

ACTS OF CONGRESS HELD UNCONSTITUTIONAL IN WHOLE OR IN PART BY THE SUPREME COURT OF THE UNITED STATES

This document lists each case decided by the U.S. Supreme Court that substantively reviewed the constitutionality of an application of a provision of a federal statute, identified the constitutional boundaries of the legislative power of Congress, and refused to apply the statute in the case at hand due to constitutional defect. The statutory provision in its latest form as reviewed by the Court is provided for each case. The list is organized by the chronological order of the cases decided by the Court. This list is derived from the JUDICIAL REVIEW OF CONGRESS DATABASE, which can be found at <https://scholar.princeton.edu/kewhitt/judicial-review-congress-database>

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1. *United States v. Yale Todd*, 54 U.S. 40, 52 (1794)
Act of March 19, 1792 (1 Stat. 243)
Provision of Invalid Pensions Act requiring circuit court judges to serve as commissioners and have their work reviewed by the Secretary of War is in conflict with the judicial power vested by Article III, § 1.
2. *Mossman v. Higginson*, 4 U.S. 12 (1800)
Act of September 24, 1789 (1 Stat. 73)
Provision of Judiciary Act that grants federal circuit courts original jurisdiction in civil disputes in which “an alien is a party” as applied to case in which both parties are aliens is in conflict with federal judicial jurisdiction fixed by Article III, § 2.
3. *Marbury v. Madison*, 5 U.S. 137 (1803)
Act of September 24, 1789 (1 Stat. 73)
Provision of Judiciary Act that grants Supreme Court power to issue writs of mandamus as applied to issue of mandamus to the Secretary of State to deliver a judicial commission is in conflict with original jurisdiction of the Supreme Court fixed by Article III, § 2.
4. *United States v. Cantril*, 8 U.S. 167 (1807)
Act of June 27, 1798 (1 Stat. 573)
Provision of Bank Frauds Act that defines the crime of circulating fraudulent bank notes as consisting of representing as true a bill or note that was both “counterfeited” and also “signed by the president” of the Bank of the United States is repugnant and therefore void as in conflict with the Fifth Amendment prohibition on the deprivation of liberty without due process of law.
5. *Hodgson v. Bowerbank*, 9 U.S. 303 (1809)
Act of September 24, 1789 (1 Stat. 73)
Provision of Judiciary Act that grants federal circuit courts original jurisdiction in civil disputes in which “an alien is a party” as applied to case in which both parties are aliens is in conflict with federal judicial jurisdiction fixed by Article III, § 2.
6. *Jackson v. Twentyman*, 27 U.S. 136 (1829)
Act of September 24, 1789 (1 Stat. 73)

Provision of Judiciary Act that grants federal circuit courts original jurisdiction in civil disputes in which “an alien is a party” as applied to case in which both parties are aliens is in conflict with federal judicial jurisdiction fixed by Article III, § 2.

7. *Reynolds v. M'Arthur*, 27 U.S. 417 (1829)

Act of April 11, 1818 (3 Stat. 423)

Provision of Virginia Military Land Warrants Act that declares an 1802 surveyor's line to be the true boundary of the Virginia military reserve of land ceded to the United States Government as applied retroactively to land sales prior to the enactment of the statute is in conflict with the judicial power vested by Article III, § 1 and the Fifth Amendment prohibition on deprivation of property without due process of law.

8. *Parsons v. Bedford*, 28 U.S. 433 (1830)

Act of May 26, 1824 (4 Stat. 62)

Provision of the Louisiana Court Procedure Act that as applied allows a federal appellate court to review the factual record of a state trial court is in conflict with the Seventh Amendment prohibition on federal courts reexamining a fact tried by a jury.

Dissent: McLean.

9. *United States v. Percheman*, 32 U.S. 51 (1833)

Act of May 8, 1822 (3 Stat. 709)

Provision of the Florida Land Titles Law that as applied allowed a federal land commission to render a final judgment on land titles granted by Spanish authorities, before the territory was ceded to the United States, is in conflict with the Fifth Amendment prohibition on deprivation of property without due process of law.

10. *United States v. Phelps*, 33 U.S. 700 (1834)

Act of March 2, 1799 (1 Stat. 627)

Provision of the Duties Act that permitted a federal court, in suits to collect unpaid custom duties, to grant to a defendant a continuance “until the next succeeding term and no longer” is in conflict with the Seventh Amendment prohibition on deprivation of the right of trial by jury.

11. *Mayor of New Orleans v. United States*, 35 U.S. 662 (1836)

Act of April 8, 1812 (2 Stat. 701)

Claim that the Louisiana Statehood Act retained for the federal government perpetual jurisdiction over a city quay is in conflict with the principles of federalism and equal sovereignty of the states.

12. *Pollard's Lessee v. Hagan*, 44 U.S. 212 (1845)

Act of July 2, 1836 (6 Stat. 680)

The Act for the Relief of William Pollard's Heirs that confirmed a private claim to riverfront land in Alabama from a Spanish land grant as applied to land under the high-water mark of the Mobile River is in conflict with the principles of federalism and equal sovereignty of the states and exceeds the power to dispose of territory or other property belonging to the United States provided by Article IV, § 3.

Dissent: Catron.

13. *Benner v. Porter*, 50 U.S. 235 (1850)

Act of February 22, 1847 (9 Stat. 130)

Provision of an Act to Regulate the Exercise of Appellate Jurisdiction of the Supreme Court that authorized the Supreme Court to hear appeals from cases decided by the federal territorial court after statehood had been granted to Florida is in conflict with the principles of federalism and equal sovereignty of the states and exceeds the power to make needful rules and regulations respecting territory belonging to the United States provided by Article IV, § 3.

14. *Lytle v. State of Arkansas*, 50 U.S. 314 (1850)

Act of June 15, 1832 (4 Stat. 531)

Provision of an Act Granting to the Territory of Arkansas One Thousand Acres of Land as applied to land over which settlers had a right of preemption is in conflict with the Fifth Amendment prohibition on deprivation of property without due process of law.

Dissent: Catron, Nelson, Grier

15. *McNulty v. Batty*, 51 U.S. 72 (1851)

Act of February 22, 1847 (9 Stat. 128)

Provision of an act that authorized the Supreme Court to hear appeals in cases decided by the territorial courts but outside of federal jurisdiction that were pending at the time of statehood is in conflict with the principles of federalism and equal sovereignty of the states and exceeds the power to make needful rules and regulations respecting territory belonging to the United States provided by Article IV, § 3.

16. *Veazie v. Moor*, 55 U.S. 568 (1853)

Act of February 18, 1793 (1 Stat. 305)

Provision of the Licensing Act that granted federal privileges to ships employed in the coasting trade as applied to ships in engaged in local commerce on an internal waterway exceeds the power to regulate commerce among the several states provided by Article I, § 8.

17. *Scott v. Sandford*, 60 U.S. 393 (1857)

Act of March 6, 1820 (3 Stat. 545)

Provision of the Missouri Compromise prohibiting slavery within a section of the Louisiana Territory exceeds the power to make needful rules and regulations respecting territory belonging to the United States provided by Article IV, § 3 and is in conflict with the Fifth Amendment prohibition on deprivation of property without due process of law.

Dissent: McLean, Curtis

18. *People's Ferry Co. of Boston v. Beers*, 61 U.S. 393 (1858)

Act of September 24, 1789 (1 Stat. 73)

Provision of Judiciary Act granting admiralty jurisdiction to federal courts as applied to a suit over an unpaid debt on a contract to construct a ferry boat is in conflict with the principles of federalism and exceeds the federal judicial jurisdiction fixed by Article III, § 2.

19. *Withers v. Buckley*, 61 U.S. 84 (1858)

Act of March 1, 1817 (3 Stat. 349)

Provision of the act enabling the formation of the state of Mississippi that mandated that that state would recognize the Mississippi River and all waterways leading to it as "common highways, and forever free, as well to the inhabitants of the said state, as to other citizens of the

United States” as applied to internal improvements by the state that redirected water flows is in conflict with the principles of federalism and equal sovereignty of the states.

20. *Kentucky v. Dennison*, 65 U.S. 66 (1861)

Act of February 12, 1793 (1 Stat. 302)

Provision of the Fugitive Slave Act that specified that “it shall be the duty of the Executive authority of the State” to arrest and render up fugitives is inconsistent with the general principles of federalism.

21. *Gordon v. United States*, 69 U.S. 561 (1865)

Act of March 3, 1863 (12 Stat. 765)

Provision of the Court of Claims Amendment Act that authorized Supreme Court review of decisions by the newly established Court of Claims in cases that were subject to review by the Secretary of Treasury is in conflict with federal appellate judicial jurisdiction fixed by Article III, § 2.

Dissent: Miller, Field

22. *Ex parte Garland*, 71 U.S. 333 (1867)

Act of January 24, 1865 (13 Stat. 424)

Provision of the Attorney Test Oath Act that required attorneys admitted to federal practice to swear that they had not participated in the secessionist cause as applied to an individual who had received a presidential pardon for his actions during the Civil War is inconsistent with the prohibition on ex post facto laws and with the pardoning power.

Dissent: Miller, Chase, Swayne, Davis

23. *Reichart v. Felps*, 73 U.S. 160 (1868)

Act of February 20, 1812 (2 Stat. 677)

Provision of the Kaskaskia Land Title Revision Act that authorized a board of revision to nullify land titles granted in the Northwest Territory is in conflict with the Fifth Amendment prohibition on deprivation of property without due process of law.

24. *The Alicia*, 74 U.S. 160 (1868)

Act of June 30, 1864 (13 Stat. 806)

Provision of the Prize Proceedings Act that authorized the transfer of pending prize cases from the circuit courts to the U.S. Supreme Court is not consistent with federal appellate judicial jurisdiction fixed by Article III, § 2.

25. *Hepburn v. Griswold*, 75 U.S. 603 (1870)

Act of February 25, 1862 (12 Stat. 345)

Provision of the Legal Tender Act that required individuals to accept federal government notes as legal tender in satisfaction of all debts public and private as applied to a debt contracted before the passage of the statute is not consistent with the necessary and proper clause for executing Article I powers and is in conflict with the Fifth Amendment prohibition on deprivation of property without due process of law.

Dissent: Miller, Swayne, Davis

26. *United States v. Dewitt*, 76 U.S. 41 (1870)

Act of March 2, 1867 (14 Stat. 471)

Provision of the Internal Revenue Act that prohibited the sale of illuminating oils made with naphtha is inconsistent with the general principles of federalism and the lack of a general federal police power.

27. *Justices v. Murray*, 76 U.S. 274 (1870)

Act of March 3, 1863 (12 Stat. 755)

Provision of the Habeas Corpus Act that authorized any party, within six months, to remove to a federal circuit court for a new trial a case that had been adjudicated by a state court during the Civil War involving an action the party had taken pursuant to federal authority is in conflict with the Seventh Amendment prohibition on deprivation of the right of trial by jury.

28. *Bennet v. Hunter*, 76 U.S. 326 (1870)

Act of June 7, 1862 (12 Stat. 422)

Provision of the Tax Collection Act that authorized a tax commission to confiscate land by summary proceeding where tax collection was obstructed by rebellion as applied to owner who had attempted to pay the tax is in conflict with the Fifth Amendment prohibition on deprivation of property without due process of law.

29. *Collector v. Day*, 78 U.S. 113 (1871)

Act of June 30, 1864 (13 Stat. 223)

Provision of the Internal Revenue Act that imposed a federal tax on income as applied to the salary of a state officer is inconsistent with the general principles of federalism.

Dissent: Bradley

30. *Johnson v. Towsley*, 80 U.S. 72 (1871)

Act of September 4, 1841 (5 Stat. 453)

Provision of the Distribution and Preemption Act that authorizes land commissioners to issue "final" decisions on the disposition of land grants of federal territory as applied to individual who had a prior claim to a plot of land and sought judicial review of his claim is in conflict with the Fifth Amendment prohibition on deprivation of property without due process of law.

Dissent: Clifford

31. *United States v. Klein*, 80 U.S. 128 (1872)

Act of July 12, 1870 (16 Stat. 230)

Provision of the Appropriations Act that prohibited the admissibility of presidential pardons in cases before the federal court of claims involving confiscated property is in conflict with pardoning power and with the judicial power vested by Article III, § 1.

Dissent: Miller, Bradley

32. *United States v. Railroad Company*, 84 U.S. 322 (1873)

Act of June 6, 1864 (13 Stat. 223)

Provision of the Internal Revenue Act that imposed a federal tax on railroads on the interest that they paid on bonds as applied to the interest they paid on debts owed to municipalities is inconsistent with the general principles of federalism.

Dissent: Clifford, Miller

33. *United States v. Reese*, 92 U.S. 214 (1876)

Act of May 31, 1870 (16 Stat. 140)

Provision of the Enforcement Act of 1870 that prohibited anyone from using bribery or force to obstruct any citizen from voting in any election is not consistent with the enforcement power vested in Congress in the Fifteenth Amendment, § 2.

Dissent: Clifford, Hunt

34. *United States v. Cruikshank*, 92 U.S. 542 (1876)

Act of May 31, 1870 (16 Stat. 140)

Provision of the Enforcement Act of 1870 that prohibited anyone from conspiring to hinder the ability of any citizen to enjoy his federal constitutional rights is not consistent with the enforcement power vested in Congress in the Fourteenth Amendment, § 5, or in the Fifteenth Amendment, § 2.

Dissent: Clifford

35. *Beecher v. Wetherby*, 95 U.S. 517 (1877)

Act of February 6, 1871 (16 Stat. 404)

Provision of the Act for the Relief of the Stockbridge and Munsee Tribes that authorized the sale of a section of federal land in the state of Wisconsin as applied to a plot that had already been pledged to the state government is in conflict with the Fifth Amendment prohibition on deprivation of property without due process of law.

36. *United States v. Fox*, 95 U.S. 670 (1878)

Act of March 2, 1867 (14 Stat. 517)

Provision of the Bankruptcy Act that made it a federal crime to have obtained credit with an intent to defraud within the three months prior to entering into federal bankruptcy proceedings is inconsistent with the lack of a general federal police power and with the prohibition on ex post facto laws.

37. *Burgess v. Salmon*, 97 U.S. 381 (1878)

Act of March 3, 1875 (18 Stat. 339)

Provision of a statute adjusting the federal tax on alcohol and tobacco that imposed a fine on those who ship tobacco without the proper tax stamp and exempted only tobacco on which taxes had already been paid as applied to a merchant whose tobacco had been stamped just before the president signed the bill into law is in conflict with the prohibition on ex post facto laws.

38. *Trade-Mark Cases [United States v. Steffens]*, 100 U.S. 82 (1879)

Act of July 8, 1870 (16 Stat. 198)

Provision of the Copyright Act that granted trademarks “for exclusive use within the United States” exceeds congressional power in applying to intrastate commerce.

39. *United States v. Harris*, 106 U.S. 629 (1883)

Act of April 20, 1871 (17 Stat. 13)

Provision of the Civil Rights Act of 1871 that made it a federal offense for two or more persons to conspire to deprive persons of equal protection of the laws is not consistent with the enforcement power vested in Congress in the Fourteenth Amendment, § 5 as applied to private actors.

Dissent: Harlan

40. *Civil Rights Cases* [*United States v. Stanley*], 109 U.S. 3 (1883)
Act of March 1, 1875 (18 Stat. 335)
Provision of the Civil Rights Act of 1875 providing that all persons were entitled to equal enjoyment of public accommodations regardless of race exceeds congressional power under the Thirteenth and Fourteenth Amendments.
Dissent: Harlan
41. *United States v. Great Falls Manufacturing Co.*, 112 U.S. 645 (1884)
Act of April 8, 1858 (11 Stat. 263)
Provision of the act to acquire lands for the Washington Aqueduct that authorized the building of a dam that impinged on the land and water rights of a private property holder but without a judicial process to condemn the affected land still bound by Fifth Amendment's requirement of just compensation.
42. *Boyd v. United States*, 116 U.S. 616 (1886)
Act of June 22, 1874 (18 Stat. 186)
Provision of the Anti-Moiety Act that made failure to produce documents to be evidence of the truth of allegations in forfeiture cases inconsistent with the Fourth Amendment search and seizure clause and the Fifth Amendment self-incrimination clause.
43. *Baldwin v. Franks*, 120 U.S. 678 (1887)
Act of April 20, 1871 (17 Stat. 13)
Provision of the Civil Rights Act of 1871 that made it a federal offense for two or more persons to conspire to deprive aliens of equal protection of the laws is not consistent with the enforcement power vested in Congress in the Fourteenth Amendment, § 5 as applied to private actors.
Dissent: Harlan, Field
44. *Callan v. Wilson*, 127 U.S. 540 (1888)
Act of June 25, 1868 (15 Stat. 76)
Provision of the revisions to the code for the District of Columbia that allowed prosecutions in police court on basis of information under oath inconsistent with Article III requirement of jury trials.
45. *Counselman v. Hitchcock*, 142 U.S. 547 (1892)
Act of March 2, 1889 (25 Stat. 855)
Provision of the act to amend the Interstate Commerce Act that required testimony in grand jury proceedings that might aid criminal proceedings against those testifying is inconsistent with the Fifth Amendment self-incrimination clause.
46. *Monongahela Navigation v. United States*, 148 U.S. 312 (1893)
Act of August 11, 1888 (25 Stat. 400)
Provision of the Rivers and Harbors Appropriations Act that directed that the value of a corporation's franchise to collect tolls on a lock and dam not be considered in determining just compensation for a taking is inconsistent with the Fifth Amendment requirement of just compensation.

47. *Shively v. Bowlby*, 152 U.S. 1 (1894)

Act of September 27, 1850 (9 Stat. 496)

Provision of the Donation Land Claim Act that authorized land grants in the Oregon territory as applied to land under the high-water mark of the Columbia River is in conflict with the principles of federalism and equal sovereignty of the states and exceeds the power to dispose of territory or other property belonging to the United States provided by Article IV, § 3.

48. *United States v. E.C. Knight Co.*, 156 U.S. 1 (1895)

Act of July 2, 1890 (26 Stat. 209)

Provision of the Sherman Anti-Trust Act that seeks “to protect trade and commerce against unlawful restraints and monopolies” exceeds congressional power under the interstate commerce clause in applying to manufacturing activities within a state.

Dissent: Harlan

49. *Pollock v. Farmers’ Loan & Trust Co.*, 157 U.S. 429 (1895)

Act of August 27, 1894 (28 Stat. 509)

Provision of the Tariff Act of 1894 that imposes a tax on income from rents is a direct tax that is inconsistent with the requirement in Article I, § 9 that direct taxes be apportioned by population and interest on municipal bonds is inconsistent with the general principles of federalism

Dissent: White, Harlan

50. *Pollock v. Farmers’ Loan & Trust Co.*, 158 U.S. 601 (1895)

Act of August 27, 1894 (28 Stat. 509)

Provision of the Tariff Act of 1894 that imposes a tax on income from personal property is a direct tax that is inconsistent with the requirement in Article I, § 9 that direct taxes be apportioned by population.

Dissent: Harlan, Brow, Jackson, White

51. *Wong Wing v. United States*, 163 U.S. 228 (1896)

Act of May 5, 1892 (27 Stat. 25)

Provision of the Chinese Exclusion Act that imposed punishment of imprisonment at hard labor after summary hearing for alien being in the country unlawfully is inconsistent with Fifth Amendment and Sixth Amendment jury trial requirements.

Dissent: Field

52. *Hopkins v. United States*, 171 U.S. 578 (1898)

Act of July 2, 1890 (26 Stat. 209)

Provision of the Sherman Anti-Trust Act that seeks “to protect trade and commerce against unlawful restraints and monopolies” exceeds congressional power under the interstate commerce clause in applying to the operation of a stockyard within a state.

53. *Kirby v. United States*, 174 U.S. 47 (1899)

Act of March 3, 1875 (18 Stat. 479)

Provision of the Larceny of United States Property Act that a judgment against those accused of stealing government property shall be conclusive evidence against those accused of receiving stolen property inconsistent with the Sixth Amendment requirement that the accused shall be confronted with the witnesses against him.

Dissent: Brown, McKenna

54. *Jones v. Meehan*, 175 U.S. 1 (1899)

Act of August 7, 1894 (28 Stat. 263)

Provision of the Joint Resolution Authorizing the Secretary of the Interior to Approve a Certain Lease that attempting to settle a title dispute over leased land that had originally been granted by treaty is in conflict with the judicial power vested by Article III, § 1 and the Fifth Amendment prohibition on deprivation of property without due process of law.

55. *Fairbank v. United States*, 181 U.S. 283 (1901)

Act of June 13, 1898 (30 Stat. 448)

Provision of the War Revenue Act that imposed a stamp tax on foreign bills of lading is in conflict with the prohibition on taxes on exports in Article I, § 9.

Dissent: Harlan, Gray, White, McKenna

56. *James v. Bowman*, 190 U.S. 127 (1903)

Act of May 31, 1870 (16 Stat. 140)

Provision of the Enforcement Act of 1870 that penalized “every person” who hinders another from exercising the right of suffrage “by means of bribery” exceeds congressional power under the Fifteenth Amendment to enforce prohibition on states abridging the right to vote on the basis of race.

Dissent: Harlan, Brown

57. *In re Heff*, 197 U.S. 488 (1905)

Act of January 10, 1897 (29 Stat. 506)

Provision of the Intoxicating Drinks to Indians Act that prohibited the sale of liquor “to any Indian to whom allotment of land has been made” exceeds congressional power under the commerce clause and in conflict with the state police powers.

Dissent: Harlan

58. *Rasmussen v. United States*, 197 U.S. 516 (1905)

Act of June 8, 1900 (31 Stat. 321)

Provision of the Carter Act that provides for six-person juries in trials for misdemeanors in the territory of Alaska is in conflict with the Sixth Amendment requirement of a “jury” trial in criminal prosecutions.

59. *Hodges v. United States*, 203 U.S. 1 (1906)

Act of May 31, 1870 (16 Stat. 140)

Provision of the Enforcement Act of 1870 that penalized any “two or more persons” who conspire to injure “any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution” exceeds congressional power under the Fourteenth Amendment to enforce prohibition on states abridging federal constitutional rights.

Dissent: Harlan, Day

60. *Martin v. District of Columbia*, 205 U.S. 135 (1907)

Act of August 24, 1894 (28 Stat. 501)

Provision of the Alleys in the District of Columbia Act that authorized a formula for compensation to landowners for opening of alleyways applied so as to disproportionately

damage some landowners is inconsistent with just compensation clause of the Fifth Amendment.

61. *Employers' Liability Cases* [*Howard v. Illinois Central Railroad Co.*], 207 U.S. 463 (1908)
Act of June 11, 1906 (34 Stat. 232)

Provision of the Employers' Liability Act that imposes liability for all employee injuries on all common carriers who engage in interstate commerce exceeds congressional power under the interstate commerce clause by including acts that were not themselves part of interstate commerce.

Dissent: Moody, Harlan, McKenna, Holmes

62. *Adair v. United States*, 208 U.S. 161 (1908)
Act of June 1, 1898 (30 Stat. 324)

Provision of the Erdman Act that prohibits common carriers who engage in interstate commerce from engaging in employment discrimination against members of labor unions is in conflict with the right to contract embodied in the due process clause of the Fifth Amendment.

Dissent: McKenna, Holmes

63. *Keller v. United States*, 213 U.S. 138 (1909)
Act of February 20, 1907 (34 Stat. 898)

Provision of the Immigration Act of 1907 that prohibited harboring for any immoral purpose an alien within three years of entering the United States exceeds congressional power to regulate immigration and is in conflict with the police powers of the states.

Dissent: Holmes, Harlan, Moody

64. *United States v. Evans*, 213 U.S. 297 (1909)
Act of March 3, 1901 (31 Stat. 1189)

Provision of the District of Columbia Code that authorized the government to appeal not guilty verdicts in criminal cases for purposes of clarifying the law is in conflict with federal judicial jurisdiction fixed by Article III, § 2.

65. *Muskrat v. United States*, 219 U.S. 346 (1911)
Act of March 1, 1907 (34 Stat. 1017)

Provision of the Indian Service Appropriations Act that authorized the court of claims to hear a collusive suit for purposes of rendering a constitutional opinion is in conflict with federal judicial jurisdiction fixed by Article III, § 2.

66. *Coyle v. Smith*, 221 U.S. 559 (1911)
Act of June 16, 1906 (34 Stat. 267)

Provision of the Oklahoma Statehood Act that fixed the capital city of the state of Oklahoma exceeded congressional power to admit new states granted by Article IV, § 3 and in conflict with the principles of federalism and equal sovereignty of the states.

Dissent: McKenna, Holmes

67. *Choat v. Trapp*, 224 U.S. 665 (1912)
Act of May 27, 1908 (35 Stat. 312)

Provision of the Five Civilized Tribes Restrictions Removal Act that abrogated tax exemptions granted with Indian lands is in conflict with the Fifth Amendment prohibition on deprivation of property without due process of law.

68. *Butts v. Merchants & Miners Transportation Association*, 230 U.S. 126 (1913)

Act of March 1, 1875 (18 Stat. 335)

Provision of the Civil Rights Act of 1875 that in general terms sought to prohibit racial discrimination in public conveyances exceeds congressional power to regulate interstate commerce.

69. *Holt v. Henley*, 232 U.S. 637 (1914)

Act of June 25, 1910 (36 Stat. 838)

Provision of the Bankruptcy Act of 1898 Amendments cannot be understood to affect pre-existing property rights without exceeding congressional power to regulate bankruptcy and being in conflict with the Fifth Amendment prohibition on deprivation of property without due process of law.

70. *Richards v. Washington Terminal Co.*, 233 U.S. 546 (1914)

Act of February 12, 1901 (31 Stat. 767)

Provision of the District of Columbia Act that authorizes construction of railroad cannot immunize railroads from liability from private nuisance suits without being in conflict with the Fifth Amendment prohibition on takings of private property for public use without just compensation.

Dissent: Lurton

71. *United States v. Hvoslef*, 237 U.S. 1 (1915)

Act of June 13, 1898 (30 Stat. 448)

Provision of the War Revenue Act that imposed tax on charter parties that shipped from American to foreign ports in conflict with prohibition on taxes on exports in Article I, § 9.

72. *Thames & Mersey Marine Insurance Co. v. United States*, 237 U.S. 19 (1915)

Act of June 13, 1898 (30 Stat. 448)

Provision of the War Revenue Act that imposed stamp tax on marine insurance on exports in conflict with prohibition on taxes on exports in Article I, § 9.

73. *Hammer v. Dagenhart*, 247 U.S. 251 (1918)

Act of September 1, 1916 (39 Stat. 675)

Provision of the Keating-Owen Act that prohibited goods produced with child labor from being shipped in interstate commerce exceeds congressional power to regulate interstate commerce.

Dissent: Holmes, McKenna, Brandeis, Clarke

74. *Eisner v. Macomber*, 252 U.S. 189 (1920)

Act of September 8, 1916 (39 Stat. 756)

Provision of the Revenue Act of 1916 that imposed a tax on cash value of dividends distributed as shares of stock on profits earned before adoption of the Sixteenth Amendment exceeds congressional power under Sixteenth Amendment and inconsistent with the requirement in Article I, § 9 that direct taxes be apportioned by population

Dissent: Holmes, Day, Brandeis, Clarke.

75. *Knickerbocker Ice Co. v. Stewart*, 253 U.S. 149 (1920)

Act of October 6, 1917 (40 Stat. 395)

Provision of the Johnson Act that applies state workmen's compensation laws to federal maritime cases attempts to delegate federal legislative authority to the states and inconsistent with vesting of legislative power in Congress in Article I, § 1.

Dissent: Holmes, Pitney, Brandeis, Clarke

76. *Evans v. Gore*, 253 U.S. 245 (1920)

Act of February 24, 1919 (40 Stat. 1057)

Provision of the Revenue Act of 1918 that taxed the salaries of sitting federal judges inconsistent with prohibition on diminution of the judicial salaries in Article III, § 1.

Dissent: Holmes, Brandeis

77. *United States v. Wheeler*, 254 U.S. 281 (1920)

Act of March 4, 1909 (35 Stat. 1088)

Provision of the Penal Law Codification of 1909 that penalized any persons who conspire to injure "any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution" as applied to the deportation of citizens from one state to another in conflict with the police powers of the states.

Dissent: Clarke

78. *United States v. L. Cohen Grocery Co.*, 255 U.S. 81 (1921)

Act of October 22, 1919 (41 Stat. 298)

Provision of the Lever Act that penalized any person for making an "unreasonable rate or charge in handling or dealing in or with any necessities" in conflict with Sixth Amendment requirement that criminal defendants be informed of specific nature and cause of their offense.

79. *Weeds, Inc. v. United States*, 255 U.S. 109 (1921)

Act of March 4, 1909 (35 Stat. 1086)

Provision of the Lever Act that penalized any persons who conspire to "exact excessive prices for any necessities" in conflict with Sixth Amendment requirement that criminal defendants be informed of specific nature and cause of their offense.

80. *Newberry v. United States*, 256 U.S. 232 (1921)

Act of August 19, 1911 (37 Stat. 25)

Provision of the Federal Corrupt Practices Act that regulated maximum expenditures by candidates for Senate as applied to primary election exceeds congressional power to regular manner of holding federal elections in Article I, § 4.

Dissent: White

81. *United States v. Moreland*, 258 U.S. 433 (1922)

Act of March 23, 1906 (34 Stat. 86)

Provision of the act providing punishment of "imprisonment in the workhouse . . . at hard labor" for the willful neglect of payment of support for minor children inconsistent with Fifth Amendment requirement that charges for infamous crimes be brought by the indictment of a grand jury.

Dissent: Brandeis, Taft, Holmes

82. *Child Labor Tax Case [Bailey v. Drexel Furniture Co.]*, 259 U.S. 20 (1922)

Act of February 24, 1919 (40 Stat. 1057)

Provision of the Revenue Act of 1918 imposing an excise tax equivalent to ten percent of net profits from sale of products of factory in which children are permitted to work exceeds congressional power to lay and collect taxes in Article I, § 8 and in conflict with the police powers of the states.

Dissent: Clarke

83. *Ng Fung Ho v. White*, 259 U.S. 276 (1922)

Act of February 5, 1917 (39 Stat. 874)

Provision of the General Immigration Act of 1917 that authorized deportations of aliens by executive order as applied to purported American citizen in conflict with the Fifth Amendment prohibition on the deprivation of liberty without due process of law.

84. *United Mine Workers v. Coronado Coal Co.*, 259 U.S. 344 (1922)

Act of July 2, 1890 (26 Stat. 209)

Provision of the Sherman Anti-Trust Act that seeks “to protect trade and commerce against unlawful restraints and monopolies” exceeds congressional power under the interstate commerce clause in applying to labor union strike of coal mining within a state.

85. *Hill v. Wallace*, 259 U.S. 44 (1922)

Act of August 24, 1921 (42 Stat. 187)

Provision of the Future Trading Act that imposes tax upon sales of grain futures contracts except where such sales are made through federally approved board of trade exceeds congressional power to lay and collect taxes in Article I, § 8.

86. *Lipke v. Lederer*, 259 U.S. 557 (1922)

Act of October 28, 1919 (41 Stat. 305)

Provision of the National Prohibition Act that imposes a “tax” on the “illegal manufacture or sale” of liquor enforced through executive action is in conflict with the Fifth Amendment prohibition on deprivation of property without due process of law.

Dissent: Brandeis, Pitney

87. *Keller v. Potomac Electric Power Co.*, 261 U.S. 428 (1923)

Act of March 4, 1913 (37 Stat. 974)

Provision of the District of Columbia Public Utilities Act that authorized appeals to Supreme Court of valuation decisions by the Utilities Commission is in conflict with federal judicial jurisdiction fixed by Article III, § 2.

88. *Adkins v. Children’s Hospital*, 261 U.S. 525 (1923)

Act of September 19, 1918 (40 Stat. 960)

Provision of the District of Columbia Minimum Wage Act that authorized wage board to set minimum wages for women is in conflict with the right to contract embodied in the due process clause of the Fifth Amendment.

Dissent: Taft, Sanford, Holmes

89. *A.G. Spalding & Bros. v. Edwards*, 262 U.S. 66 (1923)
Act of October 3, 1917 (40 Stat. 300)
Provision of the War Revenue Act that imposes a tax on the sale of baseball bats and “balls of all kinds” as applied to goods for export is in conflict with the prohibition on taxes on exports in Article I, § 9.
90. *Washington v. W.C. Dawson & Co.*, 264 U.S. 219 (1924)
Act of June 10, 1922 (42 Stat. 634)
Provision of Workmen’s Compensation Jurisdiction Act that applies state workmen’s compensation laws to federal maritime cases attempts to delegate federal legislative authority to the states and inconsistent with vesting of legislative power in Congress in Article I, § 1.
Dissent: Brandeis
91. *Federal Trade Commission v. American Tobacco Co.*, 263 U.S. 298 (1924)
Act of September 26, 1914 (38 Stat. 717)
Provision of the Federal Trade Commission Act that gives the Commission an unfettered right to access and examine corporate documents is in conflict with Fourth Amendment guarantee of papers and effects against unreasonable searches.
92. *Chastleton Corp. v. Sinclair*, 264 U.S. 543 (1924)
Act of May 22, 1922 (42 Stat. 543)
Provision of the District of Columbia Rents Act that imposes wartime rent control as applied to orders issued after the war is in conflict with the Fifth Amendment prohibition on deprivation of property without due process of law.
93. *Linder v. United States*, 268 U.S. 5 (1925)
Act of December 17, 1914 (38 Stat. 785)
Provision of the Harrison Narcotic Drug Act that prohibits physicians from dispensing narcotics except by use of forms provided by the Commissioner of Internal Revenue exceeds congressional power to lay and collect taxes in Article I, § 8 and in conflict with the police powers of the states.
94. *Miles v. Graham*, 268 U.S. 501 (1925)
Act of February 24, 1919 (40 Stat. 1057)
Provision of the Revenue Act of 1918 that included federal judicial salaries as part of taxable gross income is inconsistent with prohibition on diminution of judicial salaries in Article III, § 1.
Dissent: Brandeis
95. *Trusler v. Crooks*, 269 U.S. 475 (1926)
Act of August 24, 1921 (42 Stat. 187)
Provision of the Future Trading Act that imposes tax upon sales of grain options contracts exceeds congressional power to lay and collect taxes in Article I, § 8.
96. *United States v. Holt State Bank*, 270 U.S. 49 (1926)
Act of the January 14, 1889 (25 Stat. 642)
Provision of the Nelson Act that disposes of land relinquished by Chippewas Indian tribe as applied to the bed of a navigable lake that had been drained by the state of Minnesota is in conflict with the principles of federalism and equal sovereignty of the states and exceeds the

power to dispose of territory or other property belonging to the United States provided by Article IV, § 3.

97. *Myers v. United States*, 272 U.S. 52 (1926)

Act of July 12, 1876 (19 Stat. 78)

Provision of the Postal Service Appropriations Act that specifies that postmasters “may be removed by the President by and with the advice and consent of the Senate” is in conflict with executive power vested in the president by Article II, § 1.

Dissent: Holmes, Brandeis, McReynolds

98. *Nichols v. Coolidge*, 274 U.S. 531 (1927)

Act of February 24, 1919 (40 Stat. 1057)

Provision of the Revenue Act of 1918 that imposes a tax on the gross estate at time of death as applied to property transferred prior to death exceeds congressional power to lay and collect taxes in Article I, § 8.

99. *Blodgett v. Holden*, 275 U.S. 142 (1927)

Act of June 2, 1924 (43 Stat. 253)

Provision of the Revenue Act of 1924 that imposes tax on gifts as applied to gifts made prior to the passage of the act exceeds congressional power to lay and collect taxes in Article I, § 8.

100. *Richmond Screw Anchor Co. v. United States*, 275 U.S. 331 (1928)

Act of July 1, 1918 (40 Stat. 704)

Provision of Navy Appropriations Act of 1918 that deprived patent owners of claims for compensation for certain patent violations is in conflict with the Fifth Amendment prohibition on takings of private property for public use without just compensation.

101. *Untermeyer v. Anderson*, 276 U.S. 440 (1928)

Act of June 2, 1924 (43 Stat. 253)

Provision of the Revenue Act of 1924 that imposes tax on gifts as applied to gifts made prior to the passage of the act exceeds congressional power to lay and collect taxes in Article I, § 8.

Dissent: Brandeis, Holmes, Stone

102. *National Life Insurance Co. v. United States*, 277 U.S. 508 (1928)

Act of November 23, 1921 (42 Stat. 227)

Provision of the Revenue Act of 1921 that eliminating deduction for income of life insurance companies from tax-exempt securities is equivalent to a tax on state debt instruments inconsistent with the general principles of federalism.

Dissent: Brandeis, Holmes, Stone

103. *Pocket Veto Case [Okanogan Indians v. United States]*, 279 U.S. 655 (1929)

Act of June 24, 1926 (44 Stat. 555)

Provision of the Indian Claims Act that purported to take effect despite an interim adjournment of Congress that prevented the president from returning the bill with his objections is inconsistent with the presentment requirement of Article I, § 7.

104. *Ann Arbor Railroad Co. v. United States*, 281 U.S. 658 (1930)

Act of January 30, 1925 (43 Stat. 801)

Provision of Hoch-Smith Resolution that directed Interstate Commerce Commission to set railroad rates “at the lowest possible lawful rates compatible with the maintenance of adequate transportation” as applied to rates set below costs is in conflict with Fifth Amendment prohibition on deprivation of property without due process of law.

105. *Russian Volunteer Fleet v. United States*, 282 U.S. 481 (1931)

Act of June 15, 1917 (40 Stat. 183)

Provision of the Urgent Deficiency Appropriation Act if applied to exclude friendly aliens from recovering compensation for expropriated property is in conflict with the Fifth Amendment prohibition on takings of private property for public use without just compensation.

106. *Indian Motorcycle Co. v. United States*, 283 U.S. 570 (1931)

Act of October 1, 1917 (40 Stat. 300)

Provision of the War Revenue Act that taxed the sale of motorcycles as applied to sale to municipalities for governmental purposes is inconsistent with the general principles of federalism

Dissent: Stone, Brandeis

107. *Chicago, Rock Island, and Pacific Railway Co. v. United States*, 284 U.S. 80 (1931)

Act of February 28, 1920 (41 Stat. 456)

Provision of the Transportation Act of 1920 that empowered Interstate Commerce Commission to establish reasonable rules as applied to order requiring railroad to accept traffic below cost is in conflict with Fifth Amendment prohibition on deprivation of property without due process of law.

Dissent: Stone, Holmes, Brandeis

108. *Atchison, Topeka & Santa Fe Railroad Co. v. United States*, 284 U.S. 248 (1932)

Act of January 30, 1925 (43 Stat. 801)

Provision of the Hoch-Smith Resolution that directed Interstate Commerce Commission to readjust railroad rates interpreted to refuse fair hearing of changed conditions of railroads is in conflict with Fifth Amendment prohibition on deprivation of property without due process of law.

109. *Heiner v. Donnan*, 285 U.S. 312 (1932)

Act of February 26, 1926 (44 Stat. 70)

Provision of the Revenue Act of 1925 that creates a presumption that transfers of property within two years of death was made to void estate tax is in conflict with the Fifth Amendment prohibition on deprivation of property without due process of law.

Dissent: Stone, Brandeis

110. *Burnet v. Coronado Oil & Gas Co.*, 285 U.S. 393 (1932)

Act of February 24, 1919 (40 Stat. 1057)

Provision of the Revenue Act of 1918 that taxed income from gas lease as applied to lands dedicated to support of public schools is inconsistent with general principles of federalism.

Dissent: Stone, Brandeis, Roberts, Cardozo

111. *Colorado v. Symes*, 286 U.S. 510 (1932)

Act of August 23, 1916 (39 Stat. 532)

Provision of the amendments to the Judicial Code of 1911 that provide for the removal to federal court of criminal cases involving federal agents as applied to case not clearly involving the conduct of official duties is in conflict with general principles of federalism.

Dissent: Stone, Cardozo

112. *Grau v. United States*, 287 U.S. 124 (1932)

Act of October 28, 1919 (41 Stat. 305)

Provision of the National Prohibition Act that authorizes search warrants for dwellings used for the unlawful sale of alcohol as applied to case without probable cause for such sales is inconsistent with the Fourth Amendment search and seizure clause.

Dissent: Stone, Cardozo

113. *Sgro v. United States*, 287 U.S. 206 (1932)

Act of October 28, 1919 (41 Stat. 315)

Provision of the National Prohibition Act read to allow reissue of unexecuted search warrants without new factual finding is inconsistent with the Fourth Amendment search and seizure clause.

Dissent: Stone, Cardozo

114. *Interstate Commerce Commission v. Oregon Washington Railroad & Navigation Co.*, 288 U.S. 14 (1933)

Act of February 28, 1920 (41 Stat. 456)

Provision of the Transportation Act of 1920 that empowered Interstate Commerce Commission to compel railroads to build new lines as applied to lines in new territory is inconsistent with the Fifth Amendment prohibition on takings of private property for public use without just compensation.

Dissent: Stone, Brandeis, Cardozo

115. *Nathanson v. United States*, 290 U.S. 41 (1933)

Act of June 17, 1930 (46 Stat. 752)

Provision of the Tariff Act of 1930 that authorized search warrants for unlawful alcohol that failed to meet probable cause standard is inconsistent with the Fourth Amendment search and seizure clause.

116. *United States v. Chambers*, 291 U.S. 217 (1934)

Act of October 28, 1919 (41 Stat. 305)

Provision of the National Prohibition Act that criminalized alcohol rendered inoperative immediately upon adoption of the Twenty-First Amendment as exceeding the congressional powers under Article I, § 8.

117. *Booth v. United States*, 291 U.S. 339 (1934)

Act of June 16, 1933 (48 Stat. 307)

Provision of the Independent Offices Appropriation Act that reduced the retired pay of federal judges who continued to perform judicial duties is inconsistent with prohibition on diminution of the judicial salaries in Article III, § 1.

118. *Lynch v. United States*, 292 U.S. 571 (1934)

Act of March 20, 1933 (48 Stat. 9)

Provision of the Economy Act that that withdrew right to sue over abrogation of federal war risk insurance is in conflict with the Fifth Amendment prohibition on takings of private property for public use without just compensation.

119. *Panama Refining Co. v. Ryan*, 293 U.S. 388 (1935)

Act of June 16, 1933 (48 Stat. 200)

Provision of the National Industrial Recovery Act that authorized the president to prohibit the transportation of excess petroleum attempts to delegate federal legislative authority to the executive branch and is inconsistent with vesting of legislative power in Congress in Article I, § 1.

Dissent: Cardozo

120. *Perry v. United States*, 294 U.S. 330 (1935)

Act of June 3, 1933 (48 Stat. 112)

Provision of the Gold Repeal Joint Resolution that abrogates gold clause in federal debt contracts is in conflict with the Fifth Amendment prohibition on takings of private property for public use without just compensation.

Dissent: McReynolds, Van Devanter, Sutherland, Butler

121. *Railroad Retirement Board v. Alton Railroad Co.*, 295 U.S. 330 (1935)

Act of June 27, 1934 (48 Stat. 1283)

Provision of the Railroad Retirement Act that creates pooled retirement fund for former railroad employees is in conflict with the Fifth Amendment prohibition on takings of private property for public use without just compensation and the Fifth Amendment prohibition on deprivation of property without due process of law.

Dissent: Hughes, Brandeis, Stone, Cardozo

122. *Stewart v. Keyes*, 295 U.S. 403 (1935)

Act of April 10, 1926 (44 Stat. 239)

Provision of the act relating to certain Indian land title suits that authorized federal suits against certain property despite expiration of state law statute of limitations is in conflict with the Fifth Amendment prohibition on deprivation of property without due process of law.

123. *A.L.A. Schechter Poultry Corp. v. United States*, 295 U.S. 495 (1935)

Act of June 16, 1933 (48 Stat. 196)

Provision of the National Industrial Recovery Act that that authorized the president to empower business groups to establish binding codes of conduct attempts to delegate federal legislative authority to the executive branch and is inconsistent with vesting of legislative power in Congress in Article I, § 1.

124. *Louisville Joint Stock Land Bank v. Radford*, 295 U.S. 555 (1935)

Act of June 28, 1934 (49 Stat. 1289)

Provision of the Frazier-Lemke Act that allowed bankrupt farms to be purchased at the appraised value exceeds congressional power under the bankruptcy clause in Article I, § 8 and is in conflict with the Fifth Amendment prohibition on takings of private property for public use without just compensation.

125. *United States v. Constantine*, 296 U.S. 287 (1935)

Act of June 2, 1926 (43 Stat. 328)

Provision of the Revenue Act of 1924 that imposed an excise tax on liquor dealers operating in states where liquor is illegal is rendered inoperative immediately upon adoption of the Twenty-First Amendment as exceeding the congressional powers under Article I, § 8.

Dissent: Cardozo, Brandeis, Stone

126. *Hopkins Federal Savings & Loan Association v. Cleary*, 296 U.S. 315 (1935)

Act of May 28, 1935 (49 Stat. 293)

Provision of the Federal Mortgage Relief Act that allowed state savings and loans to be converted into federal associations is in conflict with the reserved power of the states recognized in the Tenth Amendment.

127. *Becker Steel Co. v. Cummings*, 296 U.S. 74 (1935)

Act of March 4, 1923 (42 Stat. 1511)

Provision of the Winslow Act that authorized summary seizures of the property of enemy aliens with limited judicial remedy for error is in conflict with the Fifth Amendment prohibition on takings of private property for public use without just compensation.

Dissent: Roberts, Sutherland

128. *Helvering v. Helmholtz*, 296 U.S. 93 (1935)

Act of February 26, 1926 (44 Stat. 70)

Provision of the Revenue Act of 1925 that retroactively imposes a tax on gifts is in conflict with the Fifth Amendment prohibition on takings of private property for public use without just compensation.

129. *United States v. Butler*, 287 U.S. 1 (1936)

Act of May 12, 1933 (48 Stat. 31)

Provision of the Agriculture Adjustment Act that imposed a tax on agricultural commodities and transferred the funds to farmers exceeds congressional power to lay and collect taxes in Article I, § 8.

Dissent: Stone, Brandeis, Cardozo

130. *Rickert Rice Mills, Inc. v. Fontenot*, 297 U.S. 110 (1936)

Act of August 24, 1935 (49 Stat. 750)

Provision of the Potato Control Act that that imposed a tax on agricultural commodities as part of a regulatory scheme to control prices for such commodities exceeds the congressional power to lay and collect taxes in Article I, § 8.

131. *Carter v. Carter Coal Co.*, 298 U.S. 238 (1936)

Act of August 30, 1935 (49 Stat. 991)

Provision of the Bituminous Coal Act of 1935 that imposed a tax on coal companies that did not adopt "fair practices" exceeds congressional power under the interstate commerce clause by regulating production activities within a state.

Dissent: Cardozo, Brandeis, Stone

132. *Baltimore & Ohio Railroad Co. v. United States*, 298 U.S. 349 (1936)

Act of February 4, 1887 (24 Stat. 379)

Provision of the Interstate Commerce Act that authorized imposition of carrier rates cannot be understood to authorize imposition of confiscatory rates.

133. *Ashton v. Cameron County Water Improvement District*, 298 U.S. 513 (1936)
Act of May 24, 1934 (48 Stat. 798)
Provision of the Bankruptcy Act of 1898 Amendments that provided for readjustments of municipal debts in bankruptcy in conflict with state sovereignty.
Dissent: Cardozo, Brandeis, Stone, Hughes
134. *National Labor Relations Board v. Fansteel Metallurgical Co.*, 306 U.S. 240 (1939)
Act of July 5, 1935 (49 Stat. 449)
Provision of the National Labor Relations Act prohibiting discrimination in employment for union activities cannot be understood to immunize labor strikers who commit unlawful acts.
Dissent: Black, Reed
135. *Tot v. United States*, 319 U.S. 463 (1943)
Act of June 30, 1938 (52 Stat. 1251)
Provision of Federal Firearms Act that created a presumption that firearm was received as part of an interstate transaction in conflict with requirements of due process of law.
136. *Schneiderman v. United States*, 320 U.S. 118 (1943)
Act of June 29, 1906 (34 Stat. 598)
Provision of the Naturalization Act that required that a person be attached to the principles of the Constitution cannot be understood to bar Communists without being in conflict with the protection for freedom of speech in the First Amendment.
Dissent: Stone, Roberts, Frankfurter
137. *United States v. Ballard*, 322 U.S. 78 (1944)
Act of March 5, 1909 (35 Stat. 1130)
Provision of the Mail Fraud Act that prohibited using the mail to defraud cannot be understood to require that religious claims be true without being in conflict with the protection for freedom of speech in the First Amendment.
Dissent: Stone, Roberts, Frankfurter, Jackson
138. *Steele v. Louisville & Nashville Railroad Co.*, 323 U.S. 192 (1944)
Act of June 21, 1944 (48 Stat. 1185)
Provision of the Railway Labor Act that empowers a labor union to act as an exclusive bargaining representative cannot be understood to allow union to discriminate by race in representing the interests of workers without being in conflict with the equal protection requirements of the due process clause of the Fifth Amendment.
139. *Ex parte Mitsuye Endo*, 323 U.S. 283 (1944)
Act of March 21, 1942 (56 Stat. 173)
Provision of the act to provide a penalty for violation of military zones that authorizes detention of individuals cannot be understood to authorize detention of concededly loyal citizens without being in conflict with prohibition on deprivation of liberty without due process of law.

140. *Bridges v. Wixon*, 326 U.S. 135 (1945)
Act of June 28, 1940 (54 Stat. 673)
Provision of the Alien Registration Act that provides for deportation of aliens affiliated with an organization that advocate the overthrow of the government is inconsistent with the protection for freedom of speech in the First Amendment and in conflict with the Fifth Amendment prohibition on the deprivation of liberty without due process of law.
141. *Hannegan v. Esquire*, 327 U.S. 146 (1946)
Act of March 3, 1879 (20 Stat. 355)
Provision of the Classification Act that authorizes postmasters to determine whether a publication is devoted to the dissemination of a public character in order to qualify for a second-class mail rate is inconsistent with the protection for freedom of speech in the First Amendment.
142. *Duncan v. Kahanamoku*, 327 U.S. 304 (1946)
Act of April 30, 1900 (31 Stat. 153)
Provision of the Hawaiian Organic Act that authorized territorial governor to declare martial law as applied to military trials for civilians when ordinary courts could function is inconsistent with Sixth Amendment jury trial requirements.
Dissent: Burton, Frankfurter
143. *United States v. Causby*, 328 U.S. 256 (1946)
Act of June 23, 1938 (52 Stat. 973)
Provision of the Civil Aeronautics Act of 1938 that authorized the Civil Aeronautics Authority to approve flight paths as applied to low altitude flights over private land is in conflict with the Fifth Amendment prohibition on takings of private property for public use without just compensation.
Dissent: Black, Burton
144. *United States v. Lovett*, 328 U.S. 303 (1946)
Act of July 12, 1943 (57 Stat. 450)
Provision of the Urgent Deficiency Appropriation Act that specified that no salary shall be paid to certain government employees is in conflict with prohibition on any bill of attainder in Article I, § 9.
145. *United States v. Congress of Industrial Organizations*, 335 U.S. 106 (1948)
Act of June 23, 1947 (61 Stat. 159)
Provision of the Labor Management Relations Act that prohibited labor unions from expending funds in connection with an electoral campaign is in conflict with the protection for freedom of speech in the First Amendment.
146. *Wong Yang Sung v. McGrath*, 339 U.S. 33 (1950)
Act of February 5, 1917 (39 Stat. 885)
Provision of the Immigration Act of 1917 that authorized deportation of aliens without a hearing is in conflict with the Fifth Amendment prohibition on the deprivation of liberty without due process of law.
Dissent: Reed

147. *Joint Anti-Fascist Refugee Committee v. McGrath*, 341 U.S. 123 (1951)
Act of August 2, 1939 (53 Stat. 1148)
Provision of the Hatch Act that bars federal employment of anyone currently a member of an organization advocating the overthrow of the government as implemented by the attorney general through arbitrary designations is inconsistent with the protection for freedom of speech in the First Amendment and in conflict with the Fifth Amendment prohibition on the deprivation of liberty without due process of law.
Dissent: Reed, Vinson, Minton
148. *Tenney v. Brandhove*, 341 U.S. 367 (1951)
Act of April 20, 1871 (17 Stat. 13)
Provision of the Enforcement Act of 1871 that authorizes suits against government officials for violating constitutional rights as applied to state legislative investigation is inconsistent with the general principles of federalism recognized in the Tenth Amendment.
Dissent: Douglas
149. *Collins v. Handyman*, 341 U.S. (1951)
Act of April 20, 1871 (17 Stat. 13)
Provision of the Enforcement Act of 1871 that authorizes suits against conspiracies to deprive individuals of the equal protection of the law as applied to the unlawful disruption of a the meeting of a political club is not consistent with the enforcement power vested in Congress in the Fourteenth Amendment, § 5.
Dissent: Burton, Black, Douglas
150. *Guessefeldt v. McGrath*, 342 U.S. 308 (1952)
Act of July 3, 1948 (62 Stat. 1246)
Provision of the War Claims Act that prohibited the return of property to any national of Germany or Japan as applied to individual had not aided the enemy war effort is in conflict with the Fifth Amendment prohibition on takings of private property for public use without just compensation.
Dissent: Vinson, Reed, Minton
151. *United States v. Cardiff*, 344 U.S. 174 (1952)
Act of June 25, 1938 (52 Stat. 1040)
Provision of the Federal Food, Drug and Cosmetic Act that sanctions factory owners for refusing to permit inspection if permission was previously granted is unconstitutionally vague and in conflict with Fifth Amendment prohibition on deprivation of liberty without due process.
Dissent: Burton
152. *Kwong Hai Chew v. Colding*, 344 U.S. 590 (1953)
Act of June 21, 1941 (55 Stat. 252)
Provision of the Alien Visa Act that authorized attorney general to exclude aliens without a hearing who presence in the country would be prejudicial to the public interest as applied to a permanent resident is in conflict with the Fifth Amendment prohibition on the deprivation of liberty without due process of law.
Dissent: Minton
153. *United States v. Five Gambling Devices*, 346 U.S. 441 (1953)

Act of January 2, 1951 (64 Stat. 1134)

Provision of the Gambling Devices Transportation Act that prohibits the interstate transport of gambling devices as applied to individuals who merely possessed gambling devices exceeds the power to regulate commerce among the several states provided by Article I, § 8.

Dissent: Clark, Vinson, Reed, Burton

154. *Bolling v. Sharp*, 347 U.S. 497 (1954)

Act of June 22, 1874 (18 Stat. pt. 2, §281)

Provision of the code for the District of Columbia that racially segregates schools in the District is in conflict with the equal protection requirements of the due process clause of the Fifth Amendment.

155. *Association of Westinghouse Salaried Employees v. Westinghouse Electric Corp.*, 348 U.S. 437 (1955)

Act of June 23, 1947 (61 Stat. 156)

Provision of the Labor Management Relations Act that authorized suits in federal courts for contract violations that implicate only state law is in conflict with federal judicial jurisdiction fixed by Article III, § 2.

Dissent: Douglas, Black

156. *Quinn v. United States*, 349 U.S. 155 (1955)

Act of June 22, 1938 (52 Stat. 942)

Provision of the amendments to the legislative investigations statutes that makes it a crime to refuse to answer a pertinent question to a legislative inquiry as applied to witness not clearly apprised of the demand is inconsistent with the requirements of the Fifth Amendment self-incrimination clause.

Dissent: Reed

157. *Emspak v. United States*, 349 U.S. 190 (1955)

Act of June 22, 1938 (52 Stat. 942)

Provision of the amendments to the legislative investigations statutes that makes it a crime to refuse to answer a pertinent question to a legislative inquiry as applied to witness not clearly apprised of the demand is inconsistent with the requirements of the Fifth Amendment self-incrimination clause.

Dissent: Reed, Minton

158. *United States ex rel. Toth v. Quarles*, 350 U.S. 11 (1955)

Act of May 5, 1950 (64 Stat. 109)

Provision of the Uniform Code of Military Justice that subjected individuals who had left the military service to military trial for acts committed while in the service exceeds the power to raise armies or to make rules to regulate the armed forces provided by Article I, § 8.

Dissent: Reed, Burton, Minton

159. *Bernhardt v. Polygraphic Co. of America*, 350 U.S. 198 (1956)

Act of July 20, 1947 (61 Stat. 669)

Provision of the Federal Arbitration Act of 1947 that provides for a stay of actions in federal courts as applied to local contractual issues is in conflict with federal judicial jurisdiction fixed by Article III, § 2.

Dissent: Burton

160. *Cammer v. United States*, 350 U.S. 399 (1956)
Act of June 25, 1948 (62 Stat. 701)
Provision of the Conspiracy Act of 1948 that empowers federal courts to punish as contempt misbehavior by any of its officers as applied to private attorneys is inconsistent with the Fifth Amendment prohibition on the deprivation of liberty without due process of law.
161. *United States v. Witkovich*, 353 U.S. 194 (1957)
Act of June 27, 1952 (66 Stat. 208)
Provision of the Immigration and Nationality Act that authorizes the attorney general to require information from deportable aliens is inconsistent with the Fifth Amendment prohibition on the deprivation of liberty without due process of law.
Dissent: Clark, Burton
162. *Reid v. Covert*, 354 U.S. 1 (1957)
Act of May 5, 1950 (64 Stat. 109)
Provision of the Uniform Code of Military Justice that subjected all persons accompanying the armed forces to military justice in capital cases is inconsistent with federal judicial jurisdiction fixed by Article III, § 2 and with Fifth Amendment and Sixth Amendment jury trial requirements.
Dissent: Clark, Burton
163. *Watkins v. United States*, 354 U.S. 178 (1957)
Act of August 2, 1946 (60 Stat. 828)
Provision of the Legislative Reorganization Act of 1946 that authorized investigations by the Committee on Un-American Activities as applied to investigations serving no legitimate legislative function is inconsistent with the Fifth Amendment prohibition on the deprivation of liberty without due process of law and the protection for freedom of speech in the First Amendment.
Dissent: Clark
164. *Yates v. United States*, 354 U.S. 178 (1957)
Act of June 28, 1940 (54 Stat. 671)
Provision of the Alien Registration Act that prohibits conspiring to advocate the necessity of overthrowing the government as applied to advocacy of abstract doctrines is in violation of the protection for freedom of speech in the First Amendment.
Dissent: Clark
165. *Trop v. Dulles*, 356 U.S. 86 (1958)
Act of January 20, 1944 (58 Stat. 4)
Provision of the Nationality Act of 1940 Amendment that provides that a citizen shall lose his nationality for desertion in time of war is in violation of the prohibition on cruel and unusual punishment in the Eighth Amendment.
Dissent: Frankfurter, Burton, Clark, Harlan
166. *Kent v. Dulles*, 357 U.S. 116 (1958)
Act of June 27, 1952 (66 Stat. 208)

Provision of the Immigration and Nationality Act that makes it unlawful to leave the country without a passport as implemented by the Secretary of State to bar travel by Communists is inconsistent with the Fifth Amendment prohibition on the deprivation of liberty without due process of law.

Dissent: Clark, Burton, Harlan, Whitaker

167. *Lee v. Madigan*, 358 U.S. 228 (1959)

Act of May 5, 1950 (64 Stat. 109)

Provision of the Uniform Code of Military Justice that provides for court-martial for offenses of rape and murder in time of war as applied to offense committed after end of actual hostilities is inconsistent with Sixth Amendment jury trial requirements.

Dissent: Harlan, Clark

168. *Kinsella v. United States*, 361 U.S. 234 (1960)

Act of August 10, 1956 (70A Stat. 1126)

Provision of the Revisions to the Military Code that subjected all persons accompanying the armed forces to military justice in noncapital cases is inconsistent with federal judicial jurisdiction fixed by Article III, § 2 and with Fifth Amendment and Sixth Amendment jury trial requirements.

Dissent: Harlan, Frankfurter

169. *Grisham v. Hagan*, 361 U.S. 278 (1960)

Act of August 10, 1956 (70A Stat. 1126)

Provision of the Revisions to the Military Code that subjected all persons accompanying the armed forces to military justice as applied in capital offense committed in peacetime is inconsistent with federal judicial jurisdiction fixed by Article III, § 2 and with Fifth Amendment and Sixth Amendment jury trial requirements.

Dissent: Harlan, Frankfurter

170. *McElroy v. United States ex rel. Guagliardo*, 361 U.S. 281 (1960)

Act of August 10, 1956 (70A Stat. 1126)

Provision of the Revisions to the Military Code that subjected all persons accompanying the armed forces to military justice as applied in noncapital offense committed in peacetime is inconsistent with federal judicial jurisdiction fixed by Article III, § 2 and with Fifth Amendment and Sixth Amendment jury trial requirements.

Dissent: Harlan, Frankfurter

171. *Travis v. United States*, 364 U.S. 631 (1961)

Act of June 25, 1948 (62 Stat. 862)

Provision of the Crimes and Criminal Procedure Act that makes it a crime to submit fraudulent statements to the government as applied to records statutorily held in Washington, D.C. but tried where the accused mailed the records is in conflict with the Sixth Amendment requirement that the accused shall be entitled to a jury trial in the district wherein the crime shall have been committed.

Dissent: Harlan, Frankfurter, Clark

172. *Eastern Railroad Presidents Conference v. Noerr Motor Freight Inc.*, 365 U.S. 127 (1961)

Act of July 2, 1890 (26 Stat. 209)

Provision of the Sherman Anti-Trust Act that prohibits combinations in restraint of trade as applied to railroad industry group that sought to mobilize public opinion and policymakers against the trucking industry is in conflict with the First Amendment and the right to petition government.

173. *International Association of Machinists v. Street*, 367 U.S. 740 (1961)

Act of January 10, 1951 (64 Stat. 1238)

Provision of the Railway Labor Act Amendment that required all railroad employees to join a union cannot be read to require employees to contribute to political expenditures without being inconsistent with the protection for freedom of speech in the First Amendment.

Dissent: Black, Frankfurter, Harlan

174. *Lynch v. Overholser*, 369 U.S. 705 (1962)

Act of July 2, 1945 (59 Stat. 311)

Provision of the amendment to the code for the District of Columbia that required criminal defendants acquitted for reasons of insanity shall be confined in a mental hospital as applied to defendant who has not affirmatively made such a defense is inconsistent with the Fifth Amendment prohibition on the deprivation of liberty without due process of law.

Dissent: Clark

175. *Manual Enterprises, Inc. v. Day*, 370 U.S. 478 (1962)

Act of June 28, 1955 (69 Stat. 183)

Provision of the amendment to the postal code that prohibited the shipment of obscene material through the mail as applied to material that is not patently offensive is inconsistent with the protection for freedom of speech in the First Amendment.

Dissent: Clark

176. *Kennedy v. Mendoza-Martinez*, 372 U.S. 144 (1963)

Act of June 27, 1952 (66 Stat. 267)

Provision of the Immigration and Nationality Act that provides that a citizen shall automatically lose his nationality for remaining outside the country in time of war to evade military service is inconsistent with Fifth Amendment and Sixth Amendment jury trial requirements.

Dissent: Harlan, Clark, Stewart, White

177. *Schneider v. Rusk*, 377 U.S. 163 (1964)

Act of June 27, 1952 (66 Stat. 267)

Provision of the Immigration and Nationality Act that a nationalized citizen shall automatically lose his nationality for remaining within his state of national origin continuously for three years is in conflict with the equal protection requirements of the due process clause of the Fifth Amendment.

Dissent: Clark, Harlan, White

178. *Aptheker v. Secretary of State*, 378 U.S. 500 (1964)

Act of September 23, 1950 (64 Stat. 1003)

Provision of the Internal Security Act of 1950 that makes it unlawful for a member of a Communist organization to apply for or use a passport is inconsistent with the Fifth Amendment prohibition on the deprivation of liberty without due process of law.

Dissent: Clark, Harlan, White

179. *Lamont v. Postmaster General*, 381 U.S. 301 (1965)
Act of October 11, 1962 (76 Stat. 840)
Provision of the Postal Service and Federal Employees Salary Act of 1962 that directed postmaster to detain unsealed foreign mail determined to be communist political propaganda is inconsistent with the protection for freedom of speech in the First Amendment.
180. *United States v. Brown*, 381 U.S. 437 (1965)
Act of September 24, 1959 (73 Stat. 536)
Provision of the Labor-Management Reporting and Disclosure Act that made it a crime for a member of the Communist Party to serve on the executive board of a labor union is in conflict with prohibition on any bill of attainder in Article I, § 9.
Dissent: White, Clark, Harlan, Stewart
181. *United States v. Romano*, 382 U.S. 136 (1965)
Act of September 2, 1958 (72 Stat. 1399)
Provision of the Excise Tax Technical Changes Act of 1958 that creates a presumption of guilt for anyone on the site of an unregistered still as applied in criminal case of possession is inconsistent with the Fifth Amendment prohibition on the deprivation of liberty without due process of law.
182. *Albertson v. Subversive Activities Control Board*, 382 U.S. 70 (1965)
Act of September 23, 1950 (64 Stat. 1003)
Provision of the Internal Security Act of 1950 that required individual members of the Communist Party to register with the government is inconsistent with the Fifth Amendment self-incrimination clause.
183. *United States v. Johnson*, 383 U.S. 169 (1966)
Act of October 23, 1962 (76 Stat. 1119)
Provision of the Bribery Act that made it a crime for a member of Congress to receive payment in relation to a contract as applied to evidence from a floor speech is inconsistent with the constitutional privilege for legislative speech or debate in Article I, § 6.
Dissent: Warren, Douglas, Brennan
184. *Afroyim v. Rusk*, 387 U.S. 253 (1967)
Act of June 27, 1952 (66 Stat. 268)
Provision of the Immigration and Nationality Act providing that an individual shall lose American citizenship if he votes in a political election in a foreign state is in conflict with the Fifth Amendment prohibition on the deprivation of liberty without due process of law and with the citizenship clause of the Fourteenth Amendment, § 1.
Dissent: Harlan, Clark, Stewart, White
185. *United States v. Robel*, 389 U.S. 258 (1967)
Act of September 23, 1950 (64 Stat. 992)
Provision of the Internal Security Act of 1950 that makes it a crime for a member of a designated subversive organization to willfully engage in employment in a defense facility is in conflict with the protection for freedom of association in the First Amendment.

Dissent: White, Harlan

186. *Schneider v. Smith*, 390 U.S. 17 (1968)
Act of August 9, 1950 (64 Stat. 427)
Provision of the Magnuson Act that authorizes president to issue regulations to safeguard vessels from sabotage or other subversive acts as implemented through an employment screening program is in conflict with the protection for freedom of association in the First Amendment.
187. *Marchetti v. United States*, 390 U.S. 39 (1968)
Act of August 16, 1954 (68A Stat. 527)
Provision of the Internal Revenue Code that requires those engaging in the occupation of accepting wagers to register with the Internal Revenue Service is inconsistent with the Fifth Amendment self-incrimination clause.
Dissent: Warren
188. *United States v. Jackson*, 390 U.S. 570 (1968)
Act of June 25, 1948 (62 Stat. 760)
Provision of the Lindberg Kidnapping Act that provides for the death penalty if a jury so recommends is inconsistent with Fifth Amendment and Sixth Amendment jury trial requirements.
Dissent: White, Black
189. *Grosso v. United States*, 390 U.S. 62 (1968)
Act of August 16, 1954 (68A Stat. 527)
Provision of the Internal Revenue Code that imposes an occupational tax on those accepting wagers is inconsistent with the Fifth Amendment self-incrimination clause.
Dissent: Warren
190. *Haynes v. United States*, 390 U.S. 85 (1968)
Act of June 29, 1934 (48 Stat. 1236)
Provision of the National Firearms Act that requires registration of specified unlawful firearms is inconsistent with the Fifth Amendment self-incrimination clause.
Dissent: Warren
191. *Shapiro v. Thompson*, 394 U.S. 618 (1969)
Act of August 26, 1950 (64 Stat. 550)
Provision of the Social Security Act Amendments that authorizing states and the District of Columbia to create residency requirements for eligibility for welfare assistance is in conflict with the equal protection requirements of the due process clause of the Fifth Amendment.
Dissent: Warren, Black, Harlan
192. *Watts v. United States*, 394 U.S. 705 (1969)
Act of June 25, 1948 (62 Stat. 740)
Provision of the Crimes and Criminal Procedure Act that made it a crime to make a threat against the president as applied to mere political rhetoric is inconsistent with the protection for freedom of speech in the First Amendment.
Dissent: Fortas, Harlan

193. *O'Callahan v. Parker*, 395 U.S. 258 (1969)
Act of May 5, 1950 (64 Stat. 107)
Provision of the Uniform Military Code of Justice that provides for court-martial as applied to a crime that was not service-related is inconsistent with Fifth Amendment and Sixth Amendment jury trial requirements.
Dissent: Harlan, Stewart, White
194. *Leary v. United States*, 395 U.S. 6 (1969)
Act of July 18, 1956 (70 Stat. 570)
Provision of the Narcotic Control Act of 1956 that penalized those who had not registered their possession of marijuana is inconsistent with the Fifth Amendment self-incrimination clause.
195. *Turner v. United States*, 396 U.S. 398 (1970)
Act of July 18, 1956 (70 Stat. 570)
Provision of the Narcotic Control Act of 1956 that made possession of narcotic prima facie evidence that it had been illegally imported into the United States as applied to cocaine is inconsistent with Fifth Amendment and Sixth Amendment jury trial requirements.
Dissent: Black, Douglas
196. *Welsh v. United States*, 398 U.S. 333 (1970)
Act of June 24, 1948 (62 Stat. 612)
Provision of the Selective Service Act of 1948 that exempts from military service religious conscientious objectors as applied to excluding secular conscientious objectors is inconsistent with the prohibition on establishment of religion in the First Amendment.
Dissent: White, Burger, Stewart
197. *Schacht v. United States*, 398 U.S. 58 (1970)
Act of August 10, 1956 (70A Stat. 1126)
Provision of the Revision of Military Code that prohibits wearing a military uniform in theatrical or motion picture production if portrayal tends to discredit the armed forces is inconsistent with the protection for freedom of speech in the First Amendment.
198. *Oregon v. Mitchell*, 400 U.S. 112 (1970)
Act of June 22, 1970 (84 Stat. 318)
Provision of the Voting Rights Act Amendments that lowered the voting age in state and local elections is not consistent with the enforcement power vested in Congress in the Fourteenth Amendment, § 5.
Dissent: Douglas, Brennan, White, Marshall
199. *Blount v. Rizzi*, 400 U.S. 410 (1971)
Act of October 17, 1968 (82 Stat. 1153)
Provision of the False Representations by Mail Act that empowers the postmaster to set up an administrative censorship scheme to prohibit mail seeking money for obscene matter is inconsistent with the protection for freedom of speech in the First Amendment.
200. *United States v. United States Coin & Currency*, 401 U.S. 715 (1971)

Act of August 16, 1956 (68A Stat. 867)

Provision of the internal revenue code that requires those engaging in the occupation of gambling to register with the Internal Revenue Service is inconsistent with the Fifth Amendment self-incrimination clause.

Dissent: White, Burger, Stewart, Blackmun

201. *Graham v. Richardson*, 403 U.S. 365 (1971)

Act of August 8, 1950 (64 Stat. 556)

Provision of the Social Security Act Amendment that barred discrimination among citizens as implemented to allow residency requirements for aliens is inconsistent with the equal protection requirements of the due process clause of the Fifth Amendment and the uniform rule of naturalization requirement in Article I, § 8.

202. *Tilton v. Richardson*, 403 U.S. 672 (1971)

Act of December 16, 1963 (77 Stat. 378)

Provision of the Higher Education Facilities Act that allowed the government to recover funds for construction built with federal grants that was used for sectarian purposes but only for twenty years is in violation of the prohibition on establishment of religion in the First Amendment.

203. *Flower v. United States*, 407 U.S. 197 (1972)

Act of June 25, 1948 (62 Stat. 765)

Provision of the Crimes and Criminal Procedures Act that makes it a crime to reenter a military post after having been removed as applied pamphleteer on a street with general public access is in violation of the protection of the freedom of speech in the First Amendment.

Dissent: Rehnquist, Burger, Blackmun

204. *Richardson v. Davis*, 409 U.S. 1069 (1972)

Act of January 2, 1968 (81 Stat. 882)

Provision of the Social Security Amendments that in some circumstances excluded illegitimate children from family benefits from the death of a wage-earning parent inconsistent with the equal protection requirements of the due process clause of the Fifth Amendment.

205. *Chief of Capitol Police v. Jeannette Rankin Brigade*, 409 U.S. 972 (1972)

Act of July 31, 1946 (60 Stat. 718)

Provision of the Capitol Grounds Act that prohibits parades on capitol grounds is in violation of the protection of the freedom of speech in the First Amendment.

206. *Frontiero v. Richardson*, 411 U.S. 677 (1973)

Act of September 7, 1962 (76 Stat. 469)

Provision of the Pay and Allowances of the Uniformed Services Act that created different qualification criteria for male and female military spousal dependency is in violation of the equal protection requirements of the due process clause of the Fifth Amendment.

Dissent: Rehnquist

207. *Almeida-Sanchez v. United States*, 413 U.S. 508 (1973)

Act of June 27, 1952 (66 Stat. 233)

Provision of the Immigration and Nationality Act that provides for warrantless searches of automobiles within a reasonable distance of any external boundary of the United States is inconsistent with the Fourth Amendment search and seizure clause.

Dissent: White, Burger, Blackmun, Rehnquist

208. *United States Department of Agriculture v. Murry*, 413 U.S. 508 (1973)

Act of January 11, 1971 (84 Stat. 2048)

Provision of the Food Stamp Act that barred participation in the food stamp programs of households with an eighteen-year-old who is claimed as a dependent by a taxpayer is in conflict with the Fifth Amendment prohibition on deprivation of property without due process of law.

Dissent: Blackmun, Rehnquist, Burger, Powell

209. *United States Department of Agriculture v. Moreno*, 413 U.S. 528 (1973)

Act of January 11, 1971 (84 Stat. 2048)

Provision of the Food Stamp Act that barred participation in the food stamp programs of households with unrelated members is in violation of the equal protection requirements of the due process clause of the Fifth Amendment.

Dissent: Rehnquist, Burger

210. *Curtis v. Loether*, 415 U.S. 189 (1974)

Act of April 11, 1968 (82 Stat. 88)

Provision of the Fair Housing Act that authorized suits for damages for violations of the act is in conflict with the Seventh Amendment prohibition on deprivation of the right of trial by jury.

211. *National Cable Television Association v. United States*, 415 U.S. 336 (1974)

Act of August 31, 1951 (65 Stat. 290)

Provision of the Independent Offices Appropriation Act of 1952 that authorized agencies to impose fees that take into account the public policy or interest served for the agency's services is inconsistent with the congressional power to lay and collect taxes in Article I, § 8

Dissent: Marshall, Brennan

212. *Pernell v. Southall Realty*, 416 U.S. 363 (1974)

Act of July 29, 1970 (84 Stat. 552)

Provision of the District of Columbia Court Reform and Criminal Procedure Act that authorized suits for the recover possession of real property is in conflict with the Seventh Amendment prohibition on deprivation of the right of trial by jury.

213. *Jimenez v. Weinberger*, 417 U.S. 628 (1974)

Act of July 30, 1965 (79 Stat. 410)

Provision of the Social Security Amendments that created different qualification criteria for legitimate and illegitimate children for disability insurance benefits is in violation of the equal protection requirements of the due process clause of the Fifth Amendment.

Dissent: Rehnquist

214. *Regional Rail Reorganization Act Cases [Blanchette et al., Trustees of Property of Penn Central Transportation Co. v. Connecticut General Insurance Corp.]*, 419 U.S. 102 (1974)

Act of January 2, 1974 (87 Stat. 985)

Provision of the Regional Rail Reorganization Act that authorized temporary compelled-loss operations of railroads is inconsistent with the Fifth Amendment prohibition on takings of private property for public use without just compensation.

Dissent: Douglas, Stewart

215. *Weinberger v. Wiesenfeld*, 420 U.S. 636 (1975)

Act of August 10, 1939 (53 Stat. 1364)

Provision of the Social Security Act Amendments that created different survivors' benefits for deceased husbands than for deceased wives is in violation of the equal protection requirements of the due process clause of the Fifth Amendment.

216. *United States v. Brignoni-Ponce*, 422 U.S. 873 (1975)

Act of June 27, 1952 (66 Stat. 233)

Provision of the Immigration and Nationality Act that authorized warrantless searches of vehicles within a reasonable distance from any external boundary of the United States as implemented through roving patrols is inconsistent with the Fourth Amendment search and seizure clause.

217. *United States v. Ortiz*, 422 U.S. 891 (1975)

Act of June 27, 1952 (66 Stat. 233)

Provision of the Immigration and Nationality Act that authorized warrantless searches of vehicles within a reasonable distance from any external boundary of the United States as implemented through checkpoints is inconsistent with the Fourth Amendment search and seizure clause.

218. *Buckley v. Valeo*, 424 U.S. 1 (1976)

Act of February 7, 1972 (86 Stat. 3)

Provision of the Federal Election Campaign Act that imposed limitations on campaign expenditures is inconsistent with the protection of freedom of speech in the First Amendment and that created an enforcement commission including members appointed by Congress is inconsistent with the appointment power vested in the president and Senate by Article II, § 2.

Dissent: White, Marshall

219. *National League of Cities v. Usery*, 426 U.S. 833 (1976)

Act of April 8, 1974 (88 Stat. 59)

Provision of the Fair Labor Standards Amendments that extended minimum wage and maximum hour provisions to state employees is inconsistent with the general principles of federalism recognized in the Tenth Amendment.

Dissent: Brennan, White, Marshall, Stevens

220. *G. M. Leasing Corp. v. United States*, 429 U.S. 338 (1977)

Act of August 16, 1954 (68A Stat. 783)

Provision of the internal revenue code that authorized seizure of property for unpaid taxes as implemented through the warrantless search of an office is inconsistent with the Fourth Amendment search and seizure clause.

221. *Califano v. Goldfarb*, 430 U.S. 199 (1977)

Act of August 28, 1950 (64 Stat. 485)

Provision of the Social Security Act Amendments that created different survivors' benefits for deceased husbands than for deceased wives is in violation of the equal protection requirements of the due process clause of the Fifth Amendment.

Dissent: Rehnquist, Burger, Stewart, Blackmun

222. *Califano v. Silbowitz*, 430 U.S. 924 (1977)

Act of August 28, 1950 (64 Stat. 483)

Provision of the Social Security Act Amendments that created different spousal benefits for husbands and wives is in violation of the equal protection requirements of the due process clause of the Fifth Amendment.

223. *Guam v. Olsen*, 431 U.S. 195 (1977)

Act of August 2, 1950 (64 Stat. 389)

Provision of the Organic Act of Guam that authorized Guam territorial legislature to establish appellate jurisdiction of district court as implemented by foreclosing appeals to an Article III court is in conflict with the judicial power vested by Article III, § 1 and the Fifth Amendment prohibition on deprivation of liberty without due process of law.

Dissent: Marshall, Stewart, Rehnquist, Stevens

224. *Railroad Retirement Board v. Kalina*, 431 U.S. 909 (1977)

Act of October 16, 1974 (88 Stat. 1305)

Provision of the Railroad Retirement Act of 1937 Amendment that created different spousal benefits for husbands and wives is in violation of the equal protection requirements of the due process clause of the Fifth Amendment.

225. *Marshall v. Barlow's, Inc.*, 436 U.S. 307 (1978)

Act of December 29, 1970 (84 Stat. 1598)

Provision of the Occupational Safety and Health Act that empowers agents of the Secretary of Labor to conduct warrantless searches of employment facilities is inconsistent with the Fourth Amendment search and seizure clause.

Dissent: Stevens, Blackmun, Rehnquist

226. *National Labor Relations Board v. Catholic Bishop of Chicago*, 440 U.S. 490 (1979)

Act of July 26, 1974 (88 Stat. 395)

Provision of the National Labor Relations Act Amendments that authorized the certification of labor unions as applied to teachers in a religious school is inconsistent with the protection for the free exercise of religion in the First Amendment.

Dissent: Brennan, White, Marshall, Blackmun

227. *Califano v. Westcott*, 443 U.S. 76 (1979)

Act of January 2, 1968 (81 Stat. 882)

Provision of the Social Security Amendments that provides benefits to families with unemployed fathers but not unemployed mothers is in violation of the equal protection requirements of the due process clause of the Fifth Amendment.

Dissent: Powell, Burger, Stewart, Rehnquist

228. *Kaiser Aetna v. United States*, 444 U.S. 164 (1979)

Act of March 3, 1899 (30 Stat. 1151)

Provision of the River and Harbors Act of 1899 that requires permission of the Army Corps of Engineers to alter navigable waters as applied to the conversion of a private pond into a public waterway is inconsistent with the Fifth Amendment prohibition on takings of private property for public use without just compensation.

Dissent: Blackmun, Brennan, Marshall

229. *United States v. Clark*, 445 U.S. 23 (1980)

Act of July 18, 1966 (80 Stat. 300)

Provision of the Federal Salary and Fringe Benefits Act that created different qualification criteria for legitimate and illegitimate children for survivors' benefits for deceased federal employees is in violation of the equal protection requirements of the due process clause of the Fifth Amendment.

Dissent: Rehnquist, Stewart

230. *Industrial Union Department, AFL-CIO v. American Petroleum Institute*, 448 U.S. 607 (1980)

Act of December 29, 1970 (84 Stat. 1590)

Provision of the Occupational Safety and Health Act that directs the Secretary of Labor to set occupational safety standards as implemented to issue regulations to create a workplace free from risk of carcinogens is inconsistent with vesting of legislative power in Congress in Article I, § 1.

Dissent: Marshall, Brennan, White, Blackmun

231. *United States v. Will*, 449 U.S. 200 (1980)

Act of October 12, 1979 (93 Stat. 565)

Provision of the Treasury, Postal Service, and General Government Appropriations Act of 1980 that repealed cost of living increases to federal officials inconsistent with prohibition on diminution of the judicial salaries in Article III, § 1.

232. *Railway Labor Executives' Association v. Gibbons*, 455 U.S. 457 (1982)

Act of October 14, 1980 (94 Stat. 1959)

Provision of the Staggers Rail Act that set the terms of bankruptcy for one regional railroad is inconsistent with the uniform laws on the subject of bankruptcies requirement in Article I, § 8.

233. *Northern Pipeline Construction Co. v. Marathon Pipe Line Co.*, 458 U.S. 50 (1982)

Act of November 6, 1978 (92 Stat. 2549)

Provision of the Bankruptcy Reform Act that granting jurisdiction over all civil proceedings related to bankruptcies to the bankruptcy courts is inconsistent with the judicial power vested by Article III, § 1

Dissent: Burger, White, Powell

234. *United States v. Security Industrial Bank*, 459 U.S. 70 (1982)

Act of November 6, 1978 (92 Stat. 2549)

Provision of the Bankruptcy Reform Act that allows bankrupt debtors to avoid liens on certain property as applied retroactively is inconsistent with the Fifth Amendment prohibition on takings of private property for public use without just compensation.

235. *United States v. Grace*, 461 U.S. 171 (1983)

Act of August 18, 1949 (63 Stat. 617)

Provision of the act relating to the policing of the Supreme Court grounds that prohibits display of banners on Supreme Court grounds as applied to picket sign is inconsistent with the protections for freedom of speech in the First Amendment.

236. *Bill Johnson's Restaurants, Inc. v. National Labor Relations Board*, 461 U.S. 731 (1983)

Act of June 23, 1947 (61 Stat. 141)

Provision of the Taft-Hartley Act that regulates unfair labor practices as applied to the filing of a lawsuit is inconsistent with the protections for the right to petition in the First Amendment.

237. *Immigration and Nationalization Service v. Chadha*, 462 U.S. 919 (1983)

Act of June 27, 1952 (66 Stat. 216)

Provision of the Immigration and Nationality Act that empowered either chamber of Congress to veto the decision of the Attorney General to suspend the deportation of an alien is in conflict with the bicameralism and presentment requirements in Article I, §1 and 7.

Dissent: Rehnquist, White

238. *U.S. Senate v. Federal Trade Commission*, 463 U.S. 1216 (1983)

Act of May 28, 1980 (94 Stat. 393)

Provision of the Federal Trade Commission Improvements Act that empowered Congress by concurrent resolution to veto rules of the Federal Trade Commission is in conflict with the presentment requirement of lawmaking in Article I, § 7.

239. *Process Gas Consumers Group v. Consumer Energy Council*, 463 U.S. 1216 (1983)

Act of November 9, 1978 (92 Stat. 3372)

Provision of the Natural Gas Policy Act that empowered either chamber of Congress to veto the decision of the Federal Energy Regulatory Commission is in conflict with the bicameralism and presentment requirements in Article I, §1 and 7.

240. *Bolger v. Youngs Drug Products Corp.*, 463 U.S. 60 (1983)

Act of January 8, 1971 (84 Stat. 1974)

Provision of the amendment to the Tariff Act of 1930 that prohibits the mailing of unsolicited advertisements for contraceptives is in conflict with the protection for freedom of speech in the First Amendment.

241. *Federal Communications Commission v. League of Women Voters*, 468 U.S. 364 (1984)

Act of August 13, 1981 (95 Stat. 730)

Provision of the Omnibus Budget Reconciliation Act of 1981 that barred noncommercial educational broadcasting stations which received a grant from the Corporation for Public Broadcasting from editorializing is in conflict with the protection for freedom of speech in the First Amendment.

Dissent: Rehnquist, Burger, White, Stevens

242. *Regan v. Time, Inc.*, 468 U.S. 641 (1981)

Act of September 2, 1958 (72 Stat. 1771)

Provision of the act providing for the limited illustration of United States securities that makes it a crime to publish photographic color reproductions of United States currency unless the message is newsworthy or educational is in conflict with the protection for freedom of speech in the First Amendment.

243. *Federal Election Commission v. National Conservative Political Action Committee*, 470 U.S. 480 (1985)
Act of December 10, 1971 (85 Stat. 572)
Provision of the Revenue Act of 1971 that prohibits independent political committees from making expenditures to support the campaign of a presidential candidate who accepted public financing for their general election campaign is in conflict with the protection for freedom of speech in the First Amendment.
Dissent: White, Brennan, Marshall
244. *Lowe v. Securities and Exchange Commission*, 472 U.S. 181 (1985)
Act of August 22, 1940 (54 Stat. 850)
Provision of the Investment Company Act that empowered the Securities and Exchange Commission to bar unregistered actors from giving investment advice by issuing reports concerning securities as applied to a newsletter is inconsistent with the protection for freedom of speech in the First Amendment.
245. *Aguilar v. Felton*, 473 U.S. 402 (1985)
Act of April 11, 1965 (79 Stat. 27)
Provision of the Elementary and Secondary Education Act of 1965 that authorized the distribution of financial assistance to local educational institutions as applied to a parochial school is inconsistent with the prohibition on the establishment of religion in the First Amendment.
Dissent: Burger, White, Rehnquist, O'Connor
246. *Bowsher v. Synar*, 478 U.S. (1986)
Act of December 12, 1985 (99 Stat. 1038)
Provision of the Balanced Budget and Emergency Deficit Control Reaffirmation Act that authorized the Comptroller General to determine spending cuts needed to reach fiscal targets and the president to implement that determination is in conflict with executive power vested in the president by Article II, § 1.
Dissent: White, Blackmun
247. *Brock v. Roadway Express, Inc.*, 481 U.S. (1987)
Act of January 6, 1983 (96 Stat. 2157)
Provision of the Surface Transportation Assistance Act that allows the Secretary of Transportation to reinstate employees in commercial motor transportation industry who he deems to have been fired in retaliation for refusing to operate unsafe vehicles as implemented without evidentiary hearings is inconsistent with the Fifth Amendment prohibition on deprivation of property without due process of law.
Dissent: White, Rehnquist, Scalia, Stevens
248. *Tull v. United States*, 481 U.S. 412 (1987)
Act of October 18, 1972 (86 Stat. 860)
Provision of the Federal Water Pollution Control Act Amendments that authorized the imposition of civil penalties for violations as implemented without a jury trial is inconsistent with the Seventh Amendment prohibition on deprivation of the right of trial by jury.

249. *Hodel v. Irving*, 481 U.S. 704 (1987)
Act of January 12, 1983 (96 Stat. 2519)
Provision of the Indian Land Consolidation Act that prohibited descent of fractional interests in Indian land allotments is in conflict with the Fifth Amendment prohibition on takings of private property for public use without just compensation.
250. *Boos v. Berry*, 485 U.S. 312 (1988)
Act of February 15, 1938 (52 Stat. 30)
Provision of the Pittman Embassy Picketing Act that prohibits the display of any sign within 500 feet of a foreign embassy that tends to bring the foreign government into public disrepute is in violation of the protection for freedom of speech in the First Amendment.
Dissent: Rehnquist, White, Blackmun
251. *Edward J. DeBartolo Corp. v. Florida Gulf Coast Building and Construction Trades Council*, 485 U.S. 568 (1988)
Act of September 14, 1959 (73 Stat. 542)
Provision of the Labor-Management Reporting and Disclosure Act that made it an unfair labor practice to compel secondary boycotts as applied to the distribution of handbills to consumers is inconsistent with the protection for freedom of speech in the First Amendment.
252. *Mesa v. California*, 489 U.S. 121 (1989)
Act of June 25, 1948 (62 Stat. 938)
Provision of the Removal Act of 1948 that authorized the removal of state cases to federal courts when they involved a federal officer as applied to cases that raise no colorable federal defense is in conflict with federal judicial jurisdiction fixed by Article III, § 2.
253. *Coit Independence Joint Venture v. Federal Savings and Loan Insurance Corp.*, 489 U.S. 561 (1989)
Act of June 27, 1934 (48 Stat. 1256)
Provision of the National Housing Act that granted jurisdiction to the Federal Savings and Loan Insurance Corporation to adjudicate claims against assets of insolvent savings and loans as implemented to exclude federal courts from hearing such claims is in conflict with federal judicial jurisdiction fixed by Article III, § 2.
254. *United States v. Halper*, 490 U.S. 435 (1989)
Act of September 13, 1982 (96 Stat. 978)
Provision of the False Claims Act that imposed civil penalties for false claims as applied to individual who had already been convicted under criminal provisions is in violation of the prohibition on double jeopardy in the Fifth Amendment.
255. *Gomez v. United States*, 490 U.S. 858 (1989)
Act of October 17, 1968 (82 Stat. 1108)
Provision of the Federal Magistrates Act that that authorized magistrates to perform additional duties implemented to allow magistrates to preside over jury selection is in conflict with the judicial power vested by Article III, § 1.
256. *Public Citizen v. United States Department of Justice*, 491 U.S. 440 (1989)
Act of October 17, 1968 (82 Stat. 1108)

Provision of the Federal Advisory Committee Act that requires open meetings by presidential advisory committees as applied to American Bar Association Standing Committee on the Federal Judiciary is inconsistent with the appointment power vested in the president and Senate by Article II, § 2.

257. *Sable Communications of California, Inc. v. Federal Communications Commission*, 492 U.S. 115 (1989)
Act of November 18, 1988 (102 Stat. 4502)
Provision of the Child Protection and Obscenity Enforcement Act that bans indecent commercial telephone messages is inconsistent with the protection for freedom of speech in the First Amendment.
258. *Granfinanciera, S.A. v. Nordberg*, 492 U.S. 33 (1989)
Act of July 10, 1984 (98 Stat. 333)
Provision of the Bankruptcy Amendments and Federal Judgeship Act that authorizes bankruptcy trustee suits to recover fraudulent monetary transfers is in conflict with the Seventh Amendment prohibition on deprivation of the right of trial by jury.
Dissent: White, Blackmun, O'Connor
259. *Hoffman v. Connecticut Department of Income Maintenance*, 492 U.S. 96 (1989)
Act of November 6, 1978 (92 Stat. 2555)
Provision of the Bankruptcy Reform Act of 1978 that is read to authorize suits against government units is inconsistent with state sovereign immunity recognized in the Eleventh Amendment.
Dissent: Marshall, Brennan, Blackmun, Stevens
260. *Chauffeurs, Teamsters & Helpers, Local No. 391 v. Terry*, 494 U.S. 558 (1990)
Act of June 23, 1947 (61 Stat. 143)
Provision of the National Labor Relations Board Act that authorizing suits for damages is in conflict with the Seventh Amendment prohibition on deprivation of the right of trial by jury.
Dissent: Kennedy, O'Connor, Scalia
261. *United States v. Eichman*, 496 U.S. 310 (1990)
Act of October 28, 1989 (103 Stat. 777)
Provision of the Flag Provision Act that makes it a crime to burn or deface an American flag is inconsistent with the protection for freedom of speech in the First Amendment.
Dissent: Stevens, Rehnquist, White, O'Connor
262. *Burns v. United States*, 501 U.S. 129 (1991)
Act of October 12, 1984 (98 Stat. 2014)
Provision of the Comprehensive Crime Control Act of 1984 that established criminal sentencing guidelines as applied by court departing from guidelines without prior notice to the parties in conflict with the Fifth Amendment prohibition on the deprivation of liberty without due process of law.
Dissent: Souter, White, O'Connor, Rehnquist
263. *Metropolitan Washington Airports Authority v. Citizens for Abatement of Aircraft Noise*, 501 U.S. 252 (1991)

Act of October 30, 1986 (100 Stat. 3341)

Provision of the Agriculture, Rural Development, and Related Agencies Appropriations Act that conditioned the transfer of federal airports to a local authority on the creation of an oversight board composed of members of Congress is inconsistent with the exclusive vesting of executive power to the president in Article II, § 1 and with the procedures for making new law contained in Article I, § 7

Dissent: White, Rehnquist, Marshall

264. *Gregory v. Ashcroft*, 501 U.S. 452 (1991)

Act of April 8, 1974 (88 Stat. 74)

Provision of the Fair Labor Standards Amendments of 1974 that extended to state employers a prohibition on employer discrimination based on age as applied to mandatory retirement ages for judges is inconsistent with the general principles of federalism recognized in the Tenth Amendment.

Dissent: Blackmun, Marshall

265. *Lujan v. Defenders of Wildlife*, 504 U.S. 555 (1992)

Act of December 28, 1973 (87 Stat. 900)

Provision of the Endangered Species Act of 1973 that authorizes citizen suits to enjoin an agency from violating provisions of the act as applied to individuals who have not otherwise suffered a justiciable injury is in conflict with federal judicial jurisdiction fixed by Article III, § 2.

Dissent: Blackmun, O'Connor

266. *New York v. United States*, 505 U.S. 144 (1992)

Act of January 15, 1986 (99 Stat. 1850)

Provision of the Low-Level Radioactive Waste Policy Amendments Act of 1985 that that required states to take title and dispose of radioactive waste within their borders is inconsistent with the general principles of federalism recognized in the Tenth Amendment.

Dissent: White, Blackmun, Stevens

267. *United States v. X-Citement Video*, 513 U.S. 64 (1994)

Act of February 6, 1978 (99 Stat. 1850)

Provision of the Protection of Children against Sexual Exploitation Act that prohibits knowingly distributing a visual depiction of a minor engaged in sexual conduct read to apply to distributors who did not know a minor was depicted is inconsistent with the protection for freedom of speech in the First Amendment.

Dissent: Scalia, Thomas

268. *Lebron v. National Railroad Passenger Corp.*, 513 U.S. 374 (1995)

Act of October 30, 1970 (84 Stat. 1330)

Provision of the Rail Passenger Service Act of 1970 that created Amtrak rendered it an instrumentality of the federal government such that its prohibition on political advertising is inconsistent with the protection for freedom of speech in the First Amendment.

Dissent: O'Connor

269. *United States v. National Treasury Employees Union*, 513 U.S. 454 (1995)

Act of November 30, 1989 (103 Stat. 1767)

Provision of the Ethics Reform Act of 1989 that prohibits government employees from accepting an honorarium for speaking or writing is inconsistent with the protection for freedom of speech in the First Amendment.

Dissent: Rehnquist, Scalia, Thomas

270. *Plaut v. Spendthrift Farm*, 514 U.S. 211 (1995)

Act of December 19, 1991 (105 Stat. 2236)

Provision of the Federal Deposit Insurance Corporation Improvement Act of 1991 that required courts to reinstate cases dismissed under the Supreme Court's decision in *Lampf v. Gilbertson* is in conflict with the judicial power vested by Article III, § 1.

Dissent: Stevens, Ginsburg

271. *Rubin v. Coors Brewing Co.*, 514 U.S. 476 (1995)

Act of August 29, 1935 (49 Stat. 977)

Provision of the Federal Alcohol Administration Act that prohibits the disclosure of alcohol content on beer labels is inconsistent with the protection for freedom of speech in the First Amendment.

272. *United States v. Lopez*, 514 U.S. 549 (1995)

Act of September 13, 1994 (108 Stat. 1796)

Provision of the Violent Crime Control and Law Enforcement Act of 1994 that prohibited the possession of a firearm within a school zone exceeds the power to regulate commerce among the several states provided by Article I, § 8.

Dissent: Breyer, Stevens, Souter, Ginsburg

273. *Ryder v. United States*, 515 U.S. 177 (1995)

Act of August 10, 1956 (70A Stat. 1126)

Provision of the Revision of the Code relating to the Armed Services that allowed civilians to be appointed to a Coast Guard court is in conflict with the appointment power vested in the president and Senate by Article II, § 2.

274. *Seminole Tribe v. Florida*, 517 U.S. 44 (1996)

Act of October 17, 1988 (102 Stat. 2475)

Provision of the Indian Gambling Regulatory Act that authorized lawsuits against a state for violating a good faith negotiations requirements is inconsistent with state sovereign immunity recognized in the Eleventh Amendment.

Dissent: Stevens, Souter, Ginsburg, Breyer

275. *United States v. International Business Machine*, 517 U.S. 843 (1996)

Act of August 16, 1954 (68A Stat. 521)

Provision of the Renegotiation Act Extension that taxed insurance premiums paid to foreign insurers on exports from the United States is in conflict with the prohibition on taxes on exports in Article I, § 9.

Dissent: Kennedy, Ginsburg

276. *Colorado Republican Federal Campaign Committee v. Federal Election Commission*, 518 U.S. 604 (1996)

Act of May 11, 1976 (90 Stat. 486)

Provision of the Federal Election Campaign Act Amendments of 1976 that limits how much a political party can spend in support of a congressional candidate is inconsistent with the protection for freedom of speech in the First Amendment.

Dissent: Stevens, Ginsburg

277. *Denver Area Educational Telecommunications Consortium v. Federal Communications Commission*, 518 U.S. 727 (1996)

Act of October 5, 1992 (106 Stat. 1486)

Provision of the Cable Television Consumer Protection and Competition Act of 1992 that allowed cable operators to ban offensive programming on public access channels is inconsistent with the protection for freedom of speech in the First Amendment.

Dissent: Thomas, Rehnquist, Scalia

278. *Babbitt v. Youpee*, 519 U.S. 234 (1997)

Act of October 30, 1984 (98 Stat. 3173)

Provision of the Indian Land Consolidation Act Amendments that prohibited descent of fractional interests in Indian land allotments is in conflict with the Fifth Amendment prohibition on takings of private property for public use without just compensation.

Dissent: Stevens

279. *City of Boerne v. Flores*, 521 U.S. 507 (1997)

Act of November 16, 1993 (107 Stat. 1488)

Provision of the Religious Freedom Restoration Act of 1993 that prohibited state governments from substantially burdening religious free exercise without a compelling government interest and by the least restrictive means is not consistent with the enforcement power vested in Congress in the Fourteenth Amendment, § 5

Dissent: O'Connor, Souter, Breyer

280. *Reno v. American Civil Liberties Union*, 521 U.S. 844 (1997)

Act of February 8, 1996 (110 Stat. 56)

Provision of the Telecommunications Act of 1996 that prohibited the transmission of indecent messages over the internet is inconsistent with the protection for freedom of speech in the First Amendment.

281. *Printz v. United States*, 521 U.S. 898 (1997)

Act of November 30, 1993 (107 Stat. 1536)

Provision of the Brady Handgun Violence Prevention Act that required local law enforcement to perform background checks for gun purchases is inconsistent with general principles of federalism.

Dissent: Stevens, Souter, Ginsburg, Breyer

282. *Feltner v. Columbia Pictures TV*, 523 U.S. 340 (1998)

Act of October 19, 1976 (90 Stat. 2585)

Provision of the U.S. Copyright Act of 1976 that provided statutory damages for copyright violations as applied to a bench trial is in conflict with the Seventh Amendment prohibition on deprivation of the right of trial by jury.

283. *United States v. United States Shoe Corp.*, 523 U.S. 360 (1998)

Act of November 17, 1986 (100 Stat. 4082)

Provision of the Water and Resources Development Act of 1986 that imposed a fee on commercial cargo shipped through an American port is in conflict with the prohibition on taxes on exports in Article I, § 9.

284. *United States v. Bajakajian*, 524 U.S. 321 (1998)

Act of October 27, 1986 (100 Stat. 3207)

Provision of the Anti-Drug Abuse Act of 1986 that provided for the forfeiture of any property involved in the offense of attempting to leave the country with unreported cash is in conflict with the prohibition on excessive fines contained in the Eighth Amendment.

Dissent: Kennedy, Rehnquist, O'Connor, Scalia

285. *Clinton v. City of New York*, 524 U.S. 417 (1998)

Act of April 9, 1996 (110 Stat. 1200)

Provision of the Line Item Veto Act that authorized the president to cancel individual appropriations is inconsistent with the procedures for making new law contained in Article I, § 7.

Dissent: Breyer, O'Connor, Scalia

286. *Eastern Enterprise v. Apfel*, 524 U.S. 498 (1998)

Act of October 24, 1992 (106 Stat. 3037)

Provision of the Energy Policy Act of 1992 that assessed charges to fund retirement benefit system for coal miners as applied to a company that had sold its interests in coal mining is in conflict with the Fifth Amendment prohibition on takings of private property for public use without just compensation.

Dissent: Stevens, Souter, Ginsburg, Breyer

287. *Saenz v. Roe*, 526 U.S. 489 (1999)

Act of August 22, 1996 (110 Stat. 2105)

Provision of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 that authorized states to pay the benefit rate of the former state to individuals receiving income assistance who had been resident of the paying state for less than twelve months is inconsistent with the right to travel secured by the privileges or immunities clause of the Fourteenth Amendment, § 1.

Dissent: Rehnquist, Thomas

288. *Greater New Orleans Broadcasting Association v. United States*, 527 U.S. 173 (1999)

Act of November 7, 1988 (102 Stat. 3206)

Provision of the Charity Games Advertising Clarification Act of 1988 that prohibits advertising of lawful privately-held casino gambling is inconsistent with the protection for freedom of speech in the First Amendment.

289. *Florida Prepaid Postsecondary Educational Expense Board v. College Savings Bank*, 527 U.S. 627 (1999)

Act of October 28, 1992 (106 Stat. 4230)

Provision of the Patent and Plant Variety Protection Remedy Clarification Act that authorizes private suits against state governmental entities for patent infringement is inconsistent with state sovereign immunity recognized in the Eleventh Amendment.

Dissent: Stevens, Souter, Ginsburg, Breyer

290. *College Savings Bank v. Florida Prepaid Postsecondary Educational Expense Board*, 527 U.S. 666 (1999)

Act of October 27, 1992 (106 Stat. 3567)

Provision of the Trademark Remedy Clarification Act that authorizes private suits against state governmental entities for product misrepresentation is inconsistent with state sovereign immunity recognized in the Eleventh Amendment.

Dissent: Breyer, Stevens, Souter, Ginsburg

291. *Alden v. Maine*, 527 U.S. 706 (1999)

Act of April 8, 1974 (88 Stat. 55)

Provision of the Fair Labor Standards Amendments of 1974 that authorizes private suits against state governmental entities for unfair labor practices is inconsistent with state sovereign immunity recognized in the Eleventh Amendment.

Dissent: Souter, Stevens, Ginsburg, Breyer

292. *Kimel v. Florida Board of Regents*, 528 U.S. 62 (2000)

Act of April 8, 1974 (88 Stat. 61)

Provision of the Fair Labor Standards Amendments of 1974 that authorizes private suits against state governmental entities for age discrimination is inconsistent with state sovereign immunity recognized in the Eleventh Amendment.

Dissent: Stevens, Souter, Ginsburg, Breyer

293. *United States v. Morrison*, 529 U.S. 598 (2000)

Act of September 13, 1994 (108 Stat. 1941)

Provision of the Violent Crime Control and Law Enforcement Act of 1994 that provides for a federal civil remedy for victims of gender-motivated violence exceeds the power to regulate commerce among the several states provided by Article I, § 8 and is not consistent with the enforcement power vested in Congress in the Fourteenth Amendment, § 5.

Dissent: Breyer, Stevens, Souter, Ginsburg

294. *United States v. Playboy Entertainment Group, Inc.*, 529 U.S. 803 (2000)

Act of February 8, 1996 (110 Stat. 136)

Provision of the Telecommunications Act of 1996 that required cable operators to fully block sexually-oriented cable channels during daytime hours is inconsistent with the protection for freedom of speech in the First Amendment.

Dissent: Breyer, O'Connor, Rehnquist, Scalia

295. *Jones v. United States*, 529 U.S. 848 (2000)

Act of October 12, 1982 (96 Stat. 1313)

Provision of the Anti-Arson Act of 1982 that prohibited damaging by means of fire any building used in interstate commerce as applied to a private residence exceeds the power to regulate commerce among the several states provided by Article I, § 8.

296. *Dickerson v. United States*, 530 U.S. 428 (2000)

Act of June 19, 1968 (82 Stat. 210)

Provision of the Omnibus Crime Control and Safe Streets Act of 1968 that directed that confessions be admissible in criminal proceedings if voluntarily given is inconsistent with the requirements of the Fifth Amendment self-incrimination clause.

Dissent: Scalia, Thomas

297. *Solid Waste Agency v. United States Army Corps of Engineers*, 531 U.S. 159 (2001)

Act of October 18, 1972 (86 Stat. 884)

Provision of the Federal Water Pollution Control Act Amendments of 1972 that authorized the Army Corps of Engineers to issue permits for discharging material into navigable waters as applied to any water that could be a habitat for migratory birds exceeds the power to regulate commerce among the several states provided by Article I, § 8.

Dissent: Stevens, Souter, Ginsburg, Breyer

298. *Board of Trustees of the University of Alabama v. Garrett*, 531 U.S. 356 (2001)

Act of July 26, 1990 (104 Stat. 330)

Provision of the Americans with Disabilities Act of 1990 that authorized suits for money damages for violations of the act as applied to suit by state employees against a state agency is inconsistent with state sovereign immunity recognized in the Eleventh Amendment.

Dissent: Breyer, Stevens, Souter, Ginsburg

299. *Legal Services Corporation v. Velazquez*, 531 U.S. 533 (2001)

Act of April 26, 1996 (110 Stat. 1321)

Provision of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 that prohibits Legal Services Corporation funding of organizations to challenge existing welfare laws is in conflict with the protection for freedom of speech in the First Amendment.

Dissent: Scalia, Rehnquist, O'Connor, Thomas

300. *Bartnicki v. Vopper*, 532 U.S. 514 (2001)

Act of June 19, 1968 (82 Stat. 211)

Provision of the Omnibus Crime Control and Safe Streets Act of 1968 that prohibits the disclosure of the contents of an illegally intercepted electronic communication as applied to matters of public concern is in conflict with the protection for freedom of speech in the First Amendment.

Dissent: Rehnquist, Scalia, Thomas

301. *United States v. Hatter*, 532 U.S. 557 (2001)

Act of April 20, 1983 (97 Stat. 69)

Provision of the Social Security Amendments of 1983 that withheld Social Security taxes from judicial salaries as applied to then-sitting judges is inconsistent with prohibition on diminution of the judicial salaries in Article III, § 1.

Dissent: Thomas

302. *Immigration and Nationalization Service v. St. Cyr*, 533 U.S. 289 (2001)

Act of April 24, 1996 (110 Stat. 1214)

Provision of the Antiterrorism and Effective Death Penalty Act of 1996 that restricted the class of aliens who could claim relief from deportation strip the courts of jurisdiction to hear such cases is inconsistent with inconsistent with the suspension clause in Article I, § 9.

Dissent: Scalia, O'Connor, Rehnquist, Thomas

303. *United States v. United Foods*, 533 U.S. 405 (2001)
Act of November 28, 1990 (104 Stat. 3854)
Provision of the Food, Agriculture, Conservation, and Trade Act of 1990 that mandated that mushroom handlers pay assessments to fund advertisements for mushroom sales is in conflict with the protection for freedom of speech in the First Amendment.
Dissent: Breyer, O'Connor, Ginsburg
304. *Zadvydas v. Immigration and Nationalization Service*, 533 U.S. 678 (2001)
Act of September 30, 1996 (110 Stat. 3009)
Provision of the Omnibus Consolidated Appropriations Act of 1997 that authorized an indefinite detention of removable aliens is in conflict with the Fifth Amendment prohibition on the deprivation of liberty without due process of law.
Dissent: Kennedy, Rehnquist, Scalia, Thomas
305. *Ashcroft v. Free Speech Coalition*, 535 U.S. 234 (2002)
Act of September 30, 1996 (110 Stat. 3009)
Provision of the Omnibus Consolidated Appropriations Act of 1997 that prohibits visual depictions that appear to be a minor engaged in sexual acts is in conflict with the protection for freedom of speech in the First Amendment.
Dissent: O'Connor, Rehnquist, Scalia
306. *Thompson v. Western States Medical Center*, 535 U.S. 357 (2002)
Act of November 21, 1997 (111 Stat. 2328)
Provision of the Food and Drug Administration Modernization Act of 1997 that exempted compounded drugs from standard drug approval requirements only if the drug is not advertised is in conflict with the protection for freedom of speech in the First Amendment.
Dissent: Breyer, Rehnquist, Stevens, Ginsburg
307. *Federal Maritime Commission v. South Carolina State Ports Authority*, 535 U.S. 743 (2002)
Act of March 20, 1984 (98 Stat. 67)
Provision of the Shipping Act of 1984 that authorized suits for violations as applied to a private party's suit against a state-run port is inconsistent with state sovereign immunity recognized in the Eleventh Amendment.
Dissent: Stevens, Souter, Ginsburg, Breyer
308. *BE & K Construction Company v. National Labor Relations Board*, 536 U.S. 516 (2002)
Act of June 23, 1947 (61 Stat. 158)
Provision of the Taft-Hartley Act that authorizing to sanction unfair labor practices as applied to an employer lawsuit is in conflict with the protection for freedom of petitioning in the First Amendment.
309. *Khanh Phoung Nguyen v. United States*, 539 U.S. 69 (2003)
Act of August 25, 1958 (72 Stat. 848)
Provision of act amending court of appeals that authorized assignment of district court judges to appellate panels as applied to non-Article III judges in territories is in conflict with the judicial power vested by Article III, § 1.
Dissent: Rehnquist, Scalia, Ginsburg, Breyer

310. *McConnell v. Federal Election Commission*, 540 U.S. 93 (2003)
Act of March 27, 2002 (116 Stat. 81)
Provision of the Bipartisan Campaign Reform Act that bans political contributions by minors and that requires political parties to choose between coordinated and independent expenditures on behalf of party nominees is in conflict with the protection for freedom of speech in the First Amendment.
Dissent: Rehnquist, Scalia, Kennedy, Thomas
311. *Hamdi v. Rumsfeld*, 542 U.S. 507 (2004)
Act of September 18, 2001 (115 Stat. 224)
Provision of the Authorization for the Use of Military Force that authorized indefinite detention of enemy combatants as applied to an American citizen is in conflict with the Fifth Amendment prohibition on the deprivation of liberty without due process of law.
Dissent: Scalia, Stevens, Thomas
312. *United States v. Booker*, 543 U.S. 220 (2005)
Act of October 12, 1984 (98 Stat. 1987)
Provision of the Controlled Substances Penalties Amendment Act that provided for a sentencing enhancement based on a judge's determination of facts is inconsistent with Sixth Amendment jury trial requirements.
Dissent: Breyer, Rehnquist, O'Connor, Kennedy
313. *Clark v. Martinez*, 543 U.S. 371 (2005)
Act of September 30, 1996 (110 Stat. 3009)
Provision of the Omnibus Consolidated Appropriations Act of 1997 that authorized an indefinite detention of inadmissible aliens is in conflict with the Fifth Amendment prohibition on the deprivation of liberty without due process of law.
Dissent: Rehnquist, Thomas
314. *Cherokee Nation v. Leavitt*, 543 U.S. 631 (2005)
Act of October 21, 1998 (112 Stat. 2681)
Provision of the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999 that limited payments of contract support costs to Indian tribes to available appropriated funds is in conflict with the Fifth Amendment prohibition on deprivation of property without due process of law.
315. *Shepard v. United States*, 544 U.S. 13 (2005)
Act of October 12, 1984 (98 Stat. 2185)
Provision of the Armed Career Criminals Act that enhanced sentencing for those with past violent felony convictions is inconsistent with Sixth Amendment jury trial requirements.
Dissent: O'Connor, Kennedy, Breyer
316. *Federal Election Commission v. Wisconsin Right to Life, Inc.*, 551 U.S. 449 (2007)
Act of March 27, 2002 (116 Stat. 81)
Provision of the Bipartisan Campaign Reform Act that prohibited expenditure of corporate funds on political advertisements within 60 days of an election is in conflict with the protection for freedom of speech in the First Amendment.

Dissent: Stevens, Souter, Ginsburg, Breyer

317. *Boumediene v. Bush*, 553 U.S. 723 (2008)

Act of October 17, 2006 (120 Stat. 2600)

Provision of the Military Commissions Act that eliminated federal court jurisdiction over habeas petitions from detainees in Guantanamo Bay is inconsistent with the suspension clause in Article I, § 9.

Dissent: Scalia, Thomas, Roberts, Alito

318. *Davis v. Federal Election Commission*, 554 U.S. 724 (2008)

Act of March 27, 2002 (116 Stat. 81)

Provision of the Bipartisan Campaign Reform Act that raised the contribution limit for candidates running against candidate who were self-financing their electoral campaigns is in conflict with the protection for freedom of speech in the First Amendment.

Dissent: Stevens, Souter, Ginsburg, Breyer

319. *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010)

Act of March 27, 2002 (116 Stat. 81)

Provision of the Bipartisan Campaign Reform Act that prohibits corporations from spending money from their general treasuries on electioneering communications is in conflict with the protection for freedom of speech in the First Amendment.

Dissent: Stevens, Ginsburg, Breyer, Sotomayor

320. *United States v. Stevens*, 559 U.S. 460 (2010)

Act of December 9, 1999 (113 Stat. 1732)

Provision of the act to punish the depiction of animal cruelty that prohibited selling depictions of animal cruelty is in conflict with the protection for freedom of speech in the First Amendment.

Dissent: Alito

321. *Free Enterprise Fund and Beckstead and Watts v. Public Company Accounting Oversight Board*, 561 U.S. 477 (2010)

Act of July 30, 2002 (116 Stat. 745)

Provision of the Sarbanes-Oxley Act that established an oversight board doubly insulated from presidential removal is in conflict with the executive power vested in the president by Article II, § 1.

Dissent: Breyer, Stevens, Ginsburg, Sotomayor

322. *Stern v. Marshall*, 564 U.S. 462 (2011)

Act of July 10, 1984 (98 Stat. 340)

Provision of the Bankruptcy Amendments and Federal Judgeship Act that authorized bankruptcy judges to resolve counterclaims tangentially related to bankruptcy is in conflict with the judicial power vested by Article III, § 1.

Dissent: Breyer, Ginsburg, Sotomayor, Kagan

323. *Pepper v. United States*, 562 U.S. 476 (2011)

Act of March 30, 2003 (117 Stat. 670)

Provision of the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act that imposed limitation on consideration of post-conviction behavior in sentencing is inconsistent with Sixth Amendment jury trial requirements.

Dissent: Thomas, Alito

324. *Sossamon v. Texas*, 563 U.S. 277 (2011)

Act of September 22, 2000 (114 Stat. 803)

Provision of the Religious Land Use and Institutionalized Persons Act that authorized suits for violations of religious liberty as applied to a damage suit against individual state officials exceeded the spending power in Article I, § 8 and is inconsistent with state sovereign immunity recognized in the Eleventh Amendment.

Dissent: Sotomayor, Breyer

325. *Coleman v. Court of Appeals of Maryland*, 566 U.S. 30 (2012)

Act of February 5, 1993 (107 Stat. 6)

Provision of the Family and Medical Leave Act that authorized employment-related lawsuits as applied to the employee of a state agency is inconsistent with state sovereign immunity recognized in the Eleventh Amendment.

Dissent: Ginsburg, Breyer, Sotomayor, Kagan

326. *United States v. Alvarez*, 567 U.S. 709 (2012)

Act of December 20, 2006 (120 Stat. 3266)

Provision of the Stolen Valor Act that makes it a crime to falsely claim receipt of military honors is in conflict with the protection for freedom of speech in the First Amendment.

Dissent: Alito, Scalia, Thomas

327. *National Federation of Independent Business v. Sebelius*, 567 U.S. 519 (2012)

Act of March 23, 2010 (124 Stat. 119)

Provision of the Patient Protection and Affordable Care Act that conditioned receipt of Medicaid funding on a state adopting new eligibility requirements for program exceeds the spending power in Article I, § 8 and is inconsistent with the general principles of federalism and state sovereignty.

Dissent: Ginsburg, Sotomayor, Breyer, Kagan

328. *Hosanna-Tabor Evangelical Lutheran Church and School v. Equal Employment Opportunity Commission*, 565 U.S. 171 (2012)

Act of July 26, 1990 (104 Stat. 327)

Provision of the Americans with Disabilities Act that authorized employment-related lawsuits as applied to teacher at religious elementary school is in conflict with protection for the free exercise of religion in the First Amendment.

329. *Peugh v. United States*, 569 U.S. 530 (2013)

Act of April 30, 2003 (117 Stat. 650)

Provision of the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act that revised mandatory sentencing guidelines as applied to an offense that occurred before the issuance of the new guidelines is in conflict with the prohibition on ex post facto laws.

Dissent: Thomas, Alito, Scalia, Roberts

330. *Agency for International Development v. Alliance for Open Society International*, 570 U.S. 205 (2013)
Act of May 27, 2003 (117 Stat. 711)
Provisions of the United States Leadership Against HIV/AIDS Act that conditioned funding to non-governmental organizations on their adopting a policy explicitly opposing prostitution is in conflict with the protection for freedom of speech in the First Amendment.
Dissent: Scalia, Thomas
331. *Shelby County v. Holder*, 570 U.S. 529 (2013)
Act of July 27, 2006 (120 Stat. 577)
Provision of the Voting Rights Act Reauthorization and Amendments Act that retains a federal preclearance requirement on changes in election rules for some states exceeds the enforcement power vested in Congress in the Fifteenth Amendment, § 2 and is inconsistent with the general principles of federalism and equal sovereignty of the states.
Dissent: Ginsburg, Breyer, Sotomayor, Kagan
332. *United States v. Windsor*, 570 U.S. 744 (2013)
Act of September 21, 1996 (110 Stat. 2419)
Provision of the Defense of Marriage Act that defines “marriage” in federal law as the legal union between one man and one woman is in conflict with the equal protection requirements of the due process clause of the Fifth Amendment.
Dissent: Roberts, Scalia, Thomas, Alito
333. *McCutcheon v. Federal Election Commission*, 572 U.S. 185 (2014)
Act of March 27, 2002 (116 Stat. 81)
Provision of the Bipartisan Campaign Reform Act that limits the amount of money an individual can contribute to political campaigns during a two-year election cycle is in conflict with the protection for freedom of speech in the First Amendment.
Dissent: Ginsburg, Breyer, Sotomayor, Kagan
334. *Zivotofsky v. Kerry*, 576 U.S. 1059 (2015)
Act of September 30, 2002 (116 Stat. 1350)
Provision of the United States Policy with Respect to Jerusalem as the Capital of Israel that directs that American passports for individuals born in Jerusalem list Israel as their country of birth is in conflict with the ambassador reception clause of Article II, § 3.
Dissent: Roberts, Scalia, Thomas, Alito
335. *Johnson v. United States*, 576 U.S. 591 (2015)
Act of October 12, 1984 (98 Stat. 2185)
Provision of the Armed Career Criminals Act that provided enhanced sentencing when the crimes involve “violent felonies” is unconstitutionally vague and in conflict with Fifth Amendment prohibition on deprivation of liberty without due process.
Dissent: Alito
336. *Luis v. United States*, 136 S.Ct. 1083 (2016)
Act of November 29, 1990 (104 Stat. 4844)

Provision of the Gun Control Act that allowed pretrial restraint of the assets not directly related to a fraud charge is inconsistent with the Sixth Amendment right to obtain a counsel of choice.

Dissent: Kennedy, Alito, Kagan

337. *Welch v. United States*, 136 S.Ct. 1257 (2016)

Act of October 12, 1984 (98 Stat. 2185)

Provision of the Armed Career Criminals Act that provided for enhanced sentencing when the crimes involve “conduct that presents a serious potential risk of physical injury to another” is unconstitutionally vague and in conflict with Fifth Amendment prohibition on deprivation of liberty without due process and since this is a substantive rule of criminal procedure it is retroactive.

Dissent: Thomas

338. *Sessions v. Morales-Santana*, 137 S.Ct. 1678 (2017)

Act of June 27, 1952 (66 Stat. 163)

Provision of the Immigration and Nationality Act that distinguished the circumstances in which the child of an unwed American citizen could claim American citizenship depending on the physical presence of the citizen in the United States is in conflict with the equal protection requirements of the due process clause of the Fifth Amendment.

Dissent: Thomas

339. *Matal v. Tam*, 137 S.Ct. 1744 (2017)

Act of July 5, 1946 (60 Stat. 427)

Provision of the Lanham Act that prohibits registration of trademarks that “disparage” persons or beliefs is in conflict with the protection for freedom of speech in the First Amendment.

340. *Sessions v. Dimaya*, 138 S.Ct. 1204 (2018)

Act of October 12, 1984 (98 Stat. 2136)

Provision of the Comprehensive Crime Control Act of 1984 that authorized deportation of aliens convicted of a “crime of violence” is unconstitutionally vague and in conflict with Fifth Amendment prohibition on deprivation of liberty without due process of law.

Dissent: Roberts, Kennedy, Thomas, Alito

341. *Murphy v. National Collegiate Athletic Association*, 138 S.Ct. 1461 (2018)

Act of October 28, 1992 (106 Stat. 4227)

Provision of the Professional and Amateur Sports Protection Act that prohibited state-sanctioned sports-gambling is inconsistent with general principles of federalism.

Dissent: Ginsburg, Breyer, Sotomayor

342. *Carpenter v. United States*, 138 S.Ct. 2206 (2018)

Act of October 26, 2001 (115 Stat. 272)

Provision of the USA PATRIOT Act that authorized law enforcement to obtain transactional records related to phone numbers without a search warrant is inconsistent with the Fourth Amendment search and seizure clause.

Dissent: Kennedy, Thomas, Alito, Gorsuch

345. *United States v. Davis*, 139 S.Ct. 2319 (2019)

Act of October 12, 1984 (98 Stat. 1976)

Provision of the Comprehensive Crime Control Act of 1984 that provides for enhanced penalties for using a firearm during the commission of a “crime of violence” is unconstitutionally vague and delegates legislative authority to prosecutors in a manner inconsistent with vesting of legislative power in Congress in Article I, § 1 and in conflict with Fifth Amendment prohibition on deprivation of liberty without due process of law.

Dissent: Roberts, Thomas, Alito, Kavanaugh.

346. *United States v. Haymond*, 139 S.Ct. 2369 (2019)

Act of June 27, 2006 (120 Stat. 590)

Provision of the Sex Offenders Registration and Notification Act that imposes a mandatory minimum sentence upon a finding of certain acts by a preponderance of the evidence is in conflict with Fifth Amendment and Sixth Amendment jury trial requirements.

Dissent: Roberts, Thomas, Alito, Kavanaugh.

347. *Iancu v. Brunetti*, 139 S.Ct. 2294 (2019)

Act of July 5, 1946 (60 Stat. 427)

Provision of the Lanham Act that prohibits registration of trademarks that are “immoral” or “scandalous” is in conflict with the protection for freedom of speech in the First Amendment.

348. *Seila Law LLC v. Consumer Financial Protection Bureau*, 140 S.Ct. 2183 (2020)

Act of July 21, 2010 (124 Stat. 1376)

Provision of the Dodd-Frank Wall Street Reform and Consumer Protection Act that specifies that the director of the Consumer Financial Protection Bureau can only be removed for inefficiency, neglect or malfeasance is in conflict with the executive power vested in the president by Article II, § 1.

Dissent: Ginsburg, Breyer, Sotomayor, Kagan.

349. *Allen v. Cooper*, 140 S.Ct. 1649 (2020)

Act of October 28, 1992 (106 Stat. 4230)

Provision of the Copyright Remedy Clarification Act that included state governments as potential infringers of copyright exceeds congressional power under the intellectual property clause of Article I, § 8 and in conflict with state sovereign immunity recognized in the Eleventh Amendment.

350. *Barr v. American Association of Political Consultants*, 140 S.Ct. 2335 (2020)

Act of November 2, 2015 (129 Stat. 588)

Provision of the Bipartisan Budget Act of 2015 that created government-debt collection exception to general ban on robocalls is in conflict with the protection for freedom of speech in the First Amendment.

Dissent: Ginsburg, Breyer, Kagan.

351. *Collins v. Yellen*, 141 S.Ct. 1761 (2021)

Act of July 30, 2008 (122 Stat. 2654)

Provision of the Housing and Economic Recovery Act that specifies that the director of the Federal Housing Finance Agency can only be removed “for cause” is in conflict with the executive power vested in the president by Article II, § 1.

352. *United States v. Arthex, Inc.*, 141 S.Ct. 1970 (2021)

Act of September 16, 2011 (125 Stat. 284)

Provision of the Leahy-Smith America Invents Act that authorizes director of U.S. Patent and Trademark Office to appoint administrative patent judges is in conflict with the appointment power vested in the president and Senate by Article II, § 2.

Dissent: Thomas, Breyer, Sotomayor, Kagan

353. *Federal Elections Commission v. Cruz*, 142 S.Ct. 1638 (2022)

Act of March 27, 2002 (116 Stat. 81)

Provision of the Bipartisan Campaign Reform Act that limits the amount of post-election contributions that may be used to repay a candidate who lends money to his own campaign is in conflict with the protection for freedom of speech in the First Amendment.

Dissent: Kagan, Breyer, Sotomayor