

Contents

<i>Preface</i>	ix
Chapter 1. The Federal Judicial Power	1
B. Limits on the Federal Judicial Power	1
<i>Trump v. Casa</i>	1
3. Justiciability Limits	25
b. Standing	25
<i>Food and Drug Administration v. Alliance for Hippocratic Medicine</i>	25
<i>Murthy v. Missouri</i>	34
<i>Diamond Alternative Energy, LLC v. Environmental Protection Agency</i>	45
Chapter 3. The Federal Executive Power	55
B. Constitutional Problems of the Administrative State	55
1. The Nondelegation Doctrine and Its Demise	55
<i>Federal Communications Commission v. Consumers Research</i>	55
<i>Consumer Financial Protection Bureau v. Community Financial Services Association of America</i>	69
<i>Securities and Exchange Commission v. Jarkesy</i>	81
4. Checking Administrative Power	91
<i>Kennedy v. Braidwood Management Co.</i>	91
F. Checks on the President	95
1. Suing and Prosecuting the President	95
<i>Trump v. United States</i>	95
Chapter 5. The Structure of the Constitution's Protection of Civil Rights and Civil Liberties	125
C. The Application of the Bill of Rights and the Constitution to Private Conduct	125
2. The Exceptions to the State Action Doctrine	125
b. The Entanglement Exception	125
<i>Lindke v. Freed</i>	125
Chapter 7. Equal Protection	135
D. Sex Discrimination	135
<i>United States v. Skrmetti</i>	135
	vii

Chapter 8. Fundamental Rights	157
C. Constitutional Protection for Family Autonomy	157
1. The Right to Marry	157
H. The Second Amendment Right to Bear Arms	158
<i>United States v. Rahimi</i>	159
J. The Right to Vote	176
6. Section 3 of the Fourteenth Amendment	176
<i>Trump v. Anderson</i>	176
Chapter 9. First Amendment: Freedom of Expression	187
B. Free Speech Methodology	187
1. The Distinction Between Content-Based on Content-Neutral Laws	187
a. The Importance of the Distinction	187
<i>Tiktok, Inc. v. Garland</i>	187
c. Problems in Applying the Distinction Between Content-Based and Content-Neutral Laws	195
ii. When the Government Must Make Content-Based Choices	195
<i>Vidal v. Elster</i>	196
4. What Is an Infringement of Freedom of Speech? Government Pressures	208
<i>National Rifle Association v. Vullo</i>	208
C. Types of Unprotected and Less-Protected Speech	217
4. Sexually Oriented Speech	217
e. Profanity and “Indecent Speech”	217
iii. The internet	217
<i>Free Speech Coalition, Inc. v. Paxton</i>	217
F. Freedom of the Press	234
2. Freedom of the Press as a Shield to Protect the Press from the Government	234
d. Laws Requiring That Media Make Access Available	234
<i>Moody v. Netchoice</i>	235
Chapter 10. First Amendment: Religion	253
B. The Free Exercise Clause	253
5. Applying the Free Exercise Clause	253
c. The Right of Parents to Exempt Their Children from Material in Public Schools	253
<i>Mahmoud v. Taylor</i>	253
C. The Establishment Clause	274
2. Government Discrimination Among Religions	274
<i>Catholic Charities Bureau, Inc. v. Wisconsin Labor & Industry Review Commission</i>	274