

Preface

This new edition includes full coverage of the Supreme Court’s term that ended in July 2024, in which the most important decision was *Trump v. U.S.*, establishing that Presidents are entitled to certain immunity from criminal prosecution. The edition covers this and other Supreme Court decisions from that term, including:

- ❑ *Trump v. U.S.*, holding that **Presidents** are entitled to at least a **presumption of immunity** from **criminal prosecution** for their official acts. In some contexts, the immunity is absolute, and in others, the President benefits from a strong “**presumption of immunity**” that will be difficult for the prosecution to rebut.
- ❑ *U.S. v. Rahimi*, a **Second Amendment** case, holding that government may restrict certain persons from owning guns. However, the restriction must be “**relevantly similar**” to restrictions that existed in 1791 (when the Second Amendment was enacted).
- ❑ *Moody v. NetChoice, LLC*, indicating that government likely violates the **free-expression** rights of a **social media platform** if government enacts an “**anti-censorship**” rule that requires the platform to **include third-party posts** that the platform wants to keep off the site.
- ❑ *Murthy v. Missouri*, a case about **standing**, holding that a plaintiff does not have standing unless she can show that a **favorable outcome** in the suit would “**redress**” the harm from whatever action (usually a government action) the plaintiff is challenging.

Here are some of this book’s special features:

- “**Casebook Correlation Chart**” — This chart, located just after this Preface, correlates each section of the main Outline with the pages covering the same topic in the four leading Constitutional Law casebooks.
- “**Capsule Summary**” — This is a 136-page summary of the key concepts of Constitutional Law, specially designed for use in the last week or so before your final exam.
- “**Quiz Yourself**” — Either at the end of the chapter or after major sections of a chapter I give you short-answer questions so that you can exercise your analytical muscles. There are about 120 of these questions, each written by me.
- “**Exam Tips**” — These alert you to the issues that repeatedly pop up on actual Constitutional Law exams, and to the fact patterns commonly used to test those issues. I created these Tips by looking at literally hundreds of multiple-choice and essay questions asked by law professors and bar examiners.

I intend for you to use this book both throughout the semester and for exam preparation. Here are some suggestions about how to use it:

1. The book seems (and is) *big*. But don’t panic. The actual text includes over 75 pages of *Quiz Yourself* short-answer questions and answers, plus lots of *Exam Tips*. Anyway, you don’t have to read everything in the book — there are lots of special features that you may or may not decide to take advantage of.
2. During the semester, use the book in preparing each night for the next day’s class. To do this, first

read your casebook. Then, use the *Casebook Correlation Chart* to get an idea of what part of the outline to read. Reading the outline will give you a sense of how the particular cases you've just read in your casebook fit into the overall structure of the subject.

3. If you make your own outline for the course, use the *Emanuel*® to give you a structure, and to supply black letter principles. You may want to rely especially on the *Capsule Summary* for this purpose. You are hereby authorized to copy small portions of the *Emanuel*® into your own outline, provided that your outline will be used only by you or your study group, and provided that you are the owner of the *Emanuel*®.
4. When you first start studying for exams, read the *Capsule Summary* to get an overview. This will probably take you about one day.
5. Either during exam study or earlier in the semester, do some or all of the *Quiz Yourself* short-essay questions. You can find these quickly by looking for *Quiz Yourself* entries in the Table of Contents. Remember that the only way to get good at writing essays is to write essays.
6. Three or four days before the exam, review the *Exam Tips* that appear at the end of each chapter.
7. The night before the exam: (1) do some *Quiz Yourself* questions, just to get your thinking and writing juices flowing, and (2) re-scan the *Exam Tips* (spending about 2-3 hours).

My deepest thanks go to my editorial colleague Barbara Roth, who has helped greatly to assure the quality of this edition. Warm thanks also to Troy Froebe and his team at The Froebe Group, for supervising the production of this new edition.

By the way, the **full text of this book**, plus the full text of many other study aids, is available **online** as part of a single low-cost monthly subscription at **www.EmanuelAYCE.com**. “AYCE” stands for “All You Can Eat” — we named it that way because you get **unlimited access** to the full-text of:

- ☐ This and the other **9 Emanuel Law Outlines** titles that I write;
- ☐ All **9 Emanuel CrunchTime** titles that I write;
- ☐ **Emanuel Law in a Flash** flash-card titles in **13** subjects;
- ☐ **Casenotes Legal Briefs** for **50** of the leading casebooks; and
- ☐ Over 1300 **multiple-choice questions and answers**.

Good luck in your ConLaw course. If you'd like any other Aspen publication, you can find it at your bookstore or at **www.AspenPublishing.com**. If you'd like to contact me, you can email me at **semanuel@westnet.com**.

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