

## CONTROLLING LEGAL PRINCIPLES

*Free Exercise Clause Decision – The “Contemplation of Justice”*  
*Bolling v. Sharpe, 347 U.S. 497 (1954)*



**Discrimination may be so unjustifiable as to be violative of due process. P. 347 U. S. 499**

We have this day held that the Equal Protection Clause of the Fourteenth Amendment prohibits the states from maintaining racially segregated public schools. [Footnote 1] **The legal problem in the District of Columbia is somewhat**

**Page 347 U. S. 499**

**different, however.** The Fifth Amendment, which is applicable in the District of Columbia, does not contain an equal protection clause, as does the Fourteenth Amendment, which applies only to the states. ***But the concepts of equal protection and due process, both stemming from our American ideal of fairness, are not mutually exclusive.*** *The "equal protection of the laws" is a more explicit safeguard of prohibited unfairness than "due process of law," and therefore we do not imply that the two are always interchangeable phrases. But, as this Court has recognized, discrimination may be so unjustifiable as to be violative of due process.* [Footnote 2]

Classifications based solely upon race must be scrutinized with particular care, since they are contrary to our traditions, and hence constitutionally suspect. [Footnote 3] As long ago as 1896, this Court declared the principle

"that the constitution of the United States, in its present form, forbids, so far as civil and political rights are concerned, discrimination by the general government, or by the states, against any citizen because of his race. [Footnote 4]"