

Love Is Legally Colorblind

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The 14th Amendment to the United States Constitution was ratified on July 28, 1868. The most commonly used section of the 14th Amendment is the Equal Protection Clause, which reads “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.” In plain terms, the equal protection clause requires states to treat all individuals equally regardless of race, nationality, or economic circumstance. Since its ratification, the 14th Amendment has been a precedent for a wide variety of United States Supreme Court cases ranging on issues from meat production to education to the right to counsel. One landmark event in American history where the U. S. Supreme Court relied on the 14th Amendment Equal Protection Clause to protect individual rights against state government intrusion is the marriage of an interracial couple that led to the case of Loving v. State of Virginia.

When Mildred Jeter met Richard Loving in 1950, marrying a person of a different race was illegal in 29 states. While 90.4% of the married people in America were White and 7.6% were Black, marriages between a Black person and White person only made up 0.1% of all marriages. When the case of Loving v. Virginia was argued on April 10, 1967, 16 states still had laws forbidding interracial marriages in place. Virginia, the home of Mildred Jeter and Richard Loving, was one of these states. Although the two had fallen in love and wanted to get married, under Virginia law, Richard, a Caucasian man, could not marry Mildred, a woman of African-American and Native American descent. As a solution, they travelled to Washington D.C. in order to be legally married, but were arrested five weeks after re-entering Virginia. The Court of

Appeals of Virginia ruled that the state had an interest in preserving the “racial integrity” of its constituents and that because the punishment applied equally to both races, the statute did not violate the Equal Protection Clause of the 14th Amendment. Because their offense was a criminal conviction, they were given a prison sentence of one year but their sentence was suspended for 25 years with the condition that the pair leave the state of Virginia. Refusing to leave their home, the Lovings appealed to the United States Supreme Court, who decided in a unanimous decision on June 12, 1967 to reverse the Virginia Court’s ruling and held that the Equal Protection Clause required strict scrutiny to apply to all race based classifications, including interracial marriage. Furthermore, the Court concluded that the law was rooted in invidious racial discrimination, making it impossible to satisfy a compelling government interest.

Since then, the number of mixed race marriages in America has drastically increased. A 1965 poll conducted by the Gallup Company revealed that 57% of white persons wanted a ban on interracial marriage. In 1970, there were only 65,000 marriages involving African-Americans and Caucasians. By 2005, that number had grown to 422,000 marriages. Among all interracial couples, black and white unions represented 2% of all marriages in 1970. But by 2005, that number was up to 7% of the 59 million marriages in the United States. Also, more than 15% of marriages in 2010 were between people who don’t identify as the same racial or ethnic group, up from 6.7% in 1980. The most dramatic change over the last several decades is the number of Blacks and Whites intermarrying. In 1980, less than 4% of all married Black people under the age of 35 were not married to other black people compared to the present rate of 18.7%. By 2010, 1.8% of all marriages that year were between Black and White persons, nearly twenty times higher than such intermarriages in 1950. In addition, the percentage of interracial marriages involving White persons more than tripled from 2.7% in 1980 to 8.5% 2014.

Even more astonishing is the younger generation's acceptance of mixed marriages in recent years. In 2014, 85% of Americans between the ages of 18 and 29 responded that they would accept a family member marrying a person of a different race or ethnicity, compared to just 38% of Americans 65 or over. Today, those who are seeking a spouse outside of their own race even have their own dating social media sites, and people who want to express their love for their husband or wife of a different skin tone can do so using interracial emoji couples. When Mildred Jeter and Richard Loving went all the way to the Supreme Court and defended their genuine love for one another, they unknowingly cleared the way for thousands of interracial marriages to transpire today.