

## CHANGES IN PUBLIC POLICY REVIEW

### 1. NATIONAL POWER

Limits and potentials (increases or decreases in the amount of power of the Federal government)

- a. Louisiana Purchase (1803)
- b. Attempts to settle the slavery issue by compromise (1820-1860)
- c. Jurisdiction over new territories (1898-1905)
- d. Popular resistance to Prohibition and its repeal (1919-1953)
- e. Federal power in the Great Depression (1929-1939)
- f. Lyndon Johnson and the Great Society (1964-1969)

### 2. FEDERALISM

The balance between nation and state (Federalism is the system of power being divided and shared among a strong central government and smaller units such as the fifty states)

- a. Nullification and Secession under Andrew Jackson and Lincoln (1830-1860)
- b. Power over interstate commerce: *Gibbons vs. Ogden* (1819), *Munn vs. Illinois* (1876), Interstate Commerce Act (1887), *Northern Securities Co. vs. the United States* (1904)
- c. School Desegregation: *Brown vs. Board of Education* (1954), Montgomery Boycott (1955), Little Rock Crisis (1958)
- d. Reagan's "New Federalism" (1981-1989)

### 5. THE JUDICIARY

Interpreter of Constitution or shaper of public policy (Question of the Supreme Court's role in broadening governmental power. Judicial activists believe the court can initiate new policies through decisions. Advocates of judicial restraint believe elective officials are the only appropriate source of new policy.)

- a. Marshall Court: *Marbury vs. Madison* (1803), *McCulloch vs. Maryland* (1819)
- b. *Dred Scott Decision* (1857)
- c. Race relations: *Plessey vs. Ferguson* (1896), *Brown vs. Board of Education* (1954)
- d. Public morality: *Roe vs. Wade* (1973)

### 4. CIVIL LIBERTIES

The balance between government and the individual (Basic national civil liberties are found in the Bill of Rights and applied to the states under the 14th Amendment. They are not absolute. The courts have modified and reinterpreted them in many controversial decisions.)

- a. Clear and present danger rule: *Schneck vs. United States* (1919), *Korematsu vs. United States* (1943)

### 5. RIGHTS OF THE ACCUSED AND PROTECTION OF THE COMMUNITY

Individual rights in arrest and trial situations are found in the Bill of Rights and the 14th Amendment, but controversies arise over the security of the society in relation to these personal protections.)

- a. Lincoln, Wilson, and F.D. Roosevelt and wartime security
- b. McCarthy Era hearings: Oppenheimer case
- c. Warren Court: *Gideon vs. Wainwright* (1962), *Miranda vs. Arizona* (1966)

### 6. EQUALITY

Its definition as a Constitutional value (The 14th Amendment guarantees "equal protection" of the laws to all citizens, but the actualization of the idea has been uneven and controversial.)

- a. Civil Rights Movement (1950-1970)
- b. Native American search for equality (1960's-1970's)
- c. Equality for the disabled

## **7. THE RIGHTS OF WOMEN UNDER THE CONSTITUTION**

(The legal status of women has changed as a result of legislation and amendments)

- a. Suffrage Movement and 19th Amendment
- b. Women's Liberation Movement and the struggle for equal rights

## **8. RIGHTS OF ETHNIC AND RACIAL GROUPS UNDER THE CONSTITUTION**

(Struggles of minorities against inequality revolving around uneven interpretations of the 14th Amendment)

- a. Nativism and the immigrant
- b. Civil Disobedience and Dr. King

## **9. PRESIDENTIAL POWER IN WARTIME AND FOREIGN AFFAIRS**

(Executive power grew as America's role in the world changed)

- a. Washington and neutrality
- b. Jefferson and the trade embargo
- c. Theodore Roosevelt and the Big Stick
- d. Woodrow Wilson World War I & Versailles
- e. FDR: Edging into World War II and summit diplomacy
- f. Truman and containment
- g. Johnson, Nixon and Vietnam
- h. George W. Bush and war on terrorism

## **10. SEPARATION OF POWERS AND THE CAPACITY TO GOVERN**

The Constitutional relationship of three equal branches in constant change)

- a. Congressional and Presidential rivalry over Reconstruction
- b. FDR and court packing
- c. Nixon and Watergate
- d. Reagan and Iran-Contra Hearings

## **11. AVENUES OF REPRESENTATION**

(Continuing expansion of American democracy through the 15th, 17th, 19th, 23rd, 24th, & 26th Amendments and other voting rights legislation)

- a. Direct election of US Senators
- b. Expansion of suffrage for blacks, women, & youths

## **12. PROPERTY RIGHTS AND ECONOMIC POLICY**

(The economic function of government has placed the Constitution in the center of struggles over personal property rights versus the needs of the society. Industrial America became the scene of controversies concerning public welfare versus accumulation of private wealth.)

- a. Hamilton's policies and financial structure
- b. Government control of business: anti-trust acts, consumer protection
- c. Economic Collapse and New Deal Reform: Social Security, labor rights, & deficit spending
- d. Supply side economic policies under Reagan

## **13. CONSTITUTIONAL CHANGE AND FLEXIBILITY**

(Capacity of American government to meet and deal with new situations)

- a. "Elastic Clause" in operation
- b. "Unwritten Constitution": political parties, the cabinet
- c. Amendment process
- d. Judicial Review and key precedents