

# Loving v. Virginia

## Oral Argument - April 10, 1967

Earl Warren

Number 395, Richard Perry Loving, et al., Appellants, versus Virginia.

Mr. Hirschkop,

Bernard S. Cohen

Mr. Chief Justice, may it please the Court.

I'm Bernard S. Cohen.

I would like to move the admission of Mr. Philip J. Hirschkop pro hac vice, my co-counsel in this matter.

He's a member of the Bar of Virginia.

Earl Warren

Your motion is granted.

Mr. Hirschkop, you may proceed.

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Philip J. Hirschkop

Thank you Your Honor.

Mr. Chief Justice, Associate Justices, may it please the Court.

We will divide the argument.

Accordingly, I will handle the Equal Protection argument as we view it and Mr. Cohen will argue the Due Process argument.

You have before you today what we consider the most odious of the segregation laws and the slavery laws and our view of this law, we hope to clearly show is that this is a slavery law.

We referred to the law itself -- oh at first, I'd like to bring the Court's attention, there are some discrepancy in the briefs between us and the Commonwealth especially as to which laws are in essence.

They have particularly said that Section 20-58 and 20-59 of the Virginia Code are the only things for consideration by this Court, and those two Sections, of course, are the criminal section, making a criminal penalty for Negro and white to intermarry in the State of Virginia.

20-58 is the evasion section under which this case particularly arose which makes it a criminal act to people who go outside the State to avoid the laws of Virginia to get married.

We contend, however, Your Honors that there is much more in essence here.

That there's actually one simple issue, and the issue is, may a State proscribe a marriage between two adult consenting individuals because of their race and this would take in much more in the Virginia statutes.

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**A. D. Cousins**



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