

# Chicago Daily Law Bulletin®

Volume 162, No. 227

Serving Chicago's legal community for 161 years

## 'Loving' less about landmark case, more about couple behind it

Film gives life to the forbidden love beneath the legal details in interracial marriage case

In an already classic "Black Jeopardy" sketch on "Saturday Night Live" aired just before the election, the game show's categories were all African-American vernacularisms.

Guest host Tom Hanks, wearing a red "Make America Great Again" hat, plays Doug, the only white contestant. Doug racks up points with winning responses based on his personal opinions, which are in complete harmony with those of the other contestants, who are black.

The sketch resonates so effectively because it expresses a truth that is often lost in today's environment of racial resentment and identity politics: That black and white interaction in some pockets of the country is based on shared culture as well as conflict.

This was true in a corner of Caroline County, Va., circa 1958, the setting for the movie "Loving," a quiet, character-driven film about the lives of the perfectly named plaintiffs in the landmark U.S. Supreme Court case *Loving*

*v. Virginia*, 388 U.S. 1 (1967), which declared laws prohibiting interracial marriage unconstitutional.

Although segregation was observed, survival in these small rural communities required social cohesion. In such environments, interracial relationships based on mutual respect could evolve.

Richard and Mildred Loving had lived all their lives in such a community. Mildred was "colored" and 19. Richard, a white bricklayer, was six years older. Their

youthful '50s-era lives among the green fields of rural Central Point, Va., were punctuated by weekends of drag races and house parties. Boogie-woogie and "hillbilly music" provided the soundtrack.

When Mildred learns she is



REBECCA  
L. FORD

*Rebecca L. Ford is counsel at Scharf Banks Marmor LLC, and concentrates her practice on complex litigation, compliance, board governance and specialized employment issues. She is the former executive vice president for litigation and intellectual property at MGM.*

pregnant, they travel to Washington, D.C., in June 1958 to get married. Their bliss is short lived.

In July, the sheriff and two deputies burst into the couple's bedroom and take them off to jail in the middle of the night, using the framed marriage license hung on their bedroom wall as evidence of their felony: violation of Virginia's Racial Integrity Act.

Both plead guilty and receive one-year sentences, suspended for 25 years. The judge orders them to leave Virginia, forbidding them

to return together during the quarter-century suspension.

They move to Washington, D.C., living in a tattered urban neighborhood with one of Mildred's cousins. As the family grows to include three children in the

cramped townhouse, Mildred begins to feel her children are caged.

When a son is hit by a car while playing with other children in the street, she determines it is time to return to open spaces and the embrace of extended family.

Mildred moves back to Virginia with the children, and Richard must sneak into the state to see them.

When Mildred writes to Attorney General Robert F. Kennedy asking for his help, she is referred to the American Civil Liberties Union, and the movie shows us the complications visited upon this otherwise uncomplicated family as they are making history.

As circumstances slip out of the taciturn Richard's control, he is guided by his code of quiet manliness and the desire to show that he can take care of his wife.

"Loving" is about the people, not the case. The writer and director, Jeff Nicols, fought to keep the primary focus of the movie on the couple and the stubborn power of love. He captures the plainness of their lives, their commitment to each other and the impact of the case on the other characters — the gentle guile of the giddy, newly minted lawyers who are figuring things out as they go along; the essential importance and insidious impositions of the media; and the frustration of friends and family whose way of life is also disrupted.

It is the union of love and law that makes this muted film so appealing, by personalizing the historic characters and giving us the human and emotional context to truly understand the case.