Constitutional Law II

- **1st Æ:** Speech, Religion, Assembly
  - Strict Scrutiny
  - Free Speech
    - Kinds of Speech:
      - Spoken Words & Messages
      - Written Communication
      - Symbolic Conduct
      - Expressive Conduct
    - Not Speech:
      - Fighting Words
      - True Threats
      - Defamation
      - False Advertising
      - Obscenity
    - Abridging Speech Prohibition
      - Restricts Fed/State
        - Strict-Scrutiny Exception:
          - Compelling State Interest
  - Religious Freedom
    - Establishment Clause
    - Free Exercise Clause
    - 3 Judicial/Leg. Approaches:
      - Strict Separation
      - Gov't. Neutrality
      - Accommodation
  - Right to Peaceably Assemble
- **2nd Æ:** Right to Bear Arms
- **3rd Æ:** No Soliders Quartered in Homes
- **4th Æ:** Unreasonable Search & Seizure
- **5th Æ:** The Takings Clause
  - The Takings Clause
    - Eminent Domain
    - Inverse Condemnation
    - Regulatory Takings
    - Police Powers
    - Unconstitutional Conditions
  - Due Process Clause
    - This one Restricts Federal Gov't.
- Æs Not on Exam - Covered in CL 1:
  - 6th Æ: Right to Speedy Trial in Criminal Law
  - 7th Æ: Right to Jury Trial in Certain Civil Cases
  - 8th Æ: Cruel & Unusual Punishment Prohibited
  - 9th Æ: Ensuring the Bill of Rights is Not Limiting Rights
  - 10th Æ: Federalism Tautology
  - 11th Æ: State Sovereign Immunity
  - 12th Æ: Electoral College
- The Reconstruction Æs
  - **13th Æ:** Slavery Abolished
    - Only Æ prohibiting gov't AND private conduct.
  - **14th Æ:** Citizenship, Privileges & Immunities, Due Process, Equal Protection
    - Citizenship Clause
    - Privileges & Immunities Clause
      - Selective Incorporation
    - Due Process Clause (this restricts states)
      - Procedural Due Process
        - Fair Procedures
      - Substantive Due Process
        - The Interests: Life, Liberty, or Property
        - Fair Law
          - Substantive trumps Procedural
      - Strict Scrutiny - Usually / Test
    - Equal Protection Clause
      - Strict Scrutiny
      - Voting Rights: NOT included here (in 15th Æ)
      - Org. Purpose: Eliminate Classification-based Discrimination
      - Race Discrimination
      - Sex/Gender Discrimination
      - Questionables?: Sexuality & Disability
  - **15th Æ:** Racial Discrimination in Voting Banned