# Miscegenation Law: Mississippi and the Nation

**Objectives:** Students will learn the long history of Mississippi's bans on interracial marriage and how the laws evolved over time. They will explore historical documents, learn legal language, analyze media coverage, and explore a cross section of state and federal law. Students will also learn about court cases and legal action that changed state definitions of marriage and expanded rights to interracial couples across the country and the state of Mississippi.

The *Miscegenation Law: Mississippi and the Nation* lesson plan is adaptable for grades 9-12.

| **Common Core and Mississippi Department of Education Curricular Connections** | | |
|---|---|---|
| **Common Core Language Arts** | Grades 9-10 | RH1, RH2, RH4, RH6, RH9, RI1,RI 2, RI4, RI5, RI6, RI7, RI8, RI9, RI10, SL1a, SL1d, SL2, SL3, W1a-1c, W3, W4, W5, W6, W7, W8 |
| | Grades 11-12 | RH1, RH2, RH4, RH5, RH7, RH9, RI1, RI2,RI 3, RI4, RI5, RI6, RI7, RI8, RI9, RI10, SL1a-1d, SL2, SL3, W1a-1e, W2a-2c, W3, W4, W5, W6, W7, W8 |
| **Mississippi Social Studies Frameworks** | United States Government | 1a, 3a, 5a-b, 7a, c |
| | Mississippi Studies | 4d, 6c |
| | Problems in American Democracy | 2a |
| | Sociology | 2b-e, 3z, 4a-c |
| | U.S. History from Post-Reconstruction to Present | 4a-f |
| | Minority Studies | 1b, 2c, 4a-c |
| | Law Related Education | 1b-d, 4a-b |
| | African American Studies | 1a-d, 5b |



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# Miscegenation Law: Mississippi and the Nation
## Overview

The United States has a long history of laws regulating marriage, particularly unions between those of different racial and ethnic backgrounds. In 1864, a term was introduced to the national vocabulary when a New York pamphlet combined the Latin words *miscere* (mix) and *genus* (race) to form the word *miscegenation* (mi-seh-jeh-nay-shon), meaning "race mixing." Miscegenation became the common term for interracial marriage, namely between blacks and whites. With the emancipation of slaves and the expansion of civil rights during Reconstruction, the desire to maintain social, economic, and political division between whites and blacks was in high demand, especially in Mississippi when the legal system became a battlefield.

Legal battles ensued to define race. Public acceptance of these legalized definitions increased during the late 1800s through the 20th century. Court cases emerged to regulate the relationship between race and the marriage contract. Cases drew upon rights established in the Civil Rights Act of 1866 as well as the Equal Protection Clause of the Fourteenth Amendment. But state restrictions were established and maintained across the country, including Mississippi.

Mississippi's first marriage law came in 1822 providing legalized unions for whites only. The state's first ban on marriage between whites and blacks came in 1865 under the Black Codes. The official state ban on these marriages was written into Mississippi's 1890 Constitution. Interracial marriage bans continued into the 1900s as laws expanded to include other non-whites, such as Chinese American Charlie Lum whose divorce from a white woman couldn't be finalized because their marriage in another state was deemed void in Mississippi. But these issues weren't always black and white. There were some instances where a married couple physically looked white but one partner had black heritage, sparking legal action as was the case of Davis Knight in 1948. Knight, who had African American ancestry, was indicted for violating the state's miscegenation code when he married a white woman in 1946. With these issues in mind, Mississippi judges and legislators defined race, determined the legality of the marriage bans, and tried to maintain states' rights. Concerns about race and marriage increased during the latter half of the 20th century.

The 1950s and 1960s were pivotal decades in American history as the struggle for racial equality heightened with school integration, boycotts, and the signing of national civil and voting rights laws. A critical moment came in 1967 when an interracial couple from Virginia fought to have their marriage legally recognized in the case *Loving v. Virginia*. In that case, the U.S. Supreme Court ruled all state bans on interracial marriage unconstitutional. Although the Court's opinion spurred nationwide change in state law, interracial couple Roger Mills and Berta Linson still had to fight for a marriage license in Mississippi in 1970. Although the percentage of interracial marriages has increased over the last forty years and has gained increased acceptance, the battle for other marriage rights continues.

***Marriage of Roger Mills and Berta Linson, 1970. MDAH Archives and Records Services.***



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# Miscegenation Law: Mississippi and the Nation

## Activity 1: Marriage Law, the Legal Definition

**Objectives:** Students will gain an understanding of Mississippi's restrictions on interracial marriage from its 1822 marriage code, its 1890 constitution, and 1942 miscegenation code. Students will also research the general legal definition of marriage, and its historical value and customs. Students will analyze how both the state and the federal government intersect when regulating marriage and how marriage fits into the discussion of civil liberties and civil rights.

**Materials:** The Internet and other teacher approved materials; *Excerpts*; *State vs. Federal Law* worksheet; *1947 Memo*; and *Civil Liberties or Civil Rights?*

**Procedures:**

1. Distribute the *Excerpts* handout to students.
2. Have students research the legal definition of marriage and marriage legal customs in the U.S. and Mississippi using the 1822 code and 1890 Constitution handout and discuss their findings as a class.
3. Distribute the *State vs. Federal Law* worksheet and have students complete it using what they have learned from the *Excerpts* handout and class discussions.
4. Distribute the *1947 Memo* and have students write their own memo in response to a code of their choice.
5. What is the difference between civil liberties and civil rights? Working individually, in groups, or as a class, have students compare and contrast the two using the *Civil Liberties or Civil Rights?* worksheet and venn diagram.
6. If time allows, have students write a one-page informative essay analyzing the definition of marriage and the state's constitutional provision for marriage. Students should show how the definitions and restrictions intersect. Students should also explain how this information relates to the legalization of civil liberties and civil rights.

## Activity 2: Media and Interracial Marriage

**Objectives:** Students will increase critical analytical skills by comparing and contrasting two news articles about the lifting of interracial marriage bans. Students will consider the time periods in which the articles were published and how this affected the media's coverage of the issue. Students will also examine the local/federal governments' relationship to voters and the public at large.

**Materials:** Newspaper articles (three); *Venn Diagram*.

**Procedures:**

1. Distribute the three newspaper articles and the *Venn Diagram* worksheet to students.
2. Have students compare and contrast *The Clarion Ledger's* coverage of the overturning of interracial marriage bans using the worksheet. Keep in mind elements not limited to the following:
    a. Year article was published
    b. Length



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c. Tone
d. National and state government: the legal procedures taken
e. The couples themselves
f. What they wanted

3. From the analysis, what can you gather about the culture of the times from each year?
4. Write your own letter to the editor of *The Clarion Ledger* about inter-racial marriage based on the coverage in 1967 and 1987. Write one letter dated in 1967 and one in 1987.

## Activity 3: School Integration and Interracial Marriage

**Objectives:** Students will conduct a critical analysis of a political cartoon and engage in class discussion. Students will comment on what the elements of the cartoon mean and how they make them feel concerning school integration in 1955 and today.

**Materials:** *Political Cartoon* (2)*; Teacher Discussion Guides.*

**Procedures:**

1. Project the *Political Cartoons* on a screen or make copies and distribute to students.
2. Allow the students to take a few moments to study the image.
3. Begin class discussion using the *Teacher Discussion Guides*.
4. Compare and contrast the issues surrounding interracial marriage in the mid-twentieth century with those surrounding same-sex marriage in the beginning of the twenty-first century.

## Activity 4: Marriage Rights Beyond Race

**Objectives:** Students will learn how more recent legal issues, specifically same-sex marriage in Mississippi, have been impacted by the *Loving v. Virginia* decision. Students should understand the proponents and opponents to the Court's decision.

**Procedures:**

1. Allow students to research *Loving v. Virginia* and same-sex marriage (in Mississippi and/or the country) via the Internet and other teacher approved resources.
2. Have students construct their own legal opinions of same-sex marriage based on their analysis of the Loving case and what they have learned about the interaction of state and federal law.
3. Conduct civil debates to express legal ideas.

**Extension Activity:**
Compile a list of issues relating to marriage such as the June, 2015, same-sex marriage rulings in the U.S. and Mississippi and/or other issues such as immigration/citizenship, the rights of children, economic status, and transgender orientation and create your own legal opinion based on the Loving case.



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## *Excerpts*

**The Revised Codes of the Laws of Mississippi, 1823**

CHAPTER 102.

An act, to regulate the solemnization of marriages; prohibiting such as are incestuous, or otherwise unlawful.

Passed June 29, 1822.

SEC. 1. *Be it enacted by the senate and house of representatives of the state of Mississippi in general assembly convened*, That any minister of the gospel, ordained according to the rules of his church or society; any judge of the supreme court or court of chancery, judge of probate; any justice of the county court, or justice of the peace, within their respective counties or jurisdictions, may solemnize the rites of matrimony between any free white persons within this state, who shall produce a license as herein directed: *Provided*, That such minister shall have produced to the orphans' court of some county in this state credentials of his ordination, and of his being in regular communion with the christian society of which he is a member, and have obtained from such court, a testimonial, authorizing him to solemnize the rites of matrimony, in this state, which said testimonial shall be granted at the discretion of the said court, and recorded by the register, in a book to be kept for that purpose, and also for the purpose of recording therein all marriage licenses, consent of parents and guardians, and certificates of the solemnization of marriages.

Who may solemnize rites of matrimony.

SEC. 2. It shall and may be lawful for any pastor of a religious society in this state, to join together in marriage, such persons as are of the society, according to the rules and customs established by such society: *Provided*, That the clerk or keeper of the minutes, proceedings, or other books of the religious society, wherein such marriage shall be had and solemnized, shall make a true and faithful register of all marriages solemnized in the society, in a book by him kept for that purpose, and return a certificate of the same to the register of the orphans' court, to be by him recorded.

*MDAH Archives and Records Services.*



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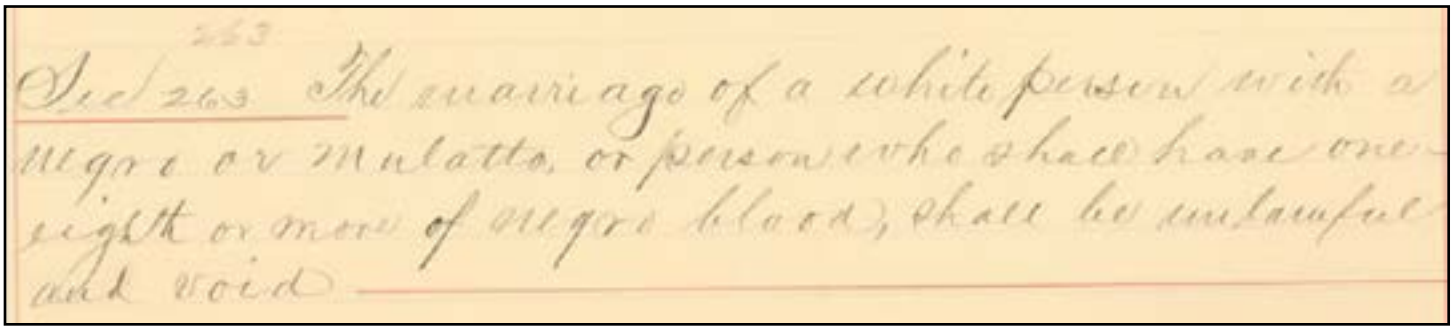
**Mississippi Constitution, Article 14 Sec. 263, 1890**


Sec 263 The marriage of a white person with a negro or mulatto, or person who shall have one-eighth or more of negro blood, shall be unlawful and void

***MDAH Archives and Records Services.***

**TRANSCRIPTION:** The marriage of a white person with a negro or mulatto, or person who shall have one-eighth or more of negro blood, shall be unlawful and void.

**The U.S. Civil Rights Act of 1866 Excerpt**

*An Act to protect all Persons in the United States in their Civil Rights, and furnish the Means of their Vindication.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens of the United States; and such citizens, of every race and color, without regard to any previous condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall have the same right, in every State and Territory in the United States, to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property, and to full and equal benefit of all laws and proceedings for the security of person and property, as is enjoyed by white citizens, and shall be subject to like punishment, pains, and penalties, and to none other, any law, statute, ordinance, regulation, or custom, to the contrary notwithstanding.

**Sources:**

*A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774 – 1875 Statutes at Large, 39th Congress, 1st Session,* p. 27.

*Civil Rights Act of 1866*, http://teachingamericanhistory.org/library/document/the-civil-rights-act-of-1866/ (Accessed January 7, 2015).



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**Civil Rights of Freedmen Excerpt from the Mississippi Black Codes**

Section 1. *Be it enacted by the legislature of the state of Mississippi*, that all freedmen, free Negroes, and mulattoes may sue and be sued, implead and be impleaded in all the courts of law and equity of this state, and may acquire personal property and choses in action, by descent or purchase, and may dispose of the same in the same manner and to the same extent that white persons may:

*Provided*, that the provisions of this section shall not be construed as to allow any freedman, free Negro, or mulatto to rent or lease any lands or tenements, except in incorporated towns or cities, in which places the corporate authorities shall control the same.

Section 2. *Be it further enacted*, that all freedmen, free Negroes, and mulattoes may intermarry with each other, in the same manner and under the same regulations that are provided by law for white persons:

*Provided*, that the clerk of probate shall keep separate records of the same.

Section 3. *Be it further enacted*, that all freedmen, free Negroes, and mulattoes who do now and have heretofore lived and cohabited together as husband and wife shall be taken and held in law as legally married, and the issue shall be taken and held as legitimate for all purposes. That it shall not be lawful for any freedman, free Negro, or mulatto to intermarry with any white person; nor for any white person to intermarry with any freedman, free Negro, or mulatto; and any person who shall so intermarry shall be deemed guilty of felony and, on conviction thereof, shall be confined in the state penitentiary for life; and those shall be deemed freedmen, free Negroes, and mulattoes who are of pure Negro blood; and those descended from a Negro to the third generation inclusive, though one ancestor of each generation may have been a white person

**Sources:**

*Laws of the State of Mississippi, Passed at a Regular Session of the Mississippi Legislature, held in Jackson, October, November and December, 1865, Jackson, 1866*, pp. 165-167.

*Mississippi Black Codes*, http://chnm.gmu.edu/courses/122/recon/code.html (accessed October 17, 2014).



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NAME _____ DATE _____

## *State versus Federal Law*

***After reading and discussing the chosen sections of the Civil Rights Act of 1866 and the Mississippi Black Code of 1865, answer the following questions.***

1. With Reconstruction came expanded rights for recently freed slaves. Read Section 1 of the Civil Rights Act of 1866. What does it mean generally? How does this relate to marriage?

2. Mississippi law still regulated the rights of free black Americans by instituting Black Codes in 1865. Read the Civil Rights of Freedmen section of the Mississippi Black Codes. Explain Section 3. What will be the consequences if this law is broken? Why do you think this kind of punishment was established?

3. What do the Black Codes say concerning white persons and marriage? This law also acknowledges that a free black person may also have a white ancestor. How do you think ancestry factors into creating racial categories?

4. How does Section 1 of the U.S. Civil Rights Act of 1866 and Section 3 of the Mississippi Black Codes intersect with the legal definition of marriage?

5. What is your opinion of these laws?



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NAME _____ DATE _____

## *State versus Federal Law Answer Key*

***After reading and discussing the chosen sections of the Civil Rights Act of 1866 and the Mississippi Black Code of 1865, answer the following questions.***

1. With Reconstruction came expanded rights for recently freed slaves. Read Section 1 of the Civil Rights Act of 1866. What does it mean generally? How does this relate to marriage?

*All U.S. born people, regardless of race or color, previous condition of slavery or servitude, are citizens, regardless of and have the same right in every state to make and enforce contracts. By law, marriage is classified as a contract. According to the Civil Rights Act of 1866, any person, regardless of race or color should be allowed to enter into a marriage contract.*

2. Mississippi law still regulated the rights of free black Americans by instituting Black Codes in 1865. Read the Civil Rights of Freedmen section of the Mississippi Black Codes. Explain Section 3. What will be the consequences if this law is broken? Why do you think this kind of punishment was established?

*Free blacks and mulattoes are allowed to marry each other, but not any white person and no white person can marry a free black person or a mulatto. If someone breaks this law, they shall receive a life sentence in the state penitentiary.*

3. What do the Black Codes say concerning white persons and marriage? This law also acknowledges that a free black person may also have a white ancestor. How do you think ancestry factors into creating racial categories?

*That white persons are also prohibited from marrying a freedmen, free Negro or mulatto.*

4. How does Section 1 of the U.S. Civil Rights Act of 1866 and Section 3 of the Mississippi Black Codes intersect with the legal definition of marriage?

*They are contradictory in that the Civil Rights Act of 1866 has specific provisions for contracts, which may include marriage, which is defined as a contract, while the Black Codes limit such a contract. The federal and the state law do not agree.*

5. What is your opinion of these laws?



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## *1947 Memo*

S. File : INTERMARRIAGE

October 8, 1947

Mr. Clarence W. Mark
505 College Ave.
N. Manchester, Ind.

SUBJECT FILE

Dear Mr. Mark:

The present provisions concerning intermarriage of the races in Mississippi are as follows:

1. Section 263 of the Constitution of 1890 states: "The marriage of a white person with a negro or mulatto, or person who shall have one-eighth or more of negro blood, shall be unlawful and void."

2. Section 459 of the Code of 1942 states: "The marriage of a white person and a negro or mulatto or person who shall have one-eighth or more of negro blood, or with a Mongolian or a person who shall have one-eighth or more of Mongolian blood, shall be unlawful, and such marriage shall be unlawful and void; and any party thereto, on conviction, shall be punished as for marriage within the degrees prohibited by the last two sections; and any attempt to evade this and the two preceding sections by marrying out of this state and returning to it shall be within them."

3. The punishment for the violation of Section 459 is set forth in Section 2000 of the Code of 1942: "Persons being within the degrees within which marriages are declared by law to be incestuous and void, who shall cohabit, or live together as husband and wife, or be guilty of a single act of adultery or fornication, upon conviction shall be punished by imprisonment in the penitentiary for a term not exceeding ten years."

***MDAH Archives and Records Services.***

**Brief history of the term "Mongolian"** According to Peggy Pascoe, author of the book *What Comes Naturally: Miscegenation Law and the Making of Race in America*, the term "Mongolian" may have first appeared in California legislation in the 1880s in reference to the high population of citizens of Asian descent in the state. Thus, "Mongolian" became an all-purpose or generic term as opposed to the more specific "Chinese." At the time, ethnologists asserted that there were three classes of the human race: Mongolian, Caucasian, and Negro.



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## *1947 Memo (continued)*

Mr. Mark Page 2 October 8, 1947

4. Section 2339 of the Code of 1942 states: "Any person, firm or corporation who shall be guilty of printing, publishing or circulating printed, typewritten or written matter urging or presenting for public acceptance or general information, arguments or suggestions in favor of social equality or of intermarriage between whites and negroes, shall be guilty of a misdemeanor and subject to a fine not exceeding five hundred dollars or imprisonment not exceeding six months or both fine and imprisonment in the discretion of the court."

I trust that this information will be useful to you. If this Department can be of any further service to you, please do not fail to call upon us.

Sincerely yours,

William D. McCain

WDM:mjm

SUBJECT FILE

***MDAH Archives and Records Services.***

**Brief history of the term "Mongolian" (continued)** With the expansion of race scientist theories in the mid-1930s, the term expanded to include other peoples who could be identified within the Mongolian racial class such as Hawaiians, Eskimos, native Peruvians, Finns, Filipinos, Japanese, Koreans, Estonians, Native Americans, etc.



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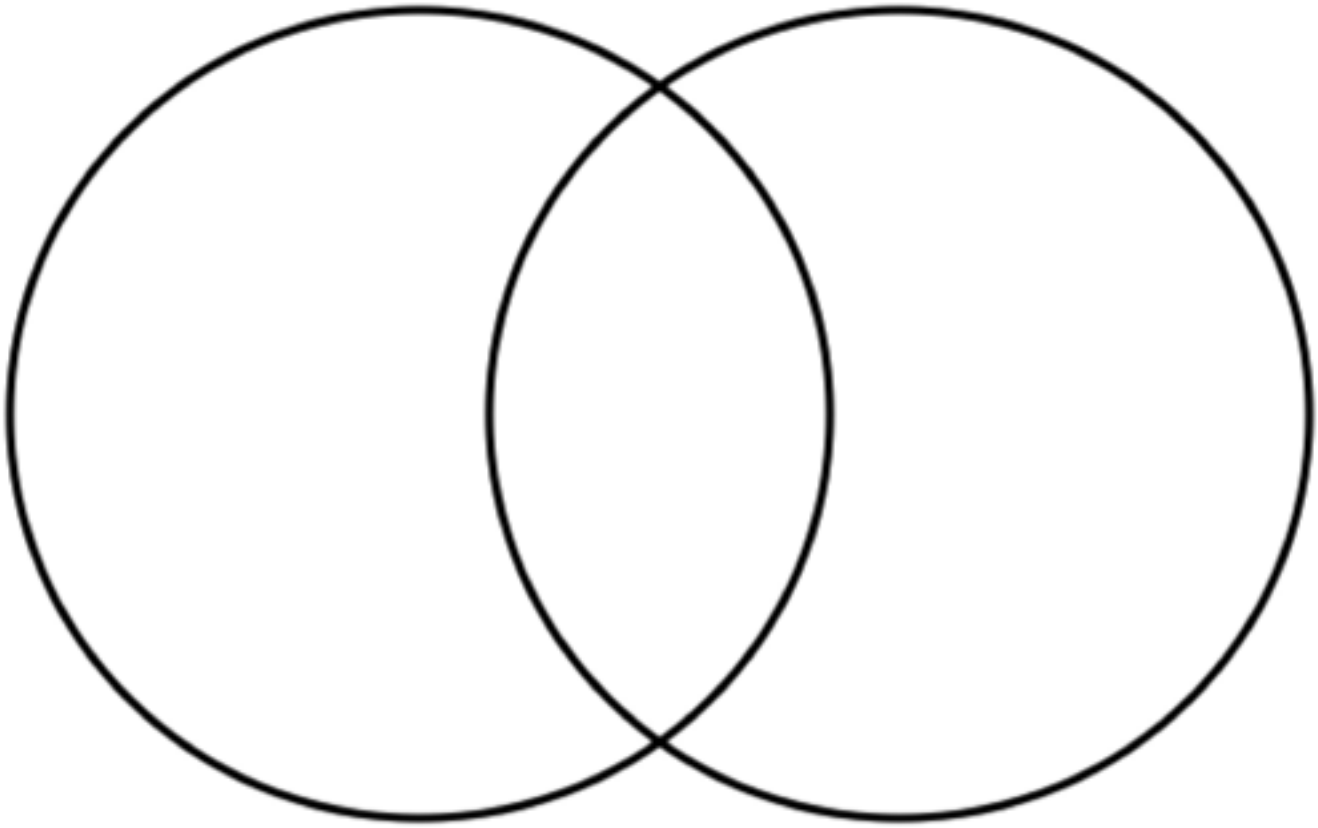
NAME _____ DATE _____

## *Civil Liberties or Civil Rights?*

***Using the venn diagram below, determine the differences between civil liberties and civil rights.***

**Civil Liberties** **Civil Rights**





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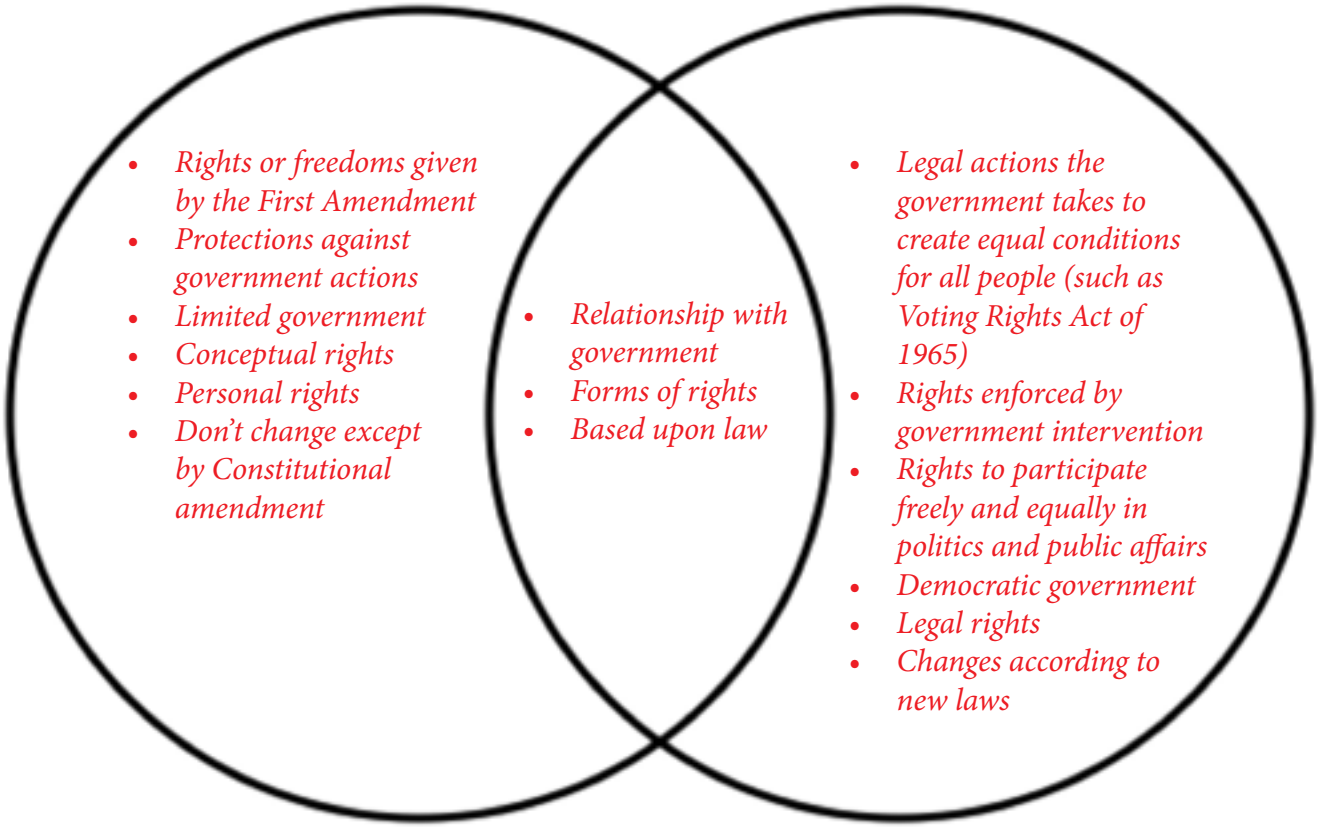
NAME _____ DATE _____

## *Civil Liberties or Civil Rights? Answer Key*

***Using the venn diagram below, determine the differences between civil liberties and civil rights.***

**Civil Liberties** **Civil Rights**



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*Newspaper Article (1)*

# High Court Endorses Marital Race Mixing

WASHINGTON (AP) — The Supreme Court sounded the death knell Monday for state laws outlawing racially mixed marriages.

While the unanimous decision specifically applied to Virginia's antimiscegenation law, the language of Chief Justice Earl Warren's opinion was so sweeping as to make it clear that similar statutes of 15 other states could not stand under legal attack.

Speaking for a unanimous court, Warren said the Virginia law rests solely upon distinctions drawn according to race.

He added: "The statutes proscribe generally accepted conduct if engaged in by members of different races."

Citing earlier decisions in racial cases, but not involving interracial marriage, Warren said the Supreme Court consistently has repudiated distinctions between citizens solely because of their ancestry as being odious to a free people whose institutions are founded upon the doctrine of equality.

PERSONAL RIGHT

"The freedom to marry has long been recognized as one of the vital personal rights essential to the orderly pursuit of happiness of free man," Warren declared.

The Virginia case involved Richard P. Loving, a 33-year-old white construction worker, and his part-Negro, part-Indian wife, Mildred, 27. Warren said they were deprived by law "of liberty without due process of law in violation of the due process clause of the 14th Amendment" to the U.S. Constitution.

In the final day of its present term, before quitting until next Oct. 2, the court in a burst of speed handed down roughly a dozen opinions of major importance and scores of orders in other cases.

And Justice Tom C. Clark made final his retirement, an action taken to avoid any conflicts because his son, Ramsey Clark, now is attorney general.

In a major freedom-of-the-press decision, the court threw out by a 9-0 vote, a $500,000 libel judgment against the Associated Press won by retired Maj. Gen. Edwin A. Walker in state court.

BARS EAVESDROPPING

In one major decision the court struck down New York's electronic eavesdropping law.

The court divided 5 to 4 in holding the statute defective on

Continued On Page 2

Continued From Page 1

the ground it allows a blanket grant of permission to eavesdrop without adequate judicial supervision or protective procedures.

Justice Clark, author of the court's majority opinion, spoke of the fervor which some persons regard electronic eavesdropping as a most important technique in law enforcement.

He answered this argument by saying "we cannot forgive the requirement of the 4th Amendment in the name of law enforcement." The 4th Amendment forbids unreasonable search and seizure.

Five other states have legalized eavesdropping laws, but Clark's opinion, addressed entirely to the New York statute, gave no clue as to their fate. He noted, for example, that the court has in the past, under specific conditions and circumstances, sustained the use of eavesdropping devices.

He said the Court's concern with the New York law is whether its language permits a trespassory invasion of the home, by a general warrant, contrary to the 14th Amendment.

"As it is written, we believe that it does," Warren said.

In another 5-4 decision, the court upheld the contempt of court conviction of Dr. Martin Luther King Jr. and seven other Negro leaders for desegregation demonstrations in Birmingham, Ala., in 1963.

Stewart said a legal precedence put King and the others on notice that they could not bypass orderly judicial review of an injunction before disobeying it.

"The rule of the law that Alabama followed in this case reflects a belief that in the fair administration of justice no man can be judge in his own case, however exalted his station, however righteous his motives and irrespective of his race, color, politics or religion, Stewart said.

The demonstration marches in which King and the other defendants took part were held on Good Friday and Easter Sunday in defiance of a state court injunction. Attorneys for the Justice Department and for the civil rights leaders contended the parading without a permit was void because it restricted constitutional rights to free speech and assembly.

King and the other defendants were sentenced to five days in jail and fined $50 each.

The dissenters were Warren and Justices William J. Brennan, William O. Douglas and Abe Fortas.

"The court today lets loose a devastatingly destructive weapon for infringement for freedoms jealously safeguarded not so much for the benefit of any given group or any given persuasion as for the benefit of all of us," Brennan wrote in his dissenting opinion.

Jack Greenberg, director counsel for Defense and Educational Fund for the National Association for the Advancement of Colored People, said he would meet with Martin Luther King to consider whether to ask the Supreme Court to rehear the case.

**The Clarion Ledger,** ***June 13, 1967. MDAH Archives and Records Services. Used with the permission of*** **The Clarion Ledger.**



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*Newspaper Article (2)*

# Millses elated by vote on marriage ban

## Interracial couple 1st to be legally wed

*Millses thank Mississippi voters, 4C*

By HAYES JOHNSON
Clarion-Ledger Staff Writer

DECATUR, Ga. — Roger and Berta Mills are happy to report that their three children don't have spots.

That's good news to the pair threatened with a life of misery when they married on Aug. 2, 1970. Thought to be the first legally married interracial couple in Mississippi, the Millses now live in suburban Atlanta.

When they heard this month that Mississippi voters finally dropped the state constitution's outdated ban on interracial marriages, Roger and Berta took the news as a sign of new attitudes in the state that once tried to keep them from marrying.

"I thought that the state is finally progressing," said Berta, 38, a Hazlehurst native and former schoolteacher who is about to return to college for her second master's degree. "I was elated. [illegible] for Mississippi — and surprised [illegible] agreed.

"I was proud of Mississippi as well. I think it has really shaken off a legacy of the past. Mississippi's negative reputation has far outlived the reality," said Roger, 42, a Massachusetts native who now is a civil rights attorney with the U.S. Department of Education.

"Mississippi is a nice place. I'd like to be there."

The two were unfazed by the narrow margin on which Mississippi voters Nov. 3 approved a constitutional amendment to repeal the ban on mixed marriages. About 52 percent endorsed the removal of language declared illegal by the U.S. Supreme Court 20 years ago.

"I'm not really troubled by the 48 percent who voted no," Roger said. "National polls don't rank it much higher."

The Millses' warm feelings for the state they left in 1971 might seem surprising coming from two people whose relationship sparked race-related violence and forced them to go to six state and federal courts to get permission to say their wedding vows.

After they were married, the couple received hate mail from across the

Millses, from 1A

country. One letter warned that their children would be spotted.

Another carried this simple, dark message: "1st: Integration. 2nd: Interracial marriage. 3rd: Disintegration of America."

The couple met when they were working for the same law firm in Jackson. Berta was a file clerk; Roger was a law clerk doing community service in the South as a conscientious objector of the Vietnam War.

Their dating caused some trouble: Roger was beaten by a group of white men when he took Berta to the Mississippi State Fair in 1969.

They applied for a marriage license on July 21, 1970, but a Circuit Court judge from Grenada County ordered the Hinds County circuit clerk not to issue the license.

The reason: Mississippi's 19th century constitutional ban on interracial marriages.

The U.S. Supreme Court in 1967 had declared such bans to be illegal, so the couple and their lawyers didn't expect problems here. Another interracial couple applied for a license the same week in Hinds County.

But a white segregationist group, the Southern National Party, learned of the planned interracial marriages and asked Circuit Judge Marshall Perry of Grenada to block the licenses. Perry complied, and both couples were denied their licenses.

A tense, highly publicized legal battle followed. On July 31, 1970, former U.S. District Judge Harold Cox ordered the circuit clerk to issue the licenses.

Two days later, Roger and Berta became the first interracial couple legally married in Mississippi. The wedding, attended by 200 friends and relatives — some of them carrying guns — took place in a Methodist church on Farish Street. A photograph of Roger kissing his bride appeared in newspapers across the country and in Europe.

The minister was Rims Barber, now director of the Children's Defense Fund in Jackson.

Two of the Millses' groomsmen were Fred Banks, now a Circuit Court judge, and Reuben Anderson, the state's first black Supreme Court justice. Banks

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*Newspaper Article (2 continued)*

and Anderson were partners in the law firm where the newlyweds worked.

The people who helped Roger and Berta get married remember the couple as two young people in love — not as crusaders hoping to buck the system or gain publicity.

"They were thrust into an historical position that they didn't reject, but their motivation was quite pure," Barber said last week. "Of all the couples I've married, that's one of the better success stories."

Banks said last week that the Millses set an example of the way people of different races can get along.

But he said the close vote on the constitutional amendment shows that many Mississippians still don't endorse the idea of interracial marriages.

"The fact that it passed means we've come a long way, but the fact that the margin was slim indicates that we still have a long way to go," Banks said.

However, Elmore Greaves, a Flora attorney who co-founded the Southern National Party and led the opposition 17 years ago to the first interracial marriages, said the vote showed that many Mississippians agree with him on the subject of interracial marriage.

"Race mixing over a long period of time would be very deleterious to white civilization," Greaves said. "As a white man, I'm only interested in that. This is a white country, was founded by white people and was meant to stay that way."

The Millses have four daughters, including 20-year-old Princess, who was Berta's from an earlier marriage. The other three are Demetria, 16, Valencia, 14, and Artemis, 11 months.

Demetria and Valencia are in high school. In recent years, the children have suffered more racial prejudice than their parents.

"By law, they're considered black in this state," Berta said. "When they fill out forms that ask for race, they put down 'human' or 'black.' How do I consider them? Whatever's convenient."

Lately, it's been convenient to call the girls black so they can transfer into a better high school that is majority white.

At school, they run into problems with both black and white students. The whites don't invite them home; the blacks are uneasy because they consider the Mills girls to be white.

"They fit into neither group," Roger said. "There is ridicule from blacks as much as whites."

The parents have taught their children to ignore other people's racial attitudes.

"They think they're in the best of both worlds," Berta said. "They think this group is silly for fighting over the blacks and this group is silly for fighting over the whites.

"They think everybody should be like them: beautiful and have it all."

When it comes to dating, Roger and Berta are letting the teenagers go out with anyone who passes the parents' test. Race doesn't matter.

"We tell them to look at the content of the character, not the color of the skin," Roger said.

**The Clarion Ledger,** ***November 15, 1987. MDAH Archives and Records Services. Used with the permission of*** **The Clarion Ledger.**



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## *Newspaper Article (3)*

### Letters policy

Letters from our readers are encouraged. Writers are asked to sign their letters and to include, for verification but not for publication, their mailing address and telephone number. Letters should be limited to no more than 350 words, and shorter letters are preferred. Editors reserve the right to edit or reject. Letters should be addressed to:

**Letters to the Editor**
**The Clarion-Ledger**
**Jackson Daily News**
**P.O. Box 40**
**Jackson, Miss. 39205**

**The Clarion Ledger,** ***November 15, 1987. MDAH Archives and Records Services. Used with the permission of*** **The Clarion Ledger.**

### Proud state voters ended interracial marriage ban

We are proud of Mississippi! We were pleased to learn that Mississippi voters have by referendum voted to remove the prohibition in the Mississippi Constitution on interracial marriages.

Ours was the first legal interracial marriage in Mississippi. It happened about 17 years ago on Aug. 2, 1970, after court battles waged through the state and federal courts. Several days after applying at the courthouse for a marriage license, we returned to pick up the license and instead were served with a court order that banned the clerk from giving us one.

With the assistance of our attorney, Fred Banks, we filed suit in the Chancery Court, seeking an order for the issuance of the license, only to be denied relief. We next turned to the Circuit Court, but were put off by a judge who said he was in no hurry to make any decision.

We next appealed to the Mississippi Supreme Court. Chief Justice W.N. Ethridge Jr. denied our request. We appealed from that denial by personally filing in the U.S. Supreme Court a motion for a stay of the local court order.

Without waiting for the U.S. Supreme Court to act, our attorney filed a separate suit in U.S. District Court. The U.S. District Court declined to hear our case because proceedings, at least in theory, were still pending in state court. We appealed to the U.S. Court of Appeals in New Orleans. An emergency panel of the appeals court reversed the U.S. District Court and ordered the District Court to convene a hearing at once.

At the hearing, we faced Chief U.S. District Judge William Harold Cox, who had a history of being antagonistic to civil rights cases. He permitted the state attorney general, who was in court to defend the legality of the state ban on interracial marriages, to engage in hostile cross-examination of us concerning our sex lives while the press sat in the jury box scribbling notes. On Friday afternoon, July 31, 1970, just hours before the local courthouse that issues marriage licenses would close, Judge Cox ruled.

Since the U.S. Supreme Court, in Loving vs. Commonwealth of Virginia, three years earlier had declared that the freedom to marry a person of another race resides with the individual and cannot be infringed upon by the government, Judge Cox ruled the "right to these licenses is so perfectly clear that any delay in granting such licenses to them would be unwarranted and indefensible." He enjoined the clerk to issue the license and declared we were entitled to have our marriage consummated as valid under the laws of Mississippi.

We were married in church on Sunday, Aug. 2, 1970, and now have a family of four children. We are thankful to the citizenry of Mississippi for voting to put to rest the legacy of the past.

ROGER and BERTA MILLS
Decatur, Ga.



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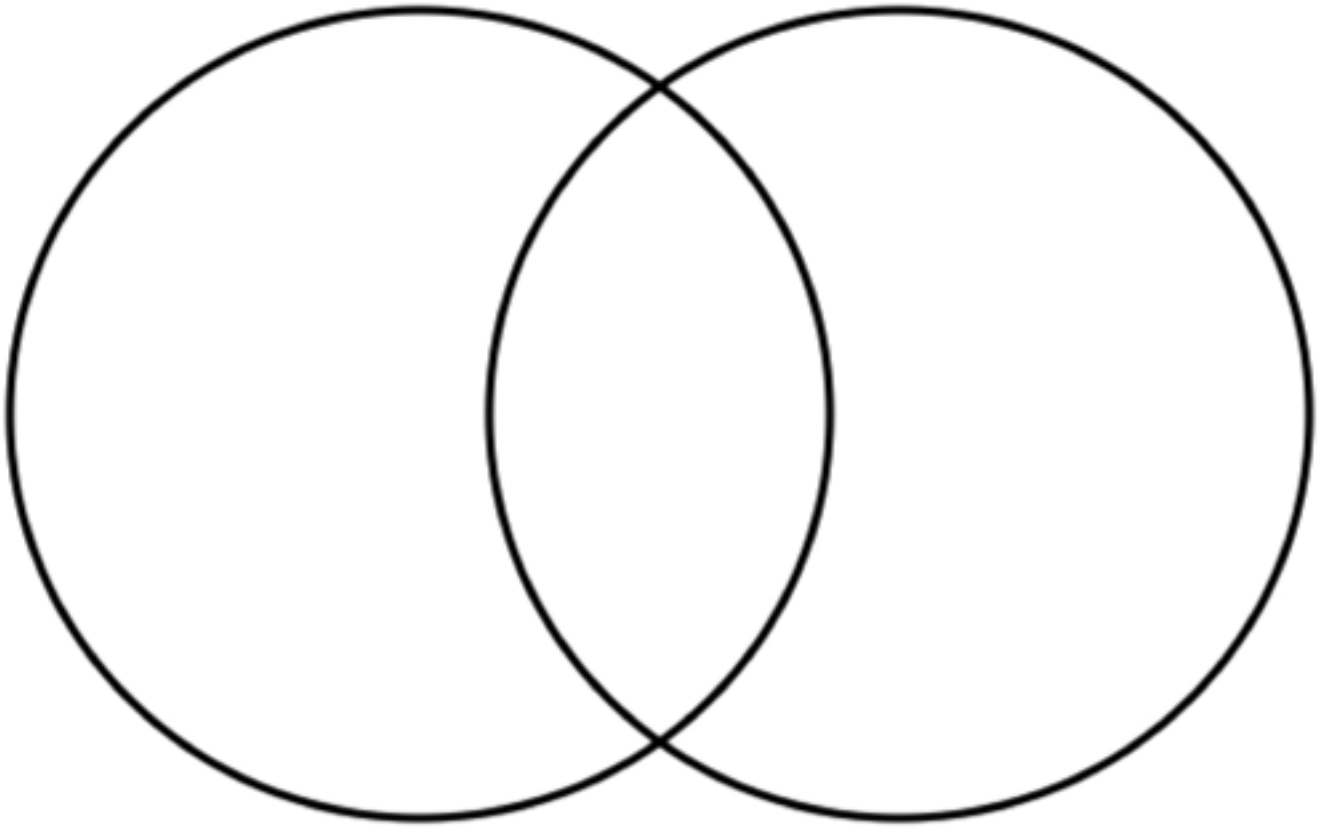
NAME _____ DATE _____

## *Venn Diagram*

***Using the venn diagram below, compare and contrast the coverage of interracial marriage by* The Clarion Ledger *in 1967 and 1987.***

**1967** **1987**





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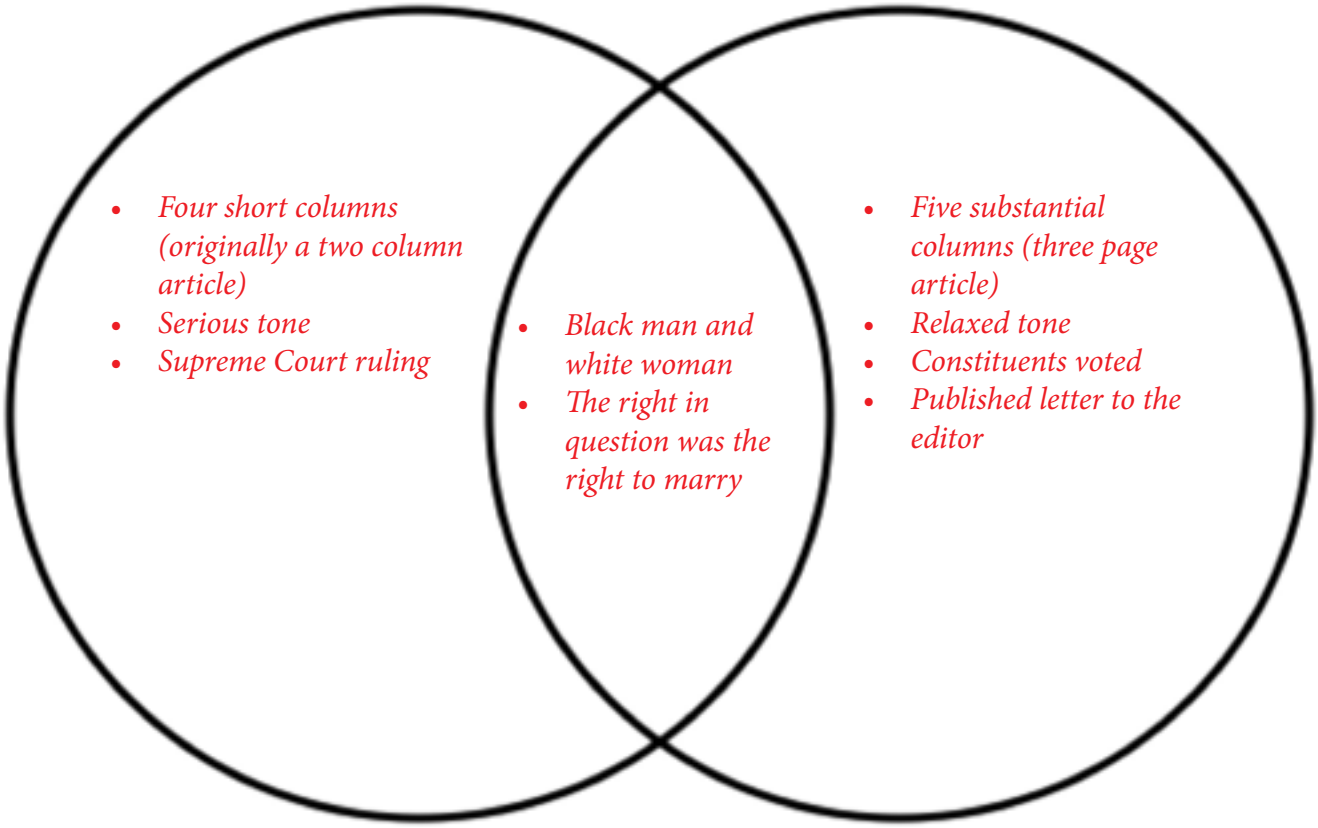
NAME _____ DATE _____

## *Venn Diagram Answer Key*

***Using the venn diagram below, compare and contrast the coverage of interracial marriage by* The Clarion Ledger *in 1967 and 1987.***

**1967** **1987**



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## *Political Cartoon (1)*

***White Citizen's Council Broadside, 1950s. MDAH Archives and Records Services.***



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## *Political Cartoon (2)*

**The Clarion Ledger,** ***June 27, 2015. Used with the permission of*** **The Clarion Ledger.**



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## *Teacher Discussion Guides*

***White Citizens Council Broadside, 1950s***

1. What would you interpret this cartoon? Explain your reasoning.
2. How does interracial marriage fit into the larger question of integration?
3. Why do you think integration is symbolized as a snake?
4. What do you think the flag represents?
5. What do you think the flames represent?
6. What do you think the cracks in the southern schools and the ground mean?
7. Why do you think the U.S. Supreme Court has a halo and is standing on a pile of money?
8. How does this fit into the discussion of state's rights versus federal jurisdiction?
9. Do you think the cartoon expresses valid concerns/thoughts of 1955? Explain.
10. How do you think this article fits into questions of integration in 2015? Do you think it's a valid representation of race relations today? Explain.

**Clarion Ledger *Cartoon, June 27, 2015***

1. Why do you think the Supreme Court is represented as an older white man?
2. Why do you think the ceremony takes place in a church?
3. How does this relate to the separation of church and state?
4. How do you interpret the guests' expressions?
5. What do you think is meant by the Supreme Court's declaration?
6. Why do you think the Supreme Court is holding the ruling instead of traditional marriage recitations?
7. Why do you think two men are represented, but not two women?
8. If this were a divorce proceeding, what do you think the Supreme Court's declaration would be?
9. How do you think the Supreme Court's statement relates to free speech?
10. Do you think same-sex marriage is a legal issue, civil issue, religious issue, or none of the above? Explain your reasoning.



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## *MISSISSIPPI DEPARTMENT OF HISTORY LESSON PLANS*

**TEACHER EVALUATION**

*COMPLETE BOTH SIDES AND PLEASE MAIL OR FAX TO THE ADDRESS ON THE NEXT PAGE. THANK YOU!*

**TEACHER NAME** _____

**SCHOOL NAME & ADDRESS** _____

_____

**EMAIL *(OPTIONAL)*** _____

**TOTAL NUMBER OF STUDENTS**_____ **GRADE LEVEL** _____

**LESSON TITLE** _____**Miscegenation Law: Mississippi and the Nation**_____

1. In your opinion, did this unit elicit better than average student response; if so, how?

2. Which segments of the unit exceeded your students' attention span?

3. Will this unit be of assistance to you in developing future classroom activities; if so, how?

4. How did this unit add to your earlier teaching on the same subject?

5. Would this teaching unit be handier to use as a:
   ___multi-day unit ___multi-week unit ___other

6. Were the activities and lessons appropriate for your students? How?



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*Please rate the following lesson materials and activities by circling the appropriate number.*

**4**=excellent, **3**=good, **2**=average, **1**=inadequate

| | | | | |
|---|---|---|---|---|
| Directions and Notes | 4 | 3 | 2 | 1 |
| Curricular Connections | 4 | 3 | 2 | 1 |
| Student Worksheets | 4 | 3 | 2 | 1 |
| Interactive Activities | 4 | 3 | 2 | 1 |
| Historic Images | 4 | 3 | 2 | 1 |
| References and Resources | 4 | 3 | 2 | 1 |

| | | | | |
|---|---|---|---|---|
| Activity One: Marriage Law, the Legal Definition | 4 | 3 | 2 | 1 |
| Activity Two: Media and Interracial Marriage | 4 | 3 | 2 | 1 |
| Activity Three: School Integration and Interracial Marriage | 4 | 3 | 2 | 1 |
| Activity Four: Marriage Rights Beyond Race | 4 | 3 | 2 | 1 |
| Extension Activity | 4 | 3 | 2 | 1 |
| Overall Lesson | 4 | 3 | 2 | 1 |

We would appreciate any additional comments on this teaching unit and any suggestions for improvement. Comments may be entered in the space below.

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