

## AMERICAN EXPERIENCE: Discrimination

### *WHEN IS DISCRIMINATION UNCONSTITUTIONAL?*

*In Constitutional Law, the grant by statute of particular privileges to a class arbitrarily designated from a sizable number of persons, where no reasonable distinction exists between the favored and disfavored classes. Federal laws, supplemented by court decisions, prohibit discrimination in such areas as employment, housing, VOTING RIGHTS, education, and access to public facilities. They also proscribe discrimination on the basis of race, age, sex, nationality, disability, or religion. In addition, state and local laws can prohibit discrimination in these areas and in others not covered by federal laws.*

### *CONSTITUTIONAL Test of ILLEGAL DISCRIMINATION: rational basis test*

*In determining whether there is a rational basis for discrimination in a particular circumstance, social and/or economic bias (attitudes) ALONE cannot satisfy the constitutional test.*

*Certain types of discrimination are especially suspect (e.g. race or religious discrimination) and the government has to show a COMPELLING NEED to satisfy the constitutional test.*