October 22, 2016.

<sup>311</sup> McCann, "Prelude to bliss," *The Herald-Sun*, July 5, 1998.

<sup>312</sup> Interview with Claudine and Quinton Woods by the author, January 16, 2017.

experience, the most resistant stereotypes are the ones that aren't explicitly told to you, but the ones you just implicitly absorb from the culture as you kind of go on and navigate through your life." Another issue in raising their daughter was finding multi-racial dolls in the early 2000s. The couple finally ordered some from Florida because of the lack of options.

Romano found children could be a powerful force in the reconciliation process. Studies have shown there are far fewer stories of being permanently disowned from parents since the mid-1980s and fewer families have begun to express concern that the entire family will be stigmatized. In most cases, parents relent and disapproval gives way to eventual acceptance. Parents most commonly relented when it became clear that the relationship would last or when children were born.<sup>313</sup> The case is similar for the interviewees in this project and other couples outlined by various newspaper articles in the Piedmont. While three sets of white in-laws or extended family members had some initial concerns that lasted from a week for Claudine, to four years for Glenna and her husband, all eventually relented when it became clear that their children were happy and in loving relationships. Likewise, all have reported positively on the involvement of their parents in their children's lives. Needless to say, it is difficult to generalize how often this happens. The lack of family acceptance could also lead to couples struggling in their relationships or even breaking up.

---

<sup>313</sup> Romano, *Race Mixing*, 269.

## ATTITUDES AND FEARS

While many of the couples interviewed expressed discomfort with being categorized by their interracial status, research has shown their interracial status is perceived differently within their families and communities. Sheryline A. Zebroski's 1999 study of the support and opposition experienced by black-white interracial marriages looked at how couples perceived their own communities. Of the one hundred couples questioned in Zebroski's study, the author found that couples comprised of black men and white women tended to perceive other black men and white woman as being most supportive of their relationships. And couples comprised of black men and white women perceived white men to be the most opposed to their interracial relationships at twenty-eight percent. The use of the community approach was defended because interracially married couples "keenly perceive the attitudes of the community around them" and "these perceptions tell us something about the social support that these unions receive." Likewise, couples are a part of the community in which they live. Zebroski argued "There are everyday necessities of living that require some degree of interdependence from other members of society, especially when children are involved. A tolerant environment is helpful not only for the formation of these relationships, but also for... survival." Discriminations suffered in this secondary group setting can also lead couples to actively seek supportive situations, such as the multicultural churches and support group for interracial couples that were mentioned in the prior interviews.<sup>314</sup>

Even in 1999, the high percentage of couples who perceived the most opposition from white men seems valid, given that only sixty-four percent of white Americans

---

<sup>314</sup> Sheryline A. Zebroski, "Black-White Intermarriages: The Racial and Gender Dynamics of Support and Opposition," *Journal of Black Studies*, Vol. 30, no. 1 (Sep. 1999), 124, 128-129.



approved of black-white interracial marriage in 1998.<sup>315</sup> Almost ten years later, Ewa A. Golebiowska investigated the role racial stereotypes played in white opposition to intermarriage, noting academics “continue to know relatively little about the sources of opposition to this form of racial integration.” Golebiowska explained, although the rate of interracial marriage has grown, black-white intermarriages remain relatively uncommon. And while the “legal environment defining American race relations has changed considerably... racism and discrimination of the American heart and mind... did not necessarily disappear, because it is harder to change long-standing attitudes, perceptions, and behaviors than it is to crush legal barriers to equality.”<sup>316</sup> Given this, just how pervasive are racism and discrimination in twenty-first century America?

Accurately measuring racism and its behavioral manifestations has its challenges. While general attitudes surrounding interracial marriage have become more favorable, “hostility among whites, while diminished, has by no means disappeared... and [m]any [interracial] couples experience... mundane forms of harassment directed at them from both blacks and whites.” In her article, Golebiowska specifically investigated the influence of racial stereotypes on whites’ attitudes toward interracial marriage between a family and their black partner.

Previous research on racial attitudes tended to find that “younger, better educated, wealthier, less religiously devout, and ideologically liberal Whites” demonstrated more approval of interracial marriages than their “older, poorly educated, poorer, more religiously devout, and ideologically conservative” counterparts. Golebiowska also noted

---

<sup>315</sup> Newport, “In U.S., 87% Approve of Black-White Marriage, vs. 4% in 1958,” *Gallup*.

<sup>316</sup> Ewa A. Golebiowska, “The Contours and Etiology of Whites’ Attitudes Toward Black-White Interracial Marriage,” *Journal of Black Studies* 38, no. 2 (November 2007), 268-287.

a 2001 study that examined voting behavior in the 1998 South Carolina referendum to remove the constitutional prohibition of interracial marriage. Researchers found a positive correlation between education levels and support of the referendum, but found no multivariate effects of age, income, political or religious conservatism.

Her study of whites in 2000 found that thirty-seven percent of whites, one-third, strongly opposed or opposed a family member interracially marrying someone black, with almost forty percent indicating they would neither oppose or favor such unions. While respondents were voicing their personal hesitancies involving an interracial marriage in their family, these answers cannot predict the reaction the same respondents may have if this scenario did come to fruition. The data did show, however, that whites surveyed favored other groups over blacks, with opposition to their family member marrying someone Hispanic or Asian being considerably lower (about twenty-one percent.)

As to explain why whites object to black interracial marriages above other groups, Golebiowska considered a number of categorizes that could illuminate the source of these attitudes. Stereotyping of blacks as a group, support of legal nondiscrimination in marriage choices, political predictors and sociodemographic predictors were all examined. Although stereotypical views of blacks as lazy, irresponsible, lacking discipline, aggressive or violent have diminished over time, studies have found that “substantial minorities” of whites continue to hold these views, which also influence their political judgments in the areas of welfare and crime, and support of black political

candidates.<sup>317</sup> Whites polled for her study were more likely to oppose interracial marriages involving a family member if they submitted to these stereotypical beliefs.

Likewise, region of the country, type of community and whom whites associate with should also have a significant link with how they feel about intermarriage. Research has shown that Southern whites “continue to exhibit significantly higher levels of prejudice than Whites living outside of the South,” and Golebiowska found similar results. Her study also supported early data suggesting that people who lived in rural rather than urban areas, particularly in the South, held more racially conservative attitudes and behaviors. She found “Respondents living in more rural areas [were] more likely to hold antimiscgenation attitudes,” than those in urban areas.<sup>318</sup> Furthermore, Golebiowska found some aspects of respondents’ socioeconomic status were linked with their racial attitudes. Lack of education and, to a lesser degree, higher income level were two status linked to intermarriage opposition. Older whites were less accepting of blacks marrying into the family, as was the respondents “greater religiosity.”<sup>319</sup>

The discussion of religion in this study is interesting. Whereas the church itself was seen as a pillar of the black community and played an important role in the Civil Rights movement, the church can also be a powerful dividing factor. Churches were historically segregated by race and even as congregations began to become more racially diverse, race continued to impact worship. For example, Price F. Davis noted in his oral history interview that Charlotte’s Unitarian church was one of the only public places, not

---

<sup>317</sup> *ibid.*, 274.

<sup>318</sup> *Ibid.*, 275-276.

<sup>319</sup> *Ibid.*, 277.

to mention one of the only churches, where co-mingling took place in the 1940s.<sup>320</sup> In the same era, Reverend Charles M. Jones upset members of his congregation when the black Navy Band played at his Presbyterian church in Chapel Hill and co-mingled with students from the university. Members vowed to never return to the church unless he stepped down as minister.<sup>321</sup> For most of the couples interviewed, the church is a staple in their lives, providing a loving, accepting, and nurturing environment. Both the Woods and Bostons spoke to the importance of their church's multiracial, multiethnic members. The Bostons provide marriage counseling to other interracial couples through their church and have given lectures on prejudice. Carrie and Mark Gladwell seem to be looking for a similar, contemporary church experience, but have had a difficult time finding it in their rural community, which is heavily southern Baptist and white.

Overall, Golebiowska's study found that the top four predictors of intermarriage opposition were age, stereotyping blacks as a group, region, and support for marriage discrimination, in that order. Golebiowska concluded that although studies have proven whites have began to welcome the idea of colorblindness, they are less likely to apply that principle to their personal reality, by welcoming a black person into their families. She argued that this hesitancy was "a manifestation of lingering racial prejudice" that was both unfortunate and "remarkable at a time when the norms of nondiscrimination and racial equality are highly prized in American society." The reality of the study was that as of 2000, whites did not view blacks at their equals and that racism continued to permeate among whites.<sup>322</sup>

---

<sup>320</sup> Price F. Davis oral history interview 3, November 18, 2006, J. Murrey Atkins Library Special Collections and University Archives, University of North Carolina at Charlotte.

<sup>321</sup> Tyson, *Radio Free Dixie*, 34-35

<sup>322</sup> *Ibid.*, 281.

To some extent, discrimination faced by couples interviewed for this thesis could be explained using Golebiowska's study. While educational levels, political leanings and socioeconomic status are unclear, the rural environment in which Glenna was raised, along with her father's age, could describe some of the opposition she faced. In speaking about her father, she admitted that both she and Deric would often draw attention to the negative way in which her father discussed black people and the antiquated views he possessed. Glenna rationalized the years apart from her father as a desire not to infiltrate his world. Upon her engagement, she took an older white man from her church, one with a rural upbringing that she acknowledged "understood" men like her father, to collect her things from his house. Lastly, most of the couples interviewed either dated in or continue to live in urban centers; areas where, statistically, they have a better chance at thriving as interracial couples and of being accepted by their communities.

### CONCLUDING THOUGHTS

In the twenty-first century, some of the racial trends and taboos once considered commonplace to the South are beginning to erode. Golebiowska found that regardless of region, younger southerners are less concerned with opposing interracial marriage and are therefore "less likely to endorse negative racial stereotypes and harbor animosity toward Blacks."<sup>323</sup> In fact, the study uncovered significant generational differences when it came to intermarriage opposition. These findings, coupled with the continued growth of black-white interracial marriage, are remarkable when viewed against the backdrop of history; a history that legally and physically kept black men and white women apart.

---

<sup>323</sup> Ibid., 278.

While the taboo against intermarriage initially served a crucial function in a society based on chattel slavery and racial order, it continued into the twentieth-century as a political tactic and easy excuse to oppose any type of desegregation or racial mingling. Studying the post-*Loving* era has provided new insights to just how deeply engrained the taboo had become in the South, and has led historians and sociologists alike to hypothesize when it might finally end. The academic works, studies, oral histories and interviews cited in this thesis emphasize how race is perceived by individuals, what it means to couples fighting against sexual taboos, and how society perceives racial identity as a whole. This narrowed study of Piedmont North Carolina has attempted to balance traditional politics and the public sphere with personal anecdotes from the lives of couples, or the private sphere, to demonstrate their change over time. The changing nature of America's black-white race relations, as well as the eroding taboo against intermarriage, cannot be explained without illuminating the persecution of interracial love and the perseverance of interracial couples whose presence has defied the taboo throughout the history of the state. While the number of black-white interracial marriages remain low, and are therefore statistically rare, these relationships continue to teach us about race and the lengths to which couples have gone to live and prosper within the state of North Carolina.

## WORKS CITED

### Manuscripts and Archival Records

Alexander (Kelly), Sr. Papers Concerning the NAACP, J. Murrey Atkins Library Special Collections and University Archives, University of North Carolina at Charlotte.

The Colonial and State Records of North Carolina, Documenting the American South, University Library, University of North Carolina at Chapel Hill.

Mary and Harry Dalton Collection, J. Murrey Atkins Library Special Collections and University Archives, University of North Carolina at Charlotte.

NAACP Legal Defense and Educational Fund, Manuscript Division, Library of Congress, Washington, D.C.

North Carolina Runaway Slave Advertisements Digital Collection, The University of North Carolina at Greensboro and F.D. Bluford Library at North Carolina A&T State University.

I Raised My Hand to Volunteer Digital Exhibit, 2007, Manuscripts Department, Wilson Library, University of North Carolina at Chapel Hill.

### Newspapers and Periodicals

*The Asheville Citizen-Times*

*Asheville Daily Gazette*

*Catawba News-Enterprise*

*The Campus Echo*

*The Carolina Times*

*The Carolina Journal*

*The Chatham Record*

*The Compass*

*The Daily Confederation*

*Daily North Carolinian*

*The Daily Progress*

*The Daily Tar Heel*

*The Daily Times-News*

*The Farmer and Mechanic*

*Fayetteville Weekly Observer*

*The Gastonia Gazette*

*Greensboro Daily News*

*Greensboro Telegram*

*The Herald Sun*

*The News*

*News and Observer*

*Observer News-Enterprise*

*The Robesonian*

*The Salemite*

*Statesville American*

*The Statesville Daily Record*

*The Statesville Record and Landmark*

*The Tarborough Southerner*

*Wilmington Messenger*

*The Wilmington Star-News*

*The Winston-Salem Chronicle*

*The Winston-Salem Journal*



### Government Documents

Death Certificate for Josephine Miller, November 27, 1967, File No. 67-030696, Vital Records- Virginia Department of Health, Copy in possession of author.

Death Certificate for Sam Miller, September 25, 1976, File No. 76-028739, Vital Records, Virginia Department of Health, Copy in possession of author.

Denial of Appeal, North Carolina State Supreme Court, *State v. Miller*, 224 N.C. 228 (1944).

N.C. Const., 1875 art. 14, sec. 8.  
[http://www.ncleg.net/library/Documents/Amdts\\_1875.pdf](http://www.ncleg.net/library/Documents/Amdts_1875.pdf)

*State v. Miller*, 224 N.C. 228 (1944)

*State v. Ingram*, 74 S. E.2d 532d N.C. (1953)

### Digital Sources

Curry, Tom. "North Carolina Approves Ban on Same-sex Marriage by Wide Margin." NBC Politics. May 8, 2012.

Davidson, Amy. "Can Gay Couples Be Turned Away in North Carolina." *The New Yorker*, June 3, 2015.

"Elon University NCSL Delegation," Elon University. <http://org.elon.edu/ncsl/>

Fears, Darryl and Deane, Claudia. "Biracial Couples Report Tolerance; Survey Finds Most Are Accepted by Families." *The Washington Post*, July 5, 2001.

Hanover Thompson, James. "'The Kissing Case' And The Lives It Shattered." National Public Radio. April 29, 2011.

Newport, Frank. "In U.S., 87% Approve of Black White Marriage, vs. 4% in 1958." Gallup. July 25, 2013.

Johnson, Tallese D. and Kreider, Rose M. "Mapping Interracial/Interethnic Married-Couple Households in the United States: 2010." Annual meeting of the Population Association of America. New Orleans, Louisiana, April 11-13, 2013.

### Oral Histories

- Davis, Price F. oral history interview 3, November 18, 2006, J. Murrey Atkins Library Special Collections and University Archives, University of North Carolina at Charlotte.
- Ely, Vermelle, Davis, Price F. and Funches, John. oral history interview, June 29, 2004, J. Murrey Atkins Library Special Collections and University Archives, University of North Carolina at Charlotte.
- Gordon, Emily. oral history interview, March 20, 2012, the Southern Oral History Program Collection at the Southern Historical Collection, The Louis Round Wilson Special Collections Library, UNC-Chapel Hill.
- Hill, Anna. oral history interview, March 3, 2012, the Southern Oral History Program Collection at The Southern Historical Collection, The Louis Round Wilson Special Collections Library, UNC-Chapel Hill.
- Justice, Girvaud. oral history interview 4, September 22, 2006, Living Charlotte: The Postwar Development of a New South City, J Murray Atkins Library Special Collections, University of North Carolina at Charlotte.

### Books and Articles

- Bank, Steven A. "Anti-Miscegenation Laws and the Dilemma of Symmetry: The Understanding of Equality in the Civil Rights Act of 1875." *The University of Chicago Law School Roundtable* 2, no. 1 (1995): 303-344.
- Berry, Mary Frances. "The Matt Ingram Case and the Denial of African American Sexual Freedom." *The Journal of African American History* 93, no.2 (2008): 223-234.
- Boris, Eileen. "'You Wouldn't Want One of Em' Dancing with Your Wife': Racialized Bodies on the Job in World War II," *American Quarterly* 50, no. 1 (March 1998): 77-108.
- Brown Leach, Damaria Etta. *Progress Under Pressure: Changes in Charlotte Race Relations, 1955-1965*, Master's Thesis, University of North Carolina, Chapel Hill, 1976.
- Brownsfield, Alan C. "Mixed Marriage and the Supreme Court," *Marriage Across the Color Lines*. Ed. Cloyte M. Larsson. Chicago, IL: Johnson Publishing Company, 1962.
- Burke, Sarah. "Without Due Process: Lynching in North Carolina 1880-1900" Senior Thesis Project, East Carolina University.

- Cunningham, David. *Klansville, U.S.A.: The Rise and Fall of the Civil Rights-Era Ku Klux Klan*. New York, NY: Oxford University Press, 2013.
- Dailey, Jane. "Sex, Segregation, and the Sacred after *Brown*," *The Journal of American History* 91, no. 1, (June, 2004): 119-144.
- Ferguson, Herman W. *Mecklenburg County, North Carolina: Will Abstracts, Tax Lists*. Rocky Mount, NC 1993.
- Gilmore, Glenda. *Gender and Jim Crow: Women and Politics of White Supremacy in North Carolina, 1896-1920*. Chapel Hill, NC: University of North Carolina Press, 1996.
- Golebiowska, Ewa A. "The Contours and Etiology of Whites' Attitudes Toward Black-White Interracial Marriage." *Journal of Black Studies* 38, no. 2 (November 2007): 268-287.
- Hacker, J. David, Libra Hilde, and James Holland Jones, "The Effects of the Civil War on Southern Marriage." *The Journal of Southern History* 76, no. 1 (February 2010): 39-70.
- Hodes, Martha. *White Women, Black Men: Illicit Sex in the Nineteenth-Century South*. Binghamton, NY: Vali-Ballou Press, 1997.
- Kennedy, Randall. "The Enforcement of Anti-Miscegenation Laws." In *Interracialism: Black-White Intermarriage in American History, Literature, and Law*, edited by Werner Sollors, 144-145. Oxford: Oxford University Press, 2000.
- Lemire, Elise. *Miscegenation: Making Race in America*. Philadelphia, PA: University of Pennsylvania Press, 2009.
- Lubin, Alex. *Romance and Rights: The Politics of Interracial Intimacy, 1945-1954*. Jackson, MS: University Press of Mississippi, 2005.
- McGuire, Danielle L. *At the Dark End of the Street: Black Women, Rape, and Resistance—a New History of the Civil Rights Movement from Rosa Parks to the Rise of Black Power*. New York, NY: Vintage, 2011.
- McNamara, Robert P., Tempenis, Maria and Walton, Beth. *Crossing the Line: Interracial Couples in the South*. Westport, CT: Greenwood Press, 1999.
- Moran, Rachel F. *Interracial Intimacy: The Regulation of Race & Romance*. Chicago, IL: University of Chicago Press, 2001.
- Myrdal, Gunnar. *An American Dilemma*. New York, NY: Harper and Brothers, 1944.

- Newkirk, Van R. *Lynching in North Carolina: A History 1865-1941*. Jefferson, NC: McFarland and Company, Inc., 2009.
- Newton, Michael. *White Robes and Burning Crosses: A History of the Ku Klux Klan from 1866*. Jefferson, N.C.: McFarland & Company, Inc., 2014.
- Pascoe, Peggy. *What Comes Naturally: Miscegenation Law and the Making of Race in America*. Oxford, UK: Oxford University Press, 2009.
- Patillo Beals, Melba. *Warriors Don't Cry*. St. Louis, MO: Turtleback Books, 2007.
- Phillips, Charles David. "Exploring Relations Among Forms of Social Control: The Lynching and Execution of Blacks in North Carolina, 1889-1918." *Law and Society Review* 21, no. 3 (1987): 361-374.
- Pinar, William F. "Black Protest and the Emergence of Ida B. Wells." *Counterpoints* 193 (2001): 419-486.
- Powell, Walter S. *Encyclopedia of North Carolina*. Chapel Hill, NC: University of North Carolina Press, 2006.
- North Carolina Through Four Centuries*. Chapel Hill, NC: The University of North Carolina Press, 1989.
- Robinson, Charles Frank. *Dangerous Liaisons: Sex and Love in the Segregated South*. Fayetteville, AR: University of Arkansas Press, 2003.
- Romano, Renee. *Race Mixing: Black-White Marriage in Postwar America*. Gainesville, FL: University Press of Florida, 2003.
- Sommerville, Diane Miller. *Race & Rape in the Nineteenth-Century South*. Chapel Hill, NC: University of North Carolina Press, 2004.
- Sweet, Frank W. *Legal History of the Color Line: The Rise and Triumph of the One-drop Rule*. Palm Coast, FL: Backintyme, 2005.
- Tyson, Timothy B. *Radio Free Dixie: Robert Williams and the Roots of Black Power*. Chapel Hill, N.C.: University of North Carolina Press, 1999.
- Wallenstein, Peter. *Tell the Court I love My Wife: Race, Marriage and Law: An American History*. New York, NY: Palgrave Macmillan, 2002.
- Wertheimer, John. *Law and Society in the South: A History of North Carolina Court Cases*. Lexington, KY: University Press of Kentucky, 2009.