

Concurring: Roberts, Van Devanter, McReynolds, Sutherland, Butler
Dissenting: Hughes, C.J., Brandeis, Stone, Cardozo

67. Act of June 28, 1934 (48 Stat. 1289, ch. 869)

The Frazier-Lemke Act, adding subsection (s) to § 75 of the Bankruptcy Act, designed to preserve to mortgagors the ownership and enjoyment of their farm property and providing specifically, in paragraph 7, that a bankrupt left in possession has the option at any time within 5 years of buying at the appraised value—subject meanwhile to no monetary obligation other than payment of reasonable rental, held a violation of property rights, under the Fifth Amendment.

Louisville Bank v. Radford, 295 U.S. 555 (1935).

68. Act of August 24, 1935 (49 Stat. 750).

Amendments of Agricultural Adjustment Act held not within the taxing power, the amendments not having cured the defects of the original act held unconstitutional in *United States v. Butler*, 297 U.S. 1 (1936).

Rickert Rice Mills v. Fontenot, 297 U.S. 110 (1936).

69. Act of August 29, 1935, ch. 814 § 5(e) (49 Stat. 982, 27 U.S.C. § 205(e))

The prohibition in section 5(e)(2) of the Federal Alcohol Administration Act of 1935 on the display of alcohol content on beer labels is inconsistent with the protections afforded to commercial speech by the First Amendment. The government's interest in curbing strength wars among brewers is substantial, but, given the "overall irrationality" of the regulatory scheme, the labeling prohibition does not directly and materially advance that interest.

Rubin v. Coors Brewing Co., 514 U.S. 476 (1995).

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

Justice concurring specially: Stevens

70. Act of August 30, 1935 (49 Stat. 991)

Bituminous Coal Conservation Act of 1935, held to impose, not a tax within Article I, § 8, but a penalty not sustained by the Commerce Clause (Article I, § 8, clause 3).

Carter v. Carter Coal Co., 298 U.S. 238 (1936).

Concurring: Sutherland, Van Devanter, McReynolds, Butler, Roberts

Concurring specially: Hughes, C.J.

Concurring in part and dissenting in part: Cardozo, Brandeis, Stone