

Instructor: Prof. Freeman

1. Carson Coal Company is engaged in the mining of coal. To accommodate its employees and their families, the company built and maintained a village complete with private homes, streets, sidewalks, stores, and a park. The village's administrators refuse to employ anyone other than whites in the operation of the village, just as the coal company itself refuses to hire non-whites. Two African Americans, who were rejected for employment as a village employee and as a coal miner respectively, brought separate suits alleging that the racially discriminatory practices of the village and coal company were unconstitutional. The defendant filed a motion to dismiss in both cases arguing that, even if there were racial discrimination, it was not unconstitutional. The case was finally decided on Constitutional grounds by the United States Supreme Court. What results, and why?

BEST ANSWER

The issue is whether the coal company and the village's actions violate the 14th Amendment equal protection clause. The 14th Amendment prohibits state action, not the action of private individuals. The Carson Coal Company is a corporation. There is no indication of state action, as far as the corporation itself. In regard to the African Americans being rejected for discrimination of employment as a coal miner, since the corporation is a private corporation, there is no state action and therefore there is no violation of 14th Amendment; however, because the corporation built and maintained a village, it would be considered a company-town. Hence, there is state action when a company-town runs a village. The village, because of the state action, must abide by the 14th Amendment. The village cannot discriminate on the basis of race. Race is a suspect class because it has 3 indicia: (1) immutable physical characteristics, (2) history of purposeful discrimination, (3) political powerlessness, therefore classifications based on race are subject to strict scrutiny. The class must be necessary to achieve a compelling state interest, and must be least drastic means. The village's administrator's refusal to employ anyone other than whites is discriminatory on its face and in application. The state doesn't have a compelling interest to overcome the strict scrutiny test. Therefore, as far as the village, they will not be allowed to discriminate on race.

2. The State of Franklin enacted two statutes. One statute prohibits persons under the age of 21 from purchasing, using or consuming tobacco products. The other provides that the state-granted statutory right to attend public schools ends when a person reaches the age of 20. Alex Anderson, when he turned 20, filed suit seeking to have both statutes declared unconstitutional. The case was finally decided by the United States Supreme Court. What result, and why? Assume there is no mootness or procedural problem.

BEST ANSWER

A classification under 14th Equal Protection Claims will be analyzed under rational basis, and almost always upheld; unless a suspect (or quasi-suspect) classification or fundamental right is involved. The classification challenged here is age.

In order to be a suspect class, the classified group must meet these criteria. (1) There must be a history of purposeful illegal treatment. (2) The class must be subjected to unique disabilities based on stereotyped characteristics. (3) They must be relegated to a position of potential powerlessness so as to demand greater protection from the political majority. Age has not been held to meet this criterion, all people being subjected to its effect equally. Therefore, age is not a suspect class and will not invoke strict scrutiny.

Strict scrutiny will also be used if a fundamental right is involved, and would almost definitely strike the statute down. The use of tobacco is clearly not a fundamental right and will use rational basis. This is clearly a rational relationship between a state wanting to promote public health by limiting the use of tobacco, so that statute will be upheld.

The right to education also has not been declared a fundamental right, although if a state absolutely denied the ability to have one, the court would likely find one. But when the state has not prohibited the right to education, but merely limited the age that one can receive a state granted education, there clearly is no fundamental right, and rational basis will be used. A state is not required to provide any financial assistance even if fundamental rights involved. Using rational basis, the court would likely uphold as a rational means to save

3. The state of Franklin has one statute that prohibits aliens from holding positions as state police officers and another statute that prohibits aliens from practicing law. Both statutes were challenged in separate suits by aliens and upheld by a lower court, and the plaintiffs appealed. The cases are now before the United States Supreme Court. What result, and why?

BEST ANSWER

The 1st issue is whether the State of Franklin can deny aliens a right to hold a state police position & if such a denial is in violation of the E/P/C of the 14th Amendment. Alienage is considered a suspect class because persons are involved, thus their rights are upheld under the E/P/C of the 14th Amendment and other amendments. Alienage is considered a suspect class because persons are involved thus their rights are upheld under the E/P/C of the 14th Amendment. They meet the 3 indicia of a suspect class because they have (1) immutable physical diff., (2) history of discrimination, and (3) political powerlessness. Normally, the court would apply strict scrutiny to a suspect classification; however this also involves the inherent rights of a citizen and the benefits which being a citizen entails and the compelling interest of the state. The court has ruled that because being a police entails upholding and administering the laws of our nation that such a person is held to a higher standard as a representative of the country and therefore must be a citizen of the country. The statute will not meet the rationally related objective of the state to effectively promote the laws of the land.

The 2nd issue is whether the state can prohibit an alien from practicing law in the state or if this is a violation of the individual's rights under the fact that they are a person therefore protected by the constitution. Because being a lawyer is not considered by the court to be a profession which takes an active role in enforcing the laws of the land, the alien will be able to practice law. Practicing law merely is considered to serve a counseling objective and not to define or enforce the laws of the land. Therefore, the interests of the state are not rationally related to the objective and will be struck down.