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(1) Due Process Clause of the Fourteenth Amendment

Due Process Clause

The Due Process Clause of the Fifth Amendment, as applied to the states through the Fourteenth Amendment prevents the government from depriving life, liberty, and property without due process. Life is a threat to life; liberty is a threat to constitutional freedoms; and property refers to a persons economic, personal, and entitlement of a benefit. If there is a deprivation of a right, there is a balancing test that addresses: (1) the plaintiff's interest, (2) the governments interest in effectiveness and (3) procedural safeguards.

Doug will argue that his denial of admission into the PRP program deprives him of property. By him not being able to participate in the program he is being denied the benefit of the tuition waiver, an annual payment of \$10,000, and the the property interest of a job for 5 years after graduation. Doug's interest in getting the property benefits of tuition waiver, \$10,000 annually, and a prospective job against the government's interest in having an effective statute that guidelines for admission of the program. The denial of Doug's application also is not likely to cause any issues with the procedural safeguards. Doug being denied admissions into the program is not likely to amount to a due process violation.

Substantive Due Process

Substantive Due Process prevents the infringement of government on a fundamental right. Fundamental rights include the right to marry, the right to procreate, the right to travel, etc.

Here, Doug is challenging his right to be admitted into the PRP program. Educational is not a fundamental right, however the right to travel is. Doug is admitted into State A's medical school, he is just being denied admission into the PRP program. So the State law is not preventing him from traveling and getting the benefits of attending the school in State A. As a result, Doug's substantive due process has not likely been violated.

(2) Equal Protection Clause of the Fourteenth Amendment

Equal Protection Clause

The Equal Protection Clause applied to the state through the Fourteenth Amendment prevents government discrimination treating similar situated people in a dissimilar manner or treating a class differently. A state law that either discriminates on its face or is neutral in application, but is motivated by discrimination is subject to strict scrutiny.

Here, State A's statute states on its face that race is a factor in determining admission into the PRP and the community the applicant was raised in is also a factor. Race is a suspect class and is subject to strict scrutiny and poverty/economics is subject to a rational basis test. B

Race

Under strict scrutiny, the government has the burden of showing that the law is necessary to achieve and a compelling government interest and its narrowly tailored through the least restrictive alternative.

State A must show that race being a factor in admissions is a necessary to achieve their compelling interest in increasing primary care physicians in low-income and rural communities. Further, State A must also show that race being a factor is narrowly tailored to that goal and that it is the least restrictive means. It is not likely that race being a factor will hold up under strict scrutiny. The State does not need to factor in race into the admission process, they could incentive applicants to stay in the areas in other ways. It is discriminatory to say that if you are a certain race you are more likely to stay living in the low-income and rural communities. Although health care is an important government interest, having race be a factor in the admissions is not narrowly tailored to achieving that goal.

Poverty

Economics or poverty is subject to the plaintiff proving that the law is not rationally based on legitimate government interest.

A factor in the admission for the PRP is whether an applicant was raised or lived in a low-income or rural community. Doug was raised in a wealthy community in State B. Doug must show that the government's factor of an applicant needing to live or be raised in a community is not rationally related to the legitimate government interest of increasing primary care physicians in those areas. It is not likely Doug would be successful in this claim, because the government's reasoning is that if people grew up in those type of communities, they are more likely to stay there. They would know the culture, what its like, etc and the governments goal of getting more people out to those communities is a legitimate interest.

State A's statute is likely to be deemed unconstitutional for the factor of race, but not for economic/poverty factors.

(3) Privileges and Immunities Clause of the Fourteenth Amendment

Privileges and Immunities Clause of the Fourteenth Amendment

Privileges and Immunities Clause provides that states cannot discriminate on the citizenship of citizens.

State A cannot deny citizenship of citizens, like Doug from other states, like State B. The statute in State A states that those who live in State A for one year may establish residency once the year is up. The statute still provides the opportunity for out of staters to become citizens after a certain time. The time is not unreasonable and there are no other

factors besides living in the state for one year. Therefore, this is not a denial of citizenship.

(4) Privileges and Immunities Clause of IV

Privileges and Immunities Clause of IV

The Privilege and Immunities Clause of IV prevents states from treating out of staters differently from in state citizens. States may not discriminate against fundamental rights or livelihood. If a state can show that the law is substantially related to an important government interest, the law may be upheld.

Applicants who are admitted into the PRP program get their tuition waived and an annual payment of \$10,000, but only if they are State A residents. Out of staters can only receive these benefits once they have established residency by living in State A for one year. Doug will argue that the statute treats him, an out of state resident from state B, different from residents of State A and does not receive the same benefits that residents do. However, educational is not a fundamental right and this statute does not affect Doug's livelihood. Doug is still able to go to school in State A, as he has been accepted and after one year he is considered a resident. State A would have to show that requiring residency is a substantially related to an important government interest of education. State A is likely to show that their interest in paying tuition for residents is high, because the cost of education and because the purpose of the program is to get physicians in rural communities in State A, which is more likely to happen for those who are already citizens of State A. Doug is not likely to prevail on his privileges and immunities clause claim, because education is not a fundamental right and Doug only has to stay in the state for one year before he is considered a resident and can receive the benefits, if he was accepted into the program. The statute is substantially related to the government's important interest in increasing physicians in low-income/rural communities in State A.

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END OF EXAM