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Of Counsel

Stephen G. Cochran
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September 5, 2019

Via Federal Express

Hon. Ralph Northam
Office of the Governor
1111 East Broad Street
Richmond, VA 23219

Dear Governor Northam:

I have been practicing civil rights law in Alexandria since 1976, when I came here to work with Phillip Hirschkop, the lawyer who brought the lawsuit, *Loving v. Virginia*, that in 1967 caused Virginia's law barring marriage between white persons and non-white persons to be struck down. Since 1982 I have been doing civil rights work in my own firm.

I have just filed a lawsuit in federal court in Alexandria seeking to have declared unconstitutional Va. Code. Ann. §32.1-267(A), to the extent that it requires persons applying for a marriage license in Virginia to state their "race," using unscientific, highly controversial, misleading, useless, and tainted categories reflecting Virginia's historical repression of non-white persons. Virginia is one of only eight states that impose this requirement by statute. In Virginia, this requirement reflects a regulatory scheme embodied in the Virginia Racial Integrity Act of 1924, originally called "An Act to Preserve the Integrity of the White Race." The requirement to identify by "race" uses terms grounded in ignorance and bigotry, not in science. Fifty-two years after the *Loving* decision, the Commonwealth continues to require its residents, as a condition of getting married, affirmatively to label themselves, against their will, according to categories rooted in a malignant statutory scheme working to the detriment of non-white persons.

The attached complaint states the claim and the basis of the claim. As you will see, the allegations are supported by ample reference to Virginia history, statutory law and case law, as well as sworn declarations from prominent

Hon. Ralph Northam
September 5, 2019
Page 2

historians, human geneticists, and a former director of the United States Census Bureau.

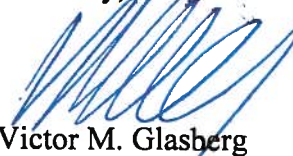
I have no choice about the defendants in the suit, given the declaratory and injunctive relief requested. I have sued them solely in their official capacity. I do not believe any of them supports the statutory requirement at issue. I also know from my dealings with the State Registrar in particular that she is a highly professional, knowledgeable, efficient and friendly public servant. It is in deference to her unstinting production of records to me – in response to Freedom of Information requests I made before I understood that she had to be named as a defendant – that for the first time in 44 years of filing suit against government officials I have seen fit not to name a defendant by name, only by title.

I am writing to you because I think this case should not be defended by the Commonwealth. I am asking you to read the complaint and exhibits, acquaint yourself with Virginia's horrendous history regarding the matters at issue, review the declarations and other material submitted in support of my motion for a temporary restraining order, and do what must be done to get on the right side of history: have the defense stipulate to the unconstitutionality of the provision at issue. I am making the same request of Attorney General Herring, and also copying Lieutenant Governor Fairfax for his information, as well as the defendants.

Racial justice is important to all of us. This is an occasion for Virginia to get rid of possibly the last vestige of *de jure* Jim Crow on our books, by invoking, as Lincoln invoked in his First Inaugural Address, "the better angels of our nature."

Thank you for considering this request.

Sincerely,



Victor M. Glasberg

Enclosure

RaceCase\Letters\Northam2019-0905

cc: Janet Rainey, State Registrar
Michelle M. Trout, Clerk, Rockbridge Circuit Court
Paul F. Ferguson, Clerk, Arlington Circuit Court