



The Loving Story

Film Screening Followed by a Panel Discussion
Friday November 4th, 2011 – 10 a.m.
Charlottesville High School – MLK PAC

The 1958 marriage of Richard and Mildred Loving lead to their arrest, less than a month later, for violation of Virginia's interracial marriage laws. A private couple just looking for a quiet life collided with a politically and socially charged time. What began as a criminal trial eventually resulted in the 1967 landmark Supreme Court case declaring Virginia's anti-miscegenation statute unconstitutional. The aptly named film *The Loving Story* offers a new view on marriage equality, along with a historical understanding about a defining civil rights case in American history.

***The Loving Story* offers the opportunity to study and understand... the history of Virginia, law and court proceedings at the local, state, and national levels, the civil rights movement, and the arts of storytelling and documentary filmmaking!**

Consider the following:

Civil Rights Movement: What social and political factors contributed to the Lovings' decision to fight their sentence? What other significant challenges, protests, and legal steps concerning civil rights were taking place in the United States during 1958-1967? In Virginia specifically? What role did the ACLU play in the Loving case? What is a class action suit?

Segregation: What causes segregation? Other than by race, how are people segregated? What aspects of our society are more segregated than others? Why? What institutions perpetuate segregation?

Racism: Consider the following quote by the local trial judge, Leon M. Bazile, "*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.*" What has changed in our society since this 1958 trial? What has stayed the same? Is racism still evident in our society today? What steps can we take in the future to eradicate unfair treatment of people of any race or minority?

Local, state, and federal courts: How did the Loving case travel from the local court, to the state court in Richmond, all the way to the Supreme Court? What are some of the differences between the varying interpretations of the case? How is the Supreme Court's jurisdiction different from the local and federal levels? What precedence cases were overturned?

States rights vs. federal rights: Who has the right to make laws about marriage – each state or US government? Should marriage laws vary from state to state? What happens when couples move from state to state and find themselves governed by different laws?

Laws about marriage: How did states define race? How can the former Virginia statute about interracial marriage be traced to laws about slavery? What other states had similar laws? Why did some states have these laws and others not? How and why were different races treated differently under the statute (e.g. Native Americans vs. African-Americans)? If states have the right to ban interracial marriage, what other bans/constraints could they place on marriages?

Constitutionality: Why did the Supreme Court choose to take on this case, out of the hundreds of requests it receives each year? What larger principles did the Loving case represent? How did the fourteenth amendment support the Loving case?

Supreme Court: What significant civil and human rights cases have been decided by the Supreme Court since Loving v. Virginia? What is the pattern of decision making over the past 50 years? How does the court reflect liberal and conservative opinions over time? What civil and human rights issues are likely to be heard by the Court in the next decade? Why does the court hear so few of the cases that are referred to it? Should the Court hear more?

Executive branch involvement: How did Mildred Loving come to contact then Attorney Gen. Robert Kennedy? What steps did he recommend? Why do you think that he chose not to get involved directly, particularly given the active role the Kennedys played in the civil rights movement?

Response to the decision in Loving v. Virginia: When the Supreme Court's decision was handed down in 1967, how did the public respond? States respond? Media respond? Why did it take so long for the last state (Alabama) to change its laws regarding interracial marriages?

Origin of the races: Judge Bazile attributes the origin of the races to "Almighty God" who created the races and "placed them on different continents." What are scientific theories about the origin of the races and distribution of populations across the continents?

Religion: How did different faiths and denominations view this case? Were they for or against interracial marriage? What influence did they exhibit over the public and the court system?

Media: In a time before internet and cell phones, how was information disseminated to the masses? What role did the media play in the Loving case? How does the media shape what the public knows? Do you think the press coverage had a positive or negative influence on popular opinion?

Primary sources: What different primary sources are used in the film? Why are primary sources effective in telling the story? In what ways are primary sources not effective? How would the film be different if no primary sources had been used? Why is the use of primary sources important to history?

Storytelling: How does the filmmaker organize the film for the viewer? Is this effective? Are viewers able to follow the story even though they may have no prior knowledge about the story? Are there parts of the film that are difficult to understand?

Filmmaking techniques: How does director Nancy Buirsky's laid-back filmmaking approach affect the tone of the movie? Do the Lovings seem like angry civil rights activists? What effects do the homemade movie clips and family pictures have? How does the black-and-white 16mm footage affect the authenticity of the movie? If you were a filmmaker, would you follow Buirsky's relaxed storytelling method, or do something different?

Documentary filmmaking: What are the different types of films? What are the traits of documentary films? In what ways is *The Loving Story* like/unlike other documentary films you have seen? Could this story be told as effectively as a narrative? As an action film? How does a filmmaker decide what style of film best suits his/her purpose?

Films as vehicles for change: Is this a controversial film? Should filmmakers produce controversial films? Why or why not? Is this film important in shaping our thinking about basic human rights? How is this film a vehicle for political and social change?

Application of *The Loving Story* to current US issues: What is happening in the US now that parallels the Lovings' story? In what ways might the ruling in the Loving case apply to gay marriage? To polygamy? To marriage statutes about legal age for marriage? To marriage of individuals who are mentally and/or physically challenged? To the defense of marriage act? How does the Loving case play into the politics of the 2012 Presidential election?

The Virginia Film Festival's Community Outreach & Education Program is generously supported by John and Amy Harris, Silverthorn Films and the Charlottesville Newsplex.

The Virginia Film Festival

617 West Main Street | PO Box 400869 | Charlottesville, VA 22904 | 434-982-5560

www.virginiafilmfestival.org

Teaching Resources for *The Loving Story*

Virginia Film Festival High School Screening 2011

Background Information:

- <http://www.constitution.org/juris/fedjur1.htm>: information on the differences between federal and state jurisdictions
- <http://usgovinfo.about.com/blctjurisdiction.htm>: information about the history of the Supreme Court, its procedures, jurisdiction, and information on contacting the court
- <http://usgovinfo.about.com/od/usconstitution/a/constindex.htm>; full text of the Constitution, for reference
- http://www.tribecafilm.com/filmguide/loving_story-film32002.html; detailed film synopsis
- <http://www.variety.com/review/VE1117945196/>; detailed critical review
- http://en.wikipedia.org/wiki/Loving_v._Virginia; summary of the original Loving v. Virginia trial, the decision, and its later implications
- <http://www.blackpast.org/?q=primary/loving-v-virginia-1967>; information on Chief Justice Earl Warren's decision and use of precedence

Sample Lesson Plans:

- <http://www.archives.gov/education/lessons/separation-powers/>; teaching with documents - separation of powers
- <http://www.courts.state.co.us/Courts/Education/Lessons.cfm>; 16 activities on different aspects of the courts system, including "the journey of a court case" and "how to objectively examine a case"
- <http://www.discoveryeducation.com/teachers/free-lesson-plans/the-civil-rights-movement.cfm>; information and discussion questions on the Civil Rights Movement, including a list of notable activists

Primary Sources:

- Excerpt from Mr. CHIEF JUSTICE EARN WARREN, delivering the opinion of the court on June 12, 1967

“These statutes also deprive the Lovings of liberty without due process of law in violation of the Due Process Clause of the Fourteenth Amendment. The freedom to marry has long been recognized as one of the vital personal rights essential to the orderly pursuit of happiness by free men. Marriage is one of the “basic civil rights of man,” fundamental to our very existence and survival. Skinner v. Oklahoma (1942). See also Maynard v. Hill (1888). To deny this fundamental freedom on so unsupportable a basis as the racial classification embodied in these statutes, classifications so directly subversive of the principle of equality at the heart of the Fourteenth Amendment, is surely to deprive all the State’s citizens of liberty without due process of law. The Fourteenth Amendment requires that the freedom of choice to marry not be restricted by invidious racial discrimination. Under our Constitution, the freedom to marry, or not marry, a person of another race resides with the individual and cannot be infringed by the State.

These convictions must be reversed.

It is so ordered.”

- The Lovings were convicted of violating § 258 of the Virginia code: Section 259, which defines the penalty for miscegenation:

“Punishment for marriage. -- If any white person intermarry with a colored person, or any colored person intermarry with a white person, he shall be guilty of a felony and shall be punished by confinement in the penitentiary for not less than one nor more than five years.”

Curriculum materials developed by Stephanie Lebolt and Jane Freeman for Virginia Film Festival

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