Justices Upset All Bans On Interracial Marriage: 9-to-0 Decision ...
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Justices Upset All Bans On Interracial Marriage

9-to-0 Decision Rules Out Virginia Law—15 Other States Are Affected

Excerpts from the unanimous opinion are on Page 29.

Special to The New York Times

WASHINGTON, June 12—The Supreme Court ruled unanimously today that states cannot outlaw marriages between whites and nonwhites.

The opinion by Chief Justice Earl Warren was directed specifically at the antimiscegenation laws of Virginia, which had been challenged by Richard P. Loving, a white man, and his part-Negro, part-Indian wife, Mildred.

However, the wording was sufficiently broad and disapproving to leave no doubt that the antimiscegenation laws of 15 other states are also now void.

"We have consistently denied the constitutionality of measures which restrict the rights of citizens on account of race," Chief Justice Warren said.

"There can be no doubt that restricting the freedom to marry solely because of racial classifications violates the central meaning of the [Constitution's] equal protection clause."

In writing the opinion that struck down the last group of

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The New York Times
Chief Justice Earl Warren

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Justices Rule Out States' Laws That Ban Interracial Marriage

United Press International Telephoto

Mr. and Mrs. Richard P. Loving in Washington yesterday after Supreme Court upheld their appeal on Virginia law.

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segregation laws to remain standing—those requiring separation of the races in marriage—Chief Justice Warren completed the process that he set in motion with his opinion in 1954 that declared segregation in public schools to be unconstitutional.

He rejected the argument by Virginia that the framers of the 14th Amendment had not intended to invalidate the many antimiscegenation laws in effect at that time. While history casts some light on the proper interpretation of the amendment, it is not conclusive, he said.

Chief Justice Warren rejected the reasoning that had prompted the Supreme Court to uphold antimiscegenation legislation once before, when it considered the Alabama statute in 1883. The Court held then that the law did not discriminate against Negroes, since whites could be equally punished for violating it.

In today's opinion the Court followed the theory of the earlier desegregation cases that racial classifications in state laws are constitutionally odious, even if the punishments are even-handed.

Virginia's "racial integrity law" was unusual in that it forbade whites to marry "colored persons," but did not prohibit the union of Negroes and members of other races.

A "white person" was defined as one who "has no trace whatsoever of any blood other than Caucasian," with the exception of a special saving clause for certain Indians, designed to protect the descendants of Pocahontas and John Rolfe.

In a footnote, Chief Justice Warren said that this quirk in the Virginia law does not save other antimiscegenation laws from being affected by today's ruling.

The other states that have these laws are Alabama, Arkansas, Delaware, Florida, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas and West Virginia.

The Lovings are natives of Caroline County, near Richmond. They were married in the District of Columbia in 1958. When they returned to Virginia they were prosecuted under the antimiscegenation law, which allows a sentence of up to five years in prison.

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