

Miscegenation in and after *The Birth of a Nation***Melvyn STOKES****University College London, UK****American Laws Against Miscegenation**

Ann Dunham was born in Kansas in 1942. Her father, once an oil rig worker, served in the army during the Second World War. Her mother worked in wartime industry. Once the war ended, the two elder Dunhams studied at college under the G.I. Bill of Rights and relocated several times, ending up in Hawaii. Meanwhile, a man called Barack Obama, born in Kenya, had spent part of his childhood herding goats in Africa. Eventually, he won a scholarship to the University of Hawaii, where he met Ann Dunham. The couple, one black, one white, married in February 1961 and, six months later, had a baby boy they named after his father. That boy grew up to become the forty-fourth president of the United States.

Most of the discussion dealing with Barack Obama in terms of race has centered on the fact that he is the first African American to be elected president. But it is also crucial to point out that *when* he was born, in 1961, of a white mother and black father, many states of the United States still banned marriages between people of different races. Although the Supreme Court of California had declared the state law dealing with this issue unconstitutional in 1948, and seven other states repealed their laws against interracial marriage between 1951 and 1958, there were still twenty-two American states that forbade

inter-racial marriage at the time of Obama's birth.¹ In sixteen of these states, predominantly but not exclusively in the South, such laws would last until 1967, when the United States Supreme Court – in the appropriately-named case of *Loving v. Virginia* – finally ruled that they were unconstitutional.

The first laws against racial intermarriage in what would eventually become the United States had been passed in the seventeenth century. The Maryland General Assembly pioneered the way in 1661 with a statute describing intermarriage between black women and white men as “the disgrace of the nation.”² Colonial legislatures were well aware of racial issues. In fact, representative government and slavery in Britain's American colonies emerged almost simultaneously. In 1619, the Virginia colonists were granted the right to hold an annual general assembly. One month later, twenty black Africans landed at Jamestown.³ During the next two centuries, millions followed.

Legislators in colonial assemblies and later state legislatures would continue to press for laws proscribing inter-racial marriage. Between the American Revolution and the Civil

¹ The Obama family was fortunate to be living in Hawaii, which had never enacted such legislation.

² Susan Courtney, *Hollywood Fantasies of Miscegenation: Spectacular Narratives of Gender and Race, 1903-1967* (Princeton: Princeton University Press, 2005), 10.

³ John Hope Franklin and Alfred A. Moss, Jr., *From Slavery to Freedom: A History of African Americans* (New York: Alfred A. Knopf, 7th ed., 1994), 56; Philip S. Foner, *History of Black Americans: From Africa to the Emergence of the Cotton Kingdom* (Westport, Conn.: Greenwood Press, 1975), 186-87.

War, however, Elise Lemire points out, such laws were apparently less necessary since novelists, writers of short stories, poets, journalists and political cartoonists all produced a large range of work “teaching whites that blacks are physically and socially inferior and to thereby treat them accordingly.” Lemire identifies three peaks in white American anxiety about inter-racial relationships: at the start of the nineteenth century when Thomas Jefferson was attacked by his Federalist opponents for having a relationship with one of his slaves; in the 1830s, as the strength of abolitionism rose; and in the 1860s, after Lincoln’s Proclamation of Emancipation.⁴ During the Civil War, the phenomenon many had criticized and tried to ban finally also acquired its own name. Two Democratic Party publicists, David G. Croly (the father of political theorist Herbert Croly) and George Wakeman, attempted to undermine support for the Republican party during the presidential election of 1864. They wrongly suggested that Lincoln and the Republican leadership supported intermarriage between the races – a process to which they gave the name *miscegenation*, a term created from the Latin words *miscere* (to mix) and *genus* (race).⁵

⁴ Elise Lemire, “*Miscegenation*”: *Making Race in America* (Philadelphia: University of Pennsylvania Press, 2002), 1-2

⁵ Anon. [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: Dexter, Hamilton and Co., 1864); Sidney Kaplan, “The Miscegenation Issue in the Election of 1864,” *Journal of Negro History*, 34, no. 3 (July 1949): 274-343, explanation of the etymology of the term on 277. Also see Lemire, “*Miscegenation*,” 116-18.

In the four decades after 1890, miscegenation became increasingly salient as an issue in political discourse. Social changes within the United States were a major cause of this. Three major population movements occurred. The first was the increasing migration of African Americans to northern and western cities, abandoning the rural South in search of industrial jobs.⁶ This meant that many communities outside the South also began to experience racial tensions for the first time. It was a race riot at Springfield, Illinois, in 1908 that led to the organization a year later of the National Association for the Advancement of Colored People.⁷ The second movement was that of Japanese immigrants into California – an influx of around 100,000 people that prompted hysterical talk of a “yellow peril” and demands for Japanese exclusion.⁸ The third and greatest population movement was the change in general patterns of immigration from Europe, which saw the “old” immigration

⁶See Carole Marks, *Farewell—We’re Good and Gone: The Great Black Migration* (Bloomington: Indiana University Press, 1989; Nicholas Lemann, *The Promised Land: The Great Black Migration and How It Changed America* (New York: Vintage Books, 1992).

⁷ On the race riot and organisation of the NAACP, see Charles F. Kellogg, *NAACP: A History of the National Association for the Advancement of Colored People* (Baltimore: Johns Hopkins University Press, 1967), 1, 9-30.

⁸ On Japanese immigrants to the West Coast, see Roger Daniels, *The Politics of Prejudice: The Anti-Japanese Movement in California and the Struggle for Japanese Exclusion* (Berkeley: University of California Press, 2nd ed., 1977).

from northern and western Europe replaced by the ostensibly less assimilable “new” millions from southern and eastern Europe.⁹

In the early twentieth century, white Americans tried to shore up their ascendancy by introducing broader restrictions on immigration. They also endeavored to preserve the purity of their own race by passing new laws against miscegenation: between 1887 and 1930 at least forty-one attempts were made to ban interracial marriage in Mid-Atlantic and East North Central states.¹⁰ In the South, laws of this type were mainly designed to prevent marriage between blacks and whites. In some Western states, however, they were much more complex, at times banning marriage between whites and Orientals, Indians, and Mexicans.¹¹

Racial Ideas and D. W. Griffith's *The Birth of a Nation*

⁹ For the “new” immigration and the Dillingham Commission report of 1911, see Thomas Kessner, *The Golden Door: Italian and Jewish Mobility in New York City 1880-1915* (New York: Oxford University Press, 1977), 24-26.

¹⁰ David H. Fowler, *Northern Attitudes towards Interracial Marriage: Legislation and Public Opinion in the Middle Atlantic States and the States of the Old Northwest, 1780-1930* (New York: Garland, 1987), 273. On the basis of Fowler's information, there were actually forty-two attempts, all of which failed. *Ibid.*, 271, n.1.

¹¹ If anti-miscegenation laws were oldest in the South, they were most complicated in the West. See Arlene Hui, “Miscegenation in Mainstream American Cinema: Representing Interracial Relationships, 1913-1956” (Ph.D. diss., University of London, 2006), 28-29.

The idea of a pure white race can be traced back at least as far as Tacitus. “In the peoples of Germany,” maintained the Roman historian, “there has been given to the world a race untainted by intermarriage with other races . . . pure, like no one but themselves.”¹² In the 1850s, French aristocrat Arthur de Gobineau had declared his opposition to racial mixing to protect the purity of what he described as the “Aryan” race.¹³ In D. W. Griffith’s notorious film *The Birth of a Nation* (1915), when the Union veterans offer shelter in their log cabin to the ex-Confederate Cameron family, who have escaped being arrested by black soldiers, an intertitle observes with satisfaction that “the former enemies of North and South are united again in common defence of their Aryan birthright.”

It is possible that what Griffith had in mind, however, was an alternative cluster of ideas to those involving Aryanism. Rather than having its roots in the work of late eighteenth and early nineteenth century philologists, as Aryanism did, “Anglo-Saxonism” originated in the outlook of English religious and political reformers of the sixteenth and seventeenth centuries who invented the historical myth of pure, libertarian and democratic Anglo-Saxons to justify their own actions. In the United States in the last years of the nineteenth century, Anglo-Saxon ideas and ideals were far more widespread than notions of Aryanism. They attracted the interest of many educated native-born Americans. They were especially influential at Johns Hopkins University where, from 1881, historian Herbert Baxter Adams

¹² Tacitus, as quoted in Reginald Horsman, *Race and Manifest Destiny: The Origins of American Racial Anglo-Saxonism* (Cambridge, Mass.: Harvard University Press, 1981), 12.

¹³ Arthur de Gobineau, *Essai sur l'inégalité des races humaines* (Paris : Firmin-Didot, 1853-55).

was teaching that native-born Americans were descended from Anglo-Saxons with whom they shared a particular genius for self-government. Amongst the students in Adams's graduate seminar were Woodrow Wilson – and Thomas Dixon, Jr. In his novels *The Leopard's Spots* (1903) and *The Clansman* (1905) – the basis for *The Birth of a Nation* – Dixon made frequent reference not to Aryanism but to Anglo-Saxonism.

Americans like Dixon not only saw themselves as sharing the same political descent from Anglo-Saxon roots as the English. Increasingly, they came to regard themselves as the members of an Anglo-Saxon *race* that was itself superior to other races, including blacks and Indians. Adherents of this view often believed that white Anglo-Saxons could outbreed other races. For most of the time, therefore, they could regard with equanimity the arrival of European immigrants from a wide variety of national and ethnic origins. So vague was the concept of an Anglo-Saxon race and so confident in its powers of assimilation were those who regarded themselves as members that they regarded the “Melting Pot” as principally a means of producing future Anglo-Saxon citizens. Moreover, so great was their faith in the reproductive powers of the white Anglo-Saxons that some were prepared to argue that relationships between white men and black women would succeed in “white-washing” their descendants and finally erasing all trace of the black race.¹⁴

¹⁴ John Higham, *Strangers in the Land: Patterns of American Nativism, 1860-1925* (New Brunswick, N.J.: Rutgers University Press, 1955), 109–10, 144–45; Horsman, *Race and Manifest Destiny*, 295–96. Interbreeding between black men and white women, it was suggested, would have exactly the opposite effect, encouraging racial deterioration. *Ibid.*

Arrogant confidence such as this had been replaced, by the early years of the twentieth century, with feelings of anxiety and trepidation. When *The Birth of a Nation* was released in 1915, it both shaped and reflected contemporary concerns over racial intermingling. Of the three irredeemably evil characters in *The Birth of a Nation*, two, as mulattoes, symbolized the dangers of racial mixing: Lydia Brown (Mary Alden), the “housekeeper” of white politician Austin Stoneman (Ralph Lewis), whose passion for her is suggested to be the basis for his attempt to impose racial equality on the defeated South; and Silas Lynch (George Siegmann), the black lieutenant-governor who attempts to create a black empire of his own and arrange a “forced marriage” with Stoneman’s daughter, Elsie (Lillian Gish).¹⁵ The depiction of Lydia Brown and Silas Lynch on screen seems to suggest that women and men of mixed race are both less in control of their passions and more dangerous than “pure” blacks. In the film’s distinct hierarchy of races, mulattoes inherit their brutality and primitivism from their black inheritance, but their white blood is responsible for endowing them with political and organizational skills. The third villain is Gus (Walter Long), a black, who first tells the white Flora Cameron (Mae Marsh) that he would like to marry her and then, when she runs away, chases her until, panic-stricken, she jumps to her death to escape him.

Salience of the Issue of Racial Intermarriage

¹⁵ Michael Rogin points out that the liaison between Stoneman and Lydia foregrounds the idea of the mulatto, born of interracial relationships. Rogin, “The Sword Became a Flashing Vision,” in Robert Lang, ed., *The Birth of a Nation: D. W. Griffith, Director* (New Brunswick, N.J.: Rutgers University Press, 1994), 269.

The issue of sexual relationships across racial lines, of course, was a particularly salient issue at the time of the film's release as a result of the efforts of many states to pass laws forbidding intermarriage. The NAACP fought hard against such legislation, for the most part successfully.¹⁶ It also managed to fight off the attempts of Southern Democrats, using to the hilt their party's majority in the final weeks of the 63rd Congress, to pass a bill forbidding racial intermarriage in the District of Columbia.¹⁷ That *The Birth of a Nation* foregrounded the whole intermarriage issue so emphatically—blacks are seen with placards demanding “equal marriage”; the South Carolina legislature is pictured passing a bill acceding to this demand; and both Lynch and the other black villain, Gus (Walter Long), want to marry their white female victims—had very little to do with what actually happened during the days of Reconstruction after the Civil War and everything to do with the sexual obsessions of Thomas Dixon, reinforced by contemporary racial concerns at the time the film was made.

What happens to Gus in the film after Flora's death also sheds considerable light on the tangled relationship between race, sexuality, and alcohol that existed in American culture

¹⁶ States proposing laws against intermarriage included California, Colorado, Illinois, Iowa, Kansas, Michigan, Nebraska, New York, Ohio, Pennsylvania, Washington, and Wisconsin. NAACP Sixth Annual Report, 1915, *The Crisis* (March 1916), 248. Also see minutes of the Meeting of the NAACP Board of Directors, February 2, 1916, and Annual Meeting of the Members of the NAACP, February 12, 1915, both in National Association for the Advancement of Colored People Papers (NAACPP), Library of Congress.

¹⁷ See Chairman [Joel E. Spingarn]'s Report, Minutes of the NAACP Annual Meeting, January 3, 1916, 4, NAACPP; *The Crisis* (March 1915), 246.

in 1914–15. As the Klan organizes, the whites of Piedmont go looking for Gus. One such searcher is the town's blacksmith (Wallace Reid), a large and powerful white man. When he arrives at the saloon, he meets another, equally powerful black man (played by white actor Eugene Pallette wearing black-face makeup). The two confront one another. A fight breaks out and the blacksmith defeats his opponent. He then fights (and beats) another six or seven black men who are present in the saloon, throwing some of them out of the window. At its simplest, this is a racist depiction of how a single strong white man can take on, in a reasonably fair fight, a crowd of perhaps eight black men. The blacksmith is beaten only when he is shot in the back by one of the few blacks remaining in the saloon and then finally finished off by Gus, using the same gun.¹⁸

Analysis of this single scene must start from the effort to contextualize it. Many popular assumptions of the time were embodied in the scene and may have accounted for the way it was interpreted by contemporary viewers. The scene reflects the racial attitudes of Thomas Dixon, Jr. and perhaps those of much of the white South (including Griffith).¹⁹ The idea of the black man as threatening rapist haunted the imagination of the white South in the

¹⁸ On this fight sequence, see Melvyn Stokes, "Structuring Absences: Images of America Missing from the Hollywood Screen," *Revue Française d'Études Américaines* no. 89 (June 2001): 47–50.

¹⁹ As reviewer Mark Vance commented: "Griffith struck it right when he adapted the Dixon story for the film. He knew the South and he knew just what kind of picture would please all white classes." *Variety*, March 12, 1915, reprinted in Fred Silva, ed., *Focus on "The Birth of a Nation"* (Englewood Cliffs, N.J.: Prentice-Hall, 1971), 23.

closing years of the nineteenth century and the first years of the twentieth. It was used to justify the extreme prevalence of lynching, perceived as a necessary means of “keeping the black man in his place.”²⁰ Accompanying this was the image of blacks as innately weak, childlike, and cowardly creatures fostered by a vast array of Southern writers, together with historians (usually Northerners) of the Dunningite school.²¹ The two images, of course, were inconsistent. The weak, cowardly black male was turned into a brutal, sex-crazed rapist, so this interpretation ran, by either sudden opportunity (the availability of unprotected white females) or alcohol (encouraging the black man to slough off his veneer of civilization and return to his bestial origins), or both.

It seems no accident, therefore, that Gus, after Flora has killed herself, takes refuge in “White-arm Joe’s gin-mill”, or that Silas Lynch, the mulatto lieutenant-governor, gives

²⁰ Joel Williamson, *The Crucible of Race: Black-White Relations in the American South since Emancipation* (New York: Oxford University Press, 1984), 111–33, 178–79, 306–9; George W. Frederickson, *The Black Image in the White Mind: The Debate on Afro-American Character and Destiny, 1817-1914* (New York: Harper and Rpw, 1971), 273–81; Edward L. Ayers, *The Promise of the New South: Life after Reconstruction* (New York: Oxford University Press, 1992), 158.

²¹ This group of pro-South scholars was made up for the most part of former graduate students of Columbia University historian William Archibald Dunning. In his own books—*Essays on the Civil War and Reconstruction and Related Topics* (1897) and *Reconstruction, Political and Economic, 1865-1877* (1907)—Dunning had argued that the Reconstruction process after the American Civil War had been a huge mistake.

instructions to his henchmen to prepare for his “forced marriage” to Elsie Stoneman while “drunk with wine and power.” *The Birth of a Nation* appeared while the movement to prohibit alcohol in the U.S. was gaining strength. A period of reverses in which eight states had voted to reject statewide prohibition came to an end in November 1913 when the Anti-Saloon League committed itself to pushing for nationwide prohibition.²² The crusade for prohibition was something that appealed to Griffith, who came from a Methodist background and had already made at least three films—*A Drunkard’s Reformation* (1909), *What Drink Did* (1909), and *Drink’s Lure* (1912)—emphasizing the threat of alcohol. *The Birth of a Nation*, a film made by a Southerner about the South, tied alcohol irretrievably to the issue of race. In part, this simply reflected the outlook of the time. White Southern progressive reformers often linked black crime to the effects of alcohol; Alexander J. McKelway, for instance, argued that “if drunkenness caused three-fourths of the crime ascribed to it, whiskey must be taken out of the Negro’s hands.”²³ Yet by establishing a link between black men desiring white women and alcohol, it also helped justify the more repugnant methods (including lynching) often employed by Southern whites to discipline black males.

“Fight” films and the Emergence of Jack Johnson

²² Jack S. Blocker Jr., *Retreat from Reform: The Prohibition Movement in the United States 1890–1913* (Westport, Conn.: Greenwood Press, 1976), 214, 216, 239.

²³ McKelway, as quoted in Hugh C. Bailey, *Liberalism in the New South: Southern Social Reformers and the Progressive Movement* (Coral Gables, Fla.: University of Miami Press, 1969), 65.

The fight in the saloon had a number of other cultural referents, however. One of the first types of film to emerge in the 1890s was the so-called fight film, depicting either a real or, more commonly, reproduced prize-fight. Many commentators at the time noted that a large proportion of the audience for such boxing films was made up of women. According to one estimate, women constituted 60 percent of the Chicago audience for the Corbett-Fitzsimmons fight of 1897.²⁴ On the one hand, women were taking possession of a new public sphere, the cinema, and in so doing asserting their own independence. On the other hand, they were outflanking established conventions of what women were able to do in terms of sexual propriety. Few of the women in these audiences were likely to have seen a man naked before apart from, if married, their husbands. Now they were being introduced to the erotic possibilities inherent in the sight of semi-naked, large, fit men on film.

To this assault on conventions of gender would soon be added an even more combustible element: race. In 1908, black prize-fighter Jack Johnson became the heavyweight champion of the world after defeating a white opponent in Australia. He successfully defended his title against white fighters Stanley Ketchum (October 16, 1909) and Jim Jeffreys (July 4, 1910). Films of the fights were widely shown in the United States, though they were also banned in some states, especially in the South.²⁵ What these films did was not only to

²⁴ Charles Musser, *The Emergence of Cinema: The American Screen to 1907* (New York: Charles Scribner's Sons, 1990), 200.

²⁵ Dan Streible, "Race and the Reception of Jack Johnson Fight Films," in Daniel Bernardi, ed., *The Birth of Whiteness: Race and the Emergence of U.S. Cinema* (New Brunswick, N.J.: Rutgers University Press, 1996), 170–90; Lee Grieveson, "Fighting Films: Race, Morality,

allow white women the possibility of watching a half-naked black sportsman in action, but also to undermine established perceptions of racial hierarchy by having a black man defeat an opponent who was white. As retired boxer Jim Corbett wrote to the *Chicago Tribune* emphasizing this point, “the white man has succumbed to a type which in the past was conceded to be his inferior in physical and mental prowess.”²⁶ The white male response to the Johnson phenomenon was perhaps inevitable. In July 1912, hastened by Johnson’s defeat earlier that month of Jim Flynn, yet another “Great White Hope,” Congress passed the Sims Act forbidding the transport of fight films across state lines – perhaps the only Federal law ever to have been aimed at a single individual.²⁷

The irony of this law, of course, was that when Johnson finally *was* beaten by a white boxer, Jess Willard, in a fight staged in Cuba in April 1915, the film of his defeat could not be shown anywhere in the United States. The only white man fighting African Americans with his fists to be depicted in a major film in 1915 was the blacksmith in *The Birth of a Nation*,

and the Governing of Cinema, 1912-1915,” *Cinema Journal* 38, no. 1 (Fall 1998): 44. On Johnson’s career, also see Al-Tony Gilmore, *Bad Nigger! The National Impact of Jack Johnson* (Port Washington: Kennikat Press, 1975) and Randy Roberts, *Papa Jack: Jack Johnson and the Era of White Hopes* (New York: Free Press, 1983).

²⁶ Quoted in Streible, “Race and the Reception,” 173.

²⁷ Streible, “Race and the Reception,” 192–93; Grieveson, “Fighting Films,” 45–46. On the background to the Sims Act, also see Gilmore, *Bad Nigger!*, 75–93.

and it is probable that many contemporary spectators viewed this sequence in the context of the popular, press-inspired search for a “Great White Hope.”²⁸

The Mann Act, Johnson and the Growing Pressure for Anti-Miscegenation Laws

More than any other single factor, Jack Johnson was responsible for making miscegenation an issue in the United States in the early 1910s. To understand how this came about needs a certain amount of explanatory context. From 1907, a combination of sensational journalistic investigations, inaugurated by three important articles by George Kibbe Turner²⁹ and public anxieties over the fate of young girls arriving in the city, prompted a media-fuelled “white slave” panic in the United States. Many people seemingly believed that crime rings were abducting young girls, either from Europe or the American countryside, and forcing them to

²⁸ Alternatively, Richard Maltby has argued in more symbolic terms that “The Great White Hope longed for in saloons across the country finally appeared in 1915 ... [as] Henry B. Walthall, D. W. Griffith’s *Little Colonel*.” Maltby, “The Social Evil, the Moral Order, and the Melodramatic Imagination, 1890–1915,” in Jacky Bratten, Jim Cook, and Christine Gledhill, eds., *Melodrama: Stage, Picture, Screen* (London: BFI, 1994), 226, n. 23.

²⁹ George Kibbe Turner, “The City of Chicago: A Study of the Great Immoralities,” *McClure’s Magazine* 28 (April 1907): 575–92; Turner, “Tammany’s Control of New York by Professional Criminals,” *McClure’s Magazine* 33 (June 1909): 117–34; Turner, “The Daughters of the Poor,” *McClure’s Magazine* 34 (November 1909): 45–61. The first and last of these articles were reprinted in Arthur and Lila Weinberg, eds., *The Muckrakers* (New York: Simon and Schuster, 1961), 389–429.

become urban prostitutes.³⁰ In 1910, Congress, which had earlier tried to limit the migration of prostitutes from abroad by tightening the immigration laws, passed the Mann Act, which sought to undercut the supposed “white slave trade” by prohibiting the transportation of women across state lines for “immoral purposes.” The difficulty was that the notion of white slavery, while it exempted the women concerned from blame (and may also have made it possible for rural and small-town America to avoid confronting the reality of rebellious and runaway daughters), perpetuated the myth that young women were being forced into a life of prostitution. The actual administration of the Mann Act weakened the credibility of that myth: as David J. Langum has pointed out, the vast majority of prosecutions under the act would always involve the transportation of “adult, willing prostitutes.”³¹

The most famous case brought under the Mann Act during the first years of its existence was that involving Jack Johnson. The main agency involved in the enforcement of the Mann Act was the Bureau of Investigation (later to become the Federal Bureau of Investigation) formed within the Department of Justice in 1908.³² In October 1912, Johnson was arrested and charged with abducting Lucille Cameron, a white girl and former Minneapolis prostitute, who had had a sexual relationship with Johnson after she came to

³⁰ On the white slave panic, see Frederick K. Grittman, *White Slavery: Myth, Ideology, and American Law* (New York: Garland, 1990); Ben Brewster, “Traffic in Souls,” *Cinema Journal*, 31, no.1 (Fall 1991): 37–56.

³¹ David J. Langum, *Crossing over the Line: Legislating Morality under the Mann Act* (Chicago: University of Chicago Press, 1994), 48, 75.

³² Langum, *Crossing over the Line*, 48–49.

Chicago. The accusation of abduction was originally made by Cameron's mother. But though Lucille admitted she had been a prostitute, she adamantly refused to implicate Johnson in her move to Chicago. While Johnson was still being tried for abduction, on November 7 he was charged by agents of the Bureau of Investigation with breaking the Mann Act. The "white slave" in this case was Belle Schreiber, a prostitute who had traveled around the United States with Johnson on an intermittent basis for a year and a half. On November 20, Johnson was acquitted of abducting Lucille Cameron and two weeks later, on December 4, he and Lucille were married.³³ In his private life, Johnson appeared to be mounting a direct attack on the contemporary white prejudice against miscegenation. The result was almost preordained. In May 1913, Johnson was found guilty of transporting Schreiber across state lines for the purposes of prostitution and sentenced to a year and a day in jail (the federal prosecutor later ill-advisedly told the press that Johnson "as an individual" had "perhaps" been unjustly "persecuted" but that it had been "his misfortune to be the foremost example of the evil in permitting the intermarriage of whites and blacks.")³⁴

The publicity accorded Johnson's marriage to a white girl and the Johnson case itself appears to have given a powerful fillip to the contemporary movement to ban miscegenation by legal means. In 1913, in the wake of Johnson's marriage and trial, "[anti-]miscegenation bills were introduced in half of the twenty states that [still] permitted interracial marriages."

³³ Gilmore, *Bad Nigger!*, 95–96, 105–106.

³⁴ Prosecutor, as cited in Langum, *Crossing over the Line*, 185. Johnson fled to Europe to escape his sentence but eventually, in 1920, gave himself up to federal authorities and served his sentence.

In Congress, in the aftermath of the Johnson case, at least twenty-one miscegenation bills were introduced, though none was finally passed.³⁵ *The Birth of a Nation* emerged from this background, blending together the sexual neuroses of Thomas Dixon, Jr. revolving around the supposed production of a “mongrel” race and the contemporary fall-out of the Johnson case.

Black and White Women in *The Birth of a Nation*

Legislation prohibiting miscegenation was designed to contain a possible threat from non-white men and to protect white women. The representation of white women in *The Birth of a Nation* underlined the need for such protection. The film’s white women are weak and fluttery creatures who need to be rescued from or defended against the threat from colored men (as shown by Flora’s fate and Elsie’s imprisonment by Lynch). The final act of such male protectionism is to save them from the “fate worse than death”: in the climactic scene in the log cabin, when the black militiamen are on the point of breaking in, both Dr. Cameron (Spottiswoode Aiken) and one of the Union veterans—all bullets spent—prepare to beat their daughters to death with guns rather than see them fall into the hands of the victorious African Americans. White women in *Birth of a Nation* represent an ideal type of womanhood: Ben Cameron, according to an intertitle, “finds the ideal of his dreams in the picture of Elsie Stoneman . . . whom he has never seen”. They are decorative rather than productive. The closest any white woman comes to real work in *The Birth of a Nation* is to take in boarders: with the Civil War over and the South beginning to rebuild itself, Mrs. Cameron (Josephine Crowell) and her daughter Margaret (Miriam Cooper) put up a “Boarding” sign outside the

³⁵ Roberts, *Papa Jack*, 159—160; also see Gilmore, *Bad Nigger!*, 106–13.

Cameron mansion. Otherwise, all they seem good for is strumming a banjo, stitching costumes for Klansmen, or fetching water in a bucket from the spring. The only truly independent act committed by a white woman in the film is Mrs. Cameron's visit to Washington to plead with the president to pardon her son, Confederate Colonel "Ben" Cameron, and that is simply an extension of her maternal role.

This lack of agency on the part of white women contrasts with the relative activism of those who are mulatto or black: Lydia Brown is clearly identified as the source of Stoneman's radical policies ("The great leader's weakness that is to blight a nation"); the Mammy figure (Jennie Lee) twice knocks down a man who is jeering the arrest of Dr. Cameron, the owner of the plantation, and plays a major part in her former master's subsequent rescue. Such ascription of agency to mulatto or black women, while white women were presented as passive, may simultaneously have reflected Griffith's racism (black women were consigned to the periphery of society in early twentieth-century America, so what they did could be discounted) and his traditional gender assumptions. Essentially, the film's white women simply wait around to react to news from the public sphere dominated by men ("The woman's part") or to wear pretty clothes to meet male preconceptions, as when Flora attempts to dress up for her eldest brother's homecoming. There is no suggestion that they have either the willpower or the ability to take their place in the political or economic sphere. Although *The Birth of a Nation* was set in the past, it is difficult to contradict the notion that Griffith was using the film as propaganda for his own paternalistic view of women—that he was, at least implicitly, criticizing the "New Woman" of the early twentieth century who campaigned for the same legal and civil rights as men, including the vote.

“Whiteness” and American National Unity

In *The Birth of a Nation*, Griffith created a largely fictional view of the past that both commented on and critiqued existing American society. Most crucially, his film constructed a (supposedly historical) narrative of national unity based on an ideal of whiteness. The new element in *Birth of a Nation*, argues Linda Williams, “is that it links new feelings about race to equally new feelings of national identity, based on an overt celebration of white supremacy.” It demonstrated that movies were now “capable of forging a myth of national origin grounded in race to spectacular effect.”³⁶ The problem, of course, is that it was a myth essentially based on error and exclusion. The film invented a “history” of the post-Civil War Reconstruction era in which lascivious black or mulatto males pursued both white females and, more abstractly, the right to marry them. It need hardly be said that this was fiction: the blacks and mulattoes of South Carolina, the state in which *The Birth of a Nation* was set, demonstrated no such verifiable behavior or ambition. The black-dominated state legislature made no attempt to legislate in favor of intermarriage. Instead, *The Birth of a Nation* created a false representation of African American behavior that had two deeply pernicious consequences. Firstly, it provided a defense of the attempts made by Southern states to discipline black men, whether through disfranchisement, segregation – or lynching. Secondly, it served to conceal the true character of miscegenation. Although *Birth* represented blacks preying on white women as the main avenue to interracial relationships, most mulattoes—as

³⁶ Linda Williams, *Playing the Race Card: Melodramas of Black and White from Uncle Tom to O.J. Simpson* (Princeton: Princeton University Press, 2001), 100.

the product of such relationships—had been born because ante-bellum Southern white men had sexually exploited their female slaves.³⁷

The Influence of *The Birth of a Nation*

The representation of miscegenation in *The Birth of a Nation* cast a long shadow. One immediate effect of the film was to stimulate the production of black filmmaker Oscar Micheaux's *Within Our Gates* (1920). "While Griffith's film represents black male assaults on white female virtue," comments Anna Siomopoulos, "Micheaux's film sets the record straight with its depiction of the attempted rape of a black woman by a white man."³⁸ The plot of *Within Our Gates* is even more complicated than this: Armand Gridlestone (Grant Gorman) is the brother of an unpopular white landowner whose murder has led to the lynching of two innocent blacks, the foster-parents of Sylvia Landry (Evelyn Preer). Armand, in a highly brutal scene, then tries to rape Sylvia and only stops when – because of a scar on her breast – he recognizes her as his own daughter, the result of a liaison with a black woman.

³⁷ See Letter by Ross D. Brown, published in "People's Forum—The Birth of a Nation," *Muncie Star* January 18, 1916, David W. Griffith Papers (Frederick, Md.: University Publications of America, 1982); Francis H. Rowley, "A Reproach to Our City," *Fighting a Vicious Film – Protest Against "The Birth of a Nation,"* pamphlet published by the Boston Branch of the NAACP, spring 1915, 36–37.

³⁸ Anna Siomopoulos, "The Birth of Black Cinema: Race, Reception, and Oscar Micheaux's *Within Our Gates*," *The Moving Image*, 6, no. 2 (Fall 2006): 111.

The combination of miscegenation, attempted rape and possible incest provided a powerful riposte to Griffith's tale of black sexual aggressiveness.

The campaign of protest against *The Birth of a Nation* also encouraged Hollywood to avoid controversy wherever possible in future. In 1927, the Motion Picture Producers and Distributors of America (MPPDA) – formed in 1922 to counter growing criticism of the industry for its perceived moral turpitude – issued its first general guidelines for film producers, the “Don'ts and Be Carefuls.” One of the “Don'ts” was the depiction of miscegenation, very specifically described as “sex relationships between the white and black races.”³⁹ The Production Code adopted in 1930 (often known as the “Hays Code” after William H. Hays, long-serving president of the MPPDA) reasserted this ban in the same words.⁴⁰

³⁹ While there does not seem to be any archival evidence to explain why the MPPDA adopted this prohibition in 1927, Peggy Pascoe points out that the revived Ku Klux Klan of the 1920s had campaigned in many places for anti-miscegenation laws. 1927 alone had seen eight new attempts to pass such state laws. Susan Courtney also speculates that the clause “emerged from shared concerns of censorship boards throughout the country.” Pascoe, *What Comes Naturally: Miscegenation Law and the Making of Race in America* (New York: Oxford University Press, 2009), 180-81; Courtney, *Hollywood Fantasies of Miscegenation*, 114.

⁴⁰ Gerald Mast, ed., *The Movies in Our Midst: Documents in the Cultural History of Film in America* (Chicago: University of Chicago Press, 1982), 213, 333.

As Lea Jacobs has noted, the Production Code often functioned less as a series of blanket prohibitions than as a process of negotiation and reinterpretation.⁴¹ During the early years of its existence, the administrators of the Code appear actually to have expanded the meaning of the miscegenation clause. The Production Code Administration, set up in 1934 to administer the Code, rejected an initial script for *Imitation of Life* as being in violation of the miscegenation clause. What is “strikingly odd” about this ruling, Susan Courtney notes, is the fact that the script did not in fact cover what the clause actually banned: “sex relationships between the white and black races.” Yet in including a mixed-race character, Peola Johnson (Freda Washington), who attempts to pass herself off as white, it did at least by implication raise the issue of inter-racial sex and – as one PCA reviewer noted – violated the miscegenation clause “in spirit, if not in fact.”⁴²

The PCA also extended the definition of the miscegenation clause to include Asian-white relationships as well as white-black ones. At the same time, however, it regularly approved movies representing romantic and/or marital relationships between whites and Native Americans. It also accepted a number of “South Sea island” films – including *Mutiny on the Bounty* (1935) – portraying white men having relationships with native women. As Susan Courtney acknowledges, these inconsistencies reflected broader questions and

⁴¹ Lea Jacobs, *The Wages of Sin: Censorship and the Fallen Woman Film, 1928-1942* (Madison: University of Wisconsin Press, 1991).

⁴² Courtney, *Hollywood Fantasies of Miscegenation*, 142, 144-45.

ambivalences revolving around how race itself could be defined in American society and culture.⁴³

Miscegenation on Film after 1956

The ban on miscegenation in the Production Code was finally revoked in 1956. In the years that followed, there was a cycle of new “miscegenation” films that – possibly in order to compete with the attractions of television – focused on titillating audiences in sensational ways. These films explored all forms of inter-racial relationships.⁴⁴ Yet the freedom they expressed was more apparent than real. Several states still had miscegenation laws in place and, as late as April 1965 a Gallup poll found that 48 per cent of all Americans nationwide approved of laws defining inter-racial marriage as a crime.⁴⁵ Two events in 1967 seemed, however, to suggest that serious change might be in the offing. In June, the Supreme Court handed down its decision in *Loving v. Virginia*, ruling that state miscegenation laws violated the Equal Protection and Due Process clauses of the Fourteenth Amendment and were consequently unconstitutional. In December, Columbia Pictures released *Guess Who’s Coming to Dinner*, dealing with the plans to marry of Joey Drayton (Katharine Houghton), a young white woman, and John Prentice (Sidney Poitier), a black doctor.

While Susan Courtney describes *Guess Who’s Coming to Dinner* as “the most popular interracial text of its era, and arguably of the late twentieth century,” she sees part of the

⁴³ Courtney, *Hollywood Fantasies of Miscegenation*, 119-24, 133-39.

⁴⁴ Courtney, *Hollywood Fantasies of Miscegenation*, 116, 193-94.

⁴⁵ Courtney, *Hollywood Fantasies of Miscegenation*, 260.

commercial success of the film as stemming from the pairing of Spencer Tracy and Katherine Hepburn in their last film together (Tracy died six months before the movie's release).

Courtney also notes that the film questions racial taboos on the basis of highly conservative assumptions regarding gender and sex and a representation of the upper-class life of the Drayton family in which black servants seem hardly to have advanced beyond the "faithful souls" depicted by D. W. Griffith in *The Birth of a Nation* fifty-two years earlier.⁴⁶

Cinematically, the film was also cautious and conservative: the audience sees only one taboo-breaking interracial kiss between the young couple. Even this is not shown directly, but only as a shadowy reflection in the mirror of a taxi – while the taxi-driver looks on, clearly disapproving.

In the years after 1967, many American films – including such blaxploitation productions such as *Mandingo* (1975) and *Drum* (1976), both based on novels by Kyle Onstott – have featured interracial relationships, often from a sensationalized or exploitative perspective. Other films, including *Bulworth* (1998) and *Far from Heaven* (2002), dealt with inter-racial relationships as naturally-occurring events. But not all filmmakers of recent years yet approve of such relationships. In 1991 black film director Spike Lee released a movie (*Jungle Fever*) revolving around the doomed love-affair between African American architect Flipper Purify (Wesley Snipes) and Italian American secretary Angie Tucci (Annabella Sciorra). Lee was intent on putting across his viewpoint that such relationships operated to the disadvantage of African Americans and should not be encouraged. Both the miscegenation clause of the Production Code and state laws against miscegenation itself are long gone. But

⁴⁶ Courtney, *Hollywood Fantasies of Miscegenation*, 250-52, 265-74, 277-92.

to Spike Lee, only two decades ago, the issue of miscegenation was still very much a live one. Perhaps the presidency of Barack Obama, the first man of mixed race to reach the White House, will finally lay it to rest. But, given the history of the issue, this remains a very big perhaps.

Filmography

A Drunkard's Reformation (D. W. Griffith, 1909)

What Drink Did (D. W. Griffith, 1909)

Drink's Lure (D. W. Griffith, 1912)

The Birth of a Nation (D. W. Griffith, 1915)

Within Our Gates (Oscar Micheaux, 1920)

Imitation of Life (John Stahl, 1934)

Mutiny on the Bounty (Frank Lloyd, 1935)

Guess Who's Coming to Dinner (Stanley Kramer, 1967)

Mandingo (Richard Fleischer, 1975)

Drum (Steve Carver, 1976)

Jungle Fever (Spike Lee, 1991)

Bulworth (Warren Beatty, 1998)

Far from Heaven (Todd Haynes, 2002)

