## **Contents**

Preface		ix
Chapter 1. The Federal Judicial Power		
B.	Limits on the Federal Judicial Power	1
	3. Justiciability Limits	1
	b. Standing	1
	Food and Drug Administration v. Alliance for	
	Hippocratic Medicine	1
	Murthy v. Missouri	10
Chapter 3. The Federal Executive Power		
	Constitutional Problems of the Administrative State	23
	Consumer Financial Protection Bureau	
	v. Community Financial Services Association of	
	America	24
	Securities and Exchange Commission v. Jarkesy	36
F.	Checks on the President	46
	1. Suing and Prosecuting the President	46
	Trump v. United States	46
Chapte	r 5. The Structure of the Constitution's Protection of	
	Civil Rights and Civil Liberties	77
C.	The Application of the Bill of Rights and the Constitution to	
	Private Conduct	77
	2. The Exceptions to the State Action Doctrine	77
	b. The Entanglement Exception	77
	Lindke v. Freed	77
Chapte	er 8. Fundamental Rights	87
C.	Constitutional Protection for Family Autonomy	87
	1. The Right to Marry	87
Н.	The Second Amendment Right to Bear Arms	88
	United States v. Rahimi	89
J.	The Right to Vote	106
	6. Section 3 of the Fourteenth Amendment	106
	Trump v. Anderson	107

viii			Contents
Chapter 9.		First Amendment: Freedom of Expression	117
B.	Fre	e Speech Methodology	117
	1.	The Distinction Between Content-Based on Content-	
		Neutral Laws	117
		c. Problems in Applying the Distinction Between	
		Content-Based and Content-Neutral Laws	117
		ii. When the Government Must Make Content-Based	
		Choices	117
		Vidal v. Elster	117
	4.	What is an Infringement of Freedom of Speech?	130
		Government Pressures	130
		National Rifle Association v. Vullo	130
F.	Fre	edom of the Press	139
	2.	Freedom of the Press as a Shield to Protect the Press	
		from the Government	139
		d. Laws Requiring that Media Make Access Available	139
		Moody v. Netchoice	139