

# THE LOVING STORY

A Teacher's Guide

*Grades 6-12*



TEACHING  
TOLERANCE

A PROJECT OF THE SOUTHERN POVERTY LAW CENTER

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## INTRODUCTION

There are people among us who make things happen. We see pictures of them in our heads. They are the ones who organize and march and make impassioned speeches that often move the ball forward, when forward seems the best direction to go. But progress is also made because of other people. Some are patient and persistent. They know that the road will be long, and that they may not benefit personally when the goal is finally reached. Still others, such as Richard and Mildred Loving, approach progress from a personal need—eventually seeing their victory affecting others as well.

The Lovings did not see themselves as activists. They were a quiet married couple—he was white, she was black and Native American—living in the Virginia countryside. They were not involved in the events of the civil rights movement. Until they were roused from their bed by flashlight-bearing policemen and banished from the state, they were not likely to become symbols of that fight. But as the Lovings went from court to court to overturn state laws banning interracial marriage, their story proved symbol enough.

Forty-five years after the U.S. Supreme Court ruling in *Loving v. Virginia*, filmmakers Nancy Buirski and Elisabeth Haviland James bring that story to life again. “The Loving Story” includes archival footage and photos and present-day interviews, which introduce us to the Lovings and their struggle and help us reflect on the historical importance of their case.

This teaching guide includes four lessons. The first allows students to fully understand the historical context of the Lovings’ fight by exploring the time period and the sociopolitical environment. The second delves into the question of rights as they apply to the individual and to the power of the states—both important in this case. The third puts students along the path of the legal process, as the Lovings made their way through state and federal courts. In the fourth, students explore how activists can move us forward toward a more inclusive nation.

The lessons include these recurring elements:

**Questions for Discussion** provides a few questions to begin each lesson.

**Documenting History** highlights elements that are specific to documentary filmmaking. These short mini-activities will provide students with knowledge about the process and the purpose of the art form.

**Vocabulary in Context** points out vocabulary words and their definitions, with contextual reference points from the film.

**Casework** is each lesson’s main activity, will allow students to construct meaning both from their viewing of “The Loving Story” and additional research, debate and assessment strategies.

During a time when we have a multi-racial president, it may be difficult for students to understand how and why anti-miscegenation laws existed. It may be difficult for them to understand the hateful language, even from the highest offices. But they must understand that it was once this way—and that people fought back in order to move forward.

It started with a loving story.

## OBJECTIVES

The lessons in this teacher’s guide will help students to:

- understand *Loving v. Virginia* in the context of the U.S. civil rights movement of the mid-20th century,
- develop historical empathy, or the ability to imagine what life was like for people in an earlier time,
- recognize that social change takes time, hard work and perseverance,
- apply their understanding of the Lovings’ story to current and relevant situations, and
- apply their understanding of the Lovings’ experiences and actions to their own lives, prompting them to take social action when necessary.

## MEETING STANDARDS

Activities and embedded assessments address the following standards from McREL 4th edition and Common Core State Standards for English Language Arts:

### McREL STANDARDS

#### ARTS—ART CONNECTIONS

Standard 1. Understands connections among the various art forms and other disciplines

#### ARTS—MUSIC

Standard 7. Understands the relationship between music and history and culture

#### ARTS—THEATRE

Standard 5. Understands how informal and formal theatre, film, television, and electronic media productions create and communicate meaning

#### ARTS—VISUAL ARTS

Standard 1. Understands and applies media, techniques, and processes related to the visual arts

Standard 4. Understands the visual arts in relation to history and cultures

#### CIVICS

Standard 1. Understands ideas about civic life, politics, and government

Standard 3. Understands the sources, purposes, and functions of law, and the importance of the rule of law for the protection of individual rights and the common good

Standard 11. Understands the role of diversity in American life and the importance of shared values, political beliefs, and civic beliefs in an increasingly diverse American society

Standard 15. Understands how the United States Constitution grants and distributes power and responsibilities to national and state government and how it seeks to prevent the abuse of power

Standard 18. Understands the role and importance of law in the American constitutional system and issues regarding the judicial protection of individual rights

Standard 25. Understands issues regarding personal, political, and economic rights

Standard 28. Understands how participation in civic and political life can help citizens attain individual and public goals

#### GEOGRAPHY

Standard 1. Understands the characteristics and uses of maps, globes, and other geographic tools and technologies

Standard 4. Understands the physical and human characteristics of place

Standard 5. Understands the concept of regions

#### HISTORY—HISTORICAL UNDERSTANDING

Standard 1. Understands and knows how to analyze chronological relationships and patterns

Standard 2. Understands the historical perspective

#### HISTORY—UNITED STATES HISTORY

Standard 29. Understands the struggle for racial and gender equality and for the extension of civil liberties

#### LANGUAGE ARTS—WRITING

Standard 1. Uses the general skills and strategies of the writing process

Standard 2. Uses the stylistic and rhetorical aspects of writing

Standard 4. Gathers and uses information for research purposes

#### LANGUAGE ARTS—READING

Standard 7. Uses skills and strategies to read a variety of informational texts

**LANGUAGE ARTS—LISTENING AND SPEAKING**

Standard 8. Uses listening and speaking strategies for different purposes

**LANGUAGE ARTS—VIEWING**

Standard 9. Uses viewing skills and strategies to understand and interpret visual media

**LANGUAGE ARTS—MEDIA**

Standard 10. Understands the characteristics and components of the media

**LIFE SKILLS—THINKING AND REASONING**

Standard 1. Understands and applies the basic principles of presenting an argument

**LIFE SKILLS—WORKING WITH OTHERS**

Standard 1. Contributes to the overall effort of a group

Standard 4. Displays effective interpersonal communication skills

COMMON CORE STANDARDS FOR ENGLISH LANGUAGE ARTS	LESSON			
	1	2	3	4
<b>READING</b>				
<b>Standard 7.</b> Integrate and evaluate content presented in diverse formats and media, including visually and quantitatively, as well as in words.	●	●	●	●
<b>Standard 8.</b> Delineate and evaluate the argument and specific claims in a text, including the validity of the reasoning as well as the relevance and sufficiency of the evidence.	●			●
<b>Standard 10.</b> Read and comprehend complex literary and informational texts independently and proficiently.	●	●	●	●
<b>WRITING</b>				
<b>Standard 1.</b> Write arguments to support claims in an analysis of substantive topics or texts, using valid reasoning and relevant and sufficient evidence.		●		●
<b>Standard 2.</b> Write informative/explanatory texts to examine and convey complex ideas and information clearly and accurately through the effective selection, organization, and analysis of content.	●	●	●	●
<b>Standard 3.</b> Write narratives to develop real or imagined experiences or events using effective technique, well-chosen details, and well-structured event sequences.	●	●	●	
<b>Standard 4.</b> Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience.	●	●	●	●
<b>Standard 6.</b> Use technology, including the Internet, to produce and publish writing and to interact and collaborate with others.	●	●	●	●
<b>Standard 7.</b> Conduct short as well as more sustained research projects based on focused questions, demonstrating understanding of the subject under investigation.	●	●	●	●
<b>Standard 8.</b> Gather relevant information from multiple print and digital sources, assess the credibility and accuracy of each source, and integrate the information while avoiding plagiarism.	●	●	●	●
<b>Standard 9.</b> Draw evidence from literary or informational texts to support analysis, reflection, and research.	●	●	●	●
<b>SPEAKING AND LISTENING</b>				
<b>Standard 1.</b> Prepare for and participate effectively in a range of conversations and collaborations with diverse partners, building on others' ideas and expressing their own clearly and persuasively.	●	●	●	●
<b>Standard 2.</b> Integrate and evaluate information presented in diverse media and formats, including visually, quantitatively, and orally.	●	●	●	●
<b>Standard 4.</b> Present information, findings, and supporting evidence such that listeners can follow the line of reasoning and the organization, development, and style are appropriate to task, purpose, and audience.	●	●	●	●
<b>Standard 5.</b> Make strategic use of digital media and visual displays of data to express information and enhance understanding of presentation.	●	●	●	●
<b>LANGUAGE</b>				
<b>Standard 3.</b> Apply knowledge of language to understand how language functions in different contexts, to make effective choices for meaning or style, and to comprehend more fully when reading or listening.	●	●	●	●
<b>Standard 4.</b> Determine or clarify the meaning of unknown and multiple-meaning words and phrases by using context clues, analyzing meaningful word parts, and consulting general and specialized reference materials, as appropriate.	●	●	●	●
<b>Standard 5.</b> Demonstrate understanding of figurative language, word relationships, and nuances in word meanings.	●	●	●	●

## LESSON 1

## THEIR PLACE IN HISTORY

*“I wasn’t involved with the civil rights movement ... only thing I know was what everybody saw on the news. ... I wasn’t in anything concerning civil rights. We were trying to get back to Virginia. That was our goal—to get back home.”*

—Mildred Loving

In June 1958, Richard Loving and Mildred Jeter were married in Washington, D.C. He was a white man; she was part African American and part Native American. They returned to their native Virginia to start their lives together but, as “The Loving Story” tells us, they were jailed and then banished for breaking the state’s Racial Integrity Act. By marrying beyond the state’s borders and then living together as husband and wife in Virginia, they had broken the law. The Lovings were not political people, but their wish to return home as a family placed them in the middle of a historic movement.



PHOTO BY GREY VILLET

In Lesson 1, you will explore these essential questions:

- In what social and political context was the *Loving* case brought to court?
- How might events of the time have affected the outcome of the case?
- How did the verdict affect people in other states?

#### QUESTIONS FOR DISCUSSION

In what type of community were Richard Loving and Mildred Jeter raised?

In the film, how is that community described?

How did the couple’s neighbors and other community members view them?

How did the Lovings view themselves?

#### DOCUMENTING HISTORY

A key element of this documentary is Hope Ryden’s 1965 footage of Richard and Mildred Loving as they interact with their children, meet with their lawyers and speak with reporters about their case. Its use is an example of *cinéma vérité*, French for “truthful cinema,” in which real people are filmed in unrehearsed situations to capture the reality

#### VOCABULARY IN CONTEXT

##### malay [mey-ley]

(*noun*) the native peoples of Malaysia, Indonesia, the Philippines, and other parts of Southeast Asia and Oceania; once classified as the “brown race” in the now-outdated theory that humans can be divided into five races according to skin color

*“Almighty God created the races—white, black, yellow, malay and red—and He placed them on separate continents.”*

—Virginia Circuit Court  
Judge Leon M. Bazile

##### miscegenation

[mi-sej-uh-ney-shuh n]

(*noun*) marriage or cohabitation between a man and a woman of different races, likely to result in mixed-race children

*“The legal term is miscegenation—and those who support such [anti-miscegenation] laws claim they are necessary in order to preserve the purity of the races.”*

—CBS News reporter  
Robert Pierpoint



of a moment or event in history. How do you think the film would have been different if the Lovings had been portrayed by actors, or if a narrator had described their feelings about their situation? What does watching and listening to the Lovings themselves tell you about their everyday life, their character and their goals for the future?

#### CASEWORK

1. This map of the United States (pg. 10) shows which states had anti-miscegenation laws when the Lovings married in June 1958. Some of those states repealed their laws before the Supreme Court issued its ruling in *Loving v. Virginia*. Others waited until the ruling forced their repeal, and several states even left the laws, now unenforceable, on their books for more than 30 years. Study the map and, together, answer the following questions:

Which region of the country includes most of the states that still barred interracial marriage at the time of the ruling?

Historically, what do most of those states have in common?

How might that commonality be linked to the idea of “racial integrity”?

2. In pairs or small groups, choose one of the states that had an anti-miscegenation law and explore that law. One group should choose your own state if it had such a law. Specifically, research the following:

- In addition to African Americans, were other races or ethnicities mentioned in the law?
- Did the law cover interracial couples from outside the state?
- When was the law written? When was it repealed?
- Was the law ever repealed and later reinstated?
- What was the punishment for breaking the law?

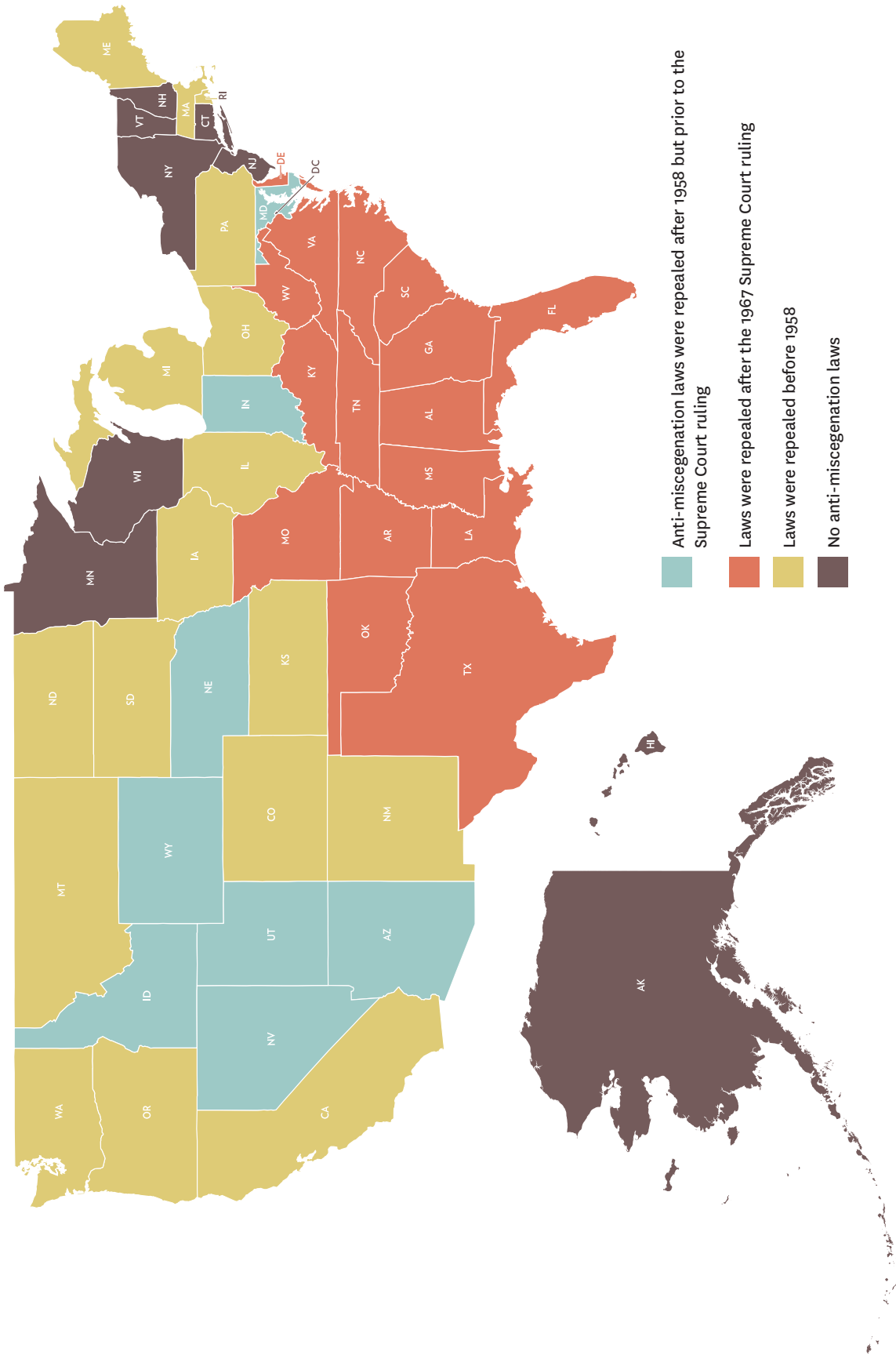
As a class, share and discuss the information you found. Did anything surprise or shock you? How did the various laws compare in breadth, language and the terms of punishment?

3. The anti-miscegenation laws were just one of the race-based injustices being questioned during the civil rights era. There were movements against the segregation of public schools and transportation systems. Thousands of black and white Americans gathered in the nation’s capital to push for change, and leaders began to emerge who would make that change happen. To understand the social and historical context of the Lovings’ fight, you will study a visual timeline of the civil rights era. In pairs or small groups, study the timeline (pg. 11).

4. Using the timeline as your guide, gather online images that represent the different events on it and store them in a computer folder for easy access. Note the source of each image. Then, add them to the timeline in the appropriate places. Add the *Loving* case to the timeline.

5. Display your timelines. What do they tell you about the period during which the Lovings were challenging Virginia’s Racial Integrity Act? Do you think these events had a positive or negative impact on the *Loving* case? Would their lawyers have succeeded in a different time period, a period before the civil rights movement? Defend your answers.

# REPEAL OF ANTI-MISCEGENATION LAWS IN THE UNITED STATES



# TIMELINE



## LESSON 2

# THE QUESTION OF RIGHTS

*All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.*

—Section 1 of the 14th Amendment to the U.S. Constitution

The tension between government power and individual rights has been a defining feature of American democracy. Richard and Mildred Loving felt they had the right, as other Virginia citizens did, to marry and live together as a family within the state. The state said its “racial integrity” law superseded those rights.

With Lesson 2, you will explore these essential questions:

- What was the historical context of Virginia’s Racial Integrity Act?
- What tension is created by the power of the state versus the rights of the individual?
- What rights did the U.S. Supreme Court ruling uphold?

### QUESTIONS FOR DISCUSSION

The section of the 14th Amendment quoted above is known as the Equal Protection Clause. How do you interpret it?

The clause refers to the protection of life and liberty. What freedoms do you think are inherent within each?

What is a privilege? What is a right? How do they differ?

### DOCUMENTING HISTORY

Most documentaries include interviews with people who have a variety of perspectives on an issue. The director and producers of “The Loving Story” have woven in interviews with people as diverse as law-enforcement officers, farmers, historians, family friends and lawyers. How do you think this documentary element helps the viewer understand the



PHOTO BY GREY VILLET

### VOCABULARY IN CONTEXT

#### attorney general

[uh-tur-nee jen-er-uh l]  
(noun) the top law officer of the country

*“When Mr. and Mrs. Loving were having their problems, they wrote to the attorney general of the United States, who was then Robert Kennedy, and asked if the civil-rights bills that were being discussed in Congress at that time ... would give them any relief.”*

—ACLU lawyer Bernard Cohen

#### blight [blahyt]

(noun) destructive force

*continued...*

central issue? What does each “witness” bring to the story? Compare the interviews of lawyers Bernard Cohen and Philip Hirschkop at the time that the case was argued and much later, as they reflected on the case. What do you notice? How does their later reflection add to our understanding of the case and its historical standing?

#### CASEWORK

1. The 14th Amendment of the Constitution, including the Equal Protection Clause, was enacted after slavery was abolished but when many former Confederate states had adopted what were called Black Codes. The laws codified many inequities against black people, including limiting their rights to own property and serve on juries. The Equal Protection Clause was a response to these laws. It restrained the power of state governments to infringe on individual rights, and it reinforced the idea that all citizens were equal under the law. Discuss the tension that was created between the state of Virginia, with its laws against interracial marriage, and the Lovings. What did the Lovings see as their rights? What did Virginia see as its legitimate use of power?

2. The case also represents a tension seen throughout U.S. history: the need for authority versus the need to put restrictions on authority when it threatens individual freedoms. Both sides in the *Loving* case argued for government intervention, but for different reasons. Divide into two groups, with one group focusing on Virginia’s arguments and the other group studying the justification by the Lovings’ lawyers. Within your groups, watch the film from the time the case goes to the U.S. Supreme Court and through the arguments made by each side before the court. Take notes when that will help you explain each side’s arguments.

3. Now, do further research to check the accuracy and expand your knowledge of your group’s argument.

For the state of Virginia:

- What did it argue should be preserved among its citizens?
- To whom did it say the law applied?
- Who did it think needed protection from interracial marriage?

For the Lovings:

- What did their lawyers argue had been violated?
- What previous case had created a precedent for striking down Virginia’s law?

#### VOCABULARY IN CONTEXT

**inequity** [in-ek-wi-tee]  
(noun) unfairness or bias

*“They come united in one cause—to urge Congress to pass a civil-rights bill to end forever the blight of racial inequity.”*

—Television news report on the March on Washington

**integrity** [in-teg-ri-tee]  
(noun) the state of being whole and undivided

**discernible**  
[dih-sur-nuh-buh l]  
(adjective) capable of being recognized

*“The rule was that if there was a discernible trace of non-white blood, then the person was legally classified as non-white; that in order to be white, one had to be 99.9 percent pure. What Virginia referred to as a Racial Integrity Act was more accurately a white-supremacy act.”*

—Historian Robert Pratt

**jurisdiction** [joor-is-dik-shuh n]  
(noun) the territory over which authority is exercised

*“The federal District Court in Richmond has sent us back to the state courts and retained jurisdiction of your case at the same time.”*

—ACLU lawyer Bernard Cohen, to Mildred Loving

4. With your groups, share the arguments that each side used to support their case in front of the U.S. Supreme Court. As a class, refer back to the Equal Protection Clause. Were the Lovings' lawyers assured of winning based on its language? Why or why not? How might the state of Virginia have gotten around the language? Why wasn't it successful?

5. From the film or from print or Internet sources, review the Supreme Court's ruling in *Loving v. Virginia*. How did each justice vote? What did the ruling say? What did Chief Justice Earl Warren write about the institution of marriage?

6. *Loving v. Virginia* is seen as a historic court case but, as the film shows, it is also one that moves people personally. Why do you think that is? How does it affect you? Does the Lovings' fight still have relevance today? Individually or in pairs, communicate your opinions in a school newspaper column, two-person debate, a set of song lyrics or an advocacy advertisement.

## LESSON 3

# THE LEGAL PROCESS

*“He [Richard Loving] just wanted me to go see Judge Bazile and convince Judge Bazile to let them come back in Virginia. When I told him I didn’t think it was gonna work that way, and that I thought this case was likely to go to the Supreme Court of the United States, his jaw about dropped.”*

—ACLU lawyer Bernard Cohen

There are many ways to secure fair treatment under the law, including marches, boycotts, civil disobedience and the courts. Richard and Mildred Loving were convicted of violating a law that prohibited interracial marriage. Because they wanted to live together legally as husband and wife in Virginia, their home state, they took their struggle through the court system all the way to the Supreme Court of the United States.



FRANCIS MILLER/TIME & LIFE/GETTY IMAGES

In Lesson 3, you will explore these essential questions:

- Why did the Lovings use the courts to secure the right to live together as husband and wife in Virginia?
- How did the Lovings’ lawyers make their case?
- What did the *Loving* case demonstrate about federal versus state authority?

## QUESTIONS FOR DISCUSSION

What is the American Civil Liberties Union (ACLU)? What was its role in the *Loving* case?

What path did the *Loving* case follow through the courts? Why is that path important?

How did the Supreme Court rule? What were the effects of the ruling?

## DOCUMENTING HISTORY

The filmmakers of “The Loving Story” have created a film that is both informative and emotionally moving. One element that contributes to the film’s effectiveness is music. For this activity, look and listen closely to the segment, early in the film, when Richard and Mildred Loving describe getting arrested and taken to jail. What feeling do you get when you watch and listen to that part of the film? What mood does the music help create? Now watch or imagine the scene without

## VOCABULARY IN CONTEXT

**abdicating** [ab-di-keyt-ing]  
(verb) formally relinquishing authority

*“I think he’s abdicating his federal authority to the state.”*

—ACLU lawyer Philip Hirschkop

**vacate** [vey-keyt]  
(verb) to make legally void

*“We filed a motion ... to vacate the judgment of conviction and to set aside the sentence.”*

—ACLU lawyer Bernard Cohen

the music. How does it feel different? Think about different music you might use with the scene. How would it affect the mood?

Note: When you want to analyze the workings of a movie, you might want to watch it more than once so that you can focus on the particular elements that make the movie “work.”

#### CASEWORK

1. The American Civil Liberties Union played a key role in the *Loving* case. What are civil liberties? Read about the ACLU. With a group, make a list of some of the cases it has represented or currently represents. Based on what you know now about the ACLU and about the Lovings, why did the ACLU take on the *Loving* case?
2. With your group, fill in the *Loving* case flow chart (pg. 17) that shows how the *Loving* case moved through the courts. When you’ve placed the events in the correct order, color-code the boxes, using one color to show when the issue involved a state court and a different color to show when the issue involved a federal court. Write a one-sentence explanation of each step of the process to show you understand it. If you need more information about the judicial process, visit the White House website where the process is explained. Write an answer to this question: Why was the *Loving* case decided at the federal level rather than the state level?
3. With an understanding of the judicial process regarding the *Loving* case, take a closer look at the argument that the ACLU lawyers used to challenge the constitutionality of Virginia’s Racial Integrity Act. Answer these questions, either in a class discussion or in writing:
  - Explain what ACLU lawyer Philip Hirschkop meant when he said he feared that the court would declare the Lovings’ jail sentence unconstitutional but not address whether or not the law was constitutional.
  - What does the 14th Amendment say?
  - How was the *Loving* case related to the 14th Amendment?
  - Why did ACLU lawyer Bernard Cohen say that Judge Bazile’s statement about God separating the races was a gift to their case?

#### EXTENSION RESEARCH ACTIVITY

There have been many times in American history when people have brought cases to the courts to question a law’s constitutionality. *Brown v. Board of Education* challenged segregation. *Roe v. Wade* challenged laws prohibiting abortion. *Lawrence v. Texas* challenged anti-gay laws. Research one of these cases, or a different one, subject to your teacher’s approval. Report to the class about the case. Be sure to answer these questions: What was the case called? What law did it challenge? When did the case come before the U.S. Supreme Court? How did the Court rule? How did the Court explain its decision? Based on student reports, discuss the following question: Why is using the legal process to challenge laws sometimes considered to be controversial? Do you think it should be? Why or why not?



## THE *LOVING* CASE MOVES THROUGH THE COURTS

**1958**

- 1.
- 2.
- 3.

**1963**

- 1.
- 2.
- 3.

**1965**

- 1.
- 2.

**1966**

- 1.

**1967**

- 1.
- 2.

Events are on the next page.

## THE EVENTS OF THE *LOVING* CASE

- Lovings seek help from the ACLU.
- Lovings are convicted of breaking Virginia anti-miscegenation law and are banished from the state.
- Lovings, with help of ACLU, appeal to federal district court.
- Judge Bazile denies Lovings' request to vacate their sentence and issues statement affirming that the races should be separate.
- U.S. Supreme Court rules that anti-miscegenation laws violate the U.S. Constitution.
- Federal court sends Lovings back to the Virginia Supreme Court, saying the anti-miscegenation law is a state matter.
- Lovings marry.
- Lovings appeal to local judge to vacate their sentence.
- Virginia Supreme Court upholds the constitutionality of the state's anti-miscegenation law.
- Lovings are arrested.
- ACLU lawyers argue *Loving* case before the U.S. Supreme Court.

## LESSON 4

# THE POWER OF ACTIVISTS

*“It’s not so much about me and Richard because we could go away. But it’s the principle; it’s the law. I don’t think it’s right. And if we do win, we will be helping a lot of people.”*

—Mildred Loving

Mildred and Richard Loving were ordinary citizens who did not think of themselves as political activists. As Mildred said, “I just wanted to go back home.” But Mildred’s letter to Attorney General Robert Kennedy led them to the American Civil Liberties Union, and their efforts to go back home led to a Supreme Court ruling that changed laws all over the country.

In Lesson 4, you will explore these essential questions:

- What was the Lovings’ goal? How did their view of its implications change as their case moved through the courts?
- How is the *Loving* case similar to and different from today’s marriage-equality debates?
- How can a film inspire people to take action against injustice?

## QUESTIONS FOR DISCUSSION

Why do “ordinary people” become activists? What would motivate you to become an activist?

What can you learn about today’s political debates about marriage from the *Loving* case?

## DOCUMENTING HISTORY

The filmmakers of “The Loving Story” have written: “Leveraging our film into advocacy and action is essential to fulfilling our original intent: to inform, to educate, to move or call to action.” It isn’t difficult to see how “The Loving Story” informs and educates viewers about Mildred and Richard Loving and the case that became *Loving v. Virginia*. But does “The Loving Story” move viewers (like you) to action? Think about how the film depicts the Lovings. Is the depiction sympathetic? Support your answer with evidence from the film—a scene or a specific shot featuring one or both of the Lovings. Find a part of the film that you find particularly moving, something that would inspire you to take action yourself. Explain what it is that moves you, and what kind of action it might spur you to take.



## VOCABULARY IN CONTEXT

### **bond** [bond]

(*noun*) a written promise to pay a sum of money to secure the release of a criminal defendant from jail and to guarantee the defendant’s appearance in court

*“We were under a thousand-dollar bond, and his sister got a bonding company to get him out.”*

—Mildred Loving

### **odious** [oh-dee-uh s]

(*adjective*) hateful

*“You have before you today what we consider the most odious of the segregation laws and the slavery laws.”*

—ACLU lawyer Philip Hirschkop in argument before the Supreme Court

**CASEWORK**

1. The Lovings began their legal journey for very personal reasons. Find the scene in the film in which ACLU attorney Bernard Cohen reads aloud the letter that Mildred Loving sent to Attorney General Robert Kennedy. How did she describe the problem she and Richard faced? How did she think Kennedy might be able to help? In the film, how did Cohen and fellow attorney Philip Hirschkop explain why they took the *Loving* case and why they believed it was important? Over time, how did Richard's and Mildred's views about the legal case change—and how did their views remain the same?

2. Today the question of who can get married is still controversial. Now the legal struggle has shifted from interracial marriage to same-sex marriage. Look at the map (pg. 21) to see where same-sex couples can legally wed. (*Note: Divide the class into eight groups. Assign each group one of the places where same-sex marriage is legal.*) With your group, research the process by which your assigned place legalized same-sex marriage. To guide your research, use Comparing Legal Issues: Interracial Marriage and Same-Sex Marriage (pg. 22). It will also help you see how the current situation compares to what you've seen in "The Loving Story." Present your findings to the class.

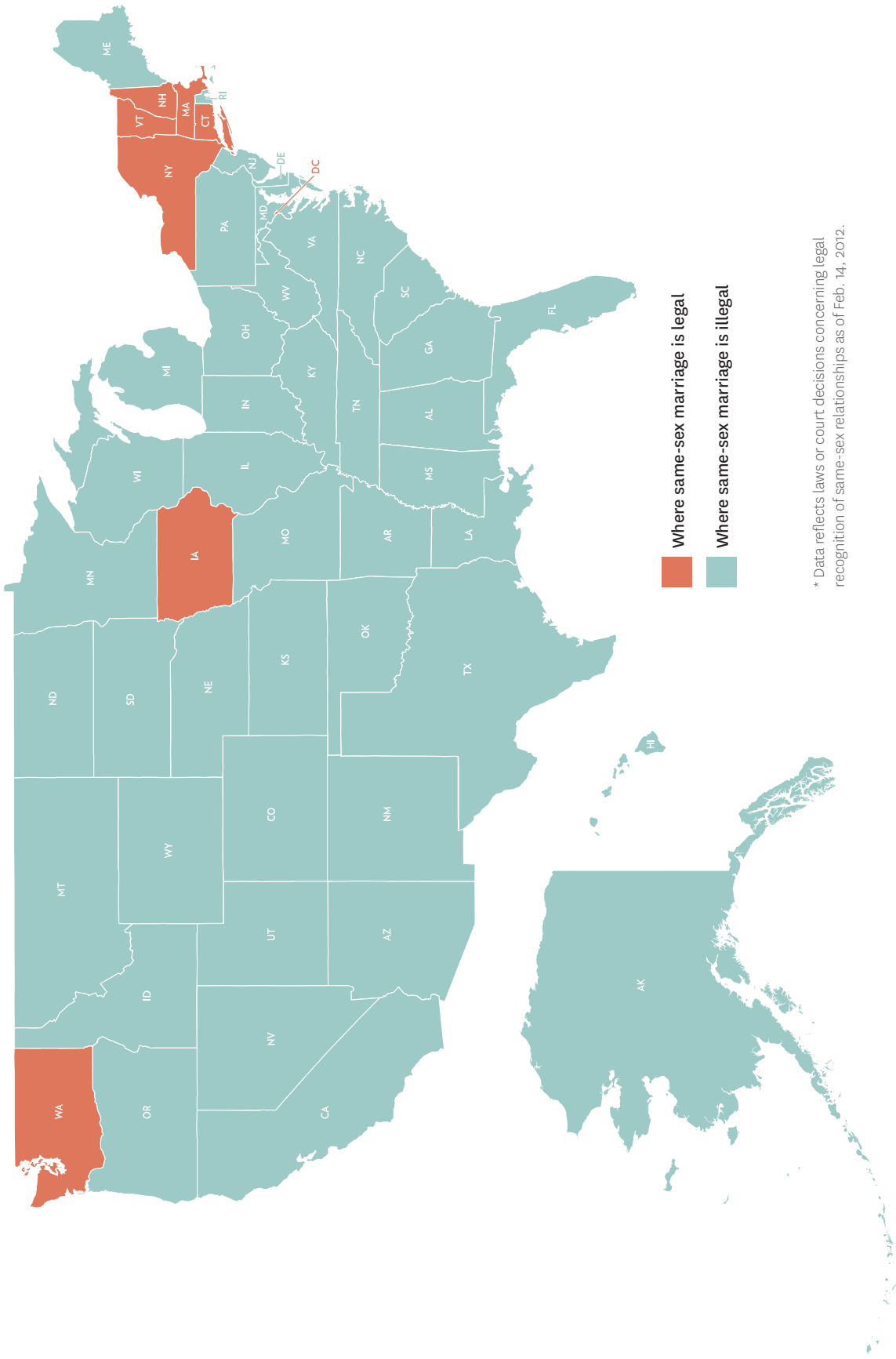
3. Now take your work a step further. As a class, form three teams. Imagine that a case regarding same-sex marriage has made its way to the U.S. Supreme Court, as the *Loving* case did. Have one team present its argument to strike down laws that ban same-sex marriage. Have a second team present its argument to keep such laws in place. Use what you learned in your research about arguments for and against same-sex marriage, as well as what you learned about *Loving v. Virginia*, to inform your work. The third team will take the role of the U.S. Supreme Court. The "justices" should listen carefully to each side's argument and ask questions to clarify understanding or to challenge the argument. After the court presentations, have the justices meet privately to make their decision. Have one justice present the final decision. Use as a model the ruling in *Loving v. Virginia*—but keep your argument to about a page.

4. As marriage rights once again become part of the national conversation, do you think *Loving v. Virginia* could be applied in the future? If so, how? If not, why not? Individually or in pairs, communicate your opinions in an op-ed piece, a speech or an editorial cartoon.

**EXTENSION ACTIVITY**

Step back from the *Loving* case and think more broadly about why people become activists. Write a journal entry answering some of these questions: If you've ever taken action to bring about change, why did you do it? How were your reasons similar to and different from the Lovings' reasons? If you haven't ever taken such action, think about a situation you believe is unjust. What would move you to take action, as the Lovings took action? Would you be more likely to take action if the injustice affected you or someone you loved than if it seemed to be a more distant problem? Why or why not?

# WHERE SAME-SEX MARRIAGE IS LEGAL IN THE UNITED STATES



\* Data reflects laws or court decisions concerning legal recognition of same-sex relationships as of Feb. 14, 2012.

## COMPARING LEGAL ISSUES: INTERRACIAL MARRIAGE AND SAME-SEX MARRIAGE

INTERRACIAL MARRIAGE	SAME-SEX MARRIAGE
<p><b>1. STATE VERSUS FEDERAL AUTHORITY</b> Before the <i>Loving</i> case, where were decisions about interracial marriage made, at the state or federal level?</p> <p>Evidence:</p>	<p><b>1. STATE VERSUS FEDERAL AUTHORITY</b> Where do decisions about same-sex marriage get made today?</p> <p>Evidence:</p>
<p><b>2. JUSTIFYING ANTI-MISCEGENATION LAWS</b> How did Judge Bazile justify Virginia's Racial Integrity Act?</p> <p>Evidence:</p> <p>What argument did the state of Virginia make before the Supreme Court to justify Virginia's Racial Integrity Act?</p> <p>Evidence:</p>	<p><b>2. JUSTIFYING BANS ON SAME-SEX MARRIAGE</b> How do opponents of same-sex marriage in your assigned state justify their position?</p> <p>Evidence:</p>
<p><b>3. OPPOSING ANTI-MISCEGENATION LAWS</b> What did the U.S. Supreme Court rule in <i>Loving v. Virginia</i> regarding the constitutionality of anti-miscegenation laws?</p> <p>Evidence:</p> <p>How did the court explain its decision?</p> <p>Evidence:</p>	<p><b>3. OPPOSING BANS ON SAME-SEX MARRIAGE</b> How did lawmakers and judges make their case for legalizing same-sex marriage in your assigned state?</p> <p>Evidence:</p>
<p><b>4. STATE VERSUS FEDERAL AUTHORITY</b> Because of <i>Loving v. Virginia</i>, where are decisions about interracial marriage made, at the state or federal level?</p>	<p><b>4. STATE VERSUS FEDERAL AUTHORITY</b> Where do you think decisions about same-sex marriage should be made, at the state or federal level? Why?</p>

## ACKNOWLEDGMENTS

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## ABOUT US

**THE SOUTHERN POVERTY LAW CENTER** is a nonprofit organization that combats hate, intolerance and discrimination through education and litigation.

**TEACHING TOLERANCE**, a project of Southern Poverty Law Center, is dedicated to reducing prejudice, improving intergroup relations and supporting equitable school experiences for our nation's children.

The program provides free educational materials to educators for use by millions of students. *Teaching Tolerance* magazine is sent to 450,000 educators, reaching every school in the country, twice annually. Tens of thousands of educators use the program's film kits and more than 5,000 schools participate in the annual Mix It Up at Lunch Day program.

Teaching Tolerance teaching materials have won two Oscars, an Emmy and more than 20 honors from the Association of Educational Publishers, including two Golden Lamp Awards, the industry's highest honor.

The generosity of the Southern Poverty Law Center's supporters makes our work possible.

### TEACHING THE MOVEMENT

The civil rights movement is one of the defining events in American history—a bracing example of Americans fighting for the ideals of justice and equality. Teaching the civil rights movement is essential to ensuring that American history is relevant to students in an increasingly diverse nation.

Teaching Tolerance undertook a comprehensive review—the first of its kind—of the coverage accorded the civil rights movement in state educational standards and curriculum frameworks. The results of that review are set out in *Teaching the Movement: The State of Civil Rights Education in the United States 2011*. It provides a national report card on the state of civil rights education in our country. Most states, unfortunately, received a failing grade.

