

A Guide to the Caroline County (Va.) Commonwealth versus Richard Perry Loving and Mildred Delores Jeter, 1958-1966

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Caroline County (Va.) Reel 79

Language

English

Collector

Caroline County (Va.) Circuit Court

Physical Characteristics

1 microfilm reel (95 images)

Location

Library of Virginia

Repository

The Library of Virginia

Administrative Information

Access Restrictions

There are no restrictions.

Use Restrictions

There are no restrictions.

Acquisition Information

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Historical Information

Caroline County was named for Caroline of Anspach, consort of George II. It was formed from Essex, King and Queen, and King William Counties in 1728, and additional parts of King and Queen were added in 1742 and 1762.

Commonwealth vs. Loving and Jeter was the criminal case that began in 1958 in Caroline County and terminated in a landmark civil rights decision by the United States Supreme Court that declared Virginia's anti-miscegenation statute, the Racial Integrity Act of 1924, to be unconstitutional, thereby ending all race-based legal restrictions on marriage in the United States.

Mildred Delores (Jeter) Loving, an African American woman, and Richard Perry Loving, a white man, were residents of the Commonwealth of Virginia who had been married in June 1958 in the District of Columbia, having left Virginia to evade the Racial Integrity Act, a state law banning marriages between any white person and any non-white person. Upon their return to Caroline County, they were charged with violation of the ban. Specifically, they were charged under Section 20-58 of the Virginia Code, which prohibited interracial couples from being married out of state and then returning to Virginia, and Section 20-59, which classified "miscegenation" as a felony punishable by a prison sentence of between one and five years. On January 6, 1959, the Lovings pleaded guilty and were sentenced to one year in prison, with the sentence suspended for 25 years on condition that the couple leave the state of Virginia. The trial judge in the case was Leon M. Bazile who wrote the famous opinion of the court that since God had created different colors of people and placed them on different continents that He therefore never intended for the races to intermarry.

The Lovings moved to the District of Columbia, and on November 6, 1963, the American Civil Liberties Union filed a motion on their behalf in the state trial court to vacate the judgment and set aside the sentence on the grounds that the violated statutes ran counter to the Fourteenth Amendment. On October 28, 1964, after their motion still had not been decided, the Lovings began a class action suit in the U.S District Court for the Eastern District of Virginia. On January 22, 1965, the three-judge district court decided to allow the Lovings to present their constitutional claims to the Virginia Supreme Court of Appeals. Virginia Supreme Court Justice Harry L. Carrico (later Chief Justice of the Court) wrote an opinion for the court upholding the constitutionality of the anti-miscegenation statutes and, after modifying the sentence, affirmed the criminal convictions.

On June 12, 1967, the U.S. Supreme Court overturned the convictions in a unanimous decision, dismissing the Commonwealth of Virginia's argument that a law forbidding both white and black persons from marrying persons of another race, and providing identical penalties to white and black violators, could not be construed as racially discriminatory. The court ruled that Virginia's anti-miscegenation statute violated both the Due Process Clause and the Equal Protection Clause of the Fourteenth Amendment. The Supreme Court concluded that anti-miscegenation laws were racist and had been enacted to perpetuate white supremacy.

Scope and Content

Caroline County (Va.) Commonwealth versus Richard Perry Loving and Mildred Delores Jeter, 1958-1966, contains the documentation of the criminal case against "Richard Loving, a white person, and Mildred Jeter, a Negro, who did unlawfully and feloniously go out of this state for the purpose of being married, and with the intention of returning, and were married out of it, and afterwards, returned and resided in it, cohabiting as man and wife" in violation of Virginia state laws that prohibited marriages between whites and African Americans. The documents include principally the arrest warrants of Loving and Jeter, the true bill returned by the grand jurors, the indictment for a felony, the motion of the Lovings to vacate judgment and set aside the sentence, the opinion of Judge Leon M. Bazile, the order denying the defendants' motion to vacate judgment and set aside their sentence, the Lovings' notice of appeal and assignments of error, and copies of the birth certificates for both Loving and Jeter. Various other documents include notices and other documents relating to the Lovings' appeals and other cases brought to the Virginia Supreme Court of Appeals and the United States District Court for the Eastern District of Virginia. There is a brief index at the beginning of the case. The case does not contain any depositions or trial transcripts.

Index Terms

Persons:

Loving, Mildred Delores Jeter 1939-2008.

Loving, Richard Perry 1933-1975.

Corporate Names:

Caroline County (Va.). Circuit Court.

Subjects:

Civil rights.

Due process of law.

Equality before the law.

Interracial marriage.

Interracial marriage. -- Law and legislation.

Miscegenation.

Geographical Names:

Caroline County (Va.) -- History -- 20th century.

Constitutional law -- United States -- 14th Amendment -- History.

Genre and Form Terms:

Criminal court records -- Virginia -- Caroline County.

Added Entry - Corporate Name:

Virginia. Supreme Court of Appeals.

United States. District Court (Virginia: Eastern District).