

From the Bag

The Wall Chart

Honorable Danny J. Boggs

UNITED STATES *v.* LOPEZ disposed of the Gun-Free School Zones Act, and put the commerce clause back on the map, with borders. But what next? Dropping the Bomb on Hiroshima and Nagasaki didn't provide the entire basis for deciding when or if to use it again. The fact of *Lopez* does not resolve all questions about its application. Whole forests have died to put the views of law professors and their students on record in the law reviews (at last count at least 1,034 have held forth), and by now virtually all federal judges have dealt with a *Lopez* argument or two, and most have developed opinions on the subject.

Those with less than a lifetime to devote to the study of *Lopez*, and the study of the study of *Lopez*, might want to turn, at least for starters, to Judge Danny Boggs's concurrence in *United States v. Wall*.¹ Judge Boggs offers a handy little flowchart for determining the constitutionality of commerce clause-based statutes after *Lopez*. Unfortunately, the version published in the *Federal Reporter* is barely legible; what's more, it is difficult if not impossible to obtain via the limited graphics offerings of the main on-line services. As a service to our readers, we offer a snazzy version on the next page.

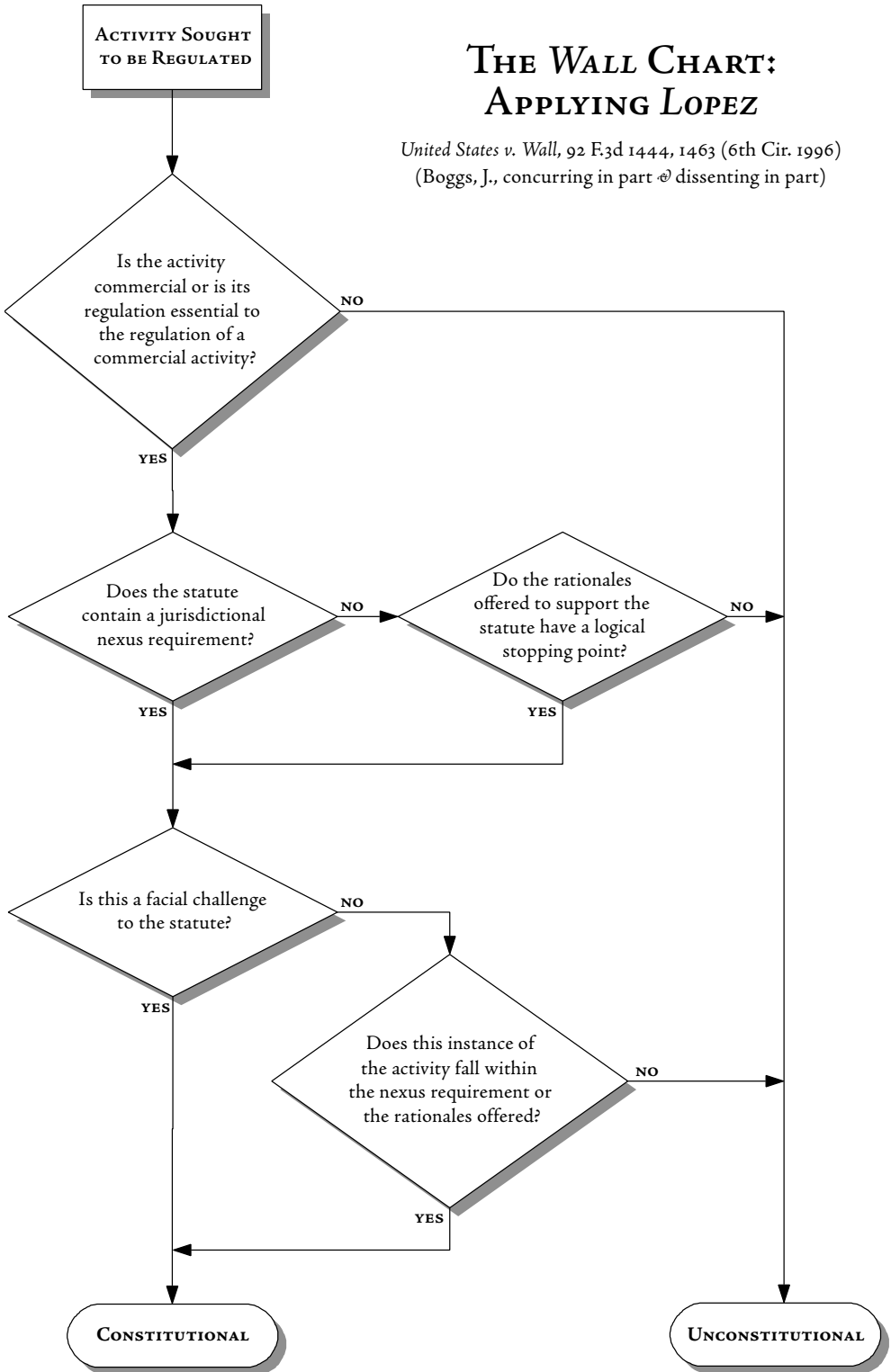
– The Editors

Judge Boggs sits on the United States Court of Appeals for the Sixth Circuit.

¹ 92 F.3d 1444, 1454-85 (6th Cir. 1996), *cert. denied*, 117 S. Ct. 690 (1997) (the chart is found at p. 1463).

THE WALL CHART: APPLYING LOPEZ

United States v. Wall, 92 F.3d 1444, 1463 (6th Cir. 1996)
(Boggs, J., concurring in part & dissenting in part)



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