

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 and 2024.

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 three decisions concerning standing, *Food and Drug Administration v. Alliance for Hippocratic Medicine*, *Murthy v. Missouri*, 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 office of the United States who must be appointed by the President. I also have included *Trump v. Wilcox*, which is a ruling from the emergency docket and suggests that the Court is poised to overrule *Humphrey's Executor*.

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

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

Chapter 7. *United States v. Skrametti* involves whether Tennessee's prohibition of gender affirming case for transgender youth is sex discrimination or gender identity discrimination.

Chapter 8. *United States v. Rahimi* is an important case concerning the Second Amendment and how it is to be interpreted. 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. *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 age 18. And *NetChoice v. Moody* 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 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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