

# Mildred jeter and richard loving in the civil rights movement



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## Taking A Stand for Marriage

Civil Rights movement of mid 1950s to late 1960s was very important because during this time African Americans didn't have equal opportunity in jobs, education, housing, and their basic rights as American citizens. During the movement, African Americans struggled to find their independence. During the Civil Rights movement several supreme court cases happened. Some cases that the United States Supreme Court encountered were *Brown v. Board of Education*, *Brown v. Board of Education II*, *Bailey v. Patterson*, *Jones v. Mayer Co.*, and *Loving v. Virginia*. In short, *Brown v. Board of Education* was a landmark case that "the Court prohibited racial segregation of public schools" (FindLaw). *Bailey v. Patterson* was a civil rights case that "the Court in this case prohibited racial segregation of interstate and intrastate transportation facilities" (FindLaw). *Jones v. Mayer Co.* was an important case that "the Court held that federal law bars all racial discrimination in the sale or rental of property" (FindLaw). Prior to the changes made by Civil Liberty Movement, a lot of states had laws that didn't allow interracial marriage of whites with black or other minorities. The court case that changed this was the United States of America Supreme Court case, *Loving v. Virginia*. The importance of the Supreme Court case of *Loving v. Virginia* will be analyzed in terms of what transpired in the United States leading to, during, and what effects it had after the verdict was passed.

On June 11, 1958, Mildred Jeter and Richard Loving drove from their home in Central Point, Virginia, to Washington, DC, to be married. They traveled to Washington, DC. because "twenty-four states, including Virginia, still outlawed interracial marriage at the time" (Kelly). Mildred was part Native  
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American and part African-American; Richard was white. Five weeks after their wedding, the county sheriff and two deputies burst into their bedroom in the early morning hours. They forced them out of bed and placed them under arrest. Their crime: interracial marriage. They spent the early morning hours of July 11th in jail. They were tried and found guilty of violating racial integrity laws, which were passed to “protect” “whiteness” against what many Virginians perceived to be the negative effects of race-mixing (Wolfe). The specific law they violated was Virginia’s racial integrity act of 1924, a series of laws that made race-mixing illegal. They were convicted of breaking §20-58 Virginia Code “Leaving State to evade law. — If any white person and colored person shall go out of this State, for the purpose of being married, and with the intention of returning, and be married out of it, and afterwards return to and reside in it, cohabiting as man and wife, they shall be punished” (Linder). The Lovings were then given an ultimatum: spend one year in prison or leave the state of Virginia for twenty five years. Frightened and unaware of their legal options they moved straight to Washington DC, where their marriage was legal. They raised their three children in the nation’s capital, financially strapped, and isolated from friends and family. Five years later they returned to Virginia to visit Mildred’s family but were arrested a second time for traveling together.

Inspired by the growing Civil Rights movement, Mildred decided to fight back. So in 1963, she wrote a letter to US attorney, General John F. Kennedy, asking for his advice. Kennedy referred the Lovings to the American Civil Liberties Union who assigned the case to two young lawyers named Bernard Cohen and Philip Hirschkop. Cohen and Hirschkop took their appeal all the

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way to the Supreme Court and “[Cohen] asked the court to look closely at whether the Virginia law violated the equal protection clause of the 14th Amendment (Penaloza). During the case, Hirschkop stated that the marriage laws were unconstitutional and rooted for racism and white supremacy.” These are not health and welfare laws...these are slavery laws, pure, and simple” (History. com Editors) They argued that the equal protection clause of the 14th amendment which guarantees African Americans’ citizenship and all its privileges. They also argued that the Amendment made no mention of interracial marriage and thus guaranteed equal protection of a human being’s right to marry. Attorneys for the state of Virginia argued that the states’ rights should be prioritized over federal laws but their argument didn’t hold up. On June 12th, 1967 the court unanimously struck down the Virginia marriage ban and overturn the Lovings’ conviction. The court ruling reverberated all over America. Disapproving anti-miscegenation laws, not only in Virginia but in 16 other states that held them as well. After winning the case, the Lovings were finally free to live quietly in Virginia as husband and wife.

Before *Loving v Virginia*, the Supreme Court case of 1967, a lot of states had rules that banned miscegenation and interracial marriages of whites with blacks and other minorities. Since then, the case has had several impacts on America. For example, Americans mindsets have changed and the number of intermarriages have grown “ In 2015, 17% of all U. S. newlyweds had a spouse of a different race or ethnicity, marking more than a fivefold increase since 1967, when 3% of newlyweds were intermarried” (Livingston and Brown). Another example is *Loving v. Virginia* inspired gay marriage

advocates during their own Supreme Court victories decades later. Their 1967 US Supreme Court case, *Loving v. Virginia*, allowed interracial couples to marry and set the precedent for the same sex marriage ruling in the 2015 *Obergefell v. Hodges*, Supreme Court decision." The Loving case has been repeatedly cited by supporters of gay marriage as one of the most substantive legal arguments for legalizing same-sex marriage in America" (Goff). *Obergefell v. Hodges*, had a ruling which granted same sex couples the right to marry.

Few cases are so appropriately named as *Loving v. Virginia*. A US Supreme Court case about one couple's brave fight to validate their love in the eyes of the law. *Loving v. Virginia* forever redefined marriage in the United States. It changed America's societal views drastically when the miscegenation laws were overturned by *Loving v. Virginia* ruling. This case changed America's mindset about marriage from " You can only love someone who is the same race/ethnicity as you." to " Love has no race, no color, and no gender." Almost 50 years later and the ruling of this court case is still affecting America today.

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