



Constitutional Law in a Nutshell (Nutshells)

Jerome Barron

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This 9th edition of *Constitutional Law in a Nutshell* summarizes constitutional law from *Marbury v. Madison* (1803) to the present. This edition features some new and controversial cases. A new and famous example is *Obergefell v. Hodges* (2015) which held, per Justice Kennedy, 5-4, that under both the Due Process and the Equal Protection Clauses of the Fourteenth Amendment “same sex couples may exercise the fundamental right to marry in all States.” In *Fisher v. University of Texas* (2016) the Court held, 4-3, per Justice Kennedy, that the much litigated, race-conscious admissions program of the University of Texas was valid under the Equal Protection Clause. In the area of “a woman’s right to decide to have an abortion,” the Court in *Whole Women’s Health v. Hellerstedt* (2016) upheld, 5-2, the use of rigorous undue burden standard as the measure of the abortion right. The Court ruled that two provisions of a Texas law targeting the state’s abortion clinics were unconstitutional under the Fourteenth Amendment. The First Amendment, as always, continues to generate new and important decisions. Thus, *Reed v. Gilbert* (2015) held that a town sign ordinance violated the First Amendment. The court indicated that any speech regulation directed to a specific subject matter should be evaluated under the strict scrutiny standard. The decision leaves open a question as to whether this ruling is intended to be applied to previously less protected categories of expression. This edition, of course, contains numerous other important decisions. The objective is to summarize the essence of the Court decisions and to do so in a concise and understandable way.

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