

# F.O.R.C.E. STUDY GUIDE - 14TH AMENDMENT : EQUAL PROTECTION

## Content-based Questions

1. What does the equal protection doctrine prevent the government from?
2. Which of these laws are discriminatory on their face? Which laws look “fair” on their face, but are discriminatory in their effect? In each case, how is that law discriminatory?
  - a. A law that states that bail for a jailed individual is always a standard amount of one million dollars
  - b. A law that says all those who apply to go to the police academy must be at least 5’10” tall
  - c. A law that says only those with blue or hazel eyes may vote
  - d. A law that says people who rent their homes may not buy a car - they can only lease a car
  - e. A law that says you must show your valid driver’s license in order to vote
  - f. A law that says you must be employed to sign any contract involving monetary debt
  - g. A law that says you must be able to read aloud The Lord’s Prayer - King James version, in English, before being allowed to get a bank loan.
3. What does “discriminatory by application” mean? How does the quote, “driving while black” tie in with that term?
4. What if government-owned, subsidized housing refuses to rent to an individual because the individual is a single woman? What if a private citizen owns an apartment building and won’t rent to an individual because the individual is not Caucasian? Which one violates the 14th Amendment? Which one violates the individual’s civil rights?
5. An example of a biased application of a law that looked reasonable and fair on its face was underneath the Supreme Court’s decision in the *Yick Wo v. Hopkins* (1886) case. Summarize the case, including the constitutional basis for the Supreme Court overturning the lower court’s decision.
6. **True or False:** The equal protection clause applies to BOTH the government and private organizations.

## ***Engaging the Material***

1. Why are there places in Indiana that prohibit a specific group of people from being served pizza?

- a. What is the background?
- b. Is that STILL the case in Indiana? In other states?
- c. Do you personally think this is an example of an issue that should be left up to different states to decide, state-by-state?

2. Recently In Indiana , a private, church-affiliated high school fired one of its most beloved and appreciated teachers due to him openly stating that he is gay. Members of the school community and many members of the religious group demonstrated in protest.

What do you think about that event?

- a. What do you think about the right of the employer to make that decision?
- b. About the protests?

**3. Define or refute the following statement:**

“States’ rights to make “their own decisions for their citizenry” and to “not be told how they should run their affairs by the federal government” used to make a lot of sense- - - back when people usually were born, grew up, and lived their whole adult life in one community, states had their own militias, etc. It doesn’t make sense any more, with most people moving between 5 - 15 times during their life, and crossing state lines for commerce, employment, marriage, etc etc. very very frequently. Our whole US society is much more mobile, much more fluid, and needs to be more homogeneous in terms of laws, rights and expectations NOW than it was in earlier centuries.”

4. In connection with the question above (question 3), what is the problem with individuals in some states having more rights than those in other states?

## Content-based Answer Guide

1. Prevents the government from imposing inappropriate classifications; classifications that are based on criteria irrelevant to the issue or that unfairly burdens a specific group; classifications **MUST** be rationally related to government interest

2. Laws that are discriminatory on their face:

- A: A law that states that bail for a jailed individual is always a standard amount of one million dollars
- C: A law that says only those with blue or hazel eyes may vote
- D: A law that says people who rent their homes may not buy a car - they can only lease a car
- G: A law that says you must be able to read aloud The Lord's Prayer - King James version, in English, before being allowed to get a bank loan.

Laws that are "fair" on their face, but are discriminatory in their effect:

- B: A law that says all those who apply to go to the police academy must be at least 5'10" tall
- E: A law that says you must show your valid driver's license in order to vote
- F: A law that says you must be employed to sign any contract involving monetary debt

3. Neutral laws that are applied in a discriminatory manner; the meaning "driving while black" suggests that a black individual may be pulled over by a police officer, who is disproportionately stopping black individuals, thus making it discriminatory by application

4. A government-owned, subsidized housing refusing to rent to an individual because the individual is a single woman violates the individual's civil rights. A private citizen owning an apartment building and won't rent to an individual because the individual is not Caucasian violates the 14th amendment.

5. The city of San Francisco adopted an ordinance, in which it required all laundries in wooden buildings needed to obtain a permit from the city's board of supervisor. The justification was safety, as wooden buildings had a higher chance of catching fire due to laundries needing firing to heat up water. Many individuals who owned laundry businesses were of Chinese descent, so when they would request a permit, the board of directors would deny permits to nearly all the Chinese laundry owners. Yick Wo and Wo Lee were arrested and fined for operating their laundries without a permit. They sued, but the lower courts denied their claims because the ordinance was not discriminatory as written. However, the Supreme Court held that the bias enforcement of the law violated the Constitution. The reason was that the ordinance targeted a specific group of people, which went against the equal protection clause.

6. False; the equal protection clause only applies to the government. Private organizations are subject to civil right laws.