

A state enacted a statute that prohibited children born outside of marriage from receiving welfare benefits that the state provides to children who live in households below the federal poverty line. The purpose of the statute was to encourage individuals to get married before having children.

A man and his unmarried partner had a daughter out of wedlock. Before the man and his partner married, the partner died. The man's annual household income was below the federal poverty line, so he applied for welfare benefits on the daughter's behalf. The state agency overseeing the program denied the application based on the state statute.

The man filed suit in a federal district court, alleging that the state statute violates the equal protection clause.

Which of the following best states the burden of persuasion in the suit?

- A. The agency must demonstrate that the state statute is substantially related to an important state interest.
- B. The agency must demonstrate that the state statute is the least restrictive means to achieve a compelling state interest.
- C. The man must demonstrate that the state statute is not substantially related to an important state interest.
- D. The man must demonstrate that the state statute is not the least restrictive means to achieve a compelling state interest.

Explanation:

A state law that discriminates against similarly situated persons can be challenged under the Fourteenth Amendment **equal protection clause**. The standard under which a court will review this challenge depends on the alleged discrimination. A law that discriminates against a **quasi-suspect class** (eg, nonmarital birth) must satisfy **intermediate scrutiny**. This imposes a difficult **burden on the state** to prove that the law is **substantially related** to an **important state interest**.

Here, a state statute prohibits children born outside of marriage from receiving welfare benefits that the state provides to children who live in households below the federal poverty line. Since this statute discriminates against nonmarital children, the state agency overseeing the welfare program (not the man) has the burden to satisfy intermediate scrutiny (**Choice C**). Therefore, the agency must demonstrate that the state statute is substantially related to an important state interest.

(Choices B & D) Strict scrutiny applies when a state law discriminates against a **suspect class** or substantially impacts a **fundamental right**. This highest level of scrutiny places the burden on the state (not the challenger) to prove that the law is the least restrictive means to achieve a compelling state interest. But since the state statute here discriminates against a quasi-suspect class, intermediate scrutiny applies.

Educational objective:

A state law that discriminates against a quasi-suspect class (eg, nonmarital birth) must satisfy intermediate scrutiny, which imposes the burden on the state to prove that the law is substantially related to an important state interest.

References

- U.S. Const. amend. XIV (equal protection clause).
- Clark v. Jeter, 486 U.S. 456, 461 (1988) (holding that a law discriminating against nonmarital children is subject to intermediate scrutiny).

Levels of scrutiny under equal protection clause

