

cational, journalistic, historical, or artistic value,” the law was found to reach protected First Amendment speech.

United States v. Stevens, 559 U.S. ___, No. 08–769, slip op (2010)
Justices concurring: Roberts, C.J., Stevens, Scalia, Kennedy, Thomas, Ginsburg,
Breyer, Sotomayor
Justices dissenting: Alito

168. Act of March 27, 2002, the Bipartisan Campaign Reform Act of 2002 (Pub. L. 107–155, §§ 213, 318; 2 U.S.C. §§ 441a, 441k)

Section 213 of the Bipartisan Campaign Reform Act of 2002 (BCRA), which amended the Federal Election Campaign Act of 1971 (FECA) to require political parties to choose between coordinated and independent expenditures during the post-nomination, pre-election period, is unconstitutional because it burdens parties’ right to make unlimited independent expenditures. Section 318 of BCRA, which amended the FECA to prohibit persons “17 years old or younger” from contributing to candidates or political parties, is invalid as violating the First Amendment rights of minors.

McConnell v. FEC, 540 U.S. 93 (2003).

169. Act of March 27, 2002, the Bipartisan Campaign Reform Act of 2002 (Pub. L. 107–155, § 203; 2 U.S.C. § 441b(b)(2))

In *McConnell v. FEC*, 540 U.S. 93 (2003), the Court held that § 203 was not facially overbroad, and, in *Wisconsin Right to Life, Inc. v. Federal Election Comm’n*, 546 U.S. 410 (2006), it held that it had not purported to resolve future as-applied challenges. Now it holds that § 203 is unconstitutional as applied to issue ads that mention a candidate for federal office, when such ads are not the “functional equivalent” of express advocacy for or against the candidate.

Federal Election Commission v. Wisconsin Right to Life, 127 S. Ct. 2652 (2007).
Justices concurring: Roberts, C.J., Alito, Scalia, Kennedy, Thomas
Justices dissenting: Souter, Stevens, Ginsburg, Breyer

170. Act of March 27, 2002, the Bipartisan Campaign Reform Act of 2002 (Pub. L. 107–155, §§ 319(a) and (b); 2 U.S.C. § 441a–1(a) and (b))

A subsection of BCRA providing that, if a “self-financing” candidate for the House of Representatives spends more than a specified amount, then his opponent may accept more contributions than otherwise permitted, violates the First Amendment. A subsection with disclosure requirements designed to implement the asymmetrical contribution limits also violates the First Amendment.

Davis v. Federal Election Commission, 128 S. Ct. 2759 (2008).
Justices concurring: Alito, Roberts, C.J., Scalia, Kennedy, Thomas