
Loving v. Virginia

Date of Decision: June 12, 1967

Summary of case

Loving v. Virginia was a landmark decision of the U.S. Supreme Court that struck down all state laws banning interracial marriage as violations of the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the U.S. Constitution. The plaintiffs were Mildred Loving, an African-American woman, and Richard Loving, a white man, both from Virginia. The Lovings married in Washington, D.C., to avoid violating Virginia's Racial Integrity Act of 1924. This act, like laws in 16 other Southern states, criminalized marriage between whites and African-Americans. When the Lovings returned to Virginia, they were convicted and sentenced to one year in a Virginia jail. After the Supreme Court of Virginia upheld the Lovings' conviction, the couple appealed to the U.S. Supreme Court.

On June 12, 1967, the Court issued a unanimous decision in their favor and overturned their convictions. The Court found that the law was discriminatory and violated the Equal Protection Clause of the Fourteenth Amendment by relying on race to forbid individuals from marrying a person of their choice. The Court also ruled that the freedom to marry was a constitutionally protected fundamental freedom. To deny this freedom to citizens based on race violated the Due Process Clause. This decision ended all race-based restrictions on marriage.

Summary of opinion

In the unanimous decision, Chief Justice Earl Warren, writing for the Court, rejected the state of Virginia's argument that the law did not violate the Equal Protection Clause of the Fourteenth Amendment because it applied equally to whites and African-Americans. The Court held that the law also violated the Due Process Clause, which guarantees certain basic legal rights to all citizens. Chief Justice Warren wrote: "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." (Oyez, Conclusion, <https://www.oyez.org/cases/1966/395>)

Note that this decision revealed that Virginia's anti-miscegenation law, "is discriminatory on its face because it turns race, a protected classification, into one of the elements of a crime. The decision is also notable because it classifies marriage as one of the fundamental rights that are protected by the Fourteenth Amendment" (Oyez, Syllabus, <https://supreme.justia.com/cases/federal/us/388/1/#tab-opinion-1946730>). Despite this finding, unenforceable anti-miscegenation laws remained on the books in several states until as late as 2000.

Loving v. Virginia. (n.d.). Oyez. Retrieved February 6, 2020, from <https://www.oyez.org/cases/1966/395>