

Mildred Loving, civil rights-era pioneer, dies at 68

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Mildred Loving, plaintiff in a civil rights-era lawsuit that led to the overturning of state laws against interracial marriage, died May 2 at her home in the small town of Milford, Virginia. She was 68, and the cause of death was reported as pneumonia, although she had been in generally poor health for several years, and suffered from severe arthritis.

Mildred, a black woman, and her white husband, Richard, brought the lawsuit in 1964, challenging the Virginia state law that had been used to force them to leave the state to avoid arrest after their marriage. In June 1967, a unanimous Supreme Court struck down the anti-miscegenation law as a violation of the US Constitution.

The opinion written by Chief Justice Earl Warren declared: “There is patently no legitimate overriding purpose independent of invidious racial discrimination which justifies this classification . . . There can be no doubt that restricting the freedom to marry solely because of racial classifications violates the central meaning of the Equal Protection Clause.”

Warren noted that since the law did not forbid interracial marriages except for whites—blacks, Asians, Hispanics and Native Americans could marry across racial lines freely—its sole purpose was “to maintain White Supremacy.”

When they married in 1958, Mildred Jeter, then 17, and her boyfriend Richard, a construction worker, then 23, lived in Central Point, Virginia, in a rural area north of Richmond. They drove 90 miles north to Washington to marry in the District of Columbia, where there was no legal prohibition, then returned home to live.

The Caroline County Sheriff raided their home at 2 a.m. several weeks later and arrested them both for “unlawful cohabitation,” on the grounds that their DC

marriage license was invalid in Virginia. They pleaded guilty before Caroline Circuit Court Judge Leon Bazile, who sentenced them to one year in prison, to be suspended as long as they immediately left the state and did not return together for 25 years.

In a ruling that voiced the barbaric racism of the Jim Crow South, Bazile declared, “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.”

Over the next five years, the Lovings lived in Washington, making occasional trips home to visit family members, always separate. But in 1964 they made a joint trip to visit Mildred’s mother, and were again arrested.

The Lovings wrote to US Attorney General Robert F. Kennedy and were referred to the American Civil Liberties Union, which brought a lawsuit on their behalf. The ACLU first petitioned Judge Bazile to overturn his decision, and when the local judge refused, appealed the case all the way to the US Supreme Court.

The years during which the Loving case made its way through the state and federal courts were the stormiest of the civil rights era, including murders of civil rights activists, violence against peaceful demonstrators, and the mobilization of millions of working people and youth, black and white, against official segregation in the South. It was this mass movement that created the conditions for the final court ruling in *Loving v. Virginia*, which came only ten months before the assassination of Dr. Martin Luther King, Jr.

The Lovings were not political activists and did not even attend the Supreme Court hearing on their case. After their 1967 legal victory, they returned to Caroline

County, but they would have only eight more years together. Richard Loving was killed in 1975 by a drunk driver, in a collision in which Mildred Loving lost an eye.

After her husband's death, Mildred Loving raised their three children, two boys and a girl. She is survived by eight grandchildren and 11 great-grandchildren.

There was a revival of public interest in the family with a television movie made in 1999, and the publication of the sole book on the case in 2004. The District of Columbia recognized June 12 as "Loving Day," in an official proclamation.

Mildred Loving stopped giving interviews because of her declining health, but last year, on the 40th anniversary of the Supreme Court decision, issued a brief statement supporting the right of gay men and lesbians to be legally married.

The anti-miscegenation statute was, as one of the Lovings' attorneys argued before the Supreme Court, perhaps the last vestige of "slavery laws" in the United States. Virginia's law prohibiting interracial marriage was adopted in 1662, and remained on the books for more than 300 years.

Some 38 states enacted similar laws at one time or another, and even as late as 1967, when *Loving v. Virginia* was decided, there were 16 states with such laws in effect. The state of Alabama was the last to remove a similar (unenforced) prohibition from its constitution, only eight years ago.

Today there are more than four million interracial couples in the United States, according to the Census Bureau, and the number of children of such marriages is even greater. The younger generation of Americans may view it as natural that people are free to marry whom they want, regardless of reactionary social prejudices. But it has not been so until relatively recently.

Barack Obama, son of an African father and a white American mother, won the Democratic presidential primary in Virginia earlier this year. At the time of his birth, in 1962, his parents' marriage would have been illegal, not only in Virginia, but in every state from Washington DC to New Mexico, nearly a third of the United States.

It is worth recalling, on the occasion of Mildred Loving's death, that the legal victory for democratic rights associated with her name was the byproduct of a

mass struggle involving millions of people against the full fury of entrenched and privileged social interests.



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