

SYMPOSIUM INTRODUCTION

**50 YEARS OF *LOVING*: SEEKING
JUSTICE THROUGH LOVE
AND RELATIONSHIPS**

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*Where the mind is without fear and the head is held high;
where knowledge is free;
where the world has not been broken up into fragments by
narrow domestic walls;
where words come out from the depth of truth;
Where tireless striving stretches its arms towards
perfection;
where the clear stream of reason has not lost its way into
the dreary sand of dead habit;
where the mind is led forward by you into ever-widening
thought and action—
Into that heaven of Freedom, my Father, let my country
awake.*

—Rabindranath Tagore¹

On March 23 and 24, 2017, the 2040 Initiative and the Werner Institute, both housed in the Creighton School of Law, hosted the symposium “50 Years of *Loving*: Seeking Justice Through Love and Relationships.” The 2040 Initiative explores the ways in which demographic shifts affect law and politics; it takes its name from the Census Bureau’s projection that by around the year 2040 the United States as a whole will be “majority-minority.”² The Werner Institute helps people engage constructively with conflict at interpersonal, organizational, community, and larger scales; it brings a systems approach to understanding, resolving, and “staying with” conflict.³ Both

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1. Rabindranath Tagore, *Gitanjali, A Collection of Indian Songs* (London: Macmillan & Co., Ltd, 1913) 49-50 (read by Greg O’Meara, S.J., at Symposium dinner).

2. *Addressing the Challenges that Await Our Changing Nation*, CREIGHTON UNIV. SCH. OF LAW, <https://law.creighton.edu/current-students/academics/2040> (last visited Apr. 9, 2017).

3. *Developing The Next Generation To Respond To Those In Conflict*, CREIGHTON UNIV. SCH. OF LAW, <https://law.creighton.edu/werner-institute> (last visited Apr. 9, 2017).

the 2040 Initiative and the Werner Institute combine a strong academic foundation with a commitment to community engagement. Both are also grounded in Creighton University's Jesuit tradition and Ignatian values, which call us to the continued struggle against the inequities of racism and race-based outcomes as scholars, teachers, and community members.

The Symposium, represented by this collection of articles, essays, and personal reflections, which were solicited to represent a variety of viewpoints and experiences, marked fifty years since the 1967 United States Supreme Court decision in *Loving v. Virginia*,⁴ fifty years that have seen significant social effects from *Loving's* legal declaration of the right to marry across racial lines. These effects reach far beyond the Lovings themselves and *Loving* couples who have married across racial lines. Our families, our neighborhoods, our institutions, and our communities are made up of social networks comprised of individuals in a web of relationships—some deep and intimate and others more casual.⁵ The *Loving* ripples have transformed these social networks and the social system of race that encompasses all of us in profound ways. Many extended families now embrace people of different races. Multiracial, mixed children, and adults—*Loving's* second generation—have forged new identities that challenge the orthodoxy of race. A mere two years ago, *Loving* served as the foundation for United States Supreme Court affirmation of the right of same-sex couples to marry.⁶

In alignment with the mission and vision of the 2040 Initiative and the Werner Institute, the 50 Years of *Loving* Symposium brought together people and perspectives across multiple dividing lines. The kickoff talk by Mat Johnson, author of the novel *Loving Day*,⁷ was open to the public and attended by Creighton Law faculty, staff, and students; other individuals from around the University (including attendees at a book discussion group the week before); and members of the broader Omaha community. At dinner after the talk, Symposium attendees—drawn from all of these groups—began a dialogue about difference and Othering.

The next day, the Symposium program started by reflecting on where we have come in the fifty years since *Loving*; took stock of where we are today; and looked forward both in identifying current issues, challenges, and opportunities and in developing practical skills

4. 388 U.S. 1 (1967).

5. See, e.g., Palma Joy Strand, *The Civic Underpinnings of Legal Change: Gay Rights, Abortion, and Gun Control*, 21 TEMPLE POL. & CIV. RIGHTS L. REV. 117, 144-49 (2011) (describing social networks and webs of relationships).

6. *Obergefell v. Hodges*, 135 S. Ct. 2584 (2015).

7. MAT JOHNSON, *LOVING DAY* (2015).

for connecting through and across social differences. The Symposium brought law into the room with other academic disciplines, and it provided the opportunity for people of different ages, with varying racial experiences, and from a range of communities to hear each other's perspectives.

The Symposium also juxtaposed scholarship with personal experience. We often think of law as formal and removed from our daily lives. *Loving* flips that script: *Loving's* effects are as informal as an interracial couple watching television together in their living room⁸ and as immediate as a multiracial toddler, classmate, or colleague.

The 50 Years of *Loving* writings collected here in the *Creighton Law Review* reflect the texture and nuance of the Symposium itself. The initial reflections from Strand, Director of the 2040 Initiative, and Font-Guzmán, Director of the Werner Institute, frame the discussion with insights into interpersonal encounters with difference and Othering. Reflecting on the fifty years since *Loving*, the Daniel & Kelekay article provides a critical historical analysis of the progression of race in the United States over that time. Two personal *Loving* stories complement the academic perspective: Bracamontes Black Crow begins his story in 1967 and challenges the legal system from which *Loving* emerged; Sodeke's contemporary narrative is more hopeful as it reveals how people grow and change.

The next three pieces consider the connection between individual lives and social shifts. Guidero highlights how the actions of ordinary people contribute to constitutional change. Mirkay reveals the interweaving of constitutional change and the lives of ordinary people, seen through the lens of the LGBT community and an individual gay man. Doherty criticizes the focus on individualized narrative of the recent movie *Loving* and the disconnection of the movie narrative from systemic injustice.

The final grouping moves beyond "first generation *Loving*" interracial relationships to "second generation *Loving*" multiracial mixed-race reality. Lucas provides insights into how multiracial identity interrogates identity-based movements and race discrimination jurisprudence. Escudero moves beyond Black and White and observes how mixed racial identities facilitate coalition building. Sylvester explores her own biracial identity and gestures toward a re-construction of racial identity in terms of ethnicity. Finally, Mayer offers both a civil rights and a conflict context for *Loving* and what has come from it.

8. See Lily Rothman & Liz Ronk, "LIFE Magazine and Loving: The Photos That Captured a History-Making Couple," TIME (Nov. 3, 2016), <http://time.com/4533385/life-magazine-loving-grey-villet/>.

Together, these writings capture the rigor, honesty, and creativity of the Symposium itself.

Reflecting on the subtitle of the Symposium—“Seeking Justice Through Love and Relationships”—there is much in these writings that celebrates the ways in which we have moved toward justice along the “moral arc of the universe” over the past fifty years. Part of continuing to move toward justice is naming and acknowledging the practices of injustice that we reject. The White Supremacy that *Loving* explicitly rejected⁹ was built on the dehumanization of slavery, the terror of lynching, and the indignity of segregation. Physical and structural violence is integral to the injustice of White Supremacy, and that violence is today invoked each time a White person uses the word “nigger” in referring to a Black person. Several of the writers here use the word to reveal that violence. The *Law Review* and the Symposium organizers have respected their use of the word and include it here, concluding after discussion and consultation that what makes all of us flinch when we hear the word is being witness to the violence it represents. Facing that violence is part of working against it.

The 2040 Initiative and the Werner Institute thank all of the attendees and participants in the 50 Years of *Loving* Symposium. In addition to participants whose writing is included in this collection, our thanks go to Omaha community members Brenda Council, a Creighton Law School graduate with a long record of public service, and Emiliano Lerda, Executive Director of Justice For Our Neighbors, who added immeasurably to the Symposium discussion, as well as to Mat Johnson, who set a tone of thoughtful candor and authenticity at the outset. We also appreciate the contributions of panel facilitators Kathy Gonzales and Sally Waters, ACLU Nebraska Executive Director Danielle Conrad, and especially Mary Lee Brock. We thank the *Creighton Law Review*, especially our Symposium liaison Sean Nakamoto and Editor in Chief Claire Wilka, for partnering in publishing these pieces. Finally, the Symposium’s success owes much to the steadfast support of Dean Paul McGreal, the commitment of Patty Zieg to law and justice, and the co-sponsorship of Kutak Rock LLP.

9. *Loving v. Virginia*, 388 U.S. 1, 11 (1967).