Beyond Loving: Asian American Intimacy, Immigration, & Exclusion in Twentieth Century Virginia

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Introduction

In 1967, the Supreme Court's decision in *Loving v. Virginia* struck down bans on interracial marriage across the United States. Richard Loving, a white man, and Mildred Jeter Loving, classified under Virginia law as a "colored woman," successfully argued that prohibitions on interracial marriage violated the Fourteenth Amendment's guarantees of due process and equal protection. With the support of the NAACP, the ACLU, and other civil rights activists, the Lovings not only did away with laws banning interracial marriage, but also opened the floodgates for other couples to marry the partner of their choice, regardless of race.

At the time of the Loving decision, over a dozen U.S. states still had laws on the books banning interracial intimacy and marriage. These laws, called *miscegenation laws*, criminalized relationships between different racial groups, particularly relationships between white and non-white individuals. Miscegenation laws have a deep history in upholding racial purity in the United States, executed in the name of slavery, segregation, and nativism from colonial times onwards. In the decades since the Loving decision, mixed-race relationships have increased exponentially. Today, the Pew Research Center estimates that nearly ten percent, or one in ten of married people in the United States are in interracial marriages.[1] Specifically, rates of marrying another racial or ethnic group is the highest for Asian Americans, with Asian American women marrying outside their race at a rate of thirty-six percent.[2]

Still, the story of interracial intimacy remains in the American memory as a tale of romance and triumph. Against the bigotry and prejudice of white supremacy and racism, the Lovings proved that their love could overcome the barriers erected by law and society. *Loving v.*

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[1] Gretchen Livingston and Anna Brown, "Intermarriage in the U.S. 50 Years after *Loving v. Virginia*," Pew Research Center, May 18, 2017, https://www.pewresearch.org/social-trends/2017/05/18/intermarriage-in-the-u-s-50-years-after-loving-v-virginia/

[2] Livingston and Brown, "Intermarriage in the U.S."

Virginia was both a product and a culminating victory of the Civil Rights Movement, one of the final legal triumphs in the broader struggle for racial equality and acceptance.[3] Marriage, the most intimate and personal of choices, was now legally protected regardless of race. It certainly does not detract from this narrative that their surname was Loving, a name that seems almost perfectly suited to the story that followed. And after all, who does not love love?

Still, there is much more to the history of interracial relationships beyond the Lovings, and this paper aims to contribute to that conversation. The primary research question addressed in this paper how Asian Americans in Virginia lived under laws that defined race and marriage between 1924 and 1967. This time period stretches from the implementation of the Racial Integrity Act of Virginia in 1924, one of the strongest miscegenation laws in any state, to *Loving v. Virginia* in 1967. My goal is to untangle the complexity and nuance obscured by the simplicity of the Loving narrative. Additionally, I hope to help answer the question of how Asian Americans fit within the racial mosaic of the South, particularly during its dark history of Jim Crow and racial segregation. Specifically, I will explore how Asian Americans formed relationships with other racial groups, and how these relationships were experienced, categorized, and policed under miscegenation laws.

The question integrates two fields of study: the study of interracial intimacy and the study of Asian American history. Both of these bodies of literature remain seated in conventions that limit the scope of discussion in regards to Asian American interracial marriage. The first is that the field of mixed race studies is largely situated in what scholars refer to as the Black and white binary.[4] The Black and white binary is a simplistic way in viewing racial relationships, casting

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[3] Encyclopedia Virginia, "*Loving v. Virginia (1967),*" Virginia Humanities, accessed February 10, 2026, https://encyclopediavirginia.org/entries/loving-v-virginia-1967/

[4] Jigna Desai and Khyati Y. Joshi, eds., *Asian Americans in Dixie: Race and Migration in the South* (Urbana: University of Illinois Press, 2017), 4.

the history of race in America as a linear story between Black and white Americans. Most of the initial work on studying interracial relationships is situated within this binary. This follows from the emergence of miscegenation laws designed to uphold slavery by keeping the racial line between Black and white Americans separate and firm.[5] A majority of the scholarship on the rise of Jim Crow segregation in the South is also binary, as the separation of public institutions and places between those classified as "white" and "colored" often meant those that were considered "white" or "Black". Finally, focus on cases like *Loving vs. Virginia* place the focus of the lens of interracial marriage on Black-white couples.

When Asian Americans are included in the study of interracial marriage, it is often done with a geographic focus on the West Coast. Thirty-eight states had miscegenation laws on the books at one point, and fourteen of these included prohibiting Asian-white marriages.[6] This included Arizona, California, Idaho, Maryland, Mississippi, Montana, Nebraska, Nevada, Oregon, South Dakota, Utah, and Wyoming.[7] Because Asian immigrant communities were historically concentrated in the western United States, scholarship examining interracial relationships involving Asian Americans has largely focused on this region. In fact, the entirety of the field of Asian American studies remained entrenched in what some scholars describe as a "California-centric" literature.[8] Asian American history is often framed as one of exclusion and struggle. Key events like the Chinese Exclusion Act of 1882 and the internment of Japanese Americans place the focus on the discrimination and hardship experienced by immigrants and their descendants.

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[5] Rachel F. Moran, *Interracial Intimacy: The Regulation of Race and Romance* (University of Chicago Press, 2001), 18-28.
[6] Moran, *Interracial Intimacy, 14.*
[7] Google
[8] Desai and Joshi, *Asian Americans in Dixie,* 2.

Some scholars have made headway in filling this gap, primarily through telling the stories of interracial couples that include Asian Americans. In *What Comes Naturally: Miscegenation Law and the Making of Race in America*, Peggy Pascoe traces the history of anti-miscegenation laws through a series of legal cases that expose how race was defined, regulated, and contested under U.S. law.[9] Pascoe's work highlights that the question of who counted as "white" or "nonwhite" was never static but constantly negotiated in courtrooms, bureaucracies, and marriages. However, even her landmark study centers primarily on the West Coast and the Black-white legal binary, leaving limited room for exploring Asian American experiences in the Jim Crow South.

In 2014, scholars Jigna Desai and Khyati Y. Joshi published *Asian Americans in Dixie: Race and Migration in the South*, where they attempt to integrate what they describe as two seemingly separate topics: Asian Americans and the South. Their work focuses on the Deep South and argues that Asian Americans have long existed within the region's racial order, but are often written out of its history.[10] They emphasize that Asian Americans in the South have frequently been positioned as foreigners, anomalies, or what they call "discrepancies in Dixie."[11] The phrase describes how Asians often appeared within Southern communities as visible but exceptional figures, individuals whose presence briefly disrupted the region's rigid racial order yet were ultimately treated as marginal to its broader history.

A few groundbreaking studies have also paved the way for understanding Asian Americans racial position in the Jim Crow South. *The Mississippi Chinese: Between Black and White* by James Loewen explores the social position of Chinese immigrants in the rural

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[9] Peggy Pascoe, *What Comes Naturally: Miscegenation Law and the Making of Race in America* (New York: Oxford University Press, 2009).
[10] Desai and Joshi, *Asian Americans in Dixie.*
[11] Desai and Joshi, *Asian Americans in Dixie,* 1-6.

Mississippi Delta, describing how they moved from an in-between racial space toward being viewed as "near white" over the course of a few generations.[12] Loewen traces the arrival of Chinese sharecroppers in 1869-1870, when plantation owners recruited them as a source of alternative labor following the end of slavery and the upheaval of Reconstruction. Over time, many Chinese immigrants became acculturated to southern customs and institutions, often aligning themselves with white communities in order to gain limited access to white schools, churches, and social spaces. Drawing on fieldwork that included interviews with more than three hundred Black, white, and Chinese Mississippians, Loewen shows how Chinese residents navigated the rigid Black-white binary of the Delta.[13] His findings reveal that although segregation in the South was designed to enforce a strict color line, it frequently contained moments of flexibility, negotiation, and exception. Yet Loewen's study was written during the era of segregation itself and his field work was conducted before the legal dismantling of anti-miscegenation laws, leaving open further questions about how Asian Americans navigated interracial relationships within the Jim Crow South.

The history of Asian Americans is central to the story of interracial intimacy. Since the first arrival of Asian migrants into American communities, they have worked alongside, interacted with, and engaged in romantic and sexual relationships with Americans of all races. Simultaneously, miscegenation laws designed to prohibit Asian groups from intermixing with white people emerged just as quickly, particularly along the West Coast. Stereotypes and images surrounding Asian Americans have shaped our modern dating world and continue to influence how people choose their partners, fall in love, and live their lives today.

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[12] Loewen, James W. *The Mississippi Chinese: Between Black and White*. 1st ed., (Cambridge: Harvard University Press, 1971).

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I grew up as the daughter of Chinese immigrants in Charlottesville, Virginia. I was born in the UVA hospital, and spent my childhood trick-or-treating on the lawn and competing in swim meets at the pool on grounds. Growing up, I also spent a great deal of my life doing one thing almost non-stop: explaining. Explanation came in a plethora of forms, from my peers in classes to the parents of my teammates and friends. The questions were so redundant I can almost clearly compile them into a list of key points: "Where are you from?", "What are you?", "So what do you speak/eat/wear at home?". Occasionally peppered into these interrogations were anecdotes to ensure that these questions were emerging from admiration or curiosity, as opposed to simply prejudice or discomfort. "I am actually one-eighth Filipino Sophia!" "My dad went to China recently, he said it was really cool.".

Pressure to have answers did not mean that they were available. In school, I learned about the local history of my state. In all the stories of others, I never saw the story of myself. In middle school, I asked my history teacher where I, as an Asian American, would have "fit" in the history of Virginia during the Antebellum South or under the period of Jim Crow laws. He replied to me with a frankness: "I don't know, Sophia". His response only amplified the contradictions I felt in my day-to-day life. Virginia's past history of racial segregation seemed to operate in a world of Black and white- so where did I fit in the picture?

The answers to this question only grew more complex as I entered adolescence and young adulthood. The modern dating world is entrenched in stereotypes, caricatures, and images of Asian men and women shaped by history. Asian American women are often cast as passive, submissive, and domestic, echoing images of a deferential "China doll."[14] At the same time, they are compared to the "Dragon Lady," an aggressive matriarch bent on domination and power

[14] Larson, Stephanie Greco. *Media & Minorities : The Politics of Race in News and Entertainment*. Lanham: Rowman & Littlefield, 2006.

through alluring sexual tricks and deception.[15] Both characterizations paint Asian women, particularly East Asian women, as embodying an element of foreignness and exoticism that heightens their sexual allure to white men.[16] These opposing archetypes work in tandem to define Asian women through extremes. One is overtly sexualized as an object of domination, while the other is framed as a dominating force and sexual threat.

Asian men, on the other hand, have been frequent targets of emasculating stereotypes that portray them as sexually deviant, morally corrupt, or effeminate. Popular media has long reproduced three recurring archetypes: the conniving villain bent on destroying Western civilization through the corruption of white women, the loyal sidekick to a white male protagonist, or the sexless, emasculated man.[17] These stereotypes have transcended popular culture into attitudes and racial preferences in dating. In multiple studies conducted by dating apps over the past few decades, Asian men have ranked among the least desirable partners by other races, including Asian women.[18] Correspondingly, outmarriage, or marrying outside one's racial group, is also significantly lower for Asian men than for Asian women.[19] While social desirability in romantic partnerships is shaped by a range of socio-economic factors, from education level to economic class, race remains a key factor in how people navigate the dating world and form relationships.

To fully understand how we arrived at the present, it is necessary to revisit the legal and social history of interracial intimacy beyond the familiar Loving narrative. We must seek to understand those individuals who have been cast to the margins of history. Asian Americans in

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[15] Larson, 65.
[16] Larson, 65.
[17] Spickard, Paul R. *Mixed Blood: Intermarriage and Ethnic Identity in Twentieth-Century America* (Madison: University of Wisconsin Press, 1989), 36-38.
[18] Larson, 65.
[19]Study by dating app *Ok Cupid* shows that black women and asian men receive the least responses in dating apps- trying to locate original data citation

the South were more than exceptional events or historical anomalies; they played a significant role in shaping, navigating, and challenging miscegenation laws. It is time their place in Virginia's history of interracial relationships is brought to the forefront. Doing so reveals not only a story of love triumphing over hate, but also one of racial classification, bureaucratic discretion, and the fragile architecture of white supremacy in twentieth-century Virginia.

A Note on Terminology:

This paper will use racial and ethnic categories commonly employed in the U.S. Census, including white, Black, and Asian American. When outdated or historically specific racial terminology appears in primary sources, it will be indicated with quotation marks to signal that the language reflects historical usage rather than contemporary terminology. Chicago Manual of Style's (§8.38) states that "Names of ethnic and national groups are capitalized".[20] However, some leeway is given when an "author or publisher prefers otherwise." In this thesis, racial and ethnic identities such as Black, Asian, and Hispanic, as well as national identities such as Chinese and Japanese, are capitalized in accordance with this guidance.

This decision reflects the historical context of the groups examined in this study. For much of American history, Asian, Black, and other minority communities faced legal discrimination and exclusion from citizenship, political participation, and access to institutions that shaped the historical record. As a result, their experiences were often marginalized or omitted from traditional narratives. By capitalizing these racial and ethnic identities, this thesis recognizes them as historically significant communities rather than merely descriptive categories.[21]

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[20] *The Chicago Manual of Style*, 17th ed. (University of Chicago Press, 2017), sec. 8.38.
[21] Mike Laws, "Why We Capitalize 'Black' (and Not 'White')," *Columbia Journalism Review*, June 16, 2020, https://www.cjr.org/analysis/capital-b-black-styleguide.php

Chapter 1: Scientific Supremacy: Eugenics and the Architecture of Racial Control

Those who seek to maintain the white race in its purity within the United States are working in harmony with the ideals of eugenics. Asiatic exclusion and Negro repatriation are ex- pressions of the eugenic ideal." - Earnest Sevier Cox, 1937 [22]

When Earnest Sevier Cox published *White America* in 1937, Virginia was living under one of the strictest racial regimes it had ever constructed, in a nation with a rapidly changing population. During the Progressive Era, the United States experienced massive transformations in technology, education, and infrastructure that accelerated economic growth and migration. Simultaneously, the Great Migration saw nearly six million African Americans move from the rural South into cities and towns across the nation. At its borders, hundreds of thousands of immigrants arrived from Europe, Asia, Latin America, and beyond. In *White America*, Cox argued that racial mixing would lead to the collapse of modern civilization, and he relied heavily on the ideology of a new pseudoscience that had emerged during the Progressive Era: Eugenics.

First coined by English anthropologist Francis Galton in 1883, eugenics quickly evolved into a field of pseudoscience dedicated to perfecting society through the cultivation of desirable hereditary traits.[23] Galton, a cousin of Charles Darwin, studied patterns of reproduction among British families and concluded that selective breeding could ensure that those "highest in civic worth" reproduced more frequently, while the "stupid and improvident" reproduced less.[24] His ideas were soon absorbed into broader political and social debates about race, ethnicity, and

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[22] Earnest Servier Cox, *White America*, (1937) 26-27.
[23] Chloe S. Burke and Christopher J. Castaneda, "The Public and Private History of Eugenics: An Introduction," *Public Historian* 29, no. 3 (2007): 5–17, https://doi.org/10.1525/tph.2007.29.3.5
[24] Chloe S. Burke and Christopher J. Castaneda, "The Public and Private History of Eugenics: An Introduction," *Public Historian* 29, no. 3 (2007): 5–17, https://doi.org/10.1525/tph.2007.29.3.5

social "fitness." In the United States, the eugenics movement flourished from the 1890s through the 1940s, supplying a language of science, public health, and heredity that justified the state's regulation of populations.[25]

For Cox and other racial theorists, eugenics framed two interrelated problems: restricting Asian immigration and preventing racial mixing with African Americans. This dichotomy reveals the central tension explored in this chapter. In 1924, two major pieces of legislation shaped by eugenic thinking were enacted: the Immigration Restriction Act of 1924, which severely limited immigration from non-Northern European regions, and the Racial Integrity Act of 1924 in Virginia, which imposed some of the strictest bans on interracial marriage in the United States.[26] Although these laws emerged from the same ideological moment and shared similar racial objectives, they addressed different problems and operated at different levels of governance. National debates on immigration and local debates in Virginia on interracial marriage were rooted in the same eugenic logic, yet they rarely overlapped directly in legislation.

Previous scholars have examined aspects of this relationship. Historian of Eugenics in Virginia Gregory Michael Dorr argues that these laws reveal a "consonance between eugenic thinking in Virginia and throughout the nation in 1924."[27] Likewise, Richard B. Sherman points to the National Origins Act as evidence of the growing influence of the eugenics movement on federal immigration policy.[28] While these two scholars see an inexplicable link between the Immigration Restriction Act of 1924 and Virginia's Racial Integrity Act of 1924, other historians have noted a striking gap. Scholar of white supremacy J. Douglas Smith observes that it is "not

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[25] Immigration Act of 1924 (Johnson-Reed Act), ch. 190, 43 Stat. 153 (1924).
[26] Racial Integrity Act of 1924, ch. 371, 1924 Va. Acts 534.
[27] Gregory Michael Dorr, "They Saw Black All Over: Eugenics, Massive Resistance, and Punitive Sterilization," in *Segregation's Science: Eugenics and Society in Virginia* (University of Virginia Press, 2008).
[28] Richard B. Sherman, 'The Last Stand': The Fight for Racial Integrity in Virginia in the 1920s," *Journal of Southern History* 54, no. 1 (1988): 69–92, https://doi.org/10.2307/2208521.

entirely clear" why local debates over racial mixing in Virginia rarely mentioned immigration at all.[29] He suggests that because the state's population remained overwhelmingly native-born, immigration may not have appeared to pose an immediate threat to local lawmakers.

This omission creates an important puzzle for understanding interracial intimacy in Virginia. In a state that enforced some of the strictest laws policing interracial relationships, it might seem logical that lawmakers would have developed clear legal mechanisms to classify Asian immigrants or regulate relationships involving them. Yet Virginia's racial legislation largely avoided addressing immigration altogether. This chapter argues that while the Racial Integrity Act of 1924 drew heavily on the scientific language of eugenics to claim certainty in racial classification, Virginia lawmakers deliberately framed the law around the paternalistic racial ideals of the imagined Old South rather than the language of immigration restriction. As a result, national and local eugenic agendas diverged. This disconnect produced ambiguity in racial classification and discretionary enforcement by local officials, creating legal loopholes that Asian Americans would later navigate and, at times, exploit.

To examine this divergence, the chapter traces how eugenic ideas entered American law through two interlocking routes: first, exclusionary immigration policies targeting non-Anglo-Saxon populations at the federal level, and second, efforts to police interracial intimacy through miscegenation law at the state level. It will utilize correspondence from the Anglo-Saxon club of Virginia, as well as newspapers, legislative debate, and court cases to analyze how public and private attitudes towards foreigners and minorities were shaped by the eugenic era. By comparing these two arenas of policy and analyzing the rhetoric of eugenic reformers, the chapter reveals how Virginia's racial regime was shaped as much by what it

[29] J. Douglas Smith, "The Campaign for Racial Purity and the Erosion of Paternalism in Virginia, 1922–1930: 'Nominally White, Biologically Mixed, and Legally Negro,'" *Journal of Southern History* 68, no. 1 (2002): 65–106, https://doi.org/10.2307/3069691

excluded from legislation as by what it explicitly regulated. This framework sets the stage for the following chapters, which examine how Asian Americans navigated interracial relationships within the legal and social constraints of twentieth-century Virginia.

Eugenics and Immigration

Since colonial times, Asian immigrants to the United States were defined as "aliens ineligible for citizenship. The Naturalization Act of 1790 limited naturalization to "free white persons" of "good character."[30] Asian immigrants were therefore not merely foreigners but structurally excluded from whiteness and civic incorporation. Instead, they were considered "foreign aliens", and therefore ineligible for citizenship.[31] As Asian immigrants arrived in the United States, backlash to their arrival culminated in the rise of Anti-Asian sentiment, racial violence, and exclusionary immigration policies. Eugenics became undeniably intertwined with these attitudes, serving as the basis for nativist rhetoric and attitudes against foreign invaders. This section will argue that eugenics helped formalize the exclusion of Asian immigrants from the United States, building on a long slew of exclusionary immigration policies that transformed the perceived threat of Asian immigrants from economic to genetic.

Eugenics was rooted in the belief that by implementing certain "scientific standards, reproduction and biological selection could better, even perfect, society.[32] Through invoking anti-immigration sentiment, racial caricatures, global paternalism, eugenics fused itself into the immigration debate in the United States. This culminated in the passage of the Immigration

[30] Naturalization Act of 1790, 1 Stat. 103 (1790).
[31] Paul Spickard, *Almost All Aliens: Immigration, Race, and Colonialism in American History and Identity* (Routledge, 2007), https://doi.org/10.4324/9780203940846
[32] Burke and Castaneda, "Public and Private History of Eugenics," 7.

Restriction Act of 1924, which effectively barred the entry of Asian immigrants to the United States for the next half-century.

The first Chinese immigrants to California arrived in the 1840s amidst the "Gold Rush" in hope of striking riches in the mountains of the West Coast.[33] Dealing with the aftermath of the Taiping Rebellion, Opium Wars, and a string of famines that plagued rural China, swaths of single male workers arrived in the United States chasing economic opportunity. They found work in laborious positions like construction of railroads, factory work, fishing, and agriculture. Moreso, they provided a cheap source of labor for large projects like the Central Pacific railroad, leading to growing backlash as they clashed with other workers and residents.[34]

However, prior to the turn of the century, sentiment against Asian immigration was rooted in an economic threat, not a genetic one. As historian Kenneth Ludmerer notes, prior to the 1920s "it was federal policy to " protect " America from foreigners, but the chief threat was considered to be the influx of degenerate persons, not degenerate races".[35] Labor sat at the center of public grievances toward Chinese immigrants, as white workers swiftly came to view non-white immigrants as a competing labor force willing to work for lower wages and in harsher conditions. Economic downturns in the 1870s and 1880s intensified this resentment, as jobs became scarce and insecurity deepened. At the height of the anti-chinese movement in the 1880s, Chinese laborers were portrayed as undercutting white wages and displacing white men from economic opportunity, turning market competition into racial threat. Violence often accompanied such rhetoric. In 1871, seventeen Chinese residents of Los Angeles were lynched following the

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[33] Erika Lee, "Chinese Immigrants in Search of Gold Mountain," in *The Making of Asian America: A History* (Simon & Schuster, 2015), 88.
[34] Erika Lee, "The Chinese Must Go!": The Anti-Chinese Movement," in *The Making of Asian America: A History* (Simon & Schuster, 2015), 141.
[35] Kenneth M. Ludmerer, "Genetics, Eugenics, and the Immigration Restriction Act of 1924," *Bulletin of the History of Medicine* 46, no. 1 (1972): 5, http://www.jstor.org/stable/44447480

shooting of a policeman.[36] In 1885, a dispute between Chinese and white miners in Rock Springs, Wyoming, escalated into the massacre of over twenty-eight Chinese miners in a single day.[37] These episodes were not isolated eruptions of prejudice but part of a broader pattern in which Asians laborers were seen as an invasive threat to white communities and jobs.

Figure 1: "The Balky Team"- San Francisco Wasp, 1879[38]

The press played a key role in constructing and disseminating this narrative. Publications such as The *San Francisco Illustrated Wasp* engaged in sensationalism to depict the Chinese as a destructive and parasitic force in American society. In the 1879 cartoon "The Balky Team," Chinese laborers were portrayed as cargo to be deported, driven forward by the Workingmen's Party of California, the press, and "common sense," while Uncle Sam urged them on. The Burlingame Treaty of 1868, which had eased restrictions on Chinese migration, was represented as an obstacle to be trampled in the pursuit of racial self-defense.[39] Such imagery blurred

[36] Lee, "The Chinese Must Go!," 141.
[37] Lee, "The Chinese Must Go!," 141.
[38] George Frederick Keller, "The Balky Team," *San Francisco Illustrated Wasp*, February 16, 1879.
[39] Office of the Historian, U.S. Department of State, "The Burlingame-Seward Treaty, 1868," accessed February 10, 2026, https://history.state.gov/milestones/1866-1898/burlingame-seward-treaty

economic grievance with racial prejudice, reinforcing the idea that Asians brought not only economic competition but threatened the key institutions and organizations of American society. Newspapers like the *San Francisco Wasp* made their profits through selling sensationalized fears of alien invaders from across the Pacific. They engaged in Sinophobia that fused racial caricatures with sentiments of American nationalism and survival, and they were not the only perpetrators. According to *Wasp* historian Richard Samuel West, "the Chinese had no friends among the San Francisco press".[40] Magazines frequently indulged in cartoons depicting Chinese immigrants, particularly men, as diseased, immoral, and bringing infestation into the nation. The press was instrumental in forming the narrative that Chinese immigrants were not just a threat to the well-being of individual workers, but to the public well-being of the nation.

Although eugenics had not yet formally entered American discourse, legal decisions in the nineteenth century already contained ideas of racial hierarchy and the supposed contamination of the white race by Asian immigrants. Court opinions in the state of California asserted that Asian immigrants were biologically inferior to white people based on their ethnic or national background. In 1854, the California Supreme Court ruled in *People v. Hall* that a Chinese man could not testify as a witness in a murder case against a white citizen.[41] In its opinion, the court stated that the Chinese were "a race of people whom nature has marked as inferior, and who are incapable of progress or intellectual development beyond a certain point."[42] Therefore, they were not suitable to participate in the justice system, and their testimonies were useless in court against white americans. This language exemplifies the nativist attitudes of the time, as critics frequently pointed to immigrants' economic status or physical differences as

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[40] Richard Samuel West, *The San Francisco Wasp: An Illustrated History* (Periodyssey Press, 2004), 15.
[41] *The People v. George W. Hall*, 4 Cal. 399 (Cal. 1854).
[42] *People v. Hall*, 4 Cal. at 399.

evidence of their supposed backwardness and lack of civilization. The court further emphasized the "difference in language, opinions, color, and physical conformation" between Chinese immigrants and white Americans.[43] Even before the formalization of eugenic science, physical difference and national origin were invoked as biological markers of inferiority. These early judicial declarations helped legitimize the dehumanization of Asians as a group deemed inherently subpar and permanently outside the bounds of whiteness.

Federal law helped to translate these anxieties into formal policy. These measures rested on the legal category of ineligibility for citizenship, itself derived from the The Chinese Exclusion Act of 1882 became the first federal law to bar entry of a single group based explicitly on national origin, signaling that race could determine admissibility into the nation.[44] Nevertheless, the continued influx of Japanese, Korean, Indian, and Filipino workers came to replace the labor vacuum left by Chinese laborers.[45] Unable to rid itself of the immigrant problem, laws moved to further bar those of Asian descent from accessing the privileges afforded to white American citizens.

The Alien Land Laws of 1913 targeted "aliens ineligible for citizenship," preventing Japanese immigrants from owning land and establishing long-term economic stability.[46] As Japanese farmers arrived in the early twentieth century from sugarcane and pineapple plantations in Hawaii, the same fears of economic replacement by Japanese farmers moved white farmers to advocate for restricting who could own land in the state. In 1917, Congress formalized exclusion further through the creation of the "barred Asiatic Zone," effectively prohibiting immigration

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[43] *People v. Hall*, 4 Cal. at 399.
[44] Chinese Exclusion Act, ch. 126, 22 Stat. 58 (1882), Lee, "The Chinese Must Go!," 135.
[45] Erika Lee, *The Making of Asian America: A History* (Simon & Schuster, 2015), 165, 211, 232-33, 268.
[46] California Alien Land Law of 1913, ch. 113, *Statutes of California* (1913).

from most of Asia.[47] This extended the restrictions of the Chinese Exclusion Act across the Asiatic Pacific- stretching from the Middle East to Southeast Asia.

Still, fears of immigration did not yet utilize the language of racial science or empiricism until the introduction of eugenics into American discourse. Amid the aftermath of World War I, heightened anxieties over the Russian Revolution and fears of communist infiltration culminated in the "Red Scare".[48] Here, eugenicists saw another perfect stage to utilize their instrument of racial science in newly arising fears against Southern and Eastern European immigration infiltration. They did not invent these anti-immigrant sentiments, but elaborated and popularized them reaffirm the racial superiority of Anglo-Saxon Nordic races as biologically superior.[49]

Eugenicists inserted themselves into the highest ranks of federal power amidst the immigration debate. By the 1920s, eugenics had become the dominant intellectual framework shaping immigration restriction. The Eugenics Committee was one of the most powerful lobbies in America, helping advise Chairman of the House Committee on Immigration and Naturalization Albert Johnson, a prominent eugenics and nativist.[50] With their help, Johnson helped draft the Immigration Restriction Act of 1924, which imposed national origins quotas designed to preserve what lawmakers considered the proper racial composition of the nation.

Debates around the act showcase how prevalent eugenic ideology was at the time of its passing, and highlight the transition towards the integration of eugenics with American nationalism and superiority. When the legislation reached the house floor, Senator Henry Ashhurst of Arizona, said "Against the Japanese and their civilization I have no evil word, but we are a different race. They will vitiate our population, and once it is vitiated it is beyond

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[47] Immigration Act of 1917 (39 Stat. 874).
[48] Ludmerer, "Genetics, Eugenics and the Immigration Restriction Act of 1924," 66.
[49] Ludmerer, "Genetics, Eugenics and the Immigration Restriction Act of 1924," 60.
[50] Ludmerer, "Genetics, Eugenics and the Immigration Restriction Act of 1924," 60.

repair."[51] Here, Senator Ashhurst ties ideas of protection of American purity with long-standing fears of the imminent invasion of the West by the East, or the "yellow peril". He emphasizes the danger of allowing intermixture with Japanese, yet interestingly still strives for Japanese civilization a peculiar degree of respect by acknowledging the sanctity of their own country in contrast with the United States.

It is possible that Ashhurst spoke this way with reference to Japan in particular, as Japanese American political relationships were framed around a special gentlemen's agreement since 1908, allowing for the influx of a small number of Japanese laborers while the rest of Asian nations faced exclusions.[52] Japan in the early twentieth century was amid a drastic push to modernize and catch up with the West, causing it to emulate western politics, economics, and gain a great deal of respectability from America. However, even their emulation of Westernization, did not afford them the acceptance from the US as an equal power. In eugenicists' eyes, science ruled that Japanese individuals could never be biologically compatible enough to be integrated into American society.

This new national discourse on immigration also increasingly portrayed Asian immigrants as a biological threat rather than merely an economic one. President Calvin Coolidge himself declared that "biological laws tell us that certain divergent people will not mix or blend. The Nordics propagate themselves successfully. With other races, the outcome shows deterioration on both sides."[53] This statement sets up how deeply biological reasoning had penetrated American politics, utilizing racial science to justify the superiority of Anglo-Saxon Nordic people over other groups and races. Moreso, it shows how eugenic language was used to

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[51] Congressional Record (April 8,1924), p. 5825.
[52] Lee, "Japanese Immigrants and the 'Yellow Peril,'" 170.
[53] Calvin Coolidge, "Whose country is this?" *Good Housekeeping*, February, 1921, 72:14.

construct a racial ladder of white supremacy, with Nordic groups at the top, and other inferior groups below.

This highlighted a shift in core of the new immigration act towards an aversion to entire kinds of people as genetic threats. The Immigration Restriction Act of 1924 completed the exclusion of all Asians as "aliens ineligible for citizenship" by officially closing the door to Japanese immigration for the next few decades. The "Asiatic Barred Zone" now encompassed all of Asia from the Middle East to Southeast Asia. The Act limited immigration to two percent of each nationality's population as recorded in the 1890 Census, a date deliberately chosen to privilege Northwestern Europeans over Southern and Eastern Europeans. Non-european groups, including Chinese, Japanese, Koreans, and Filipinos were considered as aliens ineligible for citizenship, and effectively banned from immigration.[54] These groups were then not only positioned outside citizenship, but outside the possibility of biological compatibility with whiteness.

The Immigration and Restriction Act of 1924 was the final nail in the coffin of a long slew of exclusionary immigration policies targeted at Asian immigrants in the late nineteenth and early twentieth centuries. However, it also represented a key shift from framing immigration as an economic threat to a genetic one. The need to protect the biological sanctity of Anglo-Saxon, Nordic, Protestant, white Americans, was fueled by the racial science of eugenics and genetic mixing. Still, it was not enough to simply control the entry of non-white persons to the country. Eugenics found another broad base of support amongst racial zealots at the local level, and quickly entered conversations on race, marriage, and reproduction. However, they interacted with these ideas in a vastly different way, choosing instead to turn inwards to construct and secure a local racial stratification.

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[54] Lee, *Making of Asian America*, 208.

Eugenics and Miscegenation at the Local Level

On a local scale, Eugenics provided the tools and justification for local officials to insert themselves into the private and personal decisions of who was socially fit enough to have children. The most effective means of doing so was by controlling which groups of people could marry with each other. The first miscegenation laws in the United States date back to the colonial period, with the emergence of laws prohibiting interracial marriage desinged to police rigid racial boundries between Black and white individuals.[55] In colonies like Virginia, where slavery was demarcated based on a strict racial hierarchy, banning interracial marriage served to uphold white supremacy by denying the existence of racial mixing. The infamous "one-drop rule" worked to uphold this line since colonial times, classifying any individual with a trace of African (or non-white) ancestry as the latter racial category, but never white.[56] This 'rule' worked eliminate exceptions to racial categorization by mixed individuals, often the offspring of black and white couples, relationships often resulting from sexual violence on the part of white male slaveowners.

Despite this, individuals still found a way to cross the color line, creating a generation of "exceptions" as mixed-race children grew up and struggled to fit into clearly labeled racial categories.[57] In Virginia, the growth of mixed-race individuals presented an ever looming threat to white society, as their very existence presented visible proof of racial mixing and the fragility of racial categories in everyday life. Although many white southerners held the notion that the race questions had been "settled", there remained a looming question of how to deal with those

[55] Moran, *Interracial Intimacy,* 18-28.
[56] Winthrop D. Jordan, "Historical Origins of the One-Drop Racial Rule in the United States," *Journal of Critical Mixed Race Studies 1*, no. 1 (2014), https://escholarship.org/uc/item/91g761b3.
[57] Sherman, "The Last Stand", 69-71.

that did not fit neatly into one racial category or the other.[58] By the early twentieth century the rise of eugenics and racial science offered a tool for reasserting control, providing new language and supposedly objective methods for defining racial boundaries.

It was within this environment that Dr. Walter Ashby Plecker emerged as one of the most influential architects of Virginia's racial regime. Born in 1861, Plecker received his medical degree from the University of Maryland in 1885 and practiced medicine before entering state service.[59] In 1912, he became the first Registrar of the Virginia Bureau of Vital Statistics, which supervised the state's record keeping for birth and death certificates, expanding to include supervision of marriage records of 1918.[60] This administrative shift was critical, as it placed the machinery of racial classification directly into Plecker's hands. From that moment forward, he became relentless in his campaign to identify what he believed were racial "imposters," focusing particular attention on "near white" individuals who threatened the clarity of the color line.

Eugenics gave Plecker both the vocabulary and the moral authority to pursue this project. The study of human genetics and eugenics became a focal point of educational research at top universities, including the University of Virginia in Charlottesville, Virginia. Here, the university curriculum taught that "heredity governed all aspects of life, from anatomical form to social organization."[61] Here, prominent eugenicists taught and researched genetic differences between racial groups in psychology, anatomy, and biology, using the scientific data to justify the scientific incompatibility and inferiority of non-white racial groups.[62] Eugenics was a respectable study then, one that drew in professionals from anthropology, biology, and public health. This

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[58] Sherman, "The Last Stand", 69.
[59] Sherman, "The Last Stand", 71.
[60] Sherman, "The Last Stand", 71.
[61] Gregory Mcicheal Dorr, Americans Place in the Sun, 258.
[62] Gregory Michael Dorr, "Defending the Red Line: Academics and Eugenics," in *Segregation's Science: Eugenics and Society in Virginia* (University of Virginia Press, 2008), 70-92.

intellectual professionalism allowed Plecker to present racial classification as a matter of public health rather than prejudice, and frame segregation under the authority of science. In his view, racial mixing threatened not only social order, but biological survival and the public hygiene of the commonwealth.

The Racial Integrity Act of 1924 reflected this agenda, and also introduced a fixation with racial classification. Drafted by Plecker and members of the Anglo-Saxon Club of America, it prohibited the marriage of any non-white person to people of Caucasian descent. It essentially codified the one-drop definition of white purity, defining "white" for the first time in Virginia's history as someone who had "no trace whatsoever of any blood other than caucasian".[63] In line with the meticulous nature of Plecker's campaign for racial hygiene, its language also defined mixture with extraordinary specificity. A mulatto was "the offspring of a white person and a negro." A quadroon was "the offspring of a mulatto and a white person." An octoroon" was "the offspring of a quadroon and a white person.[64] Even Asian mixtures were subjected to formulaic notation: "When crossed with white, the race mixture should be indicated as Japanese white. If with black they should be designated as black or negro, but it may be written as negro-Japanese."[65] This language reveals the extent to which Plecker and his allies believed racial difference could be mathematically calculated. The Act did not merely prohibit interracial marriage, it was an attempt to engineer a taxonomy of blood.

It is striking then that immigration remained noticeably absent from the Racial Integrity Act. In 1924, the very year Congress passed the Immigration Restriction Act, eugenicists achieved one of their greatest national victories by dramatically curbing the entry of those

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[63] The New Virginia Law to Preserve Racial Integrity, 1.
[64] The New Virginia Law to Preserve Racial Integrity, 2-3.
[65] The New Virginia Law to Preserve Racial Integrity, 3.

deemed racially undesirable. Federal lawmakers openly invoked the preservation of the "Anglo-Nordic" race and warned against the biological deterioration that would follow from unchecked immigration. Given this national climate, it might seem unlikely that Virginia's leading eugenicists would remain silent in the efforts to prevent immigration from tainting the well-being of the American family stock. Yet unlike California, where anti-Asian agitation explicitly targeted land ownership and entry, Virginia's law did not attempt to regulate migration at all. At the height of achievement for national eugenicists, Virginia's statute redirected its attention inward, focusing not on foreign invasion but on the classification and containment of racial mixture within the state's existing population.

If Plecker was the administrative hand of the Racial Integrity Act, then John Powell and Earnest Sewell Cox were the political masterminds of the law. The creation of the Anglo-Saxon Club of America in 1922 by John Powell and Earnest Sevier Cox was done with the intention of gaining the support of the Virginia elite.[66] Virginia elites were not isolated from national conversations on immigration. Private correspondence demonstrates that they were fully aware of, and engaged with, explicitly anti-Asian and restrictionist rhetoric. In a letter addressed to Walter Plecker and members of the Anglo-Saxon Club network, D. F. Ramos, professor of gynecology at the University of Havana, outlined what he considered the three aims of eugenics: "to help Genetics progress; to defend the purity and actual world position of the white race; and to assure the American freedom from the yellow man ambition."[67] He warned that America faced "two yellow biological perils… The Yellow Fever and the Yellow Man."[68] This language

[66] J. Douglas Smith, "The Campaign for Racial Purity and the Erosion of Paternalism in Virginia, 1922–1930: 'Nominally White, Biologically Mixed, and Legally Negro,'" *Journal of Southern History* 68, no. 1 (2002): 65–106, https://doi.org/10.2307/3069691

[67] D. F. Ramos to Grant, Campbell, Osborn, Plecker, Powell, and Cox, n.d., Box 40, Folder 79, JPP.

[68] D. F. Ramos to Grant, Campbell, Osborn, Plecker, Powell, and Cox, n.d., Box 40, Folder 79, JPP.

congealed disease, empire, and Asian immigration into a single racial threat. It reflected the broader national discourse that framed Asians as biological invaders. Virginia eugenicists were clearly aware of this framing. They circulated in the same intellectual networks and shared correspondence with figures who articulated these ideas openly. Yet when John Powell, Earnest Sevier Cox, and Walter Plecker campaigned for the Racial Integrity Act of 1924, they did not foreground immigration as their central concern. Instead, they framed the Act as a measure to protect Virginia's genealogical heritage and clarify racial classification within the state. Their focus was not on preventing Asian immigration, but on preventing racial passing and mixture among existing residents.

This distinction was not accidental. Virginia's population in 1924 was overwhelmingly native-born. As J. Douglas Smith has noted, fears over immigration did not resonate with Virginians in the same way that fears over racial mixing did.[69] The Anglo-Saxon Clubs understood their audience. Rather than align themselves with the crude nativism of West Coast agitation or the overt racism of the Ku Klux Klan, they presented the Act as a scientific and respectable alternative to reassert racial order and stability. Their private correspondence with Dr. Ramos demonstrates that they were fully aware of, and engaged with, explicitly anti-Asian and restrictionist rhetoric. Yet, they consciously chose to turn away from addressing the possibilities of confronting growing immigration. This turn to exclude and fail to acknowledge the existence of Asian Americans in the South is not singular. When James Lowell conducted his groundbreaking study on *The Mississippi Chinese,* he noted that views the existence of the Mississippi Chinese as one that is exceptional, writing "they form the largest population of Chinese in any Southern State", and yet "remained virtually unknown outside of Mississippi".[70]

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[69] Smith, "Campaign for Racial Purity," 71.
[70] Loewen, *Mississippi Chinese*, 1.

This reinforces the notion that the narratives that dominate the story of the segregated south maintain a Black and white binary. Communities like the Mississippi Chinese are erased, contained within the bounds of their own case study, but not integrated into broader conversations about race in the South. The same pattern is evident here, with Virginia politicians and leaders largely focusing their efforts for racial preservation on highlighting and maintaining a binary split.

Instead, eugenicists in Virginia appealed to a history of paternalistic race relations rooted in the ideal of the American South to gain support for the bill. Virginians had a long history of pride with their elite lineage, and the eugenic metaphor was designed to reinforce traditions of elite control.[71] The Anglo-Saxon Club framed its goals as scientific and humanitarian, a rhetoric carefully curated to appeal to Virginia's self-image. Unlike the harsh anti-Asian movements of California or the overt racial violence associated with the Ku Klux Klan, Virginia's elite reformers grounded their campaign in a narrative of paternalistic southern racial relations. Powell himself insisted that racial preservation should be pursued "in the spirit of good sportsmanship and fair play."[72] They invoked a long-standing mythology of harmonious race relations in which enslaved people were imagined as loyal, contented, and properly situated beneath benevolent white guardianship.[73]

This sentiment is clearly on display in the Richmond Christian Advocate's coverage of racial reform in 1924. In a section covering a conference on temperance and social service, the Virginia newspaper writes "The problem is not social nor political, but racial and moral; how to maintain the integrity of the two races… and prevent the mingling of the streams of blood." Yet in the same breath, it celebrated "The rapid decline of that hideous form of lawlessness and

[71] Smith, "Campaign for Racial Purity," 72.
[72] Dorr, *Segregation's Science*, 14.
[73] Dorr, *Segregation's Science*, 14.

cowardice known as lynching [as] peculiarly gratifying to every lover of his kind and every true patriot the land over."[74] The juxtaposition here emphasizes the attitudes that ensnared many of Virginia's elites. By condemning the cruelty and brashness of lynching as a form of racial violence, they sought to present themselves as civil, disciplined, and morally superior to mob violence. Yet, they simultaneously advocate for the separation of the two races through control of racial mixing. To these reformers, the problem was not racial inequality but racial proximity. They framed segregation and anti-miscegenation not as oppression, but as stewardship. In their telling, maintaining distance between races protected both groups from moral and biological decline. This paternalistic posture allowed white elites to imagine themselves as guardians rather than aggressors, committed to order, restraint, and the "integrity" of bloodlines. The rejection of lynching therefore did not signal a rejection of white supremacy. Instead, it marked a preference for bureaucratic enforcement over public terror. Where mobs enforced the color line through spectacle and violence, the Racial Integrity Act would enforce it through paperwork, definitions, and administrative precision. This attitude allowed Virginians in the twentieth century to take a "middle passage" between the progressive liberalism of the north with the old prejudices of the agrarian south.[75] It allowed them to support a more palatable version of white supremacy, one where they were aiding in the maintenance and protection of everyone's racial purity.

This appeal to Virginia's idealized past was further reflected in the inclusion of a special provision within the Racial Integrity Act itself. Although the Act famously defined a white person as someone with "no trace whatsoever of any blood other than Caucasian," it included a narrow but politically significant exception. Individuals with one-sixteenth or less Native American ancestry could still be classified as white.[76] This so-called "Pocahontas Exception"

[74] *Richmond Christian Advocate*, August 21, 1924, 4.
[75] Segregation and science, 11
[76] Sherman, "The Last Stand", 69-71.

was not the product of scientific consistency but political accommodation. Many eugenicists believed that the American race was descended from an "Old Stock" of pioneer settlements like Jamestown in Virginia.[77] Members of Virginia's elite "First Families" claimed descent from John Rolfe and Pocahontas, and a rigid one-drop rule without exception would have implicated them. Instead, the bill was modified to include the protection of these persons from being classified outside of whiteness.[78]

The inclusion of the Pocahontas exception reveals the strategic flexibility of Virginia's eugenicists. While Walter Plecker privately rejected Native American claims to distinct racial status and opposed recognition of Indians as a separate category, the law nonetheless carved out space for elite genealogical mythology. The personal opposition of Plecker also reemphasized the politics behind the construction and passage of the Racial Integrity Act. In moving to include the Pocahontas Exception, it reaffirmed Virginia's romanticized origin story while preserving the façade of scientific purity. Despite the rejection of the medical expert supporting the law, it nevertheless was included. The Act thus simultaneously enforced racial rigidity and accommodated aristocratic status, an intentional choice made to appeal to Virginia's Southern elite.

In distancing themselves from overt immigration hysteria, Virginia's eugenicists created a regime that claimed scientific certainty leaving spaces for ambiguity and exceptions. Asians were not the central public target of the Racial Integrity Act, yet they were quietly folded into its definition of "colored races." The absence of immigration rhetoric did not signal tolerance; it signaled strategic adaptation. By curating eugenics for Virginia's elite audience, lawmakers produced a system that appeared precise but required constant clarification in practice. They

[77] Dorr, *Segregation's Science*, 14
[78] Paul A. Lombardo, "Miscegenation, Eugenics, and Racism: Historical Footnotes to *Loving v. Virginia*," *UC Davis Law Review* 21 (1987–88): 433-35.

cloaked their campaign for racial purity in the language of public health, heredity, and administrative clarity, making white supremacy appear professional and modern. Eugenics provided a sanitized vehicle for racial control. It allowed Virginia elites to distance themselves from mob violence and vulgar race hatred while still institutionalizing racial hierarchy. It is within this tension between scientific certainty and administrative improvisation that the loopholes of Virginia's racial regime emerged.

Chapter 2: Blood and Bureaucracy: Administering Race in Virginia's Racial State

> *Dear Madam, This is to notify you that this is a penitentiary offense to willfully state a child is white when it is colored. You have made yourself liable to very serious trouble by doing this thing. What have you got to say about it? - W.A. Plecker to Mrs. Mary Gideon, April 24, 1924.*[79]

This was the note delivered to Mrs. Mary Gideon, a new mother in Lynchburg, Virginia, by the Head of the Bureau of Vital Statistics Dr. Walter Plecker. After the passage of the Racial Integrity Act of 1924, Plecker set off on a campaign to eradicate racial "discrepancies" and misclassifications through intense surveillance and record keeping. The Virginia Racial Integrity Act was revolutionary in transforming miscegenation law and enforcement in two ways: first it codified the strictest definition of "white" at the time, and classified all other people with a drop of non-white blood as "colored". Secondly, it set in motion one of the largest bureaucratic undertakings of the century, and set up a system to meticulously record every person's race at birth, marriage, and death, in an attempt to surveil and root out cases that violated the one-drop rule.[80]

Prior to the twentieth century, record-keeping of demographic information was primarily done through various government agencies. For example, it was common for local municipalities to collect birth and death certificates, but records were not nearly given the meticulous scrutiny they would receive at the turn of the century. Racial data appeared in a handful of places,

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[79] W. A. Plecker to Mrs. Mary Gildon, April 30, 1924, box-folder 56:1, *Papers of John Powell, 1888-1978*, Accession nos. 7284, 7284-a, Special Collections, University of Virginia Library, Charlottesville, VA.

[80] Peggy Pascoe, *What Comes Naturally*, 131–62; Dorr, *Segregation's Science*; Smith, "Campaign for Racial Purity,".

including the US Census Bureau and local state revenue commissioners. However, loopholes and inconsistencies were common in these records, with informal definitions of race loosely regulating record keeping in many cases.[81]

Following 1924, Virginia established the Bureau of Vital Statistics, revamping existing governmental infrastructure and records to create an expansive system for policing race and enforcing miscegenation laws. The responsibility for guarding the color line fell primarily to local officials, especially county clerks tasked with issuing marriage licenses to couples seeking marriage certificates. Under the Racial Integrity Act, local registrars were required to create a registration certificate for every person in their district, obtain reasonable assurances of the race of those applying for marriage licenses, and prevent the false registration of racial identity. Violations of the law carried significant penalties, including confinement in the state penitentiary for up to one year.[82]

This section will trace the enforcement of Virginia's miscegenation laws from 1924-1967, through the examination of marriage laws, marriage certificates, and correspondence from marriage clerks and officials. It will first set up the racial position of Asians in the South, and how they entered Virginia. It will then examine how encountering Asians at local county clerk offices caused difficulty classifying Asian Americans, miscommunication between local bureaucrats and state officials, and social and public pressures to police interracial marriage in Virginia. In all of this, it will argue that in attempting to create a precise racial system through enumerating blood lineage, Asians in Virginia presented ambiguity and challenges to officials attempting to enforce the strict standards of Virginia's Racial Integrity Act, finding ways to bypass and negotiate exceptions to the rules. These challenges often landed in the laps of local

[81] Smith, "Campaign for Racial Purity," 84.
[82] The New Virginia Law to Preserve Racial Integrity, 2-3.

bureaucrats who struggled to find clear definitive answers, exposing the instability of Virginia's racial regime.

Defining "Asian Americans" in Virginia

The term "Asian American" did not emerge until 1968, when it was coined by members of AAPA, or the Asian American Political Alliance at UC Berkeley during the Civil Rights Movement and social activism of the late sixties.[83] Prior to this, Asians in America did not subscribe to any broad racial category or classification. Instead, ethnic groups were referred to by their nation of origin, with separate national and cultural identities differentiating Chinese, Japanese, Korean, Filipino, Indian, Pakistani, and other immigrant groups.[84] Despite this severance of racial identity, Americans still often lumped together all immigrants from Asia under terms like "Asiatic", "Yellow", and "Oriental".[85]

Many Virginians had not interacted with, or known many Asian people living amongst them. Unlike California or other states along the West Coast, Virginia had a relatively small Asian population throughout the late nineteenth and early twentieth centuries. At the time of the passage of the Racial Integrity Act in 1924, persons of Asian descent constituted a tiny fraction of the state's population, a mere 0.2%. Under the reign of the Racial Integrity Act, the population would grow to 336 in 1930, and 758 by 1950.[86]

Local confusion over how and why to classify Asians in Virginia is clearly displayed in the plethora of terms used to describe people of Asian descent on birth, death, and marriage

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[83] Fujino, Diane. "Political Asian America." *Ethnic Studies Review* 47, no. 1 (2024): 60–97. https://doi.org/10.1525/esr.2024.47.1.60.

[84] Virginia, marriage records, 1920-1970, Bureau of Vital Statistics; digital images, Ancestry (https://www.ancestry.com: accessed November 15, 2025)

[85] Note on history of Yellow (scientific racism hierarchy)

[86] Karthikeyan and Chin, "Preserving Racial Identity," 37-38.

records. Officials alternated between labels such as "Yellow," "Mongolian," "Asiatic," and "Oriental" to categorize Asian individuals, often without consistency. When their nation of origin was known, more specific designations such as "Chinese," "Japanese," and "Korean" were sometimes used instead.[87] There are even discrepancies between the initial recording of race and what was later listed on government documents. For example, on the marriage certificate of Wong Din and Lee Ping Koon in 1940, the couple was initially recorded as "White." However, upon further inquiry from Plecker himself, the race designation was scratched out and replaced with a handwritten "Mongolian."[88] Plecker's instruction was brief, reading, "Will you please change this to read Mongolian," signed with his initials.[89] This intervention reveals the extent to which racial classification remained subject to bureaucratic correction and oversight. That two immigrants born in China were initially recorded as "white" is striking, yet such inconsistencies were not uncommon, underscoring the instability of racial categorization in practice.

The Filipino Exception

The ambiguity that surrounded the classification of people of Asian descent in twentieth-century Virginia is most clearly on display in the case of one group in particular: Filipino Americans. Arriving in the early twentieth century, Filipinos entered the United States later than many other Asian groups, but under fundamentally different conditions. Following the Spanish-American War of 1898, the Philippines became a U.S. territory, and Filipinos were classified as "U.S.

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[87] Virginia, U.S., Marriage Records, 1936-2014, Bureau of Vital Statistics; digital images, Ancestry (https://www.ancestry.com: accessed November 15, 2025)

[88] Wong Din and Lee Ping Koon marriage certificate, Norfolk County, Virginia, February 19, 1940, Bureau of Vital Statistics; digital image, Ancestry (https://www.ancestry.com: accessed November 30, 2025).

[89] W. A. Plecker to Norfolk County Clerk, attached to Wong Din and Lee Ping Koon marriage certificate, Spotsylvania County, Virginia, Bureau of Vital Statistics; digital image, Ancestry (https://www.ancestry.com: accessed November 30, 2025).

nationals" rather than foreign immigrants.[90] This status significantly complicated their racial classification, as they were neither citizens nor fully afforded the rights and protections of citizenship, yet were expected to pledge allegiance to American values, learn English, and adopt American cultural practices.

Filipinos' ambiguous position as colonial subjects granted them limited mobility and certain privileges not afforded to other Asian groups, while simultaneously ensuring that their racial status remained unstable and contested across different contexts. Although many officials assumed Filipinos fell under the racial category of "Malay," their classification was not applied consistently across states or courts. Instead, their racial identity shifted depending on local interpretation, political pressure, and administrative necessity. Furthermore, under American colonial rule, anthropologists, educators, and medical professionals were sent to the Philippines as part of a broader imperial project to "civilize" the population. This effort included English-language instruction, the establishment of Christian institutions, and the expansion of American-style educational systems.[91] As a result, Filipinos were positioned as uniquely assimilable compared to other Asian groups, yet never fully accepted as part of the American racial order. Filipinos in America therefore navigated fundamentally contradictory expectations, as they were expected to assimilate into American culture while simultaneously being treated as unassimilable foreigners in everyday life.

This ambiguity had already caused significant confusion on the West Coast. By 1930, around 30,470 Filipinos lived in California, most of them single men due to U.S. territorial labor

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[90] Lee, *Making of Asian America,* 268-271.

[91] Mae M. Ngai, "From Colonial Subject to Undesirable Alien: Filipino Migration in the Invisible Empire," in I*mpossible Subjects: Illegal Aliens and the Making of Modern America*, rev. ed. (Princeton, NJ: Princeton University Press, 2004), 97, http://www.jstor.org/stable/j.ctt5hhr9r.13.

recruitment.[92] However, the additional arrival of Asian migrant groups meant lawmakers struggled to change their definitions of racial categories to provide an illusion of certainty when it came to classifying Asian Americans. This was exactly the problem California county clerks faced in the 1920s and 30s. At the time, the California Code read as follows:

> *All persons about to be joined in marriage must first obtain a license therefore, from the county clerk of the county in which the marriage is to be celebrated. . . . No license must be issued authorizing the marriage of a white person with a negro, mulatto, or mongolian. - California Code, 1920*[93]

Still, confusion and discrepancies occurred, sending local officials up the legal ladder to seek clarification from higher authority. One in particular, Leon Lampton of Los Angeles County, was advised that Filipinos were not "Mongolians" by the LA County counsel. Under this guidance, he issued over one hundred marriage licenses to Filipino men and White women. However, this practice soon came under strict scrutiny from California nativists, who particularly took issue with the idea of Filipino men marrying white women.[94]

The case of Salvador Roldan and Marjorie Rogers illustrates how racial ambiguity could be exploited, particularly with the support of legal advocacy. After briefly issuing marriage licenses to Filipino men, Los Angeles County Clerk Lampton abruptly ordered his staff to halt the practice following backlash from white community members.[95] As a result, Salvador Roldan, a Filipino man, was among many who were denied marriage licenses. In 1933, Roldan challenged this denial with the help of attorney Gladys Towles Root, a recent law school graduate who sought to contest racial restrictions on marriage. Root's argument relied on existing

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[92] U.S. Department of Commerce, Bureau of the Census, *Abstract of the Fifteenth Census of the United States* (Washington, DC: Government Printing Office, 1933), 8.
[93] California Civil Code, 1920.
[94] Pascoe, *What Comes Naturally,* 131-32.
[95] Pascoe, *What Comes Naturally*, 132-33.

racial science, claiming that Filipinos were not "Mongolian," the category restricted under California law, but instead belonged to the "Malay" race. To support this claim, she drew on the work of eighteenth-century naturalist Johannes Blumenbach, a German thinker who classified the races of man into five different categories. His ideology then considered Filipinos as Malays, and the expertise of his field of thinking gave Root the credibility to convince the court of her argument.[96] By flipping racial science on its head, Root utilized eugenicist theories to her advantage, and briefly opened a legal window for Filipino-white marriages.

The Roldan case demonstrates that racial categories were not simply imposed on Filipino Americans, but actively contested and repurposed within the legal system. By mobilizing racial science to argue that Filipinos were Malay rather than Mongolian, Gladys Towles Root exposed the fragility of the very classifications miscegenation laws relied upon. Yet this momentary victory did not resolve Filipino racial status; it merely shifted the terms of ambiguity. Although Virginia had a much smaller Asian population, just 334 Asians in 1920, the same questions of classification inevitably appeared.[97] Virginia's reliance on clerks for enforcement magnified uncertainty. With so few Asian residents, officials had little precedent to guide them. This meant that when a Filipino applicant appeared at a Virginia clerk's office, that official might have never encountered a Filipino before, let alone understood how to classify one within the rigid framework of the Racial Integrity Act. Unlike California, where decades of Asian migration had forced courts and clerks to confront racial ambiguity, Virginia's racial regime had little space for nuance.

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[96] Pascoe, *What Comes Naturally*, 154-59.
[97] Hrishi Karthikeyan and Gabriel J. Chin, "Preserving Racial Identity: Population Patterns and the Application of Anti-Miscegenation Statutes to Asian Americans, 1910–1950," *Asian Law Journal* 9 (2002): 37.

The surviving documentation provides rare insight into how this ambiguity was managed in practice. Philip Suare and Elsie Thomas were married in Spotsylvania County, Virginia, on February 28, 1940, about sixty miles south of Washington, D.C. Their marriage certificate identifies twenty-nine year old Saure as a "Philipino" student, and his wife as twenty two year old "Italian" from Pittsburgh, Pennsylvania.[98] On August 21, 1940, Walter Plecker wrote to W. C. Crismond, the deputy clerk of Spotsylvania County, condemned the issuance of a marriage license to Saure and Thomas. Plecker asserted, "If we are correct in assuming that this woman is white, then under the law of Virginia, you as Clerk were not authorized to issue a marriage license to a person of any of the colored races, including Filipinos."[99]

This letter offers two important insights. First, Plecker's assumption of the bride's whiteness highlights the ambiguous racial status of individuals classified as "Italian," raising the question of who was entitled to whiteness under Virginia law. Italians in America also faced the brunt of xenophobic and nativist discrimination upon their arrival in the early twentieth century. By 1924, certain regions of the segregated South saw Italians traverse a tenuous middle line between white and black, and slowly were absorbed into the system as white-over-black."[100] In other areas however, including neighboring West Virginia, Italian immigrants were stigmatized in their communities, lynched for alleged crimes or violating local racial codes.[101] Plecker's response showcases then how the flexibility of Italian Americans status was also at play here, taking his own discretion to dictate Ms. Thomas's whiteness as justification for the invalidation

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[98] Philip Suare and Elsie Thomas marriage certificate, Spotsylvania County, Virginia, February 28, 1940, Bureau of Vital Statistics; digital image, Ancestry (https://www.ancestry.com: accessed October 25, 2025).

[99] W. A. Plecker to A. H. Crismond, Clerk, Spotsylvania, August 21, 1940, box-folder 41:93, *Papers of John Powell, 1888–1978*, Accession nos. 7284, 7284-a, Special Collections, University of Virginia Library, Charlottesville, VA.

[100] Matthew Frye Jacobson, *Whiteness of a Different Color: European Immigrants and the Alchemy of Race* (Harvard University Press, 1998), 57.

[101] Jacobson, *Whiteness of a Different Color*, 57.

of the marriage certificate. With the racial purity of the entire community at risk, he dared not to grant a single possible exception for racial contamination.

Secondly, Plecker's letter provides a partial answer to how Filipinos were understood under the Racial Integrity Act, explicitly categorizing them as "colored" despite the law's inconsistent language. Spotsylvania county did marry another person of Asian descent for nearly a decade, making the confrontation of Philip Saure and Elsie Thomas's marriage an bureaucratic challenge and surprise for local officials to deal with.[102] Attached to the back of the Suare-Thomas marriage certificate is a response from Crismond addressed to Plecker at the Bureau of Vital Statistics. In it, Crismond explained that he "hesitated to issue this license," revealing his own uncertainty when confronted with the couple's request. He goes on to write that he did not proceed until a call with Judge Coleman of the circuit, and only "upon his authority" issued the license to marry the couple.[103] Here, Crismond's action to seek special approval and venture beyond his own authority to seek an additional layer of validation showcases the pressures and risks local officials were faced with when it came to potential violations of the Racial Integrity Act. His dilemma parallels that of Leon Lampton in Los Angeles County, and local officials in every state with miscegenation laws. When marriages could not be criminalized, prosecuted, or declared null and void, marriage clerks became the last line of defense in enforcing miscegenation laws. Their decisions carried legal, social, and personal consequences, especially under regimes that punished clerks for mistakes with criminal penalties.

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[102] Spotsylvania County, Virginia, marriage records, 1930–1940, Bureau of Vital Statistics; digital images, Ancestry (https://www.ancestry.com: accessed November 15, 2025)
[103] W. C. Crismond to W. A. Plecker, attached to Philip Saure and Elsie Thomas marriage certificate, Spotsylvania County, Virginia, Bureau of Vital Statistics; digital image, Ancestry (https://www.ancestry.com: accessed October 25, 2025).

Local clerks in Virginia operated under intense surveillance from the Department of Vital Statistics, and Plecker himself. Crismond's letter also illustrates this proximity. By writing in direct response to Plecker's inquiry, this demonstrates that even after judicial approval, local officials remained accountable to state authorities committed to eliminating racial ambiguity. The rigidity of Virginia's miscegenation law can be attributed to the relentless enforcement of Plecker himself. His surveillance extended into schools, hospitals, marriage bureaus, and even churches, creating an atmosphere where clerks and citizens alike understood that any deviation from Plecker's standards could provoke direct intervention from the state.

After the enactment of the Racial Integrity Act, Plecker pursued a campaign of checking records against each other, and "correcting" any discrepancies in racial reporting that he suspected.[104] In 1924, Plecker sent a letter to Mrs. Robert S. Cheatham, a white woman who had just given birth to a new child. Her child was classified as "white" by Cheatman's midwife, but this was changed by the city health department upon Plecker's assertion that the father was black. In the letter, he tells Cheatham that this was to "give you a warning that this is a mulatto child and you cannot pass it off as white."[105] Here, it is clear that Plecker was not above inserting himself into correspondence to Virginia citizens, correcting and upholding what he believed to be the correct enforcement of racial categorization. Moreover, it is a continuation of his long campaign to weed out racial 'passers', or those that occupied a racial identity that was not purely white, but threatened to be perceived, interpreted, or seen as white in reality. These people were 'near white', and that presented the biggest danger to maintaining the exclusivity of the white race.

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[104] Pascoe, *What Comes Naturally*, 145.

[105] W. A. Plecker to Mrs. Robert S. Cheatham, April 30, 1924, box-folder 56:1, *Papers of John Powell, 1888–1978*, Accession nos. 7284, 7284-a, Special Collections, University of Virginia Library, Charlottesville, VA.

Chapter 3: Engendering the Color Line: Gender Dynamics and the Road Not Taken

Under miscegenation laws, marriages forced the state to issue racial classifications with finality, complicating how and by whom race was "determined" by in the different localities. On the West Coast, miscegenation laws shifted from 1860-1930 to reflect the growing population of Asian migrants settling down in states like California, Nevada, and Oregon. The Oregon miscegenation law of 1866 even went so far as to extend these prohibitions to "Kanakas", or Native Hawaiians.[106] These laws built off of the growing anti-Chinese attitudes that erupted on the West Coast from the 1860s to 80s.

By the early twentieth century, Asian Americans in Virginia occupied a racial position defined less by clear legal categories and more by ambiguity and local interpretation. This is especially apparent when it came to interracial marriage. While the Racial Integrity Act explicitly prohibited marriage between "white persons" and "colored persons," it did not consistently define where Asian Americans fell within these categories. Instead, the law relied on categories such as "Chinese," "Japanese," "Malay," and "Mongolian," emphasizing national origin rather than race.[107] Notably, the term "Asian" rarely appeared in official records, reinforcing the perception of Asians as perpetual foreigners rather than members of a domestic racial category. This reliance on national origin created significant ambiguity. Clerks were left to determine whether individuals classified as Filipino, Chinese, or Japanese should be considered white, colored, or something else entirely. As a result, the enforcement of miscegenation laws in Virginia depended not only on statutory language but also on local judgments about appearance, behavior, and social standing.

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[106] Pascoe, *What Comes Naturally,* 78-79.
[107] The New Virginia Law to Preserve Racial Integrity, 3.

This section will examine another key aspect of interracial marriage between Asian and non-Asian Virginians: How did gender influenced defining, enforceing, and challenging miscegenation laws in twentieth century Virginia? It will compare interracial relationships between different gender-race pairings, highlighting how white men were allowed much more leniency in traversing miscegenation laws, allowing them to take on wives of Asian descent. Furthermore, it will examine public discourse on interracial relationships with Asian Americans in the Virginia press, highlighting the protection of white womanhood as a pillar of white supremacy and racism. Finally, it will analyze the concept of white womanhood in the law and the courts, arguing that whiteness was a racial asset that could be revoked from white women who married across the color line. It will argue that in all of these cases, Asian Americans played a key role in constructing Virginia's racial regime framing whiteness to be an asset to be protected from the racial contamination of Asian Americans. This was a distinctly gendered process that sought to protect white women from the corruption of interracial relationships, but punished them if they crossed the color line. White men were given special exceptions however, allowing for quiet absorption of Asian women into whiteness to accommodate their husbands romantic and sexual desires.

Protecting White Womanhood

Relationships between Asian men and white women were often given the most scrutiny due to how laws were shaped around specific understandings of specific race-gender pairings. Since colonial times, the emergence of white womanhood has become a social and cultural symbol of status, respectability, and virtue. In the antebellum South, the protection of white womanhood became increasingly linked to distancing them from threats of sexual invasion, specifically by

Black men.[108] White anxieties fixated on fabricated narratives of Black male aggression, circulated through newspapers, caricatures, and political rhetoric. White women's moral integrity was imagined as inherently vulnerable, requiring constant protection. Safeguarding white women became synonymous with safeguarding white civilization itself, and white men's willingness to police interracial relationships was taken as evidence of their own honor and masculinity.[109] These attitudes made interracial relationships a stage on which broader anxieties about race, sexuality, and gender were enacted. Community outrage, vigilante behavior, and racial violence, most infamously lynching, were justified as necessary to prevent Black men from "invading" white womanhood.[110] White communities used spectacular violence to reaffirm racial boundaries, ensuring that any perceived transgression against white women was met with swift and brutal retribution.

Asian American men, however, became targets of a different yet equally racialized sexual fear. Instead of being depicted as hypersexual aggressors, they were portrayed as suspicious, morally corrupting influences who could seduce or deceive white women into leaving their families.[111] This portrayal complicated earlier stereotypes by casting Asian men as both emasculated foreigners and dangerous outsiders. Western miscegenation dramas relied heavily on these contradictory images, presenting Asian-white relationships as betrayals of civilization.[112] These narratives circulated widely in popular culture and informed public expectations about how officials should respond to such unions.

The 1909 case of Helen Emery and Gunjiro Aoki offers a vivid example of these anxieties. Emery was the daughter of an Episcopal archdeacon, a prominent white family in

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[108] Moran, *Interracial Intimacy*, 18-28.
[109] Moran, *Interracial Intimacy*, 62-68.
[110] Moran, *Interracial Intimacy*, 18-28.
[111] Moran, *Interracial Intimacy*, 68-70.
[112] Spickard, *Mixed Blood,* 36-38.

Corte Madera, California.[113] Aoki was a Japanese man, active in the local Japanese-American Church and described in local newspapers as a Christian student of "noble" lineage.[114] When Helen's father disapproved of the marriage, he moved out and left his wife and daughter alone in their home. This local press soon got wind of the dispute, and quickly moved to sensationalize the relationship as a "virtuous white family in peril" from Aoki's threat of sexual danger and moral corruption.[115] Local white men in Corte Madera responded with mob threats, echoing the vigilante violence used to police relationships between Black men and white women in the South.[116] As the couple traveled north in search of a marriage license, clerks, district attorneys, and justices of the peace refused to assist them, insisting that preventing the union was a matter of public morality.

The panic sparked by this story spread across state lines, and their legislatures responded rapidly. In Oregon, officials stretched the category "Mongolian" to include Japanese immigrants, telling staff to deny the couple a license and physically eject them if they argued. Even in Washington, where law no longer prohibited interracial marriage, officials insisted they still opposed the union and would intervene where possible.[117] When the couple finally married in Seattle, public outrage persisted, and newspapers continued circulating images of white women as vulnerable victims and Asian men as sexual dangers. These stories reinforced the belief that white womanhood had to be protected not only by law but by every level of local authority. For months afterward, reporters used the Aoki case to condemn interracial marriages across the West, deepening fears about Asian men's supposed threat to white racial purity.[118]

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[113] Pascoe, *What Comes Naturally*, 86.
[114] Pascoe, *What Comes Naturally*, 86.
[115] Aoki Engaged to Daughter of Prelate," *San Francisco Chronicle*, March 3, 1909, 1; "Archdeacon Does Not Approve Alliance," *San Francisco Chronicle*, March 11, 1909, 9.
[116] Pascoe, *What Comes Naturally,* 87.
[117] Pascoe, *What Comes Naturally,* 87-89.
[118] Pascoe, *What Comes Naturally,* 87-89.

The Aoki-Emery case demonstrates that miscegenation laws were fundamentally about protecting white womanhood as a racial asset. The enforcement of these laws depended heavily on clerks, judges, and minor officials who viewed themselves as responsible for guarding the boundaries of whiteness. These ideas about white womanhood and the protection of its presumed virtue shaped broader attitudes toward interracial intimacy. White womanhood, however, was also a status that could be revoked when it was perceived to have been compromised through interracial intimacy. After Helen and Aoki were married, Helen relinquished her citizenship and moved to reside with her husband.[119] After Aoki's death, however, Helen had to renounce her old name and change her surname to Oakie, a more Anglo-Saxon-sounding name, at the request of the judge.[120] Helen Aoki thus became Helen Oakie and was ultimately able to regain her citizenship status. However, her journey to reclaim her status as an American citizen was marked by the social and legal costs of crossing the color line, as her status as a white woman had effectively been revoked and only conditionally restored.

The Cable Act of 1922 was originally passed to allow American women "equal nationality and citizenship rights" as men.[121] The Act stipulated that women who married foreigners would not lose her citizenship, so long as her husband was eligible for citizenship. However, nearly all Asian groups were classified as "aliens ineligible for citizenship," meaning that any woman who married an Asian man was effectively stripped of her citizenship. In practice, white women who married Asian men were stripped of the protections associated with whiteness and citizenship and absorbed into the legal and racial status of their husbands.

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[119] I-Examiner, "When Love Overcame Hate: A History of America's Race Relations in One Union," accessed February 10, 2026, https://iexaminer.org/when-love-overcame-hate-a-history-of-americas-race-relations-in-one-union/

[120] I-Examiner, "When Love Overcame Hate."

[121] Cable Act of 1922, ch. 411, 42 Stat. 1021 (1922).

The logic of the Cable Act and the punishment of white women was also on full display in the local Virginia press, exposing residents to anxieties and fears about what happened when white women fell victim to the corruption of Asian men. One 1921 edition of Norfolk Post featured a section called "American girl loses heart to Chinese".[122] The article goes on to detail the marriage of Miss Lillian Stillwell, a student at Cornell University who fell in love and married Chinese student Chenhai Huang. According to the authors, Miss Stillwell was one of a "growing number of American university girl brides of Chinese Students passing thru this port for the Orient".[123]

This language frames Miss Stillwell without any of her own agency, but instead as a passive subject shaped by emotion or manipulation, suggesting delusion, entrancement, or entrapment. The notion that she was "lost" to her spouse invokes fears of Eastern conquest of the West, imagined through the Chinese man's possession of a white woman. At the same time, this language carried real legal implications. Under the Cable Act, Miss Stillwell would have been expected to relinquish her American citizenship and assume the legal status of her husband. The article's emphasis on Huang's status as a member of a wealthy and notable Shanghai family further reveals an attempt to mitigate this perceived transgression. By highlighting his class and respectability, the newspaper implicitly justified the marriage as an acceptable exception, even as it reinforced broader anxieties about interracial unions. Miss Stillwell herself stated that "she had every assurance that she would be able to adapt herself to the manners, speech, and customs of her husband's country."[124] Her statement reflects both the expectation that white women would assimilate into their husbands' identities and the broader logic of the Cable Act, which legally subsumed a woman's citizenship under that of her spouse.

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[122] "American Girl Loses Heart to Chinese," *Norfolk Post*, November 4, 1921.
[123] "American Girl Loses Heart to Chinese."
[124] "American Girl Loses Heart to Chinese."

Protecting White Male Comfort

On the other hand, interracial relationships between white men and non-white women were often given tolerance, leniency, and quiet exceptions to the rule to protect the comfort and sexual desires of white men. Since the implementation of the earliest miscegenation laws in colonial Virginia, white slave owners carried on in interracial relationships with enslaved women, often through sexual coercion and violence. The infamous relationship between Thomas Jefferson and Sally Hemmings, an enslaved woman at his Monticello plantation, was a known secret in the Charlottesville community.[125] Like many other white slave owners, open secrets of white men's sexual proclivities with enslaved women were tolerated and turned a blind eye towards. To ensure these relationships were not given formal scrutiny, children of such relationships were considered fully Black, and lived their lives in enslavement. Jefferson did not free his descendents with Sally Hemmings until after both their deaths.[126]

Asian American women later occupied a similar position within this racial and gendered hierarchy, often depicted as "trophy wives," exoticized partners, or symbols of Western dominance over the "Orient." These representations normalized the incorporation of Asian women into relationships with white men, while framing such unions as both desirable and non-threatening to the racial order. This dynamic is clearly reflected in a 1922 Norfolk Post article titled "West Triumphs Over the Far East."[127] The article describes the "Americanization" of Miss Mildred Wen, a Chinese heiress who rejected an arranged marriage in favor of adopting

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[125] Peter Nicolaisen, "Thomas Jefferson, Sally Hemings, and the Question of Race: An Ongoing Debate," *Journal of American Studies* 37, no. 1 (2003): 99-118, http://www.jstor.org/stable/27557256

[126] Nicolaisen, "Jefferson, Hemings, and Race," 111.

[127] "West Triumphs over the Far East," *Norfolk Post*, no. 171, December 28, 1922.

the lifestyle of an American "flapper."[128] Rather than condemning interracial intimacy, the article celebrates Wen's transformation as a form of Western victory, framing her rejection of Chinese customs as evidence of the superiority of American culture. Her broken engagement to George Lee is presented not as a moral failure, but as a triumph of individual choice aligned with Western norms.

Crucially, the narrative centers not on the preservation of racial boundaries, but on the successful assimilation of an Asian woman into American, implicitly white, social and cultural life. In contrast to depictions of white women as vulnerable victims in relationships with Asian men, Wen is portrayed as someone who can be reshaped, absorbed, and ultimately incorporated into the Western world. This framing reveals a key asymmetry: interracial relationships involving Asian women were more acceptable insofar as they reinforced white cultural and masculine dominance, rather than threatening it.

A similar pattern appears in the marriage of Margarita Cordero Santos and Tennis Shayde Bolin, who were married in 1953 in Giles County, Virginia. This case presents the opposite gender pairing of the Suare-Thomas marriage. Bolin was a twenty-one-year-old white man and a member of the U.S. Air Force. Santos was also twenty-one and a Filipino student at Concord College in Athens, Virginia. Correspondence from Giles County states that Santos's family was "considered white like other foreign born people," despite her being born in Manila.[129] Similar to the Suare-Thomas case, Giles County later received an inquiry from the Registrar of Vital Statistics regarding the validity of the marriage license. However, there are noticeable differences in how the clerk of Giles County chose to respond. On January 31, 1953, the clerk wrote:

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[128] "West Triumphs over the Far East."
[129] Tennis Bolin and Margarita Santos marriage certificate, Giles County, Virginia, October 1, 1952, Bureau of Vital Statistics; digital image, Ancestry (https://www.ancestry.com: accessed January 3, 2026).

> *"This license was issued by my deputy and I did not know about it until I received your letter, and I waited to answer thinking that I might be able to secure more details about the family. It is true that the bride was born in Manilla, but she is not a colored or dark complected person and her family is considered white like other foreign born people and it is a fact that is is considered white as she was a student at Concord College at Athens, which takes only white students. Possibly the race should have been marked other than Filipino. I am sorry, but it appears that I cannot do anything about it now.*[130]

Here, the reasoning provided by the clerk of Giles county involves another element- that of phenotype. By emphasizing Santos's complexion, the clerk privileged physical appearance over national origin in determining her racial eligibility for marriage. Likewise, by noting that the Santos family was socially treated as white and that Santos attended a whites-only institution, the clerk relied on social recognition and institutional validation rather than the eugenic measures of blood or ancestry that ostensibly underpinned the Racial Integrity Act. In this case, social behavior and perceived respectability outweighed supposedly scientific criteria, revealing the malleability of racial classification in practice. In effect, whiteness became something that could be extended to Santos when doing so accommodated a white husband.

Taken together with the Suare-Thomas marriage, the Santos-Bolin case demonstrates how Filipino interracial marriages generated uncertainty within Virginia's marriage licensing system, but also how that uncertainty could be resolved differently depending on gender, appearance, and social standing. Whereas Filipino men marrying white women prompted hesitation and bureaucratic escalation, Filipino women could be quietly absorbed into whiteness

[130] Bolin-Santos marriage certificate, 1952.

through post-hoc justification. Margarita Santos became Margarita Bolin, and the couple's children were notably listed as "white" on their birth and marriage certificates. So then, Tennis and Margarita were able to raise their children as effectively white, attending white institutions and access to the privilege afforded to white citizens in society.[131] These differences underscore how the enforcement of the Racial Integrity Act relied less on consistent legal standards than on discretionary judgments shaped by gendered and racialized expectations. This process allowed white men to maintain both their social status and their access to interracial relationships without destabilizing the broader racial hierarchy. These examples underscore a central point: the enforcement of the Racial Integrity Act was not primarily about preventing interracial intimacy, but about regulating it in ways that preserved white male authority. Rather than applying consistent legal standards, officials exercised discretion shaped by gendered and racialized expectations, punishing relationships that threatened white womanhood while accommodating those that reinforced white male comfort.

The Road Not Taken: *Naim v. Naim* (1955)

Over a decade before *Loving v. Virgini*a, the Supreme Court of the United States had an opportunity to hear a case that challenged Virginia's Racial Integrity Act of 1924. In 1955, Ruby Elaine Naim, a white woman, sought a divorce from her husband, Ham Say Naim, a Chinese national who had arrived in the United States in 1942.[132] The couple had deliberately traveled to Elizabeth City, North Carolina, to marry outside the jurisdiction of Virginia's miscegenation laws

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[131] Roderick Wayne Bolin and Tara Hope Jackson marriage certificate, Virginia Beach, Virginia, August 29, 1985, Bureau of Vital Statistics; digital image, Ancestry (https://www.ancestry.com: accessed January 12, 2026).

[132] Gregory Michael Dorr, "Principled Expediency: Eugenics, *Naim v. Naim*, and the Supreme Court," *American Journal of Legal History* 42, no. 2 (1998): 129-30, https://doi.org/10.2307/846216

before returning to Norfolk, where they lived for a short period.[133] Their marriage, however, quickly deteriorated under the strain of financial pressures, cultural differences, and prolonged separation.[134] Although the Naims' decision to divorce stemmed from personal circumstances, their case soon became a vehicle for a broader legal challenge to the Racial Integrity Act. David Carliner, an immigration attorney and member of the ACLU, recognized the case as an opportunity to contest the constitutionality of Virginia's racial regime under the Fourteenth Amendment. Representing Ham Say Naim, Carliner argued that if the state could not establish the race of the parties beyond a reasonable doubt, then its authority to regulate marriage through racial classification lacked a rational basis.[135] At its core, the case exposed a central weakness in the Racial Integrity Act: its reliance on unstable and inconsistently applied racial categories.

Throughout the proceedings, however, the courtroom became a site where ideas about race, eugenics, and social "fitness" were openly articulated. Ham Say Naim's status as a Chinese man marked him as a threat to white purity, particularly through his intimacy with a white woman. Yet much of the testimony and scrutiny focused instead on Ruby Elaine Naim herself. She was portrayed as a woman of questionable morals, with attention drawn to her prior children born outside of marriage and allegations of infidelity.[136] By recasting interracial marriage as the result of female moral failure, the court displaced responsibility away from the instability of racial classification and onto the behavior of white women themselves. The court framed Ruby Naim as socially unfit, and therefore as someone predisposed to entering an interracial marriage.

These attacks on Naim's character parallel a larger trend of punishing white women who crossed the color line. Taken together, the scrutiny directed at Ruby Elaine Naim parallels the

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[133] Dorr, "Principled Expediency," 131.
[134] Dorr, *Segregation's Science*, 201.
[135] Dorr, "Principled Expediency," 133-42.
[136] Dorr, *Segregation's Science*, 201-03.

punitive logic of the Cable Act reveal that interracial marriage was regulated not only through formal miscegenation law, but through the gendered redistribution of racial and legal status. White womanhood was protected so long as it remained aligned with white male authority and racial purity. When white women crossed the color line, that protection was withdrawn, and they were reframed as deviant, morally suspect, and complicit in racial transgression. In this way, interracial intimacy involving Asian men exposed the instability of Virginia's racial regime, revealing how the preservation of whiteness depended less on consistent law than on disciplining women who challenged its boundaries.

Upon appeal, the Virginia Supreme Court upheld the annulment of an interracial marriage under the Racial Integrity Act, reaffirming the state's authority to regulate racial intimacy. When the case reached the U.S. Supreme Court, however, the Court declined to rule on the constitutionality of Virginia's miscegenation law, dismissing the appeal on procedural grounds. This refusal was not merely technical. It reflected a reluctance to confront a case that so directly implicated both racial classification and the regulation of white womanhood.

Unlike Loving v. Virginia, which presented a stable and sympathetic narrative of marital devotion, Naim v. Naim was marked by conflict, moral scrutiny, and a gendered framing that undermined its viability as a test case. The presence of a Chinese husband and a white wife, combined with the court's portrayal of Ruby Naim as morally compromised, made the case politically and socially unstable. It challenged not only the legality of racial classification, but also the gendered assumptions that sustained it. In this sense, *Naim v. Naim* represents a road not taken. It offered an earlier opportunity to dismantle Virginia's racial regime, but one that the courts were unwilling to pursue. The same forces that structured the enforcement of miscegenation law, the protection of white womanhood, the accommodation of white male

authority, and the racialization of Asian men, also shaped the limits of legal challenge. Only later, in *Loving v. Virginia*, would the Court confront these questions under conditions that made intervention possible.

Conclusion

By the time the Supreme Court decided Loving v. Virginia in 1967, the story of interracial intimacy in Virginia had been unfolding for centuries. From the emergence of miscegenation laws in the colonial period onward, social norms, legal statutes, and administrative systems worked together to prevent the intermixture of racial groups by defining clear and rigid racial categories. This effort intensified in the Progressive Era, driven by the intellectual authority of eugenics. Beginning in 1924, Virginia's white Southern elite rebranded earlier forms of white supremacy into a language of scientific legitimacy and paternalistic racial preservation. Although the rhetoric shifted, the underlying goal remained the same: to uphold the superiority of white Anglo-Saxon Americans while maintaining the appearance of social order through separation.

Yet, as this study has demonstrated, the system that emerged was neither coherent nor stable. Rather than producing a consistent framework of racial classification, Virginia's racial regime depended on ambiguity, discretion, and contradiction. Race was not a fixed biological reality, but a flexible and contested category shaped through local enforcement, social perception, and political necessity. The Racial Integrity Act of 1924 sought to impose clarity through law, but in practice, it exposed the impossibility of doing so. Asian Americans occupied a particularly revealing position within this system. Their presence disrupted the rigid Black-white binary that structured Southern racial thought, forcing officials, courts, and communities to confront the limits of their own definitions. In doing so, Asian Americans did not simply exist at the margins of Virginia's racial order, but instead illuminated its internal inconsistencies.

Taken together, the chapters of this study demonstrate that the enforcement of racial boundaries in Virginia relied less on statutory precision than on human judgment. Eugenic

ideology provided a framework for understanding race as scientific and inheritable, but it was local actors who translated these ideas into everyday practice. County clerks, registrars, and judges were tasked with determining the racial identity of individuals seeking marriage licenses, often with little guidance beyond vague statutory language. In these moments, race became something to be interpreted rather than applied. Decisions were shaped by appearance, reputation, social standing, and community acceptance, rather than by any consistent legal or scientific standard. Asian Americans were particularly affected by this process, as their classification often shifted depending on context. In some cases, they were treated as nonwhite and therefore subject to prohibition. In others, they were provisionally incorporated into whiteness when doing so aligned with local expectations or social convenience.

Gender further structured these outcomes, revealing that the regulation of interracial intimacy was never applied evenly. Relationships involving white women and nonwhite men were subjected to intense scrutiny, reflecting long-standing anxieties about the protection of white womanhood. White women who crossed the color line were often portrayed as morally compromised, their actions framed as evidence of personal failure rather than structural inequality. In contrast, relationships between white men and nonwhite women were more likely to be tolerated or quietly accommodated. These relationships did not threaten the racial order in the same way; instead, they often reinforced it by preserving white male authority while allowing for the controlled incorporation of nonwhite women. The result was a deeply gendered system in which the enforcement of racial boundaries depended not only on race, but on who crossed those boundaries and under what circumstances.

The case of *Naim v. Naim* illustrates the culmination of these dynamics. More than a decade before *Loving v. Virginia*, the Supreme Court was presented with an opportunity to

confront the constitutionality of Virginia's miscegenation laws. Yet the Court declined to do so. This refusal cannot be understood as merely procedural. Rather, it reflects the instability of the case itself, shaped by the same racial and gendered tensions that structured the broader legal regime. The relationship between a Chinese man and a white woman challenged not only the legality of racial classification, but also the social norms that underpinned it. By framing Ruby Naim as morally suspect, the courts shifted attention away from the contradictions of the law and onto the perceived deviance of the individuals involved. In doing so, they avoided engaging with the deeper question of whether racial classification itself could serve as a legitimate basis for regulating marriage.

Reconsidering *Loving v. Virginia* in light of this history reveals that its success was not inevitable. Rather, it emerged under conditions that made it a more viable challenge to the legal system. The Lovings' case presented a narrative that aligned more closely with prevailing social expectations, allowing the Court to reject miscegenation laws without directly confronting the broader instability of racial classification. In contrast, Naim v. Naim exposed too much. It revealed the contradictions of the law, the discretionary nature of enforcement, and the gendered anxieties that sustained the racial order. As a result, it became a road not taken, an earlier opportunity for change that the courts were unwilling to pursue.

This study contributes to existing scholarship by challenging two dominant frameworks. First, it complicates the Black-white binary that has long structured the study of race and interracial intimacy in the United States. While this binary has been central to understanding the history of slavery and segregation, it does not fully account for the experiences of groups that existed outside its boundaries. Asian Americans occupied a position that was neither fully included nor entirely excluded, forcing a reconsideration of how race functioned in practice.

Second, this study expands Asian American history beyond its traditional geographic focus on the West Coast. By situating Asian Americans within the Jim Crow South, it reveals a racial system that was far more flexible and contingent than previously understood. Miscegenation law, rather than operating as a rigid barrier, functioned as a mechanism that could be adjusted to accommodate shifting social and political needs.

Although miscegenation laws were formally dismantled in 1967, the structures that produced them have not entirely disappeared. The regulation of race has shifted from explicit legal prohibitions to more subtle forms of classification and social expectation. Interracial marriage is now often celebrated as evidence of progress, yet patterns of interracial relationships continue to reflect longstanding hierarchies. Asian American women, for example, marry outside their race at significantly higher rates than Asian American men, a disparity shaped in part by historical stereotypes that portray Asian women as desirable and Asian men as undesirable partners. These patterns are not incidental, but are rooted in the same racial and gendered narratives that once shaped the enforcement of miscegenation laws.

In the digital age, these dynamics are visible in new ways. Studies of online dating platforms consistently show that Asian men are among the least selected partners, while Asian women are disproportionately sought after. These patterns mirror earlier representations of Asian men as emasculated or threatening and Asian women as exotic or submissive. While the context has changed, the underlying logic remains strikingly similar. Race continues to influence how individuals form relationships, navigate intimacy, and understand desirability, even in the absence of formal legal restrictions.

At the same time, the bureaucratic regulation of race persists in new forms. Government institutions, from the U.S. Census to immigration systems, continue to rely on racial categories

that are both necessary and inherently limited. Individuals are asked to define themselves within categories that often fail to capture the complexity of lived identity. As in early twentieth-century Virginia, these classifications carry real consequences, shaping access to resources, recognition, and belonging. The authority to define race has shifted away from local clerks and registrars, but it has not disappeared. Instead, it has been absorbed into broader systems that continue to structure social life.

Ultimately, the history of interracial intimacy in Virginia reveals that race was never a stable or objective reality, but a system actively constructed, enforced, and contested through law and everyday practice. Asian Americans, far from existing at the margins of this history, played a central role in exposing its contradictions. Their experiences demonstrate that the color line was not a fixed boundary, but a site of constant negotiation, shaped by power, perception, and circumstance. By tracing these histories, this study challenges the assumption that the fall of miscegenation laws marked the end of racial regulation. Instead, it suggests that the forms of regulation have changed, even as the underlying structures persist. Understanding this past invites a reconsideration of how race continues to shape the most intimate aspects of life in the present, and how its boundaries, though less visible, remain deeply consequential.

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