

931. *Cook v. Gralike*, 531 U.S. 510 (2001).

Provisions of the Missouri Constitution requiring identification on primary and general election ballots of congressional candidates who failed to support term limits in the prescribed manner are unconstitutional. States do not have power reserved by the Tenth Amendment to give binding instructions to their congressional representatives, and the “Elections Clause” of Article I, section 4, does not authorize the regulation. The Missouri ballot requirements do not relate to “times” or “places,” and are not valid regulations of the “manner” of holding elections.

Justices concurring: Stevens, Scalia, Kennedy, Ginsburg, Breyer

Justices concurring specially: Rehnquist, C.J., Kennedy, Thomas, O'Connor, Souter

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

A Pennsylvania prohibition on disclosure of the contents of an illegally intercepted electronic communication violates the First Amendment as applied in this case. The defendants, a talk show host and a community activist, played no part in the illegal interception, and obtained the tapes lawfully. The subject matter of the disclosed conversation, involving a threat of violence in a labor dispute, was “a matter of public concern.”

Justices concurring: Stevens, O'Connor, Kennedy, Souter, Ginsburg, Breyer

Justices dissenting: Rehnquist, C.J., Scalia, Thomas

933. *Lorillard Tobacco Co. v. Reilly*, 533 U.S. 525 (2001).

Massachusetts' restrictions on outdoor advertising and point-of-sale advertising of smokeless tobacco and cigars violate the First Amendment. The regulations prohibit outdoor advertising within 1,000 feet of a school, park, or playground, and prohibit “point-of-sale” advertising placed lower than five feet above the floor of retail establishments. These restrictions do not satisfy the fourth step of the *Central Hudson* test for regulation of commercial speech. That step requires a “reasonable fit” between the means and ends of a regulation, yet the regulations are not “narrowly tailored” to achieve such a fit.

Justices concurring: O'Connor, Scalia, Kennedy, Souter (point-of-sale restrictions only), Thomas

Justices dissenting: Stevens, Ginsburg, Breyer, Souter (outdoor advertising only)

934. *Ring v. Arizona*, 536 U.S. 584 (2002).

Arizona's capital sentencing law violates the Sixth Amendment right to jury trial by allowing a sentencing judge to find an aggravating circumstance necessary for imposition of the death penalty. The governing principle was established in *Apprendi v. New Jersey*, 530 U.S. 466 (2000), holding that any fact (other than the fact of a prior conviction)