

21102980D

HOUSE JOINT RESOLUTION NO. 631

Offered January 27, 2021

Celebrating the life of the Honorable Bernard S. Cohen.

Patrons—Herring, Adams, D.M., Askew, Ayala, Bourne, Bulova, Carr, Cole, J.G., Convirs-Fowler, Coyner, Delaney, Filler-Corn, Fowler, Gooditis, Hayes, Helmer, Heretick, Hodges, Hope, Hudson, Hurst, Jenkins, Jones, Keam, Kory, Krizek, Levine, Lopez, Marshall, McQuinn, Mundon King, Orrock, Plum, Rasoul, Reid, Samirah, Scott, Simon, Simonds, Subramanyam, Sullivan, Ware, Watts and Willett; Senators: Barker, Ebbin, Saslaw, Bell, Boysko, Deeds, Edwards, Hashmi, Howell, Marsden, Morrissey, Peake, Spruill and Surovell

WHEREAS, the Honorable Bernard S. Cohen, a former member of the Virginia House of Delegates who had previously served as co-counsel for the appellants in the historic *Loving v. Virginia* case, in which the Supreme Court of the United States struck down laws banning interracial marriage, died on October 12, 2020; and

WHEREAS, the child of Jewish immigrants from Eastern Europe, Bernard "Bernie" S. Cohen grew up in Brooklyn and graduated from the City College of New York; he subsequently worked for the United States Department of Labor while studying to earn a law degree from Georgetown University; and

WHEREAS, Bernie Cohen was working as a volunteer attorney for the American Civil Liberties Union when he met Richard and Mildred Loving, who had been arrested under Virginia's anti-miscegenation laws and been given a suspended jail sentence on the condition that they leave the Commonwealth and not return for a period of 25 years; and

WHEREAS, during the *Loving v. Virginia* case, Bernie Cohen and co-counsel Philip Hirschkop argued that laws prohibiting interracial marriage violated the due process and equal protection clauses of the Fourteenth Amendment to the Constitution of the United States, and in 1967, the Supreme Court of the United States ruled unanimously in favor of the Lovings; and

WHEREAS, the landmark case was a significant victory for the civil rights movement in the United States, and Bernie Cohen's contributions have been immortalized in numerous books, documentaries, and dramatizations, including the 2016 major motion picture *Loving*; and

WHEREAS, desirous to be of further service to the Commonwealth, Bernie Cohen ran for and was elected to the Virginia House of Delegates in 1979; he represented residents of the 21st District until 1983, when he took office as the delegate for the 46th District, representing parts of Alexandria; and

WHEREAS, during his tenure as a state lawmaker, Bernie Cohen offered his expertise to several standing committees and introduced many important pieces of legislation, including a bill to impose restrictions on indoor smoking and measures to ensure that terminally ill patients would have the right to decline life-prolonging treatments; and

WHEREAS, Bernie Cohen introduced a bill to decriminalize same-sex marriage in the Commonwealth, which was unsuccessful, but the decision in *Loving v. Virginia* was ultimately cited as a precedent in the Supreme Court's decision in another landmark case, *Obergefell v. Hodges* (2015), which guaranteed same-sex couples the right to marry throughout the nation; and

WHEREAS, Bernie Cohen continued to practice law in Alexandria for many years, specializing in environmental and employment cases until his well-earned retirement in 2006; and

WHEREAS, a man of great integrity, Bernie Cohen served the Commonwealth with the utmost dedication and distinction as both an attorney and a state legislator; and

WHEREAS, Bernie Cohen will be fondly remembered and greatly missed by his wife of 61 years, Rae Rose; his children, Bennett and Karen, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Bernard S. Cohen, a highly admired attorney and a dedicated public servant who touched the lives of generations of Americans through his contributions to civil rights; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Bernard S. Cohen as an expression of the General Assembly's respect for his memory.

INTRODUCED

HJ631