

**PHIL 102**

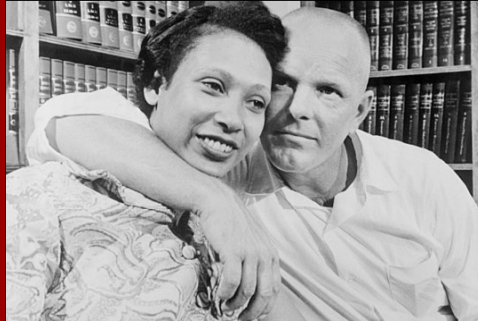
**Ethics, Politics, & Law**

***Loving v.  
Virginia***

## **Furhter Implications**

- **Sodomy statutes in 1960**
- **The sexual revolution**
- **General right to sexual privacy**
  - **Fornication**
  - **Adultry**
- **Other homosexual rights**
- **Homosexual marriage**

# Facts of the Case



- Marriage
- Return to Virginia
- Arrest
- Trial
- Law suit



## Amendment XIV

### Section 1.

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.**

# Equal Protection Clause

- **History**
- ***Brown v. Board of Education***
- **Civil Rights**
- **Protected classes**
- **"Strict scrutiny"**
- **No-brainer in *Loving***



# Marriage



- **Fundamental rights**
- **"Basic civil rights of man"**
- **Rational basis test**
- **Second basis for strict scrutiny**

# Marriage & Privacy

- Chief Justice Earl Warren
- Due Process Clause
- Constitutional privacy
- Marriage as a fundamental right



# Mildred Loving



- 40 year anniversary of *Loving v. Virginia*
- Mildred Loving's statment

# *Reynolds v. U.S. (1878)*

- **Facts**
- **First Amendment**
  - Religion Clauses
  - Belief/action
- **Non-controversial**
- **My conference**
- **Fundamental right?**
  - Marriage & privacy
  - Religious freedom
  - Right to polygamy?

