

Lesson Title: The Long Life of the U.S. Constitution

Handout #1: *Loving v. Virginia* 388 US 1, 1967

Neither the Constitution nor the Bill of Rights refers directly to marriage rights, interracial or not. The Supreme Court extended the wording of the Fourteenth Amendment to deliver its decision in *Loving v. Virginia*.

The Case

Mildred Jeter Loving, a black and Native American woman, and Richard Loving, a white man, had been sentenced to a year in prison in Virginia because their marriage violated Virginia's Racial Integrity Act of 1924, which prohibited marriages between people classified as "white" and those classified as "colored." The case was brought by the Lovings on the grounds that the Racial Integrity Act was unconstitutional.

The Decision

In a unanimous decision, the Court reversed the Lovings' convictions. It dismissed the claim that both white and black people were being equally punished by the Virginia anti-miscegenation statute. Chief Justice Earl Warren wrote the Court's opinion, which cited two sections of the Fourteenth Amendment—the Due Process Clause and the Equal Protection Clause. Warren wrote:

"Marriage is one of the 'basic civil rights of man,' fundamental to our very existence and survival.... To deny this fundamental freedom on so unsupportable a basis as the racial classifications 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."

After the decision in *Loving*, the number of interracial marriages in the United States increased dramatically. *Loving* was cited as the precedent in the series of same sex marriage decisions that culminated in *Obergefell v. Hodges*, which established same sex marriage as the law of the land.

Amendment 14, Section 14. 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.

Questions to Answer:

1. Who were the plaintiffs, and what were their arguments?
2. Who were the defendants, and how did they justify their actions?
3. How did the court decide the case, and what parts of the Bill of Rights was cited in the majority opinion?
4. What were the long-term effects of this decision?