

2016

# In Black and White: The Sociopolitical Rhetoric Surrounding Anti-Miscegenation Attitudes in Ohio

Sarah McCrea

*The College of Wooster*, smccrea16@wooster.edu

Follow this and additional works at: <https://openworks.wooster.edu/independentstudy>

 Part of the [United States History Commons](#)

---

## Recommended Citation

McCrea, Sarah, "In Black and White: The Sociopolitical Rhetoric Surrounding Anti-Miscegenation Attitudes in Ohio" (2016). *Senior Independent Study Theses*. Paper 7072.

<https://openworks.wooster.edu/independentstudy/7072>

This Senior Independent Study Thesis Exemplar is brought to you by Open Works, a service of The College of Wooster Libraries. It has been accepted for inclusion in Senior Independent Study Theses by an authorized administrator of Open Works. For more information, please contact [openworks@wooster.edu](mailto:openworks@wooster.edu).

The College of Wooster

In Black and White:

The Sociopolitical Rhetoric Surrounding

Anti-Miscegenation Attitudes in Ohio

(1861-1887)

by

Sarah McCrea

Presented in Partial Fulfillment of the  
Requirements of Senior Independent Study

Supervised by

Katherine Holt

Department of History

Spring 2016

## **Abstract**

In this study, I argue that the appearance of anti-miscegenation writings in Ohio spiked during periods that saw massive threats to the notion of white male supremacy, such as the months just prior to the onset of the Civil War, several especially tense points during the Civil War and the Reconstruction period, and the early to middle years of the 1880s. During these times, Ohioans used at least one of three major rhetorical strategies—each of which coincided with a major trend in national events and politics—to justify and explain their anti-miscegenation attitudes.

When the Ohio State Legislature first debated the 1861 anti-miscegenation bill, they placed their focus on the issue's political nature and how passing such a measure would affect Ohio's appearances in an extremely tense national context. During the Civil War and Reconstruction, white Ohioans called upon scientific notions of race and natural racial states to warn against the degradation that their state's society would face if blacks were granted political and social equality. Finally, during the 1880s, white male Ohioans publicly castigated white women who engaged in interracial relationships with black men for the purpose of illustrating how their behavior challenged the era's ideals of white femininity and masculinity.

## Table of Contents

Acknowledgements.....	i
Table of Figures .....	ii
Introduction.....	1
Chapter 1: Establishing White Ohio .....	17
Chapter 2: Maintaining White Ohio .....	42
Chapter 3: Threatening White Ohio.....	74
Chapter 4: Gendering White Ohio .....	98
Conclusion .....	112
Annotated Bibliography.....	116

## **Acknowledgements**

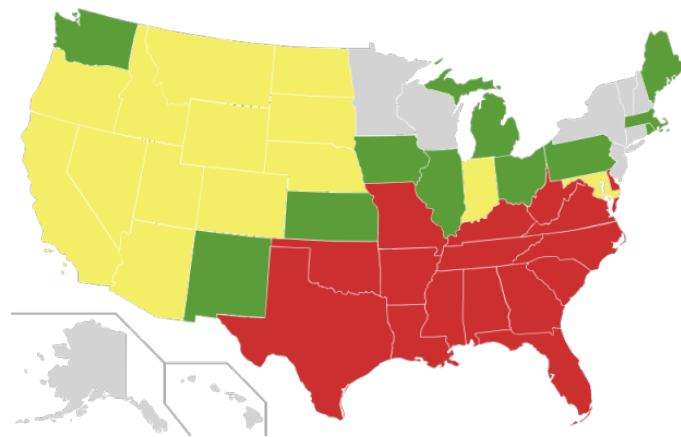
I would like to take this opportunity to thank all of those whose support made this project possible—Dr. Katie Holt for her advising on this research, Lynette Mattson for her help with fleshing out my ideas and wording them clearly, my family for their love, Hunter Ramsay-Smith for the long nights and gallons of coffee, the sisters of Kappa Epsilon Zeta for reminding me that it is okay to relax occasionally—even in the face of mountains of work, Taylor Williams for chauffeuring me to research libraries when my car was beyond repair and for encouraging me to remember and believe in my own self-worth, and my work supervisors, Patti McVay-Gorrell and Michael Buttrey, for their support and guidance during this process. I would also like to acknowledge the Copeland Fund for Senior Independent Study for allowing me to conduct much of the research necessary for the completion of this paper, as well as the staff of the Archives at the Ohio History Connection for preserving the artifacts of Ohio’s history so that this type of research can be done.

## Table of Figures

<b>Figure 1</b> US anti-miscegenation laws and years of repeal .....	1
<b>Figure 2</b> Ohio's black population in 1800 .....	22
<b>Figure 3</b> Increase in Ohio's black population from 1800 to 1830 .....	33
<b>Figure 4</b> Ohio's black population in 1850 .....	38
<b>Figure 5</b> Republican votes for and against Ohio's 1861 anti-miscegenation law .....	59
<b>Figure 6</b> Counties that voted against black suffrage in 1867 .....	93

## Introduction

Interracial marriage was illegal in at least some part of the United States for over three centuries, from the colony of Virginia's first anti-miscegenation law in 1662, to the Supreme Court ruled all American anti-miscegenation laws unconstitutional in the *Loving v. Virginia* case of 1967.<sup>1</sup> In between, laws prohibiting interracial marriage and sex came in waves throughout the nation. While this type of legislation is typically associated with the Reconstruction South, it is important to recognize that anti-miscegenation laws were established in almost every state at one time or another. The map in Figure 1 indicates the states where anti-miscegenation laws existed and the years in which they were repealed.<sup>2</sup> As the map demonstrates, Ohio was also a state whose legislature felt it necessary to pass a law making interracial marriage and sex illegal—it did so in 1861.



**Figure 1**

Map depicting the states that passed anti-miscegenation laws

■ Anti-miscegenation law repealed 1887 or before

■ Anti-miscegenation law repealed 1948-1967

■ Anti-miscegenation law repealed as a result of *Loving v. Virginia* (1967)

■ No anti-miscegenation law

In order to conduct a historical examination of Ohio's anti-miscegenation law, or any anti-miscegenation law, for that matter, it is necessary

<sup>1</sup> A. Leon Higginbotham Jr., *In the Matter of Color: Race and the American Legal Process, The Colonial Period* (Oxford: Oxford University Press, 1978), 43; "Legal Map," *LovingDay*, 2012, <http://www.lovingday.org/legal-map>.

<sup>2</sup> Roberta Jests, "Anti-Miscegenation Laws Overturned in the US in 1967," *Native Heritage Project*, May 31, 2012.

to understand the origins of the word. “Miscegenation” comes from the Latin *miscere*, meaning “to mix,” and *genus*, meaning “race, stock, or species.”<sup>3</sup> The term first appeared in 1863 in a pamphlet entitled *Miscegenation: The Theory of the Blending of the Races*, written by David Goodman Croly and George Wakeman—two men who worked for a Democratic newspaper—as a response to the upcoming 1864 presidential election.<sup>4</sup> Prior to this time, interracial relationships were called “amalgamation”—a term that is typically used to refer to the mixing of metals—which indicates white Americans’ desire to take a scientific approach to discussing race.

This pamphlet was a satirical work that appeared to celebrate interracial marital and sexual relationships—especially those between white and black people. However, in his book *Miscegenation, Melaleukation, and Mr. Lincoln’s Dog*, historian J.M. Bloch argues that the authors’ intent for the pamphlet was to “raise the race issue in aggravated form in the 1864 presidential campaign, by attributing the view of *Miscegenation* [the pamphlet] to the abolitionist Republicans and the party in general.”<sup>5</sup> Bloch also argues that viewing the pamphlet through this lens aids the reader in understanding “the parody of scientific opinion in support of [the] conclusion [that interracial sex and marriage would be a benefit to the white race, rather than a detriment.]”<sup>6</sup> As we will see in Chapter 3 of this study, scientists who studied racial difference during the mid to late nineteenth century believed that mixed-race people were “degenerate[s], unnatural offspring doomed

---

<sup>3</sup> “Miscegenation, N.,” *OED Online* (Oxford University Press, December 2015), <http://0-www.oed.com.dewey2.library.denison.edu/view/Entry/119267?redirectedFrom=Miscegenation> (accessed February 04, 2016).

<sup>4</sup> David Goodman Croly and George Wakeman, *Miscegenation: The Theory of the Blending of the Races, Applied to the American White Man and Negro* (New York: H. Dexter, Hamilton & Co., 1864); J.M. Bloch, *Miscegenation, Melaleukation, and Mr. Lincoln’s Dog* (New York: Schaum Publishing, 1958), 36–37.

<sup>5</sup> Bloch, *Miscegenation, Melaleukation, and Mr. Lincoln’s Dog*, 37.

<sup>6</sup> *Ibid.*

by nature to work out [their] own destruction.”<sup>7</sup> This context confirms the satirical nature of the pamphlet and, therefore, points to the authors’ political motives in writing it.

Establishing a definition of the term “miscegenation” is also essential to a study of laws prohibiting interracial marriage and sex in the United States. The Oxford English Dictionary defines miscegenation as “[t]he mixing or interbreeding of [people of] different races or ethnic groups, [especially] the interbreeding or sexual union of whites and non-whites [or the] marriage and cohabitation by members of different ethnic groups.”<sup>8</sup> While this definition is accurate, it is almost dehumanizing in its reference to “interbreeding.” This term is technically accurate, however, I feel as though its use far too closely resembles the language referring to the reproduction of animals to be used in discussions of human relationships. Doing so would only marginalize the value of complex human emotions and experiences. In addition, as the race scientists and ethnologists of the eighteenth, nineteenth, and early twentieth centuries often adopted variations of this term to describe the sexual reproduction of interracial couples, the term holds a negative connotation that hints at the racist rhetoric used to defend the notion of eugenics. Taking these ideas into consideration, I have decided to think of miscegenation in terms of “sexual relations,” rather than “interbreeding.”

The existing scholarship possesses its own pool of definitions and ideas surrounding interracial relationships and anti-miscegenation legislation during the nineteenth century. In recent years, these scholars have focused their studies on specific components of anti-miscegenation rhetoric such as the notion of “naturalness” and the

---

<sup>7</sup> Josiah C. Nott, “The Mulatto A Hybrid--Probable Extermination of the Two Races If the Whites and Blacks Are Allowed to Intermarry,” *The Boston Medical and Surgical Journal (1828-1851)* 29, no. 2 (August 16, 1843): 3.

<sup>8</sup> “Miscegenation, N.”

religious discourse surrounding race and marriage; however, they also appear to have reached a consensus on other components of the rationale for anti-miscegenation laws. For example, several historians, including Peggy Pascoe and Charles F. Robinson II, have found that legislation prohibiting intimate interracial relations was not merely racialized, but also gendered, in that it allowed white men to maintain control over the sexuality of white women. While most of this work is focused on the South and the larger national context, it is relevant to a discussion of anti-miscegenation attitudes in Ohio because it fosters an understanding of the racial thought processes that Ohioans were exposed to and likely drew on when establishing their own ideologies regarding interracial sex and marriage.

The oldest work in this body of literature, as well as the only one that focuses specifically on the Old Northwest, including Ohio, is David H. Fowler's *Northern Attitudes Towards Interracial Marriage*, a revision of his 1963 Yale University thesis. In it, Fowler takes a socioeconomic approach to analyzing the existence of anti-miscegenation laws in the Old Northwest. Using both historical and sociological sources as evidence, he asserts that these laws maintained the social caste system that was present in the United States and its territories prior to the Civil War in the face of possible emancipation. Fowler's argument displays an understanding of the intricate network of anti-black thought that spanned the United States, as well as of how this network influenced socioeconomic status. The North has traditionally been considered a "Promised Land" to which people of color could flee and in which they could enjoy social equality. Fowler's work turns this notion on its head; his extensive use of primary sources illustrates the anti-black sentiments of Northern legislatures, as well as their

efforts to inhibit racial equality in their respective states.<sup>9</sup>

While Fowler manages to capture the racial inequity of Northern states in terms of the passage of anti-miscegenation laws, he seems to be less critical of white Ohioans' attitudes toward interracial relationships. He makes the assumption that, since very few cases of miscegenation were prosecuted in the state of Ohio, white people, including state legislators, were not truly concerned with the issue.<sup>10</sup> In fact, he states that "[i]t strains the imagination, after all, to suppose that the same legislators who described the inherent inferiority and physical degradation of the Negro population in such unqualified terms could actually conceive of Negroes approaching them for their daughters' hands in marriage."<sup>11</sup> Fowler also claims that the repeal of anti-miscegenation laws may have indicated the decline of white patriarchy in the North.<sup>12</sup> This is an extremely idealistic view of nineteenth-century society that may have been informed by the era in which Fowler was writing. *Northern Attitudes Towards Interracial Relationships* was conceived in the midst of both the Civil Rights Movement and the Sexual Revolution. This historical context could very well have caused Fowler to see the repeal of anti-miscegenation laws during the nineteenth century through rose-colored glasses.

Peggy Pascoe takes a more pragmatic approach to American perceptions of interracial relationships in her book *What Comes Naturally: Miscegenation Law and the Making of Race in America*. In this seminal work, Pascoe argues that the perceived unnaturality of miscegenation is what allowed laws prohibiting interracial marriage and

---

<sup>9</sup> David H. Fowler, *Northern Attitudes Towards Interracial Marriage: Legislation and Public Opinion in the Middle Atlantic and the States of the Old Northwest, 1780-1930* (New York: Garland Publishing, 1987).

<sup>10</sup> Ibid., 241.

<sup>11</sup> Ibid., 211.

<sup>12</sup> Ibid.

sex to flourish in the United States. She also contends that white supremacists adopted the concept of the existence of natural racial states and used it as the “inarguable”<sup>13</sup> justification for their beliefs and behavior. According to Pascoe, the concept of naturality existed in two parts: science and religion.<sup>14</sup> Race science was at its peak during the mid to late nineteenth century and the ethnologists and physical anthropologists who worked in the field developed myriad different racial classifications that were usually arranged in a hierarchy with whites at the top and blacks at the bottom.<sup>15</sup> In addition, they believed, and appeared to prove, that a person’s phenotype directly correlated to his or her personality and culture. At the time, these race scientists were regarded as the premier authorities on racial difference, and their work informed the creation of public policy in the United States during the Reconstruction period.<sup>16</sup>

Unlike Fowler, Pascoe does not devalue the the role of white patriarchy in anti-miscegenation law or claim that it dissipated in the late nineteenth century.<sup>17</sup> In fact, she devotes an entire chapter to the discussion of the way in which anti-miscegenation law was gendered to favor the rights of white men. If interracial marriage were legal, it would endow people of color and white women with the ability to not only control their own destinies, but also to inherit and own property. This directly challenged the hierarchy of race and gender present in nineteenth-century America.<sup>18</sup>

In addition, Pascoe argues that, during the mid to late nineteenth century, some Americans began to oppose anti-miscegenation laws because they infringed upon the

---

<sup>13</sup> Peggy Pascoe, *What Comes Naturally: Miscegenation Law and the Making of Race in America* (Oxford: University of Oxford Press, 2009), 70.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid., 117.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid., 17–46.

<sup>18</sup> Ibid., 40.

right of white men to marry whomever they chose. She supports this contention by juxtaposing cases in which white men were prosecuted for marrying black women and those in which black men were prosecuted for marrying white women. In the first set of cases, local and state justices often found that legislation, such as laws to validate the marriages of former slaves and the Civil Rights Act of 1866, protected marriages between white men and the black women they enslaved before the Civil War, and protected black women's newfound right to enter into the legal contract that was marriage.<sup>19</sup> On the other hand, they used the same legislation to undermine marriages between black men and white women. In these cases, justices claimed that the Civil Rights Act of 1866 only granted blacks the right to “contract with each other,” not the “superior right of a negro to marry a white woman.”<sup>20</sup> Pascoe's assertions offer a nuanced interpretation of legislation that was “intended to secure civil rights for blacks,” which, in turn, allows us to understand just how deeply white supremacy was ingrained in nineteenth-century political culture.<sup>21</sup>

While *What Comes Naturally* focuses on the larger national context of anti-miscegenation law, Charles F. Robinson II's book, *Dangerous Liaisons*, focuses on interracial relationships south of the Mason-Dixon Line. Even though *Dangerous Liaisons* focuses on the southern United States, it is useful to my research because it provides insight to the larger national context of anti-miscegenation laws in the nineteenth century. In addition, he focuses more on relationships between white and black people during this time period than Pascoe. In his book, Robinson offers six major

---

<sup>19</sup> Ibid., 41.

<sup>20</sup> Ibid., 42–43.

<sup>21</sup> Ibid.

contentions. First, he claims that anti-miscegenation laws in the South were focused more on interracial intimacy, such as marriage, than sex. He also argues that these laws were created to bolster “both a white patriarchal structure and a race-based caste system” and that Southern whites used them as a means to maintain white supremacy after emancipation.<sup>22</sup> In addition, he asserts that Southern white leaders used the collective fear of race-mixing to impede black civil rights efforts and that blacks were aware of this tactic. Like Pascoe, Robinson acknowledges that, if legalized, these domestic relationships would muddle the strict social and legal separation of the races that existed during the Antebellum period by endowing blacks with the right to enter as equal parties into contracts with whites. This, in turn, would upend the system of racial hierarchy in the United States, making it imperative for white Southerners—and Americans in general—who believed in the hierarchy to prevent interracial marriages at all costs.<sup>23</sup>

Finally, Robinson asserts that, as anti-miscegenation laws became more strict, interracial couples became more likely to conceal their relationships under the guise of casualness and racial similarity.<sup>24</sup> As previously stated, white legislators in the South tended to be more concerned with interracial marriages, therefore, in order to avoid prosecution, many interracial couples kept their relationships legally informal, though they lived together as man and wife. This practice was usually adopted by white men and black women, as conservative communities were usually not accepting of relationships between black men and white women in general, let alone ones that involved them living

---

<sup>22</sup> Charles F. Robinson II, *Dangerous Liaisons: Sex and Love in the Segregated South* (Fayetteville, AR: University of Arkansas Press, 2003), xii-xvi.

<sup>23</sup> *Ibid.*, 50.

<sup>24</sup> *Ibid.*, 54–5.

together as romantic partners.<sup>25</sup>

These couples were, however, able to legitimize their relationships by concealing the ancestry of one of the partners—usually the man. This was possible because of the intricate legal construction of race that resulted from nearly two centuries of illicit “race-mixing” in the United States. In certain states, including Ohio, a person’s race was determined solely by appearance. For instance, Ohio’s anti-miscegenation law prohibited marriage between whites and “any negro, or person having a distinct and visible admixture of African blood.”<sup>26</sup> In other states, however, a person’s race was determined by percentage of black ancestry. In either case, a person of black ancestry could live with a white person romantically and without detection for quite some time so long as he or she appeared to be white.<sup>27</sup>

The three books discussed thus far have all primarily dealt with anti-miscegenation laws and how interracial couples challenged them. On the other hand, in her book *Almighty God Created the Races*, Fay Botham focuses on the religious rhetoric behind anti-miscegenation laws. Botham examines a specific portion of this rhetoric and explains its history and significance in addition to its application in nineteenth century society. Botham’s approach to the subject of the role of Christianity in the prohibition of interracial marriages is a thorough one that is comprehensible for the layperson. She highlights the connections between the Christian interpretations of race and marriage of the day and the anti-miscegenation laws that took the United States by storm.

In fact, religious rhetoric played a major role in the defense of anti-miscegenation

---

<sup>25</sup> Ibid., 14–16.

<sup>26</sup> *An Act to Prevent the Amalgamation of the White and Colored Races*, 1861.

<sup>27</sup> Robinson, *Dangerous Liaisons: Sex and Love in the Segregated South*, 55–6.

laws both before and after the Civil War. Since the United States was majority Christian during the nineteenth century, this rhetoric was likely taken to heart and respected by Americans in all levels of society. Botham spends the majority of her book discussing Catholic and Protestant views on race and marriage. She asserts that the two groups developed radically different notions of how they believed God intended the institutions of race and marriage to function. This, in turn, led to the creation of distinct and separate views on interracial relationships.<sup>28</sup>

In this study, I will bring these sources together with a body of secondary literature on Ohio history with the goal of demonstrating how Ohio politics and social norms shaped the anti-miscegenation attitudes of its citizens. I will also interrogate sources that discuss notions of white femininity and white masculinity in order to place Ohio's anti-miscegenation law into the context of the gender norms during the time in which the Ohio Legislature put it into force. Finally, I will marry these works with a body of primary sources in order to breath life into the theoretical perspectives on anti-miscegenation attitudes in Ohio.

The primary source material on white rhetoric during the decades when miscegenation was illegal in Ohio is not as abundant as it is elsewhere due to the brief existence of the law. While states like Alabama and Virginia, where interracial marriage was illegal until the 1960s, can provide us with a wealth of civil and criminal cases, newspaper articles, and legislation, the sources available for Ohio are rather few and far between. However, the sources that survive are valuable because they speak to the rhetoric that Ohioans used to defend their anti-miscegenation attitudes. They also offer

---

<sup>28</sup> Fay Botham, *Almighty God Created the Races: Christianity, Interracial Marriage, and American Law* (Chapel Hill: University of North Carolina Press, 2009).

important insights to Ohio's political climate during the second half of the nineteenth century. The sources that I will be examining include newspaper articles reporting cases of miscegenation throughout Ohio, the proceedings of the Ohio House of Representatives and Senate, state election statistics, Ohio legislation, and public addresses given by Ohio politicians. These works focus on the general context of anti-miscegenation attitudes in Ohio and comprise just the first layer of primary documents that I will be analyzing.

In addition to sources specific to Ohio, I will examine documents that speak to the larger national context of anti-miscegenation attitudes, the rhetoric used to defend them and the American political climate at the time. One of these sources is the pamphlet that first contained the term "miscegenation."<sup>29</sup> Another nationally-recognized source on anti-miscegenation is Josiah C. Nott's "The Mulatto A Hybrid."<sup>30</sup> This article, published in *The Boston Medical and Surgical Journal* in 1843, details the way that Nott viewed race and humankind, as well as interracial sexual relationships and mixed-race children. This essay provides a foundation upon which I will be able to base my discussion of the racial attitudes of the mid to late nineteenth century. In addition, the essay, which was written by a medical doctor from Mobile, Alabama and published in a national medical journal indicates that it is likely that prominent Ohioans were familiar with the concepts and principles of scientific racism.

The primary documents available for Ohio appear to include three major forms of rhetoric to support the anti-miscegenation laws and attitudes of the people at that time: abolitionism and party politics, where both parties attempt to discredit their political

---

<sup>29</sup> Croly and Wakeman, *Miscegenation: The Theory of the Blending of the Races, Applied to the American White Man and Negro*.

<sup>30</sup> Nott, "The Mulatto A Hybrid--Probable Extermination of the Two Races If the Whites and Blacks Are Allowed to Intermarry."

rivals using racist rhetoric; arguments about nature, which drew on both the scientific research of the day and Biblical evidence to “prove” that interracial relationships were against the laws of God and nature; and appeals to the desire of white men to protect white womanhood. The creators of these documents engage these themes in various ways. For instance, politicians, such as Ohio Congressmen Samuel S. Cox and William Mungen, tended to discuss matters of racial theology and science with their colleagues in lengthy speeches before both the state and national legislatures.<sup>31</sup>

On the other hand, newspapers often published editorials that focused on dire predictions of the consequences of electing Republican officials. These editorials also often commented on the respectability of the white women involved in interracial relationships. These differences in rhetoric, according to medium, likely correlate to the intended audiences of each group of orators and writers. Politicians were highly educated, sophisticated men and usually addressed other equally erudite men, which likely gave them the license to broach complex subjects such as the findings of ethnologists and the Protestant theology of race.<sup>32</sup> In contrast, partisan newspapers that mentioned miscegenation were targeted toward ordinary citizens—namely white male voters. It is likely that many of the writers of anti-miscegenation articles were attempting to appeal to the protective nature of white men toward their daughters and sway their political opinions toward the party that would most effectively prevent the creation of a prominent

---

<sup>31</sup> Samuel Cox, “Miscegenation or Amalgamation: Fate of the Freedman” (Speech, House of Representatives, Washington, DC, February 17, 1864); “Ethnological: Extracts from a Speech of Representative Mungen, Published in the Congressional Globe and Purporting to Have Been Delivered in the House, July 8,” *The Hancock Jeffersonian*, August 2, 1867.

<sup>32</sup> Cox, “Miscegenation or Amalgamation: Fate of the Freedman”; “Ethnological: Extracts from a Speech of Representative Mungen, Published in the Congressional Globe and Purporting to Have Been Delivered in the House, July 8.”

black community in Ohio.<sup>33</sup>

The same newspaper articles that called upon the paternalistic tendencies of white men often attached little significance to the ability of white women to have their own sexual desires that may or may not align with those that white men expected them to have. In order to remove agency from white women, conservative newspapers referred to them as “girls” rather than women, while referring to black men as “men.”<sup>34</sup> This terminology served the dual purpose of placing a disproportionate amount of blame on the black man while simultaneously devaluing the role of the white woman in the relationship. It is possible that white men—especially white fathers—used this diminutive language because they did not want to believe that their daughters were capable of choosing to become involved with men of color.

Nineteenth century newspapers also indicate that both the Democratic and Republican parties had anti-miscegenation attitudes; however, those of the Republicans were much more subtly expressed.<sup>35</sup> In addition, articles also demonstrate that Republicans often accused the Democratic party of having hypocritical views toward interracial marriage and sex, as slaveholders routinely had sexual relations with their female slaves.<sup>36</sup> Overall, the newspaper articles written during the period in which interracial sex and marriage was illegal in Ohio speak volumes to the social and racial climate of the state at the time. Pairing the qualitative primary documents with the quantitative election statistics from 1861 to 1887 will allow me to map how the different

---

<sup>33</sup> For the purposes of this study, I examined *The Jackson Standard* (1876), *The Wheeling Daily Intelligencer* (1883), and *The Stark County Democrat* (1884).

<sup>34</sup> “An Ugly Case of Miscegenation,” *The Spirit of Democracy*, August 6, 1878.

<sup>35</sup> “Social Equality,” *Delaware Gazette*, July 12, 1867; “‘Miscegenation’ Is the Horror of Horrors to the Democratic Mind,” *Delaware Gazette*, October 4, 1867.

<sup>36</sup> “Social Equality”; “Ohio Legislature,” *Daily Ohio Statesman*, January 15, 1861.

types of anti-miscegenation rhetoric, as well as the discussion of the matter itself, fit together with the era's relatively frequent political shifts.

The primary source material indicates a distinct pattern in the periods in which Ohioans wrote publically about their anxieties regarding interracial romantic and sexual relationships. In the following chapters, I argue that the appearance of anti-miscegenation writings in Ohio spiked during periods that saw massive threats to the notion of white male supremacy. These periods include the months just prior to the onset of the Civil War, several especially tense points during the Civil War, the Reconstruction period, and the early to middle years of the 1880s. I also argue that, during these times, Ohioans used at least one of three major rhetorical strategies—each of which coincided with a major trend in national events and politics—to justify their anti-miscegenation attitudes.

Leading up to the Civil War, white Republicans and Democrats used accusations of supporting the notion of racial mixture via sex as a method for discrediting each other. Doing so allowed them to play to their constituencies' anxieties about the implications of an integrated Ohio. This reflected what was going on nationally in terms of the mounting tensions between the political parties as the possibility of a Civil War loomed nearer and nearer.

During the Civil War and Reconstruction periods, white Ohioans tended to argue that interracial relationships were “unnatural.” They supported this claim either with the notion that “God never intended the races to mix” or with pseudoscientific suppositions about the “weakness” of mixed-race people. These periods coincided with a peak in the fields of “racial science” and “ethnology.” White researchers all over the world were publishing works on the supposed hierarchy of mankind. More importantly, these authors

argued that any mixture of these strata would have disastrous consequences such as offspring too mentally and physically weak to survive unassisted in society. These attitudes filtered down into the lay community.

Later on in the nineteenth century, white Ohioans tended to back up their prejudices about interracial couples with the notion that such relationships were harming white women and degrading their femininity. The authors of the newspaper articles I have examined usually implied that white women had little to no agency in choosing to be with a black man by infantilizing white women in comparison to black men. In addition, those authors tended to place more value and emphasis on the femininity and virtue of white women from wealthy families. The heavy involvement of women in the anti-miscegenation arguments of this period make sense. During this period, black men were, at least theoretically, being written into the law as equal to white men. White men openly feared that being endowed with such rights would encourage black men to pursue white women.<sup>37</sup> In addition, many women were becoming more and more involved in society and politics by participating in the Temperance movement. Both cases posed threats to white male domination in Ohio and the US.

The organization of this study reflects the chronological occurrence of each type of anti-miscegenation rhetoric; each chapter will represent one of the time periods I have chosen to examine. These chapters, however, will be prefaced by a brief overview of Ohio's history and the development white Ohioans' attitudes toward the black community in that state. I conclude my study with a discussion of the repeal of Ohio's

---

<sup>37</sup> "Ethnological: Extracts from a Speech of Representative Mungen, Published in the Congressional Globe and Purporting to Have Been Delivered in the House, July 8"; L Seaman, *What Miscegenation Is! And What We Are to Expect Now That Mr. Lincoln Is Re-Elected* (New York: Waller & Willets, 1864); Cox, "Miscegenation or Amalgamation: Fate of the Freedman."

anti-miscegenation law in 1887. The simultaneous repeal of this law and Ohio's other remaining racially discriminatory legislation marked the state's transition to a society in which people of color could—and did—take their rightful place in Ohio's civic and political processes.

## Chapter 1

### Establishing White Ohio: The Northwest Ordinance-1860

In her 1852 novel *Uncle Tom's Cabin*, author Harriet Beecher Stowe wrote of a black mother's escape from slavery with her child. The woman, named Eliza, had been a slave in Kentucky her entire life and saw the Ohio River as a final boundary between herself and freedom.<sup>1</sup> In fact, Stowe wrote that "[a]n hour before sunset, [Eliza] entered the village of T-----, by the Ohio river, which lay, like Jordan, between her and the Canaan of liberty on the other side."<sup>2</sup> That "Canaan of liberty" would have been the state of Ohio.<sup>3</sup>

While Ohio was a free state during the antebellum period, it was by no means the paradise for people of color that Stowe made it out to be. Rather, racial anxieties have been a part of Ohio's history since its days as a western territory. White Ohioans tended to believe that blacks were inherently inferior, both morally and mentally; they felt members of the black community were simply incapable of being productive members of society.<sup>4</sup> As a result, white Ohioans feared that the society they had worked so hard to establish would have been destroyed if blacks were permitted to even live in the state.<sup>5</sup> Later on, as Ohio's black population grew and black Ohioans became more vocal about demanding their rights as citizens, their white counterparts feared that granting blacks rights such as suffrage and that of holding office would lead to what one author termed

---

<sup>1</sup> Harriet Beecher Stowe, *Uncle Tom's Cabin: Authoritative Text, Backgrounds and Contexts, Criticism*, ed. Elizabeth Ammons (New York: W. W. Norton & Company, 1994), 45.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Stephen Middleton, *Black Laws: Race and the Legal Process in Early Ohio* (Athens, Ohio: Ohio University Press, 2005), 74–75, <http://site.ebrary.com/lib/wooster/detail.action?docID=10116596>; Andrew R.L. Cayton, *Ohio: The History of a People* (Columbus: The Ohio State University Press, 2002), 117–118.

<sup>5</sup> Paul Finkelman, "The Strange Career of Race Discrimination in Antebellum Ohio," *Case Western Reserve Law Review* 55, no. 2 (2004): 373–408.

“Negro supremacy,” including an increase in interracial relationships.<sup>6</sup> Ultimately, white Ohioans—specifically, white males—feared they would lose the control they toiled to establish and maintain over their society and their women to beings they viewed as inferior and even inhuman.<sup>7</sup> The way that Ohio leaders approached their anxieties helped define the state’s character, politics, and legal statutes. The anti-black attitudes of white Ohioans in the six decades leading up to 1861 helped to shape the attitudes of the legislators toward both the black community and the anti-miscegenation bill they would later sign into law.

White Ohio politicians of the arrived at a point where they felt that passing an anti-miscegenation law was necessary and beneficial to the state’s culture and function, as well as to the lives of white Ohio citizens. During the antebellum period, they did so by developing and maintaining a state and culture that favored their own interests and effectively forced black Ohioans into the position of second-class citizens. Further, cultural forces influenced the racial attitudes of white Ohio politicians and their development of racially discriminatory policy. In this chapter, I will examine the ways that other historians have thought about Ohio’s racial history, in addition to several of Ohio’s racially discriminatory statute. This analysis will reveal Ohio as a state whose citizens repeatedly used legislation as a means to express and enforce their racial attitudes.

The body of scholarly work on the history of racial discrimination in Ohio is laden with diverse perspectives that seek to explain how Ohioans’ racial attitudes

---

<sup>6</sup> W. Fielding, “Dr. Fielding’s Letter to the Editor of the New York World,” *Daily Ohio Statesman*, December 31, 1867.

<sup>7</sup> Fowler, *Northern Attitudes*, 328–329.

developed over time. In his monograph *The Black Laws: Race and the Legal Process in Early Ohio*, Middleton argues that Ohio's discriminatory legislation against the black community was relatively short-lived because "race-specific laws could not long endure in a country that made freedom and equality the birthright of its people."<sup>8</sup> While this argument is quite optimistic, it does reflect a common perception of white Ohioans among historians.<sup>9</sup>

After setting up the context of racially discriminatory legislation that white Ohioans passed, Middleton goes on to focus on black Ohioans' involvement in working to influence the Ohio legislatures' policies in order to secure equal rights for their community. Middleton's analysis prioritizes black political agency, emphasizing that the black community did not just sit by and wait for white politicians to come around—even without the right to political participation, the black community did much of the leg work in influencing Ohio policy by organizing on the ground and working with white abolitionists. Recognizing the notion of black pressure on white politicians is essential to remembering the fact that white politicians did not generally act out of the goodness of their hearts in granting the black community rights. This perspective is fraught with a savior complex and assumes that being anti-slavery meant that a person also supported racial equality. Rather, white Ohioans remained blatantly racist into the early 20<sup>th</sup> century and still today readily uphold the tenants of colorblind and institutional racism. In order to support his claims, Middleton examines primary documents such as legislation, court cases, and book-length manuscripts that are indicative of the racial climate in early Ohio.

---

<sup>8</sup> Middleton, *Black Laws: Race and the Legal Process in Early Ohio*, 4.

Middleton also compiled a history with documents on the subject of racially restrictive legislation in Ohio.

<sup>9</sup> For another historian's perspective on white Ohioans' reverence for personal liberty, see Andrew R.L. Cayton's *Ohio: The History of a People*.

Historian Paul Finkelman also writes on early Ohio's discriminatory legislation. In his article "The Strange Case of Race Discrimination in Antebellum Ohio," he argues that Ohio's legal history in terms of race consists of a body of legislation that reflects the state's evolving attitude toward the black community. He contradicts the idea that, by the middle of the nineteenth century, Ohioans were just as "negrophobic" as they were during early statehood at the turn of the nineteenth century. Rather, Finkelman claims that early Ohio's policies toward the black community were, at worst, "ambivalent and contradictory" and that "mid-century Ohio was more tolerant of African Americans and more emphatically intolerant of slavery."<sup>1</sup> Finally, Finkelman paints the Republican party during this period as exemplary of white support for racial equality and that the attitudes of Ohio Republicans were representative of the views of all Ohio politicians and Ohio citizens in general.

Finkelman's arguments are too optimistic. While the raw legislation does tell this kind of story, Finkelman fails to take other kinds of primary sources into account—such as the news articles on the legislative debates surrounding Ohio's anti-miscegenation law—which indicate that racial tensions ran high in Ohio well into even the 20<sup>th</sup> century. In addition, he ignores the fact that political control of Ohio oscillated between the Southern-sympathizing Democratic party and the Republican party throughout the mid-nineteenth century. These on-going shifts indicate that Ohio voters likely had reservations about offering blacks equal rights well into the nineteenth century. Finally, Finkelman fails to recognize that white politicians may not have been acting out of the goodness of

---

<sup>1</sup> Finkelman, "The Strange Career of Race Discrimination in Antebellum Ohio," 394, 407.

their hearts when they supported increasing racial fairness. There was likely something to be gained for white politicians by supporting such legislation.

On the other hand, historian Andrew R.L. Cayton's book *Ohio: The History of a People* focuses on the cultural aspects of Ohio's history. He claims that much of the public discourse in which Ohioans engaged centered around how they could learn from the state's past, what they could do to improve the state's future, and how they could legislatively and socially define themselves and their state as uniquely respectable. Cayton additionally argues that white Ohioans felt that their black counterparts were incapable of conforming to white Ohioans' standards of "respectability."<sup>2</sup> A profound desire for personal liberty and autonomy is another integral part of Cayton's portrayal of early Ohioans. These qualities help explain white Ohioans' resistance to the imposition of federal laws such as the Fugitive Slave Act. On one hand, such statutes removed white Ohioans' ability to decide for themselves whether or not any part of the institution of slavery existed within their state.<sup>3</sup> On the other hand, legislation like the Fugitive Slave Act, called up the inconsistencies between the "ideals of the republic [and] the history of American slavery and legalized discrimination."<sup>4</sup> While he endows white Ohioans with these characteristics, Cayton also does not discount the role that racial prejudice played in shaping the state's policies and character.

In this chapter, I will examine some of Ohio's most important racially discriminatory legislation from the time it became part of the Northwest Territory in 1787 until just before the passage of its anti-miscegenation law in January 1861. Additionally,

---

<sup>2</sup> Cayton, *Ohio: The History of a People*, 75–93; 109.

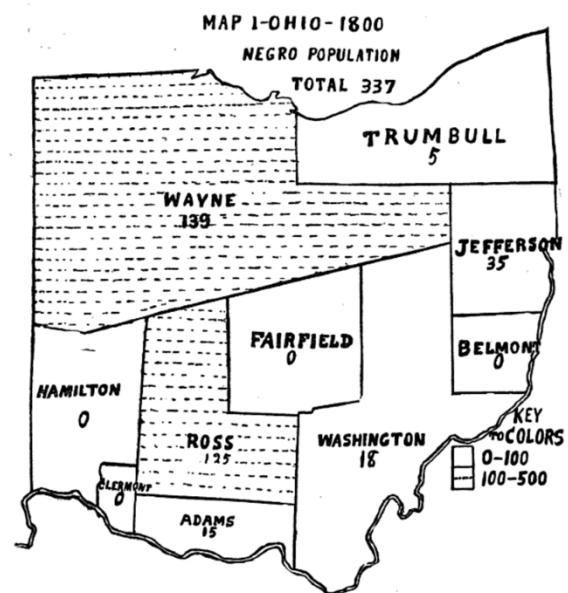
<sup>3</sup> Ibid., 123.

<sup>4</sup> Middleton, *Black Laws: Race and the Legal Process in Early Ohio*, 3.

I will consider several major events in Ohio's history that demonstrate its white citizens' disdain for black people, as well as the desire of white Ohioans to curb black immigration to their state. Understanding Ohio's racial climate in the decades leading up to 1861 is essential to understanding why white politicians felt the need to pass a law prohibiting interracial sex and marriage.

The state of Ohio as we know it began its political life as a part of a federally governed territory known as the Northwest Territory.<sup>5</sup> Congress created the territory via the Northwest Ordinance in 1787. The Northwest Ordinance's purpose was to organize the territory west of the colonies, east of the Mississippi River, and northwest of the Ohio River under a single government in order to more efficiently parcel out land and sell it as an avenue for reducing the national debt accrued as a result of the Revolutionary War.<sup>6</sup>

As one might expect, the black community in early Ohio was relatively small in size. In his book *The Color Line in Ohio: A History of Race Prejudice*, historian Frank Uriah Quillin provides his readers with a visual representation of the geographical distribution of the Ohio Territory's black population in 1800—just three years prior to



**Figure 2**

Map depicting distribution of black population in Ohio in 1800

when Ohio would become a state. One would suppose that the largest black population

<sup>5</sup> Ibid., 7–17.

<sup>6</sup> Ibid.

would be present primarily in the southern portion of the state simply because of the fact that the Ohio River would later serve as a buffer between free and slave territory. However, as indicated by the map located in Figure 2, the majority of early Ohio's black population could be found in the Northwestern portion of the state.<sup>7</sup>

Historian Jill E. Rowe seeks to explain this counterintuitive distribution of blacks in early Ohio in an article entitled "Mixing it Up: Early African American Settlements in Northwestern Ohio." She argues that "[the state] was a natural destination for some...newly manumitted slaves [because of] its 375-mile common border with the slave states of Virginia and Kentucky[,] its status as a free state...and [its] proximity to Canada."<sup>8</sup> However, she also notes that southern Ohio's proximity to slave states also caused an increase in aggression that blacks faced from whites. Northwestern Ohio, on the other hand, offered an environment in which "living conditions were very different and racial prejudices rare."<sup>9</sup> Rowe explains that free individuals of both African and mixed-race ancestry were attracted to the region because it afforded them the opportunity to purchase their own land.<sup>10</sup> Moreover, Rowe argues that the blacks who settled in Northwestern Ohio "intermarried and intermingled with indigenous people and indentured servants who hailed primarily from Western Europe."<sup>11</sup> These radically different experiences based on geographic location are indicative of the diversity in Ohio's white population and the influence it had on politics and racial attitudes throughout the state.

---

<sup>7</sup> Frank U. Quillin, *The Color Line in Ohio: A History of Race Prejudice in a Typical Northern State* (New York: Negro Universities Press, 1969), 18.

<sup>8</sup> Jill E. Rowe, "Mixing It Up: Early African American Settlements in Northwestern Ohio," *Journal of Black Studies* 39, no. 6 (July 2009): 927.

<sup>9</sup> *Ibid.*, 928.

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*

Early Ohio's white population was regionally and ethnically diverse. The most prominent groups present in early Ohio were Irish and German Americans, migrants from the South and New England, and Quakers. These ethnic and geographical origins not only served as a cultural base for the various facets of Ohio's white community, but also helped shape the way that white Ohioans viewed their black counterparts. In fact, the diversity of Ohio's white population caused the state's politics and attitudes toward the black community to be, quite literally, all over the map. Rowe, Klement, and Middleton all argue that "[t]he attitude of the White population toward free African Americans in Ohio in part reflected the background of the White migrants in that area."<sup>12</sup>

In general, German and Irish Americans—as targeted groups themselves—saw free blacks in Ohio as “a competitive threat to the free labor market.”<sup>13</sup> According to Rowe, Irish Ohioans tended to hail from states like Virginia and Kentucky and settled in the areas along the Ohio River.<sup>14</sup> Furthermore, Klement explains that it was Irish Americans who were the driving force behind at least one instance of mob violence against free, black industrial workers in the city of Cincinnati during the nineteenth century.<sup>15</sup>

White migrants to Ohio from the South tended to bring with them notions of a strict racial hierarchy. According to Klement, this group of Ohio settlers was generally illiterate, very poor, and were “enchanted by the knowledge that there was a class below

---

<sup>12</sup> Ibid., 929; Frank L. Klement, “Midwestern Opposition to Lincoln’s Emancipation Policy,” *Journal of Negro History* 49, no. 3 (July 1964): 169–83; Middleton, *Black Laws: Race and the Legal Process in Early Ohio*, 19.

<sup>13</sup> Rowe, “Mixing It Up: Early African American Settlements in Northwestern Ohio,” 929; Klement, “Midwestern Opposition to Lincoln’s Emancipation Policy,” 172.

<sup>14</sup> Rowe, “Mixing It Up: Early African American Settlements in Northwestern Ohio,” 929.

<sup>15</sup> Klement, “Midwestern Opposition to Lincoln’s Emancipation Policy,” 176.

them on the social and economic scale.”<sup>16</sup> Middleton, on the other hand, argues that many white Southerners actually left the region to escape the influence that slavery had on Southern society. Merging these perspectives is a choice that makes sense when one considers them through an economic lens. The institution of slavery provided a labor force that would not cost a dime in wages, and so, prevented impoverished whites from obtaining work that would pay. Moving to a state where slavery was illegal would have allowed poor white men to re-enter the wage labor force. In fact, Middleton argues that “[t]he vast majority of whites in [early] Ohio envisioned a free state, where black slave labor did not compete with wage-earning white men.”<sup>17</sup> However, a free black population desperate to find wage work would have driven down the cost of labor once again, thus preventing poor white men from earning enough to feed their families.<sup>18</sup>

On the other hand, New Englanders, according to Rowe and Middleton, generally adopted an anti-slavery point of view as a result of their lack of “direct experience with [the institution of slavery].”<sup>19</sup> This position only held, however, as long as the black community remained “an idealistic image” in the minds of New Englanders. Rowe argues that once New Englanders “came into contact with free African Americans, the image became tarnished.”<sup>20</sup> As a result, New Englanders who came to Ohio often became vehemently anti-black and were influenced by the anti-black sentiments of the areas in which they settled, such as Marietta.<sup>21</sup> These facts remind us that whites who were anti-slavery were not necessarily racially tolerant.

---

<sup>16</sup> Ibid., 171.

<sup>17</sup> Middleton, *Black Laws: Race and the Legal Process in Early Ohio*, 19.

<sup>18</sup> Rowe, “Mixing It Up: Early African American Settlements in Northwestern Ohio,” 929.

<sup>19</sup> Ibid.; Middleton, *Black Laws: Race and the Legal Process in Early Ohio*, 19.

<sup>20</sup> Rowe, “Mixing It Up: Early African American Settlements in Northwestern Ohio,” 929.

<sup>21</sup> Ibid. New Englanders also settled in the Western Reserve region of Ohio; however, anti-black sentiments were not nearly as aggressive in this area.

Finally, the white Quakers who settled in Ohio after migrating from Virginia, North and South Carolina, and Pennsylvania held moral objections toward the institution of slavery. In fact, they played an integral role in the abolition movement not only in Ohio, but throughout the country. Members of this religious group tended to settle in central and southeastern Ohio. According to Rowe, they “resolutely maintained their humanitarian idealisms and their strong religious beliefs, [which] enabl[ed] them to fight for better treatment of African Americans.”<sup>22</sup> This group added a unique dimension to Ohio’s political and racial climate.

Despite the state’s immense cultural diversity, white Ohioans preferred to keep to the communities with which they were familiar.<sup>23</sup> In fact, Cayton argues that “[white Ohioans] distrusted those whose ways were unfamiliar” and were primarily concerned with the interests of themselves and their immediate communities.<sup>24</sup> Cayton additionally claims that white settlers in early Ohio—and into the nineteenth century—demonstrated the desire to keep power in familiar hands. To do so, they often falsely claimed that relative newcomers had resided in their communities for less than the year required to vote, thus preventing them from participating in town elections.<sup>25</sup> According to Cayton, “[e]lection procedures, in other words, permitted [white] Ohioans to indulge their prejudices against people who were different.”<sup>26</sup> Since white Ohioans were so anxious about strangers of their own race influencing the politics in their communities, it is no

---

<sup>22</sup> Ibid.

<sup>23</sup> Cayton, *Ohio: The History of a People*, 14.

<sup>24</sup> Ibid., 14–15.

<sup>25</sup> Ibid., 19.

<sup>26</sup> Ibid.

wonder that they were even more apprehensive of the prospects of black suffrage and political involvement.

Whit Ohio's variety of political opinions and racial attitudes was the root of several controversies that arose during Ohio's journey to become both a territory and a state. One major debate that developed during the the writing of the Northwest Ordinance was whether or not Congress should ban slavery in the Northwest Territory. The men who drafted the Ordinance wanted the territory to be completely free and felt that the institution of slavery stood in contradiction to the ideals of Republican government.<sup>27</sup> However, this notion faced opposition from slaveholders who feared that they would be stripped of their slaves upon traveling with them to the Northwest Territory.<sup>28</sup> Ultimately, slaveholders agreed to the proposed prohibition of slavery in order to maintain their monopoly on the agricultural production of cash crops, as well as to expedite the final formulation of the Northwest Ordinance and, thereby, the sale of land that would enrich the national treasury and lower the tax burden on the states.<sup>29</sup>

Once Congress's slaveholders agreed to accept a ban on slavery in the Northwest Territory, a new controversy arose surrounding whether or not the Northwest Ordinance stripped slave owners already living in the territory of their chattel or if it simply prevented new slave owners from immigrating with their slaves.<sup>30</sup> Congress appointed a committee to investigate and come to a decision on the subject. According to Middleton, the committee found that "Article VI [the article which prohibited slavery] had been

---

<sup>27</sup> Middleton, *Black Laws: Race and the Legal Process in Early Ohio*, 7–17. It is important to note that the men who were responsible for drafting the Northwest Ordinance did not oppose slavery on moral grounds.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

<sup>30</sup> Ibid.

more about closing the territory...to slavery than about liberating slaves already there.”<sup>31</sup>

It is important to note that the debate in the mid-nineteenth century over the spread of slavery to Ohio was not a new issue. In reality, it was a deep-seated controversy between those who favored states’ rights to choose whether or not they could admit slaves and those who believed such a decision could be made for a state or region at the federal level.<sup>32</sup>

This dispute was indicative of the kinds of challenges that Ohioans faced as they fought for statehood. Middleton explains that, at the turn of the nineteenth century, two major parties dominated Ohio’s political scene—the Republicans and the Federalists.<sup>33</sup> Federalists, such as Ohio’s governor, Arthur St. Clair, opposed efforts to apply for statehood, for, if Ohio became a state, the territorial government—St. Clair included—would have been forced to relinquish its power.<sup>34</sup> This group of Ohioans generally tended to emigrate from all over the North and settle in northern Ohio.<sup>35</sup> According to Middleton, “[t]hese emigrants had had limited contact with blacks, and most had never owned slaves. They already had witnessed the trend toward emancipation in their former states and they stood for free labor and a free Ohio. They were also willing to support modest civil rights reform.”<sup>36</sup>

Republicans, on the other hand, generally came to Ohio from the South and made their homes in the southern region of the state. Unlike members of the Federalist party, which Middleton portrays as fairly homogenous in beliefs, Republicans stood divided on

---

<sup>31</sup> Ibid., 11–13.

<sup>32</sup> Ibid.

<sup>33</sup> Ibid., 18.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid., 21.

<sup>36</sup> Ibid., 26.

a variety of issues, and especially on those of race and slavery.<sup>37</sup> According to Middleton, “[s]ome...[Republicans] had grown disillusioned with slave labor as an important component in the local economy and wanted nothing to do with it in their new state...[while] [o]ther Republicans held the opposite opinion, wanting to transplant the slave culture to the Ohio Country.”<sup>38</sup> In addition, the members of this party “expressed confidence in the ability of the yeoman farmer as a civic leader...[and]...believed that every white man should have the right to vote, without any of the restraints that...existed in some of the original states.”<sup>39</sup> As a result, the Republican party spearheaded Ohio’s efforts to join the Union and, on April 30, 1802, Congress gave the residents of the Ohio Country permission to organize a convention to draft a constitution for their new state.<sup>40</sup>

The prospect of becoming a full-fledged state naturally forced white Ohioans and their leaders to think about how their black counterparts would fit into the corresponding social and political climates. Would free, black individuals have the same rights as whites? Would (and could) Article VI of the Northwest Ordinance be rescinded to permit slavery in the new state of Ohio?<sup>41</sup> These questions became central to the political tensions that came along with establishing the foundations of a new state, such as its constitution, original leadership, and early legislation.

In fact, these issues were so significant that they became easily accessible ammunition that both Republicans and Federalists used to discredit the other party in campaigns for and against a constitutional convention.<sup>42</sup> Middleton notes that both parties

---

<sup>37</sup> Ibid.

<sup>38</sup> Ibid.

<sup>39</sup> Ibid., 21.

<sup>40</sup> Ibid., 18; 25.

<sup>41</sup> Ibid., 21–23.

<sup>42</sup> Ibid., 26.

played on the high premium that Ohioans placed on personal liberty. “The Federalists,” for instance, “caused alarm in Ohio by suggesting that the Republican party would legalize slavery.”<sup>43</sup> They did so in order to convince Ohio voters that the Ohio Country was better off remaining under the government of territorial officials, and that they should vote against holding a constitutional convention.<sup>44</sup>

At the same time, however, “Ohio Republicans intended to alarm voters by suggesting that the Federalists favored slavery and would even make slaves of whites.”<sup>45</sup> In this case, Republican politicians attempted to persuade Ohio voters that statehood was necessary to protect the personal liberty they valued so highly and to therefore vote to hold a constitutional convention. These claims blatantly ignored the complex realities that each party faced. We have already seen that Ohio Federalists were in support of a state free of slavery and that Ohio Republicans were divided on the issue, but that the party generally supported the notion of personal liberty for white men. The fact that neither party noted these complexities when making their accusations is indicative of the extremely political nature of these claims.

Ultimately, Ohioans voted in favor of a constitutional convention, as well as for the delegates they believed would best represent their interests.<sup>46</sup> These delegates eventually resolved to make slavery illegal in Ohio’s first constitution, even though the motion to do so only passed by one vote.<sup>47</sup> Supporters of involuntary servitude and low-cost labor were appeased, however, when the convention’s delegates voted to legalize

---

<sup>43</sup> Ibid.

<sup>44</sup> Ibid., 25.

<sup>45</sup> Ibid., 27.

<sup>46</sup> Ibid., 31.

<sup>47</sup> Ibid., 37.

indentured servitude for males until the age of twenty-one and females until the age of eighteen.<sup>48</sup> The indentured servitude clause technically did not specify the race of who could or could not be indentured; however, Middleton notes that “it was more common for blacks to become servants in Ohio [than whites].”<sup>49</sup> The nature of these decisions is indicative of white Ohioans’ ambiguous attitudes toward blacks in their state.

The delegations to the constitutional convention also paved the way for Ohio’s subsequent Black Laws by limiting black men’s political participation. Ohio’s first constitution dictated that black men could not vote or be counted as part of the population for the purpose of determining the number of seats each county received in the Ohio House of Representatives, which was in stark contrast to the suffrage that the Northwest Ordinance originally afforded black men.<sup>50</sup> However, Ohio’s first constitution also did not define who could or could not be elected to public office, either in terms of race or gender. This non-specificity may indicate, as Finkelman argues, the ambiguity of white Ohioans’ attitudes toward the black community. However, it is also possible that it is a reflection of an unwritten assumption about the race and gender of those who would even think to run for public office. It is doubtful that the white male politicians who drafted Ohio’s first constitution ever considered the possibility of women or people of color seeking public office.

White Ohioans indicated their desire to create a state favorable to whites, but hostile to blacks through the legislation they passed during this period. According to Cayton, white Ohioans “deemed [blacks] too unruly and too uncivilized to develop the

---

<sup>48</sup> Ibid.

<sup>49</sup> Ibid.

<sup>50</sup> Ibid., 23, 38.

necessary breadth of vision and self-control to become good citizens,”<sup>51</sup> and so they used the legislative process to attempt to control the behavior of the black community.

Emphasizing the idea of blacks as undesirable and unworthy of full citizenship, Ohio’s first Black Laws went on the books in 1804, but were later revised in 1807. The first statute required blacks to register as free with the clerk of courts for the county in which they settled. The 1807 revision additionally required blacks to find property-holding sponsors—who could be white or black—to put up a \$500 surety bond to keep the black individual from becoming a burden to the state.<sup>52</sup> In addition, Middleton tells us that, in order to make absolutely sure that blacks would not burden the state government, the Ohio Legislature also passed a law “barr[ing] African Americans who had not become legal residents from obtaining public assistance.”<sup>53</sup> Ohio legislators additionally set down legislation that “mandated that employers legally could hire only blacks who could provide proof of their freedom.”<sup>54</sup> This statute further provided a monetary incentive for individuals who informed officials of any employer breaking the law. According to Middleton, “[t]his directive effectively turned neighbors into spies.”<sup>55</sup> In Early Ohio, only *free* blacks could become legal residents of the state. As a result, blacks who came to Ohio seeking refuge from slavery would have been legally unable to obtain work or any other necessity through legitimate means.<sup>56</sup>

While the prospect of being prosecuted under Ohio’s Black Laws would certainly have been intimidating for black migrants attempting to start lives in the state,

---

<sup>51</sup> Cayton, *Ohio: The History of a People*, 10.

<sup>52</sup> Finkelman, “The Strange Career of Race Discrimination in Antebellum Ohio,” 373–408.

<sup>53</sup> Middleton, *Black Laws: Race and the Legal Process in Early Ohio*, 53.

<sup>54</sup> *Ibid.*

<sup>55</sup> *Ibid.*

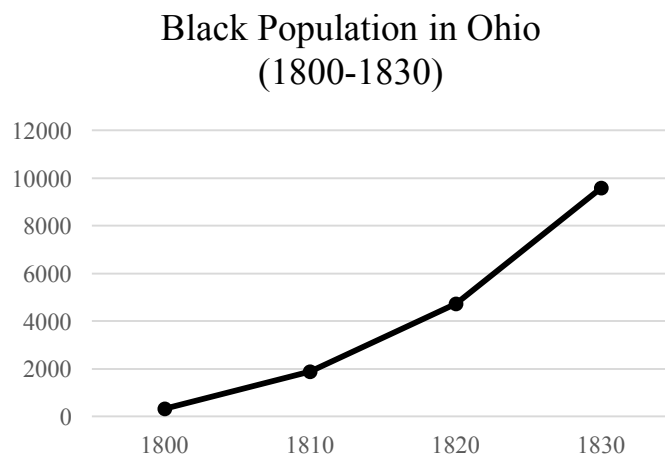
<sup>56</sup> *Ibid.*

prosecution did not occur very often. Both Finkelman and Middleton indicate that white Ohioans did not make much of an effort to enforce these laws; however, as Finkelman notes, “as long as these law remained on the books, they were a potential weapon to be turned on any free black who was not in full compliance.”<sup>57</sup> In this way, Ohio’s Black Laws were a form of racial terror; they held the threat of social and legal penalties over the heads of any black individuals who may have considered taking resistive action against Ohio’s white-dominated government.<sup>58</sup> These laws also paved the way for Ohio’s legal reactions to a rising black community over the next four decades.

Ohio’s black population increased nearly thirtyfold in as many years—rapidly increasing from 337 in 1800 to 9586 in 1830.<sup>59</sup> The graph located in Figure 3 provides a visual representation of this substantial increase. As Ohio’s black population increased, so too did the amount of legislation limiting the rights of that population.

**Figure 3**

Graph showing increase in early Ohio’s black population



Public education was one major realm in which this legislation worked to inhibit the rights of black Ohioans. The debate surrounding black public education in Ohio was based on how such a right would influence the black community’s involvement in public

<sup>57</sup> Finkelman, “The Strange Career of Race Discrimination in Antebellum Ohio,” 386; Middleton, *Black Laws: Race and the Legal Process in Early Ohio*, 53.

<sup>58</sup> Finkelman, “The Strange Career of Race Discrimination in Antebellum Ohio,” 386.

<sup>59</sup> Cayton, *Ohio: The History of a People*, 15.

society. For example, Cayton indicates that white supporters of black public education argued that attending school would prepare black Ohioans to be productive members of society.<sup>60</sup> White opponents of black education, on the other hand, claimed that offering blacks decent public schools would encourage them to migrate to the state and disrupt the status quo by demanding the rights they were entitled to as free people.<sup>61</sup>

Ultimately, white politicians sided with the opponents of black public education. In 1829, the Ohio Legislature passed a law that banned public schools from admitting black and mixed-race children and counties from using their parents' tax dollars to pay for those schools.<sup>62</sup> The statute explicitly stated that "nothing in [the] act contained [should] be so construed as to permit black or mulatto persons to attend the schools [t]hereby established, or compel them to pay any tax for the support of such schools; but all taxes assessed on their property, for school purposed, in the several counties of [Ohio], [should] be appropriated...for the education of said black and mulatto persons therein, and for no other purpose..."<sup>63</sup> While this law technically provided funding for the education of black and mixed-race Ohioans, the state did not require children of color to attend school until 1848—just one year prior to when the state legislature would repeal Ohio's Black Laws.<sup>64</sup>

The Ohio Legislature also displayed their disdain for the black community in Ohio, as well as the nation, by passing resolutions to encourage Congress to provide funding to remove the American black population to either Africa or the Caribbean in

---

<sup>60</sup> Ibid., 62.

<sup>61</sup> Ibid.

<sup>62</sup> Stephen Middleton, *The Black Laws of the Old Northwest: A Documentary History*, Contributions in Afro-American and African Studies 152 (Westport, CT: Greenwood Press, 1993), 34.

<sup>63</sup> Ibid.

<sup>64</sup> Ibid., 36–37.

order to form a new colony.<sup>65</sup> Interestingly, the state legislature even went so far as to voice public support for private organizations, such as the American Colonization Society, which promoted the colonization initiative. One such resolution from 1828 stated: “Resolved by the General Assembly of the State of Ohio, [t]hat our senators in Congress be instructed, and our representatives be requested, to use their efforts to induce the government of the United States to aid the ‘American Colonization Society’ in effecting the object of their institution which is so eminently calculated to advance the honor and interest of our common country.”<sup>66</sup> The fact that the state government was involved in these efforts, in addition to private organizations like the American Colonization Society, indicates that white Ohioans were intent upon ensuring that their state served and was inhabited solely by white people. Were colonization efforts spearheaded solely by private organizations, one could argue that the people involved were unique in their opinions; however, since the entire state legislature resolved to support colonization efforts, we can infer that the opinion was not a unique one.

The 1830s also saw white Ohioans becoming increasingly concerned about their public image and the “respectability” of their character and behavior.<sup>67</sup> Cayton argues that “cultural life [in 1830s Ohio] was an unending conversation about the rules of existence, about the ways in which the world worked and the way in which people imagined it ought to work.”<sup>68</sup> Intellectualism was on the rise and the professional class—including lawyers, bankers, business owners, politicians, along with their wives—were uniquely concerned with the “cultivation of their character,” as well as that of society in

---

<sup>65</sup> Ibid., 19–24.

<sup>66</sup> Ibid., 20–21.

<sup>67</sup> Cayton, *Ohio: The History of a People*, 75–93.

<sup>68</sup> Ibid., 76.

general.<sup>69</sup> Additionally, the rise in the importance of respectability meant that what a person did in private was just as important to his or her image as what he or she did in public. In fact, Cayton argues that “[t]o be a citizen of Ohio was to entangle private and public identities to such a degree that they could never be fully separated.”<sup>70</sup> Binding a person’s private behavior with his or her public image played a major role in creating a culture in which legislation regulating interracial marriage and sex was completely appropriate.

Black Ohioans also engaged in the desire to be respectable citizens.<sup>71</sup> In fact, Cayton notes that a free black man named John Malvin, who moved to Ohio in 1820, wrote in a memoir that he was “confident that by behaving like respectable, middle-class citizens, black men would prove they were worthy of full membership in the body politic.”<sup>72</sup> Cayton additionally argues that black Ohioans took their white counterparts’ desire for liberty and equality within their state literally and, therefore, demanded the right to be included in traditionally white institutions such as politics and universities.<sup>73</sup> Ultimately, Cayton asserts that blacks fighting for their rights was exemplary of white Ohioans’ notion of respectability. Blacks Ohioans had the desire to fit into larger society as equals, so they adopted the ideals of those in control of society, which included obtaining an education and participating in the state’s politics.<sup>74</sup> Demanding the right to engage in these ideal behaviors, however, backfired and only inspired an increase in racial tensions throughout the state of Ohio. The fruitlessness of the Ohio black

---

<sup>69</sup> Ibid., 76–77.

<sup>70</sup> Ibid., 80.

<sup>71</sup> Ibid., 109.

<sup>72</sup> Ibid.

<sup>73</sup> Ibid.

<sup>74</sup> Ibid.

community's efforts to engage in respectability politics indicates white Ohioans' anxiety of the full enfranchisement of black citizens.

The rising racial tensions in Ohio came to a head several times between statehood in 1803 and the repeal of the last of the state's Black Laws in 1887. White Ohioans erupted in mob violence in both 1836 and 1841 in response to the efforts of abolitionists within the state.<sup>75</sup> According to Middleton, "[m]obs frequently targeted abolitionists in Ohio, with such weapons as verbal threats, tarring and feathering, and throwing rotten eggs, seeking to punish them for being friendly to runaway slaves."<sup>76</sup> Vocal anti-slavery Ohio senator Thomas Morris was the target of both the 1836 and 1841 riots; however, in 1841, the mob turned its anger toward a black community near Dayton where it "destroyed property and intimidated residents."<sup>77</sup> The mob violence towards blacks and abolitionists in the 1830s and 1840s only served to pave the way for another rash of riots against the black community in Ohio in the 1860s.<sup>78</sup>

While white Ohioans took both legal and extralegal measures to prevent their black counterparts from gaining equality, their representatives in the State Legislature eventually managed to repeal most of the state's Black Laws in 1849. Furthermore, though white males represented the public face of civil rights efforts in Ohio because of their dominance in the state's political and legislative systems, Ohio's black community played an integral role in influencing these leaders to step up and make the necessary changes.<sup>79</sup> Ohio blacks accomplished this by organizing and engaging in political

---

<sup>75</sup> Middleton, *Black Laws: Race and the Legal Process in Early Ohio*, 123–126.

<sup>76</sup> *Ibid.*, 124.

<sup>77</sup> *Ibid.*

<sup>78</sup> I will explore these uprisings further in Chapter 3 of this study.

<sup>79</sup> Middleton, *The Black Laws of the Old Northwest: A Documentary History*, 144–148.

activities that took place outside the voting booth. In fact, Middleton notes that “[b]y the 1840s, both state and national conventions [led for and by people of color] turned to political activism in an effort to achieve greater civil rights for blacks...[they] published newspapers in several northern states, called for temperance, and established schools for a classical education as well as vocational training.”<sup>80</sup> The black community’s efforts to improve their standing in society flew in the face of two major assumptions that their white counterparts held: First, that blacks were incapable of behaving in a so-called “respectable” manner, which included being able to abstain from questionable activities such as drinking in excess.<sup>81</sup> And second, that removing black men’s right to vote would prevent them from influencing Ohio’s politics and legislation. Such advocacy within the black community was a precursor to the full political involvement in which black men would be able to engage once they gained the right to vote in 1870.

The 1850s saw Ohioans fighting to keep slavery out of their state. At this point, the state’s black population had expanded to over 25,000, which was primarily concentrated in Ohio’s southwestern region. A more detailed view of the distribution of blacks in Ohio in 1850 is available in the map in Figure 4.<sup>82</sup> This era also brought with it

**Figure 4**

Map showing distribution of the black population in Ohio in 1850



<sup>80</sup> Middleton, *Black Laws: Race and the Legal Process in Early Ohio*, 145.

<sup>81</sup> Cayton, *Ohio: The History of a People*, 87.

<sup>82</sup> Quillin, *The Color Line in Ohio: A History of Race Prejudice in a Typical Northern State*, 74.

questions about whether or not slavery would spread from the South throughout the country. These questions were closely linked with American imperialism and westward expansion.

For example, Americans and Ohioans were forced to choose sides in regards to President Polk's desire to make war with Mexico for the sake of annexing Mexican territory.<sup>83</sup> If the United States did gain territory from Mexico as a result of a war, the land that is now the state of Texas would have been an area in which slavery was legal because it was located south of the line that the Missouri Compromise established in 1820 to differentiate between the United States' free and slave regions.<sup>84</sup> Similarly, residents of Ohio during the 1850s watched their leaders and representatives at the national level decide on a new system for determining which territories would come into the Union as free and which would enter as slave. The Kansas-Nebraska Act replaced the Missouri Compromise in 1854 and provided new states and territories with the new option to decide via a referendum vote whether or not slavery would be legal within their boundaries.<sup>85</sup> These decisions were significant to Ohioans because, as I will explore further in the next chapter and as historian Andrew R.L. Cayton argues, the white residents of Ohio tended to fear that regulating slavery at the national level would prevent them from keeping slavery out of their own state.<sup>86</sup>

Ohioans also addressed the issue of attempting to keep slavery outside its borders by posing challenges to the Fugitive Slave Act of 1850. At this point, the majority of

---

<sup>83</sup> Middleton, *Black Laws: Race and the Legal Process in Early Ohio*, 137.

<sup>84</sup> "Primary Documents in American History: Missouri Compromise," *The Library of Congress*, November 16, 2015, <https://www.loc.gov/rr/program/bib/ourdocs/Missouri.html>.

<sup>85</sup> Cayton, *Ohio: The History of a People*, 124–126.

<sup>86</sup> *Ibid.*

white Ohioans did not support the enforcement of this piece of legislation within their state.<sup>87</sup> Since the federal government handed the Fugitive Slave Act down as a mandate to the various states, Ohioans had no choice but to comply; however, they displayed their disdain by strictly adhering to the act's language regarding which blacks could be arrested and returned to the institution of slavery. In fact, Middleton argues that "[t]he state of Ohio, in the middle of this issue both geographically and politically, further fueled...controversy [surrounding the enforcement of the Fugitive Slave Act] when its courts took the position that the state was free soil, presuming that African Americans once under its jurisdiction were free unless they were fugitive slaves who had escaped from a slave state."<sup>88</sup>

This notion flew in the face of white people who sought to capitalize on possible loose interpretations of the Fugitive Slave Act by capturing black people who were legally free, but perhaps could not prove it at the time, and sending them to the South to be sold into slavery. Indeed, Ohio codified its citizens' desire to prevent the capture of legally free blacks by passing an act to prevent anti-kidnapping in 1857. The most relevant portion of this act stated:

If any person shall seize or arrest, or shall attempt to seize or arrest or shall aid in seizing or arresting, or in attempting to seize or arrest, or shall use force or fraud for the purpose of holding, detaining or controlling any other person, upon any pretence [*sic*] or claim that such person is a fugitive from service, such person, so offending, shall be deemed guilty of false imprisonment, and shall be punished by imprisonment in the county jail, not less than three months, nor more than nine months, and by fine not less than three hundred, nor more than five hundred dollars.<sup>89</sup>

---

<sup>87</sup> "Ohio Legislature," January 15, 1861.

<sup>88</sup> Middleton, *Black Laws: Race and the Legal Process in Early Ohio*, 202.

<sup>89</sup> Middleton, *The Black Laws of the Old Northwest: A Documentary History*, 30.

This legislation indicates that Ohioans were adamant about preventing the capture of legitimately free blacks in their state; however, such activity occurred elsewhere without question and often to the financial benefit of commissioners assigned to determine the legal status of captured blacks.<sup>90</sup> Though these sentiments were written into law, the issues surrounding the enforcement of the Fugitive Slave Act was, in fact, a point of contention in Ohio—especially between the state’s major political factions. Furthermore, the Act continued to cause considerable disagreement between political parties up to the beginning of the Civil War.<sup>91</sup>

The state of Ohio entered into the 1860s with a strong legacy of racially discriminatory legislation and, at best, ambivalent attitudes toward the black community. This legacy would serve as a solid foundation that Ohioans could—and would—refer back to as they grappled with the tumultuous Civil War and Reconstruction Periods, as well as the drastic changes they brought to the racial and social climates in America. Moreover, Ohio’s history of racially discriminatory legislation played an integral role in the passage of the state’s anti-miscegenation law in 1861. White Ohioans saw their ancestors respond to issues of race in a legislative manner and followed suit. In the following chapter, I examine specifically how white Ohioans drew on the state’s tradition of racially discriminatory legislation and anti-black attitudes in January 1861 to pass the state’s anti-miscegenation law.

---

<sup>90</sup> “The Fugitive Slave Law,” *Digital History*, 2016, [http://www.digitalhistory.uh.edu/disp\\_textbook.cfm?smtID=2&psid=3276](http://www.digitalhistory.uh.edu/disp_textbook.cfm?smtID=2&psid=3276).

<sup>91</sup> Cayton, *Ohio: The History of a People*, 124–126.

## Chapter 2

### Maintaining White Ohio: January 1861

In a January 1862 article published in his magazine, *Douglass' Monthly*, Frederick Douglass spoke of an issue that weighed heavily on the minds of white people, Union and Confederate, lawmaker and layperson, Democrat and Republican.

<sup>1</sup> Douglass wrote as the Civil War raged physically and politically throughout the severed nation. A centuries-old lifestyle and socioeconomic hierarchy based on racial slavery hung in the balance, and what the future might look like without it remained murky at best. For most whites, the mere thought of an American nation devoid of the institution of racialized slavery and also devoid of a legal framework mandating the subjugation of blacks inspired a churning anxiety, as many who opposed slavery did not see blacks as equal or even wanted to incorporate freed people into their communities. According to Douglass, “[t]he question [was] asked, and pressed with a great show of earnestness at [that] momentous crisis in our nation’s history[:] What shall be done with the four million slaves if they are emancipated?”<sup>2</sup>

This question would repeatedly worm its way into the minds of whites in a free state like Ohio, albeit in different forms, as they navigated the possible integration of free blacks into their established social order in the event of a Civil War. White Ohioans were forced to consider what the role of an entirely free black community might look like in a deeply prejudiced state built on the ideals of personal liberty and equality for all men. In this chapter, I will explore the ways in which white Ohioans grappled with this question

---

<sup>1</sup> Frederick Douglass, “What Shall Be Done With the Slaves If Emancipated?,” *Douglass' Monthly*, January 1862, <https://www.lib.rochester.edu/index.cfm?PAGE=4386>.

<sup>2</sup> Ibid.

in terms of their efforts and eventual success in passing legislation that would outlaw both marriage and illicit sex between blacks and whites. In order to do so, I will examine the ways in which other historians have thought about the racial and political climate in Ohio just prior to the Civil War, how Ohioans' anti-miscegenation attitudes and legislation fit into this context. I will then consider how Ohio's 1861 anti-miscegenation law fit into the body of similar legislation at the national level. Next, I will shift my discussion to Ohio's series of attempts to pass anti-miscegenation legislation and settle the focus of this chapter on the state's successful passage of an anti-miscegenation law in early 1861.

By examining the Ohio state legislature's debates surrounding the passage of this law and other contemporary events, I will outline the political context in Ohio in 1861 and use this information to indicate the significance of the legislature's timing in enacting anti-miscegenation legislation. This analysis will include a discussion of some of the factors contributing to the law's passage, including the racial anxieties that inspired white Ohioans to support legislation that would legally further the *de facto* racial segregation that already existed in the state. Finally, I will examine the political nature of Ohio's anti-miscegenation legislation, as well as how members of the both Ohio Democrats and Republicans used the bill to further the agendas of their respective parties.

Historians such as Frank L. Klement, David H. Fowler, and Andrew R.L. Cayton have written on the political and racial climates in Ohio during the period leading up to the Civil War, as well as how Ohioans' anti-miscegenation attitudes fit into these climates. In his article "Midwestern Opposition to Lincoln's Emancipation Policy", Klement outlines the reactions of Midwestern Democrats to the various emancipation

policies that emerged during the first two years of the Civil War.<sup>3</sup> He notes that, despite Ohio's status as a free state, Ohioans such as congressmen Clement L. Vallandigham and Samuel S. Cox, served in leadership positions opposing emancipation. The fact that Ohioans served such prominent roles in anti-emancipation efforts suggests Ohio's importance among the other Northern states in terms of its views on racial issues. In addition, Klement describes the strategies that pro-slavery Democrats used make their views appealing to Ohio's voting public, arguing that these views were designed to appeal to specific communities, such as German and Irish immigrants and Southern migrants.

On the other hand, in *Northern Attitudes Towards Interracial Marriage*, Fowler focuses his work specifically on how state and national politics and social norms influenced the timing of the Ohio legislature's decision to pass an anti-miscegenation law. In addition, he examines the context in which Ohio's law was active from 1861 to 1887. Fowler argues that the prohibition of interracial marriage and sex helped to create and maintain the racial and social caste systems in the United States. Finally, in his book *Ohio: The History of a People*, Andrew R.L. Cayton argues that much of the public discourse in which Ohioans engaged centered around how they could learn from the state's past, what they could do to improve the state's future, as well as how they could legislatively and socially define themselves and their state as uniquely respectable.<sup>4</sup> He claims that the debate over whether or not Ohio would accept the spread of slavery via legislation at the national level played an integral role in further defining Ohio as a

---

<sup>3</sup> Klement, "Midwestern Opposition to Lincoln's Emancipation Policy," 169–83.

<sup>4</sup> Cayton, *Ohio: The History of a People*, vi.

respectable state “against a barbarous and backward South.”<sup>5</sup> At the same time, the Ohio legislature sought to avoid being perceived as racially radical in order to prevent further agitation of the secession crisis. Ohio’s anti-miscegenation bill exemplified these efforts.

In this chapter, I will contribute to this scholarly conversation by showing how several major events in Ohio’s political history—the debates surrounding the expansion of slavery, the possible consequences of the emancipation of enslaved African Americans, and tension between the two major political parties—exacerbated existing anti-miscegenation attitudes and prompted the promotion and eventual passage of legislation prohibiting interracial sexual and marital relationships within the state. By examining newspaper accounts of the activities of the Ohio state legislature, I will argue that the anti-miscegenation law passed in 1861 aided in defining Ohio as a state that was capable of opposing slavery while still upholding the racialized caste system present throughout the country during the nineteenth century.

Ohio was not alone in its efforts to pass legislation that would prohibit marital and sexual relationships between black and white couples during the mid-nineteenth century; several other Northern states took up similar crusades during the same periods. Fowler argues that the states that made up the Old Northwest and Mid-Atlantic regions of the early United States saw two major clusters of attempts to pass anti-miscegenation legislation: the first from 1840 to 1842 and the second from 1859 to 1861.<sup>6</sup> Both of these periods saw events that had the possibility to rock the very foundations of the nation and, therefore, posed threats to the social hierarchy that white men had worked for over 150 years to establish.

---

<sup>5</sup> Ibid., 123.

<sup>6</sup> Fowler, *Northern Attitudes*, 184.

The first period of anti-miscegenation activism between 1840 and 1842 saw abolitionists beginning to come together as a viable political movement. Nationally, abolitionists were on the cusp of forming the Liberty party—a political party that would focus its efforts on eradicating slavery from the United States by exerting influence on Congressional decisions regarding interactions with the South and policies that regulated slavery.<sup>7</sup> Forming a cohesive political party would have allowed abolitionists to wield a tangible sort of power in the political arena. The implications of abolitionist beliefs would raise questions about what the United States would look like without the institution of slavery and how such a change would influence the racial hierarchy that controlled social status during that period.

Indiana was one state that passed an anti-miscegenation law during this time.<sup>8</sup> According to Fowler, the initial introduction of the bill that would later become Indiana's anti-miscegenation law had nothing to do with either abolitionism or partisan politics.<sup>9</sup> Rather, a marriage between a young white woman and her family's mixed-race servant inspired the statute.<sup>10</sup> Although this marriage may have been the inciting factor for Indiana's legislation, Fowler fails to take into account that slavery still existed in Indiana into the 1830s and 1840s and that the institution was facing pressure from the abolition movement that was growing in popularity at this time.<sup>11</sup> As a result, it is entirely possible that the legislation had anti-abolition undertones.

---

<sup>7</sup> Ibid., 169; Corey Brookes, "Stoking the 'Abolition Fire in the Capitol': Liberty Party Lobbying and Antislavery in Congress," *Journal of the Early Republic* 33, no. 3 (Fall 2013): 528.

<sup>8</sup> Fowler, *Northern Attitudes*, 176.

<sup>9</sup> Ibid., 175.

<sup>10</sup> Ibid., 175–6.

<sup>11</sup> Middleton, *Black Laws: Race and the Legal Process in Early Ohio*, 7; Middleton, *The Black Laws of the Old Northwest: A Documentary History*, 161.

The Indiana state legislature met on January 3, 1840, and both houses introduced measures to prevent marriage between people of different races. Both houses rapidly passed their respective pieces of legislation, but only the Senate's bill continued in the legislative process and also passed in the House of Representatives.<sup>12</sup> The final statute "forbade marriage between whites and persons having as much as 'one-eighth part of negro blood.'"<sup>13</sup> The law made each party attempting marriage "subject to fines of \$500 to \$5,000 and prison terms of ten to twenty years."<sup>14</sup> Further, Indiana's anti-miscegenation law fined "[o]fficials issuing licenses to [interracial] couples...\$500 to \$5,000, persons aiding, counseling, or abetting such marriages...\$1,000 to \$10,000, and officers of state celebrating [such marriages]...\$500 to \$5,000, plus loss of office."<sup>15</sup> The law additionally made "[a]ll [existing interracial] marriages...null and void."<sup>16</sup>

However, the Indiana state legislature reconsidered these extreme provisions in each of its next two sessions. While the legislature of 1840 to 1841 sought to remove the law's focus on those conducting, licensing, and celebrating interracial marriages, the legislature of 1841 to 1842 maintained the original law's monetary penalty against those seeking marriage, but pared down their possible prison terms from ten to twenty years to one to ten years.<sup>17</sup> The legislature also reduced the fines for those convicted of "'aiding and abetting'" interracial couples seeking marriage.<sup>18</sup> The fact that Indiana's legislature persisted in perfecting their state's anti-miscegenation statute is indicative of the

---

<sup>12</sup> Fowler, *Northern Attitudes*, 176–178.

<sup>13</sup> *Ibid.*, 178.

<sup>14</sup> *Ibid.*, 179. For perspective, according to the the Bureau of Labor Statistics' inflation calculator based on the Consumer Price Index, \$500 and \$10,000 in 1840 are equivalent to \$13,271.61 \$265,432.27 in 2015, respectively.

<sup>15</sup> *Ibid.*, 178.

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*, 179–180.

<sup>18</sup> *Ibid.*, 180.

legislators' adamant desire to maintain a legalized separation of the races—especially on the most intimate level of marriage.

During the second burst of anti-miscegenation legislation in the Old Northwest, from 1859 to 1860 American politicians were faced with similar questions regarding racial issues. With the fear of a Civil War looming, Americans were forced to consider whether or not they were willing to compromise their beliefs on the institution of slavery in order to save the Union, which threatened to alter the status quo whether either Northern or Southern beliefs won out. Tensions between the political parties were also mounting at this time and both Republicans and Democrats often engaged in political tactics that would “embarrass their opponents” and draw votes to their respective party.<sup>19</sup> During the Civil War, as well as just prior to its start, Democrats often took advantage of the Republican party's infancy by charging its members with “pro-Negro sentiments.”<sup>20</sup> Pushing anti-miscegenation legislation was one of the Democratic party's foremost methods for discrediting Republicans.<sup>21</sup> In addition, Republicans often rebutted accusations of “pro-Negro sentiments” by bringing into purview the fact that most interracial sexual relationships occurring in the United States at the time were between white men and the black women under their control.<sup>22</sup>

Wisconsin and Pennsylvania both saw efforts to pass anti-miscegenation legislation, which ultimately served partisan purposes.<sup>23</sup> In Pennsylvania, for example, Democratic representative John M. Fleming of Clarion and Forest Counties introduced an

---

<sup>19</sup> Ibid., 184.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

<sup>22</sup> Ibid., 196–197.

<sup>23</sup> Ibid., 184–191.

“‘[a]ct to prevent the intermarriage of the white and black races’” in 1859 after receiving a petition from 400 of his constituents to propose such legislation.<sup>24</sup> Fowler notes that during the discussion of the bill in the Pennsylvania House of Representatives, Republican L.P. Williston proposed amending the bill’s verbiage to read “‘an [a]ct to prevent the intermarriage of [Democrats] and [the] black [race].’”<sup>25</sup> Fowler also reports that Democratic representative Wilcox retaliated by proposing that the words “black race” be replaced by “Republicans,” so that the legislation would read “‘an [a]ct to prevent the intermarriage of the white [race] and [Republicans].’”<sup>26</sup> While the House of Representatives denied both proposed amendments and indefinitely postponed the bill as a whole, the partisan nature of the debates surrounding the bill are indicative of the growing animosity between Democrats and Republicans just prior to the Civil War.

Southern legislatures, on the other hand, did not really address the issue of anti-miscegenation legislation until after the Civil War. In her book *White Women Black Men: Illicit Sex in the 19<sup>th</sup> Century South*, historian Martha Hodes argues that this was the case because, after emancipation, “[w]hite Southerners became more and more alarmed at the consequences of black freedom.”<sup>27</sup> Interracial relationships just did not pose enough of a threat to the social order when the institution of slavery existed in the background as an ever-constant controller of interactions between the races and social categorizer. Sexual relationships between white men and black women did not jeopardize white supremacy because the children produced by those relationships would take on the status of their

---

<sup>24</sup> Ibid., 184.

<sup>25</sup> Ibid., 184–5.

<sup>26</sup> Ibid., 185.

<sup>27</sup> Martha Hodes, *White Women, Black Men: Illicit Sex in the 19th-Century South* (New Haven: Yale University Press, 1997), 8.

mothers and become enslaved at birth. Even a white woman who gave birth to mixed-race children could not overcome the power of the racial hierarchy strengthened by slavery.

While the children white women who engaged in interracial sex technically had free status and defied the notion of equating black skin with slavery, they and their mothers were seen as second-class citizens. Friends, neighbors, and family members would “judge [these women and their children] harshly...and could completely ostracize” them from the communities in which they lived.<sup>28</sup> As a result, white Southerners made little public fuss about the occurrence of interracial relationships in the Antebellum period.<sup>29</sup> During Reconstruction, however, mixed-race couples and children posed much more serious threats to the notion of white supremacy because the institution of slavery—which allowed white Southerners to easily stratify society—no longer existed.. This increased risk to the social structure resulted in both legal and extralegal measures to prevent interracial marriage and sex throughout the South.<sup>30</sup>

Ohio’s legislature attempted to pass anti-miscegenation bills four times between 1840 and 1861; however, the first three of four of these attempts failed. Ohio’s first anti-miscegenation bill originated in the state’s House of Representatives Judiciary Committee in January 1840. It was similar to Indiana’s original bill, but had a much narrower scope and exacted less extreme penalties on the individuals involved. The framers of Ohio’s bill targeted officiants of marriage rather than interracial couples themselves and stated that “if any justice, minister, or person authorized to solemnize

---

<sup>28</sup> Ibid., 3.

<sup>29</sup> Ibid., 1–9.

<sup>30</sup> Ibid., 148–152.

marriage, shall join in marriage a white and black or a mulatto person, they shall be fined not less than fifty, nor more than five hundred dollars, or be imprisoned not less than ten nor more than thirty days, or both.”<sup>31</sup> The fact that this bill was targeted at the people who performed marriage ceremonies suggests that Ohio state legislators were concerned about the officiants of marriage serving as representatives of the state and appearing to support interracial marriages. This notion of keeping up appearances is consistent with the concern of several Ohio legislators that passing an anti-miscegenation law would indicate that interracial relationships were abundant in the state and, therefore, that Ohioans supported full racial equality.<sup>32</sup> It is also possible that legislators believed that officiants would be more likely to abide by a law determining whom they could and could not join together in marriage not only because their professional livelihoods depended on it, but also because their reputations in the communities they served would be on the line as well.

Ohio legislators most likely introduced the 1840 anti-miscegenation bill in response to the growing influence of abolitionists throughout the North. Fowler argues that Northern abolitionists at this time were demanding “immediate emancipation,” which “carried a...direct threat of increased immigration of freedmen to [the] area...[In addition, abolitionists’] recurrent efforts to remove ‘black laws’ in their own states produced a much sharper challenge to the status quo.”<sup>33</sup>

The primary source material supports Fowler’s assertion. An article in an Ohio abolitionist newspaper entitled *The Philanthropist* detailed the activities of the Ohio

---

<sup>31</sup> “The Democracy,” *Philanthropist* (1836-1843), January 28, 1840.

<sup>32</sup> Fowler, *Northern Attitudes*, 165.

<sup>33</sup> *Ibid.*, 162–3.

Legislature on January 16, 1840 and included the debates on the Judiciary Committee's anti-miscegenation bill. Representative John Jenkins of Columbiana County claimed that "[t]here were some who wanted all laws abolished which made distinctions on account of color, because they believed the lower orders of society would naturally amalgamate with the blacks" and "he hoped no one [in the Legislature], who was not a professed abolitionist, would sanction such doctrines."<sup>34</sup> Later on in the session, Representative Jenkins told his colleagues—many of whom opposed the bill—that he would have been "perfectly willing to let this bill go, if public opinion would have any effect in putting down the wild, mad and fanatical doctrines of the abolitionists."<sup>35</sup> These statements indicate that white Ohioans who supported slavery were anxious about the changes that the abolition of slavery might bring to the social order in Ohio.

The rhetoric that the Ohio legislature used to defend 1840 anti-miscegenation paved the way for that used in favor of the anti-miscegenation bill that the Legislature would successfully pass in 1861. This rhetoric, too, could be organized into three major categories: partisan rhetoric put forth by both Republicans and Democrats, Biblical and ethnological justifications for racial segregation and hierarchy, and appeals to the sex and gender norms of the day.<sup>36</sup> In addition, the legislators who opposed the 1840 anti-miscegenation bill defended their positions with rhetoric similar to the devices that would be used to oppose the anti-miscegenation bill of 1861. Several representatives such as Mr. Isaac Powers from Trumbull County felt that the state of Ohio had no right to pass a law determining whom a white man could and could not marry.<sup>37</sup> Still others, such as

---

<sup>34</sup> "The Democracy."

<sup>35</sup> Ibid.

<sup>36</sup> Ibid.

<sup>37</sup> Ibid.

Representative Zaphna Lake from Ashtabula County, were concerned about how passing an anti-miscegenation bill would affect Ohio's reputation.<sup>38</sup> Lake, and the others who shared his belief, feared that the rest of the country would take an anti-miscegenation law in Ohio as a signal that such relationships abounded in that state.<sup>39</sup> Such a signal would have encouraged the thought that Ohio and its citizens either had no concept of the accepted social order or wished to tear it down and replace it with a system of racial equality. In either defending or opposing the anti-miscegenation bills of 1840 and 1861, white Ohioans desired to give the impression that they held even the most basic human relationships of both white and black people in a firm grip in the face of threats to the racialized caste system.

If Ohio's anti-miscegenation bill was solely a vehicle for maintaining white supremacy, it is surprising that, in the face of perceived threats to the social order, the law did not go on the books just after the state's Black Laws were repealed in 1849.<sup>40</sup> However, there were no further attempts to pass legislation prohibiting interracial marriage until 1859 when the bill was pushed aside by the Ohio General Assembly.<sup>41</sup> Fowler explains that, in 1859, the General Assembly was occupied with attempts to pass legislation to prevent further migration of blacks into the state, as well as to prohibit black men already living there from gaining the right to vote. As a result, the Ohio General Assembly tabled the 1859 anti-miscegenation bill so that it could focus its attention on more pressing issues.<sup>42</sup>

---

<sup>38</sup> Fowler, *Northern Attitudes*, 165.

<sup>39</sup> "The Democracy."

<sup>40</sup> Fowler, *Northern Attitudes*, 209.

<sup>41</sup> *Ibid.*, 191.

<sup>42</sup> *Ibid.*

Another attempt to pass an anti-miscegenation bill occurred in 1860 and, again, the Legislature tabled the bill in favor of debating more urgent issues. At this time, the legislature was more concerned with passing legislation to stop black immigration to Ohio, repealing the 1859 legislation that prevented black suffrage, and preventing Southern slave owners from coming into Ohio to retrieve runaway slaves who sought refuge there.<sup>43</sup> The fact that neither of these attempts to pass an anti-miscegenation law succeeded suggests that Ohio politicians did not believe that racial “mixture” posed the most pressing threat to the white social order at that time.<sup>44</sup> It also implies that they did not believe enough interracial marriages were occurring to warrant legal attention. However, the fact that the possibility of an anti-miscegenation law was examined not once, but twice during this period is a keen indicator of the political and racial tensions that were mounting in Ohio and on the national level. These rising tensions came to a head in 1861 when the Ohio state legislature passed an anti-miscegenation bill that had failed in front of the very same representatives and senators the year before.<sup>45</sup> The likelihood of war between the Union and the Confederacy and the possible implications of that war were likely what sparked this change in opinion.

The decade prior to the Civil War was riddled with legislative efforts at both the federal and state levels to protect the institution of slavery. From the Kansas-Nebraska Act of 1854 to the Dred Scott decision of 1857 to the proposed Crittenden Compromise of 1860, the United States saw attempt after attempt to spread slavery across the nation

---

<sup>43</sup> Ibid., 191–2.

<sup>44</sup> For more information on the 1859 and 1860 attempts to pass anti-miscegenation bills, see *Ohio House Journal* (1859), *Ohio Senate Journal* (1859), *Ohio House Journal* (1860), and *Ohio State Journal* (January 14, 1860).

<sup>45</sup> Fowler, *Northern Attitudes*, 194.

and prevent federal intervention with the institution.<sup>46</sup> The Crittenden Compromise is likely the least generally known of these events, yet was one of the most important factors that led to the Civil War. On December 18, 1860, Kentucky Senator John J. Crittenden proposed to Congress a set of constitutional amendments that were intended to serve as a means to prevent a civil war with the North.

If Congress had put these amendments into effect, the citizens of individual territories would have been able to decide whether or not they were free or slave upon application for statehood. In addition, Congress would “have [had] no power to abolish slavery” in either the slave states or the District of Columbia, or to “prohibit or hinder the transportation of slaves from one State to another;” however, Congress would have had the ability, and “the duty” to compensate the owners of fugitive slaves in the event that their capture was prevented by “violence or intimidation” or if they were “rescued by force” after arrest.<sup>47</sup> These provisions would have been cemented in the United States Constitution by a clause which stated that “[n]o future amendment of the Constitution [should] affect [the aforementioned articles].”<sup>48</sup> In other words, the Compromise would have inextricably bound the American economy and social structure to the institution of slavery, leaving those who opposed the institution of slavery and its spread outside of the South with little legal recourse at the national level. Congress ultimately refused to implement the amendments of the Crittenden Compromise; however, the possibility of their acceptance likely left white Northerners who desired slavery of all forms to remain

---

<sup>46</sup> Cayton, *Ohio: The History of a People*, 124, 126; Fowler, *Northern Attitudes*, 193.

<sup>47</sup> Paul Leicester Ford, ed., “Amendments Proposed in Congress by Senator John J. Crittenden: December 18, 1860,” in *The Federalist: A Commentary on the Constitution of the United States by Alexander Hamilton, James Madison and John Jay Edited with Notes, Illustrative Documents and a Copious Index by Paul Leicester Ford* (New York: Henry Holt and Company, 1898).

<sup>48</sup> Ibid.

confined to the South—like many Ohio Republicans—feeling uneasy about the future of their nation and their rights as decision-makers for their states.<sup>49</sup>

Despite Crittenden's efforts to engage Congress in a compromise with the South in December 1860, Ohioans in January 1861 saw the United States as a nation falling apart—South Carolina had seceded from the Union just two days after the proposal of the Crittenden Compromise and was followed by Mississippi, Florida, Alabama, Georgia, Louisiana, and Texas over the course of the very same month in which the Ohio legislature sat debating the passage of the anti-miscegenation law.<sup>50</sup> Every week from January 9 to February 1, a new state declared its defection from the Union and its alliance with the Confederacy.<sup>51</sup> Several newspaper articles detailing the activities of the Ohio House of Representatives and Senate indicate, as one would expect, a growing anxiety about the possible eruption of a war between the Northern and Southern sections.<sup>52</sup> In turn, this anxiety influenced the successful passage of the Ohio anti-miscegenation law in three major ways.

First, the possibility of a war between the states heightened the desire of Ohio politicians—most of whom were more concerned with preserving the unity of the nation than abolishing slavery—to do almost anything necessary to prevent a war with the South. While both Democrats and Republicans desired to reunite the nation, each party had different ideas about how the reunification process should be undertaken. Democrats, for instance, believed that the Northern states should have conceded to the demands of

---

<sup>49</sup> Cayton, *Ohio: The History of a People*, 123–126.

<sup>50</sup> S. Mintz and S. McNeil, “Timeline of Secession,” *Digital History*, 2015, [http://www.digitalhistory.uh.edu/active\\_learning/explorations/south\\_secede/timeline\\_secession.cfm](http://www.digitalhistory.uh.edu/active_learning/explorations/south_secede/timeline_secession.cfm).

<sup>51</sup> Ibid.

<sup>52</sup> “Ohio Legislature,” *Daily Ohio Statesman*, January 14, 1861; “Ohio Legislature,” January 15, 1861.

the South by acknowledging the right of slaveholders to transport their slaves across state lines, even into free states, as well as their right to collect runaway slaves from Northern states.<sup>53</sup> They were perfectly comfortable with the existence of the institution of slavery, as well as the spread of it, so long as it was kept out of the state of Ohio on the plantation level.<sup>54</sup>

Republicans, on the other hand, favored taking a firmer approach toward handling the secession crisis and preventing civil war. Like Democrats, Ohio Republicans opposed slavery on a large scale within their state; however, they took it one step further and also opposed the fact that the Dred Scott decision allowed slave owners to transport their slaves into free states while maintaining their ownership.<sup>55</sup> Most Ohio Republicans also did not take kindly to the Kansas-Nebraska Act, which allowed new territories and states to vote via referendum on whether or not they would be free or slave. This aversion can be attributed to the Republican desire to confine slavery to the South.<sup>56</sup> Finally, a subset of Republicans desired the abolishment of slavery all together.<sup>57</sup> In general, the Republican party had the tendency to decline options to compromise with the South and its supporters in the Democratic party on issues such as the spread of slavery in efforts to maintain the Union.<sup>58</sup>

Loyalty to the anti-slavery cause prevented the Ohio Republican party from following the recommendation of the Democrats and conceding to the demands of the South. Cayton argues that Ohio Republicans believed that the passage of policies

---

<sup>53</sup> Klement, "Midwestern Opposition to Lincoln's Emancipation Policy," 175; "The Proceedings of the Democratic State Convention," *Daily Ohio Statesman*, January 25, 1861.

<sup>54</sup> Citation here.

<sup>55</sup> Cayton, *Ohio: The History of a People*, 126.

<sup>56</sup> *Ibid.*, 124.

<sup>57</sup> Klement, "Midwestern Opposition to Lincoln's Emancipation Policy," 174.

<sup>58</sup> "Ohio Legislature," January 15, 1861.

regulating slavery at the national level limited the autonomy of Ohioans in determining whether their own state was free or slave. White Ohioans seemed to believe that this lack of local freedom enslaved them as well.<sup>59</sup> According to Cayton, “[a]ttacking slavery, [in the eyes of Ohio Republicans], was a matter of rescuing the Republic from those who would betray and pervert it in the interests of their selfish, local world. To refuse to fight was to accept the position of slave.”<sup>60</sup> This attitude is also evident in the comments of the legislators who opposed Ohio’s 1861 anti-miscegenation bill. Republican representatives such as Senator T.B. Fisher from Marion County<sup>61</sup> argued that the state of Ohio did not have the right to pass such a law and that prohibiting interracial marriage infringed upon the “personal, natural, [and] constitutional rights”<sup>62</sup> of white men to marry whomever they chose.<sup>63</sup> If nothing else, these arguments suggest that the belief in personal liberty was an integral part of Republican party ideology and go to explain exactly what kept Ohio Republicans from ameliorating tensions with the South by accepting the demands laid out in the Crittenden Proposals.

While Republicans were unable to concede to Southern demands without shirking their loyalty to their party, they *were* able to avoid further agitating the sectional crisis by making an effort to avoid appearing radical on issues of race.<sup>64</sup> As Fowler puts it, Ohio Republicans “wanted to reassure the public—Southern as well as Northern—that they were not radicals on racial issues, and consent to the passage of intermarriage laws served

---

<sup>59</sup> Cayton, *Ohio: The History of a People*, 123–124.

<sup>60</sup> *Ibid.*, 123.

<sup>61</sup> *The History of Marion County, Ohio* (Chicago: Leggett, Conaway & Co., 1883), 326.

<sup>62</sup> Fowler, *Northern Attitudes*, 195.

<sup>63</sup> “Ohio Legislature,” *Daily Ohio Statesman*, January 31, 1861; “Ohio Legislature,” *Daily Ohio Statesman*, January 16, 1861; “Ohio Legislature,” January 15, 1861.

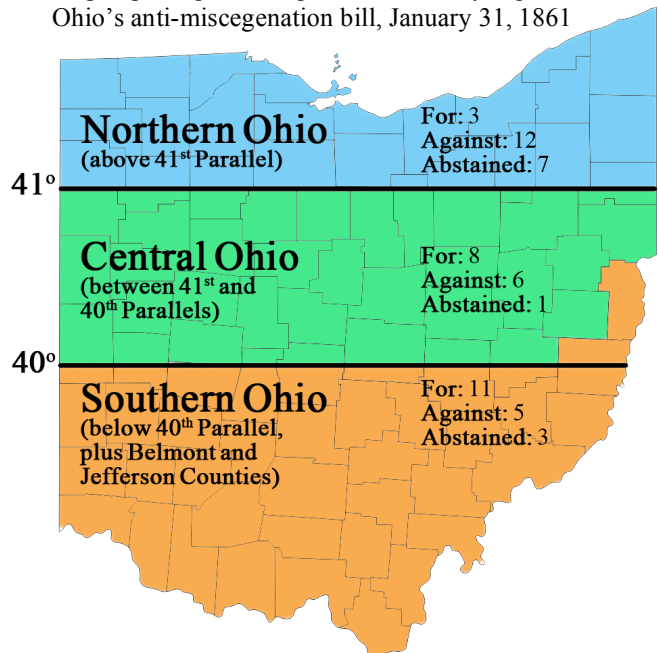
<sup>64</sup> Fowler, *Northern Attitudes*, 202.

as one means to demonstrate their conservatism.”<sup>65</sup> These efforts are indicated by the shift of the 1861 Ohio Legislature’s debates—over the course of a few weeks—from the issue of a bill to “prohibit slaveholding..., and to make the provisions of the act of 1835, against kidnapping white persons, apply to all persons irrespective of color”<sup>66</sup>—a measure intended to circumvent the provisions of the Fugitive Slave Law—to the issue of a bill that would “prevent the harboring...of fugitive slaves.”<sup>67</sup> More importantly to this study, Republican efforts to emphasize their conservatism are demonstrated in the fact that Ohio’s anti-miscegenation bill was tabled in 1860 and then passed by the very same legislature in 1861. Fowler argues that this decision depended upon the votes of Republicans who had previously voted against the bill. There was also a geographical correlation between Republicans who changed their votes and their proximity to the Ohio River and, therefore, slave states.

By dividing Ohio into three portions—northern, central, and southern—Fowler (whose findings are shown in the map in Figure 5) demonstrates that Republicans were more likely to vote in favor of the 1861 anti-miscegenation bill if they were from southern and central Ohio.<sup>68</sup> With few exceptions, only

**Figure 5**

Map depicting final Republican votes by region on Ohio’s anti-miscegenation bill, January 31, 1861



<sup>65</sup> Ibid.

<sup>66</sup> “Ohio Legislature,” January 15, 1861.

<sup>67</sup> “Ohio Legislature,” *Daily Ohio Statesman*, February 1, 1861.

<sup>68</sup> The statistics in Figure 5 are consolidated from those provided in Fowler 194-195.

Republicans from northern Ohio were likely to oppose the bill's passage.<sup>69</sup> He argues that these particular assemblymen changed their votes because their constituencies were the ones "most apt to be hurt by disruption of commercial ties with the South."<sup>70</sup> This, in turn, tells us two things. First, as a party, Republicans could "agree on slavery but not on racial issues."<sup>71</sup> And second, Republicans from southern Ohio were concerned with appearing conciliatory without abandoning party lines in order to avoid further agitating the neighboring slave states of Kentucky and Virginia, thus seeking to preserve the economic ties that existed between southern Ohio and the border states.

The second factor that influenced the passage of the Ohio anti-miscegenation bill in 1861 was white Ohioans' anxiety about an influx of blacks as a result of the sectional crisis and the possibility of a civil war. While Democrats and Republicans disagreed on how to handle secession, both parties were prepared to raise the Ohio militia in the event of a war. This is apparent in the unanimous acceptance by both houses of a set of resolutions that pledged Ohio's allegiance to the union and said that the state would provide its "entire power and resource...whenever necessary...for the maintenance...of the Constitution and laws of general government, by whosoever administered."<sup>72</sup> These resolutions still passed both houses unanimously even though one Ohio senator introduced the fact that the phrase "entire power and resource" implied the use of military forces in addition to legislative ones.<sup>73</sup> While the acceptance of these resolves indicates that Ohioans recognized the possibility of a Civil War, they had no way of knowing for

---

<sup>69</sup> Fowler, *Northern Attitudes*, 194–195.

<sup>70</sup> *Ibid.*, 195.

<sup>71</sup> *Ibid.*

<sup>72</sup> "Ohio Legislature," January 14, 1861.

<sup>73</sup> *Ibid.*; It is important to note here that white Ohioans believed that secession was unconstitutional in the case of the South.

sure how that war would turn out or who would win. These legislators may have feared that, in the event of a civil war—regardless of the outcome—the number of free blacks or blacks coming to the North as refugees from slavery would increase. As we saw in the previous chapter, these anxieties were at least partially based in reality as the black population in Ohio increased exponentially between 1800 and 1860.<sup>74</sup> We will never certainly know what would have happened if the South had won the Civil War or how else Northern Reconstruction policies could have played out. What we do know is that abolitionism had been gaining popularity throughout the country just prior to this time—especially in the Republican party, that Republicans held a staggering Congressional majority during the first two years of the Civil War, and that Ohio’s state legislature also held a Republican majority in both houses from 1860 to 1861.<sup>75</sup>

In addition, we know that the Ohio River served as the physical barrier between slavery and freedom and that Ohio lay squarely in the center of a region that was considered to be a Promised Land for many escaped slaves.<sup>76</sup> Primary source material such as newspaper articles, literature, and election statistics indicate that this knowledge is not just the product of modern historical examination and the advantage of hindsight, but that Ohioans living in 1861 were also aware of these facts in their own lifetimes; white Ohioans were able to see that the notion of abolitionism had a real chance of

---

<sup>74</sup> Quillin, *The Color Line in Ohio: A History of Race Prejudice in a Typical Northern State*.

<sup>75</sup> Lorenzo Dow Turner, “The Second Period of Militant Abolitionism (1850-1861),” *The Journal of Negro History* 14, no. 4 (October 1929): 440–75; “37th Congress (1861-1863),” *History, Art & Archives: United States House of Representatives*, accessed November 7, 2015, <http://history.house.gov/Congressional-Overview/Profiles/37th/>; Joseph Patterson Smith, ed., *History of the Republican Party in Ohio*, vol. 1 (Chicago: The Lewis Publishing Company, 1898), 95–96.

<sup>76</sup> Keith P. Griffler, “River of Slavery, River of Freedom,” in *Front Line of Freedom: African Americans and the Forging of the Underground Railroad in the Ohio Valley*, Ohio River Valley Series (Lexington: University Press of Kentucky, 2004), 1–11.

influencing politics at the national and state levels, thereby posing a threat to the established social order that existed throughout the United States.

That white Ohioans were aware of the fact that abolitionism and all that came with it had a tangible influence on national and state politics is apparent in contemporary Democratic discourse. For instance, the author of an article detailing the events of the Democratic State Convention argued that abolitionism was treason because the movement's principles were at odds with US Constitutional amendments, as well as Supreme Court rulings. This author also blamed abolitionists for causing the sectional crisis, claiming that they were the reason that the United States was "on the brink of Civil War."<sup>77</sup> This theme can be found throughout Democratic arguments in the Ohio Legislature as well.<sup>78</sup> While it is possible that this claim could be just one of many rhetorical tactics used in an ongoing clash between political parties, it is more likely that Democrats genuinely believed it, as there is more than a grain of truth to the accusation that abolitionist beliefs and actions served as the cause of the sectional crisis.

Modern sensibilities and mores tell us that abolitionism was the morally "right" position to support; however, abolitionists at the time were, in fact, directly challenging the judgments of the institutions most important to establishing the systems of American values and law and order. Under the right circumstances—like those of a nation falling apart—such challenges have the power to upend and replace those systems, leaving their supporters in the dust and grasping at straws to turn back the tide and maintain the previous status quo. By challenging legislation such as the Kansas-Nebraska Act and the

---

<sup>77</sup> "The Proceedings of the Democratic State Convention."

<sup>78</sup> "Remarks of Hon. Thomas J. Orr, in Senate, January 31st, 1861, on House Bill No. 46, to Prevent the Amalgamation of the African with the White Races, in Ohio," *Daily Ohio Statesman*, February 6, 1861.

Dred Scott decision, white Republicans and especially abolitionists, threatened not only the notion of states' rights, but also the existence and growth of the economic system that had made a major portion of the country wealthy for two centuries at that point. This threat, as well as what would come with it if abolitionists were successful—an increasing population of free blacks throughout the country—was a likely cause of the racial anxiety that many white Ohioans felt during the time in which the state's legislature debated and passed its anti-miscegenation law.

“Integration anxiety” was especially prolific in the state of Ohio in the period just before and during the Civil War. The looming threat of the spread of slavery to the North just before the conflict, as well as of emancipation throughout, ushered in a bevy of speculation surrounding what would happen if the black population of Ohio were permitted to increase unchecked. One major conclusion that several Ohio legislators drew was that an increase in the black population would, in turn, cause an increase in marital and sexual relationships between the white and black communities. Ohio senators Richard A. Harrison and Thomas J. Orr argued that both Ohio and the United States were intended by God to be the domain of the white man<sup>79</sup> and both believed that a law to prohibit interracial sex and marriage was necessary in the crusade to “[keep] Ohio for white men.”<sup>80</sup>

While paternalistic desires of white male legislators to protect the virtue of white women and the “purity” of the white race likely played a role in explaining this belief, white Ohio legislators were probably most concerned with the possible implications of an

---

<sup>79</sup> Ibid.; “Ohio Legislature,” *Daily Ohio Statesman*, January 25, 1861.

<sup>80</sup> “Ohio Legislature,” January 25, 1861.

increase in interracial relationships.<sup>81</sup> For instance, Representative Joseph Jonas from Cincinnati believed that an increased number of intimate interracial relationships would lead to an increased number of mixed-race voters who would be able to “turn an election either way.”<sup>82</sup> Interestingly enough, this was a legitimate concern for a white Ohioan before the state’s ratification of the Fifteenth Amendment in 1870; prior to then, beginning as early as 1830s, the Ohio Supreme Court had determined that any man who was less than 50% black could be considered white for the purposes of engaging in elections as voters.<sup>83</sup> Because of this decision, an increase in sexually-active, interracial couples would most definitely increase the voting population of the state. In addition, since these voters would be mixed-race and, therefore, suffer the same racism as fully black individuals, Democrats feared that mixed-race people would cast their votes for the parties and candidates who best served the interests of the black community, which would, in turn, pose a threat to the traditional racialized social order.

Another way in which an increased number of intimate interracial relationships (marriages, specifically, in this case) put Ohio’s racialized social hierarchy in jeopardy was in legitimizing not only the off-spring of such relationships, but also the couples’ relationships. In both cases, unregulated interracial marriage would allow white men to leave property and wealth to their black and mixed-race spouses and children upon death and black men to control the inheritance of their white wives upon marriage.<sup>84</sup> Ohio citizens presented several petitions to their General Assemblymen, which sought “[t]o

---

<sup>81</sup> Hodes, *White Women, Black Men*.

<sup>82</sup> “Ohio Legislature,” January 15, 1861.

<sup>83</sup> Fowler, *Northern Attitudes*, 201; Middleton, *Black Laws: Race and the Legal Process in Early Ohio*, 5.

<sup>84</sup> “Ohio Legislature,” January 14, 1861; “Ohio Legislature,” January 15, 1861; “Ohio Legislature,” January 16, 1861; “Ohio Legislature,” January 25, 1861; “Ohio Legislature,” January 31, 1861; “Ohio Legislature,” February 1, 1861; Pascoe, *What Comes Naturally: Miscegenation Law and the Making of Race in America*, 26.

restore to married women a legal personal existence'...and rights of property."<sup>85</sup> These petitions indicate that, in 1861, married Ohio women did not have full property ownership rights. As a result, marrying white women—especially ones from prominent families—would have endowed black men with the economic means to gain greater social standing through economic capital.<sup>86</sup> Relationships between black men and white women may have been especially stigmatized in the North and, after Reconstruction, in the South because, as black men were legally allowed to own property, they could also potentially inherit property from their white wives. If this were allowed to occur, the entire racialized caste system that white men had built would be upended, causing a serious threat to the notion of white supremacy, which was an important tool in limiting black, male economic and political mobility.

That being said, Ohio legislators such as Mr. Scott (of Warren County) and Mr. Bruff (of Mahoning County) realized that most of the interracial relationships occurring in the state of Ohio and throughout the United States were not transpiring within the bonds of marriage.<sup>87</sup> These representatives used this fact as a means of defending their opposition to the original 1861 anti-miscegenation bill, which would only prohibit “the marriage of white and colored persons.”<sup>88</sup> Scott, for instance, “thought this law unnecessary...[because] the cases of amalgamation which [did] occur, [took] place without marriage, and in a few cases [marriages] occur[red] for the purpose [of] legitimizing the offspring of previous [illicit sex].”<sup>89</sup> He felt that the only way to actually

---

<sup>85</sup> “Ohio Legislature,” January 14, 1861.

<sup>86</sup> Pascoe, *What Comes Naturally: Miscegenation Law and the Making of Race in America*, 22–23.

<sup>87</sup> “Ohio Legislature,” January 15, 1861; “Ohio Legislature,” January 16, 1861.

<sup>88</sup> “Ohio Legislature,” January 15, 1861.

<sup>89</sup> Ibid.

reduce the number of interracial relationships taking place within the state would be to compel white men to marry the black women with whom they were having illicit affairs and illegitimate children, thus legitimizing those off-spring and forcing white men to own their complicity in the very relationships they railed against.<sup>90</sup> Fowler argues that such a recommendation flew in the face of the “implicit guarantee to white men [which had been passed down since colonial times] that negro women were to be exploited rather than married.”<sup>91</sup> However, it is also possible that, in his recommendation, Mr. Scott was playing into white anxieties of black and mixed-race people acquiring the financial resources to hold social power. State-mandated marriage between white men and the black women with whom they had illicit sex would also legitimize any mixed-race children they might have, thereby giving those children the right to inherit their father’s wealth and property.<sup>92</sup>

Similarly, Representative Bruff claimed that “the proposed object of the bill was not provided for in it. Not one in ten of the mulattoes of the country [were] the offspring of marriage, which the bill [forbade]; but it provide[d] no penalty for illicit mixture.”<sup>93</sup> He also argued that “[the] bill encouraged such [illicit] mixture rather than [preventing it]” simply because having illicit sex would be the only option available to those who wished to engage in interracial relationships, but would not be legally allowed to marry.<sup>94</sup> The assertions of Representatives Scott and Bruff evidently made their mark on the rest of the Ohio Legislature because, on January 15, the House passed a motion to add the

---

<sup>90</sup> Ibid.

<sup>91</sup> Fowler, *Northern Attitudes*, 165.

<sup>92</sup> Pascoe, *What Comes Naturally: Miscegenation Law and the Making of Race in America*, 36.

<sup>93</sup> “Ohio Legislature,” January 15, 1861.

<sup>94</sup> Ibid.

prohibition of illicit interracial sex to the original 1861 anti-miscegenation bill. This addition also passed the scrutiny of the Senate and went on the books as a component of the final 1861 anti-miscegenation law, prohibiting “illicit carnal intercourse” between “any person of pure white blood...[and] any negro, or person having a distinct and visible admixture of African blood.”<sup>95</sup> The addition of this provision is not only indicative of the Ohio legislature’s anxiety toward an increase in the state’s mixed-race population, but also of their discomfort regarding interracial sex—whether marital or illicit—simply because such a law would have been so difficult to enforce.

While Ohio’s 1861 anti-miscegenation bill did serve as an indicator of white Ohioans’ anxieties about the integration of free black people into their established social order, it also certainly operated as what Fowler terms a “forensic device” in the tense competition between the two major political parties of the day—the Republicans and the Democrats.<sup>96</sup> In late-nineteenth century Ohio, political affiliations were no minor matter; rather, they were considered extensions of Ohioans’ character itself.<sup>97</sup> Cayton asserts that “[d]ifferent kinds of Ohioans told different stories about their lives, whether they were at work, home, or play. Partisan politics embodied these differences. To declare yourself a Republican or Democrat was to announce who you believed you were.”<sup>98</sup> He also claims that “[p]olitical campaigns were...about rallying people who thought they had much in common with each other against people with whom the thought they had little or nothing in common.”<sup>99</sup> The truth of these arguments is apparent in the primary source material in

---

<sup>95</sup> *An Act to Prevent the Amalgamation of the White and Colored Races.*

<sup>96</sup> Fowler, *Northern Attitudes*, 204.

<sup>97</sup> Cayton, *Ohio: The History of a People*, 197–199.

<sup>98</sup> *Ibid.*, 197.

<sup>99</sup> *Ibid.*

terms of the debates surrounding the passage of the 1861 anti-miscegenation bill. As previously noted in the case of Pennsylvania's anti-miscegenation legislation, throughout these debates both Democrats and Republicans took advantage of their parties' and constituencies' anxieties about racial integration and the loss of personal freedom in order to discredit each other in both the chambers of the Ohio State House and the public eye.<sup>100</sup> In addition, the idea that a person's political affiliation was deeply intertwined with his character made these accusations almost personal.

For many Ohioans, the prospect of "race-mixing" after emancipation was a serious anxiety and conservative Democrats used this to their advantage. In order to garner support from white voters, the Democratic party often attempted to discredit the pro-emancipation and, later, pro-civil rights Republican party by claiming that it supported miscegenation and that emancipation and equal rights would lead to rampant, unchecked interracial romantic and sexual liaisons. One of the clearest examples of the use of this strategy can be seen in the testimony of Senator Thomas J. Orr from Wyandot County. Orr made three major arguments in his speech to the Ohio Senate. First, he claimed that Republican opposition to the 1861 anti-miscegenation bill did not make sense to him because the bill passed the House of Representatives, which held a Republican majority. "True," he stated, the author [of the bill] [was] a Democrat...but to pass [that] or any other measure, require[d] a majority of both branches, in each of which [Democrats] [were] in a fearful minority."<sup>101</sup>

---

<sup>100</sup> "Ohio Legislature," January 15, 1861; "Ohio Legislature," January 16, 1861; "Ohio Legislature," January 25, 1861; "Ohio Legislature," January 31, 1861; "Ohio Legislature," February 1, 1861; "Remarks of Hon. Thomas J. Orr, in Senate, January 31st, 1861, on House Bill No. 46, to Prevent the Amalgamation of the African with the White Races, in Ohio."

<sup>101</sup> "Remarks of Hon. Thomas J. Orr, in Senate, January 31st, 1861, on House Bill No. 46, to Prevent the Amalgamation of the African with the White Races, in Ohio."

Second, Orr explained how and why, for the purposes of his speech, he grouped the Republican party together with the abolition movement. He argued that both Republicans and abolitionists “believe[d] in the equality of the races, and [an anti-miscegenation bill] [would interfere] most seriously with their pre conceived [sic] opinions upon [the] subject.”<sup>102</sup> Orr also wondered “[h]ow...this wonderful concurrence could exist, unless the bond of union and sympathy be the same upon which with a few honorable exception, the members alike of the republican party and the abolition, so cordially unite[d].”<sup>103</sup> These remarks aid in explaining why other Democratic legislators at the time also appeared to refer to Republicans and abolitionists interchangeably. An example of this can be seen in a previously mentioned article describing the events of the Democratic State Convention, whose author placed the blame for the sectional crisis on abolitionists.<sup>104</sup>

Finally, Orr asserted that Republicans and abolitionists had repeatedly attempted to foil Democratic attempts to reclaim Ohio and the Union as the “home of the white man,” and were continuing to do so by opposing the 1861 anti-miscegenation bill. In his words:

the Democrats of Ohio and of the whole Union...ha[d] emblazoned upon their standard the belief that Ohio—this Union was designed for the home of the white man, and him only. To carry out their convictions, and to impress them as a reality upon the minds of even the most obtuse of our abolition friends, measures ha[d] been brought before [the] General Assembly...to prevent the migration hither of negroes, and to prevent them from voting at the polls...[T]hese efforts [were] met by Republicans and abolitionists with majorities...in either branch, by the dissemination of the doctrine of negro equality...[I]t [was] this demoniacal disposition

---

<sup>102</sup> Ibid.

<sup>103</sup> Ibid.

<sup>104</sup> “The Proceedings of the Democratic State Convention.”

that...led so many...Northern[ers]...to forget the duties they owe[d] to the Union...<sup>105</sup>

After going on to blame Republicans and their so-called “doctrine of negro equality” for the brewing sectional crisis, Orr argued that the practice of interracial sex and marriage was the ultimate result of, if not part and parcel to, this doctrine. He claimed “that the legitimate tendency of Republicanism...[was] the amalgamation of the white and black races. [Republicans] wish[ed] to make the black man equal to the white man, and to give him all the rights and privileges of citizens. [T]he inevitable result of [racial equality] would be the intermarriage of the two races.”<sup>106</sup> Orr’s arguments exemplify the Democratic attitudes toward Republicans on the cusp of the Civil War in that he emphasizes the belief that the Republican advocacy of personal liberty for all men was intended to encourage challenges to white dominances in both the political and social realms.

The tactic of charging Republicans with favoring racial mixture was actually quite effective for Democrats because the Republican party was already under fire from several prominent groups of the Ohio population. In his article “Midwestern Opposition to Lincoln’s Emancipation Policy,” Frank L. Klement argues that there were three major sectors of the Ohio population who opposed the policies of the Republican party: German and Irish immigrants, German and Irish Americans, and white Southern migrants to Ohio.<sup>107</sup> Both Ohioans of Irish and German descent and white Southern emigrants to the state were concerned with Republicans’ pro-emancipation, pro-civil rights stance toward

---

<sup>105</sup> “Remarks of Hon. Thomas J. Orr, in Senate, January 31st, 1861, on House Bill No. 46, to Prevent the Amalgamation of the African with the White Races, in Ohio.”

<sup>106</sup> Ibid.

<sup>107</sup> Klement, “Midwestern Opposition to Lincoln’s Emancipation Policy,” 170–171.

the black community, but for very different reasons.<sup>108</sup> Irish and German industrial workers feared that an emancipated black population would migrate to Ohio and flood the industrial labor market, thereby driving down wages and the quality of living in cities.<sup>109</sup> On the other hand, white Southern emigrants to Ohio brought what Klement terms “negrophobia” with them from home; Klement argues that, since these emigrants were “usually illiterate and poor, leading a hand-to-mouth existence,” “their ego[s] [were] enchanted by the knowledge that there was a class below them on the social and economic scale.”<sup>110</sup> Because of their anti-black attitudes anxiety toward the idea of racial equality, Ohioans of German, Irish, and Southern descent would have been especially receptive to Democratic claims of Republican acceptance and encouragement of interracial sex and marriage.

Painting the Republican party as amalgamationists also worked in the favor if Democrats by forcing Republicans into supporting Democratic legislation and policies. While Republicans were most of the time just as racist as Democrats, they often had different ideas regarding the treatment of black people in their state, as well as on the national level. For instance, Fowler argues that Republicans were much more likely to request the repeal of racially discriminatory law than were Democrats.<sup>111</sup> However, he also indicates that Democrats labeled almost any person who challenged discriminatory legislation as amalgamationist.<sup>112</sup> This was especially true in the case of opposition to anti-miscegenation legislation, in which Fowler claims that “direct agitation... was worse

---

<sup>108</sup> Ibid.

<sup>109</sup> Ibid., 170.

<sup>110</sup> Ibid., 171.

<sup>111</sup> Fowler, *Northern Attitudes*, 204.

<sup>112</sup> Ibid., 205.

than useless.”<sup>113</sup> Republicans were compelled to comply with Democratic legislation in order to avoid being labeled amalgamationists. therefore, likely losing the votes of those Ohioans who genuinely feared the implications of racial mixture.<sup>114</sup>

Democrats targeted Republicans by accusing them of supporting interracial romantic and sexual relationships; however, Fowler indicates that, in most cases, Republicans were just as critical of miscegenation as Democrats.<sup>115</sup> In fact, Republicans would often refute Democrats’ claims that the Republican party favored racial mixture by pointing out the many cases of sex between white men and black women (most of which were coerced under slavery as a function of master-slave relations). For instance, Republican Representative Clapp of Lake County argued that the anxiety Democrats displayed toward interracial relationships was a curious phenomenon because “not many years ago, [the Democrats] supported a man for the Tice [sic] Presidency who had lived a life time with a black woman as his wife.”<sup>116</sup> Similar suggestions of Democratic ambivalence toward sexual relationships between white men and black women can be found throughout the Ohio legislature’s debates surrounding Ohio’s 1861 anti-miscegenation bill. They are indicative of the extremely political nature of the bill and serve to demonstrate the animosity between the political parties at this time.

Ohio’s legislature passed the state’s anti-miscegenation law on January 31, 1861. At this point, the final statute included prohibitions of both sex and marriage between “any person of pure white blood...[and] any negro, or person having a distinct and visible admixture of African blood” and penalties for both the principals parties to and officiants

---

<sup>113</sup> Ibid., 206.

<sup>114</sup> Ibid., 205–211.

<sup>115</sup> Ibid., 196–7.

<sup>116</sup> “Ohio Legislature,” January 15, 1861.

of interracial marriages.<sup>117</sup> The passage of this law not only served as an indicator of the racial tensions in Ohio during the period just before the Civil War, but also as a way for Ohioans to maintain a racialized caste system in their state and still condemn the institution of slavery.

Ohio's anti-miscegenation law and racial anxieties can be thought of as the basis of a rhetorical tactic that both Ohio Democrats and Republicans took advantage of to attempt to discredit the opposite party and garner voter support. These attempts would play out at the national level during the presidential election of 1864, and the end of the Civil War would usher in a new surge of anti-miscegenation attitudes in Ohio during the Reconstruction period. However, this later wave of opposition to interracial sex and marriage would appear primarily in the public forum of the press as opposed to the fairly closed discussions of the Ohio legislature. The press's involvement during the Reconstruction period would bring ordinary, and mostly white, Ohioans into the mix as the intended audience for discussions of "racial mixture" and its perceived effects on white Ohio. As a result, public figures began to increase their use of common institutions such as Christian belief and white male paternalism toward white women to justify their anti-miscegenation attitudes and to encourage their development within the general public.

---

<sup>117</sup> *An Act to Prevent the Amalgamation of the White and Colored Races.*

## Chapter 3

### Threatening White Ohio: The Civil War and Reconstruction

In the year 1795, Thomas Jefferson penned a document entitled *Notes on the State of Virginia*. In it, he laid out a detailed description of his home state in response to several queries that the French ambassador posed in their correspondence. Jefferson wrote on everything from Virginia's landscape to its population to its system of laws. Not surprisingly, he also took time to convey his observations and thoughts on the force that drove Virginia's economy—its slaves.<sup>1</sup>

Not only was Thomas Jefferson the third president of the United States and the author of the Declaration of Independence, but he was also an avid patron of the sciences. As a result, he attempted to take an empirical position in his depiction of the black community and the implications of interracial marriage and sex. He wrote:

To our reproach it must be said, that though for a century and a half we have had under our eyes the races of black and red men, they have never yet been viewed by us as subjects of natural history. Advance it therefore as suspicion only, that the blacks, whether originally a distinct race, or made distinct by time and circumstances, are inferior to the whites in the endowments both of body and mind. It is not against experience to suppose, that different species of the same genus, or varieties of the same species, may possess different qualifications. Will not a lover of natural history then, one who views the gradations in all the races of animals with the eye of philosophy, excuse an effort to keep those in the department of man as distinct as nature has formed them? This unfortunate difference of colour [*sic*], and perhaps of faculty, is a powerful obstacle to the emancipation of these people. Many of their advocates, while they wish to vindicate the liberty of human nature, are anxious also to preserve its dignity and beauty. Some of these, embarrassed by the question 'What further is to be done with them?' join themselves in opposition with those who are actuated by sordid avarice only. Among the Romans emancipation required but one effort. The slave, when made free, might mix with [the general population], without staining the blood of his

---

<sup>1</sup> Thomas Jefferson, "Query XIV: 'Laws,'" in *Notes on the State of Virginia*, ed. Merrill D. Peterson, 1782nd ed. (New York: Library of America, 1984), 263–270.

master. But with us a second is necessary, unknown to history. When freed, he [the slave] is to be removed beyond the reach of mixture.<sup>2</sup>

Jefferson uses this passage to advance a notion that would change the way that Americans thought about race. Though European thinkers had sown the seeds for a “scientific” examination of racial difference during the seventeenth and eighteenth centuries, the idea did not really catch fire in America until much later.<sup>3</sup> One can argue that Jefferson’s writings served, in part, as an impetus for the movement toward race science in the United States.<sup>4</sup>

Several mutually dependent ideas came out of the field of race science in the eighteenth and nineteenth centuries. One such notion was that the world’s population could be grouped into categories based on physical appearance and geographic origin. Race scientists also believed that these factors could predict a person’s personality and behavior. Finally, race scientists and ethnologists used these ideas as a base for the concept that the different races could be organized into a hierarchy in which Anglo-Saxon whites appeared at the top and Africans and African Americans usually appeared at the bottom.<sup>5</sup> Such a hierarchy provided white Americans who opposed interracial sex and marriage with yet another means by which to justify their attitudes.

While modern science prides itself on a separation from religion and folk beliefs, such was not always the case. In fact, social anthropologist Audrey Smedley argues that racial scientists in the eighteenth and nineteenth centuries “could not function with self-

---

<sup>2</sup> Ibid., 270.

<sup>3</sup> It is important to understand that, while most modern Americans would not consider the study of racial difference to be scientific, our nineteenth-century counterparts believed just the opposite. As a result, I will be using the term “scientific” to refer to these studies. Doing so will allow both me and my readers to better understand the kind of authority that Americans and Ohioans in the past put into race science.

<sup>4</sup> Audrey Smedley, *Race in North America: Origin and Evolution of a Worldview*, Third ed. (Boulder, CO: Westview Press, 2007), 201.

<sup>5</sup> Ibid., 184–190.

conscious independence of the aesthetic, social, and moral values of [their] culture, nor could [they] assess the descriptive materials on which the classifications were based with a critical eye. Thus there was nothing neutral, objective, or scientific (by modern standards) about the elements bound together in the idea of race.”<sup>6</sup> Smedley’s argument fits together nicely with that of historian Peggy Pascoe, who argues that in the nineteenth century the foundational concepts of science and religion converged to form the notions of “nature” and “naturalness,” which white Americans often used to categorize and criticize certain behaviors as appropriate or inappropriate—especially when it came to matters of sex and marriage.<sup>7</sup>

Nineteenth century white Ohioans also embraced the race science and religious notions of their time; they too utilized the concept of naturalness to justify and legitimize their anti-miscegenation attitudes. Furthermore, they tended to do so in the midst of the Civil War and Reconstruction—when the fields of race science and ethnology were beginning to reach their zenith. I will argue these points by first outlining the political and racial contexts in which Ohioans found themselves during the Civil War and just after. I will then briefly discuss the origins of the “nature” concept. Finally, I will examine several key primary sources in which white Ohioans used the rhetoric of nature to give credence to their opposition to interracial marriages and sex. These sources will allow me to show how Ohioans made use of scientific and religious notions to explain their anti-miscegenation attitudes.

While political and racial tensions ran high throughout the United States during the Civil War, this was especially true in the case of Ohio. Such a trend is evidenced by

---

<sup>6</sup> Ibid., 178.

<sup>7</sup> Pascoe, *What Comes Naturally: Miscegenation Law and the Making of Race in America*, 71.

power shifts between political parties within the state during this period. Historian Robert D. Sawrey addresses this matter in his book *Dubious Victory: The Reconstruction Debate in Ohio* when he writes on Ohio's political "volatility."<sup>8</sup> He first notes the fact that, in Ohio, the Republican and Democratic parties were nearly evenly matched. Understanding this point is key because it is indicative of the political diversity that Ohio brought to the table, as well as of the political turmoil that occurred within the state. With only a small majority of Ohioans supporting the ideals of the Republican party and the other half supporting the ideals of the Democratic party, Ohioans were nearly always at odds regarding the position their state would take on matters such as black voting rights and emancipation.<sup>9</sup>

One thing Ohioans could agree on, however, was the necessity of bringing the Union together again.<sup>10</sup> In fact, as Sawrey notes, the Union party—a combination of Republicans and Democrats who sought to maintain and rebuild the United States as a single nation—"secur[ed] between 56 and 60 percent of the vote in statewide elections in 1861, 1863, and 1864."<sup>11</sup> Unionists also maintained control of Ohio as the Civil War came to a close.<sup>12</sup>

In 1862, however, white Ohioans endorsed racial conservatism when the Democratic party won control from the Unionists. Sawrey argues that this occurred because of Ohio Democrats' "rel[iance]...on the racial fears aroused by the preliminary Emancipation Proclamation and the dismal performance of the Union armies."<sup>13</sup> In other

---

<sup>8</sup> Robert D. Sawrey, *Dubious Victory: The Reconstruction Debate in Ohio* (Lexington: The University of Kentucky Press, 1992), 5.

<sup>9</sup> Cayton, *Ohio: The History of a People*, 117.

<sup>10</sup> Sawrey, *Dubious Victory: The Reconstruction Debate in Ohio*, 5.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

words, Ohio voters turned to the Democratic party because it offered relatively conservative views on the issues of slavery and emancipation, as well as a concrete desire to curb further black immigration to Ohio.<sup>14</sup> Both characteristics would have been desirable for a population that faced uncertainty in terms of the outcome of the war that embroiled the nation, as well as in regard to how emancipated slaves would fit into white society. Furthermore, it is possible that Democrats gained the majority in Ohio because of the party's firm belief in states' rights, and the federal government's increasing intervention with the institution of slavery flew in the face of that notion.<sup>15</sup>

White Ohioans may have also elected a Democratic government in 1862 because of the threat that abolition posed to the labor market within the state. In her article "A Dilemma of Civil Liberties: Cincinnati's Black Community," historian K. Luci Petlack asserts that "free blacks and immigrants already competed for available employment [in Ohio] [and that] abolition would [have] serve[d] only to worsen the relationship."<sup>16</sup> Similarly, in his article "Midwestern Opposition to Lincoln's Emancipation Policy," historian Frank L. Klement argues that white laborers in Ohio—particularly Irish-Americans—feared that, if emancipated, blacks would dominate the Northern workforce and drive down the cost of labor and quality of living.<sup>17</sup> These anxieties played out in race riots that took place in both Toledo and Cincinnati in July 1862.<sup>18</sup> In both of these

---

<sup>14</sup> "Remarks of Hon. Thomas J. Orr, in Senate, January 31st, 1861, on House Bill No. 46, to Prevent the Amalgamation of the African with the White Races, in Ohio."

<sup>15</sup> National Archives and Records Administration, "Preliminary Emancipation Proclamation, 1862," *American Originals*, accessed March 2, 2016, [http://www.archives.gov/exhibits/american\\_originals\\_iv/sections/preliminary\\_emancipation\\_proclamation.html#](http://www.archives.gov/exhibits/american_originals_iv/sections/preliminary_emancipation_proclamation.html#).

<sup>16</sup> K. Luci Petlack, "A Dilemma of Civil Liberties: Cincinnati's Black Community, 1862-1863.," *Ohio History* 120 (2013): 53.

<sup>17</sup> Klement, "Midwestern Opposition to Lincoln's Emancipation Policy," 170.

<sup>18</sup> *Ibid.*, 176.

situations, white employers brought black workers in as scabs while white laborers were striking for better wages.<sup>19</sup> The white workmen retaliated by destroying black property and portions of the black residential areas in both cities.<sup>20</sup> The fact that these riots occurred in two different cities, but in the same month of the same year is indicative of the increasingly tense race relations within the state of Ohio during the Civil War.

Another indicator of the racial tensions within Ohio is the fact that Ohioans were some of the nation's foremost leaders in opposing Lincoln's emancipation policy. In fact, Klement notes that key Ohioans such as Democratic Congressmen Clement L. Vallandigham and Samuel S. Cox played an integral role in these efforts.<sup>21</sup> Ohio Democrats, however, did not originally oppose Lincoln's approach toward the question of emancipation; rather, they originally offered "qualified support to the [Republican] government and the Lincoln Administration."<sup>22</sup> This was likely the case for two reasons. First, as Klement mentions, the beginning of the Civil War encouraged a nation-wide sense of patriotism that transcended party lines.<sup>23</sup>

Second, and most importantly, it is probable that the Democratic party also appreciated Lincoln's initial views on emancipation, which, to a certain degree, aligned with Democratic values. Lincoln declared these view in his first inaugural address on March 4, 1861. He stated that "[h]e ha[d] no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exist[ed]...[and that he had]...no lawful right...[or]...inclination to do so."<sup>24</sup> Lincoln acted on this point when he rescinded

---

<sup>19</sup> Ibid.

<sup>20</sup> Ibid., 176–7.

<sup>21</sup> Ibid., 175.

<sup>22</sup> Ibid., 172.

<sup>23</sup> Ibid.

<sup>24</sup> Joint Congressional Committee on Inaugural Ceremonies, "Abraham Lincoln: First Inaugural Address," in *Inaugural Addresses of the Presidents of the United States: From George Washington to Barack Obama*,

one Union General's orders to seize the "property of rebels within his jurisdiction" and to emancipate their slaves.<sup>25</sup> In response to his choice to revoke these orders, the Lincoln administration experienced a lack of support from the abolitionists within his own party and a surge of support from the Democratic party.<sup>26</sup> As the Civil War raged on, however, Lincoln's attitudes turned increasingly toward supporting emancipation.<sup>27</sup>

By September 1862, Lincoln had decided that the time was right for the federal government to intervene with the institution of slavery and, therefore, issued his Preliminary Emancipation Proclamation, which stated that the slaves in any state still in rebellion by January 1, 1863 would be "then, thenceforward, and forever free."<sup>28</sup> In an article entitled "How President Lincoln Decided to Issue The Emancipation Proclamation," historian James M. McPherson argues that Lincoln issued this preliminary proclamation in an effort to, in the vernacular, pull the rug out from underneath the South.<sup>29</sup> According to McPherson, Lincoln, as well as other members of his party, recognized the absolutely foundational role that slavery played in Southern society and that having an external labor force allowed Southerners to devote a tremendous amount of time, energy, and able bodies to the war effort—much more than could Northerners who had to split their time between soldiering and tending to responsibilities at work and at home.<sup>30</sup> To underline this point, McPherson quotes a piece of correspondence between General-in-Chief Halleck and Ulysses S. Grant, in which Halleck wrote that , "[e]very

---

Bicentennial Ed., Senate Document (United States. Congress. Senate); 101-10 (Washington, DC: US Government Publishing Office, 1989), <http://www.bartleby.com/124/pres31.html>.

<sup>25</sup> Klement, "Midwestern Opposition to Lincoln's Emancipation Policy," 173.

<sup>26</sup> Ibid., 173–174.

<sup>27</sup> Ibid., 174.

<sup>28</sup> National Archives and Records Administration, "Preliminary Emancipation Proclamation, 1862."

<sup>29</sup> James M. McPherson, "How President Lincoln Decided to Issue the Emancipation Proclamation," *The Journal of Blacks in Higher Education* 31 (2002): 108.

<sup>30</sup> Ibid.

slave withdrawn from the enemy is the equivalent of a white man put *hors de combat* [a French term which the Oxford English Dictionary defines as “disabled from fighting”<sup>31</sup>].”<sup>32</sup> As most Americans know, Lincoln followed through with his promise to use his executive powers to demand the emancipation of slaves in states still in rebellion as of January 1, 1863.<sup>33</sup> As a result, he regained the support of abolitionist Republicans, but irrevocably lost that of the Democratic party.<sup>34</sup>

Members of the Democratic party expressed their disdain for Lincoln and his emancipation policies most vehemently as he ran for re-election in the 1864 presidential race. Just as Ohio Democrats had in 1861, their peers on the national level attempted to discredit Lincoln, his administration, as well as his party by accusing them of supporting and encouraging racial mixture through sex and marriage. Again, Democrats played on the racial anxieties of white voters throughout the Union to draw support away from their opponents’ attractive platform of abolition as a moral cause. Democratic politicians knew that, while many white Americans supported the *idea* of abolishing the institution of slavery, they were quite uncertain about how such a feat would play out on the ground. Once again, Democrats took advantage of this uncertainty and spun a story about a post-Civil War, post-emancipation United States. In this new America, “the colored man [was] a legal voter...[occupying] public positions, from policeman up to President,”<sup>35</sup> “white

---

<sup>31</sup> “Hors de Combat, Adv.,” *OED Online* (Oxford: Oxford University Press, December 2015), <http://0-www.oed.com.dewey2.library.denison.edu/view/Entry/88581?redirectedFrom=hors+de+combat>.

<sup>32</sup> McPherson, “How President Lincoln Decided to Issue the Emancipation Proclamation,” 108.

<sup>33</sup> Abraham Lincoln, “The Emancipation Proclamation,” *National Archives & Records Administration*, January 1, 1863, [https://www.archives.gov/exhibits/featured\\_documents/emancipation\\_proclamation/print\\_friendly.html?page=transcript\\_content.html&title=Emancipation\\_Proclamation](https://www.archives.gov/exhibits/featured_documents/emancipation_proclamation/print_friendly.html?page=transcript_content.html&title=Emancipation_Proclamation).

<sup>34</sup> Klement, “Midwestern Opposition to Lincoln’s Emancipation Policy,” 175.

<sup>35</sup> Seaman, *What Miscegenation Is! And What We Are to Expect Now That Mr. Lincoln Is Re-Elected*, 5.

and pale faces [were] discarded [in favor of ‘dark complexions’],”<sup>36</sup> and “it [was] desirable [that] the white man should marry the black woman and the white woman the black man.”<sup>37</sup> Ultimately, the Democratic party used the possibility of these conditions to influence the political opinions of white voters throughout the nation.

Ohio Democrats also engaged in accusing the Lincoln administration and the Republican party of favoring a society in which racial mixture was common. In an 1864 speech entitled *Miscegenation or Amalgamation: Fate of the Freedman*, Democratic Ohio congressman Samuel S. Cox claimed to prove that his Republican counterparts desired such a society by referencing the pamphlet that we now know to be a satire—*Miscegenation: The Theory of the Blending of the Races*.<sup>38</sup> He noted the authors’ supposed call to arms for “‘anti-slavery men everywhere to advocate the mingling of the two races,’” for the “‘next presidential election [to] secure to the blacks all their social and political rights,’” and for “‘the progressive party [to] not flinch from conclusions fairly deducible from their own principles.’”<sup>39</sup> Cox interpreted these statements as referring to the Republican party because of their mention of abolitionists. In fact, he states that “[he]...quoted these extracts [from *Miscegenation* and other writings] to show that there [was] a doctrine...being advertised and urged by the leading lights of the Abolition party, toward which the Republican party [would] and must advance.”<sup>40</sup> Cox’s attitudes, as evidenced by the statements in his speech, are indicative not only of the use

---

<sup>36</sup> Ibid.

<sup>37</sup> Croly and Wakeman, *Miscegenation: The Theory of the Blending of the Races, Applied to the American White Man and Negro*, 19.

<sup>38</sup> Cox, “Miscegenation or Amalgamation: Fate of the Freedman,” 7.

<sup>39</sup> Ibid.

<sup>40</sup> Ibid., 10.

of a racist political tactic to gain support for the Democratic party, but also of white male Ohioans' anxiety of losing their absolute control over the state.

Democratic politicians certainly had a political motive to present to the American public the possibility of a fully integrated society. However, it is also possible that such predictions were born out of sincere anxieties regarding what American society would look like after emancipation. When Ohio politicians were seeking to pass their state's anti-miscegenation bill in 1861, the abolition of slavery was a murky possibility at best. Just three years later, though, its effects on the United States were almost tangible. More than ever before, white Americans were forced to consider how a population of four million free blacks would fit into their very well-established, white-dominated society. And, with all that white Americans had come to believe about blacks and their intelligence, work ethic, and sex drives, it is no wonder that they immediately assumed disaster would accompany a flood of newly freed blacks. What was worse is that science supported these beliefs.

The mid-nineteenth century was an incredibly pivotal moment for the social construction of race. By this point, white Europeans and Americans had established the frameworks for race as a natural way to categorize human life.<sup>41</sup> As such, they had the freedom, as well as the necessity, to develop schools of thought that were "critical not only to the affirmation of the existence of races and race differences as natural and inborn but also to the formulation of public policies and to the treatment of various immigrant groups still to come."<sup>42</sup> As previously mentioned, many of these schools of thought tended to be scientific in nature and often established hierarchical rankings of the

---

<sup>41</sup> Smedley, *Race in North America: Origin and Evolution of a Worldview*, 235.

<sup>42</sup> Ibid.

different races; however, they were themselves embedded in the religious and cultural beliefs that dominated many countries in Europe, as well as their colonies.

When establishing their systems of racial hierarchy, Europeans—especially the English and their colonists—came in with a solid idea of which group would occupy the highest ranking: themselves. What they needed to establish was where people of other races fit in. Smedley argues this point by claiming that “all seventeenth- and eighteenth-century scientific classifications were burdened by the heavy weight of ethnocentrism, and subjective judgments on the physical features [and behaviors] of non-Europeans.”<sup>43</sup> In fact, eighteenth century race scientist Johann Blumenbach, whose field of specialty was craniology, or the study of human skulls, “believed that the original human form was that of European whites...[and that]...they were the most physically attractive of the varieties of humankind.”<sup>44</sup> Blumenbach then went on to use the white European skull, which he dubbed “Caucasian,” as the gold standard by which he made “[v]alue judgments about other human groups.”<sup>45</sup> In other words, the less a skull resembled the Caucasian ideal, the less attractiveness and worth it, and its deceased owner, possessed.<sup>46</sup>

Smedley contends that such appraisals based upon physical structures were not uncommon during the eighteenth century. She argues that “[i]t was a part of the general cultural values of the European world that people with black skins, thick lips, and woolly hair compared unfavorably with those who had white skins, straight hair, and narrow features.”<sup>47</sup> Ranking the races based on physical appearance only served as a gateway for

---

<sup>43</sup> Ibid., 172.

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

<sup>47</sup> Ibid., 172–173.

the more insidious kinds of ideas that would rise up when scholars began linking personal, intellectual, and moral characteristics with physical ones.

Racial determinism, or “[t]he idea that biological variations account for differences in cultural behavior,” was one of the primary characteristics of American racial thought during the nineteenth century.<sup>48</sup> In fact, Smedley argues that, “by the mid-nineteenth century...[the concept] had become the central key to the interpretation and explanation of all human achievements and failures.”<sup>49</sup> The idea of racial determinism also allowed race scientists to “[construct] definitions and characterizations of each racial population,” thereby opening the door to the interpretation that each race was different enough from the others to be its own species and that the mixture of these species via sex would result in disastrous consequences.<sup>50</sup>

At both the state and national levels, anti-emancipation politicians warned that the miscegenation in which they believed abolition would result would wreak havoc on American society and government, as well as on the established notion of distinct and clearly defined races. They drew upon the race science of their day to give credence to their predictions. For example, in his 1864 speech, Ohio congressman Samuel S. Cox railed against the creation of a Freedman’s Bureau to help support the black individuals freed by the Emancipation Proclamation. He argued that the American government had no business funding such a “philanthropic” effort because of the Constitution’s separation and delegation of federal and state powers.<sup>51</sup> Further, he claimed that, even if federal funding of such a program were Constitutional, the effort would be fruitless. Cox asserted

---

<sup>48</sup> Ibid., 192, 235–237.

<sup>49</sup> Ibid., 194.

<sup>50</sup> Ibid., 236.

<sup>51</sup> Cox, “Miscegenation or Amalgamation: Fate of the Freedman,” 3–4.

that “[n]o [g]overnment farming system, no charitable black scheme, [could] wash out the color of the negro, change his inferior nature, or save him from his inevitable fate.”<sup>52</sup> “[T]he black,” he predicted, “would perish.”<sup>53</sup>

Cox then went on to claim that members of the Republican party would attempt to prevent the extermination of the black race by conceiving mixed-race children with black individuals. Again, he stressed that such efforts would fail.<sup>54</sup> Rather, he declared that the mixed-race children of interracial couples would only further burden the American government and taxpayers. Cox even envisioned the necessity of “a department for the hybrids who [would be] cast upon the care of the [g]overnment by th[e] system of miscegenation.”<sup>55</sup> He did so because the race scientists of his day believed that “the mulatto [did] not live...[and that]...he [was] a monster.”<sup>56</sup> Further, these scientists argued that “[s]uch hybrid races by a law of Providence, scarcely survive[d] beyond one generation.”<sup>57</sup> One race scientiss who held these beliefs was Dr. Josiah C. Nott of Mobile, Alabama.

In an article entitled “The Mulatto A Hybrid—Probable Extermination of the Two Races if the Whites and Blacks are Allowed to Intermarry,” Nott argued that mixed-race individuals were hybrids, or the results of reproduction between members of two distinct species.<sup>58</sup> Additionally, he claimed that people of mixed heritage were substantially weaker in body and health than either of their parents.<sup>59</sup> In terms of intelligence,

---

<sup>52</sup> Ibid., 5.

<sup>53</sup> Ibid.

<sup>54</sup> Ibid.

<sup>55</sup> Ibid., 10.

<sup>56</sup> Ibid., 5.

<sup>57</sup> Ibid.

<sup>58</sup> Nott, “The Mulatto A Hybrid--Probable Extermination of the Two Races If the Whites and Blacks Are Allowed to Intermarry,” 1.

<sup>59</sup> Ibid., 1–2.

however, Nott asserted that mixed-race people tended to take after their white parents and, therefore, “[were] intermediate in intelligence between the whites and blacks.”<sup>60</sup>

This idea concurred with the established racial hierarchy that existed in Nott’s day.

Nott supported his points by drawing on notions of agricultural science and comparing human beings to livestock. For example, he made note of the “great variety of hybrids running through the whole chain of animated nature.”<sup>61</sup> Nott then described the different “rules” that scientists believed hybrids in the animal kingdom adhered to, such as that “the hybrid derive[d] its size and internal structure principally from the mother,” using the mule as an example of this notion.<sup>62</sup> Next, he wondered if “it [was] not reasonable that the human hybrid...also [had] its peculiar laws.”<sup>63</sup> Finally, Nott argued that “the male and female Mulatto [did] not produce so many children together, as if they were united respectively to negresses or Europeans.”<sup>64</sup> “What else could [the world] expect,” he wondered, “in breeding from a faulty stock—a stock which [had] been produced by a violation of nature’s laws—but that they should become more degenerate in each successive generation?”<sup>65</sup> As Ohio congressman Samuel S. Cox noted in his speech *Miscegenation or Amalgamation: Fate of the Freedman*, the idea that mixed-race individuals were inferior to both blacks and whites encouraged white Ohioans to believe that interracial marriage and sex would be a detriment to society within their state.<sup>66</sup> Nott’s beliefs surrounding the idea that blacks and whites were different species additionally reflect the scientific and religious views of the mid to late nineteenth century.

---

<sup>60</sup> Ibid., 1.

<sup>61</sup> Ibid., 2.

<sup>62</sup> Ibid.

<sup>63</sup> Ibid.

<sup>64</sup> Ibid., 3.

<sup>65</sup> Ibid.

<sup>66</sup> Cox, “Miscegenation or Amalgamation: Fate of the Freedman.”

When race scientists and ethnologists first began working to understand racial difference and the variations in mankind, the general consensus was that all the different races, all over the world originated from a single creation and were simply variations of a single species. This notion, known as monogenesis, was based on what historian Faye Botham terms the Protestant theology of race in her book *Almighty God Created the Races: Christianity, Interracial Marriage, and American Law*.<sup>67</sup>

Prior to the Civil War and the organized abolition efforts that preceded it, the Protestant theology of race was based upon what is known as “The Curse of Ham.” This Bible story, located in Genesis 9, tells of Noah and his sons, Shem, Japheth, and Ham. One day, after imbibing too much wine, Noah was sleeping naked in his tent. Ham found him in this state and beckoned to his brothers to come and see. Shem and Japheth then covered their father’s naked body with a cloak while Ham laughed. When Noah awoke, he was displeased with Ham’s behavior and doomed his descendants to serve his brothers’ for eternity.<sup>68</sup> European Christians began associating Ham with blackness around the fifteenth century—the same period in which they traversed the coast of West Africa and began to move inland.<sup>69</sup> However, it was not until the seventeenth and eighteenth centuries that the story rose to fame as a means for justifying racialized slavery.<sup>70</sup> Botham argues that this was a result of the desire to explain the differences between Europeans and Africans once they were in close quarters in the New World. She also asserts that, in the eighteenth century, European thinkers were beginning to question

---

<sup>67</sup> Botham, *Almighty God Created the Races: Christianity, Interracial Marriage, and American Law*, 94–5. While modern thought about the origins of man resembles the notion of monogenesis, it is important to note that the nineteenth century version possessed an extremely Eurocentric slant while current ideas tend to focus on man’s origins in Africa.

<sup>68</sup> Ibid.

<sup>69</sup> Ibid., 95.

<sup>70</sup> Ibid., 97.

the morality of chattel slavery and that slaveholders needed a holy rationale to refute their challenges.<sup>71</sup>

In the middle of the nineteenth century, the Biblical evidence that Protestants used to explain the differences between people of African and European descent and justify racial segregation shifted as abolitionism became more prominent in American society. Rather than calling upon the Curse of Ham as a justification for slavery, white Christians called upon the story of the Tower of Babel as a justification for racial segregation.<sup>72</sup> According to this text, humans originally spoke a common language, which allowed them to create a plan to build a tower to Heaven. God was displeased with this desire and made it so that they could never collude in such a way again by “‘confound[ing] their language’ ...[and]...‘scatter[ing] them abroad...upon the face of all the earth.’”<sup>73</sup> Botham argues that this passage was so effective as a base for the white, Protestant theology of race because it “‘offered an explanation and justification for the social and political inequality of black persons; it was ‘God’s mandate for racial segregation.’”<sup>74</sup> She also asserts that this notion gained credence with the rise of scientific racism during the second half of the nineteenth century.<sup>75</sup>

Some mid-nineteenth century race scientists and ethnologists, however, believed that the world’s races came as a result of several different creations. Known as polygenesis, this concept was based on the idea that “each race was a separate species, products of separate creations, specifically preadapted by God for the geographic area in

---

<sup>71</sup> Ibid., 101.

<sup>72</sup> Ibid., 99.

<sup>73</sup> Ibid., 94.

<sup>74</sup> Ibid.

<sup>75</sup> Ibid., 103.

which it was found.”<sup>76</sup> While monogenists supported their beliefs primarily with Biblical evidence, polygenists drew on the supposed vast physical and behavioral distinctions between the different racial groups.<sup>77</sup> Smedley argues that the notion of polygenesis developed because of mid-nineteenth century America’s desire to “maximize the number of scientific ways by which races could be differentiated,” which, in turn, came as a “besieged culture’s response to the rise of militant abolitionism, the threat of emancipation, and its own fear of irrevocable social changes.”<sup>78</sup>

Additionally, Smedley argues that, while Darwin’s Theory of Evolution should have all but extinguished the polygenist point of view, the notion remained quite popular throughout the realm of race science.<sup>79</sup> She claims that this is because, by the time Darwin’s theory circulated to the public, “[r]ace in the American collective consciousness had already assumed the same dimensions of differentiation as ‘species,’ even without a change in the terminology.”<sup>80</sup> In other words, most white Americans already believed that the races—especially white and black—were different enough from each other to be considered separate species; the opinions of one scientist or another regarding the origins of mankind did little to alter that perspective.

Buckner H. Payne of Kentucky, and later, Tennessee, was one authoritative figure who subscribed to the polygenist point of view. In 1867, Payne published a pamphlet in Cincinnati, Ohio, under the pseudonym Ariel, entitled *The Negro: What is His Ethnological Status?*, proclaiming his views.<sup>81</sup> Payne used his pamphlet to refute two

---

<sup>76</sup> Smedley, *Race in North America: Origin and Evolution of a Worldview*, 236.

<sup>77</sup> Ibid., 238.

<sup>78</sup> Ibid., 239.

<sup>79</sup> Ibid., 246.

<sup>80</sup> Ibid.

<sup>81</sup> Buckner H. Payne, *The Negro: What Is His Ethnological Status*, 2nd ed. (Cincinnati, Ohio, 1867), <<http://0-galenet.galegroup.com.dewey2.library.denison.edu/servlet/Sabin?>

assumptions about the origins of black individuals that were common during the nineteenth century: “[t]hat the negro [was] the descendant of Ham, the youngest son of Noah...[and]...[t]hat the negro [was] a descendant or, or the progeny of, Adam and Eve.”<sup>82</sup> Rather he argued that “the negro...*came out of the ark*...and [was] a totally different race of men from the three brothers [Ham, Shem, and Japheth]...[H]e went into the ark by *the command of God...as a beast, and along with the beasts*.”<sup>83</sup> Payne believed that these so-called facts proved that God created blacks prior to Adam and Eve, on the fifth day, which in turn meant that blacks and whites were completely separate species.<sup>84</sup>

Payne also used his pamphlet to rail against sexual relationships between blacks and whites. In fact, he argued the Biblical Flood occurred as a result of God’s anger toward human beings for engaging in sex with blacks. Payne claimed that such racial mixture occurred when the sons of Adam and Eve—who he believed were white and to whom the Bible refers as “sons of God”—made wives of “daughters of men”—who Payne argued were black.<sup>85</sup> “[God],” Payne asserted, “determined to destroy [the sons, or descendants, of Adam], and with them the world, by a flood, and for the crime of *amalgamation or miscegenation of the white race* with that of *the black—mere beasts of the earth*.”<sup>86</sup> He then went on to use this point as means to prove what he termed the “awful nature” of miscegenation.<sup>87</sup> Though not all white Americans agreed with Payne’s

---

af=RN&ae=CY101770529&srchtp=a&ste=14>.

<sup>82</sup> Ibid., 3.

<sup>83</sup> Ibid., 20.

<sup>84</sup> Ibid., 22.

<sup>85</sup> Ibid., 27.; Gen. 6:1-4

<sup>86</sup> Ibid.

<sup>87</sup> Ibid.

views, his vitriolic pamphlet can still serve as a symbol of the general racial and anti-miscegenation attitudes of white Ohioans during the time in which it was written.

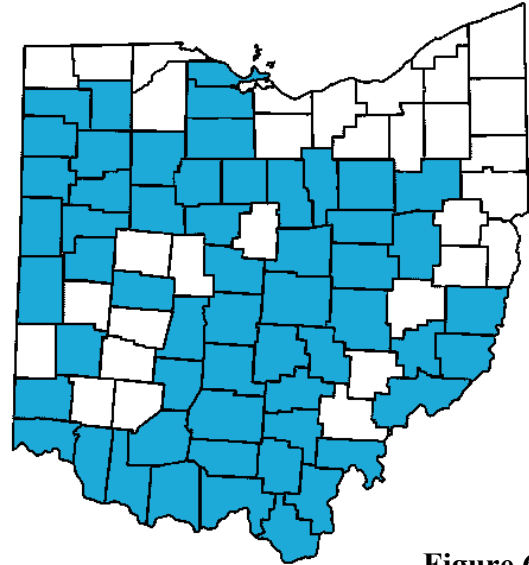
Anti-miscegenation attitudes surged throughout the United States during the Reconstruction period, and Ohio was no different. This surge was, once again, inspired by the threats that newly freed blacks posed to the white-dominated society, only this time, the threats were not imagined. One of the most significant threats to white supremacy, both in Ohio and throughout the United States, was black suffrage. People of color having the right to vote sparked tremendous controversy between the political parties and even encouraged Democrats to return to their tactic of using white Ohioans' fear of miscegenation to warn against and discredit the policies that their Republican counterparts supported. Further, Ohio Democrats again drew on notions of race science to support their points.

The year 1867 was a pivotal one for the issue of black suffrage, both in Ohio, and on the national level. As a part of Radical Republican Reconstruction policy, Congress passed the First Reconstruction Act which not only divided the Southern states into military districts and imposed martial law, but also mandated that Southern state governments extend black men, twenty-one and older, the right to vote.<sup>88</sup> Additionally, in

---

<sup>88</sup> 40th United States Congress, "First Reconstruction Act: An Act to Provide for the More Efficient Government of the Rebel States," March 2, 1867, <http://teachingamericanhistory.org/library/document/first-reconstruction-act/>; Fowler, *Northern Attitudes*, 227.

this year, the Republicans of the Ohio State Legislature were able to demand a referendum vote on the issue of black suffrage in their state.<sup>89</sup> Ultimately, however, white Ohioans voted against giving suffrage to their black counterparts.<sup>90</sup> The map located in Figure 6 provides a visual representation of the Ohio counties in which a majority voted against black suffrage.<sup>91</sup>



**Figure 6**  
Map showing counties (represented in blue) where a majority voted against black suffrage in the 1867 referendum on the issue

In making this decision, white Ohio voters were likely influenced by the anti-black views that the Democratic party touted in speeches, pamphlets, and newspaper articles throughout the state. William Mungen, an Ohio Congressional representative from the Democratic party, gave a speech in response to the First Reconstruction Act of 1867 that was exemplary of these views.<sup>92</sup> In his speech, Mungen argued that in extending the right to vote to black males, the Republican party wished to “place the Negro, the Indian, Chinese, Esquimeaux [*sic*], white, and all other possible races of men on an equality before the law, at the ballot-box, in the jury box, in the legislative halls, in the social and domestic circle, and in the bed-chamber.”<sup>93</sup> In other words, he claimed that political equality would encourage blacks to pursue their right to social equality and even pursue sexual relationships with whites.

<sup>89</sup> Fowler, *Northern Attitudes*, 225.

<sup>90</sup> Ibid.

<sup>91</sup> This map is based on the found in Quillin, *The Color Line in Ohio: A History of Race Prejudice in a Typical Northern State*, 100.

<sup>92</sup> “Ethnological: Extracts from a Speech of Representative Mungen, Published in the Congressional Globe and Purporting to Have Been Delivered in the House, July 8.”

<sup>93</sup> Ibid.

Mungen supported his claim by citing notions of race science to show that the races were inherently *unequal* and that blacks lacked the mental capacity to possess the full rights and privileges of a citizen of a democracy. For instance, he quoted renowned racial scientist Dr. Robert Knox in claiming that “[t]he races of men, when carefully examined, [would] be found to show remarkable organic differences.”<sup>94</sup> Mungen also turned to religion to drive home his point concerning the fundamental inequality of the races. He argued that “[m]en [were] not equals, not endowed alike by the Creator, and [that] it [was] only folly for man to try to join together what God [had] separated so widely and so distinctly.”<sup>95</sup> Additionally, Mungen claimed that “[a]ll history show[ed] that a free government, administered according to law, [was] impossible, unless the people who creat[ed] the laws and accept[ed] them for their government [were] endowed with those qualities of mind and character which [had] never been exhibited by the negro race.”<sup>96</sup> These assertions not only served to establish that the black and white races were unequal by nature, and therefore, could not be made equal by any legislation, but also laid the foundations for Mungen’s ultimate prediction about the fate of an America in which blacks were allowed to vote.

If white Americans allowed the idea of racial equality to flourish, Mungen argued, not only would the nation see an increase in the number of interracial sexual and marital relationships, but also those relationships would wreak havoc on the United States.<sup>97</sup> In fact, he claimed that “[t]he mixing of races...[was] a fatal proceeding; fatal alike to the races, fatal to the family, and a degeneration to the individual. It violate[d] the laws of

---

<sup>94</sup> Ibid.

<sup>95</sup> Ibid.

<sup>96</sup> Ibid.

<sup>97</sup> Ibid.

organism, it deface[d] the image, it join[ed] together what God [had] separated, it create[d] monstrosities and nuisances in human nature.”<sup>98</sup> Further, he claimed that:

...it [was] true in history, and true in science, that nations which allow[ed] their national stock to be adulterated, which tolerate[d] amalgamation with other national types...perish[ed] forever...[and] that if those statesmen, those gentlemen [Radical Republicans] who are molding and shaping the policy and laws and regulations of our Government [*sic*], fail to be guided by experience, and science, and history in shaping a policy to prevent amalgamation, miscegenation, social and political equality of the different races, white, black, yellow, and brown, [the United States] [would] be suffocated, as it were, by these foolish and suicidal projects, these Utopians schemes of equality of races.<sup>99</sup>

Mungen’s arguments portrayed black suffrage as one of the worst tragedies that could happen to the United States, and he was not alone in his thinking.

Dr. William Fielding, a Representative in the Ohio State Legislature, expressed similar concerns about the effects of black suffrage on American society in a response to an article in the *New York World*.<sup>100</sup> Like Mungen, Fielding argued that black suffrage would lead to “the black and filthy mire of...Negro supremacy and ultimate *miscegenation*!”<sup>101</sup> Whether or not Fielding and Mungen’s beliefs about the effects of black suffrage were sincere, they were salient enough to prompt rebuttals from the Republican party.

The *Delaware Gazette* published two articles in response to the Democratic argument that, by supporting black suffrage, Radical Republicans also favored the notion of full racial equality in both the political and social realms. The authors of these articles argued to the contrary. For instance, the author of an article entitled “Social Equality”

---

<sup>98</sup> Ibid.

<sup>99</sup> Ibid.

<sup>100</sup> Fielding, “Dr. Fielding’s Letter to the Editor of the New York World.”

<sup>101</sup> Ibid.

asserted that such an idea was “absurd, preposterous, ridiculous, and [that] it [was] strange indeed that any man of common sense should be misled by it for a moment.”<sup>102</sup> He also argued that “social equality [could not] be established except by a change in the nature as well as condition of men.”<sup>103</sup> This statement indicates that white Republicans and their supporters also believed in the hierarchy of races.

The author of “Social Equality” also responded to the Democratic argument that black suffrage would lead to an increase in interracial sexual and marital relationships. First, he argued that “it [was] impossible to see how this could be unless the...whites...should be willing.”<sup>104</sup> In other words, he claimed that miscegenation could not occur unless whites also consented to the relationships. The author further challenged the Democratic argument that the Republican party wished to make miscegenation an accepted part of American society by claiming that “Democratic anxiety on [the] subject [of an increase in miscegenation] must [have sprung] from fear that the...virtuous tastes of the party [would] become depraved.”<sup>105</sup> Additionally, he asserted that Ohio’s voting laws at the time—which were crafted by Democrats in the first place—were actually a driving force of miscegenation in Ohio because racial mixture “[was then] the only process by which the colored race [could] reach the ballot box. A certain percentage of white blood admitt[ed] the colored male to the right to vote, but if he fail[ed] of that percentage even by a hundredth part he fail[ed] of his privilege.”<sup>106</sup>

---

<sup>102</sup> “Social Equality.”

<sup>103</sup> Ibid.

<sup>104</sup> “Social Equality.”

<sup>105</sup> Ibid.

<sup>106</sup> “‘Miscegenation’ Is the Horror of Horrors to the Democratic Mind.”; “Social Equality.”

The author of another *Delaware Gazette* article made a similar argument and went one step further by stating that “[Republicans] confidentially hoped that...the mixture of the negro and the Democratic races, which [had] been carried on to an alarming extent in the Southern states, [would] at least partly cease. [They] hoped so for the African’s sake especially.”<sup>107</sup> This final statement would have been the ultimate insult toward Democrats: it implied that they were not worth to intermarry even with blacks—whom both parties believed occupied the lowest rungs on the social and racial ladders.

The year 1867 also saw white Ohioans beginning to use rhetoric surrounding white women and their virtue as a means to justify their anxieties about the perceived consequences of racial equality—including increased miscegenation. For instance, in response to the referendum on black suffrage, the Democratic party staged “[p]olitical processions...contain[ing] floats bearing young [white] girls in white carrying banners inscribed ‘Fathers, save us from negro suffrage.’”<sup>108</sup> Such a tactic played on white men’s paternalistic desire to protect the women in their life and shattered the possibility of acknowledging any agency that white women may have contributed to interracial relationships. The coming chapter will explore the ways in which white male Ohioans engaged with their society’s expectations and preconceived notions surrounding white womanhood and black manhood to frame interracial sex and marriage as a danger to white women throughout the state.

---

<sup>107</sup> “‘Miscegenation’ Is the Horror of Horrors to the Democratic Mind.”

<sup>108</sup> Fowler, *Northern Attitudes*, 229–230.

## Chapter 4

### Gendering White Ohio: 1880-1887

A 1909 anti-suffrage postcard depicts a white man wearing an apron bent over a washtub while his baby sits on the floor, drinking from a bottle.<sup>1</sup> A picture frame in the top left corner holds a sampler that states “[e]verybody works but Mother: she’s a suffragette.”<sup>2</sup> Across the bottom, the postcard is emblazoned with the message “I want to vote, but my wife won’t let me.”<sup>3</sup> This postcard is an illustration of white men’s anxiety about how society would change if women earned the right to vote. It also demonstrates that white men felt threatened by their wives’, sisters’, daughters’, and mothers’ desire to step out of their traditional role as homemakers and have a say in the governance of the society in which they lived. Roughly twenty years prior to the publication of this postcard, white men in Ohio expressed their concern regarding efforts for women’s rights in a different way.

During the 1880s, white male Ohioans—especially those who were socially conservative—could feel the control of the state’s political and social lives slipping out of their grasp. As a result, they called upon their experience with using the threat of miscegenation as a source of racial anxiety to show other members of the white community the error of their ways in granting black men political equality. Additionally, they sought to warn against the consequences of gender equality by providing examples of white women who engaged in marital and sexual relationships with black men. In doing so, black men infringed upon the sole right of their white counterparts to white

---

<sup>1</sup> *I Want to Vote, But My Wife Won’t Let Me*, Lithograph, 1909.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

women's hearts and bodies.<sup>4</sup> Further, white women who engaged in interracial relationships stepped outside of the ideal of white femininity, bringing shame on themselves, and often on their families.<sup>5</sup> In this chapter, I will explore the development of white masculine and feminine ideals in the context of the late nineteenth century and use these ideals to interrogate the reports of interracial relationships that appeared in a variety of brief newspaper articles throughout the 1880s.

In their books *What Comes Naturally: Miscegenation Law and the Making of Race in America* and *Dangerous Liaisons: Sex and Love in the Segregated South*, historians Peggy Pascoe and Charles F. Robinson II both argue that the primary purpose of anti-miscegenation legislation in the United States was to maintain white male supremacy in the face of a rapidly changing social and racial hierarchy.<sup>6</sup> In fact, Pascoe argues that anti-miscegenation laws began appearing more frequently around the country “[a]s...[b]lack men began to claim the rights of citizens.”<sup>7</sup> At this point, she claims, “white men...began to focus on what seemed to be a more pressing question. In a world without slavery..., where would the privileges and responsibilities of free white men begin and end[?]”<sup>8</sup> Robinson makes a similar argument when he claims that “[w]hite men would not readily abandon their exclusive privilege to white women.”<sup>9</sup> Finally, Pascoe argues that “...the enforcement, expansion, and entrenchment of miscegenation law was selectively, and powerfully, linked to race-and-gender pairings.”<sup>10</sup> While both of these

---

<sup>4</sup> Robinson, *Dangerous Liaisons: Sex and Love in the Segregated South*, 40.

<sup>5</sup> “A Sensation Beived: ‘Othello’ Without the Tragedy,” *Wheeling Daily Intelligencer*, November 3, 1883.

<sup>6</sup> Pascoe, *What Comes Naturally: Miscegenation Law and the Making of Race in America*, 30; Robinson, *Dangerous Liaisons: Sex and Love in the Segregated South*, 2.

<sup>7</sup> Pascoe, *What Comes Naturally: Miscegenation Law and the Making of Race in America*, 34.

<sup>8</sup> Ibid.

<sup>9</sup> Robinson, *Dangerous Liaisons: Sex and Love in the Segregated South*, 40.

<sup>10</sup> Pascoe, *What Comes Naturally: Miscegenation Law and the Making of Race in America*, 30.

historians consider a primarily Southern perspective in their work, we have already, to an extent, seen that their claims can also be applied to white men from Ohio.

Historian Martha Hodes also addresses the gendered aspects of Southern anti-miscegenation rhetoric in her book *White Women, Black Men: Illicit Sex in the 19<sup>th</sup>-Century South*.<sup>11</sup> She argues that white Southerners' reactions to interracial relationships—especially those between white women and black men—evolved over time.<sup>12</sup> According to Hodes, white Southerners paid little public attention to such relationships before the abolition of slavery simply because of the total control whites had over the lives of black individuals; whites could punish the behavior as they saw fit and within the private realm of the household.<sup>13</sup> After the Civil War, however, Hodes claims that, “[w]ith the demise of slavery as a rough dividing line between black and white, the total separation of black people and white people became essential for whites who hoped to attain supremacy,” and that anti-miscegenation legislation served as a means to that end.<sup>14</sup> Like Pascoe, Hodes notes that white Southerners viewed relationships between white women and black men as more repugnant than those between white men and black women.<sup>15</sup> Finally, she indicates that class also played a role in how white Southerners reacted to relationships between black men and white women.<sup>16</sup>

In the South, black men who were even alleged to have had relationships with white women were met with unspeakable violence at the hands of white mobs and the Ku Klux Klan.<sup>17</sup> Klansmen also targeted white women alleged to be involved in interracial

---

<sup>11</sup> Hodes, *White Women, Black Men*.

<sup>12</sup> *Ibid.*, 1.

<sup>13</sup> *Ibid.*, 2.

<sup>14</sup> *Ibid.*, 5.

<sup>15</sup> *Ibid.*, 146.

<sup>16</sup> *Ibid.*, 5.

<sup>17</sup> *Ibid.*, 151–2.

relationships as they believed these women “were [also] potentially threatening to white men’s quest to retain their power in the face of [the] political and economic advances being made by freed people.”<sup>18</sup> While their attacks were not physically violent, the white Ohioans who wrote about cases of miscegenation and targeted black men and white women appear to have done so for the same reasons as their Southern counterparts.

Understanding how the idea of white masculinity developed in the late nineteenth century is essential to understanding why white male Ohioans took up issues of gender in their writings against interracial sex and marriage. In an article entitled “White Man’s Burden—The Politics of Hegemonic Masculinity in American Culture,” professor of American Literature Anna Pochmara argues that the notions of whiteness and masculinity have been linked together throughout the course of American history.<sup>19</sup> While Pochmara’s work is not technically historical, she does provide quite a bit of useful background information on the factors that influenced the development of white masculinity in the late nineteenth century.

In fact, Pochmara presents two major schools of thought on the way that ideas surrounding white masculinity shifted during the nineteenth century; both are based in economics.<sup>20</sup> One perspective argues that, prior to the 1830s, the ideal man was either a “‘Genteel Patriarch’...[who] derived his male identity from land ownership” or a “‘Heroic Artisan’...[who] represent[ed] an urban model of hereditary craftsmanship.”<sup>21</sup> During and after the 1830s, however, these images were replaced with that of

---

<sup>18</sup> Ibid., 165.

<sup>19</sup> Anna Pochmara, “White Man’s Burden--The Politics of Hegemonic Masculinity in American Culture,” *The Americanist* 23 (2006): 114.

<sup>20</sup> Ibid., 107.

<sup>21</sup> Ibid.

“‘Marketplace Manhood’” in which masculinity was determined by the acquisition of material goods.<sup>22</sup> Another part of the ideal of “‘Marketplace Manhood’” was that “men needed to stabilize their gender identity by excluding women from the public sphere of the marketplace,” thus creating a “border between the public and domestic spheres.”<sup>23</sup>

The second point of view that Pochmara presents argues that, from 1820 to 1860, the white, middle-class idea of manhood was based in self-employment. According to Pochmara, being self-employed “embodied the ideals of ‘manliness’: self-restraint, high-mindedness, and strong character.”<sup>24</sup> In fact, over 80% of men were employed as businessmen or farmers during the Antebellum period.<sup>25</sup> From 1870 to 1910, however, the economy shifted to make self-employment less favorable. As a result, white men entered the workforce, where they were forced to engage in and display so-called feminine behaviors such as “tact, teamwork, subordination, and...accept[ing] direction.”<sup>26</sup> Pochmara notes that women were also beginning to enter the workforce at an alarming rate during this period. “These changes,” she argues, “produced a need to remake the concept of Victorian *manliness* at the end of the nineteenth century. The concept was being slowly replaced with the term *masculinity*, which stood for ‘aggressiveness, physical force and male sexuality’ rather than moral values associated with manliness.”<sup>27</sup> Combined, these explanations of the development of white masculinity are useful to understanding the inclusion of gender rhetoric in white Ohioans’ anti-miscegenation attitudes.

---

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> Pochmara, “White Man’s Burden--The Politics of Hegemonic Masculinity in American Culture.”

<sup>26</sup> Ibid., 107.

<sup>27</sup> Ibid.

Just as nineteenth-century American society held a set of stringent expectations for white men, it possessed an equally rigorous set of expectations for white women. In an article published in 1966 and entitled “The Cult of True Womanhood,” historian Barbara Welter argues that “[white] [w]om[en], in the cult of True Womanhood presented by the women’s magazines, gift annuals and religious literature of the nineteenth century, was the hostage to the home.”<sup>28</sup> Additionally, Welter argues that “[t]he attributes of True Womanhood, by which a [white] woman judged herself and was judged by her husband, her neighbor and society could be divided into four cardinal virtues—piety, purity, submissiveness, and domesticity.”<sup>29</sup> These ideals served to dictate white women’s behavior in almost every facet of their lives.

The new conception of white masculinity was extremely vulnerable to perceived challenges from other identity groups, as well as from changes in social structure. In fact, Pochmara argues that, since “hegemonic masculinity [was] based on the unstable concept of success in the public sphere, it [was] fragile and susceptible to social changes and social crises.”<sup>30</sup> Nineteenth-century Americans also believed that shifts in social structure and power threatened the ideals of True Womanhood.<sup>31</sup> Welter claims that “[i]n the nineteenth century any form of social change was tantamount to an attack on woman’s virtue, if only it was correctly understood.”<sup>32</sup> Neither America nor Ohio was short of such changes and crises as the nineteenth century came to a close.

---

<sup>28</sup> Barbara Welter, “The Cult of True Womanhood,” *American Quarterly* 18, no. 2 (Summer 1966): 151.

<sup>29</sup> *Ibid.*, 152.

<sup>30</sup> Pochmara, “White Man’s Burden--The Politics of Hegemonic Masculinity in American Culture,” 114.

<sup>31</sup> Welter, “The Cult of True Womanhood,” 157.

<sup>32</sup> *Ibid.*

The last few decades of the nineteenth century brought rapid and wide-spread social transformation to both the United States and Ohio. On the national level, the Civil War had ended, the institution of slavery no longer existed, and the Republican Congress had passed several measures guaranteeing civil rights for black men.<sup>33</sup> By 1870, federal law dictated that black men could vote, hold office, and expect the same protection under the law as their white counterparts.<sup>34</sup> More and more women—both white and black—were stepping out of their cloistered, domestic lives to become involved in the workforce and efforts for social reform, including the movements for women’s suffrage and temperance.<sup>35</sup> Finally, this era saw immigrants from eastern and southern Europe arriving in the nation’s ports in droves.<sup>36</sup> In one way or another, each of these changes in American society posed a threat to the expectations what white, nineteenth-century Americans held for their men and women.

The political participation of non-white and non-male individuals posed a substantial threat to nineteenth-century America’s ideals of white masculinity and femininity. The fact that black men could officially participate in the American political system threatened white masculinity because of the political realm’s exclusive association with middle-class white men.<sup>37</sup> A similar problem occurred when male immigrants from southern and eastern Europe began taking an interest in the politics of their new home.<sup>38</sup> In fact, Pochmara argues that, “[s]ince middle-class [white] men

---

<sup>33</sup> *Amendment XIV, Constitution of the United States of America*, 1868; *Amendment XV, Constitution of the United States of America*, 1870.

<sup>34</sup> *Amendment XIV; Amendment XV*.

<sup>35</sup> Pochmara, “White Man’s Burden--The Politics of Hegemonic Masculinity in American Culture,” 107–108.

<sup>36</sup> *Ibid.*

<sup>37</sup> *Ibid.*, 108.

<sup>38</sup> *Ibid.*

identified strongly with the public sphere and [white] masculinity was identified with citizenship, these phenomena were interpreted as a serious challenge to hegemonic [white] masculine identity.”<sup>39</sup> During the late nineteenth century, white masculinity also faced challenges from members of the so-call “fairer sex.”

Women’s political participation violated two of the four tenets of Welter’s cult of True Womanhood—those of domesticity and submissiveness.<sup>40</sup> Engaging in political discourse and activism brought women out the home and into the public realms, which was supposed to have been the domain of only the middle-class white man. As a result, white men considered women’s desire to share that domain as a direct threat to their masculinity, as well as to the idea that “[t]he true woman’s place was unquestionably by her own fireside.”<sup>41</sup> Women’s political involvement also flew in the face of the ideal of submissiveness in that “men were the movers, the doers, the actors...[while] [w]omen were [to be] the passive, submissive responders.”<sup>42</sup> Women were also “required to submit to fortune” and “[t]o bear the evils and sorrows...appointed [them].”<sup>43</sup> Women’s engagement in political activities demonstrated both a desire to become fully active members of society, as well as to control their own fates rather than simply accepting the decisions that the men in their lives and society made for them, thus threatening the total authority of white men.

The state of Ohio was also affected by the wave of change sweeping the nation in the late nineteenth century. As we saw in the previous chapter, white Ohioans were

---

<sup>39</sup> Ibid.

<sup>40</sup> Welter, “The Cult of True Womanhood,” 153.

<sup>41</sup> Pochmara, “White Man’s Burden--The Politics of Hegemonic Masculinity in American Culture,” 108; Welter, “The Cult of True Womanhood,” 162.

<sup>42</sup> Welter, “The Cult of True Womanhood,” 159.

<sup>43</sup> Ibid., 161.

especially averse to the notion of black suffrage. In fact, the state's legislature refused to ratify the Fifteenth Amendment until 1870.<sup>44</sup> In addition, black people within the state were becoming more and more vocal about their desire to see the repeal of Ohio's remaining Black Laws—the prohibition of interracial marriage and sex and mandated segregation of public schools.<sup>45</sup> These desires are indicated in several articles from a black newspaper entitled *The Cleveland Gazette*. For example, the author of the article “Indiana and Ohio's Black Laws” argued that “[t]he colored voter of Ohio...[was] not an American citizen as long as [such] laws discriminating on account of color are upon the statutes.”<sup>46</sup> The author of this article also urged black male Ohioans to be a part of bringing legal racial equality to their state by exercising their right to vote. He claimed that “[t]here [was] but one way to have the obnoxious and infamous Black laws effaced and that [was] by...colored voters...using their votes judiciously.”<sup>47</sup> Further, he advised black voters to “[v]ote for no legislative candidate who [did] not favor the wiping out of these laws.”<sup>48</sup> Black efforts to rid Ohio of its remaining discriminatory legislation challenged the place of white men at the top of Ohio's racial hierarchy, and therefore, their masculine identity.

White women in Ohio also challenged white masculinity in their state, as well as the ideals of white femininity, with their involvement in the temperance movement. Historian Andrew R.L. Cayton indicates that the movement was particularly popular in Ohio and that women spearheaded the efforts to prevent alcohol consumption within their

---

<sup>44</sup> Fowler, *Northern Attitudes*, 201.

<sup>45</sup> Middleton, *The Black Laws of the Old Northwest: A Documentary History*.

<sup>46</sup> “Indiana and Ohio's Black Laws,” *The Cleveland Gazette*, August 30, 1884, *The Historical Plain Dealer and African American Newspapers*.

<sup>47</sup> *Ibid.*

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

state.<sup>49</sup> Cayton argues that women were so passionate about the cause because “[they] were especially sensitive to the impact of whiskey on families [as] [t]he abuse of wives and children as well as neglect of work as often as not had their roots in excessive drinking. A drunk could not be a good father, let alone a good citizen, although the two roles were inextricably linked.”<sup>50</sup> While efforts to reform their husbands lay well within the accepted ideal of white femininity, being involved in a public social movement was not.<sup>51</sup> To underline this point, Welter quotes a primary source entitled *The Lady at Home*, whose author argued that “[e]ven if [women] [could] not reform the world in a movement, [they could] begin the work by reforming [them]selves and [their] households—[i]t [was] woman’s mission. [She should] not look away from her own little family circle for the means of producing moral and social reforms, but begin it at home.”<sup>52</sup> With this perspective in mind, we can understand why white men were alarmed when women stepped out of the domestic realm to help enact social change.

The Ohio State Legislature reviewed and debated a bill to repeal the state’s anti-miscegenation law in January 1880.<sup>53</sup> The possibility of this bill’s passage posed a serious threat to the masculinity of white men in the state because it would mean that white men would have to share their access to white women.<sup>54</sup> Ohio Democrats seemed to be particularly conscious of this threat. The author of an article for *The Eaton Democrat* of Eaton, Ohio wrote satirically that “[Democrats] [had] no doubt there [were] hundreds of female ‘belles’ and male ‘swells’ in Ohio waiting with bated breath and

---

<sup>49</sup> Cayton, *Ohio: The History of a People*, 70.

<sup>50</sup> Ibid.

<sup>51</sup> Welter, “The Cult of True Womanhood,” 162–3.

<sup>52</sup> Ibid.

<sup>53</sup> “The Ohio Miscegenation Legislature Is Working Away at a Bill...,” *The Democratic Press*, January 29, 1880.

<sup>54</sup> Robinson, *Dangerous Liaisons: Sex and Love in the Segregated South*, 40.

pulsating hearts for the passage of the Hamilton County negro [*sic*] Representative's [*sic*] miscegenation bill, so they [could] fall into the arms of their 'swarthy equals.' [The] Republican Legislature [*sic*] ought to pass the bill."<sup>55</sup> The satirical nature of this article allows us to understand that, like others before him, the author intended to warn against the threat that repealing racially discriminatory legislation posed to the racial hierarchy and, in the case of anti-miscegenation law, the gender hierarchy as well.

As a threat to white male supremacy, the bill to repeal Ohio's anti-miscegenation law likely served as an impetus of the rash of news articles that appeared in the 1880s and reported on the private relationships between black man-white woman couples throughout the state of Ohio. These articles not only condemned interracial marriage and sex, but also focused on the ways in which the female transgressors spurned their society's ideals of femininity by engaging in such relationships.<sup>56</sup>

One such article was published in *The Eaton Democrat* in June 1880. It tells of a "disgusting case of miscegenation...[between]...a swarthy negro by the name of John Wiggerstaff...[and]...a white girl, Anna North."<sup>57</sup> The author of this article first vehemently asserted that "[n]o Justice of the Peace or Minister [*sic*] should perform the marriage rite to parties under such revolting circumstances to humanity, and certainly to God."<sup>58</sup> He then went on to report that Anna's "step-father...begged and plead with her not to unite herself to the black miscegenator, but his entreaties and piteous appeals were

---

<sup>55</sup> "We Have No Doubt There Are Hundreds of Female 'Belles' and Male 'Swells'...", *The Eaton Democrat*, January 29, 1880.

<sup>56</sup> "A Case of Miscegenation Has Come to Light at Cleveland.," *The Democratic Press*, March 31, 1881; "Elyria Is Wild with Excitement over a Case of Miscegenation.," *The Stark County Democrat*, March 17, 1881; "A Disgusting Case of Miscegenation Came off at New Paris Last Week.," *The Eaton Democrat*, June 10, 1880; "An Ugly Case of Miscegenation."

<sup>57</sup> "A Disgusting Case of Miscegenation Came off at New Paris Last Week."

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

all in vain, and after the outrage was committed she sauntered off with her dusky paramour apparently happy and contented!”<sup>59</sup> Anna North’s disobedience to her step-father, as noted in this article, was an affront to the cult of True Womanhood in that her behavior was exactly the opposite of the ideal of “submissiveness.”<sup>60</sup> A true woman—one who complied with the feminine ideals of the day—would have, according to Welter, “accepted submission as her lot.”<sup>61</sup> North’s disobedience is also symbolic of the challenges that women were posing to the notion of white masculinity and male domination on the national level at the time.

An article for *The Chicago Daily Tribune* tells of another case of miscegenation between a black man, Robert Bailey, and a white woman, Carrie Haymier.<sup>62</sup> Residing in Toledo, Ohio, Bailey was one of two people actually prosecuted for the crime of miscegenation in the state of Ohio.<sup>63</sup> The article in question reports on the major facts of Bailey’s trial; however, it also includes a detailed description of Carrie Haymier and her personal history.<sup>64</sup> The author notes that:

The girl, Carrie Haymier, ha[d] received the best of training, but she was seemingly determined to seek the society of negro men in preference to that of the young whites, who were attracted to her... In spite of the strenuous efforts of her father and of the tears and supplications of her female friends she went down from one depth of degradation to another until she began open liaisons with colored men... She [had] served a sentence at the workhouse for drunkenness and other moral deviations. She was brought down to the station... as a factor in the trial of Bailey... and seemed as happy as if her youthful innocence and womanly purity still remained.<sup>65</sup>

---

<sup>59</sup> Ibid.

<sup>60</sup> Welter, “The Cult of True Womanhood,” 159.

<sup>61</sup> Ibid., 162.

<sup>62</sup> “The Ohio Idea: It Is That Miscegenation Is a Criminal Offence Punishable by Law,” *Chicago Daily Tribune*, February 29, 1884.

<sup>63</sup> “Sentenced for Miscegenation,” *New York Times*, February 28, 1884.

<sup>64</sup> “The Ohio Idea: It Is That Miscegenation Is a Criminal Offence Punishable by Law.”

<sup>65</sup> Ibid.

This passage indicates that, in her marriage to Bailey and prior behavior, Haymier violated the cult of True Womanhood's tenets of purity, submissiveness, and domesticity.<sup>66</sup> Most blatantly, however, she defied the authority and threatened the masculinity of white men by disobeying her father's instructions to amend her behavior, as well as by refusing to save herself for a white man.<sup>67</sup> The author of the article additionally used Haymier's prior involvement in activities that would have been considered unfeminine and unrespectable to offer a sort of explanation for her marriage. The author seems to have further argued that Haymier's marriage was to be expected as a result of her behavior and, perhaps, would not have occurred if she had only adhered to the social criteria for femininity.<sup>68</sup>

Myriad events during the Reconstruction and Jim Crow eras have prompted modern Americans to believe that white men assumed any sexual relationship between a white woman and black man was forced by the latter; however, Welter indicates that, in the cult of True Womanhood, women were held responsible for preserving their purity and femininity, and, therefore, the stability of American society.<sup>69</sup> In fact, Welter argues that "[t]he American woman had her choice—she could define her rights in the way of the women's magazines and insure them by the practice of the requisite virtues, or she could go outside the home, seeking other rewards than love. It was a decision on which, she was told, everything in her world depended...[including]... 'the beautiful order of society.'""<sup>70</sup> White women were required to uphold the ideals of white femininity lest

---

<sup>66</sup> Welter, "The Cult of True Womanhood," 151.

<sup>67</sup> "The Ohio Idea: It Is That Miscegenation Is a Criminal Offence Punishable by Law"; Robinson, *Dangerous Liaisons: Sex and Love in the Segregated South*, 40.

<sup>68</sup> "The Ohio Idea: It Is That Miscegenation Is a Criminal Offence Punishable by Law."

<sup>69</sup> Welter, "The Cult of True Womanhood," 173.

<sup>70</sup> Ibid.

“‘society break up and become a chaos of disjoined and unsightly elements.’”<sup>71</sup> It is no wonder, then, that white male Ohioans felt the need to publically chastise white women whose sexual, romantic, and matrimonial behavior challenged the race and gender hierarchy they worked to establish and maintain in their state.

However, white male Ohioans’ efforts to force their white female and black male counterparts back into positions of submission in the late nineteenth century failed. Ultimately, Ohio’s legislature repealed the state’s remaining Black Laws, thus legalizing interracial marriage and sex and indicating—in the eyes of the law, at least—that black men were entitled to the same rights and privileges as white ones and that white women could no longer be punished for their choice in husbands.

---

<sup>71</sup> Ibid.

## Conclusion

The Ohio State Legislature repealed Ohio's anti-miscegenation law—along with the statute mandating racially segregated schools—in 1887. According to a letter to the editor of the *Ohio State Journal*, “[w]ords [could] not express the joy [that the decision brought to] the colored people of Ohio.”<sup>1</sup> The author of this letter, a black man named James Poindexter, wrote of how glad he was that “[a]t last [his] noble state [had] done all that it [could] do by legislation to lift the weights from the shoulders of the colored man and give him an even chance with the white man in the race of life.”<sup>2</sup> Indeed, the repeal of Ohio's remaining Black Laws symbolized the era in which it was passed—one in which black men were beginning to step into their rightful place beside their white counterparts in America's political and legislative scene; the repeal's author was even a black man.<sup>3</sup> However, as Poindexter noted in his letter, equality in the eyes of the law is much different than equality in the eyes of man.<sup>4</sup>

Two news articles published after the repeal of Ohio's anti-miscegenation law indicate that, even though the law considered black men to be equal to white ones, racial discrimination still existed in full force on the personal level in Ohio society.<sup>5</sup> These articles, like the ones published prior to the repeal of Ohio's anti-miscegenation law, reported on the private relationship of two black man-white woman couples. Further, the authors of these articles, like their predecessors, vehemently opposed interracial sex and

---

<sup>1</sup> James Poindexter, “Colored People Jubilant,” *Daily Ohio State Journal*, February 18, 1887, Ohio History Connection.

<sup>2</sup> Ibid.

<sup>3</sup> “The Color Line: Bill Wiping It Off the Statutes Passed in the House,” *Columbus Evening Dispatch*, March 10, 1886, Ohio History Connection.

<sup>4</sup> Poindexter, “Colored People Jubilant.”

<sup>5</sup> “A Case of Miscegenation in Toledo Is Reported in the Commercial Thursday,” *Perrysburg Journal*, January 25, 1890; “A Lesson In Colors,” *Springfield Daily Republic*, January 25, 1888.

marriage. For instance, the author of an article entitled “A Lessons in Colors” argued that, while “[t]here [was] no legal opposition, since the abolition of the ‘black laws,’ to the intermarriage of the races...it [was] rather unnatural yet.”<sup>6</sup> The author’s words indicate that, even though its Black Laws had been repealed, Ohio had a long way to go before it became the paradise for people of color that slaves lauded during the Antebellum period.

In this study, I have argued that the appearance of anti-miscegenation writings in Ohio spiked during periods that saw massive threats to the notion of white male supremacy, such as the months just prior to the onset of the Civil War, several especially tense points during the Civil War and the Reconstruction period, and the early to middle years of the 1880s. During these times, Ohioans used at least one of three major rhetorical strategies—each of which coincided with a major trend in national events and politics—to justify and explain their anti-miscegenation attitudes.

When the Ohio State Legislature first debated the 1861 anti-miscegenation bill, they placed their focus on the issue’s political nature and how passing such a measure would effect Ohio’s appearances in an extremely tense national context. During the Civil War and Reconstruction, white Ohioans called upon scientific notions of race and natural racial states to warn against the degradation that their state’s society would face if blacks were granted political and social equality. Finally, during the 1880s, white male Ohioans publicly castigated white women who engaged in interracial relationships with black men for the purpose of illustrating how their behavior challenged the era’s ideals of white femininity and masculinity.

---

<sup>6</sup> “A Lesson In Colors.”

The next scholars to do research on anti-miscegenation attitudes in nineteenth-century Ohio should examine the way that lynching and socioeconomic status played into how white Ohioans viewed and regulated interracial sexual and marital relationships. Extralegal violence such as lynching played a major role in the way that nineteenth-century Southerners confronted such relationships and it would be interesting to understand whether the same kinds of violence occurred in response to interracial relationships in Ohio.<sup>7</sup> Additionally, socioeconomic status greatly influenced the way that nineteenth-century white Americans thought of their neighbors—especially women.<sup>8</sup> It would be interesting to see how white Ohioans responded to relationships between white women from wealthy families and black men versus those between black men and white women from poor backgrounds. Though relationships between white women and black men posed the most danger to notions of white male supremacy within the state of Ohio, it would be interesting to know how white Ohioans reacted to relationships between white men and black women within their state. Finally, it is essential for future scholars to do all they can to examine black Ohioans' perspectives on interracial relationships and anti-miscegenation attitudes within their state.

While Fowler included Ohio in a study of the Old Northwest's anti-miscegenation laws in 1963, no other scholar has offered an in-depth analysis of anti-miscegenation attitudes within the state.<sup>9</sup> Examining such attitudes within the context of Ohio is essential because doing so indicates that the state was no different than its neighbors in terms of its citizens' views toward people of color. Furthermore, it is especially important

---

<sup>7</sup> Hodes, *White Women, Black Men*, 151–2.

<sup>8</sup> *Ibid.*, 5.

<sup>9</sup> Fowler, *Northern Attitudes*.

to consider how anti-miscegenation attitudes in nineteenth-century Ohio compare to similar bigoted attitudes of our time. Our nation is currently undergoing a surge in legislation and political activity intended to “protect” white, cis-heterosexual, male Americans from the dangerous “other.” However, like Ohio’s nineteenth-century anti-miscegenation attitudes, the true purpose of this legislation and activity is to fight against the dominant group’s loss of power at the expense of justice for groups such as people of color, women, and transgender individuals. If we can examine our ancestors’ behavior and attitudes through this lens, perhaps we can examine our own behavior, as well as that of our neighbors and politicians, to realize that the intentions of those who wish to “protect” us are not always as benevolent as they seem.

## Annotated Bibliography

### Primary Sources

**“A Case of Miscegenation Has Come to Light at Cleveland.” *The Democratic Press*. March 31, 1881.**

This is a brief article reporting the marriage of Samuel Oswald (black) to Mamie Maher (white). It focuses on Maher's wealth and appearance; however, it does not acknowledge Oswald's societal success. In addition, the article mentions that Mamie's parents would try to have the marriage annulled. This indicates the removal of her agency in the relationship.

**“A Case of Miscegenation in Toledo Is Reported in the Commercial Thursday.” *Perrysburg Journal*. January 25, 1890.**

This is another article that came after the repeal of Ohio's anti-miscegenation law. In it, the same rhetoric was used to discredit interracial marriages. Again, this article indicates that anti-miscegenation continued even after the repeal of the law.

**“A Disgusting Case of Miscegenation Came off at New Paris Last Week.” *The Eaton Democrat*. June 10, 1880.**

This is a brief report of an interracial couple (black man and white woman) marrying in New Paris, Ohio. The author states that "race-mixing" is "revolting" to God and insults the intelligence of the woman by claiming that she is an imbecile and irrational.

**“A Lesson In Colors.” *Springfield Daily Republic*. January 25, 1888.**

This article came after the Ohio anti-miscegenation law was repealed and mentions the rhetoric of nature. It indicates that anti-miscegenation attitudes continued even after interracial marriage was made legal.

**“An Ugly Case of Miscegenation.” *The Spirit of Democracy*. August 6, 1878.**

This is an article from a Democratic newspaper reporting a case of miscegenation between a black man and white woman that was prosecuted as perjury. The author claims that the woman was not intelligent and refers to her as "girl." This article will be useful as I write my chapter on gender.

**“A Sensation Bevived: ‘Othello’ Without the Tragedy.” *Wheeling Daily Intelligencer*. November 3, 1883.**

This article is the first in a series of reports on the marriage between a white woman and black man from Virginia. It is not written by an Ohioan, but it provides useful context for understanding the part of the case that occurred in Ohio.

***An Act to Prevent the Amalgamation of the White and Colored Races, 1861.***

Passed in 1861, Ohio's anti-miscegenation law prohibited both interracial sex and marriage. It defined race as a matter of visual interpretation and stated that only people of "visible admixture of African blood" could not marry or have sex with whites. The law's prohibition of illicit interracial sex makes it stand out from many other American anti-miscegenation laws. This statute will be useful to me throughout my thesis.

**Cox, Samuel. "Miscegenation or Amalgamation: Fate of the Freedman." Speech presented at the House of Representatives, Washington, DC, February 17, 1864.**

This speech was given by an Ohio Democratic congressman in response to the pamphlet that originally coined the term "miscegenation" and the the Republican desire to establish a Bureau of Freedman's Affairs. Cox argues that, contrary to what appeared to be asserted by the authors of "Miscegenation," miscegenation would not elevate blacks to the biological and intellectual level of whites. His speech is also exemplary of the fact that Democrats often used the claim that Republicans encouraged miscegenation as a political strategy. Since it was given on a national level, Cox's speech indicates that anti-miscegenation attitudes were not limited to one region and that American policymakers were sharing the latest news on race, thus exposing people all over the nation to ideas that they may not have heard of otherwise.

**Croly, David Goodman, and George Wakeman. *Miscegenation: The Theory of the Blending of the Races, Applied to the American White Man and Negro*. New York: H. Dexter, Hamilton & Co., 1864.**

This pamphlet was written as satire in response to the Emancipation Proclamation and Lincoln's campaign for re-election. It posed the question of what would occur if blacks were permitted to integrate into white society.

**"Elyria Is Wild with Excitement over a Case of Miscegenation." *The Stark County Democrat*. March 17, 1881.**

This article is a report of a case of miscegenation in Elyria, Ohio. It mentions the social status of the woman, as well as the physical appearances of both people. The author also describes the woman's mother's reaction to the marriage.

**"Ethnological: Extracts from a Speech of Representative Mungen, Published in the Congressional Globe and Purporting to Have Been Delivered in the House, July 8." *The Hancock Jeffersonian*. August 2, 1867.**

Representative Mungen's speech, as well as the article that reported excerpts of it, came as a response to Republican Reconstruction policies. The speech outlines the possible outcomes if blacks were granted rights similar to those of whites. Mungen used the rhetoric of science and nature to explain why blacks should be subjugated. He also makes use of "history" to indicate the supposed naturalness of racial sexual self-segregation. In his speech, Mungen makes use of nearly every rhetorical strategy that I will be examining: science, religion and politics.

**Fielding, W. "Dr. Fielding's Letter to the Editor of the New York World." *Daily Ohio Statesman*. December 31, 1867.**

This letter was written by a Democratic Ohio Representative to the editor of the New York World in response to an article that advocated for some kind of compromise on black suffrage. In it, the author asserts that black suffrage would lead to black supremacy, miscegenation and, ultimately, a race war.

**"Indiana and Ohio's Black Laws." *The Cleveland Gazette*. August 30, 1884. *The Historical Plain Dealer and African American Newspapers*.**

This article was published in one of Ohio's traditionally black newspapers. The author argued that, while Ohio's anti-miscegenation law remained on the books, black men could not be considered to have all the same rights as white men. He urged his readers to demand the repeal of Ohio's Black Laws by voting.

**Middleton, Stephen. *The Black Laws of the Old Northwest: A Documentary History. Contributions in Afro-American and African Studies 152*. Westport, CT: Greenwood Press, 1993.**

This book is a compilation of Ohio legislation significant to issues of race. I will draw on various sources included in it throughout my study.

**"'Miscegenation' Is the Horror of Horrors to the Democratic Mind." *Delaware Gazette*. October 4, 1867.**

This article appears to be written for a Republican newspaper and argues that the established voting laws of the day actually encouraged miscegenation by making it so that blacks who appeared to be white could vote. It also argues that the "Union Party" was seeking to prevent miscegenation by passing legislation to allow black suffrage.

**Nott, Josiah C. "The Mulatto A Hybrid--Probable Extermination of the Two Races If the Whites and Blacks Are Allowed to Intermarry." *The Boston Medical and Surgical Journal (1828-1851)* 29, no. 2 (August 16, 1843): 1-4.**

In this medical journal article, Dr. Josiah Nott of Mobile, Alabama touts his beliefs surrounding the children born of interracial parents. He supports his claims with elements of the race science of the day.

**"Ohio Legislature." *Daily Ohio Statesman*. January 14, 1861.**

This article details the activities of the Ohio Senate on January 12, 1861. The major issue of this session was a set of resolutions offered by Senator Harrison regarding Ohio's position toward secession. The state, at this time, appears to have agreed wholeheartedly to cleave to the Union. In addition, senators from three different counties presented petitions from their constituents to provide for the individual rights of married women. This article provides me with information on the context in which the Ohio anti-miscegenation bill was deliberated and passed.

**"Ohio Legislature." *Daily Ohio Statesman*. January 15, 1861.**

This article reports the discussions of the Ohio House of Representatives on the issues of the bill to prevent the slaveholding and kidnapping of black people in the state and a bill

to prevent the intermarriage of black and white people. It provides context for the passage of Ohio's anti-miscegenation bill, as well as a portion of the arguments for and against it.

**“Ohio Legislature.” *Daily Ohio Statesman*. January 16, 1861.**

This article provides the arguments given by the Ohio House of Representatives against and in favor of the anti-miscegenation bill in Ohio. It also discusses the House's decisions on several other racial issues. The article will provide me with useful contextual information surrounding the passage of the bill in question.

**“Ohio Legislature.” *Daily Ohio Statesman*. January 25, 1861.**

This article is another recounting the legislative debates surrounding Ohio's anti-miscegenation bill in 1861. It notes a discussion between two representatives, a Republican and Democrat, on the subject. The Republican argued that Ohio did not need such a law for a variety of reasons while the Democrat argued that racial mixture violated the laws of nature. This article will be useful in my discussion of the legislative debate surrounding the passage of Ohio's anti-miscegenation law.

**“Ohio Legislature.” *Daily Ohio Statesman*. January 31, 1861.**

This article details the debates of the Ohio legislature surrounding the Border State Convention as well as the state's anti-miscegenation bill. It indicates that Ohio's Republican senators were beginning to recognize on a large scale the thoroughly political nature of the bill. I will use this article as textual evidence in my chapter on the passage of Ohio's anti-miscegenation bill.

**“Ohio Legislature.” *Daily Ohio Statesman*. February 1, 1861.**

This article sort of finishes out the passage of Ohio's bill to prevent amalgamation. It pass 21 to 8 in the Ohio Senate. The article also speaks of another House Bill: one to prevent the assistance of fugitive slaves. These acts of legislation indicate the change of attitudes in the Ohio Legislature as the secession crisis became increasingly heated.

**Payne, Buckner H. *The Negro: What Is His Ethnological Status*. 2nd ed. Cincinnati, Ohio, 1867. <<http://0-galenet.galegroup.com/dewey2.library.denison.edu/servlet/Sabin?af=RN&ae=CY101770529&srchtp=a&ste=14>>.**

This document discusses the origins of black people. The author argues that whites were descended from Adam while blacks were created prior, along with animals. This pamphlet is useful to my study because it represents Ohioans use of "nature" rhetoric to defend their anti-miscegenation attitudes.

**Poindexter, James. “Colored People Jubilant.” *Daily Ohio State Journal*, February 18, 1887. Ohio History Connection.**

This letter to the editor of the *Daily Ohio State Journal* describes black Ohioans' reaction to the repeal of the State's remaining Black Laws in 1887. However, the author also notes that Ohioans have only done all they could do in terms of legislation to promote racial equality, implying that racism on a personal level still existed within the state.

**“Remarks of Hon. Thomas J. Orr, in Senate, January 31st, 1861, on House Bill No. 46, to Prevent the Amalgamation of the African with the White Races, in Ohio.” *Daily Ohio Statesman*. February 6, 1861.**

This article outlines one Ohio Senator's lengthy comments on the anti-miscegenation bill. Senator Orr believed that Republicans could be blamed for the sectional crisis and that their refusal to support legislation that would serve to maintain white supremacy was a kind of conspiracy to destroy the Democratic vision of a white Ohio and a white America. This article will be useful in my chapter on the passage of Ohio's anti-miscegenation law when I discuss the rhetoric used to defend Ohio's anti-miscegenation bill during the legislature's debates.

**Seaman, L. *What Miscegenation Is! And What We Are to Expect Now That Mr. Lincoln Is Re-Elected*. New York: Waller & Willets, 1864.**

This pamphlet is a Democratic tract in which the author argues that President Lincoln's re-election would lead to increased sexual relationships between black and white individuals. This document is useful to my study because it helps to establish a larger national context of using anti-miscegenation attitudes in the political realm.

**“Sentenced for Miscegenation.” *New York Times*. February 28, 1884.**

This is a brief report on the trial of Robert Bailey. It notes that he used the 14th Amendment as a defense, but that the judge ruled that the anti-miscegenation law did not discriminate against blacks because the punishment for breaking it was the same for whites and blacks.

**“Social Equality.” *Delaware Gazette*. July 12, 1867.**

This article appears to be written for a Republican newspaper in response to . It argues that suffrage is not equal to social equality, therefore, giving blacks the vote would not make them equal to whites or cause an explosion of interracial relationships. In fact, the author criticizes Democrats for breeding these fears among their constituents and asserts that the voting laws of the day actually encouraged miscegenation (blacks who could "pass" were permitted to vote). Finally, this article displays more subtle, but equally present Republican anti-miscegenation attitudes and mentions the rhetoric of nature.

**“The Democracy.” *Philanthropist (1836-1843)*, January 28, 1840.**

This article is written in response to one of the first attempts to pass an anti-miscegenation law in Ohio from an anti-slavery perspective. It claims that there was no need for the law because interracial marriage was not as prevalent in Ohio as it was in other states. It provides a reprint of a detailed account of the state legislature proceedings regarding the law. The author acknowledges the political nature of this law and throws the blame back on the Democratic party because slaveholders would regularly have interracial sex with their female slaves and. Their supporters (the Democrats), therefore, had no place to argue that Republicans supported "race-mixing." Though this article came before the time that I am looking at, it will help to establish the context in which the 1861 law came about, as well as show that the journalistic tactics used by the Republicans later were not just a product of the 1860s.

**“The Ohio Idea: It Is That Miscegenation Is a Criminal Offence Punishable by Law.” *Chicago Daily Tribune*, February 29, 1884.**

This article contains a very detailed account of Robert Bailey's trial. It will be able to serve as a substitute for trial records if I cannot find them. The more editorial portion focuses on the white woman's loss of respectability, her beauty and her sanity. The portion that is pure news notes that Bailey tried to use the 14th Amendment as a defense and that the prosecution argued the theoretical equal application of the law for blacks and whites. Ultimately, Bailey was found guilty, fined \$200 and sentenced to two months in jail.

**“The Ohio Miscegenation Legislature Is Working Away at a Bill...” *The Democratic Press*. January 29, 1880.**

This article tells of the 1880 attempt to repeal the state's anti-miscegenation bill. Interestingly, the author hyperbolically claims that the end of the world will ensue if the repeal is approved.

**“The Proceedings of the Democratic State Convention.” *Daily Ohio Statesman*. January 25, 1861.**

The author of this article argues that a Republican paper accused Democrats of "giving 'encouragement' to treason" and not doing enough to put down Southern rebellion. He also argued that abolitionism was treason because it went against the Constitution and judicial decisions on the institution of slavery. This article provides useful information regarding the attitudes of white Ohio Democrats toward their Republican counterparts. It will be useful in my chapter on the passage of Ohio's anti-miscegenation bill.

**“We Have No Doubt There Are Hundreds of Female ‘Belles’ and Male ‘Swells’...” *The Eaton Democrat*. January 29, 1880.**

This article is a brief editorial in response to the first attempt to repeal Ohio's anti-miscegenation law. It is politically motivated and written satirically. It offers a prediction of what would occur if the "Republican legislature" repealed the anti-miscegenation law.

## Secondary Sources

**Bloch, J.M. *Miscegenation, Melaleukation, and Mr. Lincoln's Dog*. New York: Schaum Publishing, 1958.**

Bloch uses this book to discuss Americans' varied reactions to the pamphlet that first coined the term "miscegenation." While this source is dated, the author makes extensive use of primary documents such as newspaper articles and the speeches of politicians--so much so that his piece is almost a news report rather than an argumentative essay. Bloch also touches on race science and goes into detail about the political significance of the original "Miscegenation" pamphlet, which will be useful when I am writing my first and second chapters.

**Botham, Fay. *Almighty God Created the Races: Christianity, Interracial Marriage, and American Law*. Chapel Hill: University of North Carolina Press, 2009.**

Botham explores the differences between Protestant and Catholic theologies of race and marriage, as well as how they each influenced legislation regarding interracial marriage. She argues that the Catholic Church tended to focus on the common origin of all human beings and the sacramental nature of marriage, therefore taking an official position on interracial marriage that condemned the government's involvement in a matter that should only be regulated by the Church itself. The Protestant Church, on the other hand, did not view marriage as sacramental and tended to recognize a Biblical hierarchy of mankind. Protestants also tended to emphasize the divine nature of the geographic separation of people with distinct phenotypes. These beliefs led Protestants to support anti-miscegenation laws. Botham does a nice job of explaining fairly dense theological concepts to the ordinary reader. Her book will be very useful to me as I write my chapter on the notion of nature.

**Cayton, Andrew R.L. *Ohio: The History of a People*. Columbus: The Ohio State University Press, 2002.**

In his book *Ohio: The History of a People*, Andrew R.L. Cayton argues that much of the public discourse in which Ohioans engaged centered around how they could learn from the state's past, what they could do to improve the state's future, as well as how they could legislatively and socially define themselves and their state as uniquely respectable. He claims that the debate over whether or not Ohio would accept the spread of slavery via legislation at the national level played an integral role in further defining Ohio as a respectable state "against a barbarous and backward South." While Cayton ultimately portrays Ohioans as a people who loved personal liberty and respectability, he also does not discount the role that racial prejudice played in shaping the state's policies and character.

**Finkelman, Paul. "The Strange Career of Race Discrimination in Antebellum Ohio." *Case Western Reserve Law Review* 55, no. 2 (2004): 373–408.**

In his article, Finkelman argues that Ohio's legal history in terms of race consists of a body of legislation that reflects the state's evolving attitude toward the black community. He contradicts the idea that, by the middle of the 19th century, Ohioans were just as "negrophobic" as they were during early statehood at the turn of the 19th century. Rather,

he claims that early Ohio's policies toward the black community were, at worst, "ambivalent and inconsistent" and that "mid-century Ohio was more tolerant of African Americans and more emphatically intolerant of slavery." Finally, Finkelman paints the Republican party during this period as exemplary of white support for racial equality and that the attitudes of Ohio Republicans were representative of the views of all Ohio politicians and Ohio citizens in general. In my opinion, these arguments are too optimistic. While the raw legislation does tell this kind of story, Finkelman fails to take other kinds of primary sources into account (such as the articles on the legislative debates surrounding Ohio's anti-miscegenation law) which indicate that racial tensions ran high in Ohio well into even the 20th century. In addition, he ignores the fact that political control of Ohio oscillated between the Southern-sympathizing Democratic party and the Republican party throughout the mid-19th century. These on-going shifts indicate that Ohio voters likely had reservations about offering blacks equal rights well into the 19th century. Finally, Finkelman fails to recognize that white politicians may not have been acting out of the goodness of their hearts when they supported increasing racial fairness. There was likely something to be gained for white politicians by supporting such legislation. Ultimately, considering Finkelman's point of view will allow me to add depth to my argument for my chapter on antebellum race relations in Ohio.

**Fowler, David H. *Northern Attitudes Towards Interracial Marriage: Legislation and Public Opinion in the Middle Atlantic and the States of the Old Northwest, 1780-1930*. New York: Garland Publishing, 1987.**

In his book, Fowler argues that the prohibition of interracial marriage helped to create and maintain the racial caste system in the United States. To support this claim, he asserts that the possibility of socially acceptable intermarriage implied a racial equality that would have led to the destruction of the American racial hierarchy. While Fowler acknowledges the fact that many Northerners were just as racist as Southerners during the nineteenth century, he takes a rather optimistic approach toward what the repeal of Ohio's anti-miscegenation law in 1887 meant for the white patriarchy that traditionally ruled society. This book is useful to my research because it is one of the only sources I have found that focuses on anti-miscegenation attitudes in the North and the only one to discuss Ohio and its surrounding region in specific.

**Hodes, Martha. *White Women, Black Men: Illicit Sex in the 19th-Century South*. New Haven: Yale University Press, 1997.**

In her book *White Women Black Men: Illicit Sex in the 19th Century South*, historian Martha Hodes argues that this was the case because, after emancipation, "[w]hite Southerners became more and more alarmed at the consequences of black freedom." She also discusses opposition to interracial sexual and marital relationships as a form of terrorism toward black men. Hodes' perspectives are important to my study because they grant me valuable contextual information that I can use to demonstrate where Ohio's anti-miscegenation attitudes stood on the national playing field. They also offer me a new lens through which I might be able to consider Ohio's anti-miscegenation legislation.

**Klement, Frank L. "Midwestern Opposition to Lincoln's Emancipation Policy."**  
*Journal of Negro History* 49, no. 3 (July 1964): 169–83.

In his article "Midwestern Opposition to Lincoln's Emancipation Policy", Klement outlines the reactions of Midwestern Democrats to the various emancipation policies that emerged during the first two years of the Civil War. He notes that, despite Ohio's status as a free state, Ohioans such as congressmen Clement L. Vallandigham and Samuel S. Cox, served in leadership positions opposing emancipation. The fact that Ohioans served such prominent roles in anti-emancipation efforts suggests Ohio's importance among the other Northern states in terms of its views on racial issues. In addition, Klement describes the strategies that pro-slavery Democrats used make their views appealing to Ohio's voting public, arguing that these views were designed to appeal to specific communities, such as German and Irish immigrants and Southern migrants. This information will be useful to understanding some of the factors that went into the political opinions of many Ohioans, as well as how politicians might have tried to take advantage of these factors to garner voter support.

**Middleton, Stephen. *Black Laws: Race and the Legal Process in Early Ohio*. Athens, Ohio: Ohio University Press, 2005.**

<http://site.ebrary.com/lib/wooster/detail.action?docID=10116596>.

Middleton argues that Ohio's discriminatory legislation against the black community was relatively short-lived because "race-specific laws could not long endure in a country that made freedom and equality the birthright of its people." Middleton's analysis prioritizes black political agency, emphasizing that the black community did not just sit by and wait for white politicians to come around—even without the right to political participation, the black community did much of the leg work in influencing Ohio policy by organizing on the ground and working with white abolitionists. Recognizing the notion of black pressure on white politicians is essential to remembering the fact that white politicians did not generally act out of the goodness of their hearts in granting the black community rights. This perspective is fraught with a savior complex and assumes that being anti-slavery meant that a person also supported racial equality. Rather, white Ohioans remained blatantly racist into the early 20<sup>th</sup> century and still today readily uphold the tenants of colorblind and institutional racism. In order to support his claims, Middleton examines primary documents such as legislation, court cases, and book-length manuscripts that are indicative of the racial climate in early Ohio.

**Pascoe, Peggy. *What Comes Naturally: Miscegenation Law and the Making of Race in America*. Oxford: University of Oxford Press, 2009.**

In her book, Pascoe argues that the concept of miscegenation being unnatural is what allowed anti-miscegenation laws to flourish in the United States. She also contends that white supremacists adopted the concept of the existence of natural racial states used it as the "inarguable" justification for their beliefs and behavior. In the chapters that are most relevant to my research, Pascoe discusses the "engendering" and "sexualization" of miscegenation law, as well as how race was dealt with in the courtroom and anti-miscegenation laws helped to create the very rigid racial categories that we have in the United States. This book is useful because it provides a lot of great historical context that spans not only the nation, but several different ethnic groups as well. I plan to use

Pascoe's work to create a base for my own discussion of the historical context, in addition to my analysis of Ohio miscegenation law and the rhetoric behind it. I find her discussion of the "engendering" and "sexualization" of miscegenation law to be particularly interesting.

**Petlack, K. Luci. "A Dilemma of Civil Liberties: Cincinnati's Black Community, 1862-1863." *Ohio History* 120 (2013): 47-69.**

This article is a discussion of a situation in Cincinnati following two years of racial violence (1862-1863). In it, the author highlights major events in Ohio and national politics during this time and provides useful information about black life and white racial attitudes. She focuses specifically on the fact that, after Emancipation Proclamation, the nation's Republican leaders suspended the writ of Habeas Corpus in order to put down Confederate sympathizers and to ensure that Republicans could continue to govern the nation without backlash from South and their supporters in the North. While this was a period of suspended rights for whites, blacks viewed it as a time in which they could flourish relatively unimpeded by white-initiated violence.

**Pochmara, Anna. "White Man's Burden--The Politics of Hegemonic Masculinity in American Culture." *The Americanist* 23 (2006): 103-16.**

This article was written by a professor of American Literature at the University of Warsaw in Poland. Pochmara argues that the notions of whiteness and masculinity are strongly linked together. While her work is not technically historical, she does provide some extremely useful information on the development of the concept of masculinity. I will use Pochmara's article to help establish the crises of masculinity that white Ohio men would have experienced in the late nineteenth century and how those crises influenced their anti-miscegenation attitudes.

**Robinson, Charles F., II. *Dangerous Liaisons: Sex and Love in the Segregated South*. Fayetteville, AR: University of Arkansas Press, 2003.**

Robinson makes six major assertions in his book. First, he claims that miscegenation laws in the South were focused more on interracial intimacy than sex. Next, he argues that these laws were created to bolster "a white patriarchal structure and a race-based caste system" and that Southern whites used them as a means to maintain white supremacy after emancipation. Robinson's final two assertions state that white leaders used the collective fear of race-mixing to impede black civil rights efforts and that blacks were aware of this. While the book focuses on the South, it is useful to me because I am seeing the same kinds of things going on with the anti-miscegenation laws in Ohio. In addition, this source gives me an idea of the larger national context of anti-miscegenation law in the 19th century. Unlike Pascoe's book, this one focuses more on relationships between white and black people, as well as the 19th Century.

**Rowe, Jill E. "Mixing It Up: Early African American Settlements in Northwestern Ohio." *Journal of Black Studies* 39, no. 6 (July 2009): 924-36.**

This article discusses the lives of African American settlers in early Ohio. It also delves into white attitudes toward black settlers later in the nineteenth century. The author

argues that racial attitudes split the state in two, much like they did the nation. This text will be useful for my discussion of the history of black people in the state of Ohio.

**Sawrey, Robert D. *Dubious Victory: The Reconstruction Debate in Ohio*. Lexington: The University of Kentucky Press, 1992.**

Sawrey's book discusses the politics of Reconstruction in the state of Ohio. His writing is extremely detailed and offers little scholarly analysis, but speaks well to the complex interplay of the major political parties during this era. Sawrey also discusses how the Democratic party used the public's fear of miscegenation as a political strategy to discredit the Republican party.

**Smedley, Audrey. *Race in North America: Origin and Evolution of a Worldview*. Third ed. Boulder, CO: Westview Press, 2007.**

In her book, Smedley outlines the development of the notion of race in the United States and how it came to be ingrained in our society. She provides a detailed description of the process by which race became the subject of “scientific” study, as well as an analysis of the scientific views surrounding race from the seventeenth century through the nineteenth century. I will engage her work in my third chapter.

**Welter, Barbara. “The Cult of True Womanhood.” *American Quarterly* 18, no. 2 (Summer 1966): 151–74.**

In her article, Welter argues that, during the nineteenth century, women were expected to adhere to four major ideals—piety, purity, submissiveness, and domesticity. She also argues that women were constantly imbued with the notion that, if they abandoned any of these virtues, their entire society would be ruined. While Welter’s work is a bit dated, scholars today still reference her “cult of True Womanhood.” That being said, it is still extremely important to keep in mind that Welter was writing at the height of the Sexual Revolution and, thus, her perspectives were likely influenced by the changes occurring in her own society.

## Reference Sources

- “37th Congress (1861-1863).” *History, Art & Archives: United States House of Representatives*. Accessed November 7, 2015.  
<http://history.house.gov/Congressional-Overview/Profiles/37th/>.
- 40th United States Congress. “First Reconstruction Act: An Act to Provide for the More Efficient Government of the Rebel States,” March 2, 1867.  
<http://teachingamericanhistory.org/library/document/first-reconstruction-act/>.
- Amendment XIV. Constitution of the United States of America*, 1868.
- Amendment XV. Constitution of the United States of America*, 1870.
- Brookes, Corey. “Stoking the ‘Abolition Fire in the Capitol’: Liberty Party Lobbying and Antislavery in Congress.” *Journal of the Early Republic* 33, no. 3 (Fall 2013): 523–47.
- Douglass, Frederick. “What Shall Be Done With the Slaves If Emancipated?” *Douglass’ Monthly*, January 1862. <https://www.lib.rochester.edu/index.cfm?PAGE=4386>.
- Ford, Paul Leicester, ed. “Amendments Proposed in Congress by Senator John J. Crittenden: December 18, 1860.” In *The Federalist: A Commentary on the Constitution of the United States by Alexander Hamilton, James Madison and John Jay Edited with Notes, Illustrative Documents and a Copious Index by Paul Leicester Ford*. New York: Henry Holt and Company, 1898.
- Griffler, Keith P. “River of Slavery, River of Freedom.” In *Front Line of Freedom: African Americans and the Forging of the Underground Railroad in the Ohio Valley*, 1–11. Ohio River Valley Series. Lexington: University Press of Kentucky, 2004.
- Higginbotham, A. Leon, Jr. *In the Matter of Color: Race and the American Legal Process, The Colonial Period*. Oxford: Oxford University Press, 1978.
- “Hors de Combat, Adv.” *OED Online*. Oxford: Oxford University Press, December 2015.  
<http://0-www.oed.com.dewey2.library.denison.edu/view/Entry/88581?redirectedFrom=hors+de+combat>.
- I Want to Vote, But My Wife Won’t Let Me*. Lithograph, 1909.
- Jefferson, Thomas. “Query XIV: ‘Laws.’” In *Notes on the State of Virginia*, edited by Merrill D. Peterson, 1782nd ed., 257–76. New York: Library of America, 1984.

- Jestes, Roberta. "Anti-Miscegenation Laws Overturned in the US in 1967." *Native Heritage Project*, May 31, 2012.
- Joint Congressional Committee on Inaugural Ceremonies. "Abraham Lincoln: First Inaugural Address." In *Inaugural Addresses of the Presidents of the United States: From George Washington to Barack Obama*, Bicentennial Ed. Senate Document (United States. Congress. Senate); 101-10. Washington, DC: US Government Publishing Office, 1989. <http://www.bartleby.com/124/pres31.html>.
- "Legal Map." *LovingDay*, 2012. <http://www.lovingday.org/legal-map>.
- Lincoln, Abraham. "The Emancipation Proclamation." *National Archives & Records Administration*, January 1, 1863.  
[https://www.archives.gov/exhibits/featured\\_documents/emancipation\\_proclamation/print\\_friendly.html?page=transcript\\_content.html&title=Emancipation\\_Proclamation](https://www.archives.gov/exhibits/featured_documents/emancipation_proclamation/print_friendly.html?page=transcript_content.html&title=Emancipation_Proclamation).
- McPherson, James M. "How President Lincoln Decided to Issue the Emancipation Proclamation." *The Journal of Blacks in Higher Education* 31 (2002): 108–9.
- Mintz, S., and S. McNeil. "Timeline of Secession." *Digital History*, 2015.  
[http://www.digitalhistory.uh.edu/active\\_learning/explorations/south\\_secede/timeline\\_secession.cfm](http://www.digitalhistory.uh.edu/active_learning/explorations/south_secede/timeline_secession.cfm).
- "Miscegenation, N." *OED Online*. Oxford University Press, December 2015. <http://www.oed.com.dewey2.library.denison.edu/view/Entry/119267?redirectedFrom=Miscegenation> (accessed February 04, 2016).
- National Archives and Records Administration. "Preliminary Emancipation Proclamation, 1862." *American Originals*. Accessed March 2, 2016.  
[http://www.archives.gov/exhibits/american\\_originals\\_iv/sections/preliminary\\_emancipation\\_proclamation.html#](http://www.archives.gov/exhibits/american_originals_iv/sections/preliminary_emancipation_proclamation.html#).
- "Primary Documents in American History: Missouri Compromise." *The Library of Congress*, November 16, 2015.  
<https://www.loc.gov/rr/program/bib/ourdocs/Missouri.html>.
- Quillin, Frank U. *The Color Line in Ohio: A History of Race Prejudice in a Typical Northern State*. New York: Negro Universities Press, 1969.
- Smith, Joseph Patterson, ed. *History of the Republican Party in Ohio*. Vol. 1. 2 vols. Chicago: The Lewis Publishing Company, 1898.
- Stowe, Harriet Beecher. *Uncle Tom's Cabin: Authoritative Text, Backgrounds and Contexts, Criticism*. Edited by Elizabeth Ammons. New York: W. W. Norton & Company, 1994.

“The Color Line: Bill Wiping It Off the Statutes Passed in the House.” *Columbus Evening Dispatch*. March 10, 1886. Ohio History Connection.

“The Fugitive Slave Law.” *Digital History*, 2016.  
[http://www.digitalhistory.uh.edu/disp\\_textbook.cfm?smtID=2&psid=3276](http://www.digitalhistory.uh.edu/disp_textbook.cfm?smtID=2&psid=3276).

*The History of Marion County, Ohio*. Chicago: Leggett, Conaway & Co., 1883.

Turner, Lorenzo Dow. “The Second Period of Militant Abolitionism (1850-1861).” *The Journal of Negro History* 14, no. 4 (October 1929): 440–75.