



# LANDMARK SUPREME COURT CASES AND THE CONSTITUTION

## *US v. LOPEZ* (1995)

MONDAY, JANUARY 29, 2007

### OVERVIEW

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This month we spotlight the landmark 1995 federalism case *US v. Lopez*. After half a century of rulings that resulted in the expansion of Congress's power, the Court's ruling in *US v. Lopez*, which declared the Gun Free School Zones Act an unconstitutional overreach, was seen by some experts as signaling a shift in the Court's interpretation of the Commerce Clause.

### RESOURCES

- <http://www.citizenbee.org/user/StudentGuide.aspx?id=724>
- [http://www.oyez.org/cases/case/?case=1990-1999/1994/1994\\_93\\_1260](http://www.oyez.org/cases/case/?case=1990-1999/1994/1994_93_1260)
- <http://www.law.umkc.edu/faculty/projects/ftrials/conlaw/lopez.html>

### ACTIVITY

High school senior Alfonso Lopez walked into his San Antonio high school carrying a concealed weapon. He was charged with violating a Texas law that banned firearms in schools. The next day, the state charges against him were dismissed after he was charged with violating a federal law: the Gun Free School Zones Act. This Act made it a federal offense “for any individual knowingly to possess a firearm [in] a school zone.” Lopez was indicted by a grand jury and later found guilty. He was sentenced to six months in prison followed by two years probation.

Lopez challenged his conviction, arguing that the Gun Free School Zones Act was an unconstitutional exercise of Congress's power. Schools were controlled by state and local governments and were not under the authority of the federal government. The federal government claimed that it had the authority to ban guns in schools under its commerce power. The Commerce Clause of the Constitution gives Congress the power to “regulate commerce with foreign nations, and among the several states, and with the Indian tribes.”

The government asserted that the law was related to interstate commerce because guns in school led to gun violence. People would then be reluctant to travel through the areas where the violence occurred. The government also argued that the disruptions to the learning environment created by guns in schools result in a less educated citizenry, negatively affecting commerce.

The Supreme Court rejected the government's claim, holding that the law was not substantially related to commerce. The Court held, “Under the theories that the Government presents...it is difficult to perceive any limitation on federal power, even in areas...where States historically have been sovereign. Thus, if we were to accept the Government's arguments, we are hard-pressed to posit any activity by an individual that Congress is without power to regulate...” The Supreme Court also cited the Founders' speeches and writings on the balance between state and federal power, and in particular their belief in limited government: the federal government did not have any powers except those delegated to it in the Constitution.

*US v. Lopez* is a particularly significant case because it marked the first time in half a century that the Court held Congress had overstepped its power under the Commerce Clause.

### QUESTIONS

1. What two laws was Lopez charged with violating, and what happened to those charges?
2. Why did Lopez challenge his conviction?
3. How did the Supreme Court rule? Do you agree with their ruling?
4. Dissenting, Justice Breyer argued, “Education, although far more than a matter of economics, has long been inextricably intertwined with the Nation's economy.... guns in the hands of six percent of inner-city high school students and gun-related violence throughout a city's schools must threaten the trade and commerce that those schools support.” Is this a strong argument that the law is constitutional under the Commerce Clause? Why or why not?
5. What are the consequences of a strict interpretation of the term “commerce” when deciding the constitutionality of federal laws? What are the consequences of a liberal interpretation?



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### ANSWERS

1. Lopez was charged with violating a state law banning firearms in schools. The state charge was dropped when he was subsequently charged with violating the federal Gun Free School Zones Act.
2. Lopez argued that the Gun Free School Zones Act was unconstitutional, because Congress did not have the authority to ban guns in schools. Schools were under the authority of state and local governments.
3. The Court agreed with Lopez, saying that the Commerce Clause did not give Congress the authority to enact Gun Free School Zones. Guns and gun violence were not substantially related to interstate commerce. Some students will agree with the ruling, and believe that the claims connecting gun violence to interstate commerce were not strong enough. Others will disagree, agreeing with government arguments that guns in schools are strongly connected to interstate commerce.
4. Answers will vary.
5. A strict interpretation of the term “commerce” limits Congress’s power and restricts the types of federal laws that can be passed. Laws would have to be explicitly related to interstate commerce in order to be constitutional under the Commerce Clause. The result may be that state governments have greater control over institutions and individual activities that are not related to interstate commerce and there may be greater diversity among state policies. A liberal interpretation gives Congress greater power to regulate activities of institutions and individuals. Laws that have less obvious connections to interstate commerce could be constitutional under the Commerce Clause. With federally enforced uniformity throughout the fifty states, there may be less diversity among state policies.