

Contents

<i>Table of Cases</i>	<i>ix</i>
Chapter 2 Doctrines Limiting the Scope of Judicial Review	1
C. Justiciability: The Proper Role of the Federal Courts	1
2. Standing to Sue	1
a. The Constitutional Core of Standing	1
4. Political Questions	2
Chapter 5 Separation of Powers	3
B. Executive Action	3
1. In Domestic Affairs	3
b. The Removal Power	3
C. Legislative Action and the Administrative State	6
2. Specific Limits	6
a. Nondelegation	6
Chapter 6 Due Process	7
B. Substantive Due Process	7
3. The Modern Revival: “Privacy” Rights	7
b. Abortion	7
<i>Dobbs v. Jackson Women’s Health Organization</i>	7
Notes	23
Chapter 7 Economic Rights: The Takings and Contracts Clauses	27
A. The Takings Clause	27
Chapter 8 Equal Protection	29
F. Fundamental Rights: Strict Scrutiny Redux	29
4. Voting: Gerrymanders	29

Chapter 9	Free Expression of Ideas	35
A.	Overview of Free Expression	35
2.	The Distinction Between Content-Based Regulation and Content-Neutral Regulation	35
B.	Content-Based Regulation of Speech	36
5.	Offensive Speech	36
a.	The General Rule	36
	Note	36
D.	Regulation of Speech When the Government Is Both Sovereign and Proprietor	36
2.	Public Education	36
	<i>Mahanoy Area School District v. B.L.</i>	37
	Notes and Problem	44
3.	Public Employment	45
4.	Public Sponsorship of Speech	47
F.	Expression Rights Implicit in the Free Speech Guarantee	48
2.	Freedom of Association	48
	<i>Americans for Prosperity Foundation v. Bonta</i>	48
	Notes	53
G.	Free Expression and the Political Process	54
1.	Money as Speech: Political Contributions and Expenditures	54
Chapter 10	The Religion Clauses	55
B.	The Free Exercise Clause	55
2.	Legislation That Targets Religious Conduct or Belief	55
	<i>Fulton v. Philadelphia</i>	55
	Notes	62
	<i>Kennedy v. Bremerton School District</i>	66
	Notes	74
C.	The Establishment Clause	75
5.	Government Endorsement of Religious Belief or Nonbelief and Government Coercion to Believe or Not Believe	75
b.	Other Government Adoption of Religious Symbols	75
	<i>The American Legion v. American Humanist Association</i>	75
	Notes and Problem	83
Chapter 11	State Action and the Power to Enforce Constitutional Rights	85
A.	State Action	85
1.	The Public Function Doctrine	85
Chapter 12	The Right to Keep and Bear Arms	87
	<i>New York State Rifle & Pistol Association, Inc. v. Bruen</i>	87
	Notes and Problem	102