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What claims may Chemco (C) make under the Constitution?

Due Process

When a state actor restricts Constitutional rights, adversely affected parties may make claims under the Due Process provision of the 5th Amendment, applicable to the states under the 14th Amendment.

Substantive Due Process

Substantive due process requires that where the law discriminates against a suspect class or restricts a fundamental right, the court will apply strict scrutiny in hearing claims and the government must show the law is necessary to achieve a compelling government interest. Where the law does not discriminate against a suspect class, the court will apply the rational basis test and this requires the plaintiff to show the law was not rationally related to a legitimate government interest. Corporations are not a suspect class.

Here, C will not have standing to make a claim under substantive due process because they are a corporation.

Procedural

Procedural due process prohibits the government from restricting a person's life, liberty, or property. Liberty interests are restricted when a Constitutional right has been restricted, such as First Amendment rights. When determining if a property interest has been restricted, the court will apply the Mathews v Elrledge balancing test, which considers 1) the importance of the private interest restricted, 2) the risk of error in the existing regulation and whether additional regulation will help, and 3) the cost to the government to implement such additional regulation. When procedural due process applies, the court will require the plaintiff is entitled to notice and hearing.

Here, C may claim their fundamental right to due continue doing business in State X were restricted by Organic Act, or that their property rights were restricted by it because the OA precluded their State X customers from buying from them. However, property rights protected under procedural due process are entitlements, such as Social Security.

Thus, C's claim under procedural due process will fail.

Equal Protection

Equal protection requires the government give all citizens equal protection of the law. Where a law discriminates against a suspect class or restricts a fundamental right, the court will apply strict scrutiny in hearing claims and the government must show the law is necessary to achieve a compelling government interest and be narrowly tailored to the

interest such that no less restrictive means were available. Where the law discriminates against a quasi suspect class, the court will apply intermediate scrutiny and the government must show the law was substantially related to an important government interest. Where the law does not discriminate against a suspect class, the court will apply the rational basis test and this requires the plaintiff to show the law was not rationally related to a legitimate government interest.

Here, C will claim the OA restricted their property rights because they lost because C always had a significant portion of their revenue come from sales in State X. However, OA was based in findings that showed the use of products such as C's resulted in increased threat to health of farmers, and consumers. This shows the government interest sought by OA was compelling because health and safety of citizens is always a compelling interest.

Thus, C's claims under equal protection will turn on the court's interpretation of whether the OA was sufficiently narrowly tailored and no other less restrictive means were available to protect consumers and farmer's way of life.

Dormant Commerce Clause

Under the commerce clause, Congress has broad authority to regulate interstate commerce including the channels of commerce, the people and instrumentalities of commerce, and any laws that unduly burden interstate commerce. Under the dormant commerce clause, where a state law discriminates against out of state businesses, the law will be deemed unconstitutional.

Here, OA bans the sale of all chemical fertilizers. C will therefore claim OA discriminates against out of state businesses because they lost their State X customers. However because C will be able to do business elsewhere, their claim will fail

Thus, C will not prevail under a dormant commerce clause claim.

What Constitutional claims may A&L Berries (ALB) make?

Dormant Commerce Clause

Under the commerce clause, Congress has broad authority to regulate interstate commerce including the channels of commerce, the people and instrumentalities of commerce, and any laws that unduly burden interstate commerce. Under the dormant commerce clause, where a state law discriminates against out of state businesses, the law will be deemed unconstitutional.

Here, the OA requires that all publicly funded State X institutions buy only organic produce grown in State X. This shows the OA discriminated facially against out of state producers. While Congress can place conditions on activity under the spending clause, state governments do not have this privilege.

Thus, the OA facially discriminated against out of state businesses and ALB will prevail

unless the 11th Amendment applies.

11th Amendment

The 11th Amendment makes states immune from private claims against state governments.

Here, because ALB and OP were private companies, State X is likely immune against their claim.

What Constitutional claims may Organic Produce make?

Dormant Commerce Clause

See the rule and analysis above.

OP will prevail in a claim of dormant commerce clause unless the 11th amendment applies.

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