

**Loving v. Virginia:
Miscegenation Marriage**

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Paper

1,812 Words

I believe in recognizing every human being as a human being--neither white, black, brown, or red; and when you are dealing with humanity as a family there's no question of integration or intermarriage.

- Malcolm X, 1965¹

In the 1950s, an interracial couple by the names of Mildred Jeter and Richard Loving were charged for being in an interracial marriage in the state of Virginia based on the Racial Integrity Act. Mildred Jeter was a young, African-American and Native-American woman who fell in love with Richard Loving, a caucasian man. The couple was married on July 11th, 1958, in Washington D.C.² At the time, this was legal for them to do because Washington D.C. has no anti-miscegenation laws, but their home of Virginia did. When they returned, they were arrested 5 weeks after their marriage.³

History

Interracial marriage officially became illegal in 1967, but this didn't stop many people. The laws have been around since the Colonial Era, when laws that related to anti-miscegenation marriage were created in 1691.⁴ In the United States, it was a slow movement to remove miscegenation laws, as well as any racially-divided laws. Though the Lovings' case occurred in

¹ "The Pierre Berton Interview." *Malcolm-x*, www.malcolm-x.org/docs/int_pbert.htm.

² Daley, Jason. "See the Marriage License From the Historic Loving Decision." Smithsonian.com, Smithsonian Institution, 2 Sept. 2016, www.smithsonianmag.com/smart-news/historic-loving-decision-marriage-license-display-180960323/.

³ Arrest warrant for Richard Loving, 13 July 1958, Caroline County (Va.) Commonwealth vs. Richard Perry Loving and Mildred Delores Jeter, 1958-1966. Caroline County (Va.) Reel 79.

⁴ Gutierrez-Romine, Alicia. "When Did Interracial Marriage Become Legal in the United States?" *When Did Interracial Marriage Become Legal in the United States?* - *DailyHistory.org*, 4 June 2017, dailyhistory.org/When_did_interracial_marriage_become_legal_in_the_United_States%3F#cite_note-Virginia_Laws_of_Servitude_and_Slavery-1.

Virginia, there was in a point in time where almost every state in the country of the United States had miscegenation laws when it came to marriage. Of the 50 states, Pennsylvania passed a law in 1725 that restricted the marriage of people of color to marry someone of caucasian ethnicity. This law was repealed in 1780 in the effort to abolish slavery.⁵

Of the people that were in interracial marriages at the time, the Lovings' case is definitely one of the more known ones because of the impact it had on the history of these marriages. This case first occurred in 1967 in Virginia, hence the name "Loving v. Virginia." It is well-known that the southern states of the United States of America don't have a great reputation when it comes to people of color. Of these states, Virginia was one that had more severe anti-miscegenation laws, and one of those laws was the Racial Integrity Act. The Racial Integrity Act states that people who are white that may have some "colored blood," in them, meaning that someone in their past family was not one-hundred percent white, are not completely white because they still have the smallest trace of color in them.⁶ The Racial Integrity Act is the main reason that the couple was not allowed to marry in their home state of Virginia, so they went to another state to get married. Mildred Jeter and Richard Loving went to Washington D.C., which had no anti-miscegenation laws at the time and got married in June of 1958.⁷ For 7 years, the couple fought for their rights and were continuously turned down.

Pace v. Alabama

Though Loving v. Virginia is the more known case that resulted in something more major, it is not the only one that made an effort to remove these anti-miscegenation laws, or

⁵ Head, Tom. "How Interracial Marriage Laws Have Changed Since the 1600s." *ThoughtCo*, 12 Aug. 2017, www.thoughtco.com/interracial-marriage-laws-721611.

⁶ *Virginia Health Bulletin*, vol. XVI, March 1924. Pamphlet. Rockbridge County Clerk's Correspondence, 1912-1943. Local Government Records Collection. The Library of Virginia.12-1245-005/006/007.

⁷ "Tell The Court That I Love My Wife." *Virginia Memory*, 8 Feb. 2012, www.virginiamemory.com/blogs/out_of_the_box/2012/02/08/tell-the-court-that-i-love-my-wife/.

make a change. *Pace v. Alabama* is another court case that dealt with anti-miscegenation laws in the state of Alabama, which involved Tony Pace, a black man, and Mary Cox, a white woman. In *Loving v. Virginia* they were arrested in relation to the Racial Integrity act; in *Pace v. Alabama* the two were accused, not arrested, according to Section 4189 of the Alabama Code. The very beginning of this code states,

If any man and woman live together in adultery or fornication, each of them must, on the first conviction of the offense, be fined not less than one hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months. On the second conviction for the offense with the same person, the offender must be fined not less than three hundred dollars, and may be imprisoned in the county jail, or sentenced to hard labor for the county for not more than twelve months, and for a third or any subsequent conviction with the same person, must be imprisoned in the penitentiary, or sentenced to hard labor for the county for two years.⁸

The couple was sentenced to two years in the penitentiary. Though nowadays, the case would be most likely deemed unconstitutional, the code was deemed constitutional in the court.⁹

The Return

After Mildred and Richard Loving were married in D.C., the couple returned to Virginia. Though they were married in another state, their marriage still remained illegal upon their return. On July 11th, 1958, the couple was found in their home and put under arrest for miscegenation marriage.¹⁰ Miscegenation marriage is the mixing of different racial groups through marriage. It seems like a very foolish kind of law, but at the time, racial laws were only starting to become less severe. Laws are not something to prevent the love between two people. In the

⁸ Supreme Court. *Pace v. Alabama*. 29 Jan. 1883. *Justia*.

⁹ Supreme Court. *Pace v. Alabama*. 29 Jan. 1883. *Justia*.

¹⁰ Court Records. Reproduction from microfilm. *Caroline County (Va.) Commonwealth v. Richard Perry Loving and Mildred Dolores Jeter*, 1958-1966. Caroline County (Va.) Reel 79. Local Government Records Collection, Caroline County Court Records, The Library of Virginia.

anti-miscegenation laws that were around at the time, the intent was to prevent mixing of different racial groups.

In a letter that Mildred wrote to Robert Kennedy she states that her and Richard weren't aware that there were laws against their marriage, and that though her and Richard cannot return upon these laws, she would like it if she could return once and awhile to see family, like her kids, and friends of their family. She also stated that affording an attorney may be an issue.¹¹ When this idea for them to come back home to Virginia was sent to the court, they did not get a response. Marriage can be seen nowadays as a union of love, and that is what the Lovings' wanted to do in the first place, to have a union of love. But only these anti-miscegenation laws were preventing them from doing so. When the Lovings' were found in their home, it was stated that there was no one specific who complained over their marriage. Three years prior to the case, the Civil Rights Act of 1964 was passed. The act was proposed by President John F. Kennedy, and stated that there shall be no segregation in the public work place and that there shall be no discrimination when it comes to employment based on race, sex, religion or color.¹² This would make it a bit easier for the Loving v. Virginia case for the Lovings' side, because it is saying that there should be no discrimination based on these sort of things. Though it doesn't directly state anything about marriage between interracial couples, it still interprets the rights that they have as human beings. In the court that was prior to going to the Supreme Court, their trial judge Judge Leon M. Bazile stated,

Almighty God created the races white, black, yellow, malay and red, and he placed them on separate continents. And but for the interference with his [arrangement] there would be no cause

¹¹ Jeter, Mildred D. Received by Robert Kennedy, 20 June 1968.

¹² History.com Staff. "Civil Rights Act of 1964." *History.com*, A&E Television Networks, 2010, www.history.com/topics/black-history/civil-rights-act.

for such marriages. The fact that he separated the races shows that he did not intend for the races to mix.¹³

Though Judge Bazile stated this, he still greatly assisted the couple in getting their case to a higher court.

The Final Amendment

The 14th Amendment of the United States Constitution is more commonly known as the “equal protection of laws.” This Amendment can be widely seen in multiple court cases like *Brown v. Board of Education* and *Reed v. Reed*, as well as *Loving v. Virginia*.¹⁴ It wasn’t exactly argued on the Lovings’ side that they were denied their marriage because of their love for each other, but that the couple and their children had the right to equal protection under the law based on the 14th Amendment.¹⁵ Chief Justice Earl Warren stated during the case that “the freedom to marry, or not marry, a person of another race resides with the individual, and cannot be infringed by the state.”¹⁶ Therefore, this meant that Virginia’s side was deemed unconstitutional under the Fourteenth Amendment, meaning that the Lovings’ had won on June 12th, 1967.

Virginia was not the only country to end its laws on anti-miscegenation marriage after the Lovings’ case. Because it was a case in the Supreme Court, the verdict must go for every state in the United States, and this meant that every state with anti-miscegenation marriage laws would need them to be dropped. Though this occurred, it did not mean every state would agree, and a few found their ways around it such as Alabama. The Lovings’ case made a large impact on the

¹³ Toobin, Jeffrey. “God and Marriage Equality.” *The New Yorker*, The New Yorker, 19 June 2017, www.newyorker.com/news/daily-comment/god-and-marriage-equality.

¹⁴ Staff, LII. “14th Amendment.” *LII / Legal Information Institute*, 10 Oct. 2017, www.law.cornell.edu/constitution/amendmentxiv.

¹⁵ Tanabe, Ken. “How the 14th Amendment Protects 'Loving' and Diverse Families.” *National Constitution Center – Constitutioncenter.org*, 13 June 2017, constitutioncenter.org/blog/how-the-14th-amendment-protects-loving-and-diverse-families.

¹⁶ 388 US 1 (1967)

laws of marriage that are around now, but it only removed the anti-miscegenation marriage laws. This means that at the time, laws against people of the same sex would continue to be illegal. These laws only became illegal in June of 2015, much longer after the Lovings' case.

Lovings' Day

June 12 is known as Lovings' Day, though not an official day. When it comes to compromise for this topic, there is a lot. It's mostly in the fact that the couple made a large impact on anti-miscegenation laws. People that feel a strong connection to this day will sometimes even get married on this day because of what it did for them in their lives.¹⁷ If it wasn't for Mildred Jeter and Richard Loving bringing their love to the court, it may have taken a lot longer for any other marriage laws to come around. Though Lovings' Day is mostly centered around the interracial marriage laws that were passed on that day, it can be celebrated as a day of equality for everyone. There was also a lot of conflict for *Loving v. Virginia*, because it didn't go to the Supreme Court right away. The couple first went to smaller courts, and these courts helped get it to the Supreme Court. Many people at the time thought their marriage was wrong, hence the reason they were arrested for anti-miscegenation marriage. The 14th Amendment as stated says a lot about equality of people, as well as the Civil Rights Act, and they used these in the court to fight for their rights. Though Mildred and Richard Loving did an amazing thing for the people of the future for interracial marriage, they did not want to be seen as heroes.¹⁸ They just happened to be the people to make these laws more known and make it better for the generations

¹⁷Pfahler, Eric. "Loving Day Celebrations Mark 50th Anniversary of Legal Interracial Marriage." *WFTS*, 12 June 2017, www.actionnews.com/news/national/loving-day-celebrations-mark-50th-anniversary-of-legal-interracial-marriage.

¹⁸ Staff, Bio. "Love Conquers All: The Richard and Mildred Loving Story." *Biography.com*, A&E Networks Television, 13 Feb. 2018, www.biography.com/news/richard-mildred-loving-story.

of the future. Richard Loving passed in 1975, only 8 years after the court and Mildred Loving passed in 2008.

I am proud that Richard's and my name is on a court case that can help reinforce the love, the commitment, the fairness, and the family that so many people, black or white, young or old, gay or straight, seek in life. I support the freedom to marry for all. That's what *Loving*, and loving, are all about.

- Mildred Jeter¹⁹

¹⁹Loving, Mildred. "Loving for All." 12 June 2007.

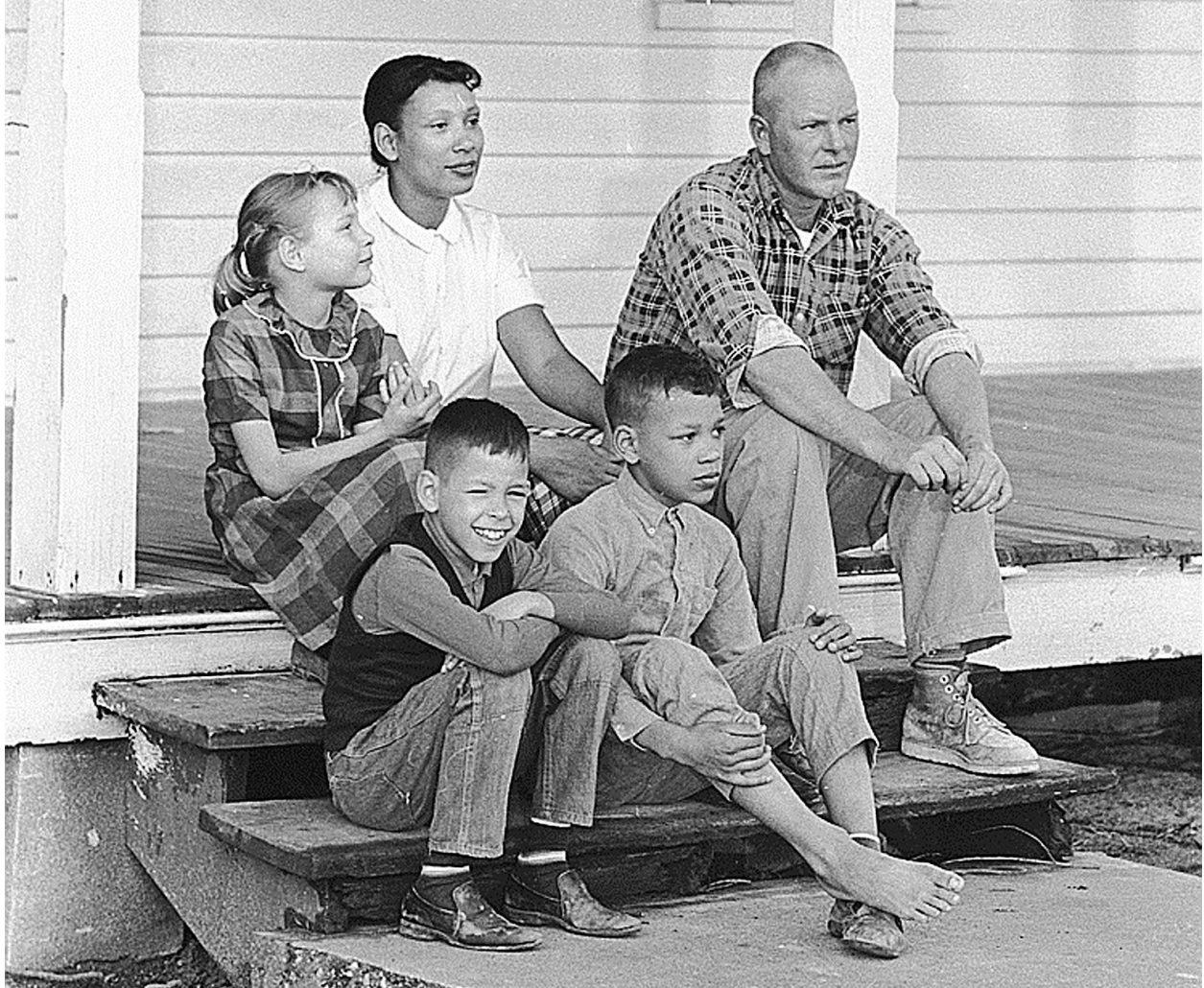
Appendix A



Villet, Grey. *Richard and Mildred Loving*. 18 Mar. 1966.

This photo shows Richard Loving, left, and Mildred Jeter, right, showing their affection and love for each other.

Appendix B



Villet, Grey. *Richard and Mildred Loving*. 18 Mar. 1966.
This shows the Lovings' family on the stairs, possibly in front of their house.

Annotated Bibliography

Primary Sources:

388 US 1 (1967)

This is where I got the quote from Chief Justice Earl Warren, where he stated that the freedom to marry, or not marry, a person of another race resides with the individual, and cannot be infringed by the state.

Arrest warrant for Richard Loving, 13 July 1958, Caroline County (Va.) Commonwealth vs. Richard Perry Loving and Mildred Delores Jeter, 1958-1966. Caroline County (Va.) Reel 79. This shows the arrest warrant for Richard Loving after the couple was found in their home in Virginia after being married in Washington D.C.

Court Records. Reproduction from microfilm. *Caroline County (Va.) Commonwealth v. Richard Perry Loving and Mildred Dolores Jeter*, 1958-1966. Caroline County (Va.) Reel 79. Local Government Records Collection, Caroline County Court Records, The Library of Virginia. These are the court records that talk of how the couple was found in their home after they returned to Virginia, and then arrested.

Jeter, Mildred D. Received by Robert Kennedy, 20 June 1968. Jeter, Mildred D. Received by Robert Kennedy, 20 June 1968.

This is the letter that Mildred Jeter wrote to Robert Kennedy stating that she could not afford a lawyer and that she and her husband has no idea that there were anti-miscegenation laws in Virginia when they came back.

Loving, Mildred. "Loving for All." 12 June 2007.

This is where I got the quote from Mildred. This is a sort of speech that she did for the anniversary of the Loving case, and she said that she is very proud that Richard's name and her name are in history for something like this.

Staff, LII. "14th Amendment." *LII / Legal Information Institute*, 10 Oct. 2017, www.law.cornell.edu/constitution/amendmentxiv.

This shows the 14th Amendment of the United States, which is used in multiple court cases that have to do with equality.

Supreme Court. *Pace v. Alabama*. 29 Jan. 1883. *Justia*.

This is the actual court case for *Pace v. Alabama*, which gave me more information on the topic of other interracial cases.

Tell The Court That I Love My Wife.” *Virginia Memory*, 8 Feb. 2012, www.virginiamemory.com/blogs/out_of_the_box/2012/02/08/tell-the-court-that-i-love-my-wife/. This talks about how when they got married, there were no laws in Washington D.C. It also gave me information on the Racial Integrity Act at the time.

Villet, Grey. *Richard and Mildred Loving*. 18 Mar. 1966.

This photo shows Richard Loving, left, and Mildred Jeter, right, showing their affection and love for each other.

Villet, Grey. *Richard and Mildred Loving*. 18 Mar. 1966.

This shows the Lovings’ family on the stairs, possible in front of their house.

Virginia Health Bulletin, vol. XVI, March 1924. Pamphlet. Rockbridge County Clerk's Correspondence, 1912-1943. Local Government Records Collection. The Library of Virginia.12-1245-005/006/007.

This talks about the interracial marriage laws in their time, and how black and white slave marriage. It also talks about what the laws say about interracial marriage, and how it deals with the mixing of races.

Secondary Sources:

Daley, Jason. “See the Marriage License From the Historic Loving Decision.” *Smithsonian.com*, Smithsonian Institution, 2 Sept. 2016,

This shows the marriage license between Richard and Mildred Loving.

Gutierrez-Romine, Alicia. “When Did Interracial Marriage Become Legal in the United States?” *When Did Interracial Marriage Become Legal in the United States? - DailyHistory.org*, 4 June 2017,

I chose this because it gave me information on when the two were arrested and where.

Head, Tom. “How Interracial Marriage Laws Have Changed Since the 1600s.” *ThoughtCo*, 12 Aug. 2017, www.thoughtco.com/interracial-marriage-laws-721611.

This talks about how the Interracial Marriage Laws have changed through the history of the world, and that’s where I got information for things like the Colonial Era and how different states in the U.S.A changed their laws.

History.com Staff. "Civil Rights Act of 1964." *History.com*, A&E Television Networks, 2010, www.history.com/topics/black-history/civil-rights-act.

This talks about the Civil Rights Act, which came before the Lovings' case. The Civil Rights Act made it a bit easier for the Lovings' side of *Loving v. Virginia*.

Pfahler, Eric. "Loving Day Celebrations Mark 50th Anniversary of Legal Interracial Marriage." *WFTS*, 12 June 2017, www.abcactionnews.com/news/national/loving-day-celebrations-mark-50th-anniversary-of-legal-interracial-marriage.

This talks about the Loving Day, and how people celebrate it every year because they are grateful for what it has done for them in their lives and the Civil Rights movement in general.

Staff, Bio. "Love Conquers All: The Richard and Mildred Loving Story." *Biography.com*, A&E Networks Television, 13 Feb. 2018, www.biography.com/news/richard-mildred-loving-story. This talks about how the couple did not want to be seen as heroes, though they made a great push in anti-miscegenation laws and the history of them.

Tanabe, Ken. "How the 14th Amendment Protects 'Loving' and Diverse Families." *National Constitution Center – Constitutioncenter.org*, 13 June 2017, constitutioncenter.org/blog/how-the-14th-amendment-protects-loving-and-diverse-families. This talks about how the 14th Amendment protects many cases and families like the Loving family, as well as any other family that people may have something against because they are different, or diverse.

"The Pierre Berton Interview." *Malcolm-x*, www.malcolm-x.org/docs/int_pbert.htm. This is where I got the quote from Malcolm X that was at the beginning of my paper.

Toobin, Jeffrey. "God and Marriage Equality." *The New Yorker*, The New Yorker, 19 June 2017, www.newyorker.com/news/daily-comment/god-and-marriage-equality. This talks about the marriage equality laws in our current time and what they were in the past. It mostly focuses on Gay Marriage equality, and also talks about how God plays a role in such laws.