previous eras. The percentage of parole board–recommended releases has decreased from 15.4 percent in 1994 to 4 percent in 2010. A proposed 2009 bill that would have eliminated the pardon and parole boards failed to pass the state legislature. Recognizing the financial costs of such an imprisonment rate, Louisiana has recommended and implemented various corrective actions. However, even the Department of Corrections notes in its 2009 internal analysis that none of the proposed changes that affect prisoner populations at the entry point will have an immediate impact on reducing the current prison population.

With a budget shortfall for the past two years, and facing what legislators have called an "over-the-cliff" budget year 2010–11, the governor recommended that Louisiana sell three of its adult prison facilities to help alleviate financial troubles. After strong opposition by prison employees, this proposal failed. Recommendations by professional corrections administrators and outside experts historically have gone unheeded. Whether Louisiana will implement the most recent penal reform recommendations of national think-tanks such as PEW, the Vera Institute, and the JFA Institute of Washington, D.C., is anyone's guess.

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See Also: 1851 to 1900 Primary Documents; 1961 to 1980 Primary Documents; 1921 to 1940 Primary Documents; African Americans; Corrections; Lynchings; New Orleans, Louisiana; Prison Privatization; *Roberts v. Louisiana.*

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Loving v. Virginia

Loving v. Virginia was a 1967 U.S. Supreme Court decision striking down Virginia's anti-miscegenation statutory scheme that banned marriages between white and nonwhite people. The court held that the racial classifications of certain Virginia statutes restricted the freedom to marry and violated the equal protection clause and the due process clause of the Fourteenth Amendment. The racial classifications constituted arbitrary and invidious discrimination because marriage is a fundamental right upon which the state cannot infringe. The case established marriage as a category requiring the highest standard of judicial review.

Richard Loving, a white man, and Mildred Jeter, a black woman, were residents of Virginia who legally married in the District of Columbia. The couple returned to Virginia and resided in Caroline County. A grand jury indicted them in 1958 because of Virginia's restrictions on interracial marriage. The couple pleaded guilty. The trial judge suspended the couple's sentence of one year of jail time, provided that they leave Virginia for 25 years. The couple moved to Washington, D.C., where, with the help of the American Civil Liberties Union (ACLU), they sued to set aside the

sentence as offending the Fourteenth Amendment. After procedural delays in state court, the couple instituted a class action suit in federal court, and eventually their case reached the Supreme Court of Appeals of Virginia, which upheld the antimiscegenation statutes. The couple appealed to the U.S. Supreme Court.

Two Virginia statutes were at stake in the holding. The first voided all marriages between a white person and a "colored person." The second prohibited white people from marrying a person of any race that was not white. Section 1-14 of the Virginia Code defined a colored person as "every person in whom there is ascertainable any Negro blood." It defined American Indians as "every person not a colored person having one fourth or more of American Indian blood." The case was argued before the court in April 1967. Chief Justice Earl Warren, writing for a unanimous court in June 1967, reasoned that the Fourteenth Amendment, as one of three Civil War Amendments—the other two being the Thirteenth and Fifteenth Amendments—sought to eliminate state-sanctioned racial discrimination. The Equal Protection Clause of the Fourteenth Amendment therefore demanded strict judicial scrutiny of any statutory racial classification. Thus, to be valid, such a racial classification had to be necessary to achieve a permissible state objective besides racial discrimination.

The Virginia statutes were not necessary to achieve a valid state objective. The purpose of the Virginia statutes was solely to prohibit and punish interracial marriage. Therefore, the statutes were invalidated as unconstitutional pursuant to the Fourteenth Amendment. When the case was decided, 16 states had antimiscegenation statutes on their books. Antimiscegenation statutes were common in America from the colonial period until this court decision. The Warren Court established that although states had rights to regulate marriage under their police power, state power over marriage was not unlimited. The fact that the Virginia statutes applied equally to whites and nonwhites was irrelevant because the statutes contained racial classifications that triggered high levels of judicial scrutiny. The court would not entertain the argument of equal application of the laws because states could not be permitted to equally apply that which violated the U.S. Constitution. Equal application, in other words, could not immunize statutes from the critical scrutiny of federal judges. Justice Warren found that no overriding purpose justified the Virginia statutes, which were designed to maintain white supremacy. This case is significant because of its effect on the civil rights movement and its interpretation of the Fourteenth Amendment. After this decision, no state could forbid a person from marrying a person of another race.

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See Also: Civil Rights Laws; Constitution of the United States of America; Race, Class, and Criminal Law; Race-Based Crimes; Racism.

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Luciano, "Lucky"

American organized crime figure "Lucky" Luciano (1897–1962) was born Salvatore Lucania in Lercara Friddi, Sicily, near Palermo, and immigrated to the United States with his family in 1906. Lucania quickly became enmeshed with the criminal underworld of New York City's Lower East Side, notching his first arrest (for shoplifting) a year after his arrival. As he reached his teen years, Luciano graduated to shakedown antics and, through physical intimidation, assumed a position of leadership in the junior gangland of his neighborhood. As a teenager, he was imprisoned for six months for selling narcotics; upon his release, he resumed his criminal career. With the advent of Prohibition in 1920, Luciano's horizons broadened. He was at the near-midpoint of the