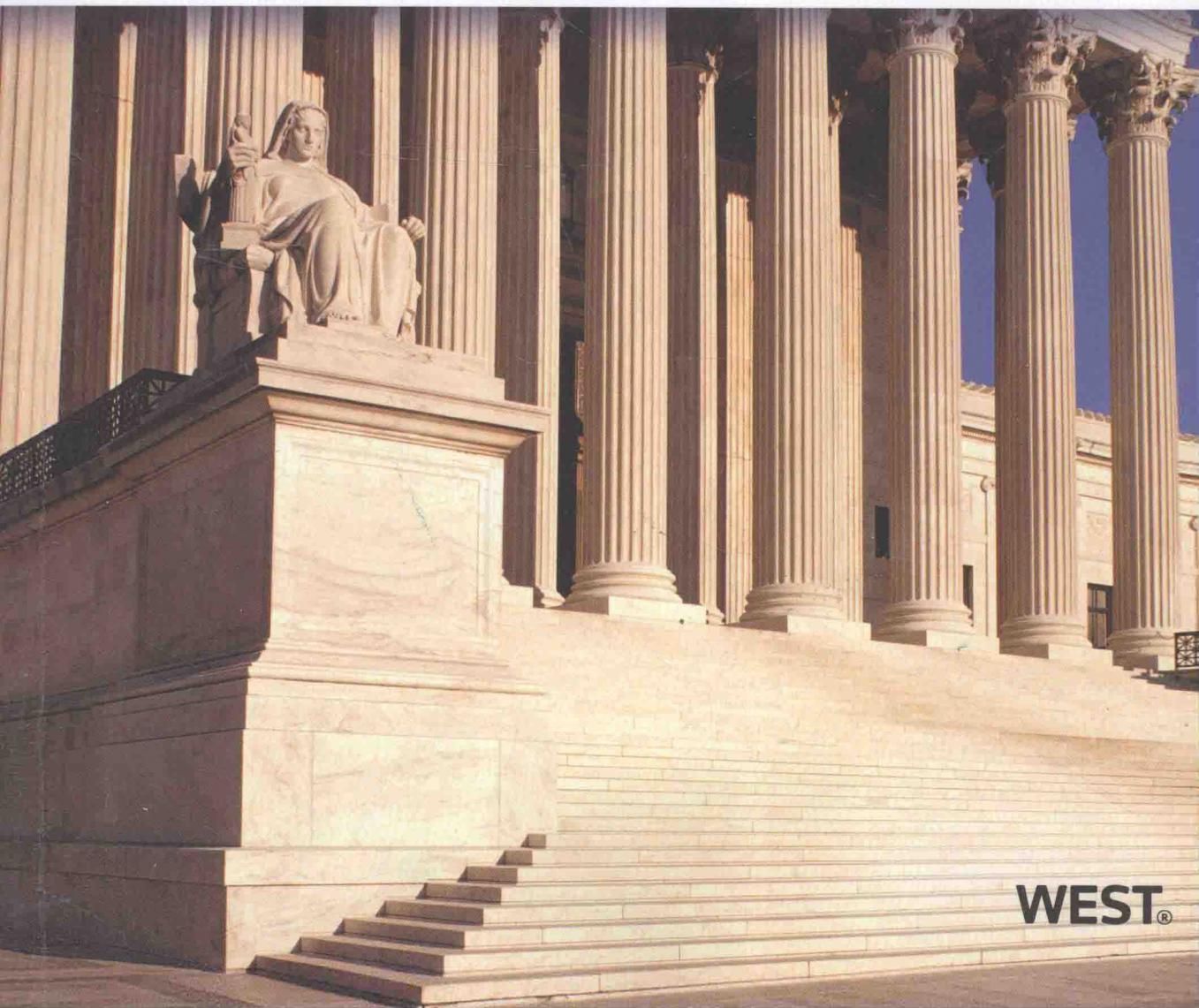


Leading Cases in Constitutional Law

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

A Compact Casebook for a Short Course (2013 Ed.)



WEST[®]

LEADING CASES IN CONSTITUTIONAL LAW

2013 Edition

By

Jesse H. Choper

*Earl Warren Professor of Public Law,
University of California, Berkeley*

Richard H. Fallon, Jr.

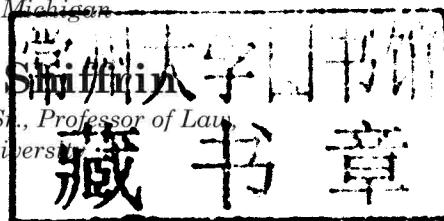
*Ralph S. Tyler, Jr. Professor of Constitutional Law,
Harvard University*

Yale Kamisar

*Professor Emeritus of Law, University of San Diego
Clarence Darrow Distinguished University Professor Emeritus of Law,
University of Michigan*

Steven H. Shiffman

*Charles Frank Reavis, Sr., Professor of Law,
Cornell University*



AMERICAN CASEBOOK SERIES®

WEST®

This publication was created to provide you with accurate and authoritative information concerning the subject matter covered; however, this publication was not necessarily prepared by persons licensed to practice law in a particular jurisdiction. The publisher is not engaged in rendering legal or other professional advice and this publication is not a substitute for the advice of an attorney. If you require legal or other expert advice, you should seek the services of a competent attorney or other professional.

Nothing contained herein is intended or written to be used for the purpose of 1) avoiding penalties imposed under the federal Internal Revenue Code, or 2) promoting, marketing or recommending to another party any transaction or matter addressed herein.

American Casebook Series is a trademark registered in the U.S. Patent and Trademark Office.

© West, a Thomson business, 2007, 2008
© 2009, 2010, 2011, 2012 Thomson Reuters
© 2013 LEG, Inc. d/b/a/ West Academic Publishing

610 Opperman Drive
St. Paul, MN 55123
1-800-313-9378

West, West Academic Publishing, and West Academic are trademarks of West Publishing Corporation, used under license.

Printed in the United States of America

ISBN: 978-0-314-28883-7

WEST'S LAW SCHOOL ADVISORY BOARD

JESSE H. CHOPER

Professor of Law and Dean Emeritus,
University of California, Berkeley

JOSHUA DRESSLER

Professor of Law, Michael E. Moritz College of Law,
The Ohio State University

YALE KAMISAR

Professor of Law Emeritus, University of San Diego
Professor of Law Emeritus, University of Michigan

MARY KAY KANE

Professor of Law, Chancellor and Dean Emeritus,
University of California,
Hastings College of the Law

LARRY D. KRAMER

President, William and Flora Hewlett Foundation

JONATHAN R. MACEY

Professor of Law, Yale Law School

ARTHUR R. MILLER

University Professor, New York University
Formerly Bruce Bromley Professor of Law, Harvard University

GRANT S. NELSON

Professor of Law, Pepperdine University
Professor of Law Emeritus, University of California, Los Angeles

A. BENJAMIN SPENCER

Professor of Law,
Washington & Lee University School of Law

JAMES J. WHITE

Professor of Law, University of Michigan

PREFACE

Published annually, this book—Leading Cases in Constitutional Law—includes all the significant opinions handed down during the Supreme Court’s most recent Term, as well as previous Terms.

Although it might seem ironic for the authors of a nearly 1800-page constitutional law casebook also to produce this compact alternative, we have repeatedly heard colleagues express the need for a shorter, less expensive, more bare-bones book for a basic course in constitutional law. This book fills the gap that our colleagues identified. By judicious editing of the most important decisions of the Supreme Court and careful summarizing of less significant cases, we have encompassed the “essentials” for a constitutional law course in this paperback volume.

This book’s organization is very similar to that of our much larger and more traditional one, which includes an abundance of Notes and Comments. That larger book should serve as a resource for those who use this volume.

Cases and statutory citations, as well as footnotes of the Court, have sometimes been omitted without specification; other omissions are indicated by asterisks or by brackets. Numbered footnotes are from the original material; lettered footnotes are ours.

JESSE H. CHOPER
RICHARD H. FALLON, JR.
YALE KAMISAR
STEVEN H. SHIFFRIN

July 2013

**LEADING CASES IN
CONSTITUTIONAL LAW**

2013 Edition

TABLE OF CONTENTS

PREFACE	III
TABLE OF CASES	XXII
Chapter 1. Nature and Scope of Judicial Review	1
1. Origins, Early Challenges, and Continuing Controversy	1
Marbury v. Madison	1
Further Historical Context	9
Barnett—Restoring the Lost Constitution	9
Warren—The Supreme Court in United States History	10
Cohen—The Faith of a Liberal	10
The Three Faces of <i>Marbury</i>	11
Fallon— <i>Marbury</i> and the Constitutional Mind	11
The Court as “Final” Arbiter	12
Jefferson—Writings	12
Jackson—Veto Message	12
Cooper v. Aaron	13
Judicial Review and Democracy	14
Bickel—The Least Dangerous Branch	14
Choper—The Supreme Court and the Political Branches	14
Friedman—The Will of the People	15
A “Double Standard” of Judicial Review?	16
Martin v. Hunter’s Lessee	16
Cohens v. Virginia	20
2. Political Questions	21
Pacific States Tel. & T. Co. v. Oregon	21
Baker v. Carr	22
Gilligan v. Morgan	23
Nixon v. United States	24
Vieth v. Jubelirer	32
Zivotofsky v. Clinton	32
3. Discretionary Review	33
United States Supreme Court Rule 10	34
Maryland v. Baltimore Radio Show, Inc.	34
Chapter 2. National Legislative Power	37
1. Sources and Nature	37
Introduction	37
McCulloch v. Maryland	38
United States v. Comstock	42
United States v. Kebodeaux	45
2. The National Commerce Power	46
I. Development of Basic Concepts	46

Gibbons v. Ogden	46
Foundations for Extending the Reach of Congressional Power	49
The Lottery Case (Champion v. Ames)	49
Houston, East & West Texas Ry. v. United States (Shreveport Case)	51
II. Regulation of National Economic Problems	52
A. Limitations on Commerce Power Through 1936	52
Hammer v. Dagenhart	52
The New Deal vs. The Great Depression	54
A.L.A. Schechter Poultry Corp. v. United States	54
Carter v. Carter Coal Co.	54
B. Expansion of Commerce Power After 1936.....	55
NLRB v. Jones & Laughlin Steel Corp.	55
United States v. Darby	56
After interstate commerce ends.....	60
United States v. Sullivan	60
Scarborough v. United States	60
Local activities affecting commerce.....	60
Wickard v. Fillburn.....	60
Maryland v. Wirtz.....	61
Perez v. United States	61
III. Protection of Other Interests Through the Commerce Clause	62
Heart of Atlanta Motel, Inc. v. United States	62
Katzenbach v. McClung	64
Hodel v. Virginia Surface Mining and Reclamation Ass'n.....	65
IV. New Limitations at the End of the 20th Century	66
United States v. Morrison	66
United States v. Lopez	66
Gonzales v. Raich	76
Pierce County v. Guillen	79
National Federation of Independent Business v. Sebelius ..	80
3. The National Taxing and Spending Powers	86
I. Regulation Through Taxing.....	86
National Federation of Independent Business v. Sebelius.....	87
II. Regulation Through Spending.....	89
United States v. Butler	89
Charles C. Steward Machine Co. v. Davis	90
Helvering v. Davis	91
United States v. Gerlach Live Stock Co.	91
South Dakota v. Dole	92
Sabri v. United States	95
National Federation of Independent Business v. Sebelius	95
4. Treaties as a Source of Legislative Power	99
Missouri v. Holland	99
5. Applying National Powers to State Governments:	
Intergovernmental Immunities.....	100
I. Origins of Immunities	100

McCulloch v. Maryland	100
II. State Immunity From Federal Regulation	101
Maryland v. Wirtz.....	101
National League of Cities v. Usery.....	101
Garcia v. San Antonio Metropolitan Transit Authority	102
South Carolina v. Baker.....	107
Gregory v. Ashcroft.....	107
Printz v. United States	107
Reno v. Condon	114
Chapter 3. Distribution of Federal Powers:	
Separation of Powers	117
1. Presidential Action Affecting “Congressional” Powers	117
I. Internal Matters: Domestic Lawmaking.....	117
Youngstown Sheet & Tube Co. v. Sawyer	
[The Steel Seizure Case]	117
Dames & Moore v. Reagan	123
Medellin v. Texas.....	125
II. External Matters: Foreign Affairs and War	126
United States v. Curtiss-Wright Export Corp.	126
III. Individual Rights and the War on Terrorism	128
Hamdi v. Rumsfeld.....	128
Hamdan v. Rumsfeld.....	130
Boumediene v. Bush	131
2. Congressional Action Affecting “Presidential” Powers	140
I. Delegation of Rulemaking Power	140
Yakus v. United States	140
Whitman v. American Trucking Ass’ns, Inc.	141
Chevron U.S.A. Inc. v. Natural Resources Defense	
Council, Inc.	141
United States v. Mead Corp.....	141
II. Legislative and Line Item Veto.....	142
INS v. Chadha	142
Process Gas Consumers Group v. Consumer Energy	
Council of America.....	145
Clinton v. New York	146
III. Appointment and Removal of Officers	147
Myers v. United States.....	147
Humphrey’s Executor v. United States	147
Buckley v. Valeo	148
Bowsher v. Synar.....	149
Morrison v. Olson	151
Mistretta v. United States	154
Metropolitan Washington Airports Auth. v. Citizens	
for the Abatement of Airport Noise, Inc.	155
Edmond v. United States	155
Free Enterprise Fund v. Public Company Accounting	
Oversight Board.....	155

3.	Executive Privilege and Immunity	158
	United States v. Nixon.....	158
	Nixon v. Administrator of General Services	160
	Nixon v. Fitzgerald.....	160
	Clinton v. Jones	162
	Cheney v. U.S. District Court	163
	Chapter 4. State Power to Regulate.....	165
	Introduction	165
	Crosby v. National Foreign Trade Council	165
1.	State Regulation When Congress' Power Is "Dormant": History and Fundamental Issues.....	166
	I. Early Views of the Implications of Federal Authority for State Power.....	166
	Gibbons v. Ogden.....	166
	Willson v. Black–Bird Creek Marsh Co.	167
	Cooley v. Board of Wardens	168
2.	Basic Doctrinal Principles and Their Application.....	169
	I. Statutes That Discriminate on Their Faces Against Interstate Commerce.....	171
	Baldwin v. G.A.F. Seelig, Inc.	171
	Dean Milk Co. v. Madison	172
	Philadelphia v. New Jersey.....	174
	Maine v. Taylor	177
	Sporhase v. Nebraska.....	178
	II. Congressional Authorization of State Regulation	178
	Prudential Ins. Co. v. Benjamin	178
	Metropolitan Life Ins. Co. v. Ward.....	179
	III. Discriminatory Statutes That Favor Governmental Rather Than Private Entities.....	180
	C & A Carbone v. Clarkstown.....	180
	United Trash Haulers Ass'n v. Oneida–Herkimer Solid Waste Management Auth.....	182
	Dep't of Revenue v. Davis	186
	IV. Statutes That Do Not Discriminate on Their Faces but Nevertheless Burden Interstate Commerce	188
	Breard v. Alexandria	189
	Hunt v. Washington State Apple Advertising Comm'n	189
	Minnesota v. Cloverleaf Creamery Co.	191
	Bendix Autolite Corp. v. Midwesco Enterprises, Inc.	192
	V. Subsidies and Linkages.....	193
	New Energy Co. of Ind. v. Limbach.....	193
	West Lynn Creamery, Inc. v. Healy	194
3.	The State as a Market Participant	197
	Reeves, Inc. v. Stake.....	197
	South–Central Timber Development, Inc. v. Wunnicke.....	200
4.	Interstate Privileges and Immunities Clause	201

United Building & Construction Trades Council v. Mayor of Camden	202
McBurney v. Young	205
Lunding v. New York State Tax Appeals Tribunal.....	206
Chapter 5. Substantive Protection of Economic Interests.....	207
Introduction	207
1. Origins of Substantive Due Process	207
I. Early Expressions of the Notion That Governmental Authority Has Implied Limits.....	208
Calder v. Bull.....	208
Wynehamer v. People.....	209
Fletcher v. Peck	210
Dred Scott v. Sandford	210
II. The Search for a Constitutional Basis	210
Barron v. Mayor and City Council of Baltimore.....	210
III. Fourteenth Amendment.....	211
Slaughter-House Cases	212
2. The <i>Lochner</i> Era.....	218
I. The Road to <i>Lochner</i>	218
Allgeyer v. Louisiana.....	218
<i>Lochner v. New York</i>	218
II. Three Decades of Control Over Legislative Policy	223
Muller v. Oregon	223
Adair v. United States.....	223
Coppage v. Kansas.....	223
Adkins v. Children's Hospital.....	224
3. The Abandonment of <i>Lochner</i>	225
<i>Nebbia v. New York</i>	225
West Coast Hotel Co. v. Parrish	227
"The Most Celebrated Footnote in Constitutional Law":	
Footnote 4 of the <i>Carolene Products</i> Case	227
United States v. Carolene Products Co.....	227
The 1940s, 50s and 60s: A Far Cry From <i>Lochner</i>	228
Olsen v. Nebraska	228
Lincoln Federal Labor Union v. Northwestern Iron & Metal Co.	229
Williamson v. Lee Optical of Oklahoma.....	229
Ferguson v. Skrupa	230
A Note on Substantive Due Process and Punitive Damage	
Constraints	230
BMW v. Gore.....	230
State Farm v. Campbell	231
Philip Morris v. Williams.....	231
4. Other Limits on Economic Legislation: The Prohibition Against "Taking" "Private Property" Without Just Compensation	232
Penn Central Transp. Co. v. New York City.....	233

Stop the Beach Renourishment v. Florida Dep’t of Environmental Protection	234
Kelo v. New London	236
A Note on the Prohibition Against “Impairing the Obligation of Contracts”.....	239
Home Building & Loan Assn. v. Blaisdell.....	240
United States Trust Co. v. New Jersey	241
Allied Structured Steel Co. v. Spannaus	241
Energy Reserves Group v. Kansas Power & Light Co.	242
Exxon Corp. v. Eagerton	242
Chapter 6. Protection of Individual Rights: Due Process, the Bill of Rights, and Nontextual Constitutional Rights	243
1. Nature and Scope of Fourteenth Amendment Due Process; Applicability of the Bill of Rights to the States.....	243
I. The “Ordered Liberty—Fundamental Fairness,” “Total Incorporation” and “Selective Incorporation” Theories.....	243
Cardozo—For the Court in <i>Palko v. Connecticut</i>	244
Black—Dissenting in <i>Adamson v. California</i>	244
Frankfurter—Concurring in <i>Adamson v. California</i>	245
White—For the Court in <i>Duncan v. Louisiana</i>	247
Harlan—Dissenting in <i>Duncan v. Louisiana</i>	248
White—For the Court in <i>Duncan v. Louisiana</i>	249
II. Should the “Selected” Provision Apply to the States “Jot–For –Jot”? “Bag and Baggage”?	250
Brennan—For the Court in <i>Malloy v. Hogan</i>	250
Harlan—Dissenting in <i>Malloy v. Hogan</i>	250
Harlan—Dissenting in <i>Baldwin v. New York</i>	251
III. In <i>McDonald v. City of Chicago</i> , the Court Looks Back on Its “Incorporation” of Bill of Rights Guarantees	253
IV. Bodily Extractions: Another Look at the “Due Process” and “Selective Incorporation” Approaches	254
Rochin v. California.....	255
Breithaupt v. Abram	256
Schmerber v. California	256
Sacramento v. Lewis.....	257
A Note on the Retroactive Effect of a Holding of Unconstitutionality.....	258
2. The Right of “Privacy” (or “Autonomy” or “Personhood”)	260
Introductory Note	260
Griswold v. Connecticut	261
Harlan—Dissenting in <i>Poe v. Ullman</i>	265
Eisenstadt v. Baird.....	270
Oral Arguments in the Abortion Cases.....	271
Roe v. Wade	272
Doe v. Bolton	279
Abortion Funding	279
Maher v. Roe	279

Harris v. McRae.....	280
The Court Reaffirms “The Essential Holding of <i>Roe</i> ”	281
Planned Parenthood of Southeastern Pennsylvania v. Casey	281
Anti-Abortion Measures Post- <i>Casey</i> : Attempts to Outlaw “Partial-Birth Abortion”	298
Gonzales v. Carhart	298
Stenberg v. Carhart	298
Family Living Arrangements, Parental Rights, and the “Right to Marry”	306
Whalen v. Roe	306
Belle Terre v. Boraas	306
Moore v. East Cleveland.....	307
Loving v. Virginia	308
Zablocki v. Redhail.....	309
Turner v. Safley	311
Troxel v. Granville	312
Michael H. v. Gerald D.	313
Is There a “Right to Die”? A Right to Physician-Assisted Suicide? A Right to Determine the Time and Manner of One’s Death?	317
Washington v. Glucksberg	317
Vacco v. Quill	329
What Shall We Call This Segment—The Right to Engage in Homosexual Sodomy? . . . The Autonomy of Private Sexual Choices? Sexual Expression and Control of One’s Body? Unconventional Sexual Lifestyles? . . . Unconventional Sexual Lifestyles?	332
Bowers v. Hardwick.....	332
Lawrence v. Texas	333
Commentary on the <i>Lawrence</i> Case.....	345
More on Privacy and Autonomy	347
Kelley v. Johnson.....	347
Youngberg v. Romeo	348
3. The Right to Keep and Bear Arms	349
District of Columbia v. Heller	349
McDonald v. City of Chicago	355
Chapter 7. Freedom of Expression and Association	365
1. What Speech Is Not Protected?	365
I. Advocacy of Illegal Action	366
A. Emerging Principles	366
Schenck v. United States	366
Debs v. United States	367
Masses Publishing Co. v. Patten.....	368
Holmes—Dissenting in Abrams v. United States	370
B. State Sedition Laws.....	372
Gitlow v. New York.....	372

	Whitney v. California	375
C.	Communism and Illegal Advocacy	380
	Dennis v. United States	380
	Yates v. United States	391
D.	A Modern “Restatement”.....	392
	Brandenburg v. Ohio	392
	Hess v. Indiana	395
	Communist Party of Indiana v. Whitcomb.....	395
	Holder v. Humanitarian Law Project.....	395
II.	Reputation and Privacy.....	396
A.	Group Libel	397
	Beauharnais v. Illinois	397
B.	Public Officials and Seditious Libel.....	400
	New York Times Co. v. Sullivan	400
	Curtis Pub. Co. v. Butts.....	405
	Associated Press v. Walker	405
	Rosenbloom v. Metromedia, Inc.....	406
C.	Private Individuals and Public Figures	407
	Gertz v. Robert Welch, Inc.	407
	Time, Inc. v. Firestone.....	415
D.	Emotional Distress	415
	Hustler Magazine v. Falwell.....	415
	Snyder v. Phelps	417
	Zacchini v. Scripps–Howard Broadcasting Co.....	423
E.	Disclosure of Private Facts	423
	Florida Star v. B.J.F.	423
	Bartnicki v. Vopper.....	429
III.	Obscenity.....	434
A.	The Search for a Rationale.....	434
	Paris Adult Theatre I v. Slaton	435
	Kingsley International Pictures Corp. v. Regents.....	439
B.	A Revised Standard	440
	Miller v. California	440
C.	Vagueness and Overbreadth: An Overview	450
IV.	“Fighting Words,” Offensive Words and Hostile Audiences	453
A.	Fighting Words	453
	Chaplinsky v. New Hampshire	453
B.	Hostile Audiences	455
	Terminiello v. Chicago.....	455
	Feiner v. New York	455
C.	Offensive Words	457
	Cohen v. California	457
V.	Ownership of Speech	462
	Harper & Row v. Nation Enterprises.....	462
	Eldred v. Ashcroft.....	468
VI.	Should New Categories Be Created?.....	469
A.	Harm to Children and the Overbreadth Doctrine	470

New York v. Ferber	470
Simon and Schuster, Inc. v. Members of New York State Crime Victims Bd.....	475
Massachusetts v. Oakes	475
Ashcroft v. Free Speech Coalition.....	477
United States v. Williams	479
B. Harm to Women: Feminism and Pornography.....	479
American Booksellers Association v. Hudnut.....	479
C. Racist Speech Revisited: The Nazis.....	484
Collin v. Smith	484
D. Animal Cruelty and the Flight From New Categories.....	485
United States v. Stevens	485
E. Violent Video Games	489
Brown v. Entertainment Merchants Association	489
F. False Statements of Fact.....	495
United States v. Alvarez	495
2. Distinguishing Between Content Regulation and Manner Regulation: Unconventional Forms of Communication	502
United States v. O'Brien	503
Texas v. Johnson	508
United States v. Eichman	517
Clark v. Community for Creative Non–Violence.....	518
Arcara v. Cloud Books, Inc.	523
Cohen v. Cowles Media Co.	525
Virginia v. Hicks	525
3. Is Some Protected Speech Less Equal Than Other Protected Speech?.....	525
I. Near Obscene Speech	525
Renton v. Playtime Theatres, Inc.....	525
Boos v. Barry	529
Los Angeles v. Alameda Books	530
Erie v. Pap's A.M.	531
II. Commercial Speech	533
Virginia State Board of Pharmacy v. Virginia Citizens Consumer Council	533
Ohralik v. Ohio State Bar Ass'n	539
In re Primus	541
Cincinnati v. Discovery Network	542
Martin v. Struthers	543
Central Hudson Gas & Elec. Corp. v. Public Service Comm'n.....	543
Lorillard Tobacco Co. v. Reilly	544
Thompson v. Western States Medical Center.....	550
III. Private Speech.....	552
Dun & Bradstreet, Inc. v. Greenmoss Builders, Inc.	552
IV. Conceiving and Reconceiving the Structure of First Amendment Doctrine: Hate Speech Revisited—Again	558

R.A.V. v. St. Paul.....	558
Dawson v. Delaware	570
Virginia v. Black	571
4. Prior Restraints.....	572
I. Foundation Cases	573
A. Licensing	573
Lovell v. Griffin.....	573
B. Injunctions	575
Near v. Minnesota.....	575
Walker v. Birmingham	577
Freedman v. Maryland	578
Bantam Books, Inc. v. Sullivan.....	579
II. Prior Restraints and National Security	579
New York Times Co. v. United States	
[The Pentagon Papers Case]	579
United States v. Progressive, Inc.	585
Snepp v. United States.....	587
5. Justice and Newsgathering	587
I. Publicity About Trials	588
Sheppard v. Maxwell.....	588
Nebraska Press Ass'n v. Stuart.....	589
II. Newsgathering.....	593
A. Protection of Confidential Sources	593
Branzburg v. Hayes.....	593
In re Farber	600
Zurcher v. Stanford Daily	601
B. Access to Trials and Other Governmentally Controlled	
Information and Institutions	602
Richmond Newspapers, Inc. v. Virginia.....	603
6. Government Property and the Public Forum	612
I. Foundation Cases	613
A. Mandatory Access.....	613
Schneider v. Irvington.....	613
Ward v. Rock Against Racism.....	614
B. Equal Access	615
Chicago Police Dep't v. Mosley	615
II. New Forums.....	616
International Society for Krishna Consciousness, Inc.	
v. Lee	617
Lee v. International Society for Krishna Consciousness, Inc.	
.....	626
Lehman v. Shaker Heights	627
Burson v. Freeman	627
Hill v. Colorado	628
7. Government Support of Speech.....	628
I. Subsidies of Speech	629
Pleasant Grove City v. Summum	629

Rust v. Sullivan	630
Ysursa v. Pocatello Education Ass'n.....	638
Rosenberger v. University of Virginia.....	639
II. Government as Educator and Editor	640
Hazelwood School District v. Kuhlmeier	640
Morse v. Frederick.....	644
Garcetti v. Ceballos	645
8. The Electronic Media	645
I. Access to the Mass Media	646
Miami Herald Pub. Co. v. Tornillo	646
Red Lion Broadcasting Co. v. FCC	647
Columbia Broadcasting System, Inc. v. Democratic Nat'l Comm.....	649
Turner Broadcasting System, Inc. v. FCC (I).....	658
Turner Broadcasting System, Inc. v. FCC (II).....	658
II. The Electronic Media and Content Regulation	660
FCC v. Pacifica Foundation	660
FCC v. Fox Television Stations, Inc. (II).....	668
Sable Communications v. FCC	668
Reno v. American Civil Liberties Union	669
Ashcroft v. American Civil Liberties Union (II)	669
Denver Area Educational Telecommunications Consortium, Inc. v. FCC.....	670
9. The Right Not to Speak, the Right to Associate, and the Right Not to Associate	676
I. The Right Not to Be Associated With Particular Ideas	677
West Virginia State Bd. of Educ. v. Barnette.....	677
Wooley v. Maynard	677
PruneYard Shopping Center v. Robins	679
Rumsfeld v. Forum for Academic and Institutional Rights, Inc.	681
Hurley v. Irish-American Gay, Lesbian and Bisexual Group of Boston	682
NAACP v. Claiborne Hardware Co.	682
Zauderer v. Office of Disciplinary Counsel	682
Knox v. Service Employees Int'l Union	684
McIntyre v. Ohio Elections Comm'n.....	685
Brown v. Socialist Workers	685
II. Intimate Association and Expressive Association.....	685
Roberts v. United States Jaycees	685
Boy Scouts of America v. Dale	691
Christian Legal Society v. Martinez.....	693
10. Wealth and the Political Process: Concerns for Equality	695
Buckley v. Valeo	695
Randall v. Sorrell	707
Citizens United v. FEC	708
FEC v. Wisconsin Right to Life, Inc.	718