

Federalism, School Safety, and Congress

Handout 1

Gun Control

United States v. Alfonso Lopez, Jr.

Docket No. 93-1260

U.S. Supreme Court

Facts: In 1990 Congress passed the Gun-Free School Zones Act, which made it a federal crime to bring a gun on a school campus or within 1,000 feet of school grounds. Concern about crime and school violence had led to the passage of several laws by Congress making funds available for school-safety programs, drug and gang prevention, and electronic monitors.

On March 10, 1992, Alfonso Lopez, a 12th-grade student at Edison High School in San Antonio, Texas, was caught with a 38-caliber handgun on the school grounds. He had the gun so that he could sell it to another student for use in gang activities. He was arrested and initially charged with violation of a Texas criminal law prohibiting guns in school. Similar laws had been enacted by about 40 states. These state charges were dropped when the federal government decided to prosecute Lopez under the Gun-Free School Zones Act.

Lopez was convicted and sentenced to six months in jail and a two-year probation. He appealed his conviction on the grounds that it is beyond the power of Congress under the Constitution's commerce clause to regulate gun use in local schools and that the regulation of guns is an issue better left to local and state governments. The Court of Appeals agreed with Lopez's position and reversed the conviction. The case went to the U.S. Supreme Court, which decided it in April 1995.

Issue: The Supreme Court was asked to decide the case on the basis of whether Congress may use its power to regulate commerce to punish a person who brings guns to school or whether this is an area reserved to the states for lawmaking. Although the case involved the federal government's control of handguns, the Second Amendment was not raised.

If you were a Supreme Court Justice, which of the two opinions ([Handout 2](#)) would you agree with? One of the opinions is a summary of the majority opinion of the Supreme Court, the other the dissenting opinion. After discussion, your teacher will identify the majority and dissenting opinions.

Vocabulary

federalism—division and sharing of power and authority between a general, nationwide government and two or more constituent (i.e., state) governments

powers—legal abilities or authority to act

finding—a determination of a bill’s intended effect

intergovernmental relations—relationships of cooperation, competition, coordination, and/or collusion among federal, state, and local governments

1. Why do you think the opinion you chose is better?

2. Are there additional reasons you would like to add to support your position?

3. How do you think the U.S. Supreme Court actually decided this case?

4. If you favored the decision that was the dissenting opinion, does that mean your position is wrong?

For use with the article *Federalism, School Safety, and Congress*, written by Frank Kopecky, a professor of legal studies at the University of Illinois—Springfield and editor of the Illinois State Bar Association Law-Related Education Newsletter. It first appeared in *Update on Law-Related Education*, 19.3, © 1995 American Bar Association.