



Richard and Mildred Loving with their children in a 1965 photograph by Grey Villet. Their desire to live in Virginia as man and wife led to a Supreme Court decision declaring unconstitutional state laws that barred interracial marriages.

Un-American Activities Committee, and refusing to disclose their political beliefs to state officials. The government, Warren declared, could prosecute illegal actions, but not “unorthodoxy or dissent.” By the time Warren retired in 1969, the Court had reaffirmed the right of even the most unpopular viewpoints to First Amendment protection and had dismantled the Cold War loyalty security system.

Civil liberties had gained strength in the 1930s because of association with the rights of labor; in the 1950s and 1960s, they became intertwined with

civil rights. Beginning with *NAACP v. Alabama* in 1958, the Court struck down southern laws that sought to destroy civil rights organizations by forcing them to make public their membership lists. In addition, in the landmark ruling in *New York Times v. Sullivan* (1964), it overturned a libel judgment by an Alabama jury against the nation’s leading newspaper for carrying an advertisement critical of how local officials treated civil rights demonstrators. The “central meaning of the First Amendment,” the justices declared, lay in the right of citizens to criticize their government. For good measure, they declared the Sedition Act of 1798 unconstitutional over a century and a half after it had expired. Before the 1960s, few Supreme Court cases had dealt with newspaper publishing. *Sullivan* created the modern constitutional law of freedom of the press.

The Court in the 1960s continued the push toward racial equality, overturning numerous local Jim Crow laws. In *Loving v. Virginia* (1967), it declared unconstitutional the laws still on the books in sixteen states that prohibited interracial marriage. This aptly named case arose from the interracial marriage of Richard and Mildred Loving. Barred by Virginia law from marrying, they did so in Washington, D.C., and later returned to their home state. Two weeks after their arrival, the local sheriff entered their home in the middle of the night, roused the couple from bed, and arrested them. The Lovings were sentenced to five years in prison, although the judge gave them the option of leaving Virginia instead. They departed for Washington, but five years later, wishing to return, they sued in federal court, claiming that their rights had been violated. In 1968, in *Jones v. Alfred H. Mayer Co.*, the Court forbade discrimination in the rental or sale of housing. Eliminating “badges of slavery,” such as unequal access to housing, the ruling suggested, was essential to fulfilling at long last the promise of emancipation.