

that increases the penalty for a crime beyond the prescribed statutory maximum must be submitted to a jury and established beyond a reasonable doubt.

Justices concurring: Stevens, Scalia, Souter, Thomas, Ginsburg

Justices concurring specially: Thomas

Justices dissenting: O'Connor, Rehnquist, C.J., Kennedy, Breyer

928. *California Democratic Party v. Jones*, 530 U.S. 567 (2000).

California's "blanket primary" law violates the First Amendment associational rights of political parties. The law lists all candidates on one ballot and allows primary voters to choose freely among candidates without regard to party affiliation. The law "adulterate[s]" a party's candidate-selection process by forcing the party to open up that process to persons wholly unaffiliated with the party, and is not narrowly tailored to serve a compelling state interest.

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

Justices dissenting: Stevens, Ginsburg

929. *Boy Scouts of America v. Dale*, 530 U.S. 640 (2000).

Application of New Jersey's public accommodations law to require the Boy Scouts of America to admit an avowed homosexual as a member and assistant scout master violates the organization's First Amendment associational rights. The general mission of the Scouts, to instill values in young people, is expressive activity entitled to First Amendment protection, and requiring the Scouts to admit a gay scout leader would contravene the Scouts' asserted policy disfavoring homosexual conduct.

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

Justices dissenting: Stevens, Souter, Ginsburg, Breyer

930. *Stenberg v. Carhart*, 530 U.S. 914 (2000).

Nebraska's statute criminalizing the performance of "partial birth abortions" is unconstitutional under principles set forth in *Roe v. Wade* and *Planned Parenthood v. Casey*. The statute lacks an exception for instances in which the banned procedure is necessary to preserve the health of the mother, and, because it applies to the commonplace dilation and evacuation procedure as well as to the dilation and extraction method, imposes an "undue burden" on a woman's right to an abortion.

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

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