

**Thursday, April 15, 2021** (class 20 of 30!!)

**Today:**

- Practice Pointer with Ninmah!
- Citation cont'd—Bluebook Tables!! *Reporter abbreviations.* ☺
- Case briefing cont'd: Statement of Facts *and* Reasoning!!

**Tomorrow** (Fri. April 16): *Optional*: Email me (a) revised and improved brief of Loving v. Virginia you previously submitted, for two extra points on your final exam, OR (b) if you did not submit the draft brief of Loving previously assigned for homework, submit one now to get credit for that homework assignment. Due anytime Friday!

**Next class** (Tues. April 20):

- Read and brief Obergefell case. Email to me by **9am!**
- Study for **QUIZ #3!!**
- Bring **BB!!**

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**Some commonly-used rules for case names in citations!!** See *Bluepages B10.1.1, pp. 11-12.*

- Only include first party on each side of the "v."
  - *For example*, just "Loving"—not "Loving and Loving" (Richard and Mildred, both appellants)
- Omit "et al.," "et ux.," and other indicators of multiple parties on each side.
  - *For example*, just "Loving"—not "Loving et ux."
- Only include last names of individuals.
  - *For example*, just "Loving"—not "Richard Perry Loving"
- Underline or *italicize* the case name.
  - Only that! *Not the reporter or date information.*

**Supreme Court Reporter version:** Loving v. Virginia, 87 S. Ct. 1817 (1967).

\* \* \*

**Student samples—*great first efforts!!***

**Statement of facts:** In 1958, Mildred Jeter who was a black woman and Richard Loving who was a white man were married in the District of Columbia. They returned to their home in Virginia with the intent to live their married lives. On January 6, 1959, the Lovings pleaded guilty to the ban of interracial marriages in Virginia and were sentenced to one year in jail. The trial judge suspended the sentence for a period of 25 years on the condition that the Lovings leave the State and not return to Virginia together for 25 years.

**Statement of Facts:** The Lovings were an interracial couple that got married in Washington D.C, and moved back home to Virginia. However, they were charged with violating a Virginia law that banned interracial marriages. After being sentenced to a year in jail, the judge of this court suspended the sentence stating that they wouldn't have to go to jail if they left the state for 25 years. They filed a motion to vacate this judgment stating that the laws they supposedly broke violated the Fourteenth amendment. This was denied, and they then appealed to the Supreme Court of Appeals in Virginia, who upheld the same judgment, stating that since, both the husband and wife got an equal punishment, it fit under the Equal Protection clause of the Fourteenth Amendment. However, in the Supreme Court rejected this idea, and ruled in favor of the Lovings.

**How about this**—*only the facts most relevant to the holding??*

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

**More student samples**—*great first efforts!!*

**Reasoning:** Racial discrimination of a state should not overpower the 14th Amendment under any circumstance. Free unregulated marriage should not depend on what skin tone the individual that you want to marry is. The law itself is clearly rooted in White Supremacy as one previous case noted the need for whites to “preserve their integrity” as justification for why whites can't marry blacks.

**Reasoning:** The Supreme Court stated that the ban and punishment of the Loving's displayed the racial discrimination that the Fourteenth Amendment was written to eliminate. They stated that since this ban only prohibits interracial marriages that involve a white person, it is made to promote White Supremacy, and thus restricts the freedoms given in the Fourteenth Amendment violating the equal protection clause. It also stated that the couple is being deprived of Due Process, and aren't being given the personal and “basic civil right” to marry who they want.

**How about this**—*longer, but includes (necessary) explanation of both grounds of Court's holding (Equal Protection AND Due Process Clauses)?*

**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 its only objective is to maintain white supremacy, which is not a permissible state objective. US Supreme Court rejected Virginia court's reasoning that statute provided "equal protection" because it punished black and white citizens equally. Due Process Clause of the Fourteenth Amendment says States shall not "deprive any person of life, liberty, or

property, without due process of law." Right to marry is a fundamental human right, like life, liberty, and property. To deprive someone of that right based solely on their race necessarily deprives them of due process.

**One more student sample—*another great first effort!!***

**Disposition:** The court ruled in favor of the Lovings, and stated that under the United States Constitution the right to marry a person of another race “cannot be infringed by the State.”

**How about this**—*REALLY concise! After "reasoning" above, all you need?*

**Disposition:** Convictions reversed.