

Chapter 10: Economic Substantive Due Process

Introduction (1 of 2)

- History of the Due Process.
- The Bill of Rights: Fifth Amendment.
- Fourteenth Amendment.
- Procedural due process.

Introduction (2 of 2)

- Substantive due process.
- View of substantive due process in the modern era.
- Reasons for studying substantive due process.

The Development of Substantive Due Process (1 of 8)

- Pre–Fourteenth Amendment.
- Pre–Civil War era.
- Post–Civil War era.

The Development of Substantive Due Process (2 of 8)

Initial Interpretation of the Fourteenth Amendment's Due Process Clause

- New commerce regulations.
- Fear of the business interests.
- Seeking alternatives to Contract Clause.

The Development of Substantive Due Process (3 of 8)

Initial Interpretation of the Fourteenth Amendment's Due Process Clause

- The *Slaughterhouse* cases.
- Argument of Justice Campbell.
- The judgment of the Court.
- The dissent.

The Development of Substantive Due Process (4 of 8)

The Beginning of Substantive Due Process

- Substantive due process arguments.
- Dissenting position in *Slaughterhouse*.
- Public support and its impacts.

The Development of Substantive Due Process (5 of 8)

The Beginning of Substantive Due Process

- *Munn vs. Illinois.*
- Decision of the Court.

The Development of Substantive Due Process (6 of 8)

The Beginning of Substantive Due Process

- *Mugler v. Kansas.*
- Decision of the Court.
- *Chicago, Milwaukee & St. Paul Railway v. Minnesota.*

The Development of Substantive Due Process (7 of 8)

The Beginning of Substantive Due Process

- Examination of Justice Samuel Blatchford.
- Treatment of substantive due process.
- Judicial activism by the Court.
- Perception of the judges.

The Development of Substantive Due Process (8 of 8)

The Beginning of Substantive Due Process

- Ideological differences.
- *Allgeyer v. Louisiana*.
- Opinion of Justice Peckham.

The Roller-Coaster Ride of Substantive Due Process (1 of 3)

- *Holden v. Hardy*.
- Decision of the Court.
- Victory for the progressive movement.
- Questions that rose from the ruling.

The Roller-Coaster Ride of Substantive Due Process (2 of 3)

- *Lochner v. New York*.
- Dissent of Justice Holmes.
- Principled effort by the justices.

The Roller-Coaster Ride of Substantive Due Process (3 of 3)

- *Muller v. Oregon.*
- Brandeis's approach.
- Decision of the Court.
- *Bunting v. Oregon.*

The Heyday of Substantive Due Process: 1923–1936

- *Adkins v. Children's Hospital*.
- Political climate of post–World War I era.
- Impact of the Supreme Court appointment.
- Powerful weapons against regulatory legislation.

The Depression, the New Deal, and the Decline of Economic Substantive Due Process (1 of 2)

- The Great Depression and subsequent election.
- *Nebbia v. New York*.
- *Morehead v. New York ex rel. Tipaldo*.

The Depression, the New Deal, and the Decline of Economic Substantive Due Process (2 of 2)

The Demise of Economic Substantive Due
Process: *West Coast Hotel v. Parrish*

- Pressure faced by the Court.
- *West Coast Hotel v. Parrish*.

Substantive Due Process: Contemporary Relevance (1 of 3)

- Rational bias test.
- *Williamson v. Lee Optical Co.*
- Opinion of Justice William O. Douglas.
- *Pennell v. City of San Jose.*
- Conclusion of Justice William Rehnquist.

Substantive Due Process: Contemporary Relevance (2 of 3)

- Substantive due process reemerged in two contexts.
- *BMW of North America v. Gore*.
- Ruling of the Court.

Substantive Due Process: Contemporary Relevance (3 of 3)

- *Griswold v. Connecticut.*
- *Roe v. Wade.*
- *Lawrence v. Texas.*
- *Obergefell v. Hodges.*