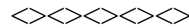


MISCEGENATION

The word *miscegenation* comes from the Latin words *miscere* (to mix) and *genus* (type, family, or descent) and has been used to refer to cohabitation or intermarriage between racial groups. Regulated by state law, miscegenation was illegal in many states for decades.

However, interracial marriage in the United States has been fully legal in all U.S. states since the 1967 Supreme Court decision, *Loving v. Virginia*, that decreed all state anti-miscegenation laws unconstitutional. Many states, of course, had chosen to legalize interracial marriage much earlier.

According to a May 14, 2012, *Huffington Post* article entitled “Interracial Marriage Statistics: Pew Report Finds Mixed-Race Marriage Rates Rising,” the 1980 Census (the first to collect data on interracial marriage) reported that 3% of all married couples were from different races. The number had risen to 8.4% (one in twelve couples) by 2010. Looking at marriages recorded in the years between 2008 and 2010, we find that 22% of newly-married couples in Western states were of different races or ethnicities, compared to 14% in the South, 13% in the Northeast, and 11% in the Midwest.



Anti-Miscegenation Laws, State by State:

1. Nine states never had any laws of this type:
 - Alaska
 - Connecticut
 - Hawaii
 - Minnesota
 - New Hampshire
 - New Jersey
 - New York
 - Vermont
 - Wisconsin
2. Eleven states repealed anti-miscegenation laws in 1887 or earlier:
 - Illinois (1874)
 - Iowa (1851)
 - Kansas (1859, before achieving statehood)
 - Maine (1883)
 - Massachusetts (1843)
 - Michigan (1883)
 - New Mexico (1866, before achieving statehood)
 - Ohio (1887 – last before California, 1948)
 - Pennsylvania (1780)
 - Rhode Island (1881)

- Washington (1868, before achieving statehood)

3. Fourteen states repealed anti-miscegenation laws between 1948 and 1967. Some states included Native Americans, Filipinos, Asians, East Indians, and native Hawaiians, as well as African Americans:

- Arizona (1962)
- California (1948)
- Colorado (1957)
- Idaho (1959)
- Indiana (1965)
- Maryland (1967)
- Montana (1953)
- Nebraska (1963)
- Nevada (1959)
- North Dakota (1955)
- Oregon (1951)
- South Dakota (1957)
- Utah (1963)
- Wyoming (1965)

4. Sixteen states saw their anti-miscegenation laws overturned by *Loving v. Virginia* in 1967:

- Alabama
- Arkansas
- Delaware
- Florida
- Georgia
- Kentucky
- Louisiana
- Mississippi
- Missouri
- North Carolina
- Oklahoma
- South Carolina
- Texas
- Tennessee
- Virginia
- West Virginia

TERMS FORMERLY USED TO REPRESENT DEGREES OF BLACKNESS:

mulatto - A person of mixed race who is half white and half black. Based on the Spanish word *mulo* meaning "mule," and implying that the person is sterile like a mule. (Another familiar misconception concerned the concept of "hybrid vigor," the idea that breeding across difference, as with dogs, creates a stronger, and more attractive breed.) In some ways, this is the most shocking of all the words on these pages describing the varieties of black people with mixed blood.

quadroon or quarteron - A person with one white parent and one mulatto parent. Such a person would be 3/4 white and 1/4 black.

octoroon or metif - A person who has one white parent and one quadroon parent. Such a person would be 7/8 white and 1/8 black.

meamelouc or mamelouque - See **sextaroon**.

sextaroon - Also called a **meamelouc** or **mamelouque**. A person who is 1/16 black. The parents would be a full-blooded white and an octoroon.

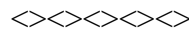
demi-meamelouc - A person who is 1/32 black. The parents would be a full-blooded white and a sextaroon.

sangmelee - A person who is 1/64 black. The parents would be a full-blooded white and a demi-meamelouc.

griffe - A person whose parents are a full-blooded black and a mulatto. Such a person would be 3/4 black and 1/4 white. The term is also used to describe the offspring of a mulatto and an American Indian, or any person of mixed Negro and American Indian blood.

marabou - A person who is 5/8 black. The parents would be a full-blooded black and a quadroon.

sacatra - A person who is 7/8 black. The parents would be a full-blooded black and a griffe.



OTHER TERMS RELATED TO THE PERIOD OF SLAVERY

contraband - Early in the war, the War Department allowed slaves fleeing their masters to enter Union lines as "contraband of war" (i.e. property that might be confiscated to fight against the Union).

drapetomania - According to Dr. Samuel Cartwright of Louisiana, this was one of two diseases from which slaves suffered. Cartwright said that this disease caused slaves to run away. Dr. Jonathan Miller, an English pathologist, has defined this term tongue-in-cheek as "a morbid desire to be free." (See also **dysaesthesia aethiopica**.)

dysaesthesia aethiopica - A second disease which Dr. Cartwright claimed slaves suffered from. Slaves having this disease were apt to commit intentional acts of mischief. Cartwright claimed that the cure for this disease and **drapetomania** was whipping.

1963 ARTICLE RELATING TO MISCEGENATION LAWS

Transcribed from Rocky Mount, North Carolina, *Telegram*, Sunday, November 10, 1963

NC Prohibits Any Marriage Between Races

By Robert E. Lee, for the N. C. Bar Association

Have recent "civil rights" decisions of the U.S. Supreme Court rendered valid marriages in North Carolina between Negro and white persons?

No. The Constitutionality of state statutes prohibiting the intermarriage of persons of designated races has never been ruled upon by the Supreme Court of the United States. It has declined to review several cases in which such statutes have been upheld by state courts.

The question has arisen on numerous occasions in the state and lower federal courts, and in every case, except one decided in a 4 to 3 decision by the Supreme Court of California in 1948, these state laws have been held valid.

The theory on which the constitutionality of these state statutes have [*sic*] been sustained is they constitute a prohibition against both races alike and confer no special privileges on either. The Supreme Court of North Carolina so held as early as 1869, at a time when the state was occupied by federal troops.

One would not be realistic, however, to conclude the present great weight of authority in favor of the constitutionality of these anti-miscegenation statutes will remain static in the light of the U.S. Supreme Court's recently growing tendency to move forward whenever racial issues are involved.

Other States Rule

To what extent are interracial marriages prohibited in the United States?

At the present time [1963] there are 21 states having statutes prohibiting certain interracial marriages. [*There were still 16 in 1967.*] The outlawing of intermarriage of whites and Negroes is the most common. All southern states have such statutes.

Six states, including North Carolina, have regarded the matter of such importance they have by constitutional provisions prohibited their legislatures from passing any law legalizing marriages between Negroes and white persons. The present Constitution of North Carolina says such marriages "are forever prohibited."

Who Is Negro?

What constitutes a person a Negro within the meaning of the North Carolina statute?

The Supreme Court of North Carolina has said a Negro, within the meaning of the statute which prohibits marriages "between a white person and a person of Negro descent to the third generation, inclusive, is one who has one-eighth Negro ancestry.

Thus if the person to whom ancestry in the prohibited degree is sought to be proved has only one Negro ancestor, and that a great-grandparent, it must be proved that such ancestor was of absolutely pure Negro blood. This might be extraordinarily difficult.

What Are Consequences?

What are the legal consequences of marriage performed in North Carolina between a Negro and a white person?

The purported marriage is absolutely null and void. Being a nullity, it is good for no legal purpose.

The children of a prohibited interracial marriage are illegitimate.

It is a criminal offense in North Carolina for a person with the prohibited degree of Negro ancestry to marry a white person. It is also a criminal offense for a register of deeds to issue to the parties a license or for a minister or justice of the peace to marry them, if he knows they are within the prohibited degree. The marriage is utterly null and void, and if they cohabit they may be indicted on a criminal charge of fornication.

[Original article below.]

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This Is The Law

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