

Analysis of the united states v. lopez

Law



Case Brief: United s v. Alfonso Lopez, Jr., 514 U. S. 549 (1995) Procedural History – Lopez was charged for violating the federal[3] Gun-Free School Zones Act of 1990, after having been sued by the federal agents. Lopez appealed this ruling to the Fifth Circuit Court of Appeals, under the theory that the statute has considerably exceeded Congress’ power under the Commerce Clause. Facts – Alfonso Lopez, Jr., a 12th-grade student at Edison High School in San Antonio, Texas, carried into the school, on March 10, 1982m a revolver with several cartridges. Having been questioned by the school personnel, he admitted to possessing a gun. Later on, Lopez was arrested and charged for possessing a gun in a school. Issue – The impact of the 1990 Gun-Free School Zones Act, which forbids individuals from knowingly carrying a gun in a school zone, on the Commerce Clause. Is the Act unconstitutional? Does Congress exceed its power to legislate under the Commerce Clause? Holding – Yes, Congress is exceeding its power. Caring a gun in a school is an offense under criminal law, and does not interfere with interstate commerce or any other economic activity. Lopez’s conviction has been reversed by the Court of Appeal and affirmed by the United States Supreme Court. Rationale – The Court found that there was no obvious and direct connection between the act of possessing a gun in a school and commerce as an economic activity. The court found no connection between 18 U. S. C. § 922(q) and the Commerce Clause, which does have limits. Charging Lopez for this should 1) damage the channels of interstate commerce, (2) be with “ regulation of interstate commerce or intrastate commerce if it would adversely affect interstate commerce in some way, or (3) the power to regulate those activities having a substantial relation to interstate commerce, or those activities that substantially affect interstate

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commerce". Lopez's possession of a firearm did not interfere in any way with interstate commerce, unlike the case of *Wickard v. Filburn*, 317 U. S. 111 (1942), for example. The Rule of Law from the Case - Article 1, § 8, clause 3 (commerce clause); 18 U. S. C. § 922(q) Dicta – Wickard's case analysis.

Other Opinions – Dissent: (Justice Souter): States that the Court should have concluded if the statute is dealing with actions under state regulations or if they affect commerce. Believes this action affects commerce. (Breyer, Stevens, Souter, Ginsburg): Believe that there is a strong connection between this regulated activity and interstate commerce, due to the increase of school violence. Also, believe that previous important Court rulings are simply canceled by this decision. (Darby, Atlanta Motel, Wickard) Concurring: (Justice Kennedy and O'Connor): The limit between federal and state jurisdiction is not quite clear. (Thomas): believes that the test of "substantial effects" should be applied. Reference US Supreme Court, (2011): *United States v. Lopez* (93-1260), 514 U. S. 549 (1995). Retrieved March 20, 2011, from <http://www.law.cornell.edu/supct/html/93-1260.ZO.html> US Supreme Court Media, (2011): *United States v. Lopez* (93-1260), 514 U. S. 549 (1995).