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CONSTITUTIONAL LAW
CASES—COMMENTS—QUESTIONS

Eleventh Edition



Jesse H. Choper, Richard H. Fallon, Jr.,
Yale Kamisar & Steven H. Shiffrin

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■ ■ ■

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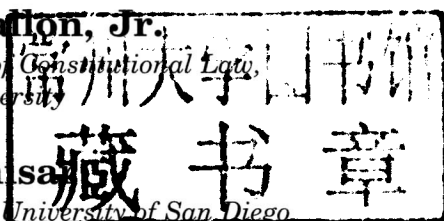
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PREFACE

Casebooks are teaching tools, and this is no exception. The hallmark of this book since it first appeared—and we believe that this eleventh edition is the best yet—is its commitment to the proposition that a student’s understanding of constitutional law is greatly enriched by exposure to diverse perspectives drawn from the best of legal scholarship. To that end, we have reproduced many selections from the literature or woven them into notes and questions that follow almost every main case. Overall, the book furnishes the resources to teach a broadly intellectual (as well as doctrinal) Constitutional Law course, but seeks to do so without imposing a comprehensive framework that teachers must either adopt or “teach against.”

In the five years since the last edition of this book was published, many significant decisions have been handed down and a wealth of scholarly commentary has been generated. Accordingly, this new edition represents a complete revision and a fresh re-evaluation, for purposes of re-editing and re-organizing, of all existing materials. It also constitutes the product of an extensive examination of the recent literature—in an effort to further enrich the notes, comments and questions. Although this edition is nearly 100 pages longer than its predecessor, nearly all of the increment is traceable to the use of a larger print face that should make the book easier to read. We hope that users of past editions will applaud the change.

In addition to full updating, restructuring has been undertaken in each new edition where called for by recent developments. Several parts of the chapter on “Freedom of Expression and Association” (Chapter 7) and “The Concept of State Action” (Chapter 10) of this edition have been reorganized. Finally, this edition continues to be one of the very few that contains a substantial section on the death penalty (Chapter 6, Section 4), important most recently not only because of the connection to substantive due process but also because, like the homosexual sodomy cases, of the opinions’ use of foreign and international law.

Significant cases handed down during the 2010–11 Supreme Court Term will appear in a supplement to be published in August 2011. Important developments thereafter will appear in annual supplements.

Case and statute citations, as well as footnotes, of the Court and commentators have been omitted without so specifying; other omissions are indicated by asterisks or by brackets. Numbered footnotes are from the original materials; lettered footnotes are ours. The three editions of Laurence H. Tribe, *American Constitutional Law* are cited simply as “Tribe.” The composition of the Court on any date may be obtained by consulting the Table of Justices in Appendix A, originally prepared by Professor John J. Cound, which also includes a compilation of basic biographical data on all the individuals who have ever served on the Court.

Special thanks to Mary Lebert, Perla Bleisch, Jan Rose and Catherine M. Schultz for administrative assistance well beyond the call of duty, and to Mark Savignao, Jonathan Schneller, and Previn Warren for their help as research assistants.

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