

ship shall be lost upon conviction by court martial and dishonorable discharge for deserting the armed services in time of war, held invalid as imposing a cruel and unusual punishment barred by the Eighth Amendment and not authorized by the war powers conferred by Article I, § 8, clauses 11 to 14.

Trop v. Dulles, 356 U.S. 86 (1958).
 Concurring: Warren, C.J., Whittaker
 Concurring specially: Black, Douglas, Brennan
 Dissenting: Frankfurter, Burton, Clark, Harlan

76. Act of July 12, 1943 (57 Stat. 450)

Urgent Deficiency Appropriation Act of 1943, § 304, providing that no salary should be paid to certain named federal employees out of moneys appropriated, held to violate Article I, § 9, clause 3, forbidding enactment of bill of attainder or ex post facto law.

United States v. Lovett, 328 U.S. 303 (1946).
 Concurring: Black, Douglas, Murphy, Rutledge, Burton, Stone, C.J.
 Concurring specially: Frankfurter, Reed

77. Act of September 27, 1944 (58 Stat. 746, § 401(j), and Act of June 27, 1952 (66 Stat. 163, 267–268, § 349(a)(10))

§ 401(j) of Immigration and Nationality Act of 1940, added in 1944, and § 349(a)(10) of the Immigration and Nationality Act of 1952 depriving one of citizenship, without the procedural safeguards guaranteed by the Fifth and Sixth Amendments, for the offense of leaving or remaining outside the country, in time of war or national emergency, to evade military service held invalid.

Kennedy v. Mendoza-Martinez, 372 U.S. 144 (1963).
 Concurring: Goldberg, Black, Douglas, Warren, C.J.
 Concurring specially: Brennan
 Dissenting: Harlan, Clark, Stewart, White

78. Act of July 31, 1946 (ch. 707, § 7, 60 Stat. 719)

District court decision holding invalid under First and Fifth Amendments statute prohibiting parades or assemblages on United States Capitol grounds is summarily affirmed.

Chief of Capitol Police v. Jeanette Rankin Brigade, 409 U.S. 972 (1972).

79. Act of June 25, 1948 (62 Stat. 760)

Provision of Lindberg Kidnaping Act that imposed for the death penalty only if recommended by the jury held unconstitutional because it penalized the assertion of a defendant's Sixth Amendment right to jury trial.

United States v. Jackson, 390 U.S. 570 (1968).