

4)

1) Whether the statute is unconstitutional under the Due Process Clause of the Fourteenth Amendment

The Due Process Clause of the Fourteenth Amendment provides that citizens of the United States are to be afforded due process under the law when the government deprives an individual of his constitutional right in life, liberty (fundamental freedoms, including First Amendment rights, the right to vote, the right to interstate travel, and the right to privacy), or property (a continued expectation in the right to receive a benefit). Due process exists in two parts. First, there is procedural due process. Procedural due process often involves giving the individual notice as to the deprivation, as well as an opportunity for a hearing. Depending on the deprivation, the opportunity for a hearing may come before or after the deprivation itself. For example, deprivation of one's right to disability payments may result in a hearing after the deprivation takes place. On the other hand, if one is to be terminated from a government job, then one is to have an opportunity for a hearing prior to termination. The second type of due process is substantive due process. Substantive due process prevents the government from passing fundamentally unfair laws, especially those that eliminate an entire activity.

Here, Doug would argue that there has been a deprivation of his liberty because the the durational requirement of Doug having to have been domiciled in State A for a year before he is eligible for the PRP deprives him of his right to interstate travel and to be treated like a resident of State A. Here, Doug would further argue that he has been denied procedural due process because he did not receive an opportunity for a hearing, despite being informed of his application's denial. Here, if the court were to find that the durational requirement violated Doug's right to interstate travel, then he would have a valid procedural due process claim as to the unconstitutionality of the statute. Here, Doug would also argue that the PRP statute is fundamentally unfair. However, it does not seem that the statute is fundamentally unfair, given it is tied to a important state interest (increasing the number of physicians in low-income and rural communities) and substantially related to achieve that interest (the program incentivizes people to become doctors and then work in those affected communities).

Thus, Doug would have a claim for the PRP statute being unconstitutional under procedural due process.

2) Whether the statute is unconstitutional under the Equal Protection Clause of the Fourteenth Amendment

The Equal Protection Clause of the Fourteen Amendment ensures that all the laws of the United States are enforced equally with respect to people of different groups or classifications. Fundamentally, the Equal Protection Clause prohibits discrimination on the basis of group or class identifications, also known as suspect and quasi-suspect

classifications. Suspect classifications involve race, alienage, and national origin. Suspect classifications must pass strict scrutiny to be constitutional. Strict scrutiny requires that the government prove that the statute is necessary to achieve a compelling government interest (least restrictive means possible). Quasi-suspect classifications involve gender, illegitimate children, and non-marital child, with the government having the burden of passing intermediate scrutiny. Intermediate scrutiny requires that the government prove that the statute is substantially related to an important government interest. Finally, all other classifications require only need to pass a rational basis scrutiny. With rational basic scrutiny, the challenger must show that the government's statute is not rationally related to a legitimate government interest. Wealth falls into the non-suspect classification that require rational basis.

Here, there are no suspect classifications at play because Doug is a citizen of the United States and no reference is made to his race or national origin. Moreover, there is no quasi-suspect classification because Doug is not challenging the statute on the basis of his sex nor his his status as a illegitimate or non-marital child at play. Here, there is a non-suspect classification at play because Doug has lived his entire life in a wealthy community in State B and his application to the PRP program was denied. Meaning, Doug might argue that the statute is unconstitutional because it discriminates against him on the basis of his wealth. However, Doug would need to affirmatively prove as the challenger that the PRP program does not have a rational basis for excluding his based on his wealth--and Doug will fail at this. He will fail because State A's decision to waive tuition and offer an annual payment of \$10,000 is rationally related to its goal of incentivizing doctors who might not have as many opportunities as Doug given his wealth.

Thus, Doug would lose on his claim that the PRP statute is unconstitutional under the Equal Protections Clause.

3) Whether the statute is unconstitutional under the Privileges and Immunities Clause of the Fourteenth Amendment

The Privileges and Immunities Clause of the Fourteenth Amendment ensures states do not prevent citizens from making full use of their right as national citizens to engage in interstate travel. It also ensures that new citizens to a particular state get to enjoy the same benefits as long-time residents of the state. Generally, this Privileges and Immunities Clause recognizes durational requirements--i.e., a person has to live in a state for a particular amount of time before the person can enjoy the full benefits of living in that state--as unconstitutional.

Here, the PRP statute imposes a durational requirement because it does not allow for out-of-state residents to participate in the PRP program until they have established residence by living in State A for one year. Here, Doug has lived his entire life in a wealthy community in State B. Consequently, Doug may have a hard time winning on this claim because he may lack standing--the facts do not indicate that he has spent any amount of time in State A. However, as the Privileges and Immunities Clause of the Fourteenth

Amendment generally finds durational requirements unconstitutional, Doug likely would have a good shot of winning on this claim.

Thus, the PRP statute likely is unconstitutional under the Privileges and Immunities Clause.

4) Whether the statute is unconstitutional under the Privileges and Immunities Clause of Article IV, Section 2

The Privileges and Immunities Clause of Article IV, Section 2 primarily deals with a state's ability to regulate activities that affect out-of-staters fundamental rights and the right to earn a living. Fundamental rights include First Amendment Rights, the right to vote, the right to interstate travel, and the right to privacy. Generally speaking, it prevents state governments from discriminating against out-of-state residents. However, there are several exceptions to this rule that allow a state government to validly discriminate against out-of-state residents. First, the state may discriminate against out of state residents when the government is a market participant. Second, the state may discriminate when out-of-state residents are the problem or significantly contribute to the problem. Third, the state may discriminate when Congress has expressly provided that such discrimination is permissible. Alongside that, the statute must be substantially related to an important government interest.

Here, the PRP regulates the right of out-of-state residents to make a living in State A in that it specifically is offered to State A residents alone and thereby is not available to State B residents. As such, the statute discriminates against out-of-stater residents. Here, one could argue that the statute meets the market participant exception because the government is paying State A residents who are admitted into the PRP and also waives the tuition fees for the admitted students, too. Both of these facts contribute to the market, especially within the educational and healthcare industries. It does not appear that Congress has authorized State A to make this type of statute, so that exception does not apply. Moreover, it does not appear that out-of-state residents are the cause of the declining number of primary care physicians in State A. Lastly, the PRP statute is substantially related to an important government interest because it provides the means for State A residents to become licensed physicians and funnels them directly into the affected communities, and State A has a serious interest in ensuring the health of its residents within low-income and rural communities.

Thus, Doug will not be successful in arguing that the PRP statute is unconstitutional under the Privileges and Immunities Clause of Article IV, Section 2.

Question #4 Final Word Count = 1396

END OF EXAM