**Suspect Classification**

The US Supreme court has determined some ways of classifying people are acceptable, and others are not. The US Supreme court uses the suspect classification doctrine to classify people in three classes and distinguishes among persons on the basis of certain criteria. The suspect classification is any classification of groups meeting a series of criteria suggesting they are likely the subject of discrimination. The classes receive closer scrutiny by the courts when Equal Protection claim alleging unconstitutional discrimination is asserted against a law, regulation, or other government action. Strict scrutiny is applied to the government action that affects groups that fall under a “suspect classifications. (Suspect Classification, 2011)”

Alienage is a unique class. .” For purpose of state law, alienage of legal aliens is a suspect class. State actions are analyzed according to strict scrutiny. State acts that affect illegal aliens are generally analyzed with rational basis review unless the topic is education of children. In which, they are analyzed under intermediate scrutiny based on Plyler v. Doe (1982). Intermediate scrutiny is applied to quasi-suspect classification (Suspect Classification, 2011).

Quasi-suspect classification includes gender and marital status of someone’s parents at birth. If a statute employs a quasi-suspect classification, such as gender or illegitimacy, then courts must apply intermediate scrutiny and ask whether the statute is substantially related to an important governmental interest. If the statute does not involve a suspect or quasi-suspect classification, then rational basis review applies, in which a court must ask whether the statute is rationally-related to a legitimate governmental interest. For example, a law permitting alimony for women and a law providing for an all male draft are quasi-suspect classification. Connecticut and Iowa classifies sexual orientation as a quasi-suspect class under state law. California classifies sexual orientation as a suspect class under state law. All other classifications fall under rational basis scrutiny (Suspect Classification, 2011).

Rational basis scrutiny is applied to all other discriminatory statues. Rational basis scrutiny is applied to all other discriminatory criteria - which include age, disability, wealth, political preference, political affiliation, or ex-felons. When rational basis scrutiny is used, it means that classification is one that overwhelmingly tends to be rational – like distinguishing criminals from non-criminals. This leads to wide political discretion and a focus of judicial resources to other cases where the classification employed tends to be more suspicious, and thus close judicial balancing is needed. The US Supreme has cited few criteria that may qualify the groups under the classifications (Suspect Classification, 2011).

The US Supreme court has mentioned a variety of criteria that may qualify a group as a suspect classification. The court has not declared that any particular set of criteria are either necessary or sufficient to qualify. The following criteria have been included:

* The group has historically been discriminated against, and has been subject to prejudice, hostility, and/or stigma, perhaps due, at least in part, to stereotypes.
* They possess an immutable and/or highly visible trait.
* They are powerless to protect themselves via the political process. The group is a discrete and insular minority.
* The group’s distinguishing characteristic does not inhibit it from contributing meaningfully to society (Suspect Classification, 2011).

The Supreme Court’s holding impose a minimum standard to which states must adhere. A state law that discriminates against citizens because of their race must be reviewed by the applicable state and inferior courts using the strict scrutiny basis review. A state may choose to give its citizens more rights or protections than the minimum federal standards when considering state law. For example, the state Supreme Court of California used the strict scrutiny basis of review to strike down a California statue denying legal recognition of same-sex marriages (Suspect Classification, 2011).

**Bibliography**

*Suspect Classification*. (2011). Retrieved January 4, 2012, from en.wikipedia.org: http://en.wikipedia.org/wiki/Suspect\_classification