Constitutional Law Map

Federal Courts may hear cases involving

Justiciability

Standing

- **Injury**
  - **Causation**
  - **Redressaibility**
  - **Third-party standing**
- **Ripeness**
- **Mootness**
- **Political question doctrine**
- **Advisory opinions**

Supreme Court Review

- **Certiorari**
- **Appeal**
- **Original jurisdiction**
- **Final judgment rule**
- **Adequate and independent state grounds**
- **Judicial review**

Lower Federal Courts:

Sovereign Immunity and Abstention

11A and Sovereign Immunity

- **Waiver**
- **Section 5 of 14A**
- **Suits by the federal government or another state**
- **Plan of the convention**
- **State officers**
- **Local governments**

Abstention

Federal Legislative Power: Sources and Limits of Congressional Power

No general police power

Necessary and Proper Clause

Taxing and Spending

Commerce Clause

10A and Federalism

Anti-commandeering

Spending conditions

Other Congressional Powers

Section 5 of 14A

War powers

Investigations

Property power

Bankruptcy

Postal power

Naturalization and immigration

Admiralty

Currency and weights

Delegation of Legislative Power

Nondelegation

Major questions doctrine

Legislative and line-item vetoes

Congressional exercise of executive power

Federal Executive Power

Treaties

Executive agreements

Foreign relations

Recognition power

War powers

Appointments

Federal Executive Power Cont'd

Removal

Impeachment

Executive immunity and privilege

- **Immunity**
- **Privilege**

Pardons

Veto

Take Care Clause

Appropriations

Allocation of Federal and State Power

Exclusive federal powers

Exclusive state powers

Federal preemption

Intergovernmental Immunities and Taxation

State regulation and Taxation of the Federal Government

Federal regulation and Taxation of the States

Full Faith and Credit Clause

Article IV Privileges *and* Immunities Clause

14A Privileges *or* Immunities Clause

State Taxation of Interstate Commerce

Common state taxes

State Taxation on Foreign Commerce

21st Amendment: Alcohol Regulation

Substantive Due Process

Fundamental Rights

- **Right to Vote**
- **Interstate Travel**
- **Privacy**
- **Marriage**
- **Procreation**
- **Parental rights**
- **Family integrity**
- **Contraception**
- ***Abortion**
- **Private sexual conduct**
- **Refusal of medical treatment**

State Action and Constitutional Limits

State action exists when

Dormant Comerce Clause (DCC)

Generally no state action

exceptions

Constitutional Amendments

- **First Amendment and Bill of Rights**
- **13A**
- **14A**
- **15A**
- **Section 5 of 14A**

Levels of Scrutiny Chart

Procedural Due Process

- **Liberty**
- **Property**
- **what process is due?**

Article IV Privileges and Immunities Clause

Common examples

Procedural Due Process Cont'd

Suspect classes: strict scrutiny

Quasi-suspect classes: intermediate scrutiny

All other classes: rational basis

Takings Clause

What constitutes a taking?

Remedy

Public use

Retroactive Legislation

Contract clause

Ex post facto laws

Bills of attainder

Equal Protection

Freedom of Speech

Content based

Content-neutral

Prior restraints

Vagueness

Overbreadth

Symbolic speech

Unprotected/ Less protected speech:
incitement
true threats
obscenity

Commercial speech

Defamation

Gov employees

Time, Place, Manner Restrictions Chart

2A: Right to Bear Arms

Right to Travel

Right to Vote

One Person, One Vote

Freedom of Religion

Free Exercise Clause

Establishment Clause

Freedom of Association