Thesis

The court case, *Loving v. Virginia*, was all about interracial marriage, and that back in the 1960’s and before, a white person and a black person could not get married. The triumph of my topic is that Richard and Mildred, an interracial couple, won the court case so that interracial marriage became legal in all states in the USA. The tragedy is that so many other people faced injustice, before and after the court case, and that interracial marriage was illegal in 16 states at the time.
Introduction

Two Virginia residents, Richard and Mildred Loving, had recently gotten married in Washington D.C., and then returned to their hometown. Everything would’ve been fine, if it wasn’t for one, what most people now would consider small, detail: Richard was white, and Mildred was black. The court of Virginia sentenced the couple to one year in prison because they were violating a ban that the state had on interracial marriage. They were also given the option of leaving the state for 25 years, and only visiting the state if they didn’t come together.

They decided to leave the state and live in D.C., but they desperately wanted to return to Virginia. So, they wrote a letter to the Attorney General of the time, Robert F. Kennedy, begging him to help them. The American Civil Liberties Union agreed to take their case, and thus their battle for equal rights began.
The Triumph

In 1963, two ACLU\textsuperscript{1} lawyers, Bernard Cohen and Philip Hirschkop agreed to help the Lovings. The couple wished for their sentences to be dropped and for them to be able to return to Virginia. While the Virginia Court of Appeals kept the original ruling, the case didn’t end there. It made its way all the way up to the US Supreme Court. Now, Cohen and Hirschkop were going up against Virginia’s Assistant Attorney General, Robert D. McIlwaine III. In an exchange between them, Hirschkop states: “…‘White may only marry white’ in Section 20–54 of our law, but it goes on from there to make it a crime only for whites and Negroes to intermarry. There's no crime for a Malaysian to marry a Negro, and it's a—it's a valid marriage in Virginia…”\textsuperscript{2} This is one of the main arguments in support of the Loving’s case: That the state’s law only makes it illegal for a white person and a black person to marry. Another important point brought up by Hirschkop was “They were not concerned with the racial integrity, but the racial supremacy of the white race.”\textsuperscript{2}

Robert D. McIlwaine III argued that in Virginia there weren’t many people of races other than white and Negro, such as Malaysians or Polynesians, which was why the law didn’t forbid them from getting married outside of their race, to which Chief Justice Warren replied, saying

\textsuperscript{1} Stands for ‘American Civil Liberties Union’.
\textsuperscript{2} Found in Encyclopedia Virginia’s \textit{Excerpts from a Transcript of Oral Arguments in Loving v. Virginia, April 10, 1967}. See Bibliography for full citation.
that just because there are few of a certain race, doesn’t mean they shouldn’t be allowed to keep their race ‘pure’, since one of the arguments against interracial marriage was that the state of Virginia wanted to keep all of the races ‘pure’ and ‘unmixed’.

On June 12, 1967, the Supreme Court announced its ruling on the case. They said that Virginia’s interracial marriage ban was unconstitutional and violated the 14th Amendment. Interracial marriage was now legal in every US state, and the Lovings finally got to go back home to Virginia, where they raised their three children.

Some of the court cases that were said to help the Supreme Court’s ruling include Perez v. Sharp and McLaughlin v. Florida, both of which overturned interracial marriage bans in their state. Brown v. Board of Education was also brought up in the Loving’s court case, since it had ruled that schools must be mixed-race and not segregated. It eventually helped the Supreme Court rule in Loving’s favor.

The Supreme Court’s decision not only legalized interracial marriage, but also helped strike down segregation and racism. The court case also helped legalize same-sex marriage in 2015.
The Tragedy

Although the court case *Loving v. Virginia* ended up with all states repealing their anti-miscegenation\(^3\) laws, interracial couples still face legal and social challenges today. Also, we cannot forget the interracial couples that came before the Lovings, and the many states that had laws barring them from marrying. The tragedy is the reality of the racism and discrimination that interracial couples endured, both before the Loving case and after, and that there were laws like this to begin with.

Many interracial couples before Richard and Mildred also faced difficulties, even if it wasn’t to the same degree. Andrea Perez and Sylvester Davis were refused a marriage license in California just 20 years before the Loving’s court case. Perez and Davis took their case to the California supreme court, which ruled that California’s interracial marriage bans were unconstitutional. Although the ruling of the court case isn’t a tragedy, the idea that two people who loved each other and just wanted to be recognized legally could not be just because they were of two different races, in most cases white and black.

But not all court cases ended up like the Loving’s or Andrea Perez’s. In *Pace v. Alabama*, Tony Pace, a black man, and Mary Cox, a white woman, were found living together and were to be punished because of an Alabama law. The case made it all the way up to the U.S. Supreme

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\(^3\) Miscegenation: *Marriage or cohabitation between two people from different racial groups, especially, in the U.S., between a black person and a white person.* (Dictionary.com)
Court, but the court ruled that Alabama’s anti-miscegenation law was constitutional because it punished the black person and the white person equally. The couple was then sentenced to two years in the state penitentiary. There was also the case of Kinney v. Commonwealth, which upheld Virginia’s interracial marriage bans that Loving v. Virginia later overturned.

When we think about the people trying to stop others from interracially marrying, we usually think of racist white people. But there was also a fear within the African American community too. Many black women were afraid that white men would take advantage of them, since, during the time of slavery, white men would oftentimes sexually assault or rape their female slaves. These black women were scared that the government would be basically legalizing marital rape. Although it wasn’t talked about as much, some white people wanted to make sure that this didn’t happen, and that African American women would be safe from potential predators. And although those people’s hearts seemed to be in the right place, their argument wasn’t enough to make couples stop dating and eventually marrying interracially. But this fear that many had was a tragedy within itself, since people were afraid of loving someone just because of their skin color, and the worries and fears that went along with it.

And then, for the discrimination people have faced after Loving v. Virginia, there was an interracial couple denied a marriage license in 2009. Keith Bardwell, the Justice of the Peace in Tangipahoa Parish, Louisiana, refused to give Beth Humphrey, a white woman, and Terence McKay, a black man, a marriage license. He claimed that he was worried for any future children that the couple may have. He also said that he believes that interracial marriages do not last as long as same-race marriages do, and that he was worried that the children will suffer because of their marriage. Keith said that he noticed that children of an interracial relationship usually
aren’t accepted by the black or white community, and that he doesn’t want to be part of the reason that the children get hurt. He was never fired for doing this, but later resigned.

Also, in 2016, a man from Washington named Daniel Rowe stabbed an interracial couple after seeing them kiss. He then claimed that he was a white supremacist. Sadly, there have been more cases of violence like this one. In 2009, another white supremacist, this time in Phoenix, Az, was harassing a black man for dating a white woman. The man, Travis Ricci, went on to try to shoot the black man, but he missed, killing the white woman instead. And in 2017, two white men in Brooklyn, New York threatened to lynch a black man who was dating a white woman. They then beat the black man until the police arrived, yelling slurs and threatening to kill him. All of these acts of violence happened many years after the Loving’s court case, and it serves as a surprise to many that people still have anti-miscegenation views. Anna, the girlfriend of the black man who was beat up in 2017 said, “I feel like I’m back 50 years ago or something.” It is shocking that events like this happen today, over 50 years since the legalization of interracial marriage across the U.S. This shows that even though interracial marriage is legal, it doesn’t mean that people don’t still discriminate and use violence against mixed-race couples. And that’s what defines this as a tragedy, the racism and prejudice against interracial couples that caused anti-miscegenation laws in the first place, and the violence that still happens today.

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4 Found in Daily News’ Hate-filled Brooklyn attackers spew slurs at interracial couple, threaten to lynch boyfriend. See Bibliography for full citation.
Conclusion

The *Loving v. Virginia* court case was very successful in overturning interracial marriage bans and changing people’s minds and the way that they look at mixed-race couples. There was nothing tragic about the court case itself. It was the people who went against equality for interracial couples before, after, and during the case. It is a tragedy that, throughout all that time, and still to this day, people oppose interracial marriage. Whether their ideas were rooted in racism or fear, they caused years of struggle to undo. And, if we look at this through the lens of it being either a triumph or a tragedy, we cannot forget the prejudice that interracial couples experienced, and still do experience, and how they continue to overcome the trials that they face.
Annotated Bibliography (In Alphabetical Order)


“Map - The Leadup to Loving.” American Civil Liberties Union, Aclu, www.aclu.org/other/map-leadup-loving. This source was useful because it had information on Perez v. Sharp and which states had anti-miscegenation laws.

“Miscegenation.” African American Legislators, Tennessee Department of State, sharetnogov.tnsosfiles.com/tsla/exhibits/blackhistory/pdfs/Miscegenation%20laws.pdf. I used this source to find information about anti-miscegenation laws in the U.S.A.

“Miscegenation.” Dictionary.com, Dictionary.com, www.dictionary.com/browse/miscegenation. I used this source so that I could find the definition of miscegenation, which is a word that is relevant to my topic but that not many people would know the meaning of.

“Pace v. Alabama, 106 U.S. 583 (1883).” Justia Law, supreme.justia.com/cases/federal/us/106/583/. This source was useful in finding information about the court case Pace v. Alabama.


Vinas-Nelson, Jessica. “Interracial Marriage in ‘Post-Racial’ America.” Origins, Sept. 2017, origins.osu.edu/article/interracial-marriage-post-racial-america/page/0/1. This source was very useful to my paper because it had a lot of information about the majority of people’s opinions on interracial marriage before Loving v. Virginia.