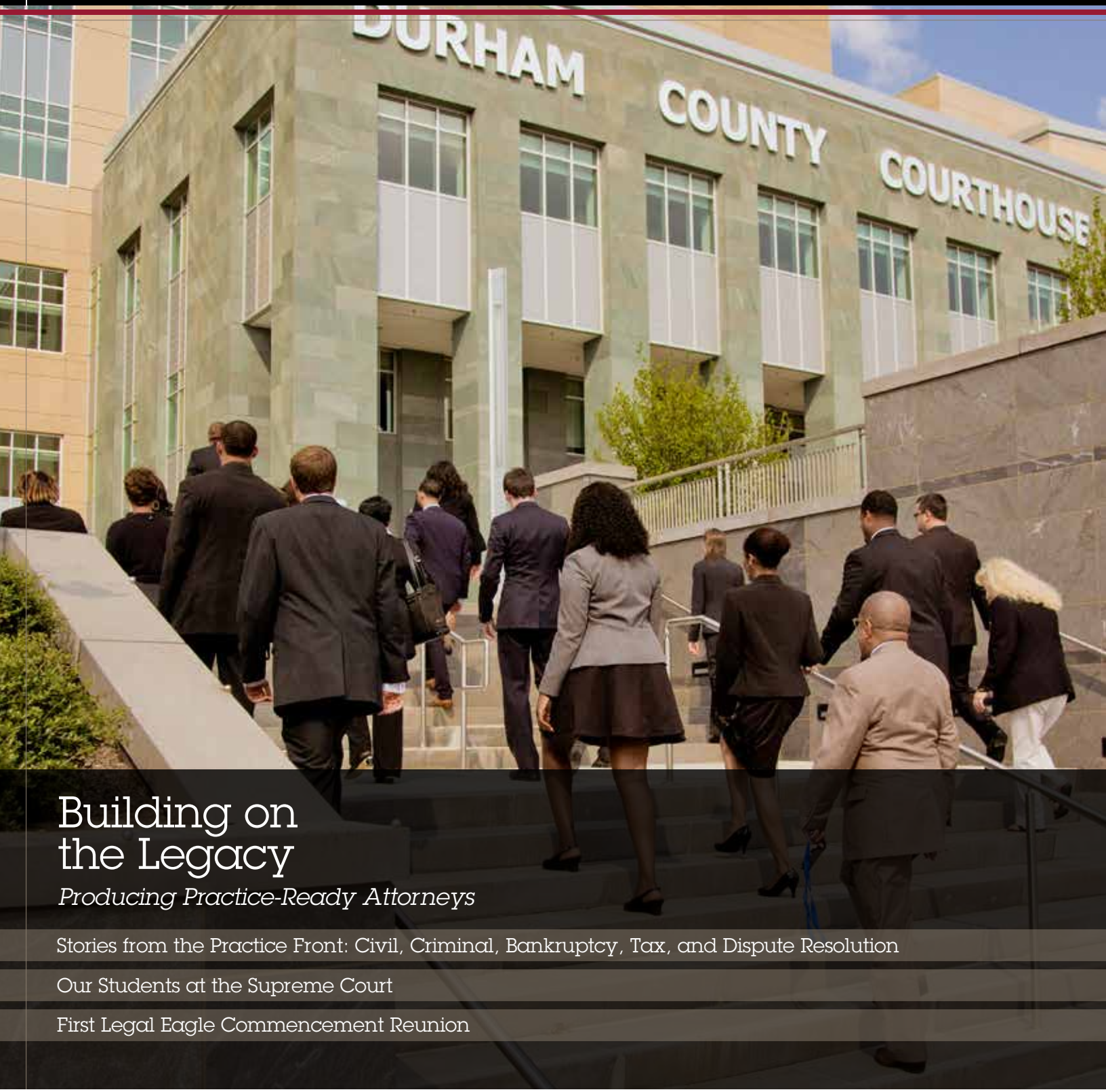
of COUNSEL spring 2013

The Magazine of North Carolina Central University School of Law



Building on the Legacy

Producing Practice-Ready Attorneys

Stories from the Practice Front: Civil, Criminal, Bankruptcy, Tax, and Dispute Resolution

Our Students at the Supreme Court

First Legal Eagle Commencement Reunion

Volume 15

North Carolina Central University
SCHOOL OF LAW

of Counsel is a magazine for alumni and friends of North Carolina Central University School of Law.

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The NCCU School of Law publishes the of Counsel magazine. This publication is supported by a Title III grant. Thirty six hundred fifty copies of this issue were printed at the cost of $4.99 each.

Letter from the Dean


Dean Phyliss Craig-Taylor

Dear Alumni:

As I complete my first year as Dean of your law school, I want to thank you for the tremendous support and the well wishes that you have shared with me as I endeavor to follow in a tradition of great service to our students. I am truly honored to be the Dean of North Carolina Central University School of Law and have the opportunity to be part of building on the great legacy that defines our school. My first year has been a year of immense accomplishment, change, and opportunities.

In January, we were privileged to receive an $800,000 grant to provide critical foreclosure assistance to individuals across North Carolina. The funds were provided by the N.C. Housing Finance Agency and originated from a landmark national mortgage settlement with the country's five largest loan servicers. This is indeed a great accomplishment that will enable us to provide critical legal services to our surrounding communities. In March, U.S. News & World Report ranked NCCU School of Law the sixth most popular law school in the nation. The most popular ranking is based on the percentage of accepted applicants that enroll. In addition, your law school also ranked number four in clinical opportunities and was lauded as one of the most diverse law schools.

This year, we welcomed three new members to our administrative staff. Donald R. Corbett, an award-winning professor, now serves as Associate Dean for Academic Affairs and teaches in the areas of Torts, Advanced Torts, and Critical Race Theory. Our new Associate Dean for Finance and Administration is Frank Toliver Jr. Prior to joining the law school, he served as Vice President for Business and Finance at The Charlotte School of Law and has held senior financial positions in other institutions of higher education. Laura Shepherd Brooks is our new Associate Dean of Student Services. Prior to joining NCCU School of Law, she served as a Director of Academic Affairs at New York Law School and Assistant Secretary to the New Jersey Board of Bar Examiners.

Finally, I want to share with you the tremendous opportunity we have to impact our greatest asset, our students. We are currently enhancing our bar exam preparatory program to achieve record breaking bar passage numbers by the year 2016. This year, Kelly Burgess '06 joined us as our Director of Bar Preparation. In this capacity, Attorney Burgess is working with our students beginning in the 1L year to prepare them to pass the bar. In addition, we are enhancing our curriculum to support bar exam success.

Thank you for helping to make my first year as Dean a year of great achievement.

In Truth and Service,

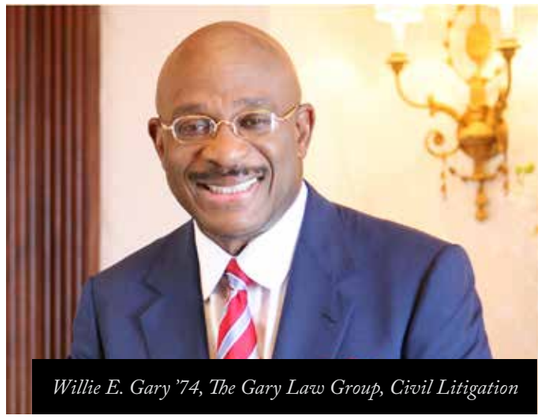
Phyliss Craig-Taylor
Dean and Professor of Law

Readings & Features

Practice-Ready Attorneys

Willie E. Gary (Civil)

Willie Gary chose the law instead of armed resistance to the racism he endured growing up in the 1950s South. Although he has achieved the pinnacle of success as head of his own national firm of Gary, Williams, Finney, Lewis, Watson & Sperando, P.L., Gary is no less passionate about the fight for justice today than he ever was, regardless of the race of the injured party. "I fight for their rights, to stop suffering, and to bring major corporations down to their knees when they're caught doing wrong," said Gary.


Willie E. Gary '74, The Gary Law Group, Civil Litigation

His firm litigates civil cases in 45 states and has earned numerous multi-million dollar settlements — none more spectacular than Gary's $500 million verdict in *O'Keefe v. Loewen*. The Loewen Group was the second-largest funeral home corporation in North America until it was found to have engaged in predatory business practices against local businessman Jeremiah O'Keefe of Biloxi, Mississippi. The Loewen Group had the opportunity to settle for $5 million, but the company chose to contest the case against O'Keefe in a Jackson court, with Gary serving as opposing counsel.

In reference to his media venture, the Black Family Channel, which has been fraught with public discord between Gary and some of his high-profile partners, Gary acknowledged the error in thinking "that because you're good at law, you're good

at everything else." He said, "To go into the TV business was probably the worst decision I ever made.… I am a lawyer, a trial lawyer. I was born to try cases."

In that arena, Gary is as busy as ever. His office serves 1,000 clients and fields up to 1,300 calls a day, many of them seeking Gary's personal attention. His days are full interacting with plaintiffs and staff, and traveling. "It's Savannah today, mediation in Houston later this week, Phoenix for another mediation, and a trial in Jacksonville, Florida."

When asked for a final comment, he answered, "I'm Willie Gary, sharecropper's son. I went to NCCU School of Law and look at me now. I have lawyers working for me from Harvard, Yale, and Princeton, and who signs their paychecks?"

Gray Ellis (Civil)

Gray Ellis' goal was always to become a family lawyer. He wanted to help families cope with crises that were often the worst times in their lives, in whatever way best protected the children. He worked briefly as an attendant at a mental health facility and then as a juvenile court counselor prior to enrolling at NCCU School of Law. With his law degree in hand, Ellis began a family law practice that has earned him recognition as a rising star in the field. He attributes his success to his ability to keep above the emotional fray that attends family law cases. "It's high drama from morning till night," said Ellis. "The real key to survive is to be ready for anything, anticipate everything, and shut it off at 5:00 p.m." He contrasts his calm professionalism with the tendency of some attorneys to identify with their clients' positions, and yell and scream at opposing counsel. "You can't do that," said Ellis. "It shouldn't be personal to us. When you lose that distance, you can't give the best advice."

Gray Ellis '01, Founder, Ellis Family Law

It is the breadth of his experiences that surprises Ellis. When he began practicing, he thought he would work primarily in the background, in the role of mediator. While he does engage in mediation, he is making a name for himself as a litigator. Ellis was lead counsel in a case presented to the North Carolina Court of Appeals that resulted in a new interpretation of divorce law. Until Ellis' appeal, divorcing couples had to wait until one of the pair had vacated the matrimonial home before a pronouncement could be made regarding the initial custody and support of children. Now, that determination can be made in advance of the legal separation, ensuring greater certainty and a smoother transition for the children. Ellis is currently pursuing a similar precedent regarding the "bed and board" provision of divorce law that would enable one spouse to force out the spouse who has committed marital misconduct but refuses to leave.

Given his even temperament and penchant for scholarly work, everyone should watch out for this soaring Eagle. Ellis may someday grace the bench or a classroom podium.

Glenn Adams (Criminal)

As a senior partner in a law firm in one of Fayetteville's leading law firms, Glenn Adams is expected to assume a leadership role in the community. As an African-American senior partner, that responsibility is magnified tenfold. Adams understands and accepts the mantle of service. He was inspired to study law by the presence of Judge Arthur Lane, a Black civil rights attorney living in his neighborhood when he was growing up.

Glenn Adams '84, Senior Partner, Adams, Burge & Boughman, PLLC, Criminal Law

In part, this is why it was important to Adams to manage his own practice. He said, "I always thought there should be a firm in which African-Americans were up front as an example and role model." Adams is called upon to represent his community by politicians and colleagues in the legal profession, and asked for advice and counsel on almost any subject by fellow African-Americans.

There is a downside. "You're always on," said Adams. "Black lawyers are always on duty. Other attorneys don't get that."

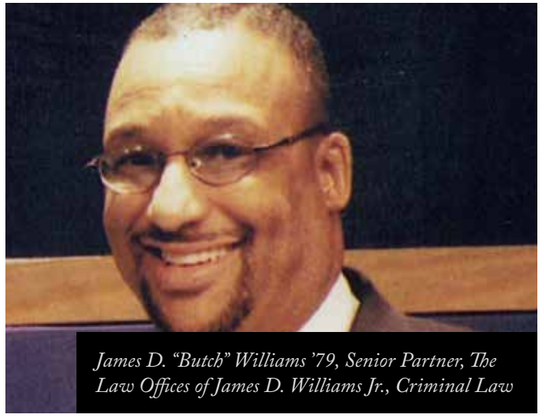
Adams represents defendants in criminal, juvenile, and traffic court. His busy days begin with staff and client meetings before court at 9:00 a.m. Often, there are negotiations with district attorneys until the mid-afternoon, and then it's back to the office for a wrap-up with staff on case progress, and more meetings with clients. Evenings are spent participating in community meetings or events. Former Governor Jim Hunt recognized Adams' unselfish commitment to service with the award of the Order of the Long Leaf Pine in 1998.

Now and in the future, Adams intends to focus more of his attention on the needs of young black lawyers. He organizes monthly forums to teach them about the business and operational side of the practice, and also to dispel courtroom myths. He is attempting to re-create something akin to the meetings of the North Carolina Black Lawyers Association that he attended when he was just starting out. "You got to meet the Chamberses, the Bectons, and the Timmons-Goodsons of the world," said Adams. "Those face-to-face meetings were monumentally helpful to me."

James D. "Butch" Williams (Criminal)

When the call went out to the School of Law alumni to suggest who should receive recognition as one of the top practicing attorney in their ranks, the answer came back resoundingly in favor of choosing James D. "Butch" Williams.

Williams seemed destined for greatness early on. As a third-year law student, when he had trouble reaching Attorney Kenneth Spaulding to request an internship, Williams waited for hours to speak with the senior partner as he left his office one evening. Spaulding agreed to take him on, saying, "Anyone who was that drive deserved the placement."



James D. "Butch" Williams '79, Senior Partner, The Law Offices of James D. Williams Jr., Criminal Law

With his law degree in hand, Williams was immediately admitted to the bar, and then the U.S. Marine Corps as an infantry officer and judge advocate. When his tour ended, Spaulding welcomed him back as an associate. "Within one year, I made him a partner," said Spaulding. "That's how good he was."

Williams remained with Spaulding for 10 years and opened his own practice in criminal, sports, and entertainment law in 1996. He was one of the defense attorneys in the Duke lacrosse, Michael Vick, and Wesley Snipes cases, and he has represented numerous NFL and NBA draft picks and Pro Bowl players. Despite a recent illness, Williams was engaged in the NFL draft again this year.

"As much as he is a great lawyer, he's even a greater person," said Lowell Siler '79, classmate, friend, and former colleague. "It's remarkable how much free legal services he has provided to NCCU students and to so many others who needed his help." Siler attributes Williams' success to this generous spirit, his striving for perfection, and his impeccable honesty and integrity. "Young lawyers may think that the way to success is to be slick, fast, and loose with the truth," said Siler, "but the way Butch did it was the right way — by being totally honest."

While classmate and NCCU School of Law Assistant Dean Pamela Glean '79 appreciates Williams' nearly 20 years of service as an adjunct professor, she claims his greatest accomplishment to date is his recovery, "Now, he's tackling his illness just like everything else in his life — full steam ahead."

Ciara L. Rogers (Bankruptcy)

As a child, Ciara Rogers wanted to be a doctor; that is, until she learned that doctors have to give shots and look at blood. At that point, Rogers quickly moved to the next profession on her list and decided to become a lawyer.

Rogers came to NCCU School of Law with the intention to study small business law until she took a class with Associate Professor Susan Hauser. Hauser's passion for bankruptcy changed the direction of Rogers' career. "Bankruptcy touches on every other aspect of the law and it never gets boring," said Rogers.

Shortly after graduation, Rogers clerked for Bankruptcy Court Judges J. Rich Leonard and Randy Doub, and was subsequently invited to join the law firm of Oliver Friesen Cheek PLLC, in New Bern, North Carolina. "Our cases don't fit the stereotype of people who've run up their credit card debt frivolously," said Rogers.

With the onset of the subprime mortgage crisis, Rogers' clients include commercial and residential builders and building supply company owners, couples undergoing divorce, retirees who lost the corpus of their retirement fund, and those with serious medical conditions who lost their health insurance when they lost their jobs. Rogers knows that people find themselves in need of bankruptcy relief for all kinds of reasons. "Many clients have been brought to bankruptcy despite their best efforts," said Rogers. "It's humbling, but also inspiring when I can help turn things around for people."

Rogers warns that the next crisis is around the corner, and it is student loan debt, adding, "It's very difficult to discharge student loans." CNBC reported that delinquency in student loan payments surpassed that of credit card debt for the first time in the third quarter of 2012. A menacing combination of high debt and failure to earn the degree, particularly among students who attended for-profit colleges, is directly contributing to high nonpayment rates. According to the U.S. Department of Education, students attending for-profit colleges have double the default rate of students who attended public universities. "Student loan default is the next housing bubble, and now is the time to prepare for it," said Rogers.

Ciara L. Rogers '09, Associate, Oliver Freisen Cheek PLLC, Bankruptcy Law

Diana Santos Johnson (Bankruptcy)

"I didn't come from a family of lawyers, so I didn't really know what one did," said Diana Santos Johnson. It was not until an internship at the Land Loss Prevention Project that she learned how she could help people as a lawyer by using the law to preserve property that had been in families for generations. She found it so rewarding, she returned to Land Loss after graduation from NCCU School of Law. As an attorney there, she learned how bankruptcy laws — particularly Chapter 12 — can assist farmers to restructure their debt and avoid the loss of their family farms.

Diana Santos Johnson '09, Legal Aid of North Carolina, Inc., Bankruptcy Law

The experience at Land Loss inspired Johnson's interest and current work in foreclosure prevention and defense at Legal Aid of North Carolina, Inc. "Our clients are right on the cusp of losing their homes," said Johnson. She spends most of her days on the phone with banks to arrange loan modifications, in court representing homeowners at foreclosure hearings, or evaluating them for bankruptcy with the ultimate goal of saving their home. Johnson finds foreclosure prevention work satisfying because it results in "more success and happier clients" than she encounters with some of the other cases she pursues.

In addition to mortgage foreclosure and bankruptcy work, Johnson also handles other civil cases involving unemployment insurance benefits, public benefits, and housing matters for clients who may not have knowledge or understanding of their rights in these areas. "As long as the economy is in crisis," said Johnson, "there are many more people who qualify for our services than we can begin to assist."

In 2007, the Raleigh *News & Observer* stated that for every client served, eight were turned away, and that was before the foreclosure crisis. "We accept cases according to a triage system of guidelines and cannot help everyone who qualifies for our services," said Johnson. "Most people don't realize that there's no guarantee of legal services for civil matters. You have no right to an attorney to help you save your home."

Nina E. Olson (Tax)

Nina Olson began her professional career as an artist, and she plans to return one day to designing textiles and clothing. For now, she serves at the pleasure of the Secretary of the Treasury. As the National Taxpayer Advocate, she is the lone voice at the IRS speaking on behalf of the American taxpayer in her testimony and twice-yearly report to Congress. In the Annual Report of December 2012, Olson railed against the 4-million-word tax code, and decried Congress's propensity to cut the only unit of government that returns seven dollars for every dollar invested. She told Congress that underfunding the IRS also cripples responsiveness to the taxpayer who may have been the victim of identity theft or a mistaken assessment, increasing cynicism and decreasing compliance.

The journey from starving artist to head of a government unit of 2,200 employees began with that byzantine tax code. Olson learned to navigate the tax return as a self-employed artist, and became the go-to person for tax assistance in her artistic community. That facility turned into a small business in tax preparation. She enrolled in law school to gain a greater understanding of the code, and she chose NCCU for the flexibility of our evening program. "The Law School at NCCU really did make it possible for a single parent to go to law school," said Olson. "It was hard and long, but it was the only way I could have become a lawyer."

Nina E. Olson '91, National Taxpayer Advocate, Tax Law

Olson completed her formal education at Georgetown University Law Center, earning a master's degree in law and taxation. Next, she established the first low-income taxpayer clinic in the country that was unaffiliated with a law school. It was in this capacity that she was first called to testify before Congress regarding the tax challenges faced by the poor, and it led to her job as the nation's advocate.

"Not a day goes by that I don't confront the distrust that results from how the IRS treats taxpayers," Olson said. "But I'm fortunate to be in a job where I can make a difference."

Wayne A. S. Hamilton (Tax)

The Wal-Mart Corporation tends to dominate *Fortune* magazine's annual list of America's largest companies, based on gross income. According to dailyfinance.com, if Wal-Mart, with its $400 billion in annual sales, were a country, it would have the 25th largest economy in the world.

It should come as no surprise that Wal-Mart would have a complex relationship with the IRS. Wayne Hamilton '90 is the man who mediates that "arranged marriage." He supervises Wal-Mart's Compliance Assurance Process Audit or CAP.

Rather than hold the tax return until the deadline, Hamilton conducts a continuous audit for Wal-Mart Stores in concert with the IRS throughout the year. Certainty about Wal-Mart's tax liability in the future adds security to its planning and decision-making in the present.

"As you complete significant transactions, you are also having a discussion with the IRS at the same time," explained Hamilton. "Traditionally, audits are after the fact. In this case, by allocating resources early, we are getting things done in real time." Hamilton has only three people on his team, but he works with many cross-functional teams that submit to his office income, employment, and excise tax information.

Hamilton earned his master's degree in tax law from the University of Florida, but he gives enormous credit for his success to the four years he worked outside the practice of law in a family-owned, automotive sales company, JM Family Enterprises Inc. Prior to that experience, he encountered business colleagues who questioned his decision-making because his training was in the law rather than business. At JM Family, "someone finally sat the leadership down and let them know a law degree is akin to an MBA in terms of processing information."

Wayne A. S. Hamilton '90, Senior Director, Wal-Mart Stores Inc., Tax Law

Hamilton looks forward to finding opportunities to give back and to encourage greater minority participation in the field of tax law. "The question becomes, how do you use your influence and your position to have a greater influence in your community?" said Hamilton. "You have to have meaning to your life outside of your day-to-day job."

Ann M. Shy (Dispute Resolution)

Ann Shy's original motivation to learn about the law was to strengthen her arguments so that she could promote change in health policy and regulation. With an executive master's degree in health policy and administration, she knows all about objective science. She also knows that science can be relegated to the back seat when legislating issues involving sex, sexuality, and women's health.

However, with Shy's introduction to dispute resolution at NCCU School of Law, she redirected her career to this field of legal practice. Alternative dispute resolution (ADR) seeks to avoid the typical adversarial approach and resolve problems in a manner that better preserves the relationship between the parties in conflict. "I focus on two things," said Shy, "the rules, and the dance of negotiation to move everyone forward." Still, when ADR fails, she does not hesitate to take the fight to court.

Shy struggles with the inability of low-income clients to pay for her services, saying, "There is no insurance card for legal fees." She finds herself subsidizing those who cannot pay the high out-of-pocket costs. "It's a challenge for me to keep a good mix of clients and keep the lights on," Shy said. She explains that Legal Aid is so underfunded that its attorneys can take only the most serious cases. "But routine separation and divorce can really change people's lives," said Shy.

Ann M. Shy '09, Solo Practitioner, Ann Shy Firm PLLC, Dispute Resolution

When Shy wants a break from legal disputes, she turns to prisoner reentry mediation. She engages prisoners in confidential discussions about the supportive relationships they need in place to help ensure their successful transition to life outside of prison. Then she brings them together with their significant others to hammer out detailed behavioral and outcome agreements, to be initiated upon their release. Shy was awarded a grant to establish reentry mediation here in North Carolina, modeled after a program in Maryland.

Now, Shy would like to bring together her skills in ADR and her public health background to engage in conflict resolution for FEMA during emergencies like our recent, devastating storms. "When there is a crisis, you can't afford to have conflicts going on along the chain of command," said Shy.

The Loving Story: A Conversation with Susie Ruth Powell

Assistant Dean Pamela S. Glean '80 introduces Susie Ruth Powell

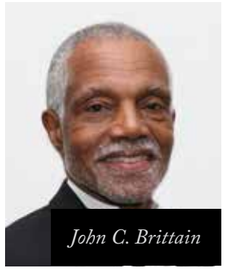
On November 7, 2012, NCCU School of Law students, faculty, and staff had the privilege of engaging in an insightful conversation with former NCCU Law Professor Susie Ruth Powell about her role as co-author of HBO's award-winning documentary film, The Loving Story.

The film, which has also won a Peabody Award and received three Emmy Award nominations, is based on the story of Richard and Mildred Loving. The Lovings were an interracial couple who lived in Virginia in the 1950s, and their legal struggle to live as husband and wife. Powell discussed the importance of the case, *Loving v. Virginia*, 388 U.S. 1 (1967), a landmark civil rights decision of the United States Supreme Court that invalidated laws prohibiting interracial marriage.

Powell shared insight into the making of the film and the filmmaker's successful efforts to document the personal struggle and great sacrifice that the Lovings endured to live as a married couple. She also shared clips from the program, and told the rapt audience how the case was brought by Mildred Loving, a Black woman, and Richard Loving, a White man, who had been sentenced to a year in prison in Virginia for marrying each other. Their marriage violated the state's anti-miscegenation statute, the Racial Integrity Act of 1924, which prohibited marriage between people classified as "White" and people classified as "Colored." The Supreme Court's unanimous decision held this prohibition was unconstitutional, overturning *Pace v. Alabama* (1883), and ending all race-based legal restrictions on marriage in the United States.

Powell received her juris doctor from Case Western Reserve in 1970 in the first wave of women law students and was one of two black women to graduate. Soon after passing the Ohio bar, she sued the United States on behalf of poor people living in substandard federal housing in the case *Garden Valley Tenants Association v. James Lynn*. Powell practiced poverty law in North Carolina and Ohio, and taught contracts and trial practice at NCCU School of Law. Powell is currently focusing on a fictional account of the Wilmington Race Riots of 1898, the seminal event that ushered in Jim Crow to North Carolina.

Charles Hamilton Houston Chair: John C. Brittain



John C. Brittain

NCCU School of Law is honored to have John C. Brittain serving as the Charles Hamilton Houston Chair for constitutional and civil rights law. Professor Brittain is a strong advocate of civil rights with an emphasis on pursuing the comparability and competitiveness for historically black colleges and universities (HBCUs). Indeed, he earned a bachelor's degree (1966) and juris doctor (1969) from Howard University. He is admitted to practice in Connecticut, Mississippi, California, and associated federal courts. He is currently a part of a legal team representing private plaintiffs in a federal lawsuit against the State of Maryland, based upon Maryland, denying certain historically Black institutions of higher learning – Morgan, Coppin, Bowie, and Maryland Eastern Shore Universities, comparable and competitive opportunities with traditional white universities.

Brittain is a tenured professor of law at the University of the District of Columbia, David A. Clarke School of Law. In the past, he has served as Dean of the Thurgood Marshall School of Law at Texas Southern University in Houston, a veteran law professor at the University of Connecticut School of Law for 22 years, and the Chief Counsel and Senior Deputy Director of the Lawyers' Committee for Civil Rights Under Law in Washington, D.C., a public interest legal organization started by President John F. Kennedy to enlist private lawyers to take pro bono cases in civil rights.

He also has been the president of the National Lawyers' Guild, a member of the Executive Committee and the Board of the ACLU, a long-time member of the National Conference of Black Lawyers (NCBL), and legal counsel to the NAACP at the local level and national office of the General Counsel. In 1993, the NAACP awarded Professor Brittain the coveted William Robert Ming Advocacy Award for legal service to the NAACP without a fee. The Ming Award was named in honor of a former African-American law professor at the University of Chicago and a brilliant civil rights lawyer who closely worked with Thurgood Marshall.

The Charles Hamilton Houston Endowed Chair was established by Frank Anderson and Susan Powell to bring a prominent civil rights law professor to the School of Law to lecture in the areas of constitutional and civil rights law. The Chair has been held by such attorneys as Judge Charles Becton, Fred Gray, Julius Chambers, Alvin Chambliss, Jr., and Janelle Byrd-Chichester.

NCCU School of Law Receives Grant to Provide Foreclosure Aid

The NCCU School of Law received $800,000 to provide critical foreclosure assistance to individuals across North Carolina. The funds are provided by the N.C. Housing Finance Agency and originate from a landmark national mortgage settlement with the country's five largest loan servicers.

Through the new Consumer Financial Protection Clinic, the law school will provide foreclosure defense and prevention services to citizens in the Durham area and across the state through its nationally recognized legal clinic and TALIAS (Technology Assisted Legal Instruction and Services), a high definition video-conferencing project. The TALIAS project enables clinic attorneys to meet with clients at four partner universities, Elizabeth City State, Fayetteville State, N.C. A&T, and Winston-Salem State, as well as at Legal Aid and Legal Services offices across the state.

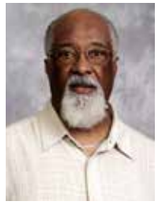
"This grant builds on the foreclosure services the school provided last year through TALIAS," said Phyliss Craig-Taylor, Dean of the School of Law. "It strengthens the law school's strong history of delivering legal and educational services to economically and legally vulnerable communities."

Distinguished alumni award presented at the first Legal Eagle Commencement Reunion

Faculty Spotlights

Professor Susan E. Hauser

received the 19th Annual Award for Excellence in Teaching from the UNC Board of Governors on May 11, 2013. "This is really a tremendous honor, and it is the highest award available to me as a teacher. It is a university-level teaching award, awarded to one person on each of the 17 UNC institutions every year." Additionally, in October of 2012, Professor Hauser received the Editors' Prize from the American Bankruptcy Law Journal. "The ABLJ is a peer-reviewed journal, and there actually is a Board of Editors that votes on this prize. The Editors' Prize is awarded to the best article from the previous year, and this is the top thing out there in the world of bankruptcy professors. I was happy just to publish an article in this journal, and I was completely floored to get this."



Professor Irving Joyner

Operating under the theme that "Power concedes nothing without a demand," the Institute of the Black World (IBW) 21st Century awarded Professor Irving Joyner its Legacy Award during its annual conference on November 17, 2012, at Howard University in Washington, D.C. This Legacy Award specifically targeted Professor Joyner's successful efforts in pursuing and obtaining justice for the Wilmington Ten and for his lifelong efforts and dedication to civil rights and equal justice. The award was presented by Dr. Ron Daniels, President of IBW.

Professor Gregory Malhoit

was the December 2012 recipient of the Order of the Long Leaf Pine, one of the most prestigious awards presented by the governor to individuals who have a proven record of extraordinary service to the state. State employees can be awarded the Order if they have contributed more than 30 years of dedicated and enthusiastic service to the state of North Carolina. Contributions to the community and extra effort in their careers are some of the criteria for selection of recipients.

Dean Phyliss Craig-Taylor

was named one of the 100 most influential Black lawyers for 2013 in *On Being a Black Lawyer Power 100*. She was saluted, along with the other honorees, for her efforts to advance diversity in the legal profession.

Students Visit the U.S. Supreme Court

Edited by Brenda D. Gibson '95

Professor April Dawson's Supreme Court Seminar class had the opportunity to observe oral arguments firsthand this spring on a trip to the Supreme Court arranged by Dawson. The students were also able to meet with the Clerk of the Supreme Court, General William Suter. Attendee Kristi Strawbridge (Class of 2014) provided an account of her experience:

The visit to the Supreme Court benefited us as students and our law school. Professor Dawson, through her contacts and networking with Supreme Court officials, was able to obtain reserved seating for our class to hear oral arguments. Observing these arguments reinforced what we had learned during our in-class discussions about the workings of the Court. Hearing the questions posed by the Justices during oral argument helped me to realize that the level of preparation for both the advocates and Justices is great. Additionally, it made me appreciate that attorneys arguing a case (in any court) needed to have knowledge beyond the particular issues presented to be effective advocates. It gave me a new appreciation for both the advocates and the Justices.

It was quite impressive that officials at the Supreme Court took time out of their busy schedules to recognize us during our visit. Professor Dawson's continued interest in providing our students with the opportunity to observe court proceedings before our nation's highest court does not go unappreciated.

We all have gained a great respect for this prestigious institution that we study in great detail in many of our law school courses. Our experiences at the Court could not have been taught in a classroom or learned by reading a textbook. Taking this course has inspired a new interest in appellate law, and my trip to the Supreme Court will certainly inspire me in my continued study of the law.

After this trip, we can all share our experiences with our fellow students. Hopefully, they will be inspired to take the class and the trip, as well.

General Suter (center), Prof. April Dawson (far right), and students at the Supreme Court

PILO Auction

The Public Interest Law Organization hosted its first annual silent auction and banquet in November at the law school. The event allowed students, alumni, and PILO affiliates to network and raise stipend funds for students interested in public interest work.

Professor Gene Nichol, director of the UNC Center on Work, Poverty and Opportunity, was the keynote speaker. Items for auction were donated by law school professors and local businesses. Donations included gift baskets, gift cards from spas, basketball tickets, an iPod Touch, a $500 Kaplan bar prep scholarship for a 3L, and many lunches and dinners by professors. The big ticket item was Professor Fred Williams' hair – he donated his locks to PILO. An anonymous bidder won with a $200 bid and donated the haircut to the PILO Board. The banquet was sponsored by Attorney Geoffrey Simmons.

Geoffrey Simmons, Professor Page Potter, and Larry Brown Jr. at the PILO auction.

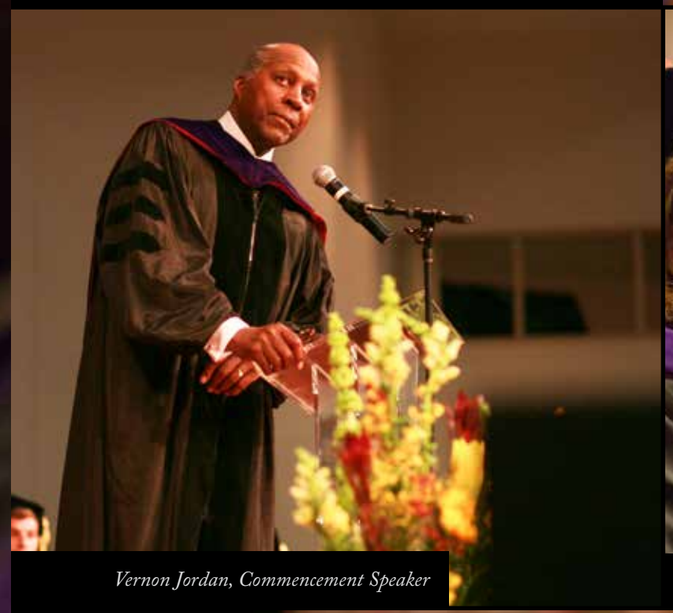
Professor Gene Nichol (center) with members of the PILO Board

NCCU School of Law Voted Most Popular by U.S. News & World Report

NCCU School of Law was voted "Most Popular" by *U.S. News & World Report* for a second consecutive year. The law school was ranked number six, just behind Yale and Harvard University. The ranking is an improvement from last year, when it was ranked tenth.

The *U.S. News* surveys 200 fully ABA-accredited law schools based on the school's self-reported data regarding, among other things, academic programs and makeup of the student body.

Megan Albaugh '13, Dayo Aladeniyi '13, and Krystle Acevedo '13



Vernon Jordan, Commencement Speaker

Victoria Neal '13 and Nana Nti '13

James Smith '69, Ruth Franks '73, and Rev. Charles Miller '73

Frances McDuffie '13 and Carol Mclean '13

2013 Commencement Ceremonies

Commencement exercises for the Class of 2013 were held on May 11 at King's Park International Church in Durham. Vernon Jordan, lawyer, business executive, and renowned civil rights activist, served as the keynote speaker. Jordan is a leading figure in the civil rights movement, and was chosen by President Bill Clinton as a close adviser. He has become known as an influential figure in American politics. Jordan spoke to the 156 graduates about his career beginnings, the challenges he faced due to the social climate of the time, and life lessons learned along the way.

Alumni Events

Welcome Reception for Dean Phyliss Craig-Taylor

NCCU School of Law, faculty, staff, alumni, and friends welcomed Phyliss Craig-Taylor as the new Dean with a reception on September 21, 2012. Dean Craig-Taylor, a veteran educator, rejoined the law school after having served as a professor of law from 2000-2006.

Donald Gwin, Patsy Matthews '86, Dean Phyliss Craig-Taylor, and Gerald Taylor

Dean Phyliss Craig-Taylor with family

Alumni Receptions

With the gracious assistance of alumni, NCCU School of Law hosted the following receptions this year:

Elizabeth City, NC

The Elizabeth City Alumni Reception, hosted by G. Wendell Spivey '76 and The Honorable J. Carlton Cole '87, was held at Montero's Restaurant on October 2, 2012.

Fayetteville, NC

The Fayetteville Alumni Reception, hosted by Glenn Adams '84 and Mike Williford '83, was held at the law firm of Adams Burge & Boughman on October 3, 2012.

Washington, D.C.

The Washington, D.C., Alumni Reception, hosted by Akela Crawford '11, Donna Douglas '84, Stephen Redmon '87, and the Honorable Sommer Murphy '08, was held at the 1331 Lounge & Bar at the JW Marriott on November 9, 2012.

Akela Crawford '11, Stephen Redmon '87, and Hon. Sommer Murphy '08

Atlanta, GA

The Atlanta Alumni Reception, hosted by Senator Leroy Johnson '57, was held at his home on November 15, 2012.

Senator Leroy Johnson '57 and Dean Phyliss Craig-Taylor

Lumberton, NC

The Lumberton Alumni Reception, hosted by Arnold Locklear '73, was held at Adelio's Restaurant on December 6, 2012.

Raleigh, NC

The Triangle Alumni Reception (Raleigh, Durham, and Chapel Hill alumni), hosted by Leonard Jernigan '76, A. Root Edmonson '76, the Honorable Wanda Bryant '82, the Honorable Rick Elmore '82, Victor Boone '75, William Dudley, Sr. '76, Joe Mitchiner '76, Jay Chaudhuri '99, William Polk '99, Hugh Harris '03, Robert L. Brown '04, Sarah Carr D'amato '08, and Sarah Jessica Farber '08, was held at the N.C. Court of Appeals on April 10, 2013.

Dean Phyliss Craig-Taylor and Raleigh area alumni

Tonnie Villines '88 (center), Dean Phyliss Craig-Taylor, and area alumni

Richmond, VA

The Richmond Alumni Reception, hosted by Tonnie Villines '88, was held at the Tobacco Company Restaurant on April 12, 2013.

New Bern, NC

The New Bern Alumni Reception, hosted by Ciara Rogers '09, Darnell Parker '96, and Anita Powers-Branch '84, was held at the law firm of Oliver Friesen Cheek PLLC on April 30, 2013.

Dean Phyliss Craig-Taylor and New Bern area alumni

Asheville, NC

The Asheville Alumni Reception, hosted by Eugene Ellison '83, was held at Pack's Tavern on May 3, 2013.

Greensboro/Winston-Salem, NC

The Greensboro/Winston-Salem Alumni Reception, hosted by Charles Blackmon '88, Angela Newell Gray '94, and Helen Parsonage '06, was held at the Sheraton Four Seasons on May 22, 2013.

Charlotte, NC

The Charlotte Alumni Reception, hosted by Bartina Edwards '04, Norman Butler '78, Kenneth Snow '00, and Tanisha Johnson '07, was held at the Judge Clifton E. Johnson Building on May 29, 2013.

Dean Phyliss Craig-Taylor (center), the host committee, and area alumni

First Legal Eagle Commencement Reunion

Participants in the first Legal Eagle Commencement Reunion: Ralph Frasier '65, Beryl Sansom Gilmore '70, Anderson Council '69, Shelia Parrish-Spence '72, Frank Ballance Jr. '65, E. Yvonne Pugh '73, Timothy Crawford '69, Charles Miller '73, James Smith '69, Ruth Franks '73, A. Leon Stanback '68, and Dean Phyliss Craig-Taylor

The North Carolina Central University School of Law held its First Legal Eagle Commencement Reunion on May 10 and 11, 2013.

The reunion celebration for the classes of 1948-1973 began with an awards banquet on Friday at the law school. Dean Harry Groves served as the keynote speaker. Dean Groves, while serving as Dean from 1976 until 1981, created the evening program. Groves taught in all of the buildings that have ever housed the law school, beginning in 1949. During the banquet, the Distinguished Alumni Award was presented to Senator Leroy R. Johnson '57, Ralph K. Frasier '65, and Arnold Locklear '65.

On Saturday, alumni attending the reunion were recognized during the 2013 NCCU Law School Commencement Exercises. Judge Beryl Sansom Gilmore '70 brought greetings to the graduates on behalf of attending alumni. The commencement reunion culminated with a Carolina BBQ jazz luncheon at the Hilton Garden Inn. Thank you to all of the alumni who attended and the class agents for the reunion, Judge Sammie Chess, Jr. '58, Judge A. Leon Stanback '68, and Judge Beryl Sansom Gilmore'70.

Senator Leroy Johnson '57, Hon. Sammie Chess, Jr. '58, and Dean Phyliss Craig-Taylor

Ruth Franks '73 and E. Yuonne Pugh '73

Ralph Frasier, Jr. '94 with family and friends

Senator Leroy Johnson '57, his wife Cleopatra Johnson, Hon. Sammie Chess, Jr. '58, and his wife Sandra Chess

Senator Leroy Johnson '57

Alumni News

Alumni Appointed to Board of Directors for the National Organization of Social Security Representatives (NOSSCR)

Two NCCU Law School alumni were appointed to the Board of Directors for the NOSSCR at their National Conference in Seattle, Washington. Lawrence Wittenberg '84 was reappointed as a representative of the Past Presidents Council. Wittenberg was first elected from the Fourth Circuit in 1999 and served on the Board of Directors as treasurer, secretary, vice president, and president. Rick Fleming '01 was elected to the board as the new Fourth Circuit representative.

Nathan Baskerville '06

was sworn in as the new state representative for Vance, Granville, and Warren counties on January 9, 2013, in the N.C. House of Representatives. His father, the Honorable Randolph Baskerville '76, read the oath of office and officially swore in his son. Afterward, Baskerville joined the other 119 members of the House for the official ceremony.

Baskerville will serve on the following committees: Judiciary Subcommittee C, Appropriation Subcommittee on Transportation, Insurance, Regulatory Reform, Agriculture, and Health and Human Services.

Hon. Randolph Baskerville '76, Sarah Baskerville, and Nathan Baskerville '06

DeWarren K. Langley '11

was awarded the prestigious 2013 Outstanding Citizen Spectrum of Democracy Award in honor of his vital contributions to make North Carolina's democracy and government better, specifically for his work to create genuine and meaningful opportunities to engage youth with policymakers through the Durham Youth Commission and Kids Voting Durham. The Award was conferred by the North Carolina Center for Voter Education at the Raleigh Marriott City Center on February 21, 2013.

Gale Murray Adams '84

was elected as Superior Court Judge for the 12th Judicial District of North Carolina in the November election. She was sworn in on January 4, 2013, at the Cumberland County Courthouse. Adams served as a

Hon. Gale Murray Adams '84

federal public defender for nearly two decades and ran unopposed in the November election. She will replace the Honorable Gregory Weeks, who recently retired.

Emily Dickens '02

accepted a position as Assistant Vice President of Federal Relations for the University of North Carolina System. Dickens served as the Director of Government and Community Affairs for the Chancellor's Office at Fayetteville State University prior to accepting the Assistant Vice President position.

Paula Hankins '94

was elected as District Court Judge for the 13th Judicial District of North Carolina in the November election.

Hon. Paula Hankins '94

She was sworn on January 2, 2013, at the Brunswick County Courthouse. Hankins has 18 years of progressive legal experience, served as an arbitrator judge for 13 years, was awarded the 2011 N.C. Governor's Award for Volunteer Service, and serves as President of the Brunswick County Bar Association.

Frank S. Turner '73

will become the vice chairman of the Ways and Means Committee in the Maryland House of Delegates. Turner has served as chair of the House of Delegates' Finance Resources Subcommittee since 2007.

Aliste Harris '09

accepted a position at the Southern Environmental Law Center in the Atlanta office. Harris, who also has a bachelor's degree from Spelman College and a master's of public administration from Kennesaw State University, has worked as an attorney in the Tort Litigation and Environmental Practice Group at King & Spalding's Atlanta office since 2010. Prior to that, she was a law clerk at the White House Council on Environmental Quality, summer associate at Smith, Gambrell & Russell, and a judicial intern with the North Carolina Court of Appeals. She is also on the Georgia Conservancy Generation Green's Board.

Chandler Vatavuk '07

has been named as one of the Ten Outstanding Young Americans (TOYA) of 2012 by the Jaycees. The TOYA Award recognizes those aged 18 to 40 who exemplify the best our country offers and has included Presidents John F. Kennedy, Gerald Ford, and Bill Clinton. Vatavuk's work as an advocate for at-risk youth was specifically honored.

LaKeisha Randall '11

accepted the position of Senior Law Clerk at the Municipal Court for the City of Atlanta, where she will support all seven judges of the court. Randall has also recently published her first article through the American Bar Association's litigation section, and is writing a full-length article on class actions in the fall.

William S. Eubanks II '07

was recently invited to join the faculty of American University's Washington College of Law as an adjunct associate professor of law, where he will be teaching a course on environmental law and agricultural policy. Eubanks is also an adjunct law professor at Vermont Law School and an attorney at one of the nation's leading public interest environmental law firms, Meyer Glitzenstein & Crystal, in Washington, D.C.

Dale Deese '89

was the 2012 recipient of the Deborah Greenblatt Outstanding Legal Services Attorney Award presented at the Pro Bono Service Awards in June at the North Carolina Bar Association's annual meeting in Wilmington. Deese is the senior managing attorney for Legal Aid of North Carolina in the Pembroke office, and serves on the United Tribes of North Carolina Board and the North Carolina Indian Business Association.

Michael R. Morgan '79

was recently entered into the National Judicial College's Hall of Honor for 20 consecutive years of faculty teaching longevity at the National Judicial College (NJC). Judge Morgan is a Superior Court judge in the General Court of Justice for the State of North Carolina, and is the first and only judge from North Carolina to have 15 or more years of service on the faculty at the NJC and to be recognized on the Hall of Honor.

Brian O. Beverly '95

was selected for a second consecutive year as a "Super Lawyer" in the *North Carolina Super Lawyers* 2013 publication. Beverly centers his practice on the defense of transportation liability claims involving large commercial vehicles, insurance coverage litigation and medical negligence cases at Young Moore and Henderson, P.A. in Raleigh.

Brian O. Beverly '95

Super Lawyers is a rating service of outstanding lawyers from more than 70 practice areas who have attained a high degree of peer recognition and professional achievement. The selection process is multi-phased and includes independent research, peer nominations, and peer evaluations.

Jade M. Cobb '08

has joined Littler Employment & Labor Solutions Worldwide. Cobb focuses her practice on employment law and employment discrimination litigation. She represents employers in the litigation of claims arising under federal and state law. Prior to joining Littler, Cobb was an associate at another labor and employment firm. During law school, she completed an externship with the Honorable Judge Richard A. Elmore at the North Carolina Court of Appeals. She also completed a legal internship with a world wide tire manufacturer.

Lorrie L. Dollar '84

was named chief deputy secretary of administration for the Department of Public Safety by Secretary Kieran Shanahan. In private practice, Dollar handled administrative and civil litigation, and transactional matters with the law firm of Stephenson, Gray and Waters. She was also appointed to the Dispute Resolution Commission in 2012, and has served as chief deputy state auditor, deputy commissioner with the N.C. Industrial Commission, and a staff attorney with the Department of Human Resources.

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The Abolitionists

JANE DAILEY ON *THE LOVING STORY*

Laws governing interracial sex and marriage followed the arrival of the British in North America in the seventeenth century and lasted for more than three centuries. These laws remained on the books in many states until 1967, when the United States Supreme Court found them unconstitutional in *Loving v. Virginia*, its only civil rights decision ever to appeal to fundamental principles of "vital personal rights."

Prior to the Civil War, the Constitution guaranteed individual rights only against the federal government. After the Civil War, however, the Fourteenth Amendment (1868) expressly defined national citizenship and prohibited any state to deprive any person of "life, liberty or property without due process of law," to deny any citizen the "privileges and immunities" of citizenship, or to deny any person "the equal protection of the laws."

After the Supreme Court effectively neutralized this amendment through its decisions in the *Civil Rights Cases* (1883) and *Plessy v. Ferguson* (1896), southern states built legal barriers between blacks and whites in nearly every aspect of life. Blacks and whites were nursed in separate hospitals, educated in separate schools, buried in separate cemeteries, and forbidden to marry each other in the majority of American states, especially in the West, like California.

For segregation to work, people had to be racially categorized by law. Depending on the state and the decade, people who were more than one-fourth black, one-eighth black, one-sixteenth black, even one-thirty-second black, were categorized for the purpose of Jim Crow as "non-white." Even so, racial identity was mutable and grounded in behavior as well as genealogy. Recognizing decades of white men's sexual relationships with black women, usually slaves, an 1835 South Carolina statute explained that a person's racial status "is not to be determined solely by the distinct and visible mixture of negro blood, but by reputation, by his reception into society, and his having commonly exercised the privileges of a white man." This "social construction" of "race" allowed for some flexibility within the white supremacist regime, which ironically enabled states to harden the boundaries between black and white.

By 1900, white supremacy and racial purity had become articles of civic faith and Jim Crow laws abounded. Virginia's 1924 Act for the Preservation of Racial Integrity was the logical culmination of this trend, and provided that any trace of nonwhite ancestry (the infamous "one drop" rule) defined someone as ineligible to marry anyone defined as white. This statute became the blueprint for Nazi Germany's 1935 Blood Protection Law, which prohibited the marriage of gentiles and Jews.

The secular racial regime was backed up by the belief of many white southern Christians that segregation was God's will, that God separated the races to preserve their purity, and that disobeying that plan was blasphemous. Civil rights leaders responded with religious arguments of their own, insisting that "segregation is a blatant denial of the unity which we all have in Jesus Christ." The "God is on our side" argument became a staple of civil rights advocates, but was fiercely resisted by white champions of racial segregation.

Unlike voting rights and segregated public education, racially restrictive marriage laws were never challenged on a mass level. Neither were they of special interest to the National Association for the Advancement of Colored People (NAACP), the Southern Christian Leadership Conference (SCLC), Congress, or the executive. This was in marked contrast to the emerging category of human rights associated with the United Nations, whose 1948 Universal Declaration of Human Rights condemned bans on interracial marriage and upheld freedom of choice in marriage.

Preceded by a 1942 decision that defined marriage and procreation together as "one of the basic civil rights of man" that could not be restricted in the absence of a compelling state interest, the Supreme Court finally declared racially restrictive marriage laws unconstitutional.** In *Loving*, a unanimous Court explained that "the freedom to marry has long been recognized as one of the vital personal rights essential to the orderly pursuit of happiness by free men. . . . To deny this fundamental freedom on so unsupportable a basis as the racial classifications embodied in these statutes, classifications so directly subversive of the principle of equality at the heart of the Fourteenth Amendment, is surely to deprive all the State's citizens of liberty without due process of law. . . . 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."

***The 1967 case Loving v. Virginia was a suit brought by Mildred and Richard Loving, an interracial couple, to overturn the 1924 Virginia act.*

Jane Dailey is Associate Professor of American History in the Department of History, the College, and the Law School at the University of Chicago. She is the author of several books about the post-emancipation South, including Before Jim Crow: The Politics of Race in Postemancipation Virginia *and* The Age of Jim Crow: A Norton Documentary History.

HUMANITIES THEMES FROM *THE LOVING STORY*

THE SOCIAL CONSTRUCTION OF RACE:
Racial identity was composed of many elements, some genealogical, some social. Violators of racially restrictive marriage laws undermined clear notions of "race" and contributed to a southern disposition towards anxiety about racial identity.

RELIGION AND SOCIAL MOVEMENTS:
Both sides of the Civil Rights Movement rooted their positions in Christian righteousness, bringing religion back into civil discourse in a way not seen since the abolitionist movement.

CIVIL RIGHTS AND HUMAN RIGHTS:
The fight for civil rights merged in the mid-twentieth century with new arguments for human rights that broadened the spectrum of fundamental freedoms.

LAW AND SOCIAL MOVEMENTS:
The repeal of anti-miscegenation laws was accomplished entirely through the courts, and highlights the complementary roles of mass protest and judicial intervention.

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FOR RELEASE MAY 18, 2017

Intermarriage in the U.S. 50 Years After Loving v. Virginia

One-in-six newlyweds are married to someone of a different race or ethnicity

BY *Gretchen Livingston and Anna Brown*

FOR MEDIA OR OTHER INQUIRIES:

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Terminology

The term "intermarriage" refers to marriages between a Hispanic and a non-Hispanic, or marriages between non-Hispanic spouses who come from the following different racial groups: white, black, Asian, American Indian, multiracial or some other race.[1]

In the racial and ethnic classification system used for this report, individuals are classified first by ethnicity (defined as whether someone is Hispanic or not) and then by race. As such, all references to whites, blacks, Asians, American Indians, multiracial persons or persons of some other race include those who are not Hispanic; Hispanics may be of any race. So, for instance, in the 2015 American Community Survey, 4% of black newlyweds reported that they are also Hispanic. These people are categorized as "Hispanic" in this analysis, and if they are married to someone who identifies as a non-Hispanic black, both are counted as being in an intermarriage. By the same token, if a Hispanic black person marries a non-Hispanic white person, their marriage would be classified as one between a Hispanic and a white person rather than a black and a white person.

Beginning with the 2000 census, individuals could choose to identify with more than one group in response to the race question. In this analysis, these multiracial people are treated as a separate race category, different from those who identify as a single race, including those who identify as "some other race." (As with single race individuals, a multiracial person who also identifies as Hispanic would be classified as Hispanic.)

In the secondary data analysis, the term "Asian" includes native Hawaiians and other Pacific Islanders; "American Indian" includes Alaska natives. In the analysis of the Pew Research Center surveys and the General Social Survey, Asian includes anyone who self-identifies as Asian.

"Newlyweds" or people who are "recently married" or "newly married" include those who got married in the 12 months prior to being surveyed for 2008 to 2015 data. In all other years, newlyweds are those who married in that same year. Data analyses for 1967 through 1980 are limited to newlyweds who married for the first time, while analyses for subsequent years include people marrying for the first time and those who have remarried.

People born in one of the 50 states or the District of Columbia or who were born abroad to at least one American parent are classified as "U.S. born." All others are classified as "foreign born,"

[1] This marks a change from prior Pew Research Center reports regarding intermarriage, which classified couples including one multiracial spouse and one spouse of "some other race" (who didn't identify as white, black, Hispanic, Asian or multiracial) as being in a same-race marriage. Because there are very few people who fall into the "some other race" category, the fact that these couples are now classified as intermarried has a minimal effect on estimates.

including those born in Puerto Rico or other United States territories. While these individuals are U.S. citizens by birth, the convention of categorizing persons living in the U.S. who were born in U.S. territories as foreign born has been used by the United Nations. The terms “foreign born” and “immigrant” are used interchangeably.

In the analysis of educational attainment, “some college” includes those with an associate degree or those who attended college but did not obtain a degree. “High school or less” includes those who have attained a high school diploma or its equivalent, such as a General Education Development (GED) certificate.

“Metro areas” in this report are classified based on metropolitan statistical areas (MSA), which consist of at least one large urban core with 50,000 people or more, as well as neighboring areas that are socially and economically linked to the core area. They are a proxy for urban and suburban areas.

For Pew Research Center survey data, references to urban, suburban and rural are based on the respondent’s ZIP code. Urban residents are those who live within the central city of an MSA. Suburban residents are those who live within an MSA county, but are not within the central city. Rural residents are those who do not live in an MSA county.

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Intermarriage in the U.S. 50 Years After *Loving v. Virginia*

One-in-six newlyweds are married to someone of a different race or ethnicity

In 2015, 17% of all U.S. newlyweds had a spouse of a different race or ethnicity, marking more than a fivefold increase since 1967, when 3% of newlyweds were intermarried, according to a new Pew Research Center analysis of U.S. Census Bureau data. [2] In that year, the U.S. Supreme Court in the *Loving v. Virginia* case ruled that marriage across racial lines was legal throughout the country. Until this ruling, interracial marriages were forbidden in many states.

More broadly, one-in-ten married people in 2015 – not just those who *recently* married – had a spouse of a different race or ethnicity. This translates into 11 million people who were intermarried. The growth in intermarriage has coincided with shifting societal norms as Americans have become more accepting of marriages involving spouses of different races and ethnicities, even within their own families.

The most dramatic increases in intermarriage have occurred among black newlyweds. Since 1980, the share who married someone of a different race or ethnicity has more than tripled from 5% to 18%. White newlyweds, too, have experienced a rapid increase in intermarriage, with rates rising from 4% to 11%. However, despite this increase, they remain the least likely of all major racial or ethnic groups to marry someone of a different race or ethnicity.

Since 1967, a steady increase in U.S. intermarriage

% of newlyweds who are intermarried

Note: Data prior to 1980 are estimates. See Methodology for more details.
Source: Pew Research Center analysis of 2008-2015 American Community Survey and 1980 decennial census (IPUMS).
"Intermarriage in the U.S. 50 Years After Loving v. Virginia"

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[2] In keeping with the U.S. Census Bureau definition, ethnicity refers to whether an individual is of Hispanic origin or not. Intermarriages are defined as marriages between Hispanic and non-Hispanic persons, or marriages between white, black, Asian, American Indian or multiracial persons, or persons who report that they are some other race. Among all intermarried couples in 2015, 54% were in interethnic (Hispanic/non-Hispanic) marriages, and the remainder was in interracial marriages.

Asian and Hispanic newlyweds are by far the most likely to intermarry in the U.S. About three-in-ten Asian newlyweds[3] (29%) did so in 2015, and the share was 27% among recently married Hispanics. For these groups, intermarriage is even more prevalent among the U.S. born: 39% of U.S.-born Hispanic newlyweds and almost half (46%) of U.S.-born Asian newlyweds have a spouse of a different race or ethnicity.

For blacks and Asians, stark gender differences in intermarriage

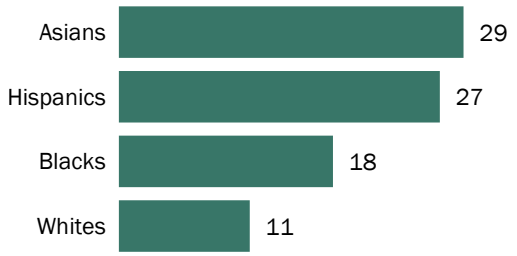
Among blacks, intermarriage is twice as prevalent for male newlyweds as it is for their female counterparts. While about one-fourth of recently married black men (24%) have a spouse of a different race or ethnicity, this share is 12% among recently married black women.

There are dramatic gender differences among Asian newlyweds as well, though they run in the opposite direction – Asian women are far more likely to intermarry than their male counterparts. In 2015, just over one-third (36%) of newlywed Asian women had a spouse of a different race or ethnicity, compared with 21% of newlywed Asian men.

In contrast, among white and Hispanic newlyweds, the shares who intermarry are similar for men and women. Some 12% of recently married white men and 10% of white

About three-in-ten Asian newlyweds in the U.S. are intermarried

% of newlyweds who are intermarried



Note: Whites, blacks and Asians include only non-Hispanics. Hispanics are of any race. Asians include Pacific Islanders.
Source: Pew Research Center analysis of 2014-2015 American Community Survey (IPUMS).
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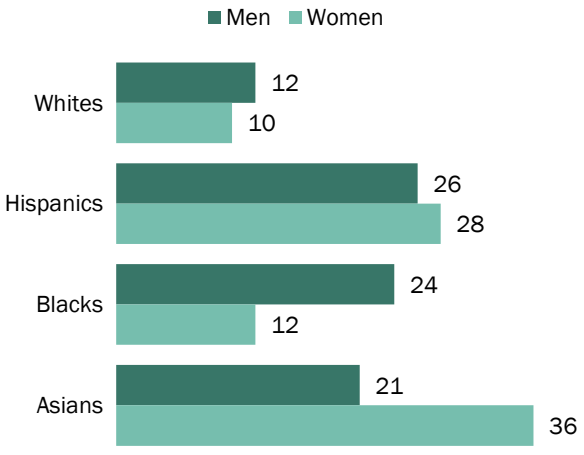
Black men are twice as likely as black women to intermarry

% of U.S. newlyweds who are intermarried



Note: Whites, blacks and Asians include only non-Hispanics. Hispanics are of any race. Asians include Pacific Islanders.
Source: Pew Research Center analysis of 2014-2015 American Community Survey (IPUMS).
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[3] Asian Americans are an incredibly diverse group, with varying histories in the U.S. and very different demographic and economic profiles. For a more detailed look at Asian American subgroups and their intermarriage patterns, see "The Rise of Asian Americans".

women have a spouse of a different race or ethnicity, and among Hispanics, 26% of newly married men and 28% of women do.

A more diverse population and shifting attitudes are contributing to the rise of intermarriage

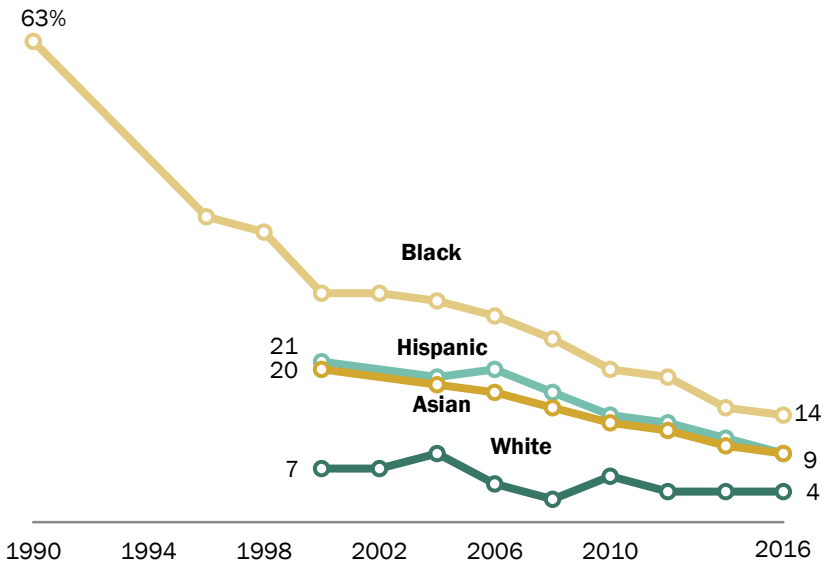
The rapid increases in intermarriage rates for recently married whites and blacks have played an important role in driving up the overall rate of intermarriage in the U.S. However, the growing share of the population that is Asian or Hispanic, combined with these groups' high rates of intermarriage, is further boosting U.S. intermarriage overall. Among all newlyweds, the share who are Hispanic has risen by 9 percentage points since 1980, and the share who are Asian has risen 4 points. Meanwhile, the share of newlyweds who are white has dropped by 15 points.

Attitudes about intermarriage are changing as well. In just seven years, the share of adults saying that the growing number of people marrying someone of a different race is *good* for society has risen 15 points, to 39%, according to a new Pew Research Center survey conducted Feb. 28-March 12, 2017.

The decline in opposition to intermarriage in the longer term has been even more dramatic, a new Pew Research Center analysis of data from the General Social Survey has found. In 1990, 63% of nonblack adults surveyed said they would be very or somewhat opposed to

Dramatic dive in share of nonblacks who would oppose a relative marrying a black person

% saying they would be very or somewhat opposed to a close relative marrying someone who is ___ among U.S. adults who are not that race or ethnicity



Note: Due to changes in question wording, the universe of nonblacks prior to 2000 includes anyone who reported a race other than black; in 2000 and later, the universe of nonblacks includes those who did not identify as single-race, non-Hispanic blacks (and so may include Hispanic blacks and multiracial blacks).
Source: Pew Research Center analysis of General Social Survey.
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a close relative marrying a black person; today the figure stands at 14%. Opposition to a close relative entering into an intermarriage with a spouse who is Hispanic or Asian has also declined markedly since 2000, when data regarding those groups first became available. The share of nonwhites saying they would oppose having a family member marry a white person has edged downward as well.

Intermarriage somewhat more common among the college educated

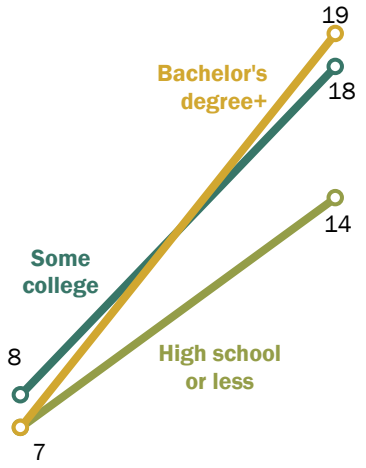
In 1980, the rate of intermarriage did not differ markedly by educational attainment among newlyweds. Since that time, however, a modest intermarriage gap has emerged. In 2015, 14% of newlyweds with a high school diploma or less were married to someone of a different race or ethnicity, compared with 18% of those with some college and 19% of those with a bachelor's degree or more.

The educational gap is most striking among Hispanics: While almost half (46%) of Hispanic newlyweds with a bachelor's degree were intermarried in 2015, this share drops to 16% for those with a high school diploma or less – a pattern driven partially, but not entirely, by the higher share of immigrants among the less educated. Intermarriage is also slightly more common among black newlyweds with a bachelor's degree (21%) than those with some college (17%) or a high school diploma or less (15%).

Among recently married Asians, however, the pattern is different – intermarriage is far more common among those with some college (39%) than those with either more education (29%) or less education (26%). Among white newlyweds, intermarriage rates are similar regardless of educational attainment.

An emerging educational gap in intermarriage

% of U.S. newlyweds ages 25 and older who are intermarried



Note: "Some college" includes those with an associate degree and those who attended college but did not obtain a degree. The 2015 time point is based on combined 2014 and 2015 data.
Source: Pew Research Center analysis of 2014-2015 American Community Survey and 1980 decennial census (IPUMS). "Intermarriage in the U.S. 50 Years After Loving v. Virginia"

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Other key findings

- The most common racial or ethnic pairing among newlywed intermarried couples is one Hispanic and one white spouse (42%). Next most common are one white and one Asian spouse (15%) and one white and one multiracial spouse (12%).

- Newlyweds living in metropolitan areas are more likely to be intermarried than those in non-metropolitan areas (18% vs. 11%). This pattern is driven entirely by whites; Hispanics and Asians are more likely to intermarry if they live in non-metro areas. The rates do not vary by place of residence for blacks.

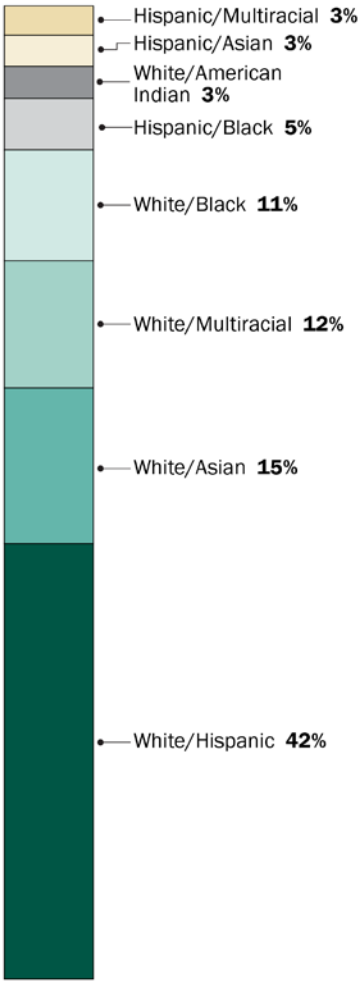
- Among black newlyweds, the gender gap in intermarriage increases with education: For those with a high school diploma or less, 17% of men vs. 10% of women are intermarried, while among those with a bachelor's degree, black men are more than twice as likely as black women to intermarry (30% vs. 13%).

- Among newlyweds, intermarriage is most common for those in their 30s (18%). Even so, 13% of newlyweds ages 50 and older are married to someone of a different race or ethnicity.

- There is a sharp partisan divide in attitudes about interracial marriage. Roughly half (49%) of Democrats and independents who lean to the Democratic Party say the growing number of people of different races marrying each other is a good thing for society. Only 28% of Republicans and Republican-leaning independents share that view.

About four-in-ten U.S. intermarried couples include one Hispanic and one white spouse

% of opposite-sex newlywed intermarried couples that include each combination



Note: Racial and ethnic combinations with values of less than 2% are not shown. Whites, blacks, Asians and American Indians include only non-Hispanics. Hispanics are of any race. Asians include Pacific Islanders.
Source: Pew Research Center analysis of 2014-2015 American Community Survey (IPUMS).
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1. Trends and patterns in intermarriage

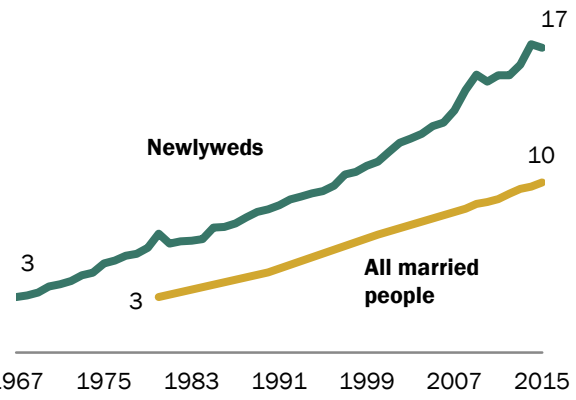
In 1967, when miscegenation laws were overturned in the United States, 3% of all newlyweds were married to someone of a different race or ethnicity. Since then, intermarriage rates have steadily climbed. By 1980, the share of intermarried newlyweds had about doubled to 7%. And by 2015 the number had risen to 17%.[4]

All told, more than 670,000 newlyweds in 2015 had recently entered into a marriage with someone of a different race or ethnicity. By comparison, in 1980, the first year for which detailed data are available, about 230,000 newlyweds had done so.

The long-term annual growth in newlyweds marrying someone of a different race or ethnicity has led to dramatic increases in the overall number of people who are presently intermarried – including both those who recently married and those who did so years, or even decades, earlier. In 2015, that number stood at 11 million – 10% of all married people. The share has tripled since 1980, when 3% of married people – about 3 million altogether – had a spouse of a different race or ethnicity.

Since 1967, a steady rise in intermarriage in the U.S.

% who are intermarried among ...



Note: Data prior to 1980 are estimates. See Methodology for more details. For "all married people," 1980, 1990, 2000, and 2008-2015 data points are shown.
Source: Pew Research Center analysis of 2008-2015 American Community Survey and 1980, 1990 and 2000 decennial censuses (IPUMS).
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[4] Interracial and interethnic relationships are about as common among the growing share of cohabitors as they are among newlyweds. In 2015 about 6% of people were in a cohabiting relationship, and 18% of these cohabitors had a partner of another race or ethnicity.

Intermarriage varies by race and ethnicity

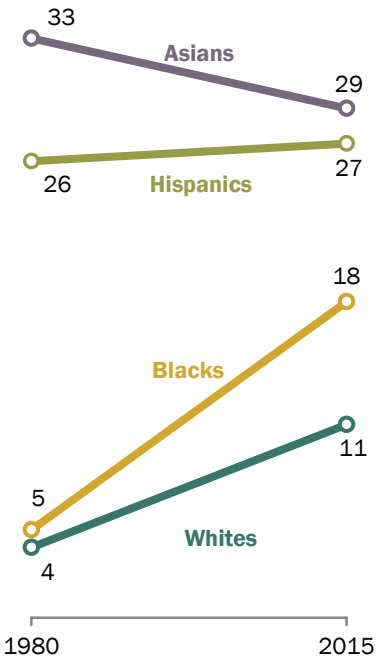
Overall increases in intermarriage have been fueled in part by rising intermarriage rates among black newlyweds and among white newlyweds. The share of recently married blacks with a spouse of a different race or ethnicity has more than tripled, from 5% in 1980 to 18% in 2015. Among recently married whites, rates have more than doubled, from 4% up to 11%.

At the same time, intermarriage has ticked down among recently married Asians and remained more or less stable among Hispanic newlyweds. Even though intermarriage has not been increasing for these two groups, they remain far more likely than black or white newlyweds to marry someone of a different race or ethnicity. About three-in-ten Asian newlyweds (29%) have a spouse of a different race or ethnicity. The same is true of 27% of Hispanics.

For newly married Hispanics and Asians, the likelihood of intermarriage is closely related to whether they were born in the U.S. or abroad. Among the half of Hispanic newlyweds who are immigrants, 15% married a non-Hispanic. In comparison, 39% of the U.S. born did so. The pattern is similar among Asian newlyweds, three-fourths of whom are immigrants. While 24% of foreign-born Asian newlyweds have a spouse of a different race or ethnicity, this share rises to 46% among the U.S. born.

Dramatic increases in intermarriage for blacks, whites

% of U.S. newlyweds who are intermarried



Note: Whites, blacks and Asians include only non-Hispanics. Hispanics are of any race. Asians include Pacific Islanders. The 2015 time point is based on combined 2014 and 2015 data.
Source: Pew Research Center analysis of 2014-2015 American Community Survey and 1980 decennial census (IPUMS). "Intermarriage in the U.S. 50 Years After Loving v. Virginia"

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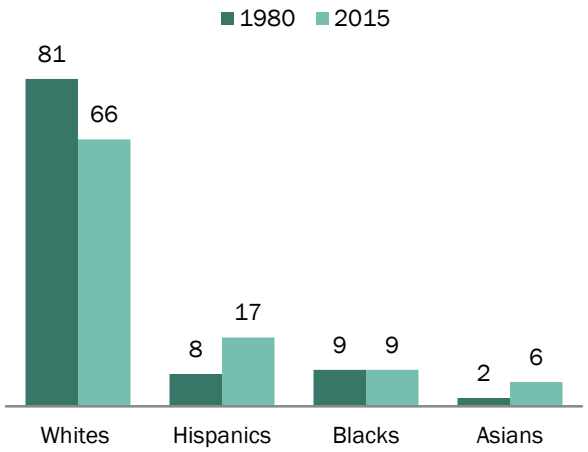
The changing racial and ethnic profile of U.S. newlyweds is linked to growth in intermarriage

Significant growth in the Hispanic and Asian populations in the U.S. since 1980, coupled with the high rates of intermarriage among Hispanic and Asian newlyweds, has been an important factor driving the rise in intermarriage. Since that time, the share of all newlyweds that were Hispanic rose 9 percentage points, from 8% to 17%, and the share that were Asian grew from 2% to 6%. At the same time, the share of white newlyweds declined by 15 points and the share of black newlyweds held steady.

The size of each racial and ethnic group can also influence intermarriage rates by affecting the pool of potential marriage partners in the "marriage market," which consists of all newlyweds and all unmarried adults combined.[5] For example, whites, who comprise the largest share of the U.S. population, may be more likely to marry someone of the same race simply because most potential partners are white. And members of smaller racial or ethnic groups may be more likely to intermarry because relatively few potential partners share their race or ethnicity.

A rising share of newlyweds are Hispanic or Asian, while white newlyweds are on the decline

% of all newlyweds in the U.S. by race and ethnicity



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Source: Pew Research Center analysis of 2014-2015 American Community Survey and 1980 decennial census (IPUMS). "Intermarriage in the U.S. 50 Years After Loving v. Virginia"

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But size alone cannot totally explain intermarriage patterns. Hispanics, for instance, made up 17% of the U.S. marriage market in 2015, yet their newlywed intermarriage rates were comparable to those of Asians, who comprised only 5% of the marriage market. And while the share of the marriage market comprised of Hispanics has grown markedly since 1980, when it was 6%, their intermarriage rate has remained stable. Perhaps more striking – the share of blacks in the marriage market has remained more or less constant (15% in 1980, 16% in 2015), yet their intermarriage rate has more than tripled.

For blacks and Asians, big gender gaps in intermarriage

While there is no overall gender difference in intermarriage among newlyweds[6], starkly different gender patterns emerge for some major racial and ethnic groups.

One of the most dramatic patterns occurs among black newlyweds: Black men are twice as likely as black women to have a spouse of a different race or ethnicity (24% vs. 12%). This gender gap has

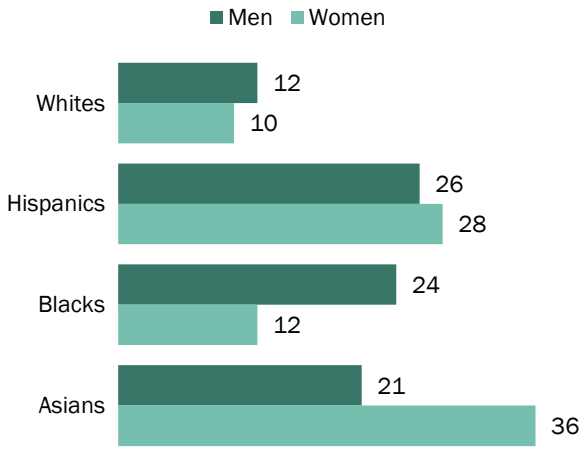
[5] This represents a rough proxy for the pool of potential spouses available in the recent past.
[6] This is almost by definition: Among people in opposite-sex marriages, there will be no variation in the likelihood of men and women being intermarried. Overall gender differences in intermarriage could emerge as a result of differing rates of intermarriage among man-man and woman-woman marriages, but same-sex marriages account for less than 1% of all marriages so have little effect on the overall number.

been a long-standing one – in 1980, 8% of recently married black men and 3% of their female counterparts were married to someone of a different race or ethnicity.

A significant gender gap in intermarriage is apparent among Asian newlyweds as well, though the gap runs in the opposite direction: Just over one-third (36%) of Asian newlywed women have a spouse of a different race or ethnicity, while 21% of Asian newlywed men do. A substantial gender gap in intermarriage was also present in 1980, when 39% of newly married Asian women and 26% of their male counterparts were married to someone of a different race or ethnicity.

Black men are twice as likely as black women to intermarry

% of U.S. newlyweds who are intermarried



Note: Whites, blacks and Asians include only non-Hispanics. Hispanics are of any race. Asians include Pacific Islanders.
Source: Pew Research Center analysis of 2014-2015 American Community Survey (IPUMS).
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Among Asian newlyweds, these gender differences exist for both immigrants (15% men, 31% women) and the U.S. born (38% men, 54% women). While the gender gap among Asian immigrants has remained relatively stable, the gap among the U.S. born has widened substantially since 1980, when intermarriage stood at 46% among newlywed Asian men and 49% among newlywed Asian women.

Among white newlyweds, there is no notable gender gap in intermarriage – 12% of men and 10% of women had married someone of a different race or ethnicity in 2015. The same was true in 1980, when 4% of recently married men and 4% of recently married women had intermarried.

As is the case among whites, intermarriage is about equally common for newlywed Hispanic men and women. In 2015, 26% of recently married Hispanic men were married to a non-Hispanic, as were 28% of their female counterparts. These intermarriage rates have changed little since 1980.

A growing educational gap in intermarriage

In 2015 the likelihood of marrying someone of a different race or ethnicity was somewhat higher among newlyweds with at least some college experience than among those with a high school diploma or less. While 14% of the less-educated group was married to someone of a different race or ethnicity, this share rose to 18% among those with some college experience and 19% among those with at least a bachelor's degree. This marks a change from 1980, when there were virtually no educational differences in the likelihood of intermarriage among newlyweds.[7]

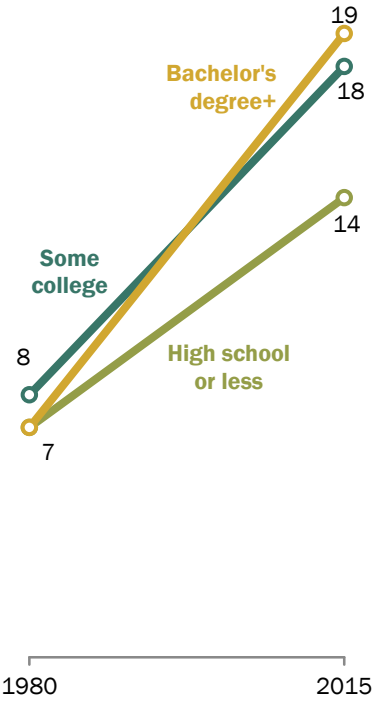
The same patterns and trends emerge when looking separately at newlywed men and women; there are no overall gender differences in intermarriage by educational attainment. In 2015, 13% of recently married men with a high school diploma or less and 14% of women with the same level of educational attainment had a spouse of another race or ethnicity, as did 19% of recently married men with some college and 18% of comparable women. Among newlyweds with a bachelor's degree, 20% of men and 18% of women were intermarried.

Strong link between education and intermarriage for Hispanics

The association between intermarriage and educational attainment among newlyweds varies across racial and ethnic groups. For instance, among Hispanic newlyweds, higher levels of education are strongly linked with higher rates of intermarriage. While 16% of those with a high school diploma or less are married to a non-Hispanic, this share more than doubles to 35% among those with some college. And it rises to 46% for those with a bachelor's degree or higher.

Intermarriage rises more for those with at least some college experience

% of U.S. newlyweds ages 25 and older who are intermarried



Note: "Some college" includes those with an associate degree and those who attended college but did not obtain a degree. The 2015 time point is based on combined 2014 and 2015 data.
Source: Pew Research Center analysis of 2014-2015 American Community Survey and 1980 decennial census (IPUMS). "Intermarriage in the U.S. 50 Years After Loving v. Virginia"

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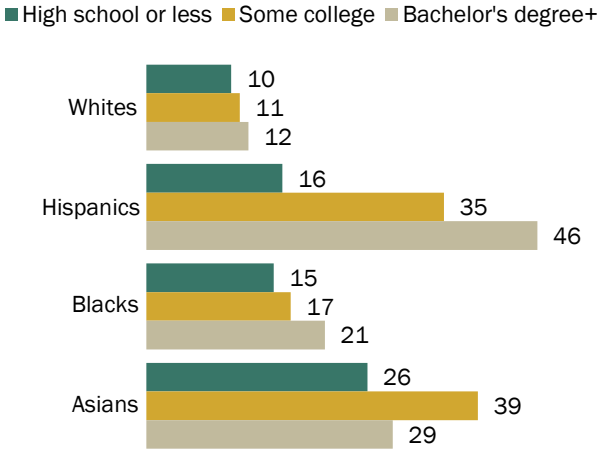
[7] During this same period, the educational profile of newlyweds has changed dramatically: In 1980 29% had a bachelor's degree or more, and by 2015 this share grew to 40%. This change has been driven both by increasing levels of educational attainment in the U.S. in general and by the fact that a marriage gap by educational attainment has emerged: the more education a person has, the more likely they are to marry.

This pattern may be partly driven by the fact that Hispanics with low levels of education are disproportionately immigrants who are in turn less likely to intermarry. However, rates of intermarriage increase as education levels rise for both the U.S. born and the foreign born: Among immigrant Hispanic newlyweds, intermarriage rates range from 9% among those with a high school diploma or less up to 33% for those with a bachelor's degree or more; and among the U.S. born, rates range from 32% for those with a high school diploma or less up to 56% for those with a bachelor's degree or more.

There is no significant gender gap in intermarriage among newly married Hispanics across education levels or over time.

Among blacks and Hispanics, college graduates are most likely to intermarry

% of newlyweds in the U.S. ages 25 and older who are intermarried



Note: Whites, blacks and Asians include only non-Hispanics. Hispanics are of any race. Asians include Pacific Islanders. "Some college" includes those with an associate degree and those who attended college but did not obtain a degree.
Source: Pew Research Center analysis of 2014-2015 American Community Survey (IPUMS).
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For blacks, intermarriage has increased most among those with no college experience

For black newlyweds, intermarriage rates are slightly higher among those with a bachelor's degree or more (21%). Among those with some college, 17% have married someone of a different race or ethnicity, as have 15% of those with a high school diploma or less.

Intermarriage has risen dramatically at all education levels for blacks, with the biggest proportional increases occurring among those with the least education. In 1980, just 5% of black newlyweds with a high school diploma or less had intermarried – a number that has since tripled. Rates of intermarriage have more than doubled at higher education levels, from 7% among those with some college experience and 8% among those with a bachelor's degree.

Among black newlyweds, there are distinct gender differences in intermarriage across education levels. In 2015, the rate of intermarriage varied by education only slightly among recently married black women: 10% of those with some college or less had intermarried compared with 13% of those with a bachelor's degree or more. Meanwhile, among newly married black men, higher education

is clearly associated with higher intermarriage rates. While 17% of those with a high school diploma or less had a spouse of a different race or ethnicity in 2015, this share rose to 24% for those with some college and to 30% for those with a bachelor's degree or higher.

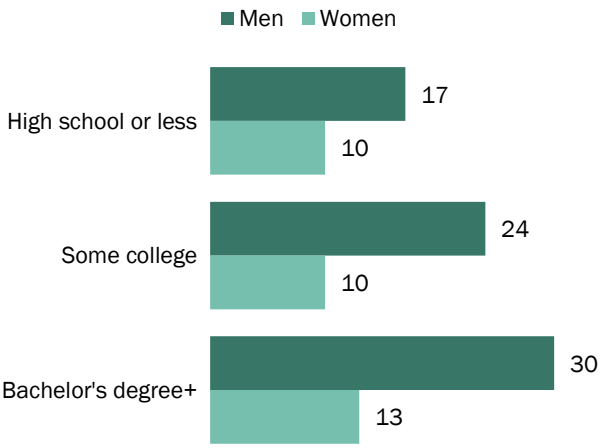
Asians with some college are the most likely to intermarry

While intermarriage is associated with higher education levels for Hispanics and blacks, this is not the case among Asian newlyweds. Those with some college are by far the most likely to have married someone of a different race or ethnicity – 39% in 2015 had done so, compared with about one-fourth (26%) of those with only a high school diploma or less and 29% of those with a bachelor's degree.

This pattern reflects dramatic changes since 1980. At that time, Asians with a high school diploma or less were the most likely to intermarry; 36% did so, compared with 32% of those with some college and 25% of those with a bachelor's degree.

Among blacks, gender gap in intermarriage higher for those with some college or more

% of black newlyweds in the U.S. ages 25 and older who are intermarried



Note: Blacks include only non-Hispanics. "Some college" includes those with an associate degree and those who attended college but did not obtain a degree.
Source: Pew Research Center analysis of 2014-2015 American Community Survey (IPUMS).
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Asian newlyweds with some college are somewhat less likely to be immigrants, and this may contribute to the higher rates of intermarriage for this group. However, even among recently married Asian immigrants with some college, 33% had intermarried, compared with 22% of those with a high school diploma or less and 23% of those with a bachelor's degree or more.[8]

[8] Rates of intermarriage by education level among U.S.-born Asian newlyweds are not shown due to small sample size.

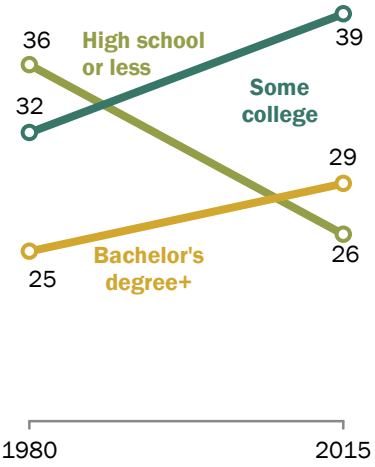
There are sizable gender gaps in intermarriage across all education levels among recently married Asians, with the biggest proportional gap occurring among those with a high school diploma or less. Newlywed Asian women in this category are more than twice as likely as their male counterparts to have a spouse of a different race or ethnicity (36% vs. 14%). The gaps decline somewhat at higher education levels, but even among college graduates, 36% of women are intermarried compared with 21% of men.

Among whites, little difference in intermarriage rates by education level

Among white newlyweds, the likelihood of intermarrying is fairly similar regardless of education level. One-in-ten of those with a high school diploma or less have a spouse of another race or ethnicity, as do 11% of those with some college experience and 12% of those with at least a bachelor's degree. Rates don't vary substantially among white newlywed men or women with some college or less, though men with a bachelor's degree are somewhat more likely to intermarry than comparable women (14% vs. 10%).

Dramatic decline in intermarriage among least-educated Asians

% of Asian newlyweds ages 25 and older in U.S. who are intermarried



Note: Asians include only non-Hispanics. "Some college" includes those with an associate degree and those who attended college but did not obtain a degree. The 2015 time point is based on combined 2014 and 2015 data.
Source: Pew Research Center analysis of 2014-2015 American Community Survey and 1980 decennial census (IPUMS). "Intermarriage in the U.S. 50 Years After Loving v. Virginia"

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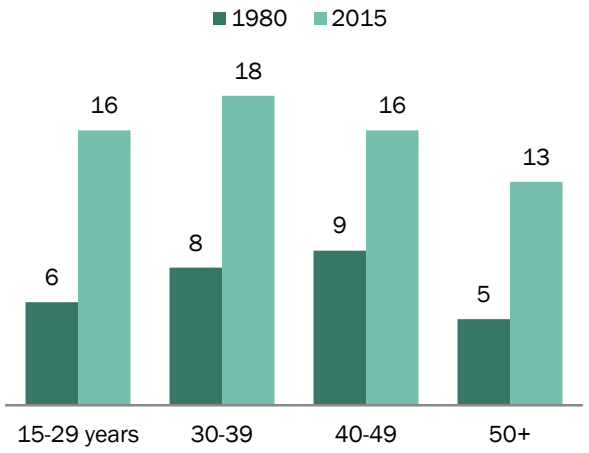
Intermarriage is slightly less common at older ages

Nearly one-in-five newlyweds in their 30s (18%) are married to someone of a different race or ethnicity, as are 16% of those in their teens or 20s and those in their 40s. Among newlyweds ages 50 and older, many of whom are likely remarrying, the share intermarried is a bit lower (13%).

The lower rate of intermarriage among older newlyweds in 2015 is largely attributable to a lower rate among women. While intermarriage rates ranged from 16% to 18% among women younger than 50, rates dropped to 12% among those 50 and older. Among recently married men, however, intermarriage did not vary substantially by age.

At older ages, slight decline in intermarriage in the U.S.

% of newlyweds who are intermarried



Note: The 2015 time point is based on combined 2011-2015 data.
Source: Pew Research Center analysis of 2011-2015 American Community Survey and 1980 decennial census (IPUMS). "Intermarriage in the U.S. 50 Years After Loving v. Virginia"

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Intermarriage varies little by age for white and Hispanic newlyweds, but more striking patterns emerge among black and Asian newlyweds. While 22% of blacks ages 15 to 29 are intermarried, this share drops incrementally, reaching a low of 13% among those ages 50 years or older. Among Asian newlyweds, a different pattern emerges. Intermarriage rises steadily from 25% among those ages 15 to 29 years to 42% among those in their 40s. For those 50 years and older, however, the rate drops to 32%.

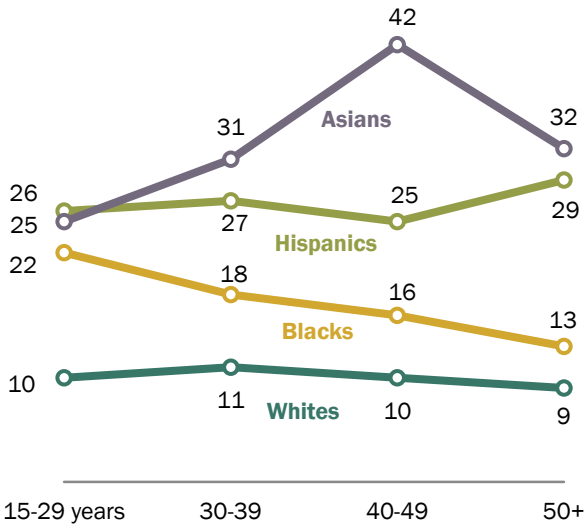
A closer look at intermarriage among Asian newlyweds reveals that the overall age pattern of intermarriage – with the highest rates among those in their 40s – is driven largely by the dramatic age differences in intermarriage among newly married Asian women. More than half of newlywed Asian women in their 40s intermarry (56%), compared with 42% of those in their 30s and 46% of those 50 and older. Among Asian newlywed women younger than 30, 29% are intermarried. Among recently married Asian men, the rate of intermarriage doesn't vary as much across age groups: 26% of those in their 40s are intermarried, compared with 20% of those in their 30s and those 50 and older. Among Asian newlywed men in their teens or 20s, 18% are intermarried.

Though the overall rate of intermarriage does not differ markedly by age among white newlyweds, a gender gap emerges at older ages. While recently married white men and women younger than 40 are about equally likely to be intermarried, a 4-point gap emerges among those in their 40s (12% men, 8% women), and recently married white men ages 50 and older are about twice as likely as their female counterparts to be married to someone of a different race or ethnicity (11% vs. 6%).

A similar gender gap in intermarriage emerges at older ages for Hispanic newlyweds. However, in this case it is newly married Hispanic women ages 50 and older who are more likely to intermarry than their male counterparts (32% vs. 26%). Among black newlyweds, men are consistently more likely than women to intermarry at all ages.

Across race and ethnicity, age patterns of intermarriage vary

% of U.S. newlyweds who are intermarried



Note: Whites, blacks and Asians include only non-Hispanics. Hispanics are of any race. Asians include Pacific Islanders.
Source: Pew Research Center analysis of 2011-2015 American Community Survey (IPUMS).
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In metro areas, almost one-in-five newlyweds are intermarried

Intermarriage is more common among newlyweds in the nation's metropolitan areas, which are located in and around large urban centers, than it is in non-metro areas[9], which are typically more rural. About 18% of those living in a metro area are married to someone of a different race or ethnicity, compared with 11% of those living outside of a metro area. In 1980, 8% of newlyweds in metro areas were intermarried, compared with 5% of those in non-metro areas.

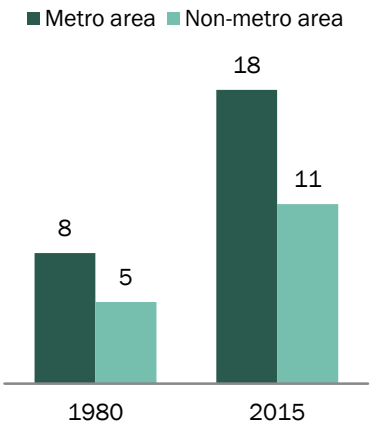
There are likely many reasons that intermarriage is more common in metro areas than in more rural areas. Attitudinal differences may play a role. In urban areas, 45% of adults say that more people of different races marrying each other is a good thing for society, as do 38% of those living in suburban areas (which are typically included in what the Census Bureau defines as metro areas). Among people living in rural areas, which are typically non-metro areas, fewer (24%) share this view.

Another factor is the difference in the racial and ethnic composition of each type of area. Non-metro areas have a relatively large share of white newlyweds (83% vs. 62% in metro areas), and whites are far less likely to intermarry than those of other races or ethnicities. At the same time, metro areas have larger shares of Hispanics and Asians, who have very high rates of intermarriage. While 26% of newlyweds in metro areas are Hispanic or Asian, this share is 10% for newlyweds in non-metro areas.

The link between place of residence and intermarriage varies dramatically for different racial and ethnic groups. The increased racial and ethnic diversity of metro areas means that the supply of potential spouses, too, will likely be more diverse. This fact may contribute to the higher rates of intermarriage for white metro area newlyweds, since the marriage market includes a relatively larger share of people who are nonwhite. Indeed, recently married whites are the only major group for which intermarriage is higher in metro areas. White newlyweds

Intermarriage more common in metro areas

% of U.S. newlyweds who are intermarried



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Source: Pew Research Center analysis of 2011-2015 American Community Survey and 1980 decennial census (IPUMS). "Intermarriage in the U.S. 50 Years After Loving v. Virginia"

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[9] A metro area is based on a "metropolitan statistical area" (MSA) which is a region consisting of a large urban core with a population of 50,000 or more, together with surrounding communities that have a high degree of economic and social integration with the urban core. For about 13% of newlyweds in the American Community Survey, it can't be determined whether they are living in a metro area or not; these people are excluded from the place of residence analysis.

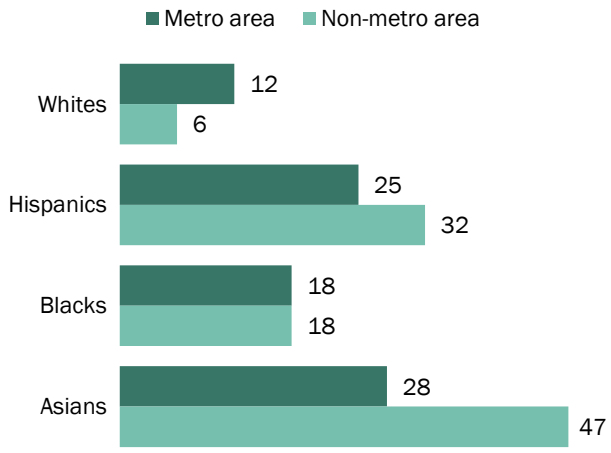
in metro areas are twice as likely as those in non-metro areas to have a spouse of a different race or ethnicity (12% vs. 6%).

In contrast, for Asians, the likelihood of intermarrying is higher in non-metro areas (47%) than metro areas (28%), due in part to the fact that the share of Asians in the marriage market is lower in non-metro areas. The same holds true among Hispanics. About one-third (32%) of Hispanic newlyweds in non-metro areas are intermarried compared with 25% in metro areas.

Among black newlyweds, intermarriage rates are identical for those living in metro and non-metro areas (18% each), even though blacks are a larger share of the marriage market in metro areas than in non-metro areas.

Whites in metro areas twice as likely to intermarry as those in non-metro areas

% of U.S. newlyweds who are intermarried



Note: Whites, blacks and Asians include only non-Hispanics. Hispanics are of any race. Asians include Pacific Islanders.
Source: Pew Research Center analysis of 2011-2015 American Community Survey (IPUMS).
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The largest share of intermarried couples include one Hispanic and one white spouse

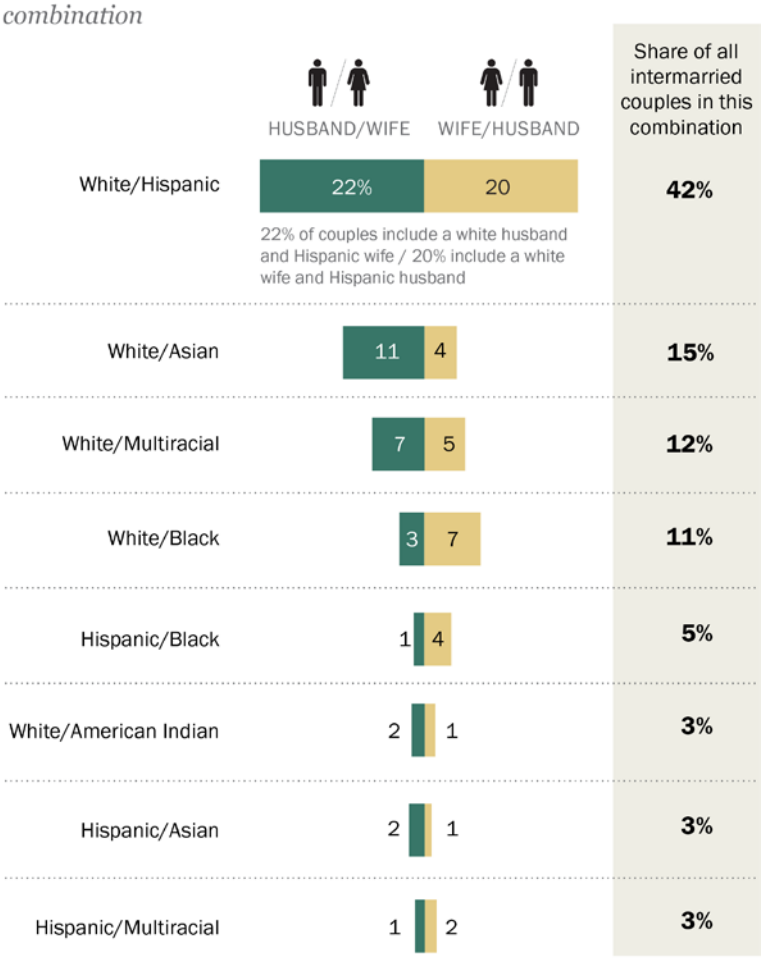
While the bulk of this report focuses on patterns of intermarriage among all newly married individuals, shifting the analysis to the racial and ethnic composition of intermarried newlywed couples shows that the most prevalent form of intermarriage involves one Hispanic and one white spouse (42%). While this share is relatively high, it marks a decline from 1980, when more than half (56%) of all intermarried couples included one Hispanic and one white person.

The next most prevalent couple type in 2015 among those who were intermarried included one Asian and one white spouse (15%). Couples including one black and one white spouse accounted for about one-in-ten (11%) intermarried couples in 2015, a share that has held more or less steady since 1980.

That intermarriage patterns vary by gender becomes apparent when looking at a more detailed profile of intermarried couples that identifies the race or ethnicity of the husband separately from the race or ethnicity of the wife. A similar share of intermarried couples involve a white man and a Hispanic woman (22%) as involve a white woman and a Hispanic man (20%).

About one-in-five intermarried couples in the U.S. include a Hispanic husband and a white wife

% of opposite-sex newlywed intermarried couples that include each combination



Note: Whites, blacks, Asians and American Indians include only non-Hispanics. Hispanics are of any race. Asians include Pacific Islanders. Racial and ethnic combinations that add up to less than 2% are excluded. Totals are calculated prior to rounding.
Source: Pew Research Center analysis of 2014-2015 American Community Survey (IPUMS).
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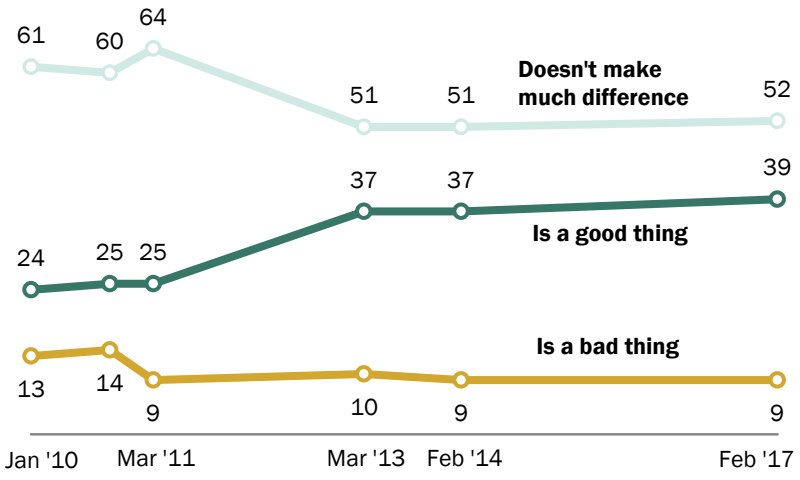
However, more notable gender differences emerge for some of the other couple profiles. For instance, while 11% of all intermarried couples involve a white man and an Asian woman, just 4% of couples include a white woman and an Asian man. And while about 7% of intermarried couples include a black man and a white woman, only 3% include a black woman and a white man.

2. Public views on intermarriage

As intermarriage grows more prevalent in the United States, the public has become more accepting of it. A growing share of adults say that the trend toward more people of different races marrying each other is generally a good thing for American society.[10] At the same time, the share saying they would oppose a close relative marrying someone of a different race has fallen dramatically.

Americans more likely to say interracial marriage is good for society than in 2010

% saying more people of different races marrying each other generally ___ for our society



Note: "Don't know/Refused" responses not shown. Trends from March 2011 to February 2014 asked about "American society" instead of "our society."
Source: Survey conducted Feb. 28-March 12, 2017.
"Intermarriage in the U.S. 50 Years After Loving v. Virginia"

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A new Pew Research Center survey finds that roughly four-in-ten adults (39%) now say that more people of different races marrying each other is good for society – up significantly from 24% in 2010. The share saying this trend is a bad thing for society is down slightly over the same period, from 13% to 9%. And the share saying it doesn't make much of a difference for society is also down, from 61% to 52%. Most of this change occurred between 2010 and 2013; opinions have remained essentially the same since then.

Attitudes about interracial marriage vary widely by age. For example, 54% of those ages 18 to 29 say that the rising prevalence of interracial marriage is good for society, compared with about a quarter of those ages 65 and older (26%). In turn, older Americans are more likely to say that this trend doesn't make much difference (60% of those ages 65 and older, compared with 42% of those 18 to 29) or that it is bad for society (14% vs. 5%, respectively).

[10] This question asked only about interracial marriage, not interethnic marriage. All other measures in this report include both.

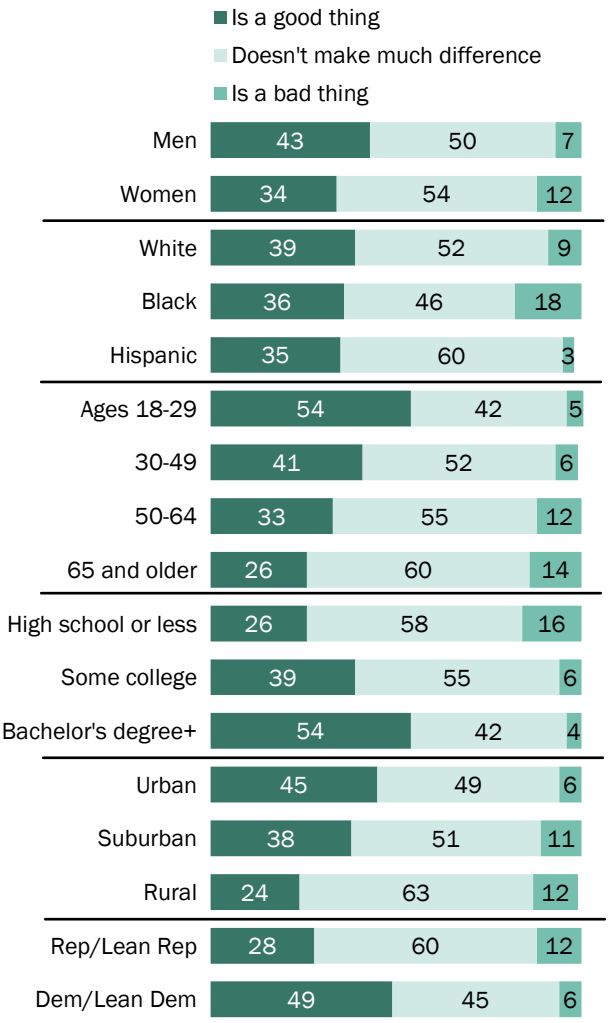
Views on interracial marriage also differ by educational attainment. Americans with at least a bachelor's degree are much more likely than those with less education to say more people of different races marrying each other is a good thing for society (54% of those with a bachelor's degree or more vs. 39% of those with some college education and 26% of those with a high school diploma or less). Among adults with a high school diploma or less, 16% say this trend is bad for society, compared with 6% of those with some college experience and 4% of those with at least a bachelor's degree.

Men are more likely than women to say the rising number of interracial marriages is good for society (43% vs. 34%) while women are somewhat more likely to say it's a bad thing (12% vs. 7%). This is a change from 2010, when men and women had almost identical views. Then, about a quarter of each group (23% of men and 24% of women) said this was a good thing and 14% and 12%, respectively, said it was a bad thing.

Blacks (18%) are more likely than whites (9%) and Hispanics (3%) to say more people of different races marrying each other is generally a bad thing for society, though there are no significance differences by race or ethnicity on whether it is a good thing for society. [11]

Wide gaps in U.S. on views of interracial marriage by age and education

% saying more people of different races marrying each other generally ___ for our society



Note: "Don't know/Refused" responses not shown. Whites and blacks include only non-Hispanics. Hispanics are of any race. "Some college" includes those with an associate degree and those who attended college but did not obtain a degree.
Source: Survey conducted Feb. 28-March 12, 2017.
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[11] In the survey, conducted among Pew Research Center's American Trends Panel, Hispanics are primarily English speaking and U.S. born.

Among Americans who live in urban areas, 45% say this trend is a good thing for society, as do 38% of those in the suburbs; lower shares among those living in rural areas share this view (24%). In turn, rural Americans are more likely than those in urban or suburban areas to say interracial marriage doesn't make much difference for society (63% vs. 49% and 51%, respectively).

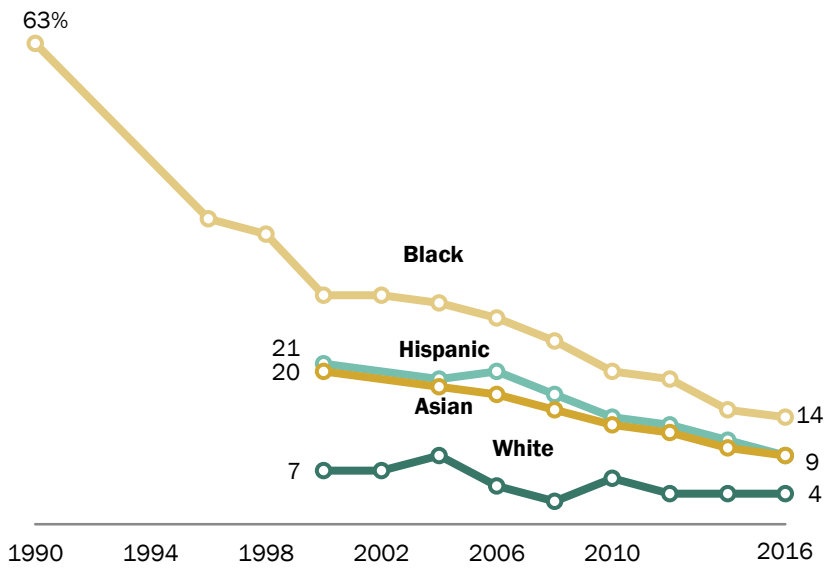
The view that the rise in the number of interracial marriages is good for society is particularly prevalent among Democrats and Democratic-leaning independents; 49% in this group say this, compared with 28% of Republicans and those who lean Republican. The majority of Republicans (60%) say it doesn't make much of a difference, while 12% say this trend is bad for society. Among Democrats, 45% say it doesn't make much difference while 6% say it's bad thing. This difference persists when controlling for race. Among whites, Democrats are still much more likely than Republicans to say more interracial marriages are a good thing for society.

Americans are now much more open to the idea of a close relative marrying someone of a different race

Just as views about the impact of interracial marriage on society have evolved, Americans' attitudes about what is acceptable within their own family have changed. A new Pew Research Center analysis of General Social Survey (GSS) data finds that the share of U.S. adults saying they would be opposed to a close relative marrying someone of a different race or ethnicity has fallen since 2000.

Dramatic dive in share of nonblacks who would oppose a relative marrying a black person

% saying they would be very or somewhat opposed to a close relative marrying someone who is ___ among U.S. adults who are not that race or ethnicity



Note: Due to changes in question wording, the universe of nonblacks prior to 2000 includes anyone who reported a race other than black; in 2000 and later, the universe of nonblacks includes those who did not identify as single-race, non-Hispanic blacks (and so may include Hispanic blacks and multiracial blacks).
Source: Pew Research Center analysis of General Social Survey.
"Intermarriage in the U.S. 50 Years After Loving v. Virginia"

PEW RESEARCH CENTER

In 2000, 31% of Americans said they would oppose an intermarriage in their family.[12] That share dropped to 9% in 2002 but climbed again to 16% in 2008. It has fallen steadily since, and now one-in-ten Americans say they would oppose a close relative marrying someone of a different race or ethnicity.

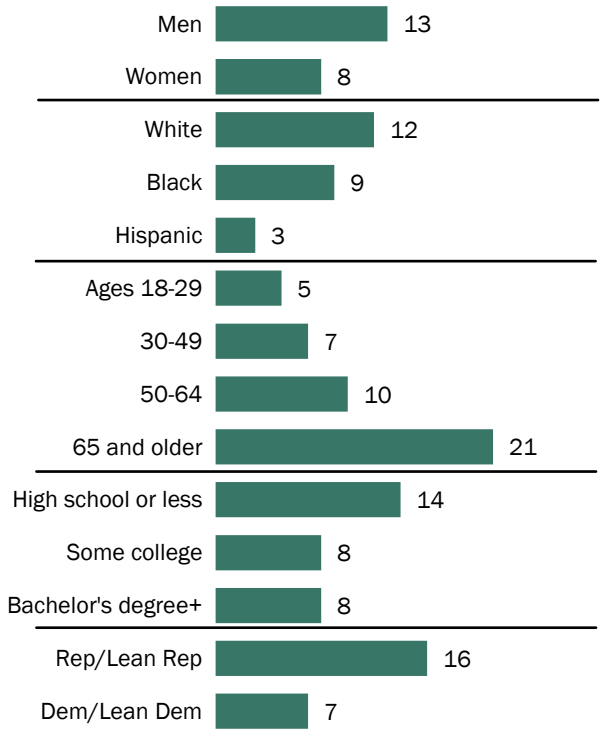
These modest changes over time belie much larger shifts when it comes to attitudes toward marrying people of specific races. As recently as 1990, roughly six-in-ten nonblack Americans (63%) said they would be opposed to a close relative marrying a black person. This share had been cut about in half by 2000 (at 30%), and halved again since then to stand at 14% today.[13]

In 2000, one-in-five non-Asian adults said they would be opposed to a close relative marrying an Asian person, and a similar share of non-Hispanic adults (21%) said the same about a family member marrying a Hispanic person. These shares have dropped to around one-in-ten for each group in 2016.

Among nonwhite adults, the share saying they would be opposed to a relative marrying a white person stood at 4% in 2016, down marginally from 7% in 2000 when the GSS first included this item.

Wide gaps by age on opposition toward relatives marrying people of other races or ethnicities

% in U.S. saying they would be very or somewhat opposed to a close relative marrying someone of a different race/ethnicity



Note: Respondents were asked four separate questions about whether they would favor or oppose (or neither) a close relative marrying someone who is white, black, Hispanic or Asian. Figures in chart include only respondents who are Hispanic or non-Hispanic single-race white, black or Asian and represent the share who say they would oppose their relative marrying at least one of the races/ethnicities asked about (besides the respondent's own race/ethnicity). Asians not shown separately due to small sample size.
Source: Pew Research Center analysis of 2016 General Social Survey.
"Intermarriage in the U.S. 50 Years After Loving v. Virginia"

PEW RESEARCH CENTER

[12] Respondents were asked four separate questions about whether they would favor or oppose (or neither) a close relative marrying someone who is white, black, Hispanic or Asian. Estimates of the share of Americans who would oppose a close relative intermarrying are based only on respondents who are Hispanic or non-Hispanic single-race white, black or Asian and represent the share that say they would oppose their relative marrying at least one of the races/ethnicities asked about (besides the respondent's own race/ethnicity).
[13] The GSS questionnaire changed in 2000 to allow respondents to select more than one race and to ask a question about Hispanic origin. Prior to 2000, the universe of nonblacks includes anyone who reported a race other than black; in 2000 and later, the universe of nonblacks includes those who did not identify as single-race, non-Hispanic black (and so may include Hispanic blacks and multiracial blacks).

While these views have changed substantially over time, significant demographic gaps persist. Older adults are especially likely to oppose having a family member marry someone of a different race or ethnicity. Among those ages 65 and older, about one-in-five (21%) say they would be very or somewhat opposed to an intermarriage in their family, compared with one-in-ten of those ages 50 to 64, 7% of those 30 to 49 and only 5% of those 18 to 29.

Whites (12%) and blacks (9%) are more likely than Hispanics (3%) to say they would oppose a close relative marrying someone of a different race or ethnicity. Men are somewhat more likely than women to say this as well (13% vs. 8%).

Americans with less education are more likely to oppose an intermarriage in their family: 14% of adults with a high school diploma or less education say this, compared with 8% of those with some college education and those with a bachelor's degree, each.

There are also large differences by political party, with Republicans and those who lean toward the Republican Party roughly twice as likely as Democrats and Democratic leaners to say they would oppose a close relative marrying someone of a different race (16% vs. 7%). Controlling for race, the gap is the same: Among whites, 17% of Republicans and 8% of Democrats say they would oppose an intermarriage in their family.

Acknowledgments

This report is a collaborative effort based on the input and analysis of the following individuals.

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Anna Brown, *Research Analyst*
Jeffrey S. Passel, *Senior Demographer*
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Michael Keegan, *Information Graphics Designer*
David Kent, *Copy Editor*
Travis Mitchell, *Digital Producer*
Danielle Alberti, *Web Developer*

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Methodology

Secondary data

Analyses are based primarily upon the American Community Survey (ACS), as well as the 1980 decennial census, both of which were obtained from IPUMS-USA. Since 2008, the ACS, which is an annual, nationally representative survey, has included a question asking if the respondent married within the past 12 months, which is used to classify people as newlyweds for those years.

The 1980 census, which was the first to collect reliable data on Hispanic origin, also collected data allowing for the identification of first-time newlyweds. The questionnaire asked people to list the age at which they first married. For this analysis, anyone whose age at first marriage was the same as their age at the time of the survey was identified as a newlywed, as was their spouse. As a result, only those newlyweds who are part of a couple where either the bride or groom (or both) recently married for the first time are identified as newlyweds in 1980. About 90% of the married population in 1980 included people who were in a first marriage, or who were married to someone in a first marriage, and the intermarriage rates for those in "first marriage" couples differed little from the rates among all married couples.

For the estimates of intermarriage in years other than 1980 and 2008 to 2015, a retrospective or "look-back" method was used. The 1980 census data were used to estimate intermarriage among newlyweds from 1967 to 1979. Using the 1980 census data regarding respondent age at the time of survey and age at first marriage, the year of first marriage among couples who were still in their first marriage was established. Then, annual estimates of newlywed intermarriage were calculated. For instance, all couples who were first married in 1967 were identified as newlyweds in that year and were classified as either being intermarried or not intermarried. This same approach was used for subsequent years through 1979.

The same general approach was used to estimate intermarriage rates for the years 1981 to 2007 using the 2008 to 2015 ACS data. However, for these years, all married couples were included, regardless of whether they were in their first marriage or a subsequent marriage. To establish intermarriage rates among newlyweds in 1981, for instance, a combined file of 2008 to 2015 data was used to identify all people who had wed in that year. These 1981 newlyweds were then classified as either being in an intermarriage, or not. This same procedure was used to calculate intermarriage rates for newlyweds in subsequent years.

While using census and ACS data to create estimates for prior years would be problematic if intermarriages break up more often than other types of marriages, a number of additional analyses

suggest that using this retrospective approach produces reliable estimates of intermarriage rates. See Chapter 3 of "Marrying Out: One-in-Seven New U.S. Marriages Is Interracial or Interethnic" for more details.

While statistics regarding overall intermarriage rates are based on single year estimates, more detailed analyses using ACS data combine multiple years of data in order to increase sample size. Analyses examining age patterns or patterns by metro status are based on a combined sample of 2011-2015 ACS data. All other detailed analyses are based on a combined sample of 2014 and 2015 ACS data.

Estimates regarding the total share of presently married people who are intermarried are based on data from the 1990 and 2000 decennial census, as well as the 1980 decennial census and 2008-2015 ACS data.

In analyses that are based on presently married people, only those who are married and living with a spouse are included, since data regarding the racial and ethnic profile of spouses living apart are not available through the ACS or census. The vast majority (95%) of people who state that they are married in the ACS are married and living with their spouse.

Since 2013, it has been possible to identify most same-sex married couples in the ACS. For almost all analyses regarding 2013 and later, individuals in a same-sex marriage are included. The only exception occurs for the couple-level analysis, which is limited to other-sex couples in order to highlight the interaction of gender and race.

Beginning with the 2000 census, individuals could choose to identify with more than one group in response to the race question. In this analysis, these multiracial people are treated as a separate race category, different from those who identify as a single race, including those who identify as "some other race." (As with single-race individuals, a multiracial person who also identifies as Hispanic would be classified as Hispanic.) Since the introduction of the multiracial option on the census, the share of individuals who identify as such has grown substantially, and this has likely contributed to the increases in the share of married couples who are classified as intermarried.[14]

Survey data

The survey data in this report come from two sources. The question on whether more people of different races marrying each other is a good thing or bad thing for society comes from Pew Research Center telephone surveys conducted between 2010 and 2017. Data reported for 2017 are

[14] See Appendix 1 of "The Rise of Intermarriage" for more on this.

drawn from a mode experiment conducted Feb. 28-March 12, 2017, on the American Trends Panel (ATP). In order to avoid any potential mode effects, only data from the telephone portion of the mode experiment are used in this report. A total of 1,778 panelists were interviewed by phone and the margin of error is plus or minus 4.0 percentage points. Interviews are conducted in both English and Spanish, but the Hispanic sample in the ATP is predominantly native born and English speaking. For more information, see the Methodology for that survey.

The series of questions on favorability of a close relative marrying someone of a specified race or ethnicity is drawn from NORC's General Social Survey (GSS).

Sampling errors and statistical tests of significance take into account the effect of weighting. In addition to sampling error, one should bear in mind that question wording and practical difficulties in conducting surveys can introduce error or bias into the findings of opinion polls.

Appendix: Survey topline questionnaire

PEW RESEARCH CENTER
2017 INTERMARRIAGE TOPLINE
FEBRUARY 28-MARCH 12, 2017
N=1,778

NOTE: ALL NUMBERS ARE PERCENTAGES. THE PERCENTAGES LESS THAN .5% ARE REPLACED BY AN ASTERISK (*). ROWS MAY NOT TOTAL 100% DUE TO ROUNDING.

ADDITIONAL QUESTIONS HELD FOR FUTURE RELEASE

ADDITIONAL QUESTIONS PREVIOUSLY RELEASED

SOCTRNDS Next, please tell me if you think each of the following trends is generally a good thing for our society, a bad thing for our society, or doesn't make much difference? (First/Next) **[READ LIST] [RANDOMIZE] [READ IF NECESSARY:** Is this generally a good thing for our society, a bad thing for our society, or doesn't it make much difference?**]**

ITEMS A AND B HELD FOR FUTURE RELEASE

c. More people of different races marrying each other[15]

	Good thing for society	Bad thing for society	Doesn't make much difference	DK/Ref **(VOL.)**
Feb 28-Mar 12, 2017[16]	39	9	52	*
Feb 14-23, 2014[17]	37	9	51	2
Mar 21-Apr 8, 2013	37	10	51	2
Mar 8-14, 2011	25	9	64	2
Oct 1-21, 2010	25	14	60	2
Jan 14-27, 2010	24	13	61	3

[15] This item was included in a list of other societal trends in current and past surveys. The other items used at least once in the trend were: more gay and lesbian couples raising children, more mothers of young children working outside the home, more children being raised by a single parent, more young adults living with their parents, more people continuing to work beyond age 65, more people who are not religious, more people practicing religions other than Christianity, more single women deciding to have children without a male partner to help raise them (an earlier version asked about "more single women having children without a male partner to help raise them"), more people living together without getting married, more women not ever having children, more unmarried couples raising children, more people living together without getting married, and more elderly people in the population.

[16] The February 2017 survey was administered by web and telephone. Results reported here are from telephone mode only.

[17] Trends from March 2011 to February 2014 asked about "American society" instead of "our society."

GENERAL SOCIAL SURVEY[18]
2016
N=2,867

Now I'm going to ask you about another type of contact with various groups of people.

MARWHT What about having a close relative marry a white person? Would you be very in favor of it happening, somewhat in favor, neither in favor nor opposed to it happening, somewhat opposed, or very opposed to it happening?

	Very in favor	Somewhat in favor	Neither in favor nor opposed	Somewhat opposed	Very opposed	DK/Ref **(VOL.)**
GSS: 2016	35	15	48	2	1	*
GSS: 2014	37	14	46	2	1	1
GSS: 2012	38	12	47	2	1	*
GSS: 2010	39	15	42	2	1	*
GSS: 2008	40	15	42	2	1	*
GSS: 2006	44	14	40	2	1	1
GSS: 2004	43	14	39	2	1	1
GSS: 2002	54	12	29	3	1	1
GSS: 2000	50	11	29	2	1	7

MARBLK What about having a close relative marry a black person (would you be very in favor, somewhat in favor, neither in favor nor opposed, somewhat opposed or very opposed)?

	Very in favor	Somewhat in favor	Neither in favor nor opposed	Somewhat opposed	Very opposed	DK/Ref **(VOL.)**
GSS: 2016	21	13	53	8	5	*
GSS: 2014	20	14	51	7	6	1
GSS: 2012	18	12	52	8	9	1
GSS: 2010	21	13	48	10	8	*
GSS: 2008	17	15	47	11	10	1
GSS: 2006	16	13	46	13	12	1
GSS: 2004	14	12	47	14	12	*
GSS: 2002	20	12	40	13	14	1
GSS: 2000	18	12	39	13	17	2
GSS: 1998	14	11	40	16	18	1
GSS: 1996	13	11	39	16	19	2
GSS: 1990	7	4	31	25	32	2

[18] There have been minor changes to General Social Survey question wording and order over the years. The 2016 question wording and order is shown here. For more information, see the full questionnaires for each year.

MARASIAN An Asian American person (would you be very in favor, somewhat in favor, neither in favor nor opposed, somewhat opposed or very opposed)?

	Very in favor	Somewhat in favor	Neither in favor nor opposed	Somewhat opposed	Very opposed	DK/Ref **(VOL.)**
GSS: 2016	21	15	55	6	2	1
GSS: 2014	20	16	54	6	4	1
GSS: 2012	18	14	55	8	4	1
GSS: 2010	19	17	51	8	4	1
GSS: 2008	17	16	52	10	5	1
GSS: 2006	15	17	51	11	6	1
GSS: 2004	12	17	53	11	7	*
GSS: 2000	15	17	44	11	8	5
GSS: 1990	3	6	47	26	14	2

MARHISP A Hispanic or Latin American person (would you be very in favor, somewhat in favor, neither in favor nor opposed, somewhat opposed or very opposed)?

	Very in favor	Somewhat in favor	Neither in favor nor opposed	Somewhat opposed	Very opposed	DK/Ref **(VOL.)**
GSS: 2016	22	15	54	6	2	1
GSS: 2014	21	16	52	6	3	1
GSS: 2012	20	14	54	7	4	1
GSS: 2010	19	17	51	8	5	1
GSS: 2008	18	16	50	10	6	1
GSS: 2006	17	15	49	12	6	1
GSS: 2004	15	16	52	11	6	1
GSS: 2000	18	17	43	11	8	4
GSS: 1990	5	7	47	24	15	2

CASES ADJUDGED

IN THE

SUPREME COURT OF THE UNITED STATES

AT

OCTOBER TERM, 1966.

LOVING ET UX. *v.* VIRGINIA.

APPEAL FROM THE SUPREME COURT OF APPEALS OF VIRGINIA.

No. 395. Argued April 10, 1967.—Decided June 12, 1967.

Virginia's statutory scheme to prevent marriages between persons solely on the basis of racial classifications *held* to violate the Equal Protection and Due Process Clauses of the Fourteenth Amendment. Pp. 4–12.

206 Va. 924, 147 S. E. 2d 78, reversed.

Bernard S. Cohen and *Philip J. Hirschkop* argued the cause and filed a brief for appellants. *Mr. Hirschkop* argued *pro hac vice,* by special leave of Court.

R. D. McIlwaine III, Assistant Attorney General of Virginia, argued the cause for appellee. With him on the brief were *Robert Y. Button,* Attorney General, and *Kenneth C. Patty,* Assistant Attorney General.

William M. Marutani, by special leave of Court, argued the cause for the Japanese American Citizens League, as *amicus curiae,* urging reversal.

Briefs of *amici curiae,* urging reversal, were filed by *William M. Lewers* and *William B. Ball* for the National Catholic Conference for Interracial Justice et al.;

by *Robert L. Carter* and *Andrew D. Weinberger* for the National Association for the Advancement of Colored People, and by *Jack Greenberg, James M. Nabrit III* and *Michael Meltsner* for the N. A. A. C. P. Legal Defense & Educational Fund, Inc.

T. W. Bruton, Attorney General, and *Ralph Moody,* Deputy Attorney General, filed a brief for the State of North Carolina, as *amicus curiae,* urging affirmance.

MR. CHIEF JUSTICE WARREN delivered the opinion of the Court.

This case presents a constitutional question never addressed by this Court: whether a statutory scheme adopted by the State of Virginia to prevent marriages between persons solely on the basis of racial classifications violates the Equal Protection and Due Process Clauses of the Fourteenth Amendment.[1] For reasons which seem to us to reflect the central meaning of those constitutional commands, we conclude that these statutes cannot stand consistently with the Fourteenth Amendment.

In June 1958, two residents of Virginia, Mildred Jeter, a Negro woman, and Richard Loving, a white man, were married in the District of Columbia pursuant to its laws. Shortly after their marriage, the Lovings returned to Virginia and established their marital abode in Caroline County. At the October Term, 1958, of the Circuit Court

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[1] Section 1 of the Fourteenth Amendment provides:

"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."

of Caroline County, a grand jury issued an indictment charging the Lovings with violating Virginia's ban on interracial marriages. On January 6, 1959, the Lovings pleaded guilty to the charge and were sentenced to one year in jail; however, 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. He stated in an opinion that:

> "Almighty God created the races white, black, yellow, malay and red, and he placed them on separate continents. And but for the interference with his arrangement there would be no cause for such marriages. The fact that he separated the races shows that he did not intend for the races to mix."

After their convictions, the Lovings took up residence in the District of Columbia. On November 6, 1963, they filed a motion in the state trial court to vacate the judgment and set aside the sentence on the ground that the statutes which they had violated were repugnant to the Fourteenth Amendment. The motion not having been decided by October 28, 1964, the Lovings instituted a class action in the United States District Court for the Eastern District of Virginia requesting that a three-judge court be convened to declare the Virginia antimiscegenation statutes unconstitutional and to enjoin state officials from enforcing their convictions. On January 22, 1965, the state trial judge denied the motion to vacate the sentences, and the Lovings perfected an appeal to the Supreme Court of Appeals of Virginia. On February 11, 1965, the three-judge District Court continued the case to allow the Lovings to present their constitutional claims to the highest state court.

The Supreme Court of Appeals upheld the constitutionality of the antimiscegenation statutes and, after

modifying the sentence, affirmed the convictions.[2] The Lovings appealed this decision, and we noted probable jurisdiction on December 12, 1966, 385 U. S. 986.

The two statutes under which appellants were convicted and sentenced are part of a comprehensive statutory scheme aimed at prohibiting and punishing interracial marriages. The Lovings were convicted of violating § 20–58 of the Virginia Code:

> "*Leaving State to evade law.*—If any white person and colored person shall go out of this State, for the purpose of being married, and with the intention of returning, and be married out of it, and afterwards return to and reside in it, cohabiting as man and wife, they shall be punished as provided in § 20–59, and the marriage shall be governed by the same law as if it had been solemnized in this State. The fact of their cohabitation here as man and wife shall be evidence of their marriage."

Section 20–59, which defines the penalty for miscegenation, provides:

> "*Punishment for marriage.*—If any white person intermarry with a colored person, or any colored person intermarry with a white person, he shall be guilty of a felony and shall be punished by confinement in the penitentiary for not less than one nor more than five years."

Other central provisions in the Virginia statutory scheme are § 20–57, which automatically voids all marriages between "a white person and a colored person" without any judicial proceeding,[3] and §§ 20–54 and 1–14 which,

[2] 206 Va. 924, 147 S. E. 2d 78 (1966).

[3] Section 20–57 of the Virginia Code provides:

"*Marriages void without decree.*—All marriages between a white person and a colored person shall be absolutely void without any decree of divorce or other legal process." Va. Code Ann. § 20–57 (1960 Repl. Vol.).

respectively, define "white persons" and "colored persons and Indians" for purposes of the statutory prohibitions.[4] The Lovings have never disputed in the course of this litigation that Mrs. Loving is a "colored person" or that Mr. Loving is a "white person" within the meanings given those terms by the Virginia statutes.

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[4] Section 20–54 of the Virginia Code provides:

"*Intermarriage prohibited; meaning of term 'white persons.'*—It shall hereafter be unlawful for any white person in this State to marry any save a white person, or a person with no other admixture of blood than white and American Indian. For the purpose of this chapter, the term 'white person' shall apply only to such person as has no trace whatever of any blood other than Caucasian; but persons who have one-sixteenth or less of the blood of the American Indian and have no other non-Caucasic blood shall be deemed to be white persons. All laws heretofore passed and now in effect regarding the intermarriage of white and colored persons shall apply to marriages prohibited by this chapter." Va. Code Ann. § 20–54 (1960 Repl. Vol.).

The exception for persons with less than one-sixteenth "of the blood of the American Indian" is apparently accounted for, in the words of a tract issued by the Registrar of the State Bureau of Vital Statistics, by "the desire of all to recognize as an integral and honored part of the white race the descendants of John Rolfe and Pocahontas . . . ." Plecker, The New Family and Race Improvement, 17 Va. Health Bull., Extra No. 12, at 25–26 (New Family Series No. 5, 1925), cited in Wadlington, The *Loving* Case: Virginia's Anti-Miscegenation Statute in Historical Perspective, 52 Va. L. Rev. 1189, 1202, n. 93 (1966).

Section 1–14 of the Virginia Code provides:

"*Colored persons and Indians defined.*—Every person in whom there is ascertainable any Negro blood shall be deemed and taken to be a colored person, and every person not a colored person having one fourth or more of American Indian blood shall be deemed an American Indian; except that members of Indian tribes existing in this Commonwealth having one fourth or more of Indian blood and less than one sixteenth of Negro blood shall be deemed tribal Indians." Va. Code Ann. § 1–14 (1960 Repl. Vol.).

Virginia is now one of 16 States which prohibit and punish marriages on the basis of racial classifications.[5] Penalties for miscegenation arose as an incident to slavery and have been common in Virginia since the colonial period.[6] The present statutory scheme dates from the adoption of the Racial Integrity Act of 1924, passed during the period of extreme nativism which followed the end of the First World War. The central features of this Act, and current Virginia law, are the absolute prohibition of a "white person" marrying other than another "white person," [7] a prohibition against issuing marriage licenses until the issuing official is satisfied that

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[5] After the initiation of this litigation, Maryland repealed its prohibitions against interracial marriage, Md. Laws 1967, c. 6, leaving Virginia and 15 other States with statutes outlawing interracial marriage: Alabama, Ala. Const., Art. 4, § 102, Ala. Code, Tit. 14, § 360 (1958); Arkansas, Ark. Stat. Ann. § 55–104 (1947); Delaware, Del. Code Ann., Tit. 13, § 101 (1953); Florida, Fla. Const., Art. 16, § 24, Fla. Stat. § 741.11 (1965); Georgia, Ga. Code Ann. § 53–106 (1961); Kentucky, Ky. Rev. Stat. Ann. § 402.020 (Supp. 1966); Louisiana, La. Rev. Stat. § 14:79 (1950); Mississippi, Miss. Const., Art. 14, § 263, Miss. Code Ann. § 459 (1956); Missouri, Mo. Rev. Stat. § 451.020 (Supp. 1966); North Carolina, N. C. Const., Art. XIV, § 8, N. C. Gen. Stat. § 14–181 (1953); Oklahoma, Okla. Stat., Tit. 43, § 12 (Supp. 1965); South Carolina, S. C. Const., Art. 3, § 33, S. C. Code Ann. § 20–7 (1962); Tennessee, Tenn. Const., Art. 11, § 14, Tenn. Code Ann. § 36–402 (1955); Texas, Tex. Pen. Code, Art. 492 (1952); West Virginia, W. Va. Code Ann. § 4697 (1961).

Over the past 15 years, 14 States have repealed laws outlawing interracial marriages: Arizona, California, Colorado, Idaho, Indiana, Maryland, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, and Wyoming.

The first state court to recognize that miscegenation statutes violate the Equal Protection Clause was the Supreme Court of California. *Perez* v. *Sharp*, 32 Cal. 2d 711, 198 P. 2d 17 (1948).

[6] For a historical discussion of Virginia's miscegenation statutes, see Wadlington, *supra*, n. 4.

[7] Va. Code Ann. § 20–54 (1960 Repl. Vol.).

the applicants' statements as to their race are correct,[8] certificates of "racial composition" to be kept by both local and state registrars,[9] and the carrying forward of earlier prohibitions against racial intermarriage.[10]

I.

In upholding the constitutionality of these provisions in the decision below, the Supreme Court of Appeals of Virginia referred to its 1955 decision in *Naim* v. *Naim,* 197 Va. 80, 87 S. E. 2d 749, as stating the reasons supporting the validity of these laws. In *Naim,* the state court concluded that the State's legitimate purposes were "to preserve the racial integrity of its citizens," and to prevent "the corruption of blood," "a mongrel breed of citizens," and "the obliteration of racial pride," obviously an endorsement of the doctrine of White Supremacy. *Id.,* at 90, 87 S. E. 2d, at 756. The court also reasoned that marriage has traditionally been subject to state regulation without federal intervention, and, consequently, the regulation of marriage should be left to exclusive state control by the Tenth Amendment.

While the state court is no doubt correct in asserting that marriage is a social relation subject to the State's police power, *Maynard* v. *Hill,* 125 U. S. 190 (1888), the State does not contend in its argument before this Court that its powers to regulate marriage are unlimited notwithstanding the commands of the Fourteenth Amendment. Nor could it do so in light of *Meyer* v. *Nebraska,* 262 U. S. 390 (1923), and *Skinner* v. *Oklahoma,* 316 U. S. 535 (1942). Instead, the State argues that the meaning of the Equal Protection Clause, as illuminated by the statements of the Framers, is only that state penal laws containing an interracial element

[8] Va. Code Ann. § 20–53 (1960 Repl. Vol.).

[9] Va. Code Ann. § 20–50 (1960 Repl. Vol.).

[10] Va. Code Ann. § 20–54 (1960 Repl. Vol.).

as part of the definition of the offense must apply equally to whites and Negroes in the sense that members of each race are punished to the same degree. Thus, the State contends that, because its miscegenation statutes punish equally both the white and the Negro participants in an interracial marriage, these statutes, despite their reliance on racial classifications, do not constitute an invidious discrimination based upon race. The second argument advanced by the State assumes the validity of its equal application theory. The argument is that, if the Equal Protection Clause does not outlaw miscegenation statutes because of their reliance on racial classifications, the question of constitutionality would thus become whether there was any rational basis for a State to treat interracial marriages differently from other marriages. On this question, the State argues, the scientific evidence is substantially in doubt and, consequently, this Court should defer to the wisdom of the state legislature in adopting its policy of discouraging interracial marriages.

Because we reject the notion that the mere "equal application" of a statute containing racial classifications is enough to remove the classifications from the Fourteenth Amendment's proscription of all invidious racial discriminations, we do not accept the State's contention that these statutes should be upheld if there is any possible basis for concluding that they serve a rational purpose. The mere fact of equal application does not mean that our analysis of these statutes should follow the approach we have taken in cases involving no racial discrimination where the Equal Protection Clause has been arrayed against a statute discriminating between the kinds of advertising which may be displayed on trucks in New York City, *Railway Express Agency, Inc.* v. *New York,* 336 U. S. 106 (1949), or an exemption in Ohio's ad valorem tax for merchandise owned by a nonresident in a storage warehouse, *Allied Stores of Ohio,*

Inc. v. *Bowers*, 358 U. S. 522 (1959). In these cases, involving distinctions not drawn according to race, the Court has merely asked whether there is any rational foundation for the discriminations, and has deferred to the wisdom of the state legislatures. In the case at bar, however, we deal with statutes containing racial classifications, and the fact of equal application does not immunize the statute from the very heavy burden of justification which the Fourteenth Amendment has traditionally required of state statutes drawn according to race.

The State argues that statements in the Thirty-ninth Congress about the time of the passage of the Fourteenth Amendment indicate that the Framers did not intend the Amendment to make unconstitutional state miscegenation laws. Many of the statements alluded to by the State concern the debates over the Freedmen's Bureau Bill, which President Johnson vetoed, and the Civil Rights Act of 1866, 14 Stat. 27, enacted over his veto. While these statements have some relevance to the intention of Congress in submitting the Fourteenth Amendment, it must be understood that they pertained to the passage of specific statutes and not to the broader, organic purpose of a constitutional amendment. As for the various statements directly concerning the Fourteenth Amendment, we have said in connection with a related problem, that although these historical sources "cast some light" they are not sufficient to resolve the problem; "[a]t best, they are inconclusive. The most avid proponents of the post-War Amendments undoubtedly intended them to remove all legal distinctions among 'all persons born or naturalized in the United States.' Their opponents, just as certainly, were antagonistic to both the letter and the spirit of the Amendments and wished them to have the most limited effect." *Brown* v. *Board of Education*, 347 U. S. 483, 489 (1954). See also *Strauder*

v. *West Virginia,* 100 U. S. 303, 310 (1880). We have rejected the proposition that the debates in the Thirty-ninth Congress or in the state legislatures which ratified the Fourteenth Amendment supported the theory advanced by the State, that the requirement of equal protection of the laws is satisfied by penal laws defining offenses based on racial classifications so long as white and Negro participants in the offense were similarly punished. *McLaughlin* v. *Florida,* 379 U. S. 184 (1964).

The State finds support for its "equal application" theory in the decision of the Court in *Pace* v. *Alabama,* 106 U. S. 583 (1883). In that case, the Court upheld a conviction under an Alabama statute forbidding adultery or fornication between a white person and a Negro which imposed a greater penalty than that of a statute proscribing similar conduct by members of the same race. The Court reasoned that the statute could not be said to discriminate against Negroes because the punishment for each participant in the offense was the same. However, as recently as the 1964 Term, in rejecting the reasoning of that case, we stated "*Pace* represents a limited view of the Equal Protection Clause which has not withstood analysis in the subsequent decisions of this Court." *McLaughlin* v. *Florida, supra,* at 188. As we there demonstrated, the Equal Protection Clause requires the consideration of whether the classifications drawn by any statute constitute an arbitrary and invidious discrimination. The clear and central purpose of the Fourteenth Amendment was to eliminate all official state sources of invidious racial discrimination in the States. *Slaughter-House Cases,* 16 Wall. 36, 71 (1873); *Strauder* v. *West Virginia,* 100 U. S. 303, 307–308 (1880); *Ex parte Virginia,* 100 U. S. 339, 344–345 (1880); *Shelley* v. *Kraemer,* 334 U. S. 1 (1948); *Burton* v. *Wilmington Parking Authority,* 365 U. S. 715 (1961).

There can be no question but that Virginia's miscegenation statutes rest solely upon distinctions drawn according to race. The statutes proscribe generally accepted conduct if engaged in by members of different races. Over the years, this Court has consistently repudiated "[d]istinctions between citizens solely because of their ancestry" as being "odious to a free people whose institutions are founded upon the doctrine of equality." *Hirabayashi* v. *United States,* 320 U. S. 81, 100 (1943). At the very least, the Equal Protection Clause demands that racial classifications, especially suspect in criminal statutes, be subjected to the "most rigid scrutiny," *Korematsu* v. *United States,* 323 U. S. 214, 216 (1944), and, if they are ever to be upheld, they must be shown to be necessary to the accomplishment of some permissible state objective, independent of the racial discrimination which it was the object of the Fourteenth Amendment to eliminate. Indeed, two members of this Court have already stated that they "cannot conceive of a valid legislative purpose . . . which makes the color of a person's skin the test of whether his conduct is a criminal offense." *McLaughlin* v. *Florida, supra,* at 198 (STEWART, J., joined by DOUGLAS, J., concurring).

There is patently no legitimate overriding purpose independent of invidious racial discrimination which justifies this classification. The fact that Virginia prohibits only interracial marriages involving white persons demonstrates that the racial classifications must stand on their own justification, as measures designed to maintain White Supremacy.[11] We have consistently denied

[11] Appellants point out that the State's concern in these statutes, as expressed in the words of the 1924 Act's title, "An Act to Preserve Racial Integrity," extends only to the integrity of the white race. While Virginia prohibits whites from marrying any nonwhite (subject to the exception for the descendants of Pocahontas), Negroes, Orientals, and any other racial class may intermarry with-

the constitutionality of measures which restrict the rights of citizens on account of race. There can be no doubt that restricting the freedom to marry solely because of racial classifications violates the central meaning of the Equal Protection Clause.

II.

These statutes also deprive the Lovings of liberty without due process of law in violation of the Due Process Clause of the Fourteenth Amendment. The freedom to marry has long been recognized as one of the vital personal rights essential to the orderly pursuit of happiness by free men.

Marriage is one of the "basic civil rights of man," fundamental to our very existence and survival. *Skinner* v. *Oklahoma,* 316 U. S. 535, 541 (1942). See also *Maynard* v. *Hill,* 125 U. S. 190 (1888). To deny this fundamental freedom on so unsupportable a basis as the racial classifications embodied in these statutes, classifications so directly subversive of the principle of equality at the heart of the Fourteenth Amendment, is surely to deprive all the State's citizens of liberty without due process of law. The Fourteenth Amendment requires that the freedom of choice to marry not be restricted by invidious racial discriminations. 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.

These convictions must be reversed. *It is so ordered.*

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out statutory interference. Appellants contend that this distinction renders Virginia's miscegenation statutes arbitrary and unreasonable even assuming the constitutional validity of an official purpose to preserve "racial integrity." We need not reach this contention because we find the racial classifications in these statutes repugnant to the Fourteenth Amendment, even assuming an even-handed state purpose to protect the "integrity" of all races.

MR. JUSTICE STEWART, concurring.

I have previously expressed the belief that "it is simply not possible for a state law to be valid under our Constitution which makes the criminality of an act depend upon the race of the actor." *McLaughlin* v. *Florida*, 379 U. S. 184, 198 (concurring opinion). Because I adhere to that belief, I concur in the judgment of the Court.

all the cases referred to, this court has been guided. The writ of error is accordingly

Dismissed for want of jurisdiction.

NOTE. — *Plainview* v. *Marshall*, error to the same court, was submitted at the same time and by the counsel who argued the preceding case. MR. JUSTICE MATTHEWS, who delivered the opinion of the court, remarked, that the two cases did not differ in any material respect, the value of the matter in dispute in each being less than $5,000. For the same reasons the writ of error in this case was

Dismissed.

PACE *v.* ALABAMA.

Section 4189 of the Code of Alabama, prohibiting a white person and a negro from living with each other in adultery or fornication, is not in conflict with the Constitution of the United States, although it prescribes penalties more severe than those to which the parties would be subject, were they of the same race and color.

ERROR to the Supreme Court of the State of Alabama.

Section 4184 of the Code of Alabama provides that "if any man and woman live together in adultery or fornication, each of them must, on the first conviction of the offence, be fined not less than one hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months. On the second conviction for the offence, with the same person, the offender must be fined not less than three hundred dollars, and may be imprisoned in the county jail, or sentenced to hard labor for the county for not more than twelve months; and for a third or any subsequent conviction with the same person, must be imprisoned in the penitentiary, or sentenced to hard labor for the county for two years."

Section 4189 of the same code declares that "if any white person and any negro, or the descendant of any negro to the third generation, inclusive, though one ancestor of each generation was a white person, intermarry or live in adultery or fornication with each other, each of them must, on conviction, be imprisoned in the penitentiary or sentenced to hard labor for the county for not less than two nor more than seven years."

In November, 1881, Tony Pace, a negro man, and Mary J. Cox, a white woman, were indicted, under sect. 4189, in a Circuit Court of Alabama, for living together in a state of adultery or fornication, and were tried, convicted, and sentenced, each to two years' imprisonment in the State penitentiary. On appeal to the Supreme Court of the State the judgment was affirmed, and he brought the case here on writ of error, insisting that the act under which he was indicted and convicted is in conflict with the concluding clause of the first section of the Fourteenth Amendment of the Constitution, which declares that no State shall "deny to any person the equal protection of the laws."

Mr. John R. Tompkins for the plaintiff in error.

Mr. Henry C. Tompkins, Attorney-General of Alabama, *contra.*

MR. JUSTICE FIELD delivered the opinion of the court, and after stating the case as above, proceeded as follows: —

The counsel of the plaintiff in error compares sects. 4184 and 4189 of the Code of Alabama, and assuming that the latter relates to the same offence as the former, and prescribes a greater punishment for it, because one of the parties is a negro, or of negro descent, claims that a discrimination is made against the colored person in the punishment designated, which conflicts with the clause of the Fourteenth Amendment prohibiting a State from denying to any person within its jurisdiction the equal protection of the laws.

The counsel is undoubtedly correct in his view of the purpose of the clause of the amendment in question, that it was to prevent hostile and discriminating State legislation against any person or class of persons. Equality of protection under the laws implies not only accessibility by each one, whatever his race, on the same terms with others to the courts of the country for the security of his person and property, but that in the administration of criminal justice he shall not be subjected, for the same offence, to any greater or different punishment. Such was the view of Congress in the enactment of the Civil Rights Act of May 31, 1870, c. 114, after the adoption of the amendment. That act, after providing that all persons within

the jurisdiction of the United States shall have the same right, in every State and Territory, to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of person and property as is enjoyed by white citizens, declares, in sect. 16, that they "shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind and none other, any law, statute, ordinance, regulation, or custom to the contrary notwithstanding."

The defect in the argument of counsel consists in his assumption that any discrimination is made by the laws of Alabama in the punishment provided for the offence for which the plaintiff in error was indicted when committed by a person of the African race and when committed by a white person. The two sections of the code cited are entirely consistent. The one prescribes, generally, a punishment for an offence committed between persons of different sexes; the other prescribes a punishment for an offence which can only be committed where the two sexes are of different races. There is in neither section any discrimination against either race. Sect. 4184 equally includes the offence when the persons of the two sexes are both white and when they are both black. Sect. 4189 applies the same punishment to both offenders, the white and the black. Indeed, the offence against which this latter section is aimed cannot be committed without involving the persons of both races in the same punishment. Whatever discrimination is made in the punishment prescribed in the two sections is directed against the offence designated and not against the person of any particular color or race. The punishment of each offending person, whether white or black, is the same.

Judgment affirmed.