



You Be the Judge Answer Key

Scenario	Our decision is in favor of:	The constitutional principle(s) that apply include:
<p>Scenario #1 <i>United States v. Lopez</i></p>	<p>PETITIONER: United States RESPONDENT: Lopez</p> <p><i>Is the 1990 Gun-Free School Zones Act unconstitutional because it exceeds the power of Congress?</i></p> <p>Yes. Having a gun in a school zone is not an economic activity necessary for a connection to the commerce clause. The Gun-Free School Zones Act was written to stop “criminal action” not economic action.</p> <p>Although Lopez won the case, he still did something wrong that needed to be punished, just not in a federal court.</p>	<p>Commerce Clause Federalism</p>
<p>Scenario #2 <i>Gonzales v. Raich</i></p>	<p>PETITIONER: Alberto R. Gonzales, Attorney General, et al. RESPONDENT: Angel McClary Raich, et al.</p> <p><i>Does Congress have the power to stop the medical sale and growth of marijuana where the state has deemed it legal?</i></p> <p>Yes. The Court decided that the commerce clause gave Congress the ability to stop the medical sale and growth of marijuana even when the state has passed a law that says otherwise. The Court argued that state marijuana use affects supply and demand in the national market, making regulation necessary and fitting the commerce clause. This is also a supremacy clause issue. A federal statute is above a state law.</p>	<p>10th Amendment Federalism Supremacy Clause Commerce Clause</p>



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Scenario #3 <i>National Federation of Independent Business v. Sebelius</i>	<p>PETITIONER: National Federation of Independent Business, et al. RESPONDENT: Kathleen Sebelius, Secretary of Health and Human Services, et al.</p> <p><i>#1. Does Congress have power to require most Americans to purchase health insurance and require a tax penalty if they do not?</i></p> <p>#1 Yes. The penalty is a tax and Congress has the power to impose a tax if an individual does not have health insurance. This is a valid exercise of congressional authority. They also noted that the payment is not so severe as to cause major hardship.</p> <p><i>#2. Can the U.S. Congress remove all federal funding for Medicaid if the states refuse to expand it?</i></p> <p>#2. No. Congress does not have authority to threaten the states with complete loss of federal funding of Medicaid if the states refuse to comply with the expansion.</p>	10th Amendment Federalism Commerce Clause Checks and Balances



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<p>Scenario #4 <i>United States v. Nixon</i></p>	<p>PETITIONER: United States RESPONDENT: Richard M. Nixon, et al.</p> <p><i>Should the president have unlimited executive privilege to safeguard information and without any judicial review?</i></p> <p>No. The Court said that “neither separation of powers, nor the generalized need for confidentiality of high-level communications, can sustain an absolute, unqualified, presidential privilege.” They recognized the need for confidentiality in certain military or diplomatic affairs, but gave preference to “the fundamental demands of due process of law in the fair administration of justice.”</p> <p>Nixon was compelled to produce the tapes and documents. He resigned shortly after the release of the tapes.</p>	<p>Rule of Law Judicial Review Checks and Balances Supremacy Clause</p>
<p>Scenario #5 <i>Clinton v. City of New York</i></p>	<p>APPELLANT: Clinton APPELLEE: City of New York</p> <p><i>Should the president be able to selectively cancel portions of bills before they are signed into law?</i></p> <p>No. The Court said that legislation that passes both houses of Congress must either be entirely approved (signed) or rejected (vetoed) by the president. By vetoing only selected portions of the bills, the president was making law (or at a minimum, amending the law), which is the duty of Congress according to Article I of the Constitution.</p>	<p>Article I Checks and Balances Judicial Review</p>