

Preface

The seventh edition of Constitutional Law (and the third edition of The First Amendment) cover Supreme Court decisions through its October 2022 Term. This Supplement covers October Terms 2023, 2024, and 2025.

They have been momentous years in the Court. The major new cases covered in this Supplement are:

Chapter 1. I have included the case concerning nationwide injunctions, *Trump v. CASA*, even though it involves interpretation of federal statutes and not the Constitution. Constitutional law professors may want to cover this because of its importance in terms of the remedies federal courts can impose. Also included are five decisions concerning standing: *Food and Drug Administration v. Alliance for Hippocratic Medicine*, *Murthy v. Missouri*, *Bost v. Illinois*, *First Choice Women's Resource Centers, Inc. v. Davenport*, and *Diamond Alternative Energy, LLC v. Environmental Protection Agency*.

Chapter 3. There have been major decisions concerning administrative law. In *Federal Communications Commission v. Consumers Research*, the Court did not revive the non-delegation doctrine. The focus is on the decisions concerning constitutional law: *Consumer Financial Protection Bureau v. Community Financial Services Association of America* and *Securities and Exchange Commission v. Jarkesy*.

Finally, as to the appointment and removal power, *Kennedy v. Braidwood Management Co.* concerns who is an officer of the United States who must be appointed by the President. As to the removal power, in *Trump v. Slaughter*, the Court overruled *Humphrey's Executor v. United States*, though in *Trump v. Cook*, the Court indicated that there were some instances in which Congress could limit the removal power.

Also in Chapter 3 is *Trump v. United States*, as to whether and when a former president has immunity from criminal prosecution.

Chapter 4. *Monsanto v. Durnell* is an important case about preemption and when state tort suits for failure to warn are preempted by federal law.

Chapter 5. *Lindke v. Freed* concerns state action and when the First Amendment applies to private social media accounts of government officials.

Chapter 7. In *Trump v. Barbara*, the Court declared unconstitutional President Trump's executive order limiting birthright citizenship. I was unsure where to place it in the casebook. I put it in the section with *Dred Scott v. Sandford* because it involves the constitutional provision that was adopted to overrule that decision.

Also, the Supreme Court handed down a major decision concerning race and voting, *Louisiana v. Callais*. Because it is primarily about a statute, the Voting Rights Act, but has clear implications for equal protection, I presented this in a summary of the decision and its implications.

There have been two cases involving discrimination against transgender individuals, and both were decided as to whether they were sex discrimination. *United States v. Skrmetti* involves whether Tennessee's prohibition of gender affirming care for transgender youth is sex discrimination or gender identity discrimination. *West Virginia v. B. P. J.* concerned the constitutionality of a state law prohibiting girls and women from participating in sports that correspond to their gender identity.

Chapter 8. There have been three recent cases about the Second Amendment: *United States v. Rahimi*, *United States v. Hemani*, and *Wolford v. Lopez*. I placed *Trump v. Anderson*, on Section 3 of the Fourteenth Amendment, in the section on voting and elections.

Chapter 9. There are several important cases concerning freedom of speech. In *Chiles v. Salazar*, the Court said that strict scrutiny should be used for a state law that prohibits conversion therapy for gay, lesbian, and transgender youth. *TikTok, Inc. v. Garland* upheld the ban on TikTok, with the Court treating it as a content-neutral restriction on speech. *Vidal v. Elster* upheld a federal law preventing trademarking a living person's name or likeness without consent. *National Rifle Association v. Vullo* involves when government threats are an infringement of speech. *Free Speech Coalition v. Paxton* upheld a Texas law that requires that websites with more than a third sexual content do age verification to prevent access by those under the age of 18. And *Moody v. NetChoice* concerns state laws preventing social media platforms from engaging in content moderation.

Chapter 10. In *Mahmoud v. Taylor*, the Court found that parents have the right under the Free Exercise Clause to notice and to exempt their children from material in public school that is inconsistent with their religion. In *Catholic Charities Bureau, Inc. v. Wisconsin Labor & Industry Review Commission*, the Court reaffirmed that discrimination among religions must meet strict scrutiny.

As with past supplements, I have indicated where I think these cases best fit. I have edited the cases in the same way as in the casebook.

I will continue to prepare a new supplement each year and a new edition every four years. Suggestions are always welcome!

Erwin Chemerinsky
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