

Loving v Virginia 388 U.S. 1 (1967)

1) Reference Details

Jurisdiction: United States of America, Supreme Court

Date of decision: June 12 1967

Case Status: Concluded

Link to full text:

<http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&vol=388&invol=1>

2) Facts

In June 1958, two residents of Virginia, Mildred Jeter, a black woman, and Richard Loving, a white man, were married in the District of Columbia. Shortly afterwards they returned to Virginia and were charged with violating Virginia's ban on interracial marriages. The Lovings were victims of direct *de jure* racial discrimination inherent in the Virginia code, which prohibited marriage between whites and non-whites.

At the time of the case, Virginia was one of 16 states to prohibit and punish interracial marriages. They pleaded guilty and were sentenced to one year in jail; however, the judge suspended the sentence for 25 years on the condition that the couple should not return to Virginia together during that time.

In his dicta the judge expressed the opinion:

"Almighty God created the races white, black, yellow, malay and red, and he placed them on separate continents. And but for the inference 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."

Following conviction, the Lovings settled in the District of Columbia. In November 1963 the couple filed a motion in the state trial court to set aside the judgment on the grounds that the statutes they had violated were unconstitutional and "repugnant to the Fourteenth Amendment."

The motion failed. Further appeals followed to the US District Court for the Eastern District of Virginia, which also rejected the motion, and later to the Supreme Court of Appeals of Virginia.

In February 1965 the Supreme Court of Appeals upheld the constitutionality of the miscegenation statutes and affirmed the convictions. The court made reference to its decision in *Naim v Naim* (1955) 197 Va. 80, 87 S.E. 2d 749, in which it had held the miscegenation laws to be legitimate for such purposes as "to preserve the racial integrity of its citizens," and to prevent "corruption of blood," "a mongrel breed of citizens," and "the obliteration of racial pride."

The Lovings appealed again to the US Supreme Court. The court addressed the issue of the constitutionality of the miscegenation statutes in the light of the Fourteenth Amendment, which forbids "all invidious racial discrimination."

3) Law

State legislation

- 20-59 Virginia Code, which forbade marriage between whites and non-whites.
- 20-58 Virginia Code, which extended this prohibition to couples who left the state in order to marry and subsequently returned in cohabitation.

National legislation

Fourteenth Amendment of the United States Constitution, s. 1 (“Equal Protection Clause”) forbids discrimination between US citizens and affords all citizens the equal protection of the laws.

4) Legal Arguments

The State of Virginia

The State of Virginia argued that the Equal Protection Clause should require state penal laws with an interracial element to apply equally to whites and non-whites, so that respective violations should be punished to the same degree. Therefore, and in reliance on this, the question of constitutionality became whether any rational basis existed for different treatment of interracial marriages and other marriages. Given that the “scientific evidence is substantially in doubt”, the court should defer to the state’s legislative policy.

Finally, Virginia relied on statements present in the Thirty-ninth Congress at the introduction of the Fourteenth Amendment which indicated that the Framers did not intend the Amendment to make unconstitutional state miscegenation laws.

5) Decision

Mr Chief Justice Warren delivering the unanimous opinion of the court, stated:

“The clear and central purpose of the Fourteenth Amendment was to eliminate all official state sources of invidious racial discrimination in the States.”

Subsequently, the “equal application” argument put forward by Virginia was rejected. It did not exempt the Virginia Code from the prohibition of racial discrimination contained within the Fourteenth Amendment. In the courts opinion the statutes should not be upheld merely because of the existence of a rational purpose behind them. Analogous cases involving discrimination on grounds other than those of race provided no useful guidance in the present case.

The court declared racial classifications should be subject to the “*most rigid scrutiny*” and must be shown to “*be necessary to the accomplishment of some permissible state objective.*” On the facts there was “patently no legitimate overriding purpose independent of invidious racial discrimination which justify[d] this classification.”

In regards to the statements made in the Thirty-ninth Congress put forward by the State of Virginia, the court considered that the statements relied on related to specific statutes and

not to the broader purpose of the Amendment. Such historical statements were inconclusive and did not corroborate the state's "equal application" argument.