

San Antonio, Texas  
March 10, 1992

Alfonso Lopez, Jr., a senior at Edison High School, brings a concealed .38 caliber revolver into the school. Although the gun is not loaded, he also brings bullets for it. After receiving an anonymous tip about the gun and bullets, school authorities confront Lopez about it, man. Lopez admitted to having the gun and bullets, but claimed that he brought them to school just to sell to someone. It's not like he was gonna, ya know, SHOOT anyone at school. Like that ever happens, anyway amirite? But yeah, it didn't matter that Alfonso just brought the gun and bullets to SELL to someone. It was ILLEGAL to do that, and frankly...terrifying to know a student brought such a dangerous weapon to school. He was charged with breaking a Texas law that banned guns on school property.

However, the next day there was good news and bad news for Lopez. The good news was that the charges against him were dropped. The bad news was that the only reason why the charges were dropped was because now he was charged for breaking a federal law, the Gun Free School Zones Act, a law that made it a federal offense for anyone to bring a gun into a school zone.<sup>1</sup>

In the U.S. District Court for the Western District of Texas, Lopez's lawyers argued that the Gun Free School Zones Act was actually unconstitutional. According to them, there was nothing in the Constitution about controlling what happened at public schools. Therefore, the Tenth Amendment applied. However, the U.S. District court disagreed, ruling that the Gun Free School Zones Act was a "constitutional exercise of Congress' well defined power to regulate activities in and affecting commerce, and the 'business' of elementary, middle and high schools...affects interstate commerce."<sup>2</sup> In other words, the U.S. District Court argued that the Commerce Clause of the Constitution gave Congress the power to regulate guns in public schools, and their rationale was that, since guns in schools led to gun violence, people might be reluctant to travel through these areas from other states. The district court added that the disruptions in schools caused by weapons being there resulted in a less educated population, which could negatively affect commerce in the future.

Well, Lopez and his lawyers thought this was quite a reach, to say the least. After Lopez was found guilty and sentenced to six months in prison, followed by two years of probation, he appealed the case to the Fifth Circuit Court of Appeals, arguing that the Commerce Clause didn't apply to guns in schools.<sup>3</sup> The Fifth Circuit Court of Appeals agreed with Lopez and reversed his conviction. After this, the federal government got the Supreme Court to weigh in, and it heard oral arguments on November 8, 1994. The lawyers who argued on behalf of the federal government had another...uh...UNIQUE...argument. They argued that, because violent crime causes physical harm and creates monetary expenses, this could directly lead to higher

---

<sup>1</sup> <https://billofrightsintstitute.org/e-lessons/united-states-v-lopez-1995>

<sup>2</sup> <https://www.law.cornell.edu/supct/html/93-1260.ZO.html>

<sup>3</sup> <https://billofrightsintstitute.org/e-lessons/united-states-v-lopez-1995>

INSURANCE costs, which are spread throughout the entire economy of the country. Therefore, the Commerce Clause applied. Hmmmmm.

And so, the Court had to consider whether or not the Gun Free School Zones Act was cool according to the Commerce Clause.

Well spoiler alert. It wasn't. On April 26, 1995, it announced it sided with Lopez, but this was another close one. 5-4. Indeed, the Court generally thought the arguments by the lawyers representing the federal government were a stretch, too. It said that bringing a gun to a public school zone was not an economic activity and had little effect on interstate commerce. It declared the Gun Free School Zones Act unconstitutional, stating that the Commerce Clause absolutely did not authorize it.<sup>4</sup>

Chief Justice William Rehnquist wrote the majority opinion, identifying three categories of economic activity could regulate under the Commerce Clause:

- 1) Any economic activity on channels (roads, waterways, and airways)
- 2) Any economic activity on instrumentalities (any kind of network that moves goods and/or persons)
- 3) Any economic activity "substantially" affected by or related to interstate commerce.<sup>5</sup>

Obviously, much of this was still up to much interpretation, and the dissenting justices interpreted this case quite differently. In his dissent, Justice John Paul Stevens argued that not only did the Commerce Clause allow Congress to prohibit guns in school zones, but it could prohibit them anywhere.<sup>6</sup>

Regardless, *United States v. Lopez* dramatically reduced the power of Congress with a more narrow interpretation of the Commerce Clause while simultaneously increasing the strength of the Tenth Amendment, and thus state legislatures. The Court would further limit congressional powers with regards to the Commerce Clause in the 2000 case *United States v. Morrison*. Ever since *United States v. Lopez*, the Supreme Court has, more often than not, made federalism great again by generally reducing the power of the federal government and strengthening the power of state governments.

I'll see you for the next Supreme Court case, jury!

Here's my monthly shout out to everyone who donates to me on Patreon at least \$15 or more each month to my channel, starting with the biggest donors. Thank you to Bill Dowd, Alicia Solberg, Andrew B. Anthony Beckett, Austin Siros, Corey Rieman, Douglas Martin, Derek Williams, Dr. Paul J. Lilly, Elaine Warrick, Emily Eitzen, emptymachine, Fletch Fick, Isabelle, Isaiah Warfield, Jeremy Dunham, Joe Cook, Matt Standish, Michael Cortez, NeoR14, Nik

---

<sup>4</sup> <https://www.oyez.org/cases/1994/93-1260>

<sup>5</sup> <https://www.law.cornell.edu/supct/html/93-1260.ZO.html>

<sup>6</sup> Ibid.

Everett, Osbers Gaming, "Defemder of Communism," (oh Owen), Pat Iapicca, Patrick Steward, Sami, Samuel Striz, saulgoodman1917, Sean Conant, Society's Basement, Adam Christians, Alex Villasenor, Andrew Schneider, Grant Hughes, Ian Driscoll, Jack L, Jakob Birnbaum, Joel Serrano Lozada, KZ210QB, Oliver E, Naterade, Raquell Jones, Stacey, Steve Bryan, Thomas Oppenheim, Warren Jarog, Waterfort, and Zachary F. Parker. I'm sorry if I mispronounced any names, but thanks to you all for donating, and thank YOU for watching.

Check out cool primary sources here:

<https://www.oyez.org/cases/1994/93-1260>

Other sources used:

<https://supreme.justia.com/cases/federal/us/514/549/>

<https://billofrightsintstitute.org/e-lessons/united-states-v-lopez-1995>

<https://joshblackman.com/blog/2014/02/25/constitutional-places-united-states-v-lopez/>

[https://en.wikipedia.org/wiki/United\\_States\\_v.\\_Lopez](https://en.wikipedia.org/wiki/United_States_v._Lopez)

[https://www.thirteen.org/wnet/supremecourt/future/landmark\\_us.html](https://www.thirteen.org/wnet/supremecourt/future/landmark_us.html)