

FOREWORD

---

## A Court in Flux That Doesn't Need "Reform"

By Ilya Shapiro

INTRODUCTION

---

## Introduction

By Trevor Burrus

ANNUAL B. KENNETH SIMON LECTURE

---

## Flunking the Founding: Civic Illiteracy and the Rule of Law

By Judge Don R. Willett

FIRST AMENDMENT

---

## Protecting Free Exercise under Smith and after *Smith*

By Douglas Laycock and Thomas C. Berg

## *Americans for Prosperity Foundation v. Bonta*: A First Amendment for the Sensitive

By [Bradley A. Smith](#)

## *Mahanoy Area School District v. B.L.*: The Court Protects Student Social Media but Leaves Unanswered Questions

By David L. Hudson Jr.

CONSTITUTIONAL STRUCTURE

---

## Unreviewable: The Final Installment of the "Epic" Obamacare Trilogy

By Josh Blackman

CONSTITUTIONAL STRUCTURE

---

## Three Views of the Administrative State: Lessons from *Collins v. Yellen*

By Aaron Nielson

PROPERTY RIGHTS

---

## *Cedar Point*: Lockean Property and the Search for a Lost Liberalism

By Sam Spiegelman and Gregory C. Sisk

POLICING CONSTITUTIONALLY

---

## Police as Community Caretakers: *Caniglia v. Strom*

By Christopher Slobogin

VOTING RIGHTS

---

## *Brnovich v. DNC*: Election Litigation Migrates from Federal Courts to the Political Process

By Derek T. Muller

INTELLECTUAL PROPERTY

---

## Declaring Computer Code Uncopyrightable with a Creative Fair Use Analysis

By Adam Mossoff

NEXT YEAR

---

## Looking Ahead: A Post-COVID Return — and a Shift to the Right?

By Amy Howe