

71. Act of February 15, 1938, ch. 29 (52 Stat. 30)

District of Columbia Code § 22–1115, prohibiting the display of any sign within 500 feet of a foreign embassy if the sign tends to bring the foreign government into “public odium” or “public disrepute,” violates the First Amendment.

Boos v. Barry, 485 U.S. 312 (1988).

Justices concurring: O'Connor, Brennan, Marshall, Stevens, Scalia

Justices dissenting: Rehnquist, C.J., White, Blackmun

72. Act of June 25, 1938 (52 Stat. 1040)

Federal Food, Drug, and Cosmetic Act of 1938, § 301(f), prohibiting the refusal to permit entry or inspection of premises by federal officers held void for vagueness and to violate the Due Process Clause of the Fifth Amendment.

United States v. Cardiff, 344 U.S. 174 (1952).

Concurring: Douglas, Black, Reed, Frankfurter, Jackson, Clark, Minton, Vinson, C.J.

Dissenting: Burton

73. Act of June 30, 1938 (52 Stat. 1251)

Federal Firearms Act, § 2(f), establishing a presumption of guilt based on a prior conviction and present possession of a firearm, held to violate the test of due process under the Fifth Amendment.

Tot v. United States, 319 U.S. 463 (1943).

Concurring: Roberts, Reed, Frankfurter, Jackson, Rutledge, Stone, C.J.

Concurring specially: Black, Douglas

74. Act of August 10, 1939 (§ 201(d), 53 Stat. 1362, as amended, 42 U.S.C. § 402(g))

Provision of Social Security Act that grants survivors' benefits based on the earnings of a deceased husband and father covered by the Act to his widow and to the couple's children in her care but that grants benefits based on the earnings of a covered deceased wife and mother only to the minor children and not to the widower held violative of the right to equal protection secured by the Fifth Amendment's Due Process Clause, because it unjustifiably discriminates against female wage earners required to pay social security taxes by affording them less protection for their survivors than is provided for male wage earners.

Weinberger v. Wiesenfeld, 420 U.S. 636 (1975).

75. Act of October 14, 1940 (54 Stat. 1169 § 401(g)); as amended by Act of January 20, 1944 (58 Stat. 4, § 1)

Provision of Aliens and Nationality Code (8 U.S.C. § 1481(a)(8)), derived from the Nationality Act of 1940, as amended, that citizen-