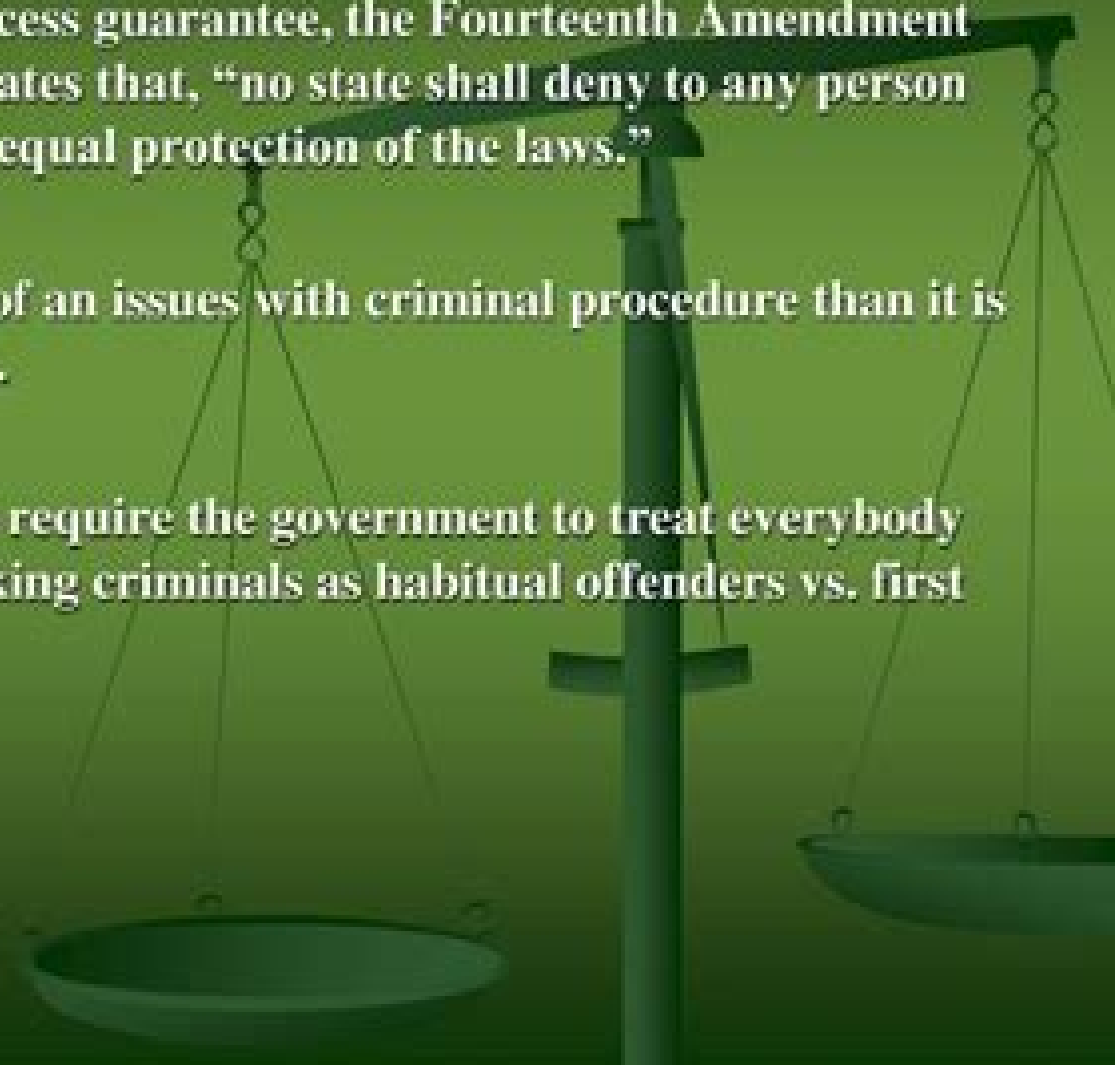


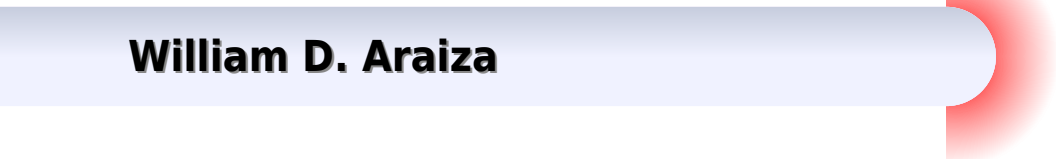
Equal Protection of the Laws

- In addition to the due process guarantee, the Fourteenth Amendment to the U.S. Constitution states that, “no state shall deny to any person within its jurisdiction the equal protection of the laws.”
- Equal protection is more of an issue with criminal procedure than it is with criminal law making.
- Equal protection does not require the government to treat everybody exactly the same, i.e., ranking criminals as habitual offenders vs. first time-offenders.



The Equal Protection Of The Laws

William D. Araiza



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 **The Equal Protection of the Laws** Polyvios G. Polyviou, 1980 *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 equal protection and its effect in equal protection doctrine and discussions of gender discrimination and affirmative action

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 Equal Protection of the Laws Joseph Tussman, Jacobus Ten Broek, 1963

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

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