

ing the Rebellion—as ex post facto (Article I, § 9, clause 3) and an interference with the pardoning power (Article II, § 2, clause 1).

*Ex parte Garland*, 71 U.S. (4 Wall.) 333 (1867).

Concurring: Field, Wayne, Grier, Nelson, Clifford

Dissenting: Miller, Swayne, Davis, Chase, C.J.

10. Act of March 2, 1867 (14 Stat. 484, § 29)

General prohibition on sale of naphtha, etc., for illuminating purposes, if inflammable at less temperature than 110° F., held invalid “except so far as the section named operates within the United States, but without the limits of any State,” as being a mere police regulation.

*United States v. Dewitt*, 76 U.S. (9 Wall.) 41 (1870).

11. Act of May 31, 1870 (16 Stat. 140, §§ 3, 4)

Provisions penalizing (1) refusal of local election official to permit voting by persons offering to qualify under State laws, applicable to any citizens; and (2) hindering of any person from qualifying or voting, held invalid under Fifteenth Amendment.

*United States v. Reese*, 92 U.S. 214 (1876).

Concurring: Waite, C.J., Miller, Field, Bradley, Swayne, Davis, Strong

Dissenting: Clifford, Hunt

12. Act of July 12, 1870 (16 Stat. 235)

Provision making Presidential pardons inadmissible in evidence in Court of Claims, prohibiting their use by that court in deciding claims or appeals, and requiring dismissal of appeals by the Supreme Court in cases where proof of loyalty had been made otherwise than as prescribed by law, held an interference with judicial power under Article III, § 1, and with the pardoning power under Article II, § 2, clause 1.

*United States v. Klein*, 80 U.S. (13 Wall.) 128 (1872).

Concurring: Chase, C.J., Nelson, Swayne, Davis, Strong, Clifford, Field

Dissenting: Miller, Bradley

13. Act of March 3, 1873 (ch. 258, § 2, 17 Stat. 599, recodified in 39 U.S.C. § 3001(e)(2))

Comstock Act provision barring from the mails any unsolicited advertisement for contraceptives, as applied to circulars and flyers promoting prophylactics or containing information discussing the desirability and availability of prophylactics, violates the free speech clause of the First Amendment.

*Bolger v. Youngs Drug Products Corp.*, 463 U.S. 60 (1983).

Justices concurring: Marshall, White, Blackmun, Powell, Burger, C.J.

Justices concurring specially: Rehnquist, O'Connor, Stevens