

enues of relief alleged in *Boddie* was not at issue. As in *Boddie*, however, the Court focused on the substantive due process implications of the state's limiting "[c]hoices about marriage, family life, and the upbringing of children,"<sup>2062</sup> while also referencing cases establishing a right of equal access to criminal appellate review. Noting that even a petty offender had a right to have the state pay for the transcript needed for an effective appeal,<sup>2063</sup> and that the forced dissolution of parental rights was "more substantial than mere loss of money,"<sup>2064</sup> the Court ordered Mississippi to provide the plaintiff the court records necessary to pursue her appeal.

**Educational Opportunity.**—Making even clearer its approach in *de facto* wealth classification cases, the Court in *San Antonio School District v. Rodriguez*<sup>2065</sup> rebuffed an intensive effort with widespread support in lower court decisions to invalidate the system prevalent in 49 of the 50 states of financing schools primarily out of property taxes, with the consequent effect that the funds available to local school boards within each state were widely divergent. Plaintiffs had sought to bring their case within the strict scrutiny—compelling state interest doctrine of equal protection review by claiming that under the tax system there resulted a *de facto* wealth classification that was "suspect" or that education was a "fundamental" right and the disparity in educational financing could not therefore be justified. The Court held, however, that there was neither a suspect classification nor a fundamental interest involved, that the system must be judged by the traditional restrained standard, and that the system was rationally related to the state's interest in protecting and promoting local control of education.<sup>2066</sup>

Important as the result of the case is, the doctrinal implications are far more important. The attempted denomination of wealth as a suspect classification failed on two levels. First, the Court noted that plaintiffs had not identified the "class of disadvantaged 'poor'" in such a manner as to further their argument. That is, the Court found that the existence of a class of poor persons, however defined, did not correlate with property-tax-poor districts; neither as an absolute nor as a relative consideration did it appear that tax-poor districts contained greater numbers of poor persons than did

<sup>2062</sup> 519 U.S. at 106. See *Boddie v. Connecticut*, 401 U.S. 371 (1971).

<sup>2063</sup> *Mayer v. Chicago*, 404 U.S. 189 (1971).

<sup>2064</sup> 519 U.S. at 121 (quoting *Santosky v. Kramer*, 455 U.S. 745, 756 (1982)).

<sup>2065</sup> 411 U.S. 1 (1973). The opinion by Justice Powell was concurred in by the Chief Justice and Justices Stewart, Blackmun, and Rehnquist. Justices Douglas, Brennan, White, and Marshall dissented. *Id.* at 62, 63, 70.

<sup>2066</sup> 411 U.S. at 44–55. Applying the rational justification test, Justice White would have found that the system did not use means rationally related to the end sought to be achieved. *Id.* at 63.