

Justices dissenting: Breyer, Ginsburg, O'Connor

150. Act of November 29, 1990 (Pub. L. 101-647, § 1702, 104 Stat. 4844, 18 U.S.C. § 922(q))

The Gun Free School Zones Act of 1990, which makes it a criminal offense to knowingly possess a firearm within a school zone, exceeds congressional power under the Commerce Clause. It is "a criminal statute that by its terms has nothing to do with 'commerce' or any sort of economic enterprise." Possession of a gun at or near a school "is in no sense an economic activity that might, through repetition elsewhere, substantially affect any sort of interstate commerce."

*United States v. Lopez*, 514 U.S. 549 (1995).

Justices concurring: Rehnquist, C.J., O'Connor, Scalia, Kennedy, Thomas

Justices dissenting: Stevens, Souter, Breyer, Ginsburg

151. Act of December 19, 1991 (Pub. L. 102-242 § 476, 105 Stat. 2387, 15 U.S.C. § 78aa-1)

Section 27A(b) of the Securities Exchange Act of 1934, as added in 1991, requiring reinstatement of any section 10(b) actions that were dismissed as time barred subsequent to a 1991 Supreme Court decision, violates the Constitution's separation of powers to the extent that it requires federal courts to reopen final judgments in private civil actions. The provision violates a fundamental principle of Article III that the federal judicial power comprehends the power to render dispositive judgments.

*Plaut v. Spendthrift Farm, Inc.*, 514 U.S. 211 (1995).

Justices concurring: Scalia, O'Connor, Kennedy, Souter, Thomas, Rehnquist, C.J.

Justice concurring specially: Breyer

Justices dissenting: Stevens, Ginsburg

152. Act of October 5, 1992 (Pub. L. 102-385, §§ 10(b) and 10(c), 106 Stat. 1487, 1503; 47 U.S.C. § 532(j) and § 531 note, respectively)

Section 10(b) of the Cable Television Consumer Protection and Competition Act of 1992, which requires cable operators to segregate and block indecent programming on leased access channels if they do not prohibit it, violates the First Amendment. Section 10(c) of the Act, which permits a cable operator to prevent transmission of "sexually explicit" programming on public access channels, also violates the First Amendment.

*Denver Area Educ. Tel. Consortium v. FCC*, 518 U.S. 727 (1996).

Justices concurring: Breyer, Stevens, O'Connor (§ 10(b) only), Kennedy, Souter, Ginsburg

Justices dissenting: Thomas, Scalia, O'Connor (§ 10(c) only), Rehnquist, C.J.