ESSAY

Crossing the Color Line: A Historical Assessment and Personal Narrative of Loving v. Virginia

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On many evenings just before sunset, my grandmother and I would sit on our front porch. We lived in the rural black community of Battery, Virginia (approximately forty-five miles east of Richmond) which is located in Essex County. Suddenly, I would hear my grandmother remark: “Well, I see Richard’s gone in for the night.” I would then turn my head to follow the direction of her gaze, where I would see a white man driving his car down the dirt road leading to a house owned by my great-uncle. It was a two-story wood-frame house, which was one of the biggest in the neighborhood. Most of the rooms were usually rented out to various family-friends, relatives, and occasionally to the families of those who worked at the sawmill—jointly operated by my great-uncle and his older brother, my grandfather.

Raymond and Garnet Hill, along with their two sons, lived there for a time in the early 1960s. Garnet’s younger sister, Mildred, was a frequent visitor, especially on weekends. Mildred’s three children usually accompanied her on these visits, but her husband never did—

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at least not during daylight hours. As my grandmother later explained, the white man who occasionally visited my great-uncle’s house near nightfall was Richard Loving. The woman whom I knew as Mildred was his wife, and the three children with whom I occasionally played were their children.

If Richard Loving were to spend any time with his family in the state of Virginia, he had no choice other than to do so under the cover of darkness. He and his part-black, part-Cherokee wife had been banned from the state in 1959 for violating the state’s miscegenation laws which prohibited interracial marriage. Although Richard Loving and Mildred Jeter were legally married in Washington, DC, in 1958, Virginia did not recognize the marriage and subsequently banned the couple from their native state. Not until 1967, when the United States Supreme Court declared Virginia’s miscegenation statutes unconstitutional in Loving v. Virginia, were Richard and Mildred Loving allowed to return to the state of their birth, having spent the first five years of their marriage in exile.

Thirty years ago, long before the state launched its successful tourism campaign, “Virginia is for Lovers,” the 8,223 interracial couples who now reside there would have been subject to arrest. Had current Supreme Court Justice Clarence Thomas been married to his white wife, Virginia, at the time, he might also have spent some time in jail. Yet, despite the social and historic significance of the Supreme Court’s 1967 landmark decision, little has been written on

2. Id. at 6-7.
4. See Appellant’s Brief at 7-8, Loving (No. 395). The Lovings actually returned to Virginia in the fall of 1963 after initiating their legal challenge to the state’s miscegenation law. Id. On February 11, 1965, a three-judge federal court—consisting of District Court Judge Oren R. Lewis, District Court Judge John D. Butzner, and Circuit Court Judge Albert V. Bryan—entered an interlocutory order which stated:

   [I]n the event the plaintiffs [Lovings] are taken into custody in the enforcement of the said judgment and sentence, this court, under the provisions of title 28, section 1651, United States Code should grant the plaintiffs [sic] bail in a reasonable amount during the pendency of the State proceedings in the State Courts and in the Supreme Court of the United States, if and when the case should be carried there . . . .

   Id.
5. Adopted in the 1970s to promote tourism, “Virginia is For Lovers” became a popular romantic slogan.
7. Id.
8. Civil rights activists and civil libertarians hailed the Supreme Court’s ruling in Loving, believing that it removed the last barrier to social acceptance and racial equality in the United States. The decision also reinforced the belief that marriage is a personal and private matter which should not be infringed upon by the state, regardless of one’s race or gender. In recent
the case, and virtually nothing has been written on the personal lives of this celebrated interracial couple whose very name—Loving—highlights the cruel irony and moral incongruousness of a state law which not that long ago denied two people the right to marry simply because of the color of their skin. Although Richard and Mildred Loving did not set out to make history, their steadfast determination to live as husband and wife has earned them their rightful place in civil rights history and constitutional law. Their courageous decision to challenge racial discrimination remains one of the most compelling personal dramas of our time.

Prohibitions against interracial marriage originated in colonial America, and such restrictions evolved as a natural outgrowth of the colonists’ insistence upon rationalizing slavery by equating blackness with inferiority.9 As A. Leon Higginbotham has written, “from 1662 until approximately 1691, the Virginia legislature passed a series of slave statutes that accomplished what the courts had failed to do: articulate a clear rationale for the precept of black inferiority and white superiority.”10 If racial inferiority were to be defined in terms of the color of one’s skin, then logic would dictate that when blacks began to enter into sexual unions with whites, the offspring of such unions would, over time, appear less black, and hence, less inferior. In that context, interracial unions clearly had the potential to undermine the sanctity of the white race, not to mention the “potentially grave threat to the fledgling institution of slavery.”11

It is important to note that although sexual intercourse between blacks and whites was deemed to be “abominable,” no statute or amendment expressly forbade interracial intercourse.12 Because the possible birth of a child between white slave-masters and black female

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slaves was economically profitable for the master, the Virginia legislature was apparently unwilling to pass any law that might interrupt this steady supply of labor.\textsuperscript{13} After all, it was cheaper to breed slaves than to import them.\textsuperscript{14} As Higginbotham has noted, "interracial sex ... far from represented a threat to slavery. Rather, it served as its life blood."\textsuperscript{15} Nor would such unions undermine the sanctity of the white race so long as lawmakers could be explicit about who was a Negro, and who was not. Legislation in 1785 defined a "mulatto" as any mixed-race Virginian with at least one-fourth African ancestry.\textsuperscript{16} This process of racial classification would continue to be modified until the first half of the twentieth century with the intent being to make the definition of a white person increasingly more exclusive.\textsuperscript{17}

The Virginia legislature moved to restrict interracial marriage because of its skewed concept of how to preserve the "sanctity" of holy matrimony. As the 1691 statute stipulated, any white person who married a black person would face banishment from the colony for life.\textsuperscript{18} The statute provided that "whatsoever English or other white man or woman being free shall intermarry with a negro, [sic] mulatto, or Indian man or woman bond or free shall within three months after such marriage be banished and removed from this dominion forever."\textsuperscript{19} Interestingly, the statute provided for the banishment of the white person but not the black person or the children of the interracial

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\item \textsuperscript{13} See Higginbotham, \textit{supra} note 10, at 44.
\item \textsuperscript{14} \textit{Id}.
\item \textsuperscript{15} \textit{Id}.
\item \textsuperscript{16} The Virginia Legislature changed the definition of "mulatto" in 1785 to those "who shall have one-fourth part or more of negro blood." Act of Oct. 1785, ch. 78, § 1, 1785 Va. Acts, \textit{reprinted in} 12 William W. Henning, A \textit{Collection of All the Laws of Virginia} 184 (1823). Entitled "An Act Declaring what Persons Shall Be Deemed Mulattos," it stated:

\[\begin{array}{l}
\text{"[E]very person whose grandfathers or grandmothers any one is, or shall have been a negro, although all his progenitors, except that descending from the negro shall have been white persons, shall be deemed a mulatto; and so every person who shall have one-fourth part or more of negro blood, shall, in like manner, be deemed a mulatto."} \\
\textit{Id.}
\end{array}\]

\textsuperscript{17} See Wallenstein, \textit{supra} note 12, at 408. In 1860, the Code of Virginia specified that "[e]very person who has one-fourth part or more of negro blood shall be deemed a mulatto, and the word 'negro' ... shall be construed to mean mulatto as well as negro." See \textit{id.} at 395 (citing 30 Va. Code ch. 103, § 9 (1860)). Following the Civil War, an 1866 act changed the language by dropping the term "mulatto," but left the definitions largely intact. \textit{Id.} at 395. The new act stated that "every person having one-fourth or more of negro blood, shall be deemed a colored person, and every person, not a colored person, having one-fourth or more of Indian blood, shall be deemed an Indian." \textit{Id}.

\item \textsuperscript{18} See Act of April 1691, No. 16, 1691 Va. Acts, \textit{reprinted in} 3 William W. Henning, A \textit{Collection of All the Laws of Virginia} 87 (1823).
\item \textsuperscript{19} \textit{Id}. \textit{See generally} Samuel N. Pincus, \textit{The Virginia Supreme Court, Blacks and the Law}, 1870-1902 (1990).
\end{itemize}
marriage. As property, slaves were far too valuable to be sent into exile. Hence, the intent of the law was not to deprive slave-holders of their property, but to censure publicly those whites who had run afoul of the law.

Virginia's miscegenation laws, which were similar to those of most other states that classified people by race, underwent various changes throughout the eighteenth and nineteenth centuries. But by 1910, some southern states had begun to adopt the "one drop rule" found in Tennessee's law, and a new law in Virginia adjusted the boundaries separating black and white. A 1910 law provided that "every person having one-sixteenth or more of negro blood shall be deemed a colored person." In 1924, the Virginia legislature went a step further by passing the Racial Integrity Act, which defined a white person as having "no trace whatsoever of any blood other than Caucasian" and required all Virginians to register their racial identities with a local registrar as well as with the state registrar of vital statistics. The slightest trace of nonwhite ancestry effectively disqualified a person from marrying someone the state considered to be white. The only exception was the "Pocohontas defense," which in the words of a tract issued by the state registrar of vital statistics, expressed "the desire of all to recognize as an integral and honored part of the white race the descendants of John Rolfe and Pocohontas."

Beginning in the early 1950s, some states began to repeal their miscegenation laws, and the United States Supreme Court's unanimous ruling in *Brown v. Board of Education*, which ended segregation in public education, probably prompted other states to follow suit. Between 1952 and 1967, thirteen states repealed laws that had

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22. See Finkelman, *supra* note 21, at 2110.


prohibited interracial marriage,28 but quite a few other states refused to do so—Virginia foremost among them.29

In a case involving a white woman and a Chinese man that came before the Virginia Supreme Court of Appeals in 1955, the court ruled unanimously that its purposes were “to preserve the racial integrity of its citizens,” and to prevent “the corruption of blood,” “a mongrel breed of citizens,” and “the obliteration of racial pride.”30 The court also reasoned that the regulation of marriage was “distinctly one of the rights guaranteed to the States and safeguarded by that bastion of States’ rights,” namely the Tenth Amendment.31 Because the United States Supreme Court refused to hear the case on appeal, there was clearly some uncertainty as to where the Justices stood on this issue. Within a few years, however, the Virginia Supreme Court of Appeals would speak yet again on the same issue, this time in a case involving a white man and a black woman—Richard and Mildred Loving.

Richard Perry Loving and Mildred Delores Jeter had known each other practically all of their lives, as their families lived just up the road from each other in the rural community of Central Point, Virginia, located in Caroline County. Central Point had developed an interesting history of black-white sexual relationships over the years, which over time had produced a community in which a considerable number of the blacks were light-skinned.32 Some of the blacks in the area who were light enough to “pass” as white often did so, and some of those whose complexion was a little darker often claimed to be Native American, even though most of them were known to have black relatives. While there is undoubtedly a Native American presence in Caroline County, not everyone who claimed to be an “Indian” really was, but given the racial climate of the 1950s, some blacks

28. In addition to California (which had acted in 1948), the other states were Arizona, Colorado, Idaho, Indiana, Maryland, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, and Wyoming. See Loving, 388 U.S. at 6 n.5.
29. When the Loving decision was rendered in 1967, sixteen states had laws prohibiting interracial marriages: Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Missouri, Mississippi, South Carolina, North Carolina, Oklahoma, Tennessee, Texas, Virginia, and West Virginia. Id.
31. Naim, 87 S.E.2d at 756.
thought it more socially acceptable to emphasize their Native Ameri-
can rather than their African ancestry.33

Richard Loving spent most of his time in the company of these light-skinned blacks who accepted him warmly, in part, because his whiteness validated theirs, but also because Richard’s parents had lived among these people for most of their lives without asserting any of the prerogatives generally associated with white supremacy. For twenty-three years, Richard’s father had defied the racial mores of southern white society by working for Boyd Byrd, one of the wealthiest black farmers in the community; and apparently, he never had any qualms about doing so.34 While the elder Lovings were not oblivious to racial differences, the close-knit nature of their community required a certain degree of interdependence which could sometimes lead to an acceptance of personal relationships in a particular setting that would have been anathema elsewhere. So when white Richard Loving, age seventeen, began courting “colored” Mildred Jeter, age eleven, their budding romance drew little attention from either the white or the black communities.35

Mildred (part-black and part-Cherokee) had a pretty light-brown complexion accentuated by her slim figure, which was why practically everyone who knew her called her “Stringbean” or “Bean” for short. Richard (part-English and part-Irish) was a bricklayer by trade, but spent much of his spare time drag racing a car that he co-owned with two black friends, Raymond Green (a mechanic) and Percy Fortune (a local merchant). Despite their natural shyness, both Richard and Mildred were well-liked in the community, and the fact that they attended different churches and different schools did not hinder their courtship. When he was twenty-four and she was eighteen, Richard and Mildred decided to legalize their relationship by getting married.36

33. Many light-skinned blacks during this time “crossed over” into the white race when they thought it convenient to do so. For some, it was a form of self-denial; for others, it was their way of playing a “practical joke” on white society. Still others, such as Walter White of the NAACP, used their light complexions to infiltrate white society, enabling them to operate like “secret agents” for the black race. See generally JAMES WELDON JOHNSON, THE AUTOBIOGRAPHY OF AN EX-COLORED MAN (1912); NELLA LARSEN, QUICKSAND AND PASSING 143 (Deborah E. McDowell ed., 1986); TONI MORRISON, THE BLUEST EYE (1970); WALLACE THURMAN, THE BLACKER THE BERRY (1972); WALTER WHITE, ROPE AND FAGGOT: THE BIOGRAPHY OF JUDGE LYNCH (1929).

34. Booker, supra note 32, at 79.
35. Interview supra note 32, at 79.
36. Id.
Mildred did not know that interracial marriage was illegal in Virginia, but Richard did. This explains why, on June 2, 1958, he drove them across the Virginia state line to Washington, DC, to be married. With their union legally validated by the District of Columbia, Mr. and Mrs. Loving returned to Central Point to live with Mildred’s parents; however, their marital bliss was short-lived. Five weeks later, on July 11, their quiet life was shattered when they were awakened early in the morning as three law officers “acting on an anonymous tip” opened the unlocked door of their home, walked into their bedroom, and shined a flashlight in their faces. Caroline County Sheriff R. Garnett Brooks demanded to know what the two of them were doing in bed together. Mildred answered, “I’m his wife,” while Richard pointed to the District of Columbia marriage certificate that hung on their bedroom wall. “That’s no good here,” Sheriff Brooks replied. He charged the couple with unlawful cohabitation, and then he and his two deputies hauled the Lovings off to a nearby jail in Bowling Green.

At its October term in 1958, a grand jury issued indictments against the couple for violating Virginia’s ban on interracial marriages. Specifically, they were charged with violating Virginia’s 1924 Racial Integrity Act. The Act stipulated that all marriages between a white person and a colored person shall be absolutely void without any decree of divorce or other legal process, and it prohibited interracial couples from circumventing the law by having their marriages validated elsewhere and later return to Virginia. The Lovings waived their rights to a trial by jury and pled guilty to the charges. On January 6, 1959, Judge Leon M. Bazile, sentenced each of them to one year in jail, but he suspended the sentences on the condition that they leave the state of Virginia and not return together or at the same time for a period of twenty-five years. The Lovings paid their court fees of

37. Id.
38. Id.
39. Id.
40. Id.
41. Id. For a detailed discussion of the Lovings’ struggle to secure a legal marriage, see generally The Crime of Being Married, LIFE, Mar. 18, 1966, at 85; Anne Gearan, Marriage Led Couple to Jail, RICHMOND TIMES-DISPATCH, Oct. 11, 1992, at C4.
42. Loving, 388 U.S. at 4-5 & nn.3-4.
43. Id. at 5 n.3.
44. Id. at 4.
45. Id. at 3.
$36.29 each and moved to Washington, DC, where they would spend their next five years in exile.

During their years in the nation's capital, the Lovings lived with Mildred's cousin, Alex Byrd, and his wife Laura at 1151 Neal Street, Northeast. Their first child, Sidney, was born in 1958; Donald was born in 1959; and Peggy, the only girl, was born in 1960. The years in Washington were not happy ones for the couple. Richard struggled to maintain permanent employment while Mildred busied herself tending to the needs of their three children. During this time, they remained oblivious to the civil rights movement that was unfolding in their midst. "I just missed being at home," she told me years later.  

\[46\]  

"I missed being with my family and friends, especially Garnet [her sister]. I wanted my children to grow up in the country, where they could run and play, and where I wouldn't worry about them so much. I never liked much about the city."  

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Virginia law would not allow Richard and Mildred Loving to live together as husband and wife in the state, nor would they be allowed to raise their mixed-race children (considered illegitimate under state law) in Virginia.  

\[48\] They could visit Virginia, but they could not do so together. They were not even allowed to be in the state at the same time; however, that did not stop them from trying or from succeeding on various occasions. Mildred and the children made frequent visits to Battery, Virginia, the rural black community where her sister and brother-in-law lived. When Mildred would arrive in Battery, some of the neighbors would begin to look at their watches to see how long it would be before Richard's car came cruising through the neighborhood. During those early years, Richard's visits to the "Big House" (the common nickname for my great-uncle's boarding house) occurred almost exclusively after dark; but after a time, he became less cautious. Perhaps, he was confident in the belief that our community would keep his secret, or he was convinced that the local authorities in Essex County (which was adjacent to Caroline County) were not that interested in monitoring his whereabouts. It was on those occasions that I played with the Loving children, especially Sidney who was exactly my age.

The Lovings had not really been that interested in the civil rights movement, nor had they ever given much thought to challenging Vir-
Virginia's law. But with a major civil rights bill being debated in Congress in 1963, Mildred decided to write to Robert Kennedy, the Attorney General of the United States. The Department of Justice referred the letter to the American Civil Liberties Union. Bernard S. Cohen, a young lawyer doing pro bono work for the ACLU in Alexandria, Virginia, agreed to take the case. He would later be joined by another young attorney, Philip J. Hirschkop.

In October 1964, Cohen and Hirschkop filed a class action suit in the U.S. District Court for the Eastern District of Virginia. In January 1965, Judge Bazile presided over a hearing of the Lovings' petition to have his original decision set aside. In a written opinion, he rebutted each of the contentions made by Cohen and Hirschkop that might have resulted in a reconsideration of their clients' guilt. After citing several legal precedents he concluded: "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." The Lovings' attorneys appealed to the Virginia Supreme Court of Appeals, but their luck was no better there. On March 7, 1966, a unanimous court upheld Judge Bazile's decision. The convictions remained intact. Having exhausted their appeals in Virginia's courts, the Lovings proceeded to the U.S. Supreme Court.

On December 12, 1966, the U.S. Supreme Court agreed to hear the case. The NAACP, the NAACP Legal Defense and Education Fund, the Japanese American Citizens League, and a coalition of

49. This civil rights bill would later become the Civil Rights Act of 1964.
50. It is important to note that the ACLU, and not the NAACP, took the lead in Loving. See generally Booker, supra note 32, at 78 (discussing how the ACLU got involved in the case). In September 1955, NAACP Executive Secretary Roy Wilkins commented that "[m]arriage is a personal matter on which the NAACP takes no position. The only kind of marriage we are for is the happy marriage, the success of which depends on the two individuals involved." See Roy Wilkins, Statement on Interracial Marriage, BEHIND THE SCENE, Sept. 6, 1955 (located in the NAACP papers with the Manuscript Division of the Library of Congress, filed as II:A:496 in the Publicity, General, 1955 July-Sept. folder). See also Chang Moon Sohn, Principle and Expediency in Judicial Review: Miscegenation Cases in the Supreme Court 70-94, 129-47 (1970) (unpublished Ph.D. dissertation, Columbia University) (on file with the Columbia University Library).
51. Loving, 388 U.S. at 3.
52. See id. See also Wallenstein, supra note 12, at 424.
54. Id.
Catholic bishops also submitted briefs on the couple's behalf. In preparing the brief for their clients, Cohen and Hirschkop reviewed the history of Virginia's miscegenation statutes dating back to the seventeenth century, referring to them as "relics of slavery" and "expressions of modern day racism." In concluding his oral argument on April 10, 1967, Cohen relayed a message to the Justices from Richard Loving: "Tell the Court I love my wife, and it is just unfair that I can't live with her in Virginia."

Two months later on June 12, 1967, Chief Justice Earl Warren delivered the opinion of a unanimous Supreme Court. The Court rejected each of the state's arguments, as well as the legal precedents upon which they rested. The fact that Virginia prohibited only those interracial marriages that involved white persons was evidence that the Racial Integrity Act of 1924 was "designed to maintain White Supremacy." Chief Justice Warren concluded:

To deny this fundamental freedom [the freedom to marry] on so unsupportable [sic] a basis as the racial classifications embodied in these statutes ... is surely to deprive all the State's citizens of liberty without due process of law. The Fourteenth Amendment requires that the freedom of choice to marry not be restricted by invidious racial discriminations. Under our Constitution, the freedom to marry, or not marry, a person of another race resides with the individual and cannot be infringed by the State ... . These convictions must be reversed.

The U.S. Supreme Court's ruling in Loving—coming ten days after Richard and Mildred's ninth wedding anniversary—also outlawed miscegenation statutes that existed at the time in fifteen other states. Maryland had repealed its ban on interracial marriages a few months before the Loving decision.

56. See 64 LANDMARK BRIEFS AND ARGUMENTS OF THE SUPREME COURT OF THE UNITED STATES: CONSTITUTIONAL LAW 741, 959 (Philip B. Kurland & Gerhard Casper eds., 1975) [hereinafter LANDMARK BRIEFS].


59. Loving, 388 U.S. at 1.

60. Id.

61. Id. at 11.

62. Id. at 12.

63. Id. at 6 n.5. See supra notes 28 & 29 and accompanying text.

64. See id.
The Lovings had chosen not to witness the Court's proceedings. Their attorneys, Bernard Cohen and Philip Hirschkopf, were in their offices when a newspaper reporter called and informed them of the Court's decision. They then relayed the good news to the Lovings, who later attended a press conference at the lawyers' office in Alexandria. "We're just really overjoyed," said Richard Loving.65 "My wife and I plan to go ahead and build a new house now."66 As for Mildred, she said simply, "I feel free now."67 Then, a photographer snapped a picture of the couple; it has appeared in every newspaper story and magazine article ever written about them—his arm around her neck, both of them smiling, and with law books in the background. They had waited more than nine years for vindication, and it had finally come. Suddenly, the phrase "black and white together" took on a whole new meaning.68

Richard and Mildred Loving, along with their children, took up legal residence in Virginia almost immediately after the Court's ruling. Richard was finally able to build the white cinderblock house he had always wanted for his family. Those of us who lived in Battery did not see quite as much of the famous family as we once did, now that they had officially moved back home to Caroline County, off of Route 72 (also referred to as Sparta Road). But we still saw them sometimes, especially in the town of Tappahannock. The Lovings had made history and, by our community standards, become famous, but they were treated no differently after the Supreme Court ruling than they had been before. To us, they were still just Richard and Mildred, and that was exactly how they wanted it. As far as Richard was concerned, there was really only one major change worth mentioning: "For the first time, I could put my arm around her and publicly call her my wife."69

The way many of their neighbors saw it, public acknowledgment had always been the main issue. As one local farmer commented: "A lot of folks down here just don't have the guts Rich [Richard] had. There has been plenty mingling among [the] races for years and nobody griped . . . Rich just wasn't that type. What he wanted, he

66. Id.
68. See, e.g., Booker, supra note 32, at 79.
69. Id. at 78.
wanted on paper—and legal. As a result, he broke up the system.”70 Another local leader explained that “[a] lot of whites in the county would have done [anything] to knock this case out . . . .71 The power boys in the county despised Rich because he ended the white man’s moonlighting in romance. Now they got to cut out this jive of dating Negro women at night, and these ‘high yaller’ Negroes got to face up to the facts of life. They don’t have to ‘pass’ anymore.”72

The marriage that earned them a place in the law books ended tragically on June 29, 1975, and the terrible news swept through our community. Richard, Mildred, and her sister Garnet were returning from a visit with some friends when their car was broadsided by a drunk driver who ran a stop sign in Caroline County. Richard, age 42, was killed instantly; Mildred lost her right eye; and Garnet suffered some minor injuries. The collective outpouring of grief from our community was profound because many of us felt that these two people, who had persevered for so long in the face of such adversity, were deserving of a kinder fate. They had only recently celebrated their seventeenth wedding anniversary. “A lot of my memories are tied to the month of June,” Mildred told me recently.73 “We were married on June 2; the Court decision came on June 12; and Richard was killed on June 29.”74

Thirty years have passed since the Supreme Court decided to validate Richard Loving’s marriage to Mildred Jeter, and social attitudes regarding interracial marriage have undergone a major transformation, as is evident by the increasing numbers of such unions. Even those who oppose mixed marriages for personal reasons tend to believe that marriage is a private matter and that the Supreme Court could not possibly have ruled any other way. But that sentiment is still far from universal. When he was interviewed in 1992 on the twenty-fifth anniversary of the decision, Sheriff Brooks made no apologies for having arrested the Lovings in 1958: “I was acting according to the law at the time, and I still think it should be on the books. I don’t think a white person should marry a black person. I’m from the

70. Id. at 80.
71. Id.
72. Id. at 82.
73. Interview with Mrs. Mildred Loving, in Milford, Va. (July 22, 1996).
74. Id.
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old school. The Lord made sparrows and robins, not to mix with one another.”

The Lovings’ attorneys, Bernard Cohen and Philip Hirschkop, see it differently. Now practicing separately in Alexandria, both are undeniably proud of the roles they played in the case, and Cohen still serves as Mrs. Loving’s personal attorney. He and Hirschkop, however, paid a price for their participation in the case. Throughout the ordeal they had to endure cold shoulders from some disapproving bar colleagues, obscene anonymous phone calls, disparaging references to themselves as “the two Jew lawyers,” and having sugar dumped into the gas tanks of their cars. Through it all, they never wavered from their cause because they knew that right was on their side. In Cohen’s words, they wanted to “put to rest the last vestiges of racial discrimination that were supported by the law in Virginia and all over the country,” thereby completing the process that the U.S. Supreme Court had set in motion with Brown in 1954.

Mildred Loving, at age 58, remains the same intensely shy woman she has always been. Even today, after thirty years of being hailed as a heroine of the civil rights movement, she is still uncomfortable receiving any accolades or recognition. Neither she nor her husband ever sought or welcomed the public notoriety that inevitably accompanied their case. Both preferred instead to lead quiet and simple lives away from the camera’s view. Every five years or so, newspaper and magazine reporters hound Mildred for interviews; but as the years have passed, she has given fewer and fewer, and now rarely grants any at all. In fact, she was not interested initially in talking with television producers who approached her about doing a movie on her and her husband’s story, titled “Mr. and Mrs. Loving.” After her attorney Bernard Cohen convinced her to cooperate, however, she eventually consented. Her two sons almost never offer any public comment about their famous parents. Her daughter, Peggy, is the most vocal and usually serves as the family’s spokesperson. All three of the children are understandably protective of their mother, and they, along with other close relatives, provide the protective shield necessary to enable her to live a semi-private life. It is only because of the warm

76. Id.
77. See Dewar, supra note 67.
78. MR. AND MRS. LOVING (Home Box Office 1996).
relationship that our families have had over the years (and the fact that she has known me since I was a toddler) that Mildred welcomes me into her home and allows me to pry, ever so gently, into certain aspects of her personal life.

The first thing that one notices upon entering Mildred Loving's home are the pictures of her children and grandchildren that adorn her walls. Her daughter Peggy has white skin, with straight blonde hair, and is tall. It is she who most closely resembles her father, both in facial features as well as in skin color. Donald has a fair complexion, though not as light as Peggy, with wavy hair, and appears to be an almost perfect blend of both parents. Sidney has a caramel-colored complexion. His broad nose and full lips, along with his dark-brown wavy hair and high cheekbones, unquestionably reflect his mother's Cherokee and African ancestry. Peggy is married with two children; Donald is married with two children; and Sidney, who has a daughter, now lives at home with his mother. Peggy and Donald also live nearby.

My most recent visit to Mildred's home was in July of 1996. She still lives in the same house that Richard built for her, and except for some interior remodeling, the house looks essentially the same. After greeting each other with our usual warm embrace, we proceeded to the kitchen, where most of our conversations over the years have taken place. She offered me some Folger's Instant coffee, and we had several cups by the time my nearly three-hour visit was over. Her brother, Doug Jeter, later drove up and joined our conversation, adding his own unique style of insightful social commentary. On this particular visit, I had not come with my tape recorder and note pad, nor did I ask her a single question about her famous Supreme Court case. There are days when she prefers not to revisit those earlier times, and over these past few years, I have become fairly adept at knowing when not to press the matter. It is a process in which she and I have developed a deeper sense of mutual trust.

While I drank my coffee, she drank hers, stopping occasionally to take a drag from her cigarette—Pall Mall, red pack with no filter. We talked mostly about how our neighborhood had changed over the years, how there were young teenagers walking the roads now that we barely knew, and how so many of the "old folks" had passed on. We spoke of my grandmother, Naomi Gaines Taylor, beside whom I had sat on so many evenings in my youth, where from time to time I would catch a glimpse of Richard's car stealing down my great-uncle's drive-
way. (My grandmother had passed away quietly in her sleep in December of 1992.) We also spoke of Mildred’s older sister, Garnet, who was sitting next to her in the car the night Richard was killed, and who lived directly across the road from her. She and her husband, Raymond Hill (who died some years earlier) had moved there after leaving my great-uncle’s boarding house. Garnet was now ill and fighting terminal cancer, Mildred told me, and she had good days and bad days. The cancer eventually claimed Garnet’s life on August 1, 1997.79

Having been slowed down somewhat by occasional flare-ups of arthritis, Mildred rarely ventures far from her home these days—though she was never one for traveling. She is proud of her children and is delighted that they all live close by. She is still grieving over the recent death of her sister, as was evident in our most recent telephone conversation in October of 1997: “I miss her, Tony.” She and I saw each other every day, and after she got sick, we talked on the phone every day. It’s been kind of hard.”81

Mildred Loving has never been able to accept celebrity status primarily because she has never thought of herself as a celebrity. Despite the numerous tributes she has received over the years, she still sees herself as an ordinary black woman who fell in love with an ordinary white man, and had they been allowed to marry without the state’s interference, that would have been the end of it. The state did interfere, however, and that is why Richard and Mildred Loving earned a place in history. Mildred puts it this way:

    We weren’t bothering anyone. And if we hurt some people’s feelings, that was just too bad. All we ever wanted was to get married, because we loved each other. Some people will never change, but that’s their problem, not mine. I married the only man I had ever loved, and I’m happy for the time we had together. For me, that was enough.82

79. Interview with Mrs. Mildred Loving, supra note 73.
80. Everyone in my community calls me “Tony,” after my middle name Antonio.
81. Telephone interview with Mrs. Mildred Loving (Oct. 16, 1997).
82. Interview with Mrs. Mildred Loving, in Milford, Va. (Oct. 12, 1994).