



TELL THE COURT

I love my wife

RACE, MARRIAGE, AND LAW—
AN AMERICAN HISTORY

Tell the Court I Love My Wife: Race, Marriage, and Law--An American History, Peter Wallenstein, Palgrave Macmillan, 2004, 1403964084, 9781403964083, 336 pages. The first in-depth history of miscegenation law in the United States, this book illustrates in vivid detail how states, communities, and the courts have defined and regulated mixed-race marriage from the colonial period to the present. Combining a storyteller's detail with a historian's analysis, Peter Wallenstein brings the sagas of Richard and Mildred Loving and countless other interracial couples before them to light in this harrowing history of how individual states had the power to regulate one of the most private aspects of life: marriage..

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Symposium forty years of Loving : confronting issues of race, sexuality, and the family in the twenty-first century, Fordham University. School of Law, 2008, Social Science, 458 pages. .

Man and Wife in America A History, Hendrik Hartog, 2000, History, 408 pages. The author examines a century and a half of marriage in the United States from the standpoint of the laws that defined marital relations and how these laws were manipulated to

American Mixed Race The Culture of Microdiversity, Naomi Zack, Jan 1, 1995, Social Science, 379 pages. This exciting multidisciplinary collection brings together twenty-two original essays by scholars on the cutting edge of racial theory, who address both the American concept of

Litigation of husband and wife by Charles M. Jacobs, Charles Michael Jacobs, 1928, Law, 559 pages. .

Removing a Badge of Slavery The Record of Brown V. Board of Education, Mark Whitman, 1993, Law, 357 pages. .

Federalism , Robert P. Sutton, 2002, Political Science, 293 pages. Commentary and fifty-four primary documents are used to explore eight issues involving the rights of the federal government, including the Sedition Act of 1798 and the 1896

SOUL BY SOUL , Walter JOHNSON, Jun 30, 2009, History, 320 pages. Soul by Soul tells the story of slavery in antebellum America by moving away from the cotton plantations and into the slave market itself, the heart of the domestic slave trade

Broken Promises The Strange History of the Fourteenth Amendment, Richard Stiller, 1972, Law, 120 pages. Traces the struggle to make the Fourteenth Amendment's promise of equality for all a reality..

Brown versus Board of Education , Robert J. Cottrol, Raymond T. Diamond, Leland Ware, 2003, Political Science, 292 pages. Before 1954, both law and custom mandated strict racial segregation throughout much of the nation. That began to change with "Brown v. Board of Education, the landmark decision

The no fault divorce guide , John Cotton Howell, 1979, , 182 pages. .

Plessy V. Ferguson Separate But Equal, Tim McNeese, Jan 1, 2009, Segregation, 136 pages. Discusses the historic Supreme Court case involving a Black man who boarded a "whites-only" car in New Orleans in 1882..

Race Mixing Black-White Marriage in Postwar America, Renee Christine Romano, 2003, History, 368 pages. The startling rise of inter-racial marriages during the last half of the twentieth century retraces a fascinating history that begins with the end of World War II, when

Loving V. Virginia Interracial Marriage, Karen Alonso, 2000, Juvenile Nonfiction, 112 pages. Explores the Supreme Court case that challenged and eventually overturned Virginia's law

forbidding interracial marriages..

Interracial Intimacy: The Regulation of Race and Romance, Rachel F. Moran, May 1, 2003, Law, 271 pages. Crossing disciplinary lines, Moran looks in depth at interracial intimacy in America from colonial times to the present. She traces the evolution of bans on intermarriage and

Mixed Blood: Intermarriage and Ethnic Identity in Twentieth-century America, Paul R. Spickard, 1989, Social Science, 532 pages. 'Paul R. Spickard has performed a tremendous service to historians and other students of ethnicity in writing this study of the historic patterns and changing meanings of out

From Bondage to Contract: Wage Labor, Marriage, and the Market in the Age of Slave Emancipation, Amy Dru Stanley, Nov 13, 1998, History, 277 pages. This book explores how a generation of American thinkers and reformers - abolitionists, former slaves, feminists, labor advocates, jurists, moralists, and social scientists

The first in-depth history of miscegenation law in the United States, this book illustrates in vivid detail how states, communities, and the courts have defined and regulated mixed-race marriage from the colonial period to the present. Combining a storyteller's detail with a historian's analysis, Peter Wallenstein brings the sagas of Richard and Mildred Loving and countless other interracial couples before them to light in this harrowing history of how individual states had the power to regulate one of the most private aspects of life: marriage.

Wallenstein uses the 1967 Loving case, in which a Virginia couple challenged laws against interracial marriage, as a pivot point for examining racial definitions and relations in the U.S. By its ruling, the U.S. Supreme Court finally outlawed so-called antimiscegenation laws and amended the patchwork of laws stating who was black or white and what constituted interracial marriage. Wallenstein compellingly traces the legal intersection between race and sex from the pre-Civil War focus on liaisons between black men and white women to later concerns about the inheritance implications of white former masters acknowledging their children born of slave women. He also examines the social intricacies affecting the evolution of the legal meaning of black. Because laws varied from state to state--and even within a state--couples such as the Lovings found themselves living in a legal limbo. But Wallenstein also appropriately explores the changes in social attitudes that saw racial definitions move from fluid to rigid and to the current state of increasing racial and ethnic diversity that defies easy definition. Vernon Ford

‘Tell the Court I Love My Wife’ is a remarkable study by a splendid scholar who takes a fresh look at the history of miscegenation. Peter Wallenstein’s impressive research and lively writing explores issues and questions of racial identity, marriage and property rights, law and power in the long sweep of American history. All Americans who believe that the right to marry someone of a different racial identity is sacrosanct need to read this spirited and thoughtful book.--Darlene Clark Hine, Michigan State University and co-editor of *Black Women in America: An Historical Encyclopedia*

Take time to google some of the people in this book and you see another whole layer unfold in this story. I enjoyed the life they lived of honor and dignity. I didn't read about them hating family or neighbors but of working hard to bring dignity to what they had created. Amazing how the opinions of people depending on what society is facing can change so quickly.

for those of us who want to research the history of interracial marriage and the restrictive laws being put in place by people in power in America for centuries until several interracial couples challenge those racist laws, starting after WWII and beginning with the California antimiscegenation laws. Today, California has the highest numbers of IRs and multiracial children with the exception of Hawaii.

With the debate over gay marriage impacting the presidential race, Peter Wallenstein provides a

timely history lesson focusing on the previous matrimony taboo: interracial marriage. In 1958, a Virginia couple was arrested for violating state law on interracial marriage. In 1967, the Supreme Court ruled unanimously that the law was unconstitutional, thus outlawing miscegenation laws some as old as three centuries. Mr. Wallenstein points out that the laws on interracial marriage tied very closely to social attitudes on race throughout the nation's history and in many cases back to colonial times

He eloquently and interestingly points out the history of interracial couples and miscegenation laws. The author makes the case that the more you allow the state to dictate about adults, the more everyone loses. Imagine what that means with an amendment. **TELL THE COURT I LOVE MY WIFE: RACE, MARRIAGE, AND LAW - AN AMERICAN HISTORY** is a well written, thought provoking, and perfectly timed look back at a black eye on the nation's heritage. Readers who see the dots connected to the current debate will want to read Jonathan Rauch's strong dissertation in support of **GAY MARRIAGE**.

Tell the Court I Love My Wife is a refreshingly broad social, political, and legal history of race and marriage. Peter Wallenstein aims to "supply a historical context and outline a reliable interpretive structure within which to understand" the history of interracial marriage in the U.S. (9). He includes not only African Americans but also Native Americans and Asian Americans in his discussion, covering over three hundred years of American history in the process.

Tell the Court I Love My Wife is, at base, a book about "miscegenation," which refers to "laws that regulated interracial marriage" (9). As with most recent studies of "race," Wallenstein's operates at the "intersections of race and sex." His examination, however, is anchored concretely because the author reads the history of interracial relationships in the context of "law and culture, marriage and property, identity and power" to show how "the public sphere sought to govern the most private dimensions of people's lives" and to illustrate how individual challenges to antimiscegenation laws in turn influenced public policy. This is, then, "a study of power—power imposed, power resisted" (5). While clearly aware that "race" is a social construction, Wallenstein aims to show that the "myth" of race had very real consequences, ranging from profound emotional turmoil to the prevention of "the conveyance of wealth from white to nonwhite" (6, 162).

Wallenstein devotes four thoughtful chapters to the years 1660-1860 in which he charts the evolution of colonial and antebellum statutes regulating race and marriage. The principal focus, though, is on the years following the Civil War, a period in which miscegenation laws in the United States became more universal, when transgressions were punished more severely, and when many states redefined the boundary between white and nonwhite racial identities in an effort to make "whiteness" more exclusive. By the 1940s, such laws came under sustained legal scrutiny and eventually collapsed with the 1967 *Loving v. Virginia* case.

As Wallenstein makes clear, the history of miscegenation law is one best understood through an examination of federal and state law. Before the 1960s, the U.S. Supreme Court treated miscegenation laws as constitutional, upholding them in *Pace v. Alabama* (1883) and reaffirming them in *Plessy v. Ferguson* (1896) and *Buchanan v. Warley* (1917). Critically, questions of interracial marriage were left largely to local and state discretion. As such, there was tremendous variation in where and when interracial marriages were banned: some bans were enacted as early as 1664 (Maryland), repealed as early as 1780 (Pennsylvania), "and elaborated as late as the 1930s, when California, Arizona, Maryland, and Utah all acted to bar men from the Philippines from marrying white women" (3).

Laws against interracial marriage were pernicious in every respect, limiting the choices of whites and nonwhites alike. Ironies abounded. Not only did laws against miscegenation limit the personal and civil freedom of white men but these same laws also often served to encourage interracial couples to maintain a sexual relationship outside of marriage. In this way, laws against interracial marriage challenged some of the basic tenets of what liberals and conservatives alike considered central to American identity: individual liberty and the sanctity and desirability of marriage.

Integral to Wallenstein's study is a thoughtful discussion of how "racial identity" (his preferred term to "race") was defined and redefined over the years. Sometimes, racial reclassification could be effected quite quickly (the very speed of the redefinition revealing the fiction of "race"). At the end of the nineteenth century, for example, segregation inspired the gerrymandering of new racial identities. Here, Wallenstein helpfully reminds us that the so-called "one-drop" rule (the notion that any "African" blood whatsoever defined one as "black") evolved in response to local initiatives and was never really ubiquitous. Virginia, for instance, had traditionally considered someone black if they had one-fourth African ancestry. In response to the imperatives of segregation, the state then shifted the fraction to one-sixteenth in 1910 and, finally, in...

1bid ACLU African Americans African ancestry Alabama Supreme Court American Revolution antimiscegenation regime appealed black-white California Caroline County Caucasian chapter child citizens Civil Rights Act claim cohabitation constitutionality convicted County court ruled declared derermined enacted equal protection Florida Fourteenth Amendment freedom Georgia History inheritance interracial couple interracial marriage Judge law of race laws against interracial legally marry legislation legislature live togerher Indian Louisiana marriage license married a white Maryland Massachuserts matter miscegenation laws miscegenation statute Mississippi mixed-race mother mulatto NAACP negro nonertheless nonwhite North Carolina Oklahoma penalties Perez pethaps Press question race and marriage racial identity Reconstruction repealed Republican retained returned riage same-sex marriages segregation sexual slave slavery somerimes South Texas tion took trial court twentierh century U.S. Constitution U.S. Supreme Court Univ valid violated Virginia law Virginia Supreme Court wherher white person white woman wife women York

Using the case of Richard and Mildred Loving who lived in Virginia (which had a miscegenation law) but married in Washington, D.C. (which had no such law) and who were arrested in their own bedroom in Virginia in 1958 a few weeks after they got married, Wallenstein takes a close look at the history of race and marriage in the United States.

He goes back to the 17th century to the first miscegenation laws of the country, through the addition of more as blacks became more numerous in the country. He continues through the Civil War and Reconstruction and shows how the laws disappeared and then reappeared. He also shows how more states added miscegenation laws and included other races besides black in the restrictions, how the definitions changed from 1/4 black to a single drop.

Even though the Lovings won their case at the US Supreme Court in 1967 and due to the various briefs submitted by friends of the court, like the Japanese American Citizens League, the decision made all miscegenation laws across the states unconstitutional, it was not until 2000 that the last miscegenation law (in Alabama) came off the books. Others still fought battles, but they didn't last long and they always won.

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A year after they got married in Washington, D.C., Mildred and Richard Loving were arrested in their Virginia bedroom in 1959 for illegal cohabitation. Sentenced to one year in jail, the couple was told that the sentence would be suspended if they left the state and did not return for 25 years. They moved to Washington, and in 1963, launched a federal suit that challenged the constitutionality of antimiscegenation laws. Four years later, the Supreme Court ruled unanimously that Virginias law was unconsitutional, thus outlawing prohibitions on interracial marriage in that state, as well as in the 16 other states that had maintained such laws for two centuries. In this sweeping and often harrowing history of how states had the power to determine who oe could and could not marry, Peter Wallenstein reveals how antimiscegenation laws were stongly linked with political, cultural, and social attitudes about race in Americaand how these currents have changed over time.

Synopsis: A compelling history of the legal implications of interracial marriage in the U.S. reveals the

extent to which interracial couples have been legally discriminated against in the U.S. throughout the nation's history as it examines the case of Richard and Mildred Loving, who, in 1958, were arrested by Virginia authorities for the crime of interracial marriage. Reprint.

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