

The Loving Story

The Wedding

Loving v. Virginia was an important Supreme Court case, but it was also the story of a real couple. Mildred Jeter and Richard Loving grew up in Caroline County, Virginia. They fell in love and decided to get married. Unfortunately, getting married was not as simple in 1958 as it was today. Mildred was black and Richard was white. There were laws that forbade people of different races to marry each other. This was true in many states, including Mildred and Richard's home state of Virginia. However, interracial marriage was legal in Washington, DC at that time. Therefore, in June 1958 they decided to drive to DC to get married to evade the Racial Integrity Act, a Virginia law banning marriages between any white person and any non-white person. They returned to Virginia to begin their life together.

This proved to be a short term solution. The law in Virginia not only forbade interracial marriage ceremonies, but it also forbade interracial couples from getting married elsewhere and returning to Virginia. They were caught sleeping in their bed by a group of police officers who had invaded their home in the hopes of finding them in the act of sex (another crime). In their defense, Mrs. Loving had pointed to a marriage certificate on the wall in their bedroom; rather than defending them, it became the evidence the police needed for a criminal charge, because it proved they had been married in another state. Specifically, they were charged under Section 20-58 of the Virginia Code, which prohibited interracial couples from being married out of state and then returning to Virginia, and Section 20-59, which classified miscegenation (the mixing of different racial groups through marriage, cohabitation, sexual relations, and procreation) as a felony, punishable by a prison sentence of between one and five years..

The Trial

On January 6, 1959, the Lovings pleaded guilty and were sentenced to one year in prison. However, the judge told the Lovings that he would suspend the sentence if they agreed to leave Virginia for a period of twenty five years. Given the choice between imprisonment and banishment, they chose banishment. The Lovings moved to Washington, DC.

The Legal Battle

The Lovings were able to live together legally in Washington, but they did not have an easy time. They faced discrimination everywhere. They were not able to

1 | Handout compiled from <http://www.lovingday.org/the-loving-story> and http://en.wikipedia.org/wiki/Loving_v._Virginia

rent property in most parts of the city, and they were often the target of racist taunting. Also, they were facing the emotional hardship of separation from their families. Life was both difficult and unpleasant for the Lovings in Washington. They were having difficulty supporting their children. In desperation, Mildred sent a letter to Robert F. Kennedy, Attorney General of the United States.

Mildred's letter was forwarded from the Attorney General's office to the offices of the ACLU (American Civil Liberties Union) in New York. They took interest in the Loving's case and helped them find an attorney. Two lawyers, Bernard S. Cohen and Philip J. Hirschkop, also felt that the Lovings were entitled to be married and to live in the state of their choice. They agreed to work on the Loving's case for free.

Their case went through many levels of the justice system and their appeal was denied every time. Eventually their case appeared before the United States Supreme Court. The Court decided unanimously in their favor. Finally, after nine years of struggle, the Loving won the right to live together as husband and wife in their home state. In the words of Chief Justice Earl Warren, "Under our Constitution, the freedom to marry, or not marry, a person of another race resides within the individual and cannot be infringed on by the State."

The Victory

The Loving's case not only won them their freedom to love, but it also granted the same freedom to every interracial couple in every state in America. At the time of the Loving decision, sixteen states from Delaware to Texas had laws banning interracial couples. *Loving v. Virginia (1967)* made it illegal for these states to enforce those laws. This ended a long era of laws that were enforced in forty-two states over the course of American history. These laws did not only apply to black people and white people; many states also restricted relationships with Asians, Native Americans, Indians, Hispanics, and other ethnic groups.

The freedom to love is something most of us take for granted. Like many other freedoms, the right for interracial couples to be together was fought for and won as a part of our civil rights. Many people see this as the longest-lasting part of the legal segregation that used to rule our nation. The Lovings, like Rosa Parks, played an important role in freeing us from laws that punished people for no other reason than the color of their skin.