

Governor Phil Murphy

# Governor Murphy Signs Legislation Protecting Interracial Marriage in New Jersey Statutory Law

09/5/2023

**TRENTON** – Governor Phil Murphy today signed legislation (A-4939/S-3719) affirming the fundamental right of a person to marry or enter into a civil union with a person of any race. Today's signing ensures that interracial marriage in New Jersey is protected even if the United States Supreme Court decides that the federal Constitution no longer protects the right to marry someone of a different race.

In 1967, the United States Supreme Court ruled in *Loving v. Virginia* that the federal Constitution prohibits state laws that ban interracial marriage, as Virginia did at the time. Over the last several years, however, the new majority on the Supreme Court has overturned numerous precedents protecting liberty and equality. When the Supreme Court overturned *Roe v. Wade* last year in *Dobbs v. Jackson Women's Health Org.*, the Justices discussed whether the decision to eliminate the federal constitutional right to an abortion also threatened other well-established precedents like *Loving*. This legislation addresses such concerns by enshrining the fundamental right of interracial marriage in New Jersey statutory law.

"In New Jersey, we will continue to stand on the right side of history, ensuring that people have the freedom to marry the person they love," **said Governor Murphy**. "In June of 2022, the Supreme Court's right-wing majority erased a woman's long-held constitutional right to an abortion and made clear that they do not value the rights of women to make their own decisions about their bodies. As our country faces an era of uncertainty regarding the basic principles of equality and personal freedom, it is critical that we protect interracial marriage in New Jersey statutory law."

Concerns about the Supreme Court backtracking on constitutional protections are not limited to abortion and interracial marriage. In January 2022, Governor Murphy signed legislation which codified marriage equality for members of the LGBTQ+ community by providing that all New Jersey laws concerning marriage and civil union are to be read with gender neutral intent.

Primary sponsors of A-4939/S-3719 include Senators M. Teresa Ruiz and Renee C. Burgess, and Assemblymembers John F. McKeon, Raj Mukherji, and Carol A. Murphy.

"The Dobbs Decision not only gutted *Roe v. Wade*, but also opened the door for the court to reconsider various other decisions recognizing fundamental rights under the U.S. Constitution," **said Senate Majority Leader Ruiz**. "While it should not be a question that interracial marriage is a fundamental right, this legislation will safeguard our residents, should the US Supreme Court strike down *Loving v. Virginia*. This law reaffirms our strongly-rooted belief that love is love and people have a right to marry who they want."

"Based on recent rulings it's clear we cannot rely on Supreme Court precedents, we must safeguard our basic rights," **said Senator Burgess**. "While there is no immediate challenge to *Loving v. Virginia*, this legislation makes clear that regardless of what SCOTUS may rule in the future, interracial marriage is here to stay in New Jersey."

"The United States Supreme Court decision to overturn *Roe v. Wade* has opened the door to further erosion of rights such as marriage equality, access to contraception, and yes, interracial marriage. The threat may seem theoretical but the concern is very real. Given the risk that other federally protected personal decisions could be returned to individual states for determination, including the right of persons of different racial or ethnic backgrounds to marry, it is necessary to protect interracial marriage in New Jersey statutory law," **said Assemblyman McKeon**. "Through this law, we will ensure that in our State, a couple's right to enter into a marriage of their choosing - where race is not a prohibiting factor - will remain their right if ever the Supreme Court decides to repeal the 1967 landmark decision of *Loving v. Virginia*."

"It seems crazy that in 2023 we would have to worry about this, but this law closes a dangerous door that was left ajar when the U.S. Supreme Court overturned the landmark *Roe v. Wade* decision, potentially jeopardizing the precedent set by *Loving v. Virginia*," **said Assemblyman Mukherji**. "By resolutely moving to ensure the sanctuary of interracial unions within New Jersey's embrace, we remove any doubt that these cherished rights and safeguards could be eroded if this decision is left to individual states."

"It's important to ensure the rights and liberties of New Jersey residents are protected, regardless of what occurs at the federal level," **said Assemblywoman Murphy**. "We shouldn't have to be having this conversation in 2023; however, from what we have seen from the U.S. Supreme Court, it appears all civil liberties could be at risk. We owe it to our residents to safeguard their rights with our state laws so that they may retain the right to enter into a marriage or enter into a civil union with whomever they wish."

"The New Jersey State Bar Association believes that the right to marry or enter into civil unions is a fundamental right for which race should not be a factor," **said Timothy F. McGoughran, Esq., President of the New Jersey State Bar Association**. "The United States Supreme Court declared this right fundamental under the Equal Protection Clause in *Loving v. Virginia* and this bill ensures that New Jersey takes the important step to ensure that remains true in our state on this day and in the future. This is an important measure that will statutorily ensure and make clear the protection of interracial marriage and civil unions in New Jersey. We are pleased to have supported this measure and gratified that Governor Murphy has signed this bill into law."

## Governor Phil Murphy

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