

Constitutional Law

Federal Law	
Standing	Immediately likely to cause injury
Congress	CREATES DICE: Civil Rights, Elections, Admiralty, Taxation, Eminent domain, Spending/taxing, Defense, Interstate commerce, Citizenship, External affairs Controls SCOTUS's appellate JRD only! Leg. veto - violation of bicameral passage/presentation Bill of attainder - punish political beliefs (ban all Commies)
SCOTUS	Appeals from lower federal ct w/ fed statute Appeals from state highest ct w/ fed statute NO appeals from state if independent + adequate state law Is the decision sufficient to sustain?
Commerce Cl	Commercial activity + Substantially affect interstate commerce = VALID <u>Sale</u> is important, not the <u>use after</u> the sale <u>Cannot</u> require someone to enter commerce "buy or be penalized"
Tax and Spend	Reasonably related = VALID Cannot enact legislation to promote general welfare
13th Amendment	No "badges or incidents" of slavery, no racial discrimination Explicitly limits private acts by individuals
Procedural Due Process	Deprivation of prop = requires notice and hearing necessary No property right in continued public employment w/out tenure or for cause
Speech	Narrow & definite standards; no overbreadth/vague Prior restraint = okay if mere existence of communication is special harm TPM - Content-neutral, sig. gov interest, no less restrictive means, alt. channels
Religion	Cannot outlaw or seriously burden or endorse/support -- must be NEUTRAL Secular purpose + No advancing + No government entanglement Aid can go to secular instruction only - easier w/ post-secondary educ
State Law	
<i>Power to enact? Const. Violation? Undue Burden > Legit Interest? Discrimination?</i>	
Contracts Cl	Cannot impair K obligations unless (important + legit + necessary + reasonable) State trying to escape own obligations? -- look for K predated statute
P&I 4th Amendment	Infringe on state/national citizenship via fund. rights
11th Amendment	VERY NARROW - cannot sue state in fed ct as private citizen Okay: fed v. state, citizen v. city, equity w/ const. right, citizen v. official \$\$
14th Amendment	
Equal Protection - Classes	Suspect (Race, Religion, Nationality) SS (Narrow + Compelling)
	Quasi (Gender, Legitimacy) IR (Substantial + Important)
	Other RR (Rational + Legit)
Sub. Due Process - Ev.1	Fundamental Rights SS (Narrow + Compelling)
	Non-Fundamental RR (Rational + Legit)
Fundamental Rights	Association - peaceful assembly Travel - residency requirements for vital government services Privacy - marriage, procreation, abortion Voting - anything other than age, residency, citizenship

LJK