

ORDINARY CHANGEMAKERS

Loving v. Virginia

*The Story of the Hard-Fought Legal Battle to Protect the
Fundamental Right to Marry the Person You Love*

A LIFE
WELL LIVED



Virginia's Miscegenation Statutes

Virginia's 1924 Racial Integrity Act criminalized all marriages between “white” people and those who were “colored”—meaning anyone “with a drop of non-white blood.”

Va. Code 20-59: If any white person intermarry with a colored person, or any colored person intermarry with a white person, he shall be guilty of a felony and shall be punished by confinement in the penitentiary for not less than one nor more than five years.

Marriage in the District of Columbia

June 2, 1958:

Richard & Mildred Loving marry in DC

. . . and come home to Virginia

No. 420276 Marriage License

To Reverend John L. Henry
authorized to celebrate marriages in the District of Columbia, GREETING:
You are hereby authorized to celebrate the rites of marriage between
Richard Perry Loving, of Passing, Virginia
AND
Mildred Delores Jeter, of Passing, Virginia
and having done so, you are commanded to make return of the same to the Clerk's Office of the United States District Court for the District of Columbia within TEN days, under a penalty of \$50 for default therein.

WITNESS my hand and seal of said Court, this 2nd
day of June, anno Domini 1958
By HARRY M. HULL, Clerk.
Maud K. Ryner Deputy Clerk

No. 420276 Return

I, Reverend John L. Henry
who have been duly authorized to celebrate the rites of marriage in the District of Columbia, do hereby certify that, by
authority of license of corresponding number herewith, I solemnized the marriage of
Richard Perry Loving and Mildred Delores Jeter
named therein, on the 2nd day of June, 1958, at 748 Princeton Place, N. W.
in said District.
(Name of church, or street address, etc.)

6/4/58 ewg Rev. John L. Henry

FPI EEO-8-19-57-10W-7208



Arrest

A FEW
WEEKS
AFTER
THEIR
MARRIAGE...

July 11,
1958:

Warrants
Issued

STATE OF VIRGINIA,
County of Caroline } To-wit: Commonwealth Warrant

To the Sheriff or any Police Officer of the said County:

WHEREAS, *Benny Mahon Com atty* of the said County, has this day made complaint and information on oath before me, Robert W. Farmer, Justice of the Peace of the said County that *Milfred Jeter & wife*

in the said County did on the *2nd* day of *June*, 19*58*, unlawfully and feloniously *did go out of this State for the purpose of being married and upon the pretense of returning to and residing at Roanoke as man & wife*

against the peace and dignity of the Commonwealth of Virginia.

These are, Therefore, to command you, in the name of the Commonwealth, to apprehend and bring before the Judge of the said County the body of the said *Milfred Jeter* to answer the said complaint, and to be further dealt with according to law. And you are directed to summon *mon*

Given under my hand and seal this *11th* day of *July*, 19*58*
Robert W. Farmer J. P.

STATE OF VIRGINIA
County of Caroline

I, *Edward Stahl III* Justice of the Peace in and for the County aforesaid, State of Virginia, do certify that *Milfred Jeter* and *Ramona W. Catlett* as his

surety *y* have this day acknowledged themselves indebted to the Commonwealth of Virginia in the sum of *One thousand* Dollars (\$*1,000.00*).

to be made and levied of their respective goods and chattels, upon this condition: That the said *Milfred Jeter* shall appear before the

Circuit Court of the said County, on the *13th* day of *October*, 19*58* at *10:00 A.M.* at *Roanoke* Va., and not leave hence without the leave of the said Court, and that he appears before the Court to answer the charge in this warrant, and/or any continuance thereof, and/or abide the judgment of said Court, and/or any appeal therefrom, or to await the action of the Grand Jury upon the within charge, at such time or times as may be prescribed by the Court and at any time or times to which the proceedings may be continued or further heard, and to remain in full force and effect until the charge is finally disposed of or until it is declared void by order of a competent Court.

Given under my hand, this *24th* day of *July*, 19*58*
Ramona W. Catlett *Edward Stahl III* J. P.

2

re re-

Criminal Docket No. *929*

COSTS:

COMMONWEALTH
vs. { WARRANT OF ARREST

Milfred Jeter
Executed this, the *17* day
of *July*, 19*58*
Samuel B. Smith

Upon the defendant's plea of
Not guilty to the within
charge, and upon examination of the
witnesses, I find the accused

*probable cause to charge
the accused with a felony
and it is ordered that she
be held for the action
of the Grand Jury 7-17-58*
Edward Stahl III
Judge

Fine
Costs

Total

Fine	\$	
Warrant	\$	<i>1.50</i>
County Judge	\$	<i>2.00</i>
Clerk	\$	<i>1.25</i>
Arrest	\$	<i>1.00</i>
Mileage	\$	<i>5.04</i>
Summoning Witness	\$	
Witness' Attendance	\$	
Jail Fee	\$	<i>50</i>
Commonwealth Attorney	\$	<i>2.50</i>
Bail Fee 7-24-58	\$	<i>2.00</i>
Circuit Court Cost	\$	<i>22.50</i>
Total	\$	<i>36.29</i>

Reverse Side of Arrest Warrant

ca. July 13, 1958

After attempting to apprehend them several times during the day, Sheriff Garnett Brooks found the Lovings at home in the early morning hours a few days later. After knocking on and then breaking through the door, Brooks and two deputies encountered the couple while they were still in bed. “They asked Richard who was that woman he was sleeping with,” Mildred Loving later told an interviewer. “I said, ‘I’m his wife,’ and the sheriff said, ‘Not here you’re not.’”



Film: *Loving* (2016), Focus Features

Jail



Caroline County Jail in Bowling Green, known as the “Old Jail,” now a historic landmark. Mr. Loving was released after one night on a \$1,000 bond; Mrs. Loving was held for several nights.

October 1958: Grand Jury Presentment

“ . . . against the peace and
dignity of the Commonwealth.”

COMMONWEALTH OF VIRGINIA
COUNTY OF CAROLINE, TO-WIT:
IN THE CIRCUIT COURT OF SAID COUNTY:

The grand jurors of the Commonwealth of Virginia, in
and for the body of the County of Caroline, and now attending the
said court at its October, 1958 term upon their oath present that

RICHARD PERRY LOVING and
MILDRED DELORES JETER

on the 2nd day of June, 1958, in the said County of Caroline, the
said Richard Perry Loving being a White person and the said Mildred
Delores Jeter being a Colored person, did unlawfully and feloniously
go out of the State of Virginia, for the purpose of being married,
and with the intention of returning to the State of Virginia and
were married out of the State of Virginia, to-wit, in the District
of Columbia on June 2, 1958, and afterwards returned to and
resided in the County of Caroline, State of Virginia, cohabiting
as man and wife, against the peace and dignity of the Commonwealth.

January 6, 1959: Indictment for a Felony

COMMONWEALTH
VS.

Indictment for a Felony

RICHARD PERRY LOVING and
MILDRED DELAWARE JETER

This day came the attorney for the Commonwealth and the accused, who were represented by counsel, appeared in court upon their own recognizance. Upon being arraigned the accused both plead "not guilty" to the charges in the indictment and waived trial by jury and the Commonwealth by its attorney doth agree to the waiving of trial by jury and the court doth consent thereto. Whereupon the court proceeded to hear the evidence and argument of counsel. After the court heard the evidence and argument of counsel, the accused doth change their plea from "not guilty" to "guilty". The court doth accept the plea of "guilty" and fix the punishment of both accused at one year each in jail. The court doth suspend said sentence for a period of twenty-five years upon the provision that both accused leave Caroline County and the state of Virginia at once and do not return together or at the same time to said county and state for a period of twenty-five years. Whereupon the court asked the accused if they had anything to say before the court pronounced sentence and when they answered "no" the court proceeded to sentence the prisoners. After the prisoners were sentenced they paid the costs of these proceedings into court and the court ordered them released from custody and further recognizance.

Leon M. Bazile, Judge
6 January 1959.

1959 - 1963

The Lovings moved to Washington, DC in 1959 and lived with one of Mildred Loving's cousins.

They were arrested again for traveling together but were let go with a warning.

They yearned to return to their home together and to be with their families in Caroline County.

STATE OF VIRGINIA, } To-wit: Commonwealth Warrant
County of Caroline

To the Sheriff or any Police Officer of the said County:

WHEREAS Bernard Melan Con. Atty of the said County, has this day made complaint and information on oath before me, J. L. Webb, Justice of the peace of the said County that Richard Loving & Mildred Loving in the said County did on the 28th day of March, 1959 unlawfully and feloniously Violate their parole against the peace and dignity of the Commonwealth of Virginia.

These are, Therefore, to command you, in the name of the Commonwealth, to apprehend and bring before the Judge of the said County the body of Richard Loving & Mildred Loving to answer the said complaint, and to be further dealt with according to law. And you are directed to return most _____ as witnesses.

Given under my hand and seal this 28th day of March, 1959 _____ J. P.

STATE OF VIRGINIA To-wit: _____
County of Caroline

I, J. L. Webb Justice of the Peace in and for the County aforesaid, State of Virginia, do certify that Richard Loving & Mildred Loving and Robert E. Bucher, Attorney in fact for said Lovings, as his sureties have this day acknowledged themselves indebted to the Commonwealth of Virginia, in the sum of Two hundred and no 100 Dollars (\$ 200.00), to be made and levied of their respective goods and chattels, upon this condition: That the said Richard Loving & Mildred Loving shall appear before the Court of the said County, on the 13th day of April, 1959, at 10 A.M., at Bowling Green, Va., and not leave hence without the leave of the said Court, and that he appears before the Court to answer the charge in his warrant, and/or any continuance thereof, and/or abide the judgment of said Court, and/or any appeal therefrom, or to await the action of the Grand Jury upon the within charge, at such time or times as may be prescribed by the Court and at any time or times to which the proceedings may be continued or further heard, and to remain in full force and effect until the charge is finally disposed of or until it is declared void by order of a competent Court.

Given under my hand, this 28th day of March, 1959 _____ J. P.

June 1963

Mr. and Mrs. Loving sent a letter to Attorney General Robert F. Kennedy. The couple was referred to the American Civil Liberties Union and assigned an attorney, Bernard S. Cohen.



Mr. & Mrs. Lovings' Letter to ACLU

June 20, 1963

1151 New St.
N.E. Wash. D.C.
June 20, 1963

Dear sir:

I am writing to you concerning a problem we have.

5 yrs. ago my husband and I were married here in this District. We then returned to Va. to live. My husband is white, part negro, & part indian.

At the time we did not know there was a law in Va. against mixed marriages.

Therefore we were jailed and tried in a little town of Bowling Green.

We were to leave the state to make our home.

The problem is we are not allowed to visit our families. The judge said if we enter the state within the next 30 yrs., that we will have to spend 1 yrs. in jail.

We know we can't live there, but we would like to go back once and awhile to visit our families & friends.

We have 3 children and cannot afford an attorney.

We wrote to the Attorney General, he suggested that we get in touch with you.

for advice.

Please help us if you can. Hope to hear from you real soon.

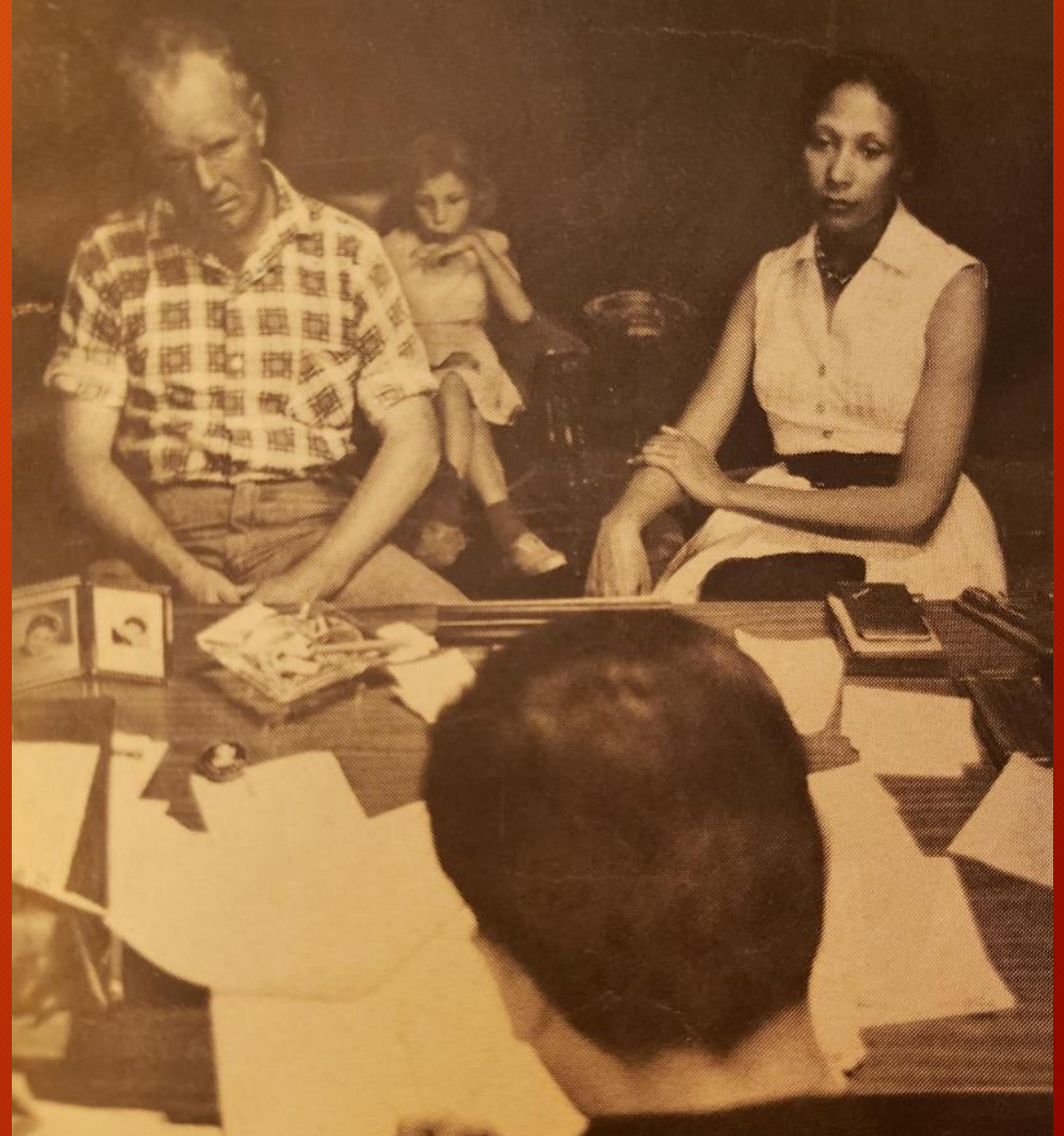
Yours Truly,
Mr. & Mrs. Richard Loving

July 1963 - November 1963

July 1963: ACLU volunteer attorney, Bernard S. Cohen, begins work on the Lovings' case.

Aug-Oct 1963: Cohen's research leads him to the case of *Fuller v. Commonwealth*, holding that a suspended sentence is always "within the breast of the court."

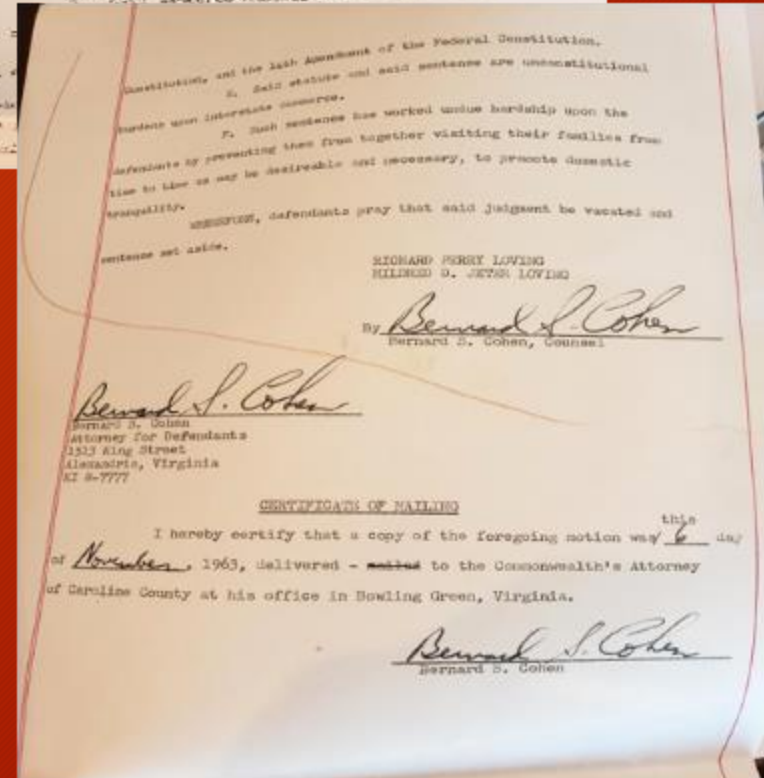
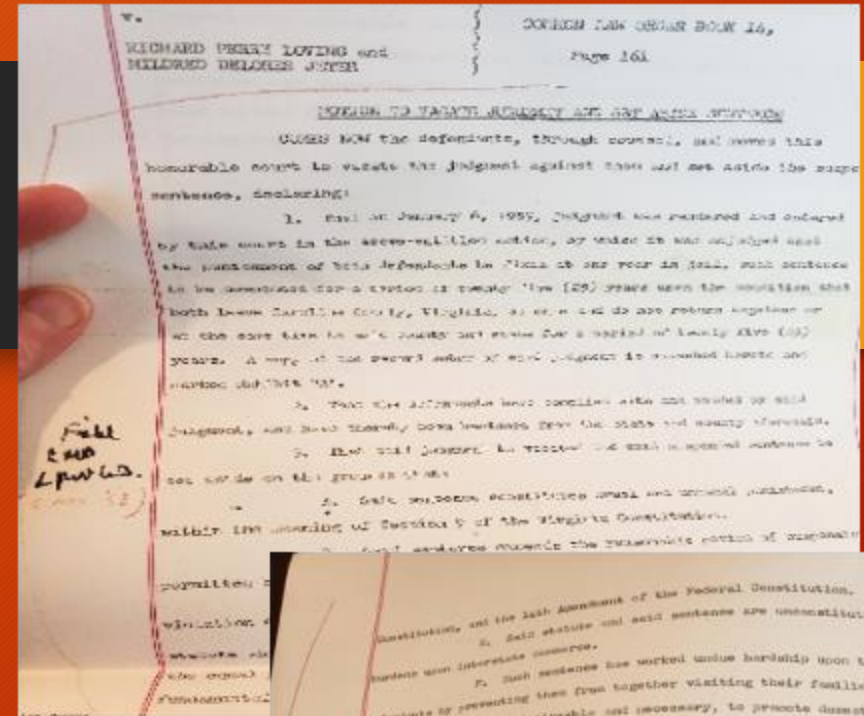
Nov 1963: Cohen moves to have the judgment vacated and the sentence set aside.



November 6, 1963

Motion to Vacate the Judgment and Set Aside the Sentence

6 enumerated grounds, including that the sentence "is improper because it is based on a statute which is unconstitutional on its face, in that it denies the defendants the equal protection of the laws and denies the right of marriage which is a fundamental right of free men, in violation of Section 1 of the Virginia Constitution, and the 14th Amendment of the Federal Constitution.



Trial judge takes it under advisement but does not rule.

July 1964

In the summer of 1964, Cohen, a 1960 graduate of Georgetown Law, requested a meeting with his former constitutional law professor, Chester Antieau. Phil Hirschkop (Georgetown '64) was with the professor in the faculty lounge and Prof. Antieau recommended Cohen consult with Hirschkop, who had been active in civil rights.

https://www.washingtonpost.com/local/he-helped-make-legal-history-in-loving-v-virginia-at-80-hes-still-practicing-law/2016/12/10/e796f8a4-b726-11e6-b8df-600bd9d38a02_story.html



October/November 1964

October 28, 1964: Federal suit filed in EDVA requesting a three-judge panel be convened to declare sections of the Virginia Code unconstitutional and to enjoin state officials from enforcing the prior convictions of the Lovings.

November 13, 1964: Sought injunction in federal court; filed a motion for temporary relief to enjoin prosecution until federal court's decision on constitutionality.

November 16, 1964: Argued before the three judges (Bryan, Butzner and Lewis) in Richmond who took the matter under advisement, **setting the case for a hearing in federal court on February 3, 1965.**



November 1964 - January 1965

In the meantime . . .

“ . . . while this suit stood set for hearing . . . , an order was entered by the Circuit Court of Caroline County on January 22, 1965, denying [the motion to vacate and set aside the sentence] filed on November 6, 1963.”

Source: 243 F. Supp. at 233



January 22, 1965

“Almighty God created the races white, black, yellow, malay and red, and he placed them on separate continents. And but for the interference with his arrangement there would be no cause for such marriages. The fact that he separated the races shows that he did not intend for the races to mix.”

Judge Leon Bazile, Circuit Court of
Caroline County, January 22, 1965

g Street, Alexandria, Virginia,
h's Attorney of Caroline Count

ENTER:
Leon M Bazile
22 January 1965

Now, to Federal Court Again . . .

With the Caroline County Circuit Court's ruling in hand . . . now, it was back to federal court . . .

January 27, 1965: Appeared in federal court (EDVA Richmond)

February 11, 1965: The federal district court entered an interlocutory order, finding that the Lovings were living in Virginia and thus facing “the imminent threat of imprisonment” and therefore entitled to resolution of the issue of the validity of the statutes

And continued the case to allow the Lovings to present their constitutional claims to the highest state court (“comity requires that this court . . . allow . . . the State courts [to] determine . . . the validity of the statutes”).

Onward to the Virginia Supreme Court

And with the federal court order allowing the State's highest court to weigh in . . . now, back to the *state* court appeal process -

March 3, 1965: Lovings filed a Notice of Appeal and Assignments of Error in the Virginia Supreme Court

June 15, 1965: Virginia Supreme Court issues writ

November 4, 1965: Lovings' Petition for Writ of Error (Appeal) filed in Virginia Supreme Court



Photograph, circa 1940, of the The Supreme Court of Appeals – State Library Building. This structure, located on Broad Street north of Capitol Square, housed the court from 1941 to 1981. It was renovated and renamed the Patrick Henry Building in 2005. scvahistory.org

Highest State Court Ruling

March 7, 1966: Virginia Supreme Court affirms convictions but reverses sentences (Opinion by Justice Harry L. Carrico)



Stare Decisis—a Latin term that means “let the decision stand” or “to stand by things decided”—is a foundational concept in the American legal system. To put it simply, stare decisis holds that courts and judges should honor “precedent”—or the decisions, rulings, and opinions from prior cases. Respect for precedents gives the law consistency and makes interpretations of the law more predictable—and less seemingly random.

[Understanding Stare Decisis \(americanbar.org\)](http://americanbar.org)

1966 . . . Getting to the High Court

- March 28, 1966 Virginia Supreme Court Order Staying Execution of Judgment (says appeal to US Supreme Court must be filed by June 4, 1966)
- June 1966: Lovings notice appeal to the United States Supreme Court



- December 12, 1966: United States Supreme Court notes probable jurisdiction



Oral Argument - April 10, 1967

ADVOCATES

Bernard S. Cohen *For the Appellant*

Philip J. Hirschkop *For the Appellant*

R.D. McIlwaine III *For the Appellee*

William M. Marutani *For the Japanese American Citizens League, as amicus curiae, urging reversal*

- [Loving v. Virginia | Oyez](#)
- <https://www.oyez.org/cases/1966/395>

Justices of the United States Supreme Court, 1967

Justices Who Presided Over the Loving Case

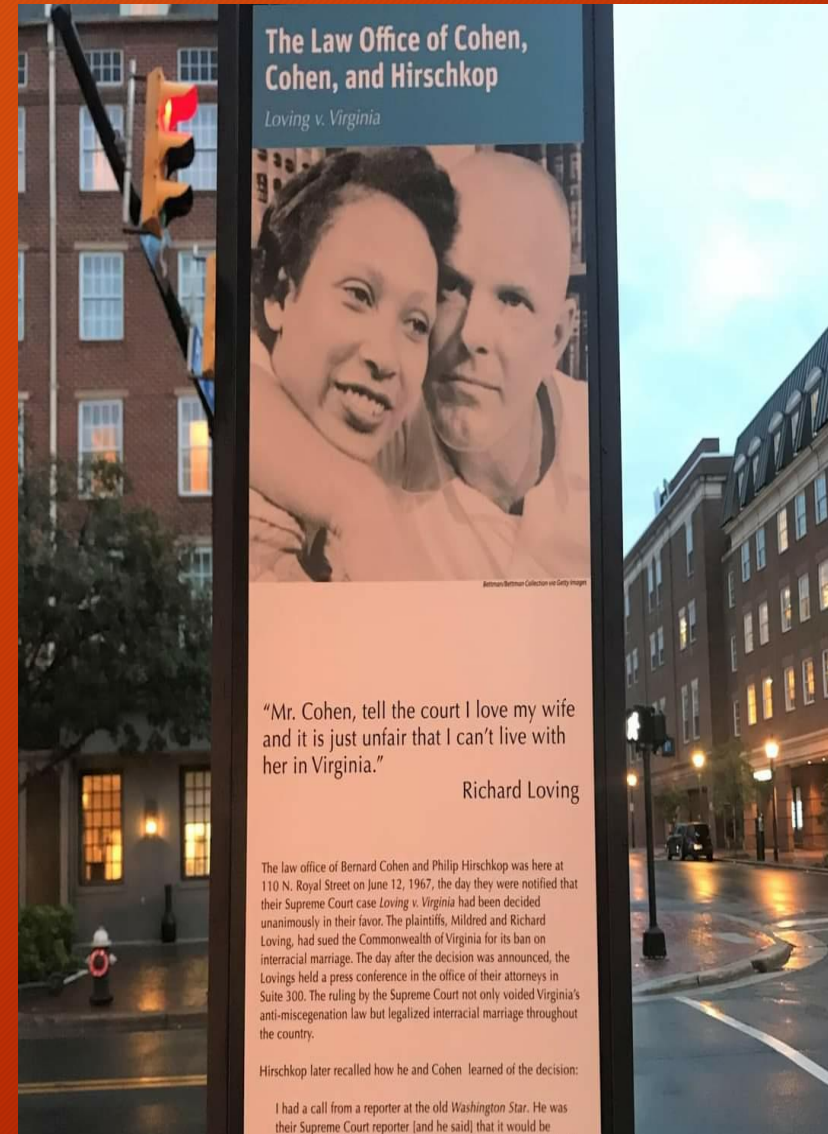
Standing (Left to Right): Byron White, William J. Brennan, Jr., Potter Stewart, Abe Fortas

Seated (Left to Right): Tom C. Clark, Hugo Black, Earl Warren, William O. Douglas, John M. Harlan



“Mr. Cohen, tell the Court I love my wife and it is just unfair that I can’t live with her in Virginia.”

Richard Loving



June 12, 1967

Loving v. Virginia,
388 U.S.1 (1967)

"[T]he freedom to marry, or not marry, a person of another race resides with the individual, and cannot be infringed by the State."

DOMESTIC SERVICE		\$	WESTERN UNION	E	INTERNATIONAL SERVICE	
Check the class of service desired; otherwise this message will be sent as a fast telegram					Check the class of service desired; otherwise the message will be sent at the full rate	
TELEGRAM					FULL RATE	
DAY LETTER					LETTER TELEGRAM	
NIGHT LETTER					SHORE-SHIP	

1206 (4-55)

W. P. MARSHALL, PRESIDENT

NO. WDS.-CL. OF SVC.	PD. OR COLL.	CASH NO.	CHARGE TO THE ACCOUNT OF	TIME FILED

Send the following message, subject to the terms on back hereof, which are hereby agreed to

Bernard S. Cohen
110 North Royal Street
Alexandria, Virginia

June 12, 1967

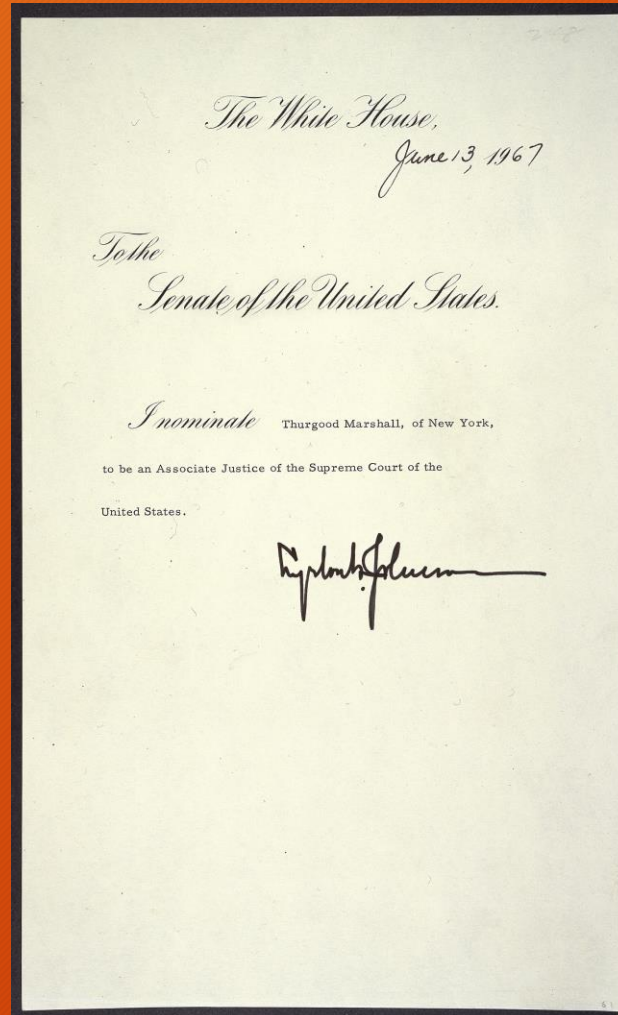
JUDGMENT LOVING against VIRGINIA REVERSED today. Opinion mailed.

Advise associates.

COLLECT
MRJr:ht
#395 Appellants

JOHN F. DAVIS, CLERK

. . . AND THE NEXT DAY



Message of President Lyndon B. Johnson Nominating Thurgood Marshall of New York to be an Associate Justice of the Supreme Court
National Archives, Records of the U.S. Senate





Richard Loving died in a car accident in 1975.
Mildred Loving passed away in May 2008.

Exiles' Lose 1st Round in Racial Marriage Suit

Washington Post Staff Writer
Couple Has 3 Children

The Lovings, who have three children, were sentenced to a year in jail, but the sentence was suspended for 25 years on condition they never return to Colville County together again, to their attorney.

Court Strikes Down Ban on Marriages

MISCEGENATION

Continued From Page A-1

under attack reflect the policy which has obtained in the Commonwealth for over two centuries in almost all the Union.

"Mr. Cohen, I love my wife and it is unfair I can't be with her in Virginia."

It was a simple marriage.

Supreme Court Vetoes Racial Marriage Law

Union, Co. did not what dress knowie The iss 95 was not

person of another race resides with the individual and cannot be infringed by the state."

The other states that have so-called miscegenation laws

THE EVENING STAR

Washington, D.C. Thursday, January 9, 1967

red Marriages and State, Says U.S.

ings' Case demanded to State Courts

y William Chapman Washington Post Staff Writer

White Virginian and his wife must take the age of

Metro Area

ro-White Couple ed Liable to Arrest

By ROBERT WALTERS Star Staff Writer

White construction worker and his Negro wife fight to overturn Virginia's anti-miscegenation laws before the Supreme Court yesterday.

When Bernard S. Cohen appeared before the majesty of the Supreme Court yesterday he brought a message to the justices from his client, Richard P. Loving, bricklayer, of

Court to strike down Virginia's anti-miscegenation laws and similar laws in 15 other states.

"These statutes are the most odious of the segregation and slavery laws," Mr. Hirschkop told the court. He traced the

person of life, liberty or property without due process of law."

"Richard and Mildred Loving have a right to go to sleep knowing a sheriff won't come into their bedroom and shine

(Continued from Page 1)

nation laws prohibited the free exercise of religion. "Marriage a fundamental act of religion they said, "and because of marriage comes within the co

Virginia Court Says Negro Wife Can

REXING Va. (AP)—Vir- help of the A- Virginia Supreme Court of Ap- vities Union, the constitution

Devar Staff Writer

rest the last vestiges of racial discrimination



VIRGINIA MISCEGENATION CASE

Jessica Rothfleisch 2015

'Tell the Court I Love My Wife'

Thunderbolt

THE WHITE MAN'S VIEWPOINT

1967

P. O. BOX 6263, SAVANNAH, GEORGIA 31405

ISSUE #9

Federal Courts Go Beyond Race-Mixing Being Ordered At All

Fruits Of Jewish Victory Before Supreme Court



First mixed marriage in Maryland since Supreme Court banned state laws against such. He is Henry Enochson and claims to be a prince from the West African jungles. She is the former Miss Nancy Hartwell from Florida, brainwashed by mixing preachers and teachers, her seed will die in mongrelization.



Thurgood Marshall, L.B.J.'s latest outrage against the American people. His last three appointments to Supreme Court were Arthur Goldberg (later kicked upstairs to UN seat), Abe Fortas and Marshall, two Jews and a Negro. L.B.J. says he can't find a qualified White Christian anywhere for one of these jobs.

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The landmark...
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The Lovings, mixed degenerationists used by two Jew Lawyers, brought court ban on Anti-mixed marriage laws.



Danica Roem ✓ @pwcdanica · 6h

Today in Virginia, we're flying our flags half-staff to memorialize the late state Del. Bernard Cohen, the original fighter for marriage equality who successfully argued *Loving v. Virginia* in front of the SCOTUS to overturn our ban on interracial marriage.



Va. flags to be half-staff Friday in memory of late Bernard Cohen, lawyer in *Loving v. ...*

[wavy.com](#)



Justin Fairfax ✓ @LGJustinFairfax

Today, we adjourned the Senate of Virginia in Honor and Memory of former Delegate Bernie Cohen — a brilliant legal mind and champion in the struggle for equality and human dignity.

Bernie made us a better, more loving Commonwealth and country. Godspeed.

7:16 44%



Tim Kaine ✓ @timkaine



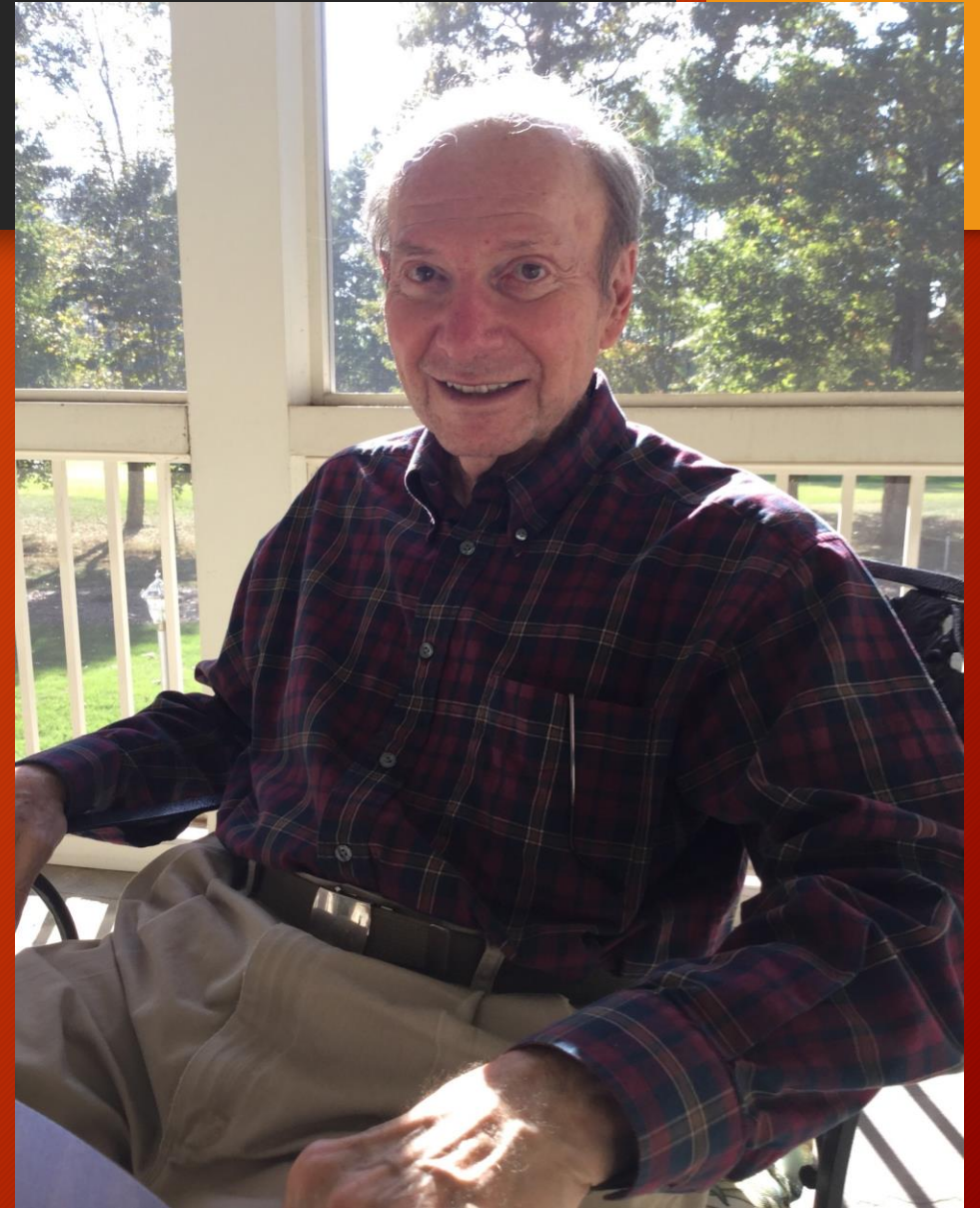
Bernie Cohen was a friend, historic civil rights lawyer, and dedicated public servant. He lived his life to make us true to the promises America and Virginia made about ourselves. We all are in his debt.



October 2020

Bernard S. ("Bernie") Cohen

January 17, 1934 - October 12, 2020



THE LEGAL SYSTEM CAN FORCE OPEN DOORS AND SOMETIMES
EVEN KNOCK DOWN WALLS. BUT IT CANNOT BUILD BRIDGES.
THAT JOB BELONGS TO YOU AND ME. JUSTICE THURGOOD MARSHALL

