

The Crime of Being Married, *Loving v. Virginia*, 1967 (p. 1 of 2)

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The parties were guilty of a most serious crime. As said by the Court in Kinney's Case 30 Gratt 865: "It was a marriage prohibited and declared absolutely void. It was contrary to the declared public law, founded upon motives of public policy—a public policy affirmed for more than a Century, and one upon which social order, public morality and the best interests of both races depend. This unmistakable policy of the legislature founded, I think, on wisdom and the moral development of both races, has been shown by not only declaring marriages between whites and negroes absolutely void, but by prohibiting and punishing such unnatural alliances with severe penalties. The laws enacted to further and uphold this declared policy would be futile and a dead letter if in fraud of these salutary enactments, both races might, by stepping across an imaginary line bid defiance to the law by immediately returning and insisting that the marriage celebrated in another state or county should be recognized as lawful, though denounced by the public law of the domicile as unlawful and absolutely void."

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 awfulness of the offense is shown by Section 20-57 which declares: "All marriages between a white person and a colored person shall be absolutely void without any decree of divorce or other legal process.

'Then Section 20-59 of the Code makes the contracting of a marriage between a white person and any colored person a felony.

Conviction of a felony is a serious matter. You lose your political rights; and only the government has the power to restore them (Constitution

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Citation: Excerpt from Leon Bazile's ruling, Jan. 22, 1965, in *Commonwealth v. Richard Perry Loving and Mildred Delores Jeter*, 1958-1966, Caroline Co. Court Records (reel 79), Local Government Records Collection, Library of Virginia.

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The Crime of Being Married



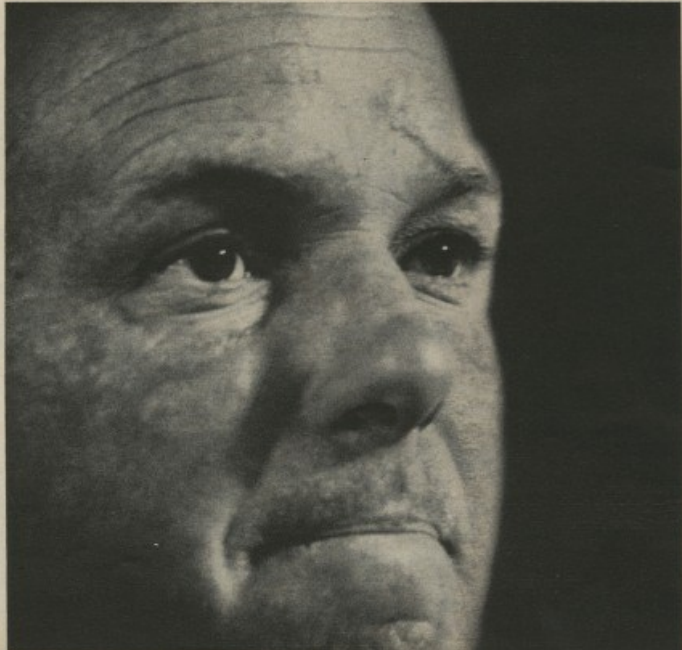
**A Virginia couple
fights to overturn
an old law against
miscegenation**

She is Negro, he is white, and they are married. This puts them in a kind of legal purgatory in their home state of Virginia, which specifically forbids interracial marriage.

Last week Mildred and Richard Loving lost one more round in a seven-year legal battle, when the Virginia Supreme Court upheld the constitutionality of the state's antimiscegenation law. Once again they and their three children were faced with the loss of home and livelihood.

Both Lovings were born and raised in the isolated hill country around Caroline County, north of Richmond, where there has always been an easy-going tolerance on the race question. It stirred little fuss when the couple culminated a long and agonized courtship by traveling to Washington, D.C. to get married in 1958. But five weeks later the county sheriff routed them out of bed at 2 a.m. and took them off to jail. A local judge handed down a year's sentence but suspended it if they agreed to leave the state immediately and stay away for 25 years. Badly frightened and unaware of their right of appeal, the Lovings lived five years of hand-to-mouth exile in Washington.

Even so, they were re-arrested when they returned for a visit to Mildred's family. Released on bail, they wrote a letter to then-Attorney General Robert Kennedy, asking for help. This led the American Civil Liberties Union to take an interest in their case. The Lovings decided to take up permanent residence in Virginia and fight. Now their case will return to federal court—where *Loving vs. Virginia* may well become the next big landmark in civil rights.



Mildred Loving, 26, and husband Richard, 32, consider latest setback in their battle to win the right to live in Virginia.

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Citation: "The Crime of Being Married. A Virginia couple fights to overturn an old law against miscegenation," *Life Magazine*, March 18, 1966 (photographs by Grey Villet).