DUAL FEDERALISM II
1860-1930

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DUAL FEDERALISM

• A political theory where two different governments (the national/federal government and the state government) share political power.

• It’s a form of checks and balances that the US government utilized to ensure the federal government did not get too powerful.

• The power generally favored the states (especially under the Jackson administration) until this era in US history (1860-1930) where the power gradually shifted.

• This time period can be split into the Civil War, Reconstruction, Guilded Age, and Progressive Era.
Part of the disputes that led to the Civil War concerned federalism. Many Southerners felt that state governments alone had the right to make important decisions, such as whether slavery should be legal. Advocates of states’ rights believed that the individual state governments had power over the federal government because the states had ratified the Constitution to create the federal government in the first place. Most Southern states eventually seceded from the Union because they felt that secession was the only way to protect their rights.
NORTH V. SOUTH

For the Union, defeating the South secured the future of the Union.

For the Confederates, they wanted to protect their liberty by defending their way of life and maintaining STATES RIGHTS.

The Union Win of the Civil War meant *weaker* state power and *stronger* federal power.

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<th>North</th>
<th>South</th>
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<tr>
<td>• Large populations</td>
<td>• Home-field advantage</td>
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<td>• resources</td>
<td>• Strong will</td>
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FIGHTING THE WAR

- Lincoln’s “Emancipation Proclamation” gave a moral purpose to the war by abolishing slavery. Once Southern states were occupied by the Union, slaves were liberated. This shows the assertion of the federal government's power over the states since it disregards the South’s economic want for cheap labor.
The Reconstruction Era was important and influential to the fate of Dual Federalism. The policies passed and the political parties in power favored a stronger central/federal government. During a time of heightened tension between the states and the national government, this meant a very present lack of cooperation.
The **Wade Davis Bill** (1864), passed by Congress, vetoed by Lincoln, required 50% of a state’s male voters to swear that they never voluntarily supported the Confederacy. The decision about this bill was at a stalemate by Lincoln's assassination.

Abraham Lincoln’s **Ten Percent Plan** (a loose approach) said that each Southern state could gain readmission to the Union/establish a new state government after 10% of voting men pledged loyalty to the Union.

Lincoln assassinated, Andrew Johnson becomes president.
READMITTING THE SOUTH

• Johnson’s policies were relaxed toward the South, though his **Amnesty Proclamation (May 29th 1865)** which was harsher than Lincoln’s, which angered many Northerners.

• **Radical Republicans** were elected to Congress and took control of the Reconstruction process.

• These Northerners passed severe legislature in Congress against the South. Many Johnson tried to veto, but some were still passed.
• Reconstruction Act 1867 - Debate over how to let the southern states back into the Union. The policies imposed showed the power of the federal government over the states.

• Civil Rights Act 1866 – designed to protect African Americans from legislations such as the black codes (Johnson vetoed, still passed.)

• Freedmen’s Bureau Bill – extended the life of the Freedmen’s Bureau (Johnson vetoed, still passed.)
AMENDMENTS

• 13th - ended slavery

• 14th - grants citizenship to all born in US

• 15th - Suffrage, regardless of race

• These amendments showed the federal government asserting power over the states, especially the South.
SOCIAL CHANGES

• Black codes/Jim Crow- the South’s way of fighting against Reconstruction Laws and maintaining their way of life.

• Radical Republicans – a political faction who wanted harsh terms for the Southern States to reenter the Union.

• Ku Klux Klan – began a campaign of violence against African Americans in attempt to seize back control of the government.
The Gilded Age also played a big part in Dual Federalism as technology advanced and businesses grew. The national government gained more power over the states due to court cases and legislation that helped to regulate trade and commerce.
• Civil Rights Act 1875 – guaranteed equal use of public accommodations and places of public amusement. Forbids the exclusions of African Americans from jury duty.

• Chinese Exclusion Act 1882 – barring Chinese immigration for 10 years

• Pendleton Act 1883 – established Civil Service Commission and government positions were earned by merit.

• Interstate Commerce Act – railroads must charge reasonable rates and cannot offer discounts to preferred customers

• These acts were created to help the economy grow and to help the people find/maintain jobs. These helped to enforce the idea that the federal government rather than the state had power over trade.
COURT CASES

- United States v. Cruikshank (1876) - the first and second amendments limit the federal government, not the state governments
- Plessy v. Ferguson (1896) - allowed states to maintain segregation
- Hans v. Louisiana (1890) - the federal courts cannot take legal action against a state to recover money damages
- These court cases strengthened the power of the state governments by reiterating state’s rights over the federal power.
- Wabash Case – a farmers organization known as the Grange wanted to regulate railroads. In this Supreme Court Ruling, it was decided that the states COULD NOT regulate interstate trade (via railroads). This case reiterated the idea that the national gov’t controlled the economy.
SOCIETAL CHANGES

• Trusts/Monopolies – the rise of big businesses and millionaires due to technological advancement, causing social tension. This allowed the federal government to gain more power as they passed legislature to regulate commerce and trade.

• Workers Unions and Gilds such as the American Federation of Labor (AF of L) were popular

• Yellow Journalism – based on sensationalism and crude exaggeration

• Farmer’s Alliance – wanted to socialize and push the farmer’s agenda, spawned the Populist Party
The Progressive Era was filled with many policies and societal changes that were created to fix the problems made by big businesses in the Gilded Age. The policies promoting Women’s Rights, Trustbusting, and Social Standards helped lead to the end of the battle between the state and federal government.
• Initiative – voters could initiate laws rather than waiting and hoping a legislator might do it

• Referendum – voters could voter proposed bills into law, circumventing unresponsive legislators

• Recall – voters could remove elected officials rather than waiting for their term to expire

• Secret Ballot – help get a true vote and avoid intimidation at the polls.

• Federal Reserve Act – reestablished a National Bank, which had be dismembered by Andrew Jackson in support of the common man/the states.
• 16th - gives Congress the power to levy an income tax without regard to the populations of any of the states

• 17th - the people elected the state senators instead of the state government

• These gave the federal government more power because it (a) gave them access to resources they didn’t have before and (b) the power of the state government was weakened.

• 18th - prohibition of alcohol, was created without the opinion or vote of the states
SOCIAL CHANGES

• Muckrakers – exposed corruption in politics and business
• Trustbusting – government activities aimed at breaking up monopolies and trusts
• Roaring Twenties – period of economic prosperity which allowed a rich, urban, and sometimes racy “mass culture” to thrive.
• Women’s Rights – during WWI, women proved themselves outside of the household and began to think more independently
• Prohibition – the banning of alcohol because it hurt the American Household.
THE GREAT DEPRESSION

1930's
THE END OF DUAL FEDERALISM

• The decline of dual federalism began with the Great Depression due to the federal government’s attempt to fix and boost the economy.
• FDR’s New Deal promoted Cooperative Federalism


• http://www.infoplease.com/encyclopedia/history/reconstruction-johnson-plan.html

• http://www.digitalhistory.uh.edu/era.cfm?eraID=9&smtid=1

• http://www.history.com/topics/roaring-twenties