Blurring the “Color-Line”?: Reflections on Interracial and Multiracial America

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“[N]o matter how we articulate this [case] [and] no matter which theory of the due process clause . . . we attach to it, no one can articulate it better than Richard Loving, when he said to me: ‘Mr. Cohen, tell the Court I love my wife, and it is just unfair that I can’t live with her in Virginia.’”

(Bernard S. Cohen, Counsel for Appellants, Oral Argument, Loving v. Virginia, United States Supreme Court, April 10, 1967)¹

“We basically accept that there are three races - Caucasians, Negroes and Orientals. Caucasians can’t date Orientals, Orientals can’t date Caucasians, and neither of them can date Negroes.”

(Bob Jones III, President, Bob Jones University)²

On August 28, 1963, Martin Luther King, Jr., eloquently delivered his “dream” to the American people on the steps of the Lincoln Memorial in Washington, D.C. “I have a dream,” King’s voice reverberated to “let freedom ring” from the nation’s capital, “that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character.”³ However, in the years since one of America’s foremost civil rights crusaders spoke these noble words during the March on Washington, divisions between races have refused to go away, and the American society, as if to punctuate the words “E Pluribus” rather than the word “Unum,” still splinters into “disparate factions” divided by race and ethnicity.⁴

Almost four decades after his father challenged the conscience of America, Martin Luther King III stood before the Lincoln Memorial on a hot and steamy day in August 2000. Speaking before several thousand people at a rally billed as “Redeem the Dream,” which was organized to protest police brutality and its racial profiling, King—one of those “four little children”—told the gathered crowd: “I dare you to fulfill the dream.”⁵ Though race of course has something to do with “biological makeup,” as Jon M. Spencer argues in his book on what he terms America’s “mixed-race movement,” it also is “a sociopolitical construct,” which “was created and has been maintained and modified by the powerful” to perpetuate themselves as a privileged group.⁶ And the United States, in this regard, has been no stranger.

But on the verge of a new millennium, while the underpinnings of the nation’s affirmative action seem to be somewhat crumbling, an accelerating social trend—the increase of interracial marriages and the growing number of multiracial citizens—is beginning to embed American society, which might well contribute to bringing about a long “color-blind” society. And this important, but heretofore imperceptible, social and demographic trend has been evidence during the 2000 presidential election year, overwhelming the United States. As an illustration, the embracement of, or at least the recognition of, the nation’s multiracial citizens could be
manifestly observed during the national convention of the Republican Party, which has been recognized for some time as the party of, by, and for “the powerful.” One of the keynote speakers on the final day of the Philadelphia convention was Republican Nominee George W. Bush’s nephew—George P. Bush. He is not only the son of Florida Governor Jeb Bush and a descendant of a new political dynasty, but also the son of his father, his Mexican American roots. “I am an American, but like many, I come from a diverse background,” the youth chairman of the Republican National Convention proudly proclaimed, “[a]nd I respect leaders who respect my [multiracial and multicultural] heritage.”

To be sure, by the time he was at last bestowed the honor to be chosen as the Republican presidential nominee, the Texas governor, a self "Compassionate Conservative," had had to learn a number of lessons just as the other presidential candidates had also gone through. Almost anything and everything, ranging from foreign policies and tax cuts to school prayer and abortion, could be a divisive and decisive issue at any time during a presidential election. And even some ordinarily obscure and unlikely issues, though they are not necessarily unimportant, can suddenly flare up in the realms of public debates and promote negative campaigns among presidential contenders. Furthermore, any nonchalantly made “politically incorrect” words and deeds can be deadly for each and every one of the candidates. In this respect and particularly on the issues surrounding America’s racial diversity, the 2000 presidential election has been no exception.

On February 2, Bush appeared before enthusiastic students and faculty members at Bob Jones University in Greenville, South Carolina. "We are conservatives," Bush began his remarks, “because we believe in freedom and its possibilities, family and duties, and faith and its merits.” For the Texas governor, Bob Jones, where former President Ronald Reagan, former Republican Presidential Nominee Bob Dole, and other prominent politicians had previously spoken, was an appropriate place to address his conservatism on the very opening day of his campaign for the South Carolina primary. But the history of the conservative and fundamentalist Christian institution was also colored by its racial bigotry, manifesting a sordid past which was redolent of the “Old South.”

As an avowed opponent to interracial marriages, the university had enforced a disciplinary rule prohibiting interracial dating among its students since the 1960s. A particular campus regulation, coupled with the school’s practice of racial discrimination during the 1950s and 1960s, forced Bob Jones to lose its federal tax exemption. After the Internal Revenue Service, the South Carolina institution was finally told by the United States Supreme Court that its disciplinary rule against interracial dating and marriages was discriminatory and that the racial discrimination practiced on its campus violated “a most fundamental national policy.” Upon hearing the Supreme Court’s eight-to-one ruling, Bob Jones, Jr., then president of the school, intransigently denounced those nine sitting justices as “eight evil old men and one vain and foolish woman” and further “refused to sacrifice” the university’s “convictions for tax exemption.”

In the end, assailed by Democratic Contender Al Gore as well as Republican Candidate John McCain and swamped by the unexpected media scrutiny and its intensely negative reports on his standing with the university, the “Compassionate Conservative” was forced to express his “regret” to the American public on February 27. Despite the apology offered by Bush, however, the Bob Jones flap did not easily die down. Two days later, Democratic Senator Robert G. Torricelli from New Jersey, chairman of the
Democratic Senatorial Campaign Committee, introduced Senate Concurrent Resolution 85 into the Upper House, condemning “the discriminatory practices prevalent at Bob Jones University” which enforced “a segregationist policy by prohibiting interracial couples” on its campus. Then, the following day, the House of Representatives witnessed the introduction of the companion resolution to the one in the Senate—House Concurrent Resolution 261. Submitted by Congressman Joseph Crowley from New York and a host of other cosponsors, the House resolution also strongly censured the university for its practices, which sought “to discriminate against stand divide Americans on the basis of race, ethnicity, and religion.”

Now, prodded by these congressional charges, Bob Jones III, current president of the South Carolina school, appeared on CNN’s Larry King Live on March 3 only a few hours after he released “A Letter to the Nation” to “speak in defense of Bob Jones University.” During the television talk show hosted by Larry King, after admitting that he could not “point to a verse in Bible that says you shouldn’t date or marry inter-racial[ly],” the president exploded a bombshell. Jones announced that “as of today,” his university “dropped the rule” against the interracial dating on campus because “it’s the most insignificant thing” for him and his institution. “I’m heartened to hear that Bob Jones University has reversed its ban on interracial dating,” the Republican hopeful immediately issued a brief statement, “[and] [t]onight, the school has done the right thing.” But if the campus ban on interracial dating was a so “insignificant thing” as the president insisted on national television, one wonders why it had then been enforced for recent past status decades even at the sacrifice of losing its tax

While the Bob Jones controversy might be written off as one of those “politically incorrect” incidents, which have been indispensable appendages to any nationwide political campaign in recent years, the issue also addresses the public perception of interracial and multiracial community in the United States. Though the rigid racial designation in American society, where the so-called “one-drop rule” has for so long prevailed in defining a person as black, is almost hopelessly ambiguous, arbitrary, and haphazard regardless of what the worlds of the humanities and social sciences would have to say, and though the nation’s race-mixing practices are as old as, or even older than, the Republic itself, the interracial commingling remained, and has remained, as one of the most vexing issues in the society, especially the ones between blacks and whites. This was particularly true in the South where, as Gunnar Myrdal, a renowned An American Dilemma, “the prohibition against intermarriage and the general reprehension against miscegenation” had “the strongest moorings.” Soon afterward, with the advent of the civil rights movement in the 1950s, white southerners’ unfounded but genuine fears of racial “miscegenation” and “mongrelization” keenly manifested themselves.

For instance, only a day after the Supreme Court unanimously outlawed legally imposed racial segregation in public schools in Brown v. Board of Education May 17, 1954, the Jackson Daily News in Mississippi—the state that would soon be referred to as the South’s “citadel” of racial segregation, oppression, and injustice—editorialized: “White and Negro children in the same school will lead to miscegenation. Miscegenation leads to mixed marriages and mixed marriages lead to mongrelization of the human race.” Just two months later, the “citadel” of the South became the birthplace of the Citizens’ Council—the most vocal and widespread segregationist and anti-Brown private group in the region during the civil rights era—whose organizational watchwords were “states’ rights” and “racial integrity.” The white supremacist organization then initiated a weekly television and radio series in April 1957 “to acquaint the public with serious problems” affecting their beloved South.
entitled the “Citizens’ Council Forum,” consisted of fifteen-minute telecasts and five-minute radio programs with conservative southern politicians and some “experts” explaining their lofty views on states’ rights and constitutional government, as well as detailing their outlandish stories on “the worldwide Communist conspiracy” in the civil rights struggle and black inferiority. To be sure, the vice of interracial dating and marriages also became a favorite topic of the “Forum” program.  

When Mississippi achieved its status as the “Mother of the Movement” for the white supremacist group in private spheres, an overwhelming mood of defiance to the federal government and to the Supreme Court in particular also dominated the state’s 1956 legislative session where, on March 29, it created the Mississippi State Sovereignty Commission as an executive agency of the state government for the purpose of keeping the Magnolia State both “sovereign and segregated.” Aside from pursuing this grand objective, the State Sovereignty Commission undertook the responsibility for being Mississippi’s “moral watchdog” agency as well in the early 1960s, reflecting its hypersensitivity to the rigid racial norms prescribed by Governor Ross R. Barnett. Any suggested moral lapses, did not go unnoticed by the Sovereignty Commission. Among those indiscretions, racial miscegenation was the most abominable offense and unfailingly invited the Commission’s pertinacious investigations. As the Crisis, the official organ of the National Association for the Advancement of Colored People (NAACP), once accurately editorialized, interracial marriage, particularly in the South, was “an obsessive bugaboo” for “all segregationists.”

While the “obsessive bugaboo” stubbornly persisted in the South, in 1967, Hollywood released a movie entitled Guess Who’s Coming to Dinner. Featuring Katharine Hepburn and Sidney Poitier, a famed black actor, the film skillfully depicts a pair of white middle-class parents, whose passionate liberal views are suddenly put to the real test when their daughter brings home a black doctor as her husband. Though inlaid with light comedy, the movie nevertheless made many Americans revisit an issue which had been put under taboo—the interracial marital relationships between blacks and whites. And in the very same year, legally imposed bans on interracial marriages were also destined to be put to the constitutional test at the nation’s highest tribunal.

Richard Loving and Mildred Jeter exchanged their marital vows in Washington, D.C. Then, they returned to Caroline County in Virginia, where both of them were reared and spent their time for courtship. The Lovings seemed to be a perfect couple except that their native state not only did not think that they were, but also saw their marriage to be a felony since Richard was white and Mildred was a biracial person of black and native American heritage. No sooner had they returned to Virginia than the couple were summarily arrested by the local law enforcement authority for violation of the state’s anti-miscegenation statute. The Lovings’ newly wedded life was thus suddenly jeopardized. The state law in question was legislated in 1924, the nation’s nativist sentiment, and it was specifically entitled “A Bill to Preserve the Integrity of the White Race.” Later in the same year, detailing the recently enacted ban on interracial marriages within the state, the Bureau of Vital Statistics at the Virginia State Board of Health published a seemingly authoritative booklet named Eugenics in Relation to the New Family and the Law on Racial Integrity. “The worst forms of undesirables born amongst us are those when parents are of different races,” the state-sanctioned publication asserted, “[and] [t]he mental and moral characteristics of a black man cannot even under the best environments . . . become the same as those of a white man.”
A state trial judge, Leon M. Bazile, eventually found the Lovings guilty of felony in
3Grandy sentenced them to a year in jail. Judge Bazile, however, suspended
the penalty on the stipulation that the couple would immediately leave Virginia and
would not return to the state “for a period of twenty-five years.” Having no recourse,
Richard and Mildred reluctantly left their home state and moved to Washington, D.C.,
where they had married. But their longing for home and to raise their three children in
Virginia never ceased, which eventually made them decide to take an uncoquerable stand against the odious injustice they had faced. In 1963, when the country’s
conscience was being tested over black southerners’ civil rights struggle, the Lovings
petitioned Attorney General Robert F. Kennedy for some legal help. Subsequently,
after many twists and turns in legal maneuvering, the couple, along with two civil rights
lawyers, successfully brought their grievance to the Supreme Court, where an oral
argument was finally held on April 10, 1967.

Regardless of how odious they were, almost thirteen years after the Court’s Brown
4Civil Rights Act of 1866 of the 13th Amendment of the U.S. Constitution, when the
oral argument for Loving v. Virginia took place. The bastion of these legally prescribed
anti-miscegenation practices was the South as the region’s history had destined. All
of the eleven former Confederate States—Alabama, Arkansas, Florida, Georgia,
Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia
— kept their state laws prohibiting interracial marriages in one form or another. In
addition, five of the Boarder States of Delaware, Kentucky, Missouri, Oklahoma, and
West Virginia were in suit with the former Confederacy. Foreseeing, though
begrudgingly, the eventual outcome of the Loving case, Maryland went ahead and
repealed its anti-miscegenation statute only a few months before the case was heard.

In the oral argument before the Court, while the Lovings’ lawyers challenged the Virginia
law, asserting that it had violated both the equal protection clause and the due process
clause of the Fourteenth Amendment to the United States Constitution, Assistant
Attorney General R. D. Mcllwaine III of Virginia vehemently defended the legitimacy of
his state’s act “to Preserve the Integrity of the White Race,” claiming that the statute had
served the state’s “legitimate legislative objective of preventing the sociological and
psychological evils” which accompanied interracial marriages. The “Old South”
seemed to refuse to go away gently, but the nation’s highest court, shouldering the
enduring legacy of its own Brown decision, was equally adamant in its refusal to let one
of the most visible vestiges of American slavery stand. Two months later, on June 12,
1967, Chief Justice Earl Warren delivered the Court’s unanimous opinion, in which it
found that Virginia’s only purpose and interest in enforcing its 1924 law was to
perpetuate “the doctrine of White Supremacy.” “The freedom to marry has long been
recognized as one of the vital personal rights essential to the orderly pursuit of
happiness by free men,” the chief justice wrote in no uncertain terms, “[and] the freedom
of choice to marry [should] not be restricted by invidious racial discriminations.” Just
ten days before the Court’s ruling, the Lovings celebrated their ninth wedding
anniversary with their multiracial children, and Warren’s words were the best presents
they had ever received as a couple.

Three years after the Loving decision, Mississippi—the state that many other southern
states looked up to as the South’s last “citadel”—witnessed its first legally recognized
interracial marriage between Roger Mills, a white groom, and Berta Linson, a black
bride. Though interracial marriage became a fait accompli in 1970, it thereafter took
seventeen more years for Mississippi voters to approve an amendment to the state’s
§90 constitution for the purpose of repealing its ban on interracial unions within the
Despite these rather gloomy facts, the number of interracial marriages has been on the rise in the United States between the 60s and 70s, as there were only 1 million mixed marriages in 1960, three years after the Loving ruling, in 1970, the number more than doubled, recording 321 thousand interracial marriages. Then, just ten years later, the figure drastically soared to nearly one million—997 thousand, to be precise. As of 1998, the United States Census Bureau’s Current Population Survey (CPS) indicated that there were a total of one million and three hundred thousand racially married couples, and that approximately twenty thousand marriages were recorded, or 330 thousand marriages in number, accounted for the ones between blacks and whites. While the movie industry earnestly began to embrace various themes surrounding interracial relationships during the 1990s—Spike Lee-directed Jungle Fever—stared by Halle Berry and West Indian Kayra Corinna, Corinna, to name just a few—as a more recent phenomenon in the cyberspace world, a web ring called “Love Sees No Color,” for instance, hosts nearly eighty different online groups which support America’s interracial community.

Along with the increase of interracial couples, the growing population of multiracial children directly follows as a natural consequence, and their number had increased from fewer than half a million in 1970 to two million in 1990. Besides their growth in number, these multiracial children, who oftentimes in the past had been marginalized as “ill-fitting” people to any established racial groups, gradually began standing up to be counted. Nowadays, a number of support-group-type “chat rooms” operated and participated in by multiracial youths, who pride themselves on their unique heritage and standing in American society, flourish on the Internet. As an example, started in 1996 by black and white American multiracial students at Wesleyan University in Middletown, Connecticut, an online magazine called Mavin has served the community of multiracial and transracially adopted Americans, aiming to convey its positive and empowering messages particularly to young people. Kelley, who himself is half black and half white, recognizes that the recent interracial and multiracial movement owes much to the nation’s youths, who are willing and eager to “celebrate,” rather than to hide, their “mixed race experience[s].”

When the Bob Jones University controversy was still smoldering in late March, the Census Bureau began mailing its census forms to some 120 million households around the country since the 2000 presidential election year also happened to be a close vote, to be sure, for only fifty-eight states endorsed the proposal to remove the words from their state constitution on November 3, 1988, which were declared void by the Supreme Court two decades earlier. Similar to the first year, South Carolina voters finally did away with their 1895 constitutional prohibition of “marriage of a white person with a Negro or mulatto or a person who shall have one-eighth or more of Negro blood.”

http://www.49thparallel.bham.ac.uk/back/issue6/katagiri.htm

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down ethnicity into two broad groups comprised of “Hispanic” or “Not Hispanic” for the
government could not find reasonable justification for terming Hispanics a race.\textsuperscript{92}

But as the American population underwent its growing diversity and as racial
intermingling became more frequent, the OMB began to hear the leagued outcries from
interracial couples and multiracial Americans, who claimed that they and their children
should not be forced to shoehorn their multiracial heritage into a single box or pick the
virtually meaningless and catchall “other” category adopted in the 1990 census
whenever they were asked to identify their race on governmental forms. Led by a few
Reclassify All Children Equally), the movement for creating a “multiracial” classification
thus germinated. As the \textit{U.S. News and World Report} entitled its article on multiracial
Americans in 1996, “Don’t You Dare List [Us] as ‘Other’” became the rallying cries for
the movement’s supporters.\textsuperscript{44}

After four years of studies, public hearings, and heated debates, the OMB eventually
rejected the idea of creating a new and separate “multiracial” category in the census
and other federal forms. Revising its twenty-year-old “Statistical Directive 15,”
however, the federal agency announced on October 30, 1997, that “[r]espondents shall
be offered the option of selecting one or more racial designations.”\textsuperscript{41} In other words,
multiracial people and interracially married couples would be able to list themselves and
their children in as many racial categories as applicable. “[O]ur decisions benefited
greatly from the participation of the public that served as a constant reminder that there
are real people represented by the data on race and ethnicity,” the revised directive
acknowledged, “and that is for many a deeply personal issue.”\textsuperscript{42} Upon hearing the
OMB’s decision to allow multiple ticking on governmental forms, including the census
ones, which would ask for racial information, some multiracial and multiethnic advocacy
groups, represented by the Association of Multi Ethnic Americans (AMEA) in San
Francisco, claimed their partial “victory.”\textsuperscript{43}

It indeed signified an important deviation from the federal government’s time-honored
practice to collect racial data, where the “one person, one race” formula had been
strictly observed.\textsuperscript{44} But the nation’s traditional and racially divided civil rights
organizations were incredulous of the future implication that the OMB’s new guideline
bore. A census count is the most important single factor in determining how many seats
each state is entitled to in the United States House of Representatives and how the
funds are distributed annually to cities, counties, and
states throughout the nation.\textsuperscript{45} However, these are not all the reasons for its
importance. Since the 1960s, the data on race and ethnicity collected by the decennial
census have been rather extensively used in civil rights monitoring and enforcement,
covering such important areas as voting rights, employment opportunities, and health
care and educational services. Thus, the racially oriented and divided civil rights
groups—the NAACP and the Asian American Legal Defense and Education Fund, to
name a few—harbored fears that the newly devised multiple ticking scheme on the
2000 census form would diminish their respective constituencies, that in turn would
result in losing their “vested interests.”\textsuperscript{46} And their concern evidently brought to the
surface one of the most ironic aspects of America’s civil rights movement—that is that
precisely because of its primary objective to eradicate racial barriers in the society, the
movement has resulted in inviting the pronounced and reinforced notion of race.

Caught in a nettling political dilemma, President Bill Clinton’s administration declared,
through the OMB’s bulletin, that any census “[r]esponses that combine one minority
race and white” would be “allocated to the minority race” for “civil rights monitoring and
enforcement” purposes. Decrying the administration’s March 9, 2000, decision, which was made a few days before the Census Bureau started distributing its forms, the Project RACE regarded the government-devised “allocation” scheme as “re-assigning races.” “Our government should be about counting America’s citizens,” it protested, “and not be in the business of determining race.” The creation of the multiple option and its inclusion in the 2000 census was nevertheless the federal government’s evident recognition of a very important demographic change, which has been going on for the past four decades without much fanfare. Also, it could be a crucial step, as Dinesh D’Souza, a research fellow at the American Enterprise Institute, has observed, “toward transcending the historic barriers of race” in the United States.

W. E. B. Du Bois, in one of his essays compiled in a book entitled The Souls of Black Folk, predicted in 1903 that “[t]he problem of the twentieth century” would be “the problem of the color-line.” The “color-line” still continues to exist at the beginning of a new millennium though it may be much more blurry now than the one that Du Bois observed in the early twentieth century. Furthermore, it does not necessarily indicate that the recent trend toward interracial America will soon facilitate the United States—“one nation, indivisible”—to remove all the remnants of its segregated and seamy past. But at least, the growing number of interracial couples and their offspring could eventually help the nation to revisit the concept of the “melting pot,” which the American people have claimed to desire for so long. Moreover, the issues revolving around the racial designations of the census can not and should not be victimized by political expediency for they also inevitably relate to the human story and dignity of every American citizen.

Notes

* In the following, for the sources derived from the Internet, the author lists both the web site addresses and the dates of consultation of each source (immediately preceding the addresses) whenever possible, realizing though that some of those web sites are not permanent and may reflect changes or deletions in the future.

1 Peter Irons and Stephanie Guitton, eds., May It Please the Court: The Most Significant Oral Arguments Made Before the Supreme Court since 1955: (New York, 1993), 285.


3 “I Have a Dream,’ Address Delivered at the March on Washington for Jobs and Freedom,” Martin Luther King Jr., Papers Project, Stanford University, 2


10 Bob Jones University v. United States, 461 U.S. 574 (1983). Northwestern University’s renowned “Oyez Project” provides the entire oral argument of the case on the Internet, whose web site address is <http://oyez.nwu.edu/>

11 Quoted in King, “Bush Caters to the Bigotry.”


17 F. James Davis, Who Is Black?: One Nation’s Definition: (University of South Carolina Press, 1991),


Ibid., 39.

5 While the abridged and edited oral argument of the Loving case was included on audiotapes in May It Please the Court, the entire argument before the Court can be heard on the Internet by accessing the “Oyez Project.”


The Lovings’ real-life story is movingly depicted in a film entitled Mr. and Mrs. Loving, which was directed by Richard Friedenberg and was originally made for a cable television network in 1996.


41 OMB, notice, “Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity,” Federal Register 62, no. 210 (30 Oct. 1997): 58786, 58789. The OMB’s notice can be read on the Internet at the web site of the Centers for Disease Control and Prevention, which is an agency of the U.S. Department of Health and Human Services and is located in Atlanta, Georgia. The web address for the notice is <http://www.cdc.gov/od/ads/omb15rac.pdf__>. 

42 OMB, notice, Federal Register 62, no. 210 (30 Oct. 1997): 58785, 58786. The final rule, issued on Dec. 22, 1998, well as allowing respondents of the census and other governmental forms to select multiple racial designations, the
OMB's revised directive newly recognized the following five racial classifications: "American Indian or Alaska Native"; "Asian"; "Black or African American"; "Native Hawaiian or Other Pacific Islander"; and "White." In addition, the old terms of "Hispanic" and "Not Hispanic" as two ethnic categories were changed to "Hispanic or Latino" and "Not Hispanic or Latino" respectively in the 1997 directive.


D’Souza, The End of Racism552


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