

Dual Federalism II



1860-1930

Jerred Wassgren, Taylor Crow, Jack Toups,
Megan Bush, Ethan Nicosia, and Micala Baskin

What is Dual Federalism II

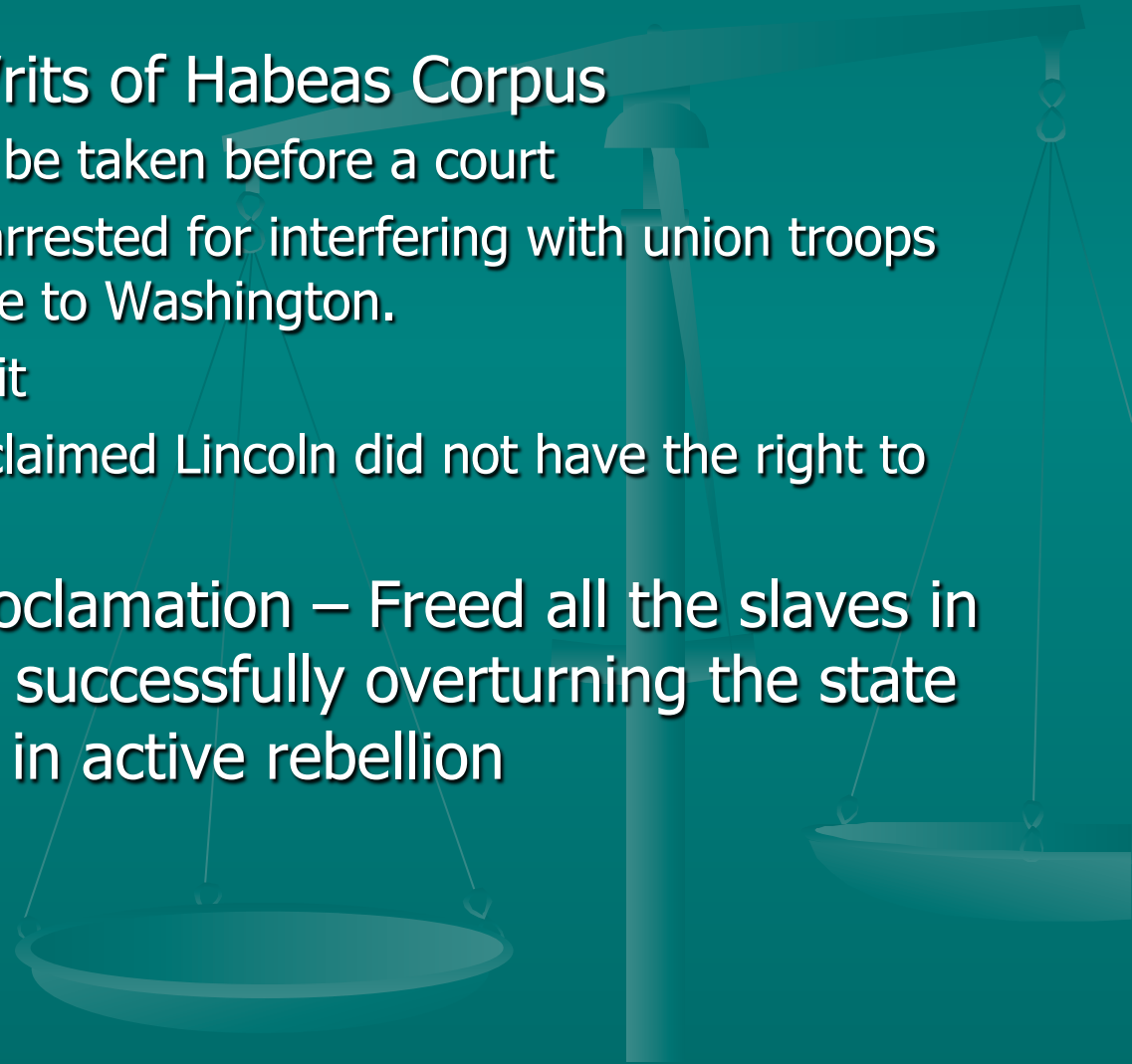
- Dual Federalism II appears on the eve of the Civil War due primarily to the Secession Crisis
- Abraham Lincoln, President at the start of the of this time period, realized in order to preserve the Union, the National government would need a larger influence
- However, the two spheres, the National and the States still kept their separate spheres of influence

Secession and the Civil War (1860-1865)

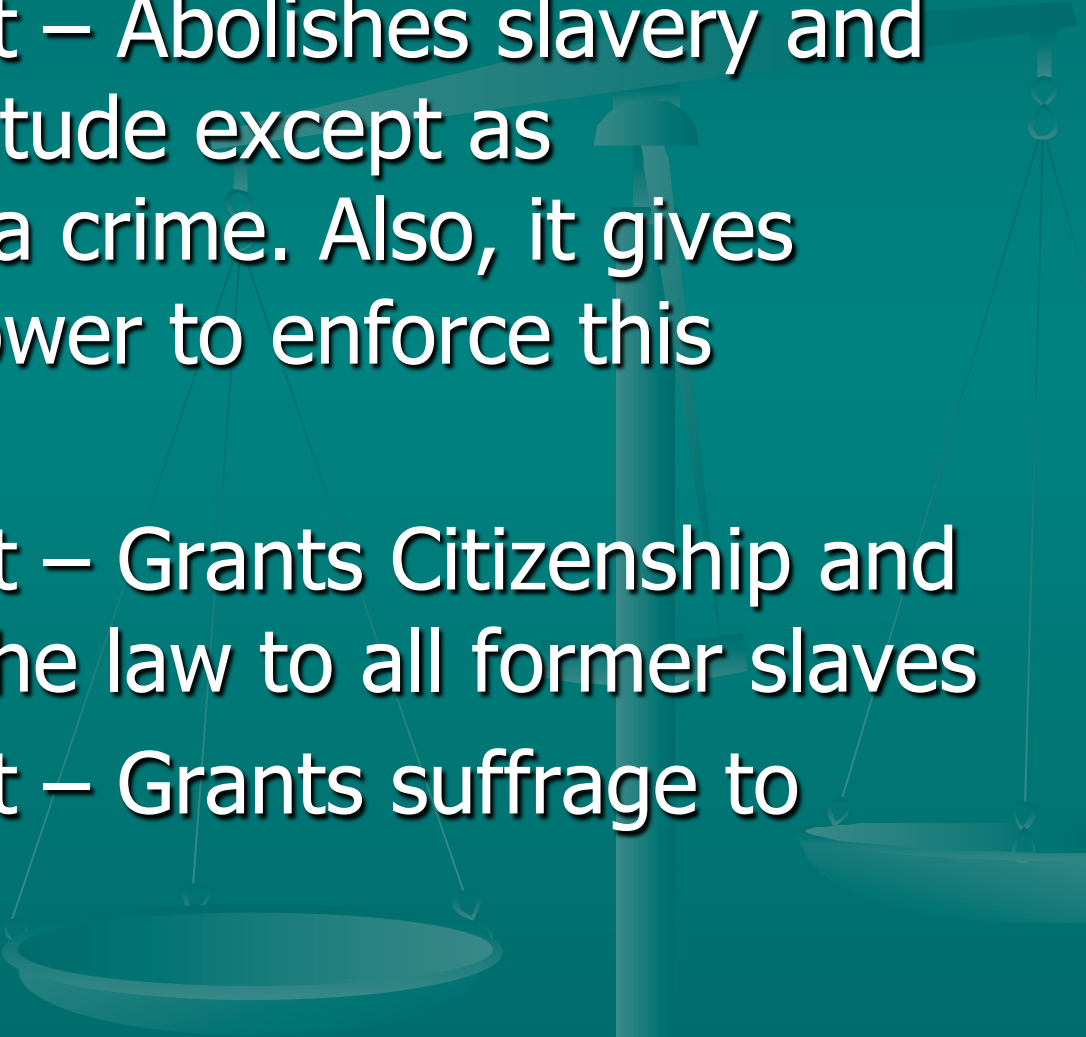
- By the end of 1861, 11 states had seceded and the Civil War was under way.
- This caused Abraham Lincoln to spring into action to preserve the Union
 - **“My paramount object in this struggle *is* to save the Union, and is *not* either to save or to destroy slavery. If I could save the Union without freeing *any* slave I would do it, and if I could save it by freeing *all* the slaves I would do it; and if I could save it by freeing some and leaving others alone I would also do that.”**
 - Abraham Lincoln

Secession and the Civil War (1860-1865)

- The Suspension of Writs of Habeas Corpus
 - Requires prisoners to be taken before a court
 - John Merryman was arrested for interfering with union troops moving from Baltimore to Washington.
 - Lincoln suspended writ
 - Justice Roger Taney claimed Lincoln did not have the right to suspend the writ.
- The Emancipation Proclamation – Freed all the slaves in rebel held territories, successfully overturning the state laws of the 11 states in active rebellion

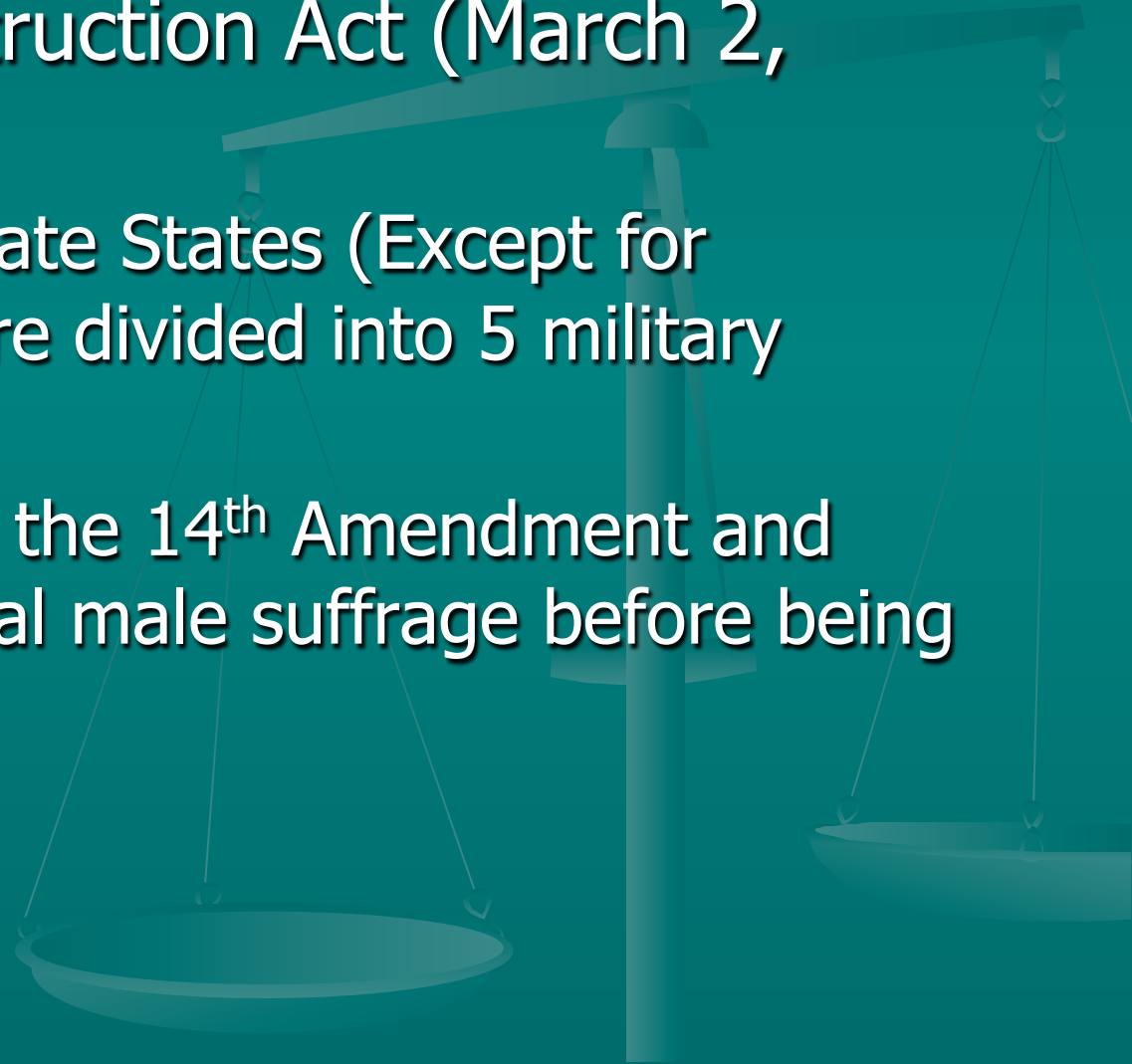


Reconstruction (1865-1877)

- 13th Amendment – Abolishes slavery and indentured servitude except as punishment for a crime. Also, it gives Congress the power to enforce this amendment
 - 14th Amendment – Grants Citizenship and equality under the law to all former slaves
 - 15th Amendment – Grants suffrage to black males
- 

Reconstruction (1865-1877)

- Military Reconstruction Act (March 2, 1867)
 - All Ex-Confederate States (Except for Tennessee) were divided into 5 military districts
 - Forced to ratify the 14th Amendment and provide universal male suffrage before being re-Admitted



Reconstruction (1865-1877)

- Texas V. White (1869)– Ruling claims that the Union is an indissoluble bond amongst the States
 - Case was over bonds that had been sold “illegally” while Texas was apart of the confederacy.
 - Chief Justice Salmon Chase ruled that the states remained a part of the union even after they had “seceded”

Reconstruction (1865-1877)

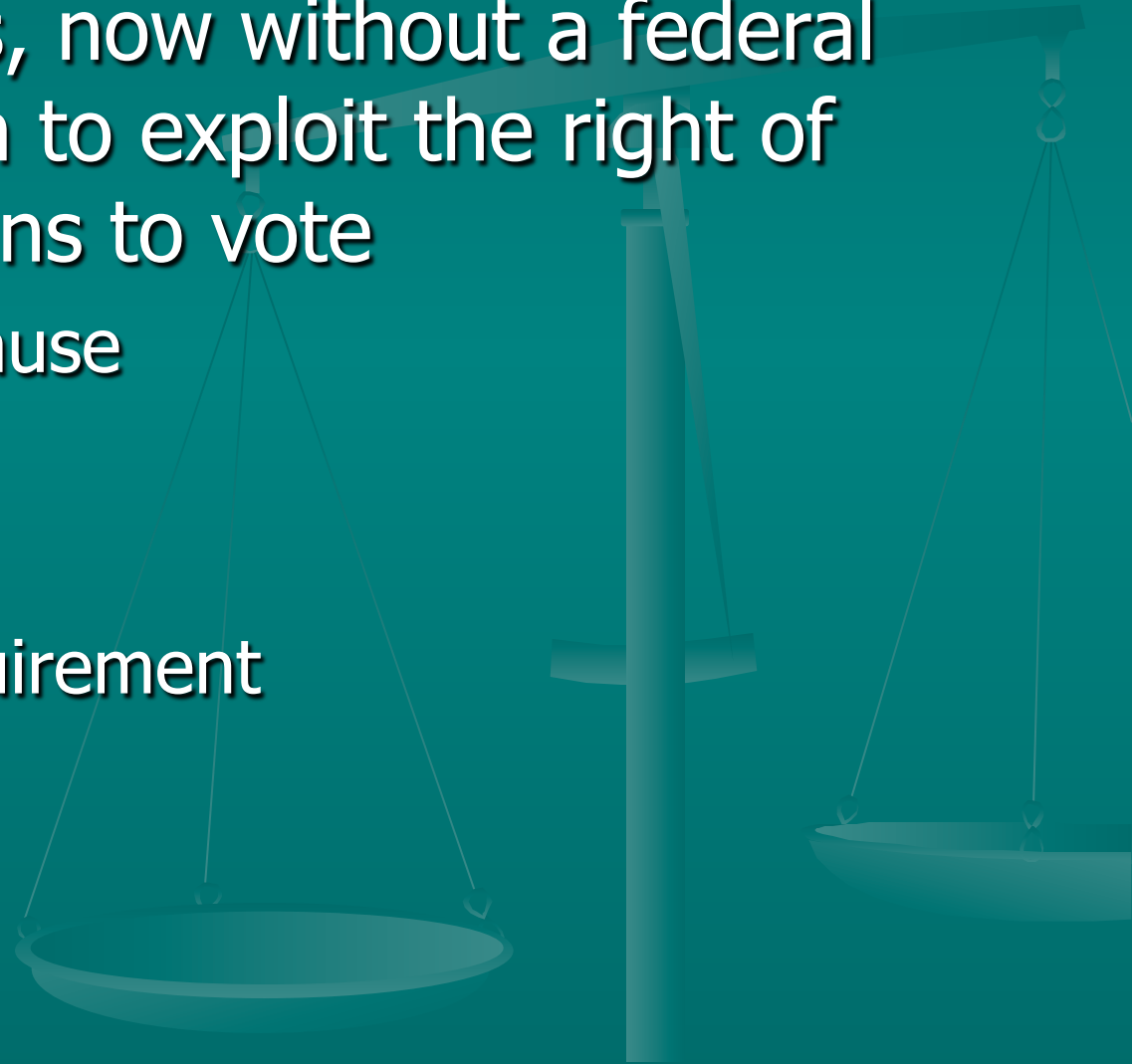
- “Black Codes” – Started during the Reconstruction Era and defined blacks as second class citizens
- Congressional Enforcement Acts (1870-1871)
 - Allows Congress to levy penalties on anyone who obstructs the right to vote
 - Elections are now supervised by a Federal election Supervisor

Reconstruction Ends and Segregation begins

- In 1877 with the election of President Hayes, Reconstruction and the “Southern Question” become less of a Concern for many northerners and federal officials
- As the last of the Federal soldiers return home from the 5 districts, Southern States are given their autocracy back
 - Racial Hatred still exists, Segregation in the South becomes predominant until 1960

Segregation in the South

- Southern States, now without a federal overhead, begin to exploit the right of African-Americans to vote
 - Grandfather Clause
 - Taxes
 - Literacy Test
 - Residency Requirement

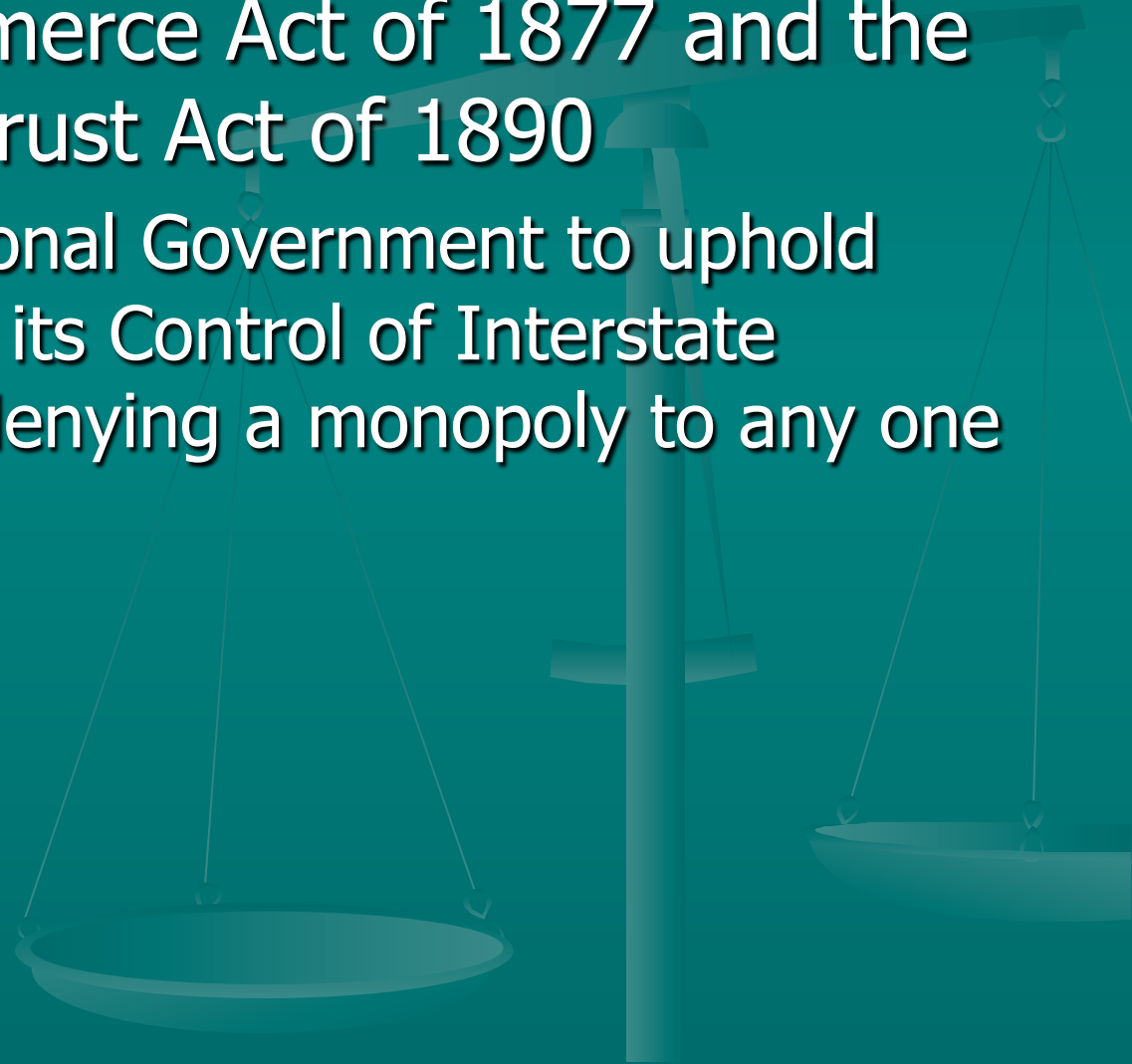


The Supreme Court and Segregation

- Plessy v. Ferguson (1896) – upholds the “Separate but equal” making segregation constitutional
 - Homer Plessy, a 1/8 black man, sat in the whites only car and was arrested for violating the Separate Car Act
 - Supreme Court under chief Justice John Marshall Harlan declared segregation was legal as long as the facilities were equal.
 - Also sets the precedent of making Segregation a state matter

The National Government and Commerce

- Interstate Commerce Act of 1877 and the Sherman Anti-Trust Act of 1890
 - Allows the National Government to uphold and strengthen its Control of Interstate Commerce by denying a monopoly to any one business

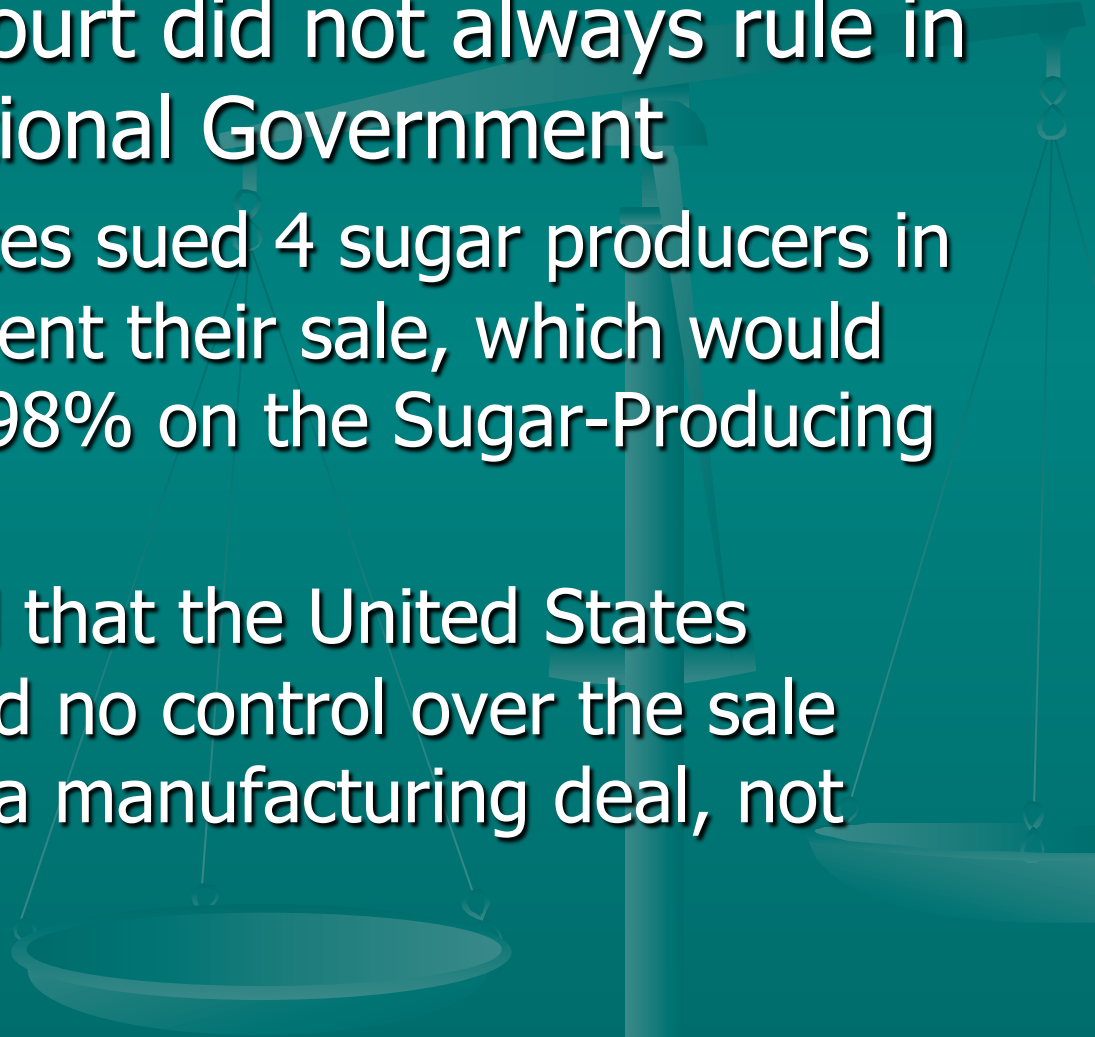


The Growth of the National Government

16th Amendment (1913) – Allows the National Government to collect a Federal Income Tax without having to distribute it to the states

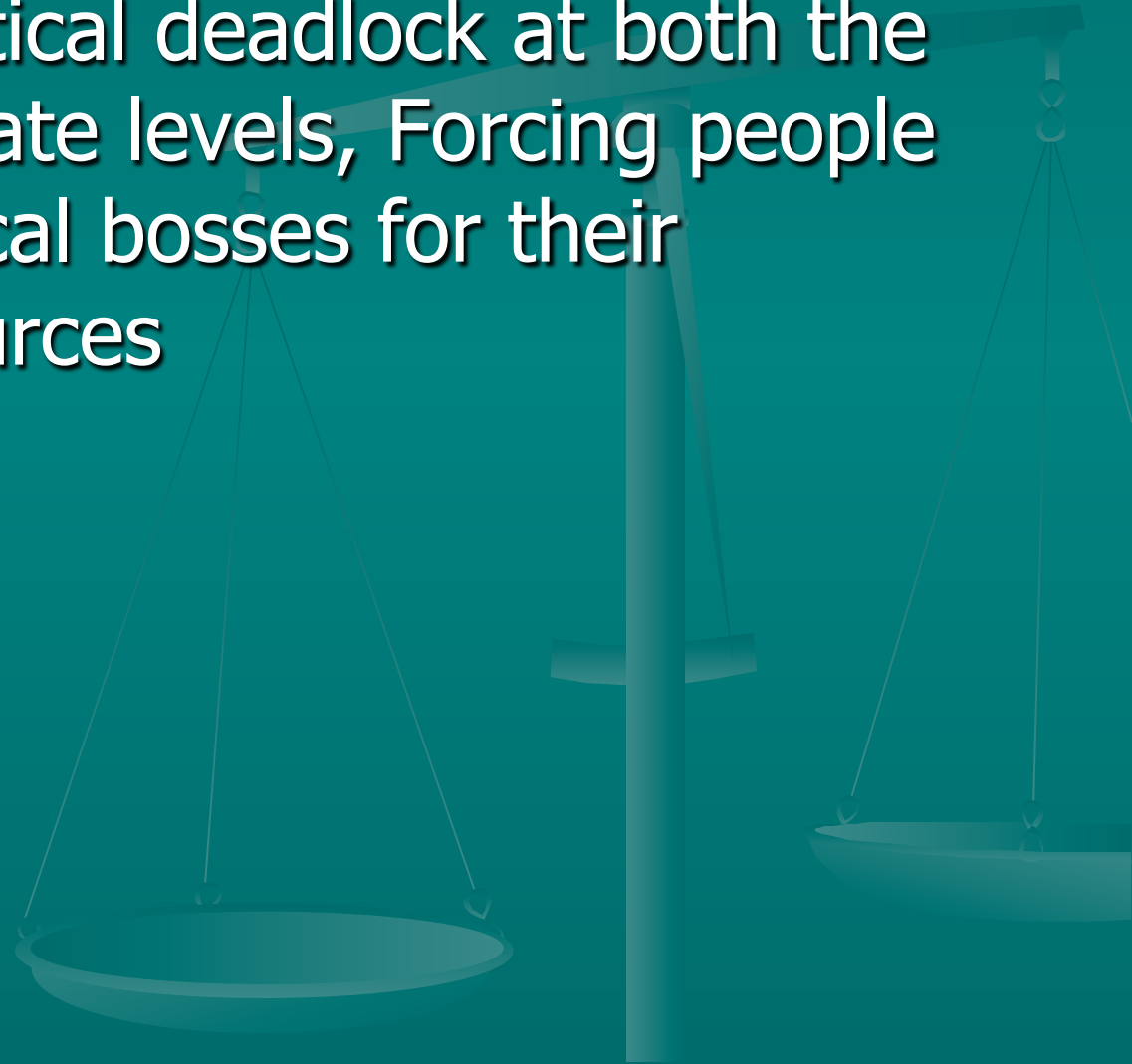
- Increases the Government Power by giving them a new source of income
- 17th Amendment (1913) – Allows for the Direct election of United States Senators
 - Without the Senators being responsible for the States, the States lost their protection in Congress

Inconsistent Growth of The National Government

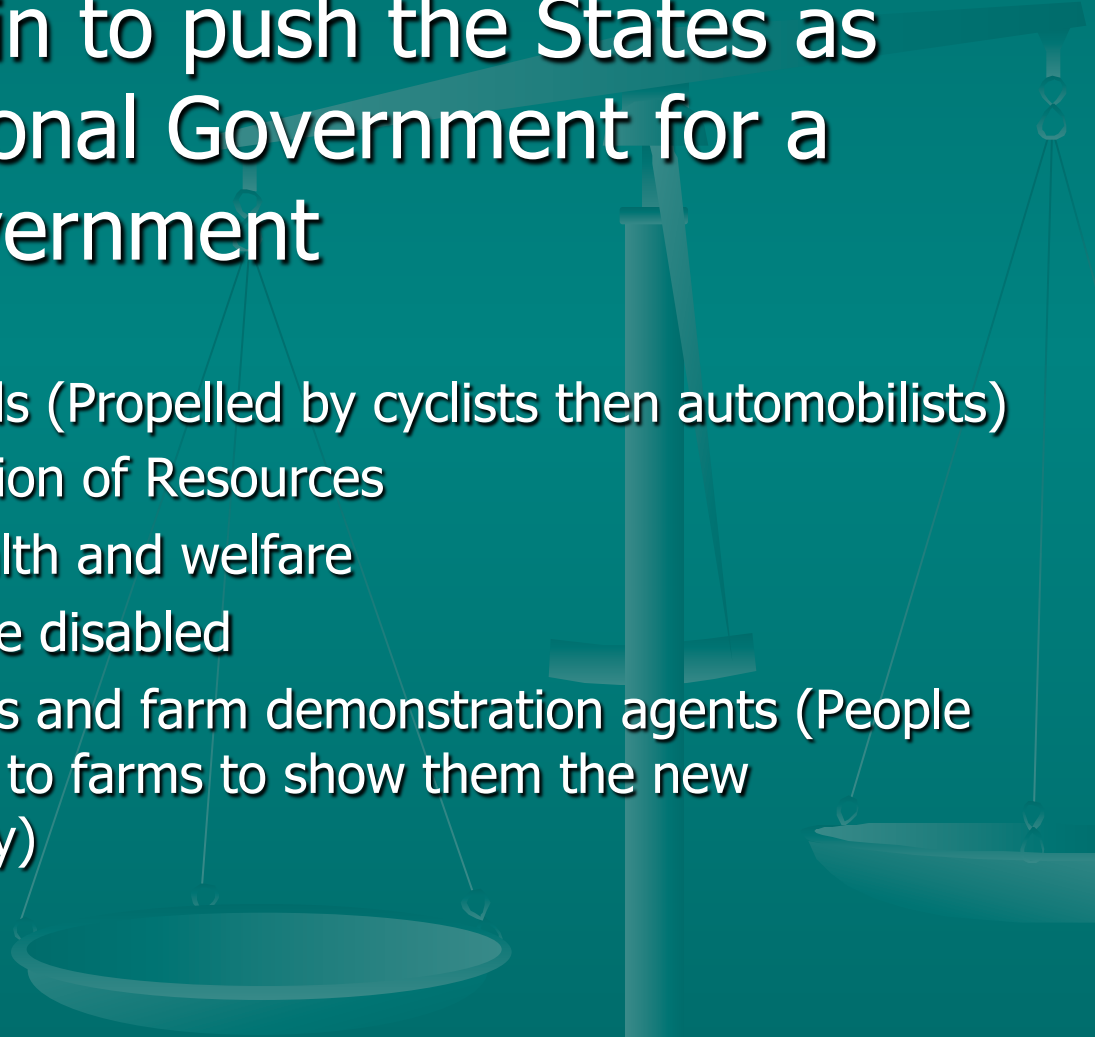
- The Supreme Court did not always rule in favor of the National Government
 - The United States sued 4 sugar producers in attempt to prevent their sale, which would give the buyer 98% on the Sugar-Producing Industry
 - The Court ruled that the United States Government had no control over the sale because it was a manufacturing deal, not commerce
- 

The Gilded Age (1877-1900)

- A period of political deadlock at both the National and State levels, Forcing people to turn to political bosses for their necessary resources



The Progressives (1900-1917)

- The people begin to push the States as well as the National Government for a more active government
 - Schools
 - Good roads (Propelled by cyclists then automobilists)
 - Conservation of Resources
 - Public health and welfare
 - Care of the disabled
 - Farm loans and farm demonstration agents (People who went to farms to show them the new technology)
- 

Progressive Cases

- Expanding Technologies
 - United States v. E. C. Knight and Company (1895)
 - Chief Justice Melville Fuller ruled that manufacturing was not an interstate, but a local authority and thus not subject to congressional regulation
 - The US could not break up the sugar monopoly under the Sherman Anti Trust Act
 - 1902 – proposed a “square deal” – called for the enforcement of existing anti-trust laws and stricter controls on big business
 - Effective regulation was better than a futile effort to restore small business by breaking up all giant corporations

The United States and World War I

- 1914-1919 Europe was involved in the First World War (America Didn't enter until 1917).
 - During this time, America was experiencing an increasingly uneasy neutrality and a growth in both power and spending

United States and World War I

- Espionage and Sedition Acts of 1917-1918
 - Allows the United States to prevent open criticism of the Government and prosecute suspected spies
 - Upheld in *Schenck v United States* (1919)
 - Introduced the Clear and Present Danger Clause
 - Do not have the right to freedom of speech if it presents a “clear and present danger” to the nation/others
 - The United States has the right to Suspend the freedom of speech as well as other Civil Liberties
 - Anti-war protesters, such as Charles Schenck, were denied the freedom of speech

Mobilization for World War I

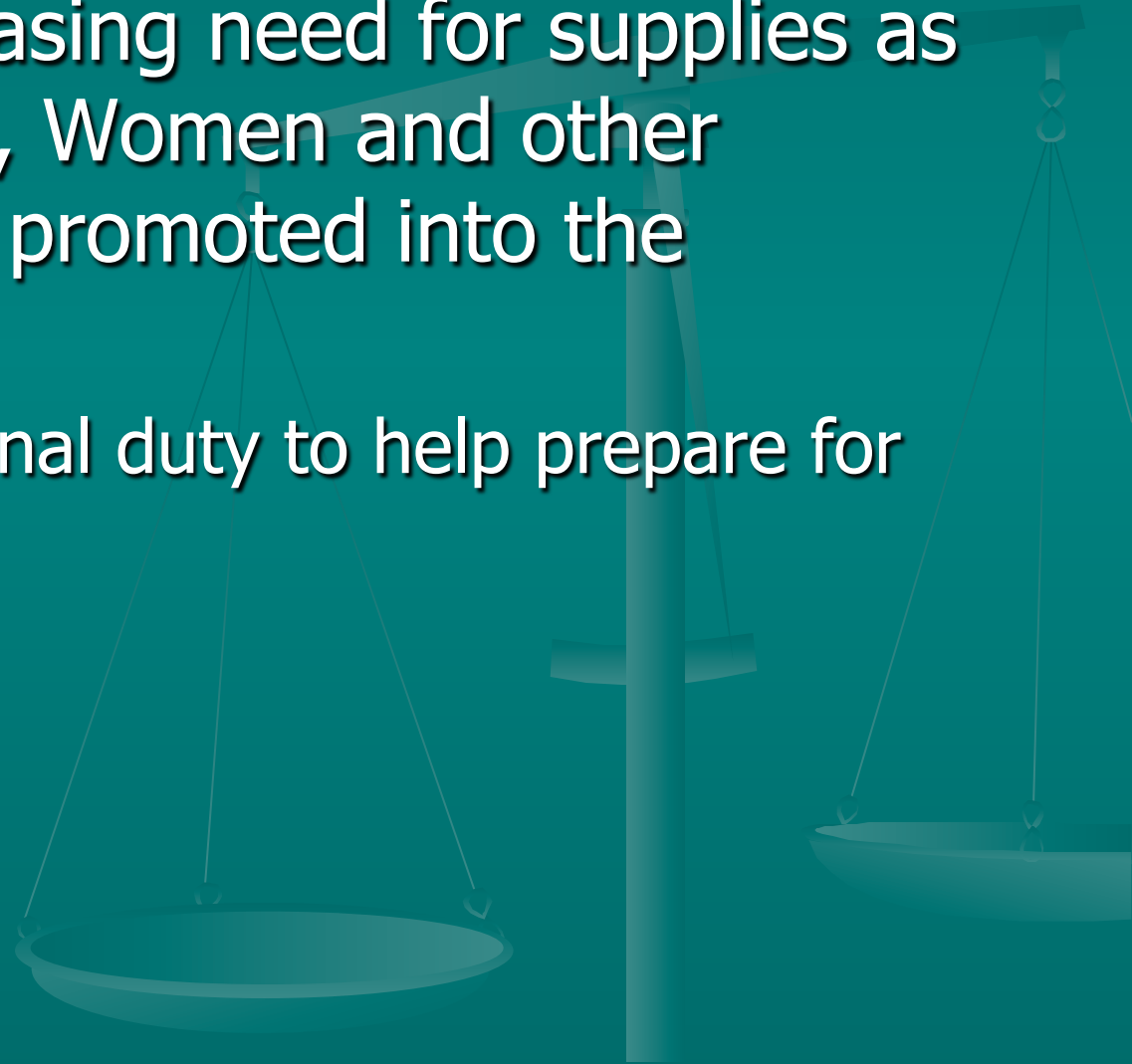
- The United States Government set up the War Industries Board (WIB)(1917) in order to help prepare for entry into the War
 - The WIB as allowed to :
 - allocate raw materials
 - Tell manufactures what to produce
 - Order construction of new plants
 - With Presidential approval; fix prices
- This gave the federal government complete control over manufacturing, despite previous rulings against this.

Mobilization and Nationalism

- To prepare for war, the United States introduced several conservation policies
 - Made “meatless Tuesdays”
 - “wheatless Wednesdays”
 - “porkless Saturdays”
 - planting of victory gardens
 - the creative use of leftovers
 - introduced Daylight Savings time and
 - “Heatless Mondays”

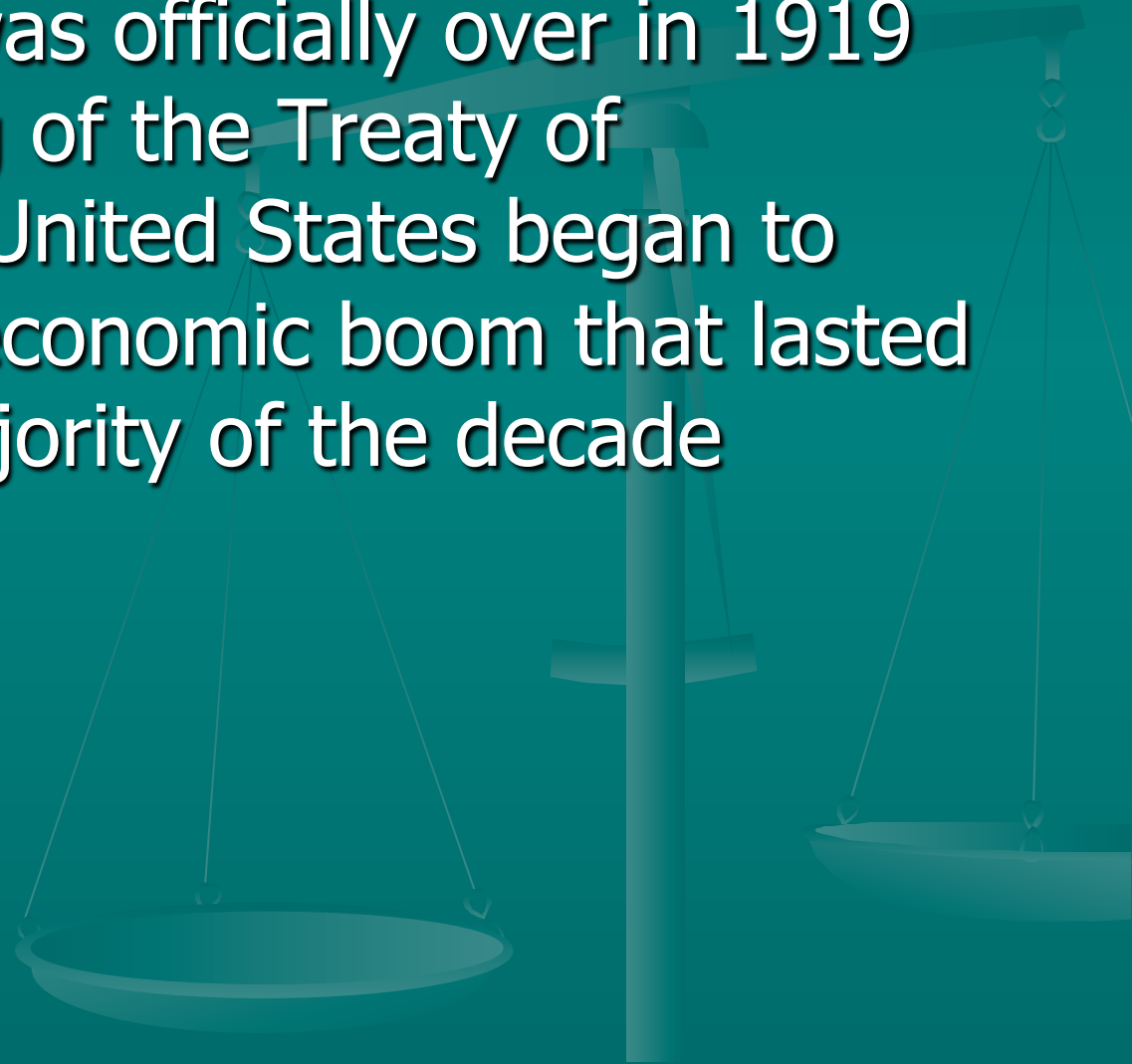
Nationalism

- Due to an increasing need for supplies as well as laborers, Women and other minorities were promoted into the workforce
 - Seen as a national duty to help prepare for war



The Roaring '20s

- After the War was officially over in 1919 with the signing of the Treaty of Versailles, The United States began to experience an economic boom that lasted through the majority of the decade



The Roaring '20s

- 19th Amendment (1920) – Women receive suffrage
 - Begin to see a larger amount of constituents being represented in Congress, as well as State governments
- Society in itself began to change
 - Women became more involved with self expression
 - “Flappers”

Stock Market Crash (1929)

- October 29, 1929 – Stock Market Crashes
 - Banks start to close, people begin to lose everything
 - Sets up the Great Depression
 - People begin to turn to the National Government for payouts or work, as well as other relief programs, setting up the next era of Federalism

Works Cited

- O'Connor, K., & Sabato, L. J. (2006). *American Government Continuity and Change* (2006th ed., pp. 106-107). N.p.: Pearson Education.
- Tindall, G. B., & Shi, D. E. (2007). *America A Narrative History* (7th ed.). New York, NY: W.W.Norton & Company.