

CRAIG v. BOREN

429 u. s. 190 (1976)

This case presents another discrimination issue between boys and girls.

Curtis Craig was a 19-year-old resident of Oklahoma. Under the law of his state, it was illegal to sell 3.2% beer to males under the age of 21 and to females under the age of 18. Craig felt that the law discriminated against males, aged 18-20, and brought a suit in federal court seeking to have the law declared unconstitutional under the Fourteenth Amendment's Equal Protection Clause. Craig argued that there was not sufficient reason for the legislature to make such a distinction based upon sex.

In defending itself, the state of Oklahoma argued that the distinction between the sexes was reasonable and was rationally related to the purpose of the law--reducing traffic accidents caused by drunken drivers. To support this claim, Oklahoma introduced statistics showing that drunken driving accidents could be effectively reduced by restricting the sale of 3.2% beer to a single group of drivers; males aged 18-20. The evidence included statistics demonstrating that many more males than females that age were arrested for "driving under the influence" and "drunkenness," that more males than females that age were injured in traffic accidents, and that more males than females that age were inclined to drink beer.

The district court upheld the constitutionality of the law and dismissed the suit. Craig then appealed to the United States Supreme Court.

Questions for discussion

1. The law in this case clearly seems to treat two groups of people (males and females) unequally. Do you think that the Fourteenth Amendment's Equal Protection Clause prohibits state legislatures from passing any laws which apply differently to different groups of people?
2. Do you think that this specific law violates the Equal Protection Clause when it treats males and females differently with regard to the sale of 3.2% beer?
3. When deciding the constitutionality of a state law, what sort of guidelines does the Supreme Court follow? Should the court make its own assessment of whether the law is reasonable in terms of the state's legislative goal?
4. Is every kind of classification of discrimination unconstitutional? Give examples.