

Loving: “Tell the court I love my wife...”

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Written and directed by Jeff Nichols

Official public opinion in the US, spearheaded by media outlets like the *New York Times*, claims that Americans have never been so obsessed, traumatized and divided by race. The same argument is made by various “left” organizations and all those outfits that stand to gain resources and political “access” allotted according to race or ethnicity.

Beyond the immediate striving for privileges by layers of the upper middle class, the unprecedented “racialism” coming from the media and the establishment has a more general political aim: to weaken and divide the working class on the eve of great struggles against social inequality, poverty and war.

At present, a considerable portion of the filmmaking community is consumed by selfish identity politics and the pursuit of personal celebrity and wealth. Another group of artists, however, is being propelled by the current crisis to consider more carefully the questions that really matter and produce work on that basis.

Loving, directed by Jeff Nichols (*Take Shelter*, 2011; *Mud*, 2012; *Midnight Special*, 2016), belongs in the second category. The film opened Friday in New York City and Los Angeles and will open in other US cities over the coming weeks. *Loving* has aroused considerable and genuine (as opposed to media-generated) interest and anticipation.

Nichols’ film is a fictional re-creation of the landmark Mildred and Richard Loving case in Virginia in the 1950s and 1960s, which ultimately led to the striking down of state laws banning interracial marriage in the US. Politically and legally momentous, the Loving story is also a testament to the profoundly humane potential of the American working class and its deep feeling for fairness.

In the present political and ideological context, the determined struggle of the Lovings—Mildred was black and Native American and Richard white—for their basic

rights cuts across and threatens to shatter the racist narrative so widely and noxiously promoted. One can anticipate that Nichols’ movie will be attacked as “color-blind,” one of the gravest insults in some circles today, by the identity politics crowd. Arguments for separating the races are increasingly the norm within the “left.”

Loving refutes the view that race is the fundamental dividing line in society with sensitivity and inspired performances.

The courtship of Mildred Jeter (Ruth Negga), an 18-year-old black woman, nicknamed “String Bean,” and Richard Loving (Joel Edgerton), a 23-year-old white construction worker sporting a crew-cut, is an intense affair. They live in rural Caroline County in Virginia, a state that bars interracial marriages. When Mildred becomes pregnant, the “loving” couple drives to Washington, D.C. to get married. The year is 1958.

A few weeks later, local Sheriff Garnett Brooks (Marton Csokas) and his deputies break into the Lovings’ bedroom in the middle of the night. Mildred calmly but anxiously explains to the hate-filled cop that “I’m his wife.” Richard points to the marriage license hanging on the wall. The sheriff growls that the couple was born in the wrong place. (“God made a sparrow a sparrow and a robin a robin.”) Richard and Mildred are thrown into jail—he for one night, she for several days.

The Lovings are brought before local Judge Bazile (David Jensen) who rules, “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.”

Mildred and Richard are convicted of the felony crime of “miscegenation.” To avoid spending a year in jail, they plead guilty and are given a 25-year suspended sentence on condition they leave the state.

Separated from their families in Virginia, Mildred and Richard move to a working class neighborhood in D.C. As director Nichols told an interviewer, “These were not

wealthy people, these were working people. Their life never stopped.” Mildred is miserable and misses the open country and the feel of grass and soil under her feet. As her family grows—the couple now has three children—so does her discontent.

After she sees scenes of the mammoth August 1963 “March on Washington” on television, Mildred, counseled by her cousin, writes to Attorney General Robert Kennedy, who forwards the letter to the American Civil Liberties Union (ACLU). The Lovings are contacted by ACLU lawyer Bernard Cohen (Nick Kroll), and eventually his colleague Phil Hirschkop (Jon Bass).

For Mildred, the final straw is her son being struck and injured by a car on a crowded city street. The Loving family moves back to Caroline County (northeast of Richmond), despite the risk of imprisonment. Cohen and Hirschkop file a motion on behalf of the Lovings in the Virginia trial court to vacate the judgment and set aside the sentence on the grounds that the violated statutes run counter to the Fourteenth Amendment to the Constitution (which addresses citizenship rights and equal protection under the law). The Virginia Supreme Court of Appeals subsequently upholds the constitutionality of the anti-miscegenation laws. Mildred states quietly but firmly: “It’s a principle. It’s a law. If we win we will help a lot of people.” And further on: “We may lose the small battles but win the big war.”

The Lovings, supported by the ACLU, appeal the decision to the United States Supreme Court in 1967. Despite the urging of their lawyers, Mildred and Richard do not attend the oral arguments in Washington. Richard is fed up. After nearly 10 years of dealing with the legal system, he simply wants the justices to know that “I love my wife, and it is just unfair that I can’t live with her in Virginia.” His simple declaration creates one of the film’s most tender and devastating moments.

The high court rules unanimously in favor of the Lovings, striking down Virginia’s law, and ending the ban on interracial marriages nationwide. Chief Justice Earl Warren, in his opinion for the unanimous court, observed, “Marriage is one of the ‘basic civil rights of man,’ fundamental to our very existence and survival ... The fact that Virginia prohibits only interracial marriages involving white persons demonstrates that the racial classifications must stand on their own justification, as measures designed to maintain White Supremacy.”

Loving’s postscript notes sadly that Richard was killed in 1975 by a drunk driver. Mildred lost her eye in the collision. She died in 2008.

American demographics and attitudes have experienced a sea change since the 1950s and 1960s. The percentage of new marriages between blacks and whites in 2010 was twenty times higher than in 1950. More than 15 percent of the marriages in 2010 occurred between individuals who did not identify themselves as members of the same racial or ethnic group.

The Pew Research Center noted in 2015: “The share of multiracial babies has risen from 1% in 1970 to 10% in 2013. And with interracial marriages also on the rise, demographers expect this rapid growth to continue, if not quicken, in the decades to come.” The same Pew report estimated that 6.9 percent of the US adult population—one out of 14—could already be considered multiracial, some 17 million people.

In terms of views toward interracial marriage, acceptance is almost universal, for example, within the younger generation. In 2014, 85 percent of Americans 18 to 29 indicated they had no problem with a family member marrying a person of a different race or ethnicity.

Nichols’ film is an understated and restrained but powerful dramatization of a case that vanquished the anti-miscegenation statutes. Those represented, as the Lovings’ lawyers argued before the Supreme Court, perhaps the last vestiges of “slavery laws” in the US. Virginia’s law was adopted in 1662, remaining in force for more than 300 years. The outcome of the 1967 case was a byproduct of the mass struggles of the period. *Loving* retells the case as social upheaval is once again on the horizon.



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