



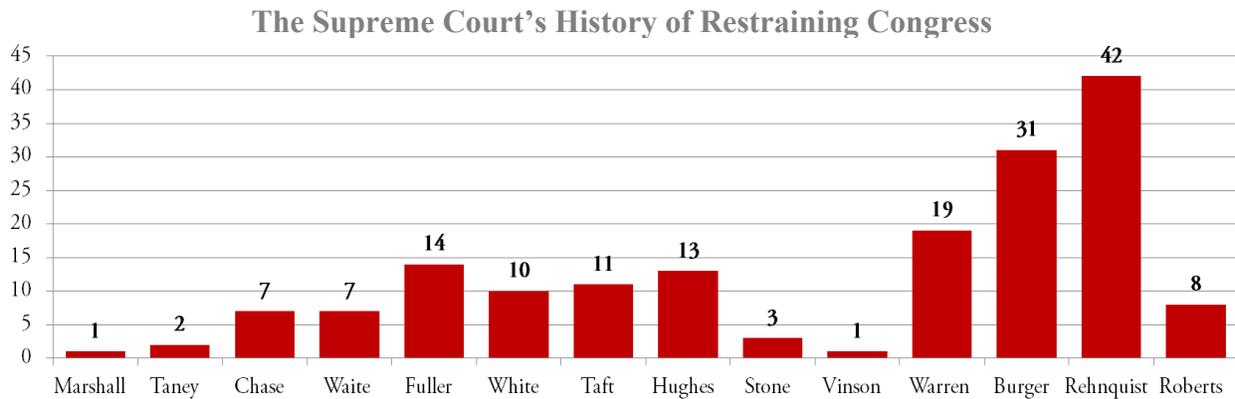
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## Checks and Balances Work

The Supreme Court has the role, and has carried it out for more than two centuries, of measuring acts of Congress against constitutional limitations. At least [169 acts](#) of Congress have been overturned – both popular and unpopular laws. Neither the Congress nor the [President](#) has unlimited authority. Supporters of the President’s health care law have been unable to identify anything in the law that would limit Congress’ power. It is the role of the Court to provide meaningful constitutional restraint.

### Supreme Court Has Overturned 169 Acts of Congress

Striking down the President’s health care law would not be unprecedented, not by a long shot. Portraying a decision that rules against the health care law as a sign of an “activist court” overstepping its constitutional bounds would be *ignoring history*.



### Democrats Have Cheered Unpopular Rulings

When the Supreme Court ruled against Congress’ authority to limit the rights of al Qaeda terrorists being detained at Guantanamo, Democrats cheered.

- In the 2008 case *Boumediene v. Bush*, the Supreme Court held unconstitutional a law eliminating federal habeas jurisdiction over alien detainees held at Guantanamo.

- In response to *Boumediene*, presidential candidate Obama said the Supreme Court [was right](#) to strike down the act of Congress, and Senator Biden [praised](#) the decision as “an important and much-needed check by a co-equal branch of government.”

## **Laws Under the Commerce Clause Have Been Struck Down**

The Court’s ruling on the President’s health care law has significant impact on the Commerce Clause. If the Court rules against the health care law, however, it will not be the end of Congress’ authority to enact legislation under the Commerce Clause as some argue.

- In the 1995 case *U.S. v. Lopez*, the Supreme Court invalidated a federal law criminalizing the possession of a firearm within 1,000 feet of a school. Five years later, in *U.S. v. Morrison*, the Court invalidated a provision of the Violence Against Women Act that created a federal cause of action for victims of gender-motivated violence.
- *Lopez* and *Morrison* did not end congressional authority under the Commerce Clause. In fact, the Court reiterated Congress’ Commerce Clause authority in a 2005 decision, *Gonzales v. Raich*, on the cultivation and use of marijuana.