

# EQUAL PROTECTION AND THE COURTS



ALTHOUGH THE FOURTEENTH AMENDMENT GUARANTEES INDIVIDUALS EQUAL PROTECTION UNDER THE LAW, THE U.S. SUPREME COURT HAS NEVER REQUIRED THAT LAWS DEAL WITH EVERYONE AND EVERYTHING IN PRECISELY THE SAME FASHION.

# The Equal Protection Of The Laws

**David L. Hudson Jr.**



## **The Equal Protection Of The Laws:**

Enforcing the Equal Protection Clause William D. Araiza, 2016 For over a century Congress's power to enforce the Fourteenth Amendment's guarantee of the equal protection of the laws has presented judges and scholars with a puzzle What does it mean for Congress to enforce such a wide ranging open ended provision when the Supreme Court has insisted on its own superiority in interpreting the Fourteenth Amendment In *Enforcing the Equal Protection Clause* William D Araiza offers a unique understanding of Congress's enforcement power and its relationship to the Court's claim to supremacy when interpreting the Constitution Drawing on the history of American thinking about equality in the decades before and after the Civil War Araiza argues that congressional enforcement and judicial supremacy can co exist but only if the Court limits its role to ensuring that enforcement legislation reasonably promotes the core meaning of the Equal Protection Clause Much of the Court's equal protection jurisprudence stops short of stating such core meaning thus leaving Congress free subject to appropriate judicial checks to enforce the full scope of the constitutional guarantee Araiza's thesis reconciles the Supreme Court's ultimate role in interpreting the Constitution with Congress's superior capacity to transform the Fourteenth Amendment's majestic principles into living reality The Fourteenth Amendment's Enforcement Clause raises difficult issues of separation of powers federalism and constitutional rights Araiza illuminates each of these in this scholarly timely work that is both intellectually rigorous but also accessible to non specialist readers *Due Process of Law and the Equal Protection of the Laws* Hannis Taylor, 1917 *Due Process of Law and the Equal Protection of the Laws* Hannis Taylor, 1917 **Equal Protection of the Laws in Public Higher Education, 1960** United States Commission on Civil Rights, 1961 Scientific Evidence and Equal Protection of the Law Angelo N Ancheta, 2006-02-02 Scientific and social scientific evidence has informed judicial decisions and the making of constitutional law for decades but for much of U S history it has also served as a rhetorical device to justify inequality It is only in recent years that scientific and statistical research has helped redress discrimination but not without controversy *Scientific Evidence and Equal Protection of the Law* provides unique insights into the judicial process and scientific inquiry by examining major decisions of the U S Supreme Court civil rights advocacy and the nature of science itself Angelo Ancheta discusses leading equal protection cases such as *Brown v Board of Education* and recent litigation involving race related affirmative action gender inequality and discrimination based on sexual orientation He also examines less prominent but equally compelling cases including *McCleskey v Kemp* which involved statistical evidence that a state's death penalty was disproportionately used when victims were white and defendants were black and *Castaneda v Partida* which established key standards of evidence in addressing the exclusion of Latinos from grand jury service For each case Ancheta explores the tensions between scientific findings and constitutional values **Constitutional Law** Louis Michael Seidman, 2003 This volume provides a brief but comprehensive analysis of the doctrine and theory that glosses the Constitution's guarantee of equal protection Topics covered include an analysis of rational basis review an explanation

of the difference between heightened scrutiny for fundamental rights and substantive protection of those rights an analysis of the role of purpose and effect in equal protection doctrine and discussions of gender discrimination and affirmative action

**The Equal Protection of the Laws** Polyvios G. Polyviou, 1980      *Equal Protection* David L. Hudson Jr., 2018-06-08

This book uses primary sources to closely examine the Equal Protection Clause of the Fourteenth Amendment and to show how legal interpretations of it have had a profound impact on American life as we know it The Fourteenth Amendment addresses many aspects of American citizenship including the rights of citizens The most commonly used and frequently litigated phrase in the amendment is equal protection of the laws This phrase has figured prominently in a plethora of landmark cases in U S history dealing with a variety of issues including Brown v Board of Education racial discrimination Roe v Wade reproductive rights Bush v Gore election recounts Reed v Reed gender discrimination University of California v Bakke racial quotas in college admissions and Obergefell v Hodges gay marriage This book closely examines the history and development of the Equal Protection Clause and details the many ways in which it has shaped U S history Selections show how the equal protection clause came into being in the post Civil War era feature seminal Supreme Court decisions on the nature and extent of applications of the equal protection clause in American life and law through the years and include documents that consider the impact that the equal protection clause has had and may have on American society in the 21st century

*Equal Protection of the Law?* Mary Welek Atwell, 2002 This book grounded in American women s history explores the ongoing process of taking gender into account in the U S justice system Women came late to the making applying and enforcing of the law How has the creation of the law by and for men affected women How has increased participation of women in the justice system made a difference Equal Protection of the Law Gender and Justice in the United States provides a readable account of the evolution of women s constitutional status as well as stories of their participation in the criminal justice system as workers victims and offenders It focuses on how the experiences of prior generations can illuminate the continued challenges of gender and inequality

*Due Process of Law and the Equal Protection of the Laws as Developed by the United States Supreme Court Under the Fourteenth Amendment to the Constitution of the United States* John A. Hartpence, 1912      *Controversies in Equal Protection Cases in America* Anne Richardson Oakes, 2016-03-03 This collection engages with current issues on equal protection in the USA as seen from the perspectives of leading academics in this area Contributors with a range of perspectives interrogate the legal theoretical and factual assumptions which shape case law and consider the extent to which they satisfactorily address contemporary concerns with social hierarchies and norms Divided into five parts the study focusses on the connections between equal protection jurisprudence discrimination in its contemporary manifestations the implications of identity politics and the moral and political conceptualizations of equality that represent the parameters of debate Drawing on historical analysis and disciplinary insights of the social sciences the book bridges the gap between theory and practice The themes presented and analyses developed are among some of the

most contentious currently in America and will be of interest not just to lawyers and legal academics but also to interdisciplinary social science researchers including sociologists economists and political scientists *Requirement for Equal Protection and Equal Treatment, Form #05.033* Sovereignty Education and Defense Ministry (SEDM),2020-02-06 Documents constraints upon the government in providing equal protection and equal treatment that you can use as evidence in legal proceedings For reasons why NONE of our materials may legally be censored and violate NO Google policies see <https://sedm.org> why our materials cannot legally be censored We the People: The Fourteenth Amendment and the Supreme Court Michael J. Perry,2001-11-08 Several of the most divisive moral conflicts that have beset Americans in the period since World War II have been transmuted into constitutional conflicts and resolved as such In his new book eminent legal scholar Michael Perry evaluates the grave charge that the modern Supreme Court has engineered a judicial usurpation of politics In particular Perry inquires which of several major Fourteenth Amendment conflicts over race segregation race based affirmative action sex based discrimination homosexuality abortion and physician assisted suicide have been resolved as they should have been He lays the necessary groundwork for his inquiry by addressing questions of both constitutional theory and constitutional history A clear eyed examination of some of the perennial controversies in American life We the People is a major contribution to modern constitutional studies *The Constitution in the Courts* Michael J. Perry,1996-01-25 In the modern period of American constitutional law the period since the U S Supreme Court outlawed racially segregated public schooling in *Brown v Board of Education* 1954 there has been a persistent and vigorous debate in the United States about whether the Court has merely been enforcing the Constitution or whether instead in the guise of enforcing the Constitution the Court has really been usurping the legislative prerogative of making political choices about controversial issues In this book Professor Perry carefully disentangles and then thoughtfully addresses the various fundamental issues at the heart of the controversy What is the argument for judicial review What approach to constitutional interpretation should inform the practice of judicial review How large or small a role should the Court play in bringing the interpreted Constitution to bear in resolving constitutional conflicts To what extent are the Court's most controversial modern decisions for example decisions about racial segregation discrimination based on sex abortion and homosexuality sound to what extent are they problematic The Constitution in the Courts is a major contribution to one of the most fundamental controversies in modern American politics and law **Equality and Liberty in the Golden Age of State Constitutional Law** Jeffrey M Shaman,2008-04-14 The rise of the New Judicial Federalism movement in the 1970s marked a sea change in the history of state constitutional law by shifting the focus of power away from the central government in ways that had not occurred since the Equal Protection Clause was enacted in 1868 With New Judicial Federalism many states rediscovered that they were empowered to enact their own constitutions and to interpret them as they saw fit which enabled states to recognize civil rights and liberties beyond those recognized under the Federal Constitution Equality and Liberty in the Golden Age of State Constitutional Law closely

examines the evolution of the rights of liberty and equality under state constitutions from both a historical and jurisprudential perspective In it Professor Jeffrey M Shaman explains that as New Judicial Federalism gained ground state constitutional law became an important source for the protection of individual rights and liberties States have since expanded the right of the citizen well beyond the limits of federal law by striking down laws that led to de facto segregation in public schools discriminated against women or allocated public benefits inequitably State courts were the first to recognize a right of intimate association spurring the U S Supreme Court to follow suit Equality and Liberty in the Golden Age of State Constitutional Law is essential reading for anyone interested in this manifestation of law that has developed beyond the purview of national attention and in the resulting evolution of power in U S constitutional law **Equal**

**Protection** David L. Hudson Jr.,2018-06-08 This book uses primary sources to closely examine the Equal Protection Clause of the Fourteenth Amendment and to show how legal interpretations of it have had a profound impact on American life as we know it The Fourteenth Amendment addresses many aspects of American citizenship including the rights of citizens The most commonly used and frequently litigated phrase in the amendment is equal protection of the laws This phrase has figured prominently in a plethora of landmark cases in U S history dealing with a variety of issues including Brown v Board of Education racial discrimination Roe v Wade reproductive rights Bush v Gore election recounts Reed v Reed gender discrimination University of California v Bakke racial quotas in college admissions and Obergefell v Hodges gay marriage This book closely examines the history and development of the Equal Protection Clause and details the many ways in which it has shaped U S history Selections show how the equal protection clause came into being in the post Civil War era feature seminal Supreme Court decisions on the nature and extent of applications of the equal protection clause in American life and law through the years and include documents that consider the impact that the equal protection clause has had and may have on American society in the 21st century **The Oxford Companion to American Law** ,2002 *The Female Body*

*and the Law* Zillah R. Eisenstein,1988-01-01 In dit boek over sekse verschillen stelt Eisenstein dat de ongelijkheid tussen de sekse in stand wordt gehouden door zowel het recht die de man als standaard neemt bij wetgeving die de formele gelijkheid tussen mannen en vrouwen wil regelen als door het biologische verschil tussen man en vrouw waardoor vrouwen beperkt worden tot voortplanting en moederschap Aan de hand van thema s als positieve actie abortus en pornografie laat ze zien dat het recht beperkend werkt Zonder terug te vallen in traditionele ideeën stelt ze het zwangere lichaam met de gevolgen daarvan centraal in de discussie over gelijke behandeling [The Original Meaning of the Fourteenth Amendment](#) Randy E.

Barnett,Evan D. Bernick,2021-11-02 Randy Barnett and Evan Bernick return to the primary sources on the origin drafting and adoption of the Fourteenth Amendment to better understand its original meaning Arguing that it protected principles of Republican citizenship fundamental rights and civic equality they propose workable doctrines for implementing these principles in practice **Systemic Discrimination in Employment and the Promotion of Ethnic Equality** Ronald

Craig,2006-12-01 This book argues that traditional complaint based antidiscrimination laws are inherently inadequate to respond to systemic discrimination in employment It examines the mechanisms and characteristics of systemic discrimination and the shortcomings of complaint based laws Yet these characteristics can also inform employers and government authorities of the kinds of preventive action that help alleviate systemic discrimination at the workplace In its search for a rational government policy response to systemic discrimination the book evaluates selected legal regimes which impose proactive obligations on employers to promote equality at the workplace Proactive regimes are regulatory in nature rather than adjudicatory They induce employer compliance through technical assistance dialogue and regulatory pressure rather than court orders By examining the key elements of these regimes the author explains why some proactive regimes function better than others and why proactive regimes function better than complaint based laws in addressing systemic discrimination

Uncover the mysteries within Explore with is enigmatic creation, **The Equal Protection Of The Laws** . This downloadable ebook, shrouded in suspense, is available in a PDF format ( \*). Dive into a world of uncertainty and anticipation. Download now to unravel the secrets hidden within the pages.

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