

Coughlin's brief – NOT an answer key!! Just an example.

Case citation: Loving v. Virginia, 388 U.S. 1 (1967).

Procedural history: Virginia trial court convicted interracial couple of violating Virginia statute prohibiting interracial marriage. Couple appealed to Virginia's highest court (Supreme Court of Appeals), convictions affirmed. Couple appealed to US Supreme Court.

Statement of facts: Interracial couple from Virginia married in Washington DC, returned to Virginia to live, where they were charged and convicted of violating Virginia ban on interracial marriage.

Issue: Whether Virginia statute prohibiting interracial marriage violates Equal Protection and Due Process Clauses of US Constitution's Fourteenth Amendment?

Holding: Yes. Statutes restricting right to marry based solely on race violate Equal Protection and Due Process Clauses of US Constitution's Fourteenth Amendment.

Reasoning: The Equal Protection Clause of the Fourteenth Amendment says States shall not "deny to any person . . . the equal protection of the laws." Under this clause, racial discrimination is only allowed if it is necessary to accomplish a permissible state objective. History of Virginia's statute against interracial marriage shows that the statute's only objective is to maintain white supremacy, which is not a permissible state objective. US Supreme Court rejected Virginia court's reasoning that the statute provided "equal protection" because it punished black and white citizens equally. The Due Process Clause of the Fourteenth Amendment says States shall not "deprive any person of life, liberty, or property, without due process of law." The right to marry is a fundamental human right, just like life, liberty, and property. To deprive someone of that right based solely because of their race necessarily deprives them of due process.

Disposition: Convictions reversed.