

4)

1. Due Process Clause

Due process requires a person shall not be deprived life, liberty or property without given both procedural and substantive due process.

Here, the state A deprived Doug (D) property interest (tuition waiver and annual payment of \$10,000) because he was likely denied based on his residency mt being three or more years in low income or rural community since he has lived all his life in a wealthy community in State B.

Thus, State a must follow due process.

Substantive Due Process

A regulation that deprives fundamental right of a person must overcome strict scrutiny. Government must show the regulation is necessary to achieve compelling government interest and there is no other least restrictive means.

Here, since he was deprived of property interest government must show compelling interest. State A may argue that because the number of primary care physicians significantly decreased it is necessary to provide primary care to low income and rural areas since it effects the community at large. However, the government's argument likely will fail because government may induce people with other ways to participation of the program such as by giving higher salary.

Thus, statute failed strict scrutiny test.

Procedural Due Process

For nonjudicial due process, the three factor test must be satisfied. The interest of plaintiff, value of adding additional safeguards and burden of additional process on government.

Here, as stated above the interest effected of D is property interest. Therefore government should add additional safeguards to comply with due process such as interviewing applicants to qualify them before merely putting unjust standards. The cost of additional process would not burden the government since the possibility of getting more qualified participant has higher interest than the cost of interview.

Thus, State A statue is likely unconstitutional.

2.Equal Protection Clause

Fourteenth amendment requires government shall not discriminate against similarly situated people. Government must complying with strict scrutiny test if discrimination is based on suspected class(race, ethnicity, national origin) , intermediate scrutiny on quasi-suspect

(gender, legitimacy) class and rational standard of review for all others.

Here, the state statute discriminated against D because although he has been admitted as a first year student in State A medical school he was denied because of his domicile. It is likely that the other classmate of his, with same qualifications got acceptance just because they have been domiciled in State A. Since residency and wealth are not protected class government should comply with rational standard review.

Here, D must show that government does not give rationally legitimate interest by discriminating based on domicile. However, government may argue that it is rationally related since people from State A and applicants with similarly situated with low income and rural communities familiar with each other. However this argument will likely fail.

Thus, the statute is likely unconstitutional.

3.Privileges and Immunities Clause (P&I)

States shall not discriminate against out of state citizens unless the persons are evil to government interest and discrimination is related to this evil. This is only applied for natural persons, not aliens or corporations.

Here, the statute clearly discriminated against out of state citizens because the statute authorizes both a tuition and waiver and an annual payment of \$10,000 to State A residents. Moreover, the statute does not authorize these incentives for out of state residents until they have established residency by living in State A for one year. Since there is no fact that out of state residents lesser qualified than State A residents the statute is unjustly discriminates the out of state residents.

Thus, the statute is likely unconstitutional on this base.

4. P&I, Section 2

State may benefits in their own citizens without discriminating.

Here, although State A's purpose to benefit low income and rural communities, state can only make it without discrimination.

Thus, the statute is likely unconstitutional on this base.

Question #4 Final Word Count = 643

END OF EXAM