1. **Evolution of Judicial Review**

**A. Accepted Modern Theories of Judicial Review**

* 1. **Literal, Strict Reading of the Constitution – “Strict Constructionism”**
  2. **Intent of the Framers in Judgment of Current cases**
  3. **Conventional Morality of Modern Society – “Living Constitution”**
  4. **Theory of Natural, Individual, Inalienable Rights**

1. **Unacceptable – Judge’s Own Personal Opinion**
2. **Court “Tests” of Legislation**
   * 1. **Strict Scrutiny – Compelling State Interest Test**
        1. **Due Process Cases – Fundamental Right**
        2. **Equal Protection Cases – Suspect Classification**
     2. **Reasonable Basis – “Balancing Tests” – Weigh the Government Interest v. Burden to Right Involved**
        1. **State Regulations on Interstate Commerce**
        2. **Equal Protection Cases – Quasi-Suspect Classifications**
        3. **Time, Place, Manner Restrictions on Speech**
        4. **Limitations on Abortion**
        5. **Governmental Economic Regulations (Pre-1938)**
     3. **Permissive Scrutiny – Rational Basis Test**
        1. **Governmental Economic Regulations (Post -1938)**
        2. **Equal Protection Cases – Non-Suspect Classifications**
        3. **Due Process Cases – Non-Fundamental Right**