

Standards of Review under the 14th Amendment's Equal Protection Clause

| Standard | Test | Proof | Classification |
|----------------------------|---|---|---|
| -Strict scrutiny (highest) | Is the classification necessary to achieve a compelling state goal? Is that goal achieved in the least restrictive manner? | Government must prove that classification is necessary and least restrictive. | Fundamental Freedoms: religion, speech, etc. (1 st Amendment) Inherently suspect: race, ethnicity, national origin. |
| -Intermediate | Does the classification serve an important or legitimate state goal? | Government must prove that classification does serve a state goal, plaintiff must prove that it does not. | Gender, sexual orientation |
| -Rational basis (lowest) | Is there a rational basis for classification? | Plaintiff must prove classification has no rational basis. | Age laws, licensing requirements |

13th Amendment: abolishes slavery

14th Amendment: grants U.S. citizenship to former slaves

-altered Article I, Section 2 language about 3/5 of persons

-three new limits on the states:

-cannot violate privileges or immunities of citizens

-cannot deprive person of life, liberty, or property without **due process**

-guarantee all persons **equal protection** of the laws

-14th used to incorporate the Bill of Rights

-overturned *Dred Scott v. Sanford* and resulted in children born within U.S. becoming citizens

-privileges and immunities interpreted narrowly; only privileges that are federal in origin

15th Amendment: prohibits the use of race in determining voting rights; resulted in South using poll taxes and literacy tests

19th Amendment: Women's suffrage

24th Amendment: No more poll taxes

26th Amendment: Voting age lowered to 18