Rights Against States

Read how two constitutional clauses address different harms.

SS24.USG.3c "Explain how the Fourteenth Amendment extended rights to minority groups through the Due Process and Equal Protection Clauses."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline two ways the Due Process Clause protects people, and circle two examples of unequal treatment addressed by the Equal Protection Clause.

Two Clauses, Different Protections

1 After the Civil War, the Fourteenth Amendment changed state power. Ratified in 1868, it made people born or naturalized in the United States citizens and placed limits on state action. Its Due Process Clause bars a state from taking life, liberty, or property without fair legal procedures and protects certain fundamental freedoms. Its Equal Protection Clause requires states to apply the law equally to people in similar situations. The two clauses address different harms: an unfair way of making a decision and unequal treatment under the law. Both clauses protect people, including noncitizens, and became tools for challenging policies that restricted minority groups.

2 Consider two disputes involving Black Americans. In the 1932 case Powell v. Alabama, nine Black teenagers faced capital charges in Alabama. They had no meaningful access to lawyers while preparing their defense. The Supreme Court ruled that, under those circumstances, the state's failure to provide effective legal counsel violated due process. The ruling required fairer procedures before a state could take a defendant's liberty or life. In 1954, Brown v. Board of Education addressed a different problem. The Court found that state-required racial segregation in public schools denied Black students equal protection, even when officials claimed the schools were otherwise equal.

3 These clauses also worked together in a fight over marriage. Virginia's law barred marriage between people classified as white and people classified as nonwhite. In 1967, the Supreme Court ruled in Loving v. Virginia that the law violated both clauses. It denied equal protection by using racial categories to restrict who could marry whom. It violated due process by interfering with the fundamental freedom to marry. The case involved Mildred and Richard Loving, an interracial couple, and showed that the amendment could protect people targeted by racial laws outside schools and courtrooms. Its limits on states applied regardless of a person's race.

2 ANSWER WITH EVIDENCE

Use the passage

1. How did the Due Process Clause protect the Black defendants in Powell v. Alabama?

2. Why did state-required school segregation deny Black students equal protection in Brown v. Board of Education?

3. How did Virginia's marriage law violate the Equal Protection Clause in Loving v. Virginia?

4. How was the due process protection in Loving different from the due process protection in Powell?

3 YOUR TURN

Your own words

Imagine a state charges residents of one ethnic group an extra fee to enter public parks and revokes a resident's driver's license without notice or a chance to respond. In one paragraph, explain which clause addresses each action and how each clause can protect members of minority groups.

ANSWER KEY

Rights Against States

GRADE 12 · SS24.USG.3c

PART 1 · READ AND MARK

Underline two ways the Due Process Clause protects people, and circle two examples of unequal treatment addressed by the Equal Protection Clause. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	How did the Due Process Clause protect the Black defendants in Powell v. Alabama?	**The Court ruled that, under the circumstances, Alabama's failure to provide effective legal counsel denied the defendants fair procedures before they could lose their liberty or life.**
2	Why did state-required school segregation deny Black students equal protection in Brown v. Board of Education?	**The state separated students by race, treating Black students unequally under the law even if officials claimed the schools were otherwise equal.**
3	How did Virginia's marriage law violate the Equal Protection Clause in Loving v. Virginia?	**It used racial categories to restrict who could marry whom, treating people differently under state law because of race.**
4	How was the due process protection in Loving different from the due process protection in Powell?	**Loving protected the fundamental freedom to marry. Powell required fair legal procedures, including effective access to counsel under the circumstances, before the state could take a defendant's liberty or life.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

The extra park fee raises an Equal Protection Clause problem because the state treats residents differently based on ethnicity. Members of the targeted group could challenge that unequal treatment. Revoking a driver's license without notice or a chance to respond raises a Due Process Clause problem because the state must use fair procedures before taking a person's license. A member of a minority group affected by the revocation could challenge that decision, too. The clauses address different harms: discrimination in the park rule and unfair procedure in the license decision.

Accept answers that distinguish unequal treatment by a state from the loss of a protected interest without fair procedures. For Loving, accept explanations that identify marriage as a fundamental freedom protected under due process.