

which conflicts with the purposes of a grant, the requirement here improperly affected the recipient's protected conduct outside of the federal program. The organization could not avoid the requirement by establishing an affiliate to engage in opposing advocacy because of the "evident hypocrisy" that would entail.

Agency for International Development v. Alliance for Open Society Int'l, 570 U.S. ___, No. 12–10, slip op. (2013).

Justices concurring: Roberts, C.J., Kennedy, Ginsburg, Breyer, Alito, Sotomayor

Justices dissenting: Scalia, Thomas

174. Act of April 30, 2003 (Pub. L. 108–21, §§ 401(a)(1), 401(d)(2), 117 Stat. 667, 670; 18 U.S.C. §§ 3553(b)(1), 3742(e))

Two provisions of the Sentencing Reform Act, one that makes the Guidelines mandatory and one that sets forth standards governing appeals of departures from the mandatory Guidelines, are invalidated. The Sixth Amendment right to a jury trial limits sentence enhancements that courts may impose pursuant to the Guidelines.

United States v. Booker, 543 U.S. 220 (2005).

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

Justices dissenting: Stevens, Souter, Scalia, Thomas

175. Act of April 30, 2003 (Pub. L. 108–21, § 401(e), 117 Stat. 671; 18 U.S.C. § 3742(g)(2))

In evaluating whether Congress has authorized a District Court to consider post-conviction behavior as part of resentencing (after a sentence has been appealed, vacated, and remanded), the Court holds that a statutory limitation on the use of such information during resentencing to depart from the Sentencing Guidelines is no longer valid after *United States v. Booker*.

Pepper v. United States, 562 U.S. ___, No. 09–6822, slip op. (2011).

Justices concurring: Sotomayor, Roberts, C.J., Scalia, Kennedy, Ginsburg

Justices concurring in part and dissenting in part: Breyer, Alito

Justice dissenting: Thomas

176. Act of December 30, 2005 (Pub. L. 109–148, § 1005(e)(1), 119 Stat. 2742; 28 U.S.C. § 2241(e)(1))

A provision of the Detainee Treatment Act eliminating federal habeas jurisdiction over alien detainees held at Guantanamo Bay, Cuba is invalidated as a violation of the Suspension Clause [Art. I, § 9, clause 2]. As the detainees disputed their enemy status, their ability to dispute their status had been limited, and they were held in a location under the *de facto* jurisdiction of the United States, the Suspension Clause was in full effect regarding their detention.

Boumediene v. Bush, 553 U.S. 723 (2008).