The Author		3
Acknowled	gments	11
Preface		13
General Int	roduction	17
§1. CONSTITUTIONAL HISTORY OF THE UNITED STATES		17
§2. AN OVERVIEW OF THE FORM OF GOVERNMENT		19
§3. THE TERM	RITORY AND POPULATION OF THE UNITED STATES	19
Part I. Sources of Constitutional Law		23
Chapter 1.	The Constitution as the Only Source of Constitutional Law	23
Chapter 2.	Constitutional Interpretation: The Role of the Supreme Court	25
Chapter 3.	Constitutional Supremacy	26
Chapter 4.	Non-constitutional Sources of Law	27
Part II. For	rm of Government	29
Chapter 1.	General	29
§1. INTRODUCTION		29
	l Parties and the Operation of the American l System	29
Chapter 1. §1. INTRODU- §2. POLITICA	General CTION L PARTIES AND THE OPERATION OF THE AMERICAN	29 29

§3. The President as "Head of State and Head of Government"	34
§4. THE PRINCIPLE OF REPRESENTATIVE DEMOCRACY	35
Chapter 2. The Legislative Power	36
§1. THE CONGRESS AND THE "GREAT COMPROMISE"	36
§2. ELECTIONS, QUALIFICATIONS AND LEGAL STATUS	37
§3. THE ORGANIZATION AND WORKINGS OF THE CONGRESS	39
§4. THE LEGISLATIVE PROCESS	40
§5. THE FEDERAL LEGISLATIVE POWER: THE POWERS OF CONGRESS	42
Chapter 3. The Executive Power	47
§1. The Presidency	47
§2. ELECTION, QUALIFICATIONS AND LEGAL STATUS OF THE PRESIDENT	47
§3. THE VICE-PRESIDENT	52
§4. THE APPOINTMENT AND REMOVAL OF FEDERAL OFFICERS	53
<ul> <li>§5. THE POWERS OF THE PRESIDENT <ol> <li>Powers with Respect to Congress and the Legislative Process</li> <li>The Appointment Power</li> <li>The Pardoning Power</li> <li>The Power over the Military and Foreign Affairs</li> <li>The Power to "Execute the Laws"</li> </ol> </li> </ul>	54 55 55 55 56 56
§6. The Impeachment of Federal Officers	58
Chapter 4. Separation of Powers and Conflicts between Congress and the President	62
§1. THE PRINCIPLE OF SEPARATION OF POWERS	62
§2. DIRECT CONFLICTS	62
§3. THE POWER OVER WAR AND MILITARY INTERVENTION	64

§4. JUDICIAL ORGANIZATION: THE DUAL COURT SYSTEM	64
I. The State Courts	64
II. The Federal Courts	65
§5. JUDICIAL REVIEW	67
I. The Principle of Judicial Review and the Role of the United States	
Supreme Court	67
II. Limitations on Judicial Review	68
A. Constitutional Limitations	69
1. Adverse Parties and Mootness	69
2. Standing	71
B. Self-Imposed Limitations	76
1. Ripeness	76
2. The Political Question Doctrine	77
C. Limitations on Judicial Review of State Action	81
1. The Eleventh Amendment	81
2. Abstention	83
3. Concurrently Pending Proceedings: The Younger Doctrine	85
D. Avoiding Unnecessary or Inappropriate Judicial Review	86
D. Avoiding Onlecessary of mappropriate Judicial Review	00
Chapter 5. Independent Non-political Agencies	88
Part III. The State and Its Subdivisions	91
Chapter 1. The American Federal System	91
Chapter 2. State and Municipal Government	95
Chapter 3. The Interaction between Federal and State Power	97
§1. FEDERAL POWER OVER FOREIGN AFFAIRS	97
§2. INTERGOVERNMENTAL IMMUNITIES AND COOPERATIVE ARRANGEMENTS	97
§3. FEDERAL PREEMPTION	101
§4. STATE REGULATION OF INTERSTATE AND FOREIGN COMMERCE	110
§5. STATE TAXATION OF INTERSTATE AND FOREIGN COMMERCE	116
Chapter 4. The States and "National Unity"	121
Part IV. Citizenship and the Administration of Justice	125
Chapter 1. Citizenship and the Relevance of Citizenship	125
-	

§1. TH	e Co	NSTITUTIONAL BASIS OF AMERICAN CITIZENSHIP	125
§2. AC	QUIS	ITION AND LOSS OF CITIZENSHIP	127
		quisition of Citizenship	127
		s of Citizenship	129
Chapt	er 2	Fundamental Rights and Liberties	131
§1. Th	e St	RUCTURAL BASIS OF CONSTITUTIONAL PROTECTION OF	
		UAL RIGHTS	131
I.	. Co	nparability of Protection against Federal and State	
		vernmental Action	133
		ndards of Review	134
III	. The	e Problem of "State Action"	136
0		DM OF EXPRESSION AND ASSOCIATION	139
		oduction	139
П.		nciples, Specific Doctrines, and "Balancing/Subsidiary	-
		ctrines"	142
	Α.	First Amendment Principles	142
		1. Narrow Specificity	142
		2. Content Neutrality	142
	D	3. Protection of Offensive Speech	145
	В.	Specific Doctrines	146
		1. The Void on Its Face Doctrine	146
		2. The Prior Restraint Doctrine	148
		3. The Clear and Present Danger Doctrine	149
		4. The New York Times Rule	150
		5. The Commercial Speech Doctrine	150
		<ol> <li>The Symbolic Speech Doctrine</li> <li>Restrictions on Expression Relating to the Administration</li> </ol>	153
		of Justice	154
		8. Campaign Financing Regulation	155
		9. "The Right to Refrain from Speaking"	157
		10. Governmental Broadcast, Cable and Internet Regulation	159
		11. Expression in Special Environments	161
		12. Government Employment and Contracting	163
III.	Per	missible Restrictions on Expression	164
	Α.	Unprotected "Verbal Acts"	164
	Β.	o contract of the contract of	166
	C.	Permissible Restrictions on Expression under the "Balancing	
		Approach"	168
IV.		cess to Government-Controlled Information	169
		Constitutional Access	169
	В.	The Freedom of Information Act	170
		1. Classified Information	171
		2. Internal Personnel Rules and Practices	171

	3. Statutory Exemptions	172
	4. Business Information	172
	<ol><li>Inter-agency and Intra-agency Memoranda</li></ol>	173
	6. Personal Privacy	173
	<ol><li>Law Enforcement Records</li></ol>	174
	V. Expression on Public Property	175
	A. Introduction	175
	B. The Public Forum	176
	C. The Non-public Forum	179
	VI. Freedom of Association	181
§3.	FREEDOM OF RELIGION	184
	I. General Principles: The Two-Fold Protection to Freedom	
	of Religion	184
	II. The Free Exercise Clause	185
<u>84</u> .	EQUALITY	191
	I. Racial Equality	193
	II. Gender Equality	198
	III. Other Forms of Group Discrimination	201
§5.	LIBERTY AND PROPERTY RIGHTS	206
	I. An Overview	206
	II. Fundamental Rights	209
	A. Marriage and Family Interests	209
	B. Reproductive Rights	212
	C. The Right of Interstate Travel	215
	D. The Right to Vote	218
	1. Denial or Qualification of the Right to Vote	219
	2. Dilution of the Right to Vote	221
	3. Restrictions on Candidates and Political Parties	224
	E. A New Enumerated Right: The Right to Keep and Bear Arms	227
	III. Social and Economic Legislation	228
	A. Due Process and Equal Protection: The Rational Basis	220
	Standard of Review	228
	B. The Takings Clause and the Contracts Clause	237
	1. The Takings Clause	237
	2. The Contracts Clause	241
	IV. Procedural Due Process	243
Ch	apter 3. Judicial Control of Administrative Action	250
§1.	PRECLUSION OF JUDICIAL REVIEW	251
§2.	STANDING TO OBTAIN JUDICIAL REVIEW	254
§3.	THE SCOPE OF JUDICIAL REVIEW	256

Chapter 4. Legal Position of Aliens	261
§1. CONTROL OF ENTRY OF ALIENS	261
§2. DEPORTATION OF ALIENS	263
§3. DISCRIMINATION AGAINST ALIENS ADMITTED FOR PERMANENT RESIDENCE	265
Part V. Specific Problems	267
Chapter 1. War, Treaty and Foreign Affairs Powers	267
§1. Federal Foreign Affairs Powers	267
§2. Federal War Powers	268
§3. THE QUESTION OF STATE POWERS IN FOREIGN AFFAIRS	275
Chapter 2. Taxing and Spending Power	278
Chapter 3. Emergency Laws	279
Chapter 4. The Relationship between Church and State	281
Selected Bibliography	291
Table of Cases	307
Table of Constitutional Provisions	331
Table of Statutes	333
Index	335