

specified amounts, that limit to \$1,000 the independent expenditures of any person relative to an identified candidate, and that forbid expenditures by candidates for federal office in excess of specified amounts violate the First Amendment speech guarantees; provisions of the law creating a commission to oversee enforcement of the Act are an invalid infringement of constitutional separation of powers in that they devolve responsibilities upon a commission four of whose six members are appointed by Congress and all six of whom are confirmed by the House of Representatives as well as by the Senate, not in compliance with the appointments clause.

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

Concurring: Brennan, Stewart, Blackmun, Powell, Rehnquist, Burger, C.J.

Dissenting (expenditure provisions only): White

Dissenting (candidate's personal funds only): Marshall

123. Act of February 7, 1972, Federal Election Campaign Act, (Pub. L. 92–225, Title III, § 316, as added Pub. L. 94–283, Title I, § 112(2), 90 Stat. 490, 2 U.S.C. § 441b)

Federal law prohibiting corporations from using their general treasury funds to make independent expenditures for an “electioneering communication” or for speech expressly advocating the election or defeat of a candidate is invalidated. Disclaimers indicating who is responsible for political advertising and requiring the disclosure of campaign information to the FEC are upheld.

Citizens United v. FEC, 558 U.S. ___, No. 08–205, slip op. (2010)

Justices concurring: Kennedy, Roberts, C.J., Scalia, Alito, Thomas

Justices dissenting: Stevens, Ginsburg, Breyer, Sotomayor

124. Act of April 8, 1974 (Pub. L. 93–259, §§ 6(a)(6), 6(d)(1), 29 U.S.C. §§ 203(x), 216(b))

Fair Labor Standards Amendments of 1974 subjecting non-consenting states to suits for damages brought by employees in state courts violates the principle of sovereign immunity implicit in the constitutional scheme. Congress lacks power under Article I to subject non-consenting states to suits for damages in state courts.

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

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

Justices dissenting: Souter, Stevens, Ginsburg, Breyer

125. Act of April 8, 1974 (Pub. L. No. 93–259, §§ 6(d)(1), 28(a)(2), 88 Stat. 61, 74; 29 U.S.C. §§ 216(b), 630(b))

The Fair Labor Standards Act Amendments of 1974, amending the Age Discrimination in Employment Act to subject states to damages actions in federal courts, exceeds congressional power under section 5