

So, what standard should I use?

That means I have to ask:

In that case, the government will...

No, you must use a higher standard!

No, you must use a lower standard!

There IS a compelling interest.

There is NO compelling interest.

**Strict scrutiny standard of review**

**Is there a compelling state interest in this classification?**



**most likely lose, and the law will be struck down.**

CITIZEN

GOVERNMENT

**Intermediate standard of review**

**Is there an important state purpose for this classification?**



**often lose, and the law will be struck down.**

CITIZEN

GOVERNMENT

**Minimum rationality standard of review**

**Is there a rational basis for this classification?**



**probably prevail, and the law will be upheld.**

CITIZEN

GOVERNMENT

### QUASI-SUSPECT

Court upheld federal law requiring males but not females to register for military service (the draft). *Rostker v. Goldberg* (1981)

Court struck down an Alabama law requiring husbands but not wives to pay alimony after divorce. *Orr v. Orr* (1979)

### NONSUSPECT

Court found a Missouri law requiring public officials to retire at age seventy to have a rational basis. *Gregory v. Ashcroft* (1991)

Court struck down an amendment to the Colorado constitution that banned legislation to protect people's rights on the basis of their sexual orientation because it had no rational relation to a legitimate state goal. *Romer v. Evans* (1996)