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◆	A. L. A. Schechter Poultry Corp.	v. U.S.	295 U.S.	495	1935
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◆	Alabama State Federation of Labor	v. McAdory	325 U.S.	450	1945
◆	Associated Press	v. U.S.	326 U.S.	1	1945
◆	In re	Yamashita	327 U.S.	1	1946
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◆	Lamont	v. Postmaster General	381 U.S.	301	1965
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◆		Hunt	v. Washington State Apple Advertising Comm.	432 U.S.	333	1977
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◆	Hafer	v. Melo	502 U.S.	21	1991
◆	U.S.	v. Williams	504 U.S.	36	1992
◆	Lujan	v. Defenders of Wildlife	504 U.S.	555	1992
◆	Soldal	v. Cook County	506 U.S.	56	1992
◆	Staples	v. U.S.	511 U.S.	600	1994
◆	McIntyre	v. Ohio Elections Comm'n	514 U.S.	334	1995
◆	U.S.	v. Lopez	514 U.S.	549	1995
◆	Bennis	v. Michigan	517 U.S.	1163	1996
◆	Caron	v. U.S.	524 U.S.	308	1998

## **Synopsis**

Decisions of courts under Article III not subject to revision by legislative or executive action.

Held that supreme or sovereign power was retained by citizens themselves, not by the "artificial person" of the State of Georgia. The Constitution made clear that controversies between individual states and citizens of other states were under the jurisdiction of federal courts. State conduct was subject to federal judicial review. Reaction produced the Eleventh Amendment, intended to prevent cases of this kind.

Jury has power to judge law in bringing general verdict.

Sustained a tax on carriages as one on their "use" and therefore an "excise", subject only to the rule of uniformity, and not a "direct" tax subject to the rule of apportionment by population.

Struck down a state statute that impaired the execution of a treaty, based on Supremacy Clause, but refused to pass on the question whether a treaty had been broken, as an improper interference with executive discretion under the separations of powers principle.

Congress may propose amendments to the Constitution by concurrent resolution, not requiring signature by the President.

Every law, which makes criminal an act that was innocent when done, or which inflicts a greater punishment than the law annexed to the crime when committed, is an ex post facto law within the prohibition of the Constitution. Ex post facto clause applies only to penal and criminal statutes.

Courts must not sustain unconstitutional acts of government.

Power to suspend habeas corpus vested only in Congress, but "the power to award the writ by any of the courts of the United States, must be given by written law."

Established standards of evidence for treason.

"That invisible, intangible, and artificial being, that mere legal entity, a corporation aggregate, is certainly not a citizen; and consequently cannot sue or be sued in the courts of the United States, unless the rights of the members, in this respect, can be exercised in their corporate name."

Held that the contracts clause protected public grants. The first case in which the Supreme Court held a state enactment to be in conflict with the Constitution.

Courts have no jurisdiction over common law crimes, but have inherent power to punish for contempt.

Congress may legislate contingently, leaving to others the task of ascertaining the facts that bring its declared policy into operation. The revival of a law upon the issuance of a presidential proclamation was upheld.

Constitution emanated from the people and was not the act of sovereign and independent States.

A State is without power to enforce any law governing bankruptcies, which impairs the obligation of contracts.

National Bank was tax-exempt federal agency. Constitution emanated from the people and was not the act of sovereign and independent States.

A militiaman who refused to obey a militia call-up was not "employed in the service of the United States so as to be subject to the article of war", but was liable to be tried for disobedience of the act of 1795.

Either branch of the legislature may attach and punish a person other than a member for contempt of its authority. Imprisonment by one of the Houses of Congress could not extend beyond the adjournment of the body which ordered it. Led to Act of January 24, 1857, 11 Stat. 155, which established penalties for contempt of Congress. With only minor modification, this statute is now 2 U.S.C. Sec. 192.

Established two classes of jurisdiction, the first based on character of the cause (federal question), the second based on the character of the parties.

Expanded definition of "commerce" from only transport and sale of tangible commodities to include "traffic", "navigation" or "commercial intercourse", and every species of movement of persons and things, whether for profit or not, across state lines. Expanded definition of "regulate" to be considered "plenary as to those objects".

Nondelegation doctrine based on separation of powers. The federal courts may establish rules of practice, provided such rules were not repugnant to the laws of the United States. Judicial power to make rules of procedure derived from, and subject to, congressional regulation.

Act of Congress to be presumed constitutional until proven otherwise. Narrowed by *Kovacs v. Cooper*, 336 U.S. 77 (1949)

Congress authorized to create "legislative" (Article I) courts, as distinct from "constitutional" (Article III) courts, with judicial powers, and jurisdiction in non-state territories. Resulting powers. Government has powers which result from the whole mass of the powers of the National Government, and from the nature of political society, beyond those which are a consequence or incident of the powers specially enumerated.

Denied a challenge of a state law authorizing the building of a dam across a navigable creek, claiming the law was in conflict with the federal power to regulate interstate commerce, saying that the state act could not be "considered as repugnant to the [federal] power to regulate commerce in its domant state[.]" (Origin of "dormant commerce clause" doctrine.)

Upheld rights of Cherokees to remain in Georgia and retain their lands, and struck down state actions intended to deprive them of such lands, but Pres. Jackson refused to comply with court order, and allowed Cherokees to be driven out.

Defined legal nature of a pardon as a grant of relief from enforcement of a court sentence. Federal courts do not have jurisdiction in cases in which a citizen sues his state for violation of any of the Bill of Rights.

The United States is "not suable of common right, the party who institutes such suit must bring his case within the authority of some act of Congress." Established doctrine of sovereign immunity for federal government.

Upheld prosecution for violation of a regulation rather than the act itself.

"[T]he distribution and appropriate exercise of the judicial power must ... be made by laws passed by Congress. ..."

When judge and jury disagree on a question of law, the decision of the judge prevails.

Previously, the decision of the jury prevailed.

Enabled judge to decide cases without a jury.

The power to regulate commerce did not imply the power to prohibit it.

"[A] corporation created by and doing business in a particular State, is to be deemed to all intents and purposes as a person, although an artificial person, an inhabitant of the same State, for the purposes of its incorporation, capable of being treated as a citizen of that State, as much as a natural person."

Found that the Rhode Island legislature had been authorized to resort to the rights and usages of war in combating insurrection in that State, and that state declarations of martial law were conclusive and therefore not subject to judicial review, but properly within the discretion of Congress and the President. But the "insurrection", Dorr's Rebellion, was an attempt to compel compliance with state constitution by noncompliant state government, after exhausting lesser remedies.

Created a conclusive presumption that all of the stockholders of a corporation are citizens of the State of incorporation, for purposes of representing them as a single corporate person.

Sustained tax assessment and collection as executive acts which may be decided in Article I court.

The power of the federal courts to admit and disbar attorneys rests on the common law from which it was originally derived.

Held rights protected by Constitution apply to citizens rather than persons, and that blacks and their descendants were not embraced within the term "citizen" as used in the Constitution.

In all cases where original jurisdiction is given by the Constitution, the Supreme Court has authority "to exercise it without further act of Congress to regulate its powers or confer jurisdiction..."

Sustained the blockade of the Southern ports instituted by Lincoln in 1861, without a declaration of war, at a time when Congress was not in session, affirming a state of war could exist without formal declaration by Congress, imposed by the enemy, and requiring an immediate response without first getting authority from Congress in a declaration of war.

Held only Congress can authorize the substitution of military tribunals for civil tribunals for the trial of offenses; and Congress can do so only in wartime, but while war was still flagrant it had no power to review the proceedings of a military commission ordered by a general officer of the Army.

Congress has jurisdiction under commerce clause over "all the navigable waters of the United States which are accessible from a State other than those in which they lie" and that this "includes the power to keep them open and free from any obstruction to their navigation, interposed by the States or otherwise; to remove such obstructions when they exist; and to provide, by such sanctions as they may deem proper, against the occurrence of the evil and for the punishment of offenders."

Trial by a military commission of a civilian charged with disloyalty in a part of the country remote from the theater of military operations was held invalid. Civil court review of court-martial decisions is possible through habeas corpus jurisdiction. "The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances." Held the Writ is not suspended but only the privilege, so that the Writ would issue and the issuing court on its return would determine whether the person applying can proceed.

Cummings v. Missouri, 4 Wall. (71 U.S.) 277, 323 (1867) The phrase "bill of attainder", as used in Art. I Sec. 9 and 10 applies to bills of pains and penalties as well as to the traditional bills of attainder imposing capital penalties.

Effect of pardon is to prevent or remove all penalties and disabilities that result, or might result, from a conviction and sentence, and in this case, relieved person from having to declare guilt for a pardoned offense in an oath required for the practice of law.

President declared beyond the reach of judicial direction, either affirmative or restraining, in the exercise of his powers, whether constitutional or statutory, political or otherwise, save perhaps for what must be a small class of powers that are purely ministerial.

Supreme Court has appellate jurisdiction over Article I courts.

Congress may remove jurisdiction from the Supreme Court.

Insurance transactions carried on across state lines not interstate commerce. Later overturned by United States v. South-Eastern Underwriters Assn., 322 U.S. 533 (1944).

Congress may restrain the circulation of notes not issued under its own authority.

Congress had authority to issue treasury notes and to make them legal tender in satisfaction of antecedent debts.

President has authority under the pardon power to grant amnesty for completed offenses against the United States not yet indicted.

First case to strike down a state law solely on commerce clause grounds.

Introduced notion of substantive due process and practice of selective incorporation of federal rights under the 14th Amendment.  
"The power to punish for contempts is inherent in all courts."

The Constitution does not follow the advancing troops into conquered territory. Persons in such territory held entirely beyond the reach of constitutional limitations and subject to the laws of war as interpreted and applied by the Congress and the President.

Reversed conviction for bankruptcy fraud, but in dictum affirmed Congress has power to create, define, and punish crimes and offenses whenever necessary to effectuate the objects of the Federal Government, without an express delegation of penal power, under necessary and proper clause, thereby abandoning doctrine of 1798 that Congress had no such implied penal powers.

Congress may prohibit embezzlement of pension payments, enforceable by deprivation of liberty.

Sustained removal from a state to a federal court of a criminal prosecution against a federal officer for acts done under color of federal law.

Qualified earlier holdings to the effect that where a judgment affected the property of the United States the suit was in effect against the United States, by ruling that title to property was not legally vested in the United States but was being held illegally under an unlawful order of the President.

Congress may authorize the issuance of treasury notes impressed with the quality of legal tender in payment of private debts.

States not required to indict by grand jury.

Congress has implied power to punish conspiracy to injure a citizen in the free exercise or enjoyment of any right or privilege secured by the Constitution or laws of the United States.

Treaties do not prevail over later acts of Congress in conflict with them, but are superseded by principle of *leges posteriores priores contrarias abrogant*, and act of Congress may rescind a treaty.

Rejecting the commerce clause as a basis for congressional enactment of a system of criminal laws for Indians living on reservations, the Court nevertheless sustained the act on the ground that the Federal Government had the obligation and thus the power to protect a weak and dependent people.

Taken as precedent that a corporation is a "person" under 14th Amendment, but that expressed only in headnote, not in opinion.

Held that the United States was not responsible for the injury or destruction of private property by military operations, but claims for property of loyal citizens taken for the use of the national forces were compensable.

Congress may penalize private acts of violence within a state if such act violates the rights of an alien under a treaty.

Residents of federal enclave under Art. I Sec. 8 cl. 17 are entitled to all the guarantees of the United States Constitution including the privilege of trial by jury.

Manufacturing, even when the product would move in interstate commerce, is not reachable under the commerce clause. Later overturned by *NLRB v. Jones & Laughlin Steel Corp.*, 301 U.S. 1 (1937).

Held Eleventh Amendment creates sovereign immunity of states against suits by their own citizens, as well as by citizens of other states.

Constitution made for, and is binding only in, the United States of America.

Federal courts have jurisdiction, as a federal question, in case of United States against a state, even though the United States not an enumerated party in Article III.

Nondelegation doctrine based on separation of powers.

Congress may prohibit injury or death of persons in custody of U.S. officials, caused by any person, enforceable by deprivation of life or liberty.

Constitutionality of Sherman Antitrust Act of 1890 not addressed, but decision on construction of the Act impaired its effectiveness. "... the independence of the commercial power and of the police power, and the delimitation between them ... should always be recognized and observed..."

Maintained that: production is always local, and under the exclusive domain of the States; commerce among the States does not begin until goods "commence their final movement from their State of origin to that of their destination"; the sale of a product is merely an incident of its production. Commerce clause only extends to activity with a "direct" effect on interstate commerce. Overturned by *Swift & Co. v. United States*, 196 U.S. 375 (1905). Jurors do not need to be informed of their power to judge the law in bringing a general verdict.

Court must instruct jury in criminal case that accused is presumed innocent.

Interest received by a private investor on state or municipal bonds was held to be exempt from federal taxation, and tax on income from property is a direct tax subject to apportionment. Income tax amendment intended to overturn. (Overturned by *South Carolina v. Baker*, 485 U.S. 505 (1988).)

Sustained Louisiana's 1890 Separate Car Act, held that "separate" facilities for blacks and whites were constitutional as long as they were "equal." The "separate but equal" doctrine was later extended to cover many areas of public life, such as restaurants, theaters, restrooms, and public schools, but was overturned by *Brown v. Board of Education*, 347 U.S. 483.

Sustained a criminal conviction for violation of a regulation under an act to regulate commerce, which was ruled merely a matter of detail.

Upheld Sherman Antitrust Act of 1890 to break up industrial combination to divide territories among themselves.

Recognized right of a State to sue as *parens patriae*, on behalf of its citizens, but denied it standing in this particular case.

The Constitution is not automatically applicable in all territories acquired by the United States, the question turning upon whether Congress has made the area "incorporated" or "unincorporated" territory.

Constitution made for, and is binding only in, the United States of America.

Upheld first statute, passed in 1884, to impose criminal penalties for a violation of a regulation of interstate commerce, which prohibited transportation of diseased livestock across a state line. This overturned understanding that commerce power did not imply penal power. Sustained statute which modified rights of Indian tribal members in tribal lands, thereby violating treaty with them.

Tax may be imposed for regulatory or prohibitory purposes rather than to raise revenue.

Business transactions, and the like, which are antecedent to or subsequent to a move across state lines, are conceived to be part of an integrated commercial whole and therefore subject to the reach of the commerce power. State statute restricting hours of work is a violation of due-process protection of 14th Amendment.

Commercial sales by state-owned entity subject to federal excise tax.

Upheld criminal penalties for violations of regulations of interstate commerce, the first such penalties being in an act prohibiting the exportation or shipment in interstate commerce of livestock having any infectious disease, 23 Stat. 31 (1884), but held federal quarantine regulations of this sort to be constitutionally inapplicable to intrastate shipments of livestock, on the ground that federal authority extends only to foreign and interstate commerce.

Combinations of employees engaged in such intrastate activities as manufacturing, mining, building, construction, and the distribution of poultry were subjected to the penalties of the Sherman Act because of the effect or intended effect of their activities on interstate commerce.

Eleventh Amendment does not bar injunctive relief by federal courts against unconstitutional acts of state official, only against the State itself.

State not required to protect right against self-incrimination.

If Congress so provides, violations of valid administrative regulations may be punished as crimes.

It may be necessary to regulate "purely" intrastate activities in order that the regulation of interstate activities might be fully effectuated.

The taxing power "reaches every subject" and "embraces every conceivable power of taxation."

The Thirteenth Amendment does not preclude enforcement of those duties which individuals owe to the State, such as service in the army, militia, jury, etc.

Upheld statute forbidding transportation of female across state line for noncommercial sexual purposes, to enforce majority conceptions of morality, as within the scope of the commerce clause.

National Government may conscript into the military under the power to raise and support armies, and that the power of Congress to mobilize an army was distinct from its authority to provide for calling the militia and was not qualified or in any wise limited thereby.

Authorized delegation of duties to state officials to enforce federal laws.

Congress not empowered to ban from the channels of interstate commerce goods made with child labor, since Congress' power was to prescribe the rule by which commerce was to be carried on and not to prohibit it, except with regard to those things the character of which -- diseased cattle, lottery tickets -- was inherently evil. Overturned by *United States v. Darby*, 312 U.S. 100 (1941).

Congress may require the surrender of gold coin and of gold certificates in exchange for other currency not redeemable in gold.

Congress has criminal jurisdiction over fraud which obstructs or influences interstate commerce.

Sustained power of Congress to implement terms of treaty to protect migratory birds which involved exercise of powers which it is not authorized to exercise without a treaty.

Inconsistent with *Reid v. Covert*, 354 U.S. 1 (1957), but that decision failed to reject it.

Further expanded definition of "interstate commerce" to include every species of communication, every species of transmission of intelligence, whether for commercial purposes or otherwise. See also *Caminetti v. United States*, 242 U.S. 470 (1917).

Sustained an order of the Postmaster General excluding from the second-class privilege a newspaper he had found to have published material in contravention of the Espionage Act of 1917, but avoided the claim of absolute power in Congress to withhold the privilege.

Upheld the Packers and Stockyards Act (1921), whereby the business of commission men and livestock dealers in the chief stockyards of the country was brought under national supervision. "Whatever amounts to more or less constant practice, and threatens to obstruct or unduly to burden the freedom of interstate commerce is within the regulatory power of Congress under the commerce clause". Based on *Swift & Co. v. United States*, 196 U.S. 375 (1905).

Denied state has standing as *parens patriae* to represent the constitutional rights of its citizens against the federal government.

Neither a State nor an individual citizen has standing for a remedy in the federal courts against an alleged unconstitutional act without having incurred prior actual or threatened personal injury to a legal right.

Congress may not regulate the contempt power in a way that disables "the power to deal summarily with contempt committed in the presence of the courts or so near thereto as to obstruct the administration of justice"

Congress can exercise a police power by regulating interstate commerce to the extent of forbidding and punishing the use of such commerce as an agency to promote immorality, dishonesty, or the spread of any evil or harm to the people of other states from the state of origin.

While holding that First Amendment right of free speech does apply to the States under 14th Amendment, it also sustained state statute making it a crime to advocate overthrow of the government, and that a state may forbid both speech and publication if they have a tendency to result in action dangerous to public security, even though such utterances create no clear and present danger.

State statute void for vagueness.

Held the removal power to be constitutionally vested in the President, and the powers vested in Congress are to be read as exceptions which must be strictly construed in favor of powers retained by the President. *Dictum* established the doctrine of the "inherent powers" of the President.

[T]he power of [congressional] inquiry -- with process to enforce it -- is an essential and appropriate auxiliary to the legislative function." But may exercised only within its proper legislative function.

Sustained conviction based on evidence obtained by illegal wiretapping, but dissent of Brandeis held it a violation of Fourth and Fifth amendments: "The right to be left alone is the most comprehensive of rights..."

Administrative tribunal may make findings of fact and render an initial decision of legal and constitutional questions, as long as there is adequate review in a constitutional court.

Stare decisis is usually the wise policy, because in most matters it is more important that the applicable rule of law be settled than that it be settled right...[but] in cases involving the Federal Constitution, ... [t]he Court bows to the lessons of experience and the force of better reasoning."

The legislative power of Congress cannot be delegated.

Under piracy and felonies clause, Congress has authority to define and punish crimes committed on vessels of the United States not only while on the high seas but also while in the territorial waters of another country.

Congressional privilege from arrest applies only to arrests in civil suits, which were still common in this country at the time the Constitution was adopted. It does not apply to service of process in a civil case, or to arrest in any criminal case.

Delegation of legislative powers to administrator not bounded by "intelligible principles" is not permitted. Orders were nowhere published and notice of regulations bearing criminal penalties for their violations was spotty at best. Led to Federal Register Act, 49 Stat. 500 (1935), 44 U.S.C. Sec. 301, providing for publication of Executive Orders and agency regulations in the daily Federal Register.

Sustained the power of Congress to abrogate the clauses in private contracts calling for payment in gold coin, even though such contracts were executed before the legislation was passed.

Struck down provisions of National Industrial Recovery Act (NIRA) (1933). Allowed "legislative standards" test to allow limited delegation of legislative authority to executive agency, but held that once items in commerce come to rest, interstate commerce in them ceases, and that the "effect" on interstate commerce had to be "direct" to subject it to regulation under the commerce clause.

Welfare clause is a broad grant of power rather than only a restriction on the power to tax, but struck down the Agricultural Adjustment Act of 1933 as an attempt to regulate production, a subject held to be "prohibited" to the United States by the Tenth Amendment.

Domestic powers limited under the enumerated powers doctrine and foreign powers virtually free of any such restraint. "The power to declare and wage war, to conclude peace, to make treaties, to maintain diplomatic relations with other sovereignties, if they had never been mentioned in the Constitution, would have vested in the Federal Government as necessary concomitants of nationality." (Inherent power doctrine.)

Sustained statute to confer upon the courts the power to exercise in some instances preventive relief, a declaratory judgment that differs in no essential respect from any other judgment except that it is not followed by a decree for damages, injunction, specific performance, or other immediately coercive decree.

Upheld the National Labor Relations Act of 1935, which declared the right of workers to organize, forbade unlawful employer interference with this right, established procedures by which workers could choose exclusive bargaining representatives with which employers were required to bargain, and created a board to oversee all these processes.

Sustained executive agreement with Soviet Union which recognized it as the successor to Russia, and therefore owner of assets in the United States, which ownership was binding on U.S. courts.

Excise tax on employers, the proceeds of which were not earmarked in any way, although intended to provide funds for payments to retired workers, was upheld under the "general welfare" clause, the Tenth Amendment being found to be inapplicable.

State not required to protect right against double jeopardy.

The power to regulate commerce, whether with foreign nations or among the several States, comprises the power to restrain or prohibit it at all times for the welfare of the public, provided only the specific limitations imposed upon Congress' powers, as by the due process clause of the Fifth Amendment, are not transgressed.

Refused to accept suit by State on behalf of its own citizens against the citizens of other States to collect claims. State must be real party at interest to assert a claim and avoid the restrictions of the Eleventh Amendment.

An overly broad statute, especially one that regulates speech and press, may be considered on its face rather than as applied, and a defendant to whom the statute constitutionally applies may be enabled to assert its unconstitutionality thereby.

Congress has sole discretion to determine what passage of time will cause an amendment to lapse and effect of previous rejection by legislature.

Incorporated "free exercise" clause of the First Amendment to the states under the 14th Amendment.

Mining is interstate commerce.

Upheld indictment under Fair Labor Standards Act, which defined commerce to mean "trade, commerce, transportation, transmission, or communication among the several States or from any State to any place outside thereof", and prohibiting the shipment in interstate commerce of goods made by employees whose wages are less than the prescribed minimum but also the employment of workmen in the production of goods for such commerce at other than the prescribed wages and hours, or with child labor. Held the cumulative effect of many minor transactions with no separate effect on interstate commerce, when they are viewed as a class, may be sufficient to merit congressional regulation. Invoked *McCulloch v. Maryland* and *Gibbons v. Ogden*.

Dictum that the contempt power of all courts, federal as well as state, is limited by the guaranty of the First Amendment against interference with freedom of speech or of the press.

Enemy combatants, who without uniforms come secretly through the lines during time of war, for the purpose of committing hostile acts, are not entitled to the status of prisoners of war but are unlawful combatants punishable by military tribunals. Congress had "exercised its authority to define and punish offenses against the law of nations by sanctioning, within constitutional limitations, the jurisdiction of military commissions to try persons for offenses which, according to the rules and precepts of the law of nations, and more particularly the law of war, are cognizable by such tribunals."

Sustained criminal prosecution of farmer under the Agricultural Adjustment Act of 1938 for consuming his own grain, which was subject to price and production controls, as having a "substantial effect" on interstate commerce because it would "overhang" the market.

An officer acting as a public instrumentality is liable for his own torts, but Congress may grant or withhold immunity from suit on behalf of government corporations.

A state may not impose a tax or charge on the dissemination of religious literature.

Conferred powers on the Federal Communications Commission to license broadcasting stations as the "public convenience, interest and necessity may require."

The penalties must be provided in the statute itself; additional punishment cannot be imposed by administrative action.

Further expanded definition of "interstate commerce" to include every species of commercial negotiation which will involve sooner or later an act of transportation of persons or things, or the flow of services or power, across state lines.

To have standing a party must present a real issue, as contrasted with speculative, abstract, hypothetical, or moot issues. It has long been the Court's "considered practice not to decide abstract, hypothetical or contingent questions."

The gathering of news by a press association and its transmission to client newspapers are interstate commerce.

Sustained prosecution of foreign officer for "war crimes", and general jurisdiction of military outside of U.S. territory, without constitutional restrictions, such as against ex post facto laws.

Found that military governor not authorized to replace civilian courts with military tribunals in Hawaii, given the facts of the case.

Legislative denial of compensation based on political views is a prohibited bill of attainder. Upheld delegation of authority to Securities and Exchange Commission to prevent unfair or inequitable distribution of voting power among security holders.

Incorporated "establishment clause" of the First Amendment to the states under the 14th Amendment.

The fact that defendants claim property in dispute in a case as officers or agents of the United States does not make the action one against the United States until it is determined that they were acting within the scope of their lawful authority.

Asserted policy that Court will decide constitutional issues only if "strict necessity" compels it to do so, as narrowly as possible to reach a decision.

Decision of an accused not to testify may be used against him in a state criminal trial.

Emergency war powers exercised domestically may continue for a while after the end of hostilities, but may not swallow up all other powers of Congress or largely obliterate the Ninth and Tenth Amendments.

"[C]onstitutional power implies a power of delegation of authority under it sufficient to effect its purposes."

Statute alleged to infringe a right is to be presumed to be unconstitutional until proved otherwise. *Narrowed Ogden v. Saunders*, 25 U.S. 213.

Held seizure of steel industry by President to end a strike not to be within his "inherent powers" and to be void. Restricted scope of *Myers v. U.S.* 272 U.S. 52 (1926)

On habeas corpus petition, federal courts may review constitutional questions, may ignore state judgments, may reconsider facts as well as law, and may conduct evidentiary hearings.

Overtured *Plessy v. Ferguson*, 163 U.S. 537, doctrine of 'separate but equal', held separate educational facilities are inherently unequal.

Voided court-martial convictions of civilians for capital offenses committed outside territorial jurisdiction of United States, held that court-martial jurisdiction did not extend to civilians. Later cases extended doctrine to non-capital offenses. Treaties do not confer powers not authorized by Constitution, and in particular, over civilians outside U.S. territory.

Sustained involuntary expatriation for a variety of causes prescribed by statute, such as voting in foreign election.

Reversed state conviction based on evidence admitted without a search warrant, and held such evidence violated the Fourth Amendment, incorporated under the 14th Amendment.

Federal courts have jurisdiction to review state legislative districting under equal protection principle. *Narrowed political question doctrine* to apply mainly to nonjusticiability under the separation of powers at the federal level.

State required to provide defense counsel to accused unable to hire his own.

A State cannot, under the First and Fourteenth Amendments, award damages to a public official for defamatory falsehood relating to his official conduct unless he proves "actual malice"--that the statement was made with knowledge of its falsity or with reckless disregard of whether it was true or false.

Upheld 1964 Civil Rights Act prohibiting racial discrimination in public accommodations as necessary to protect interstate travelers from harm, to prevent such travelers from being deterred in the exercise of interstate traveling, and to prevent them from being burdened.

Regulation of a purely intrastate activity may be premised on the presence of some object that will or has crossed state lines.

Struck down a statute authorizing the Post Office to detain mail it determined to be "communist political propaganda" and to forward it to the addressee only if he notified the Post Office he wanted to see it. Noting that Congress was not bound to operate a postal service, the Court observed that while it did, it was bound to observe constitutional guarantees. Note that this was the first congressional statute ever voided as in conflict with the First Amendment.

Held void as a bill of attainder a statute making it a crime for a member of the Communist Party to serve as an officer or as an employee of a labor union. The prohibition embodied in bill of attainder clauses not to be strictly and narrowly construed in the context of traditional forms but is to be interpreted in accordance with the designs of the framers so as to preclude trial by legislature.

Declared right to privacy and association, and struck down state statute forbidding person from delivering or receiving contraceptive information.

(concurring opinions). Although Sec. 1 of the Fourteenth Amendment is judicially enforceable only against "state action", Congress is not so limited under its enforcement authorization of Sec. 5.

Election districts in each State must be so structured that each elected representative should represent substantially equal populations.

Evidence provided by suspect in custody may not be admitted if the accused has not been warned of his right to remain silent and for assistance of counsel during interrogation.

Overruled the 1958 *Perez v. Brownell* decision permitting expatriation for voting in a foreign election and announced a constitutional rule against all but purely voluntary renunciation of United States citizenship for born citizens.

Building inspector must obtain warrant to inspect building if owner does not consent to it.

Voided a law making it illegal for any member of a "communist-action organization" to work in a defense facility. The second time in history a congressional statute struck down as an infringement of the First Amendment.

When the punishment in a criminal contempt case in a court, federal or state, is more than the sentence for a petty offense, defined as six months or more, a defendant is entitled to trial by jury.

Upheld "enterprise concept" of an entire enterprise being subject to Fair Labor Standard Act if any of its activities affected interstate commerce.

The protection of the speech and debate clause is not limited to words spoken in debate. "Committee reports, resolutions, and the act of voting are equally covered, as are 'things generally done in a session of the House by one of its members in relation to the business before it.'"

Sustained state jury of less than twelve persons. Historic standard had been that it must be twelve.

Federal agents may be sued and held personally liable for abuses of civil rights.

A majority of the Court agreed that in appropriate circumstances the First Amendment would not preclude a prior restraint of publication of information that might result in a sufficient degree of harm to the national interest, although a different majority concurred in denying the Government's request for an injunction in that case.

Sustained state jury verdict by less than unanimous vote. Historic standard had been that the jury must be unanimous.

Defined personhood as beginning at birth, held foetus is not a "person" with rights against right of woman to have abortion.

Sustained congressional authorization of the Supreme Court to promulgate rules of civil and criminal procedure and of evidence in which it directed that such rules supersede previously enacted statutes with which they conflicted.

Civil juries composed of six persons were permissible under the Seventh Amendment and congressional enactments. Historic standard had been twelve.

Persons do not have standing to sue to enforce a constitutional provision when all they can show or claim is that they have an interest or have suffered an injury that is shared by all members of the public.

Held the President subject to subpoena to produce evidence for use in a criminal case. Case not justiciable until it is "ripe" for decision, on constitutional and prudential grounds.

Upheld a conviction for receipt of a firearm upon a mere showing that the gun had sometime previously traveled in interstate commerce.

Campaign spending may not be limited, but contributions may be, and the identity of contributors may be required to be disclosed, and anonymous contributors prohibited.

An organization or association "has standing to bring suit on behalf of its members when: (a) its members would otherwise have standing to sue in their own right; (b) the interests it seeks to protect are germane to the organization's purpose; and (c) neither the claim asserted, nor the relief requested, requires the participation of individual members in the lawsuit."

Person who has been convicted of a crime in a state court may be convicted of a federal crime for possession of firearms.

"A court may invalidate legislation enacted under the Commerce Clause only if it is clear that there is no rational basis for a congressional finding that the regulated activity affects interstate commerce, or that there is no reasonable connection between the regulatory means selected and the asserted ends."

A rule or regulation properly promulgated under authority received from Congress is law and under the supremacy clause of the Constitution can preempt state law and supersede a federal statute.

Minor party which has historically been harassed is exempt from campaign disclosure requirements.

Decided against statutes that reserved a "legislative veto" over regulations or executive actions once adopted. Once Congress makes its choice in enacting legislation, its participation ends. Congress can thereafter control the execution of its enactment only indirectly -- by passing new legislation. But White in dissent said that agency rulemaking is lawmaking, implying it is also a violation of the nondelegation doctrine.

For cases on direct review, "a new rule for the conduct of criminal prosecutions is to be applied retroactively to all cases, state or federal, pending on direct review or not yet final, with no exception for cases in which the new rule constitutes a 'clear break' with the past." But not retroactive for defendants already convicted

Court has inherent power to appoint private attorney to prosecute a criminal contempt, but reversed conviction on basis that the private prosecutor appointed represented a party in the case and was therefore not sufficiently disinterested.

Conviction at trial does not validate error in the indictment, and upon such error the indictment and conviction based on it must be reversed.

Courts may appoint special prosecutors to prosecute official corruption.

Approved placement by Congress of the Sentencing Commission in the judicial branch. Scalia dissented that nondelegation doctrine deprived of meaningful content.

Case may cease to be justiciable if it becomes "moot" because since being filed, the parties no longer have a "personal stake in the outcome".

If it is possible to construe a statute in a way that would make it constitutional, it must be so construed and applied.

State officers may be held personally liable for damages based upon actions taken in their official capacities.

Deliberations and decision of grand jury must be substantially independent of undue influence by prosecutor or judge, and if such independence is lacking, the indictment, and any conviction based on it, must be reversed.

Plurality denied that Congress could by statute confer standing on citizens not suffering particularized "injury in fact" to a legal right to sue the Federal Government to compel it to carry out a duty imposed by Congress. Added two conditions for standing: that there must be a causal connection between the injury and the conduct complained of (causation), and that there must be a "substantial likelihood" that the relief sought from the court if granted would remedy the harm (redressability).

State or local officials who stand by or protect an unlawful eviction or seizure are liable for damages under 42 USC 1983.

Government must prove beyond a reasonable doubt that defendant knew that his rifle had the characteristics that brought it within the statutory definition of a machinegun.

Advocacy publication may be anonymous, and is exempt from campaign disclosure statute.

Prohibition against possessing firearm in proximity of a school is not authorized as connected to interstate commerce.

Property used in a crime may be forfeited even though partly or wholly owned by an innocent third party.

Even if a State permitted an offender to have the guns he possessed, federal law may use the State's determination that the offender is more dangerous than law-abiding citizens to impose its own felony conviction.