

Fourteenth Amendment: Applying Standards of Review

For each of these examples, determine which level of scrutiny a court would use to evaluate the law. Then, hypothesize how a judge might apply that standard to the facts given.

1. A city has a law that says that women cannot be firefighters. It argues that the purpose of the law is to make sure that the firefighters can carry people out of burning houses.

Level of Scrutiny:

Because:

Using that standard, how might a judge rule in this case?

2. A state funds its public schools by property tax revenues. This means that wealthier communities with more expensive homes will have much more money available for schools than poorer communities.

Level of Scrutiny:

Because:

Using that standard, how might a judge rule in this case?

3. Over a period of months, several protests against excessive use of police force erupted into violence. A small city where many of the protests and counter-protests took place looked for ways to stop the violent protests. They passed a law saying that no protests regarding policing—against or in support of the police—could be held in the city.

Level of Scrutiny:

Because:

Using that standard, how might a judge rule in this case?