

Devolution: 1980-2001

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Definition of Devolution

- The transfer of power to a lower level, especially from a central government to state and local governments.
- Devolution describes a decentralization process providing for a greater degree of self-rule

The 1970's- Richard Nixon

- President Richard Nixon declared an attempt to reverse the flow of power from the federal government back to the states.
- Nixon claimed that the federal government was eroding individual freedoms with the amount of power they held.

Ronald Reagan

- Reagan was elected as president because of his promise to return power to the states. He called this plan the New Federalism. However, he felt that welfare should have been a national issue.
- Democrats and Liberal interest groups argued that grants-in-aid were an effective way to raise the level of service to the poor.
- Others, including Reagan attacked the groups as imposing national priorities on the states.

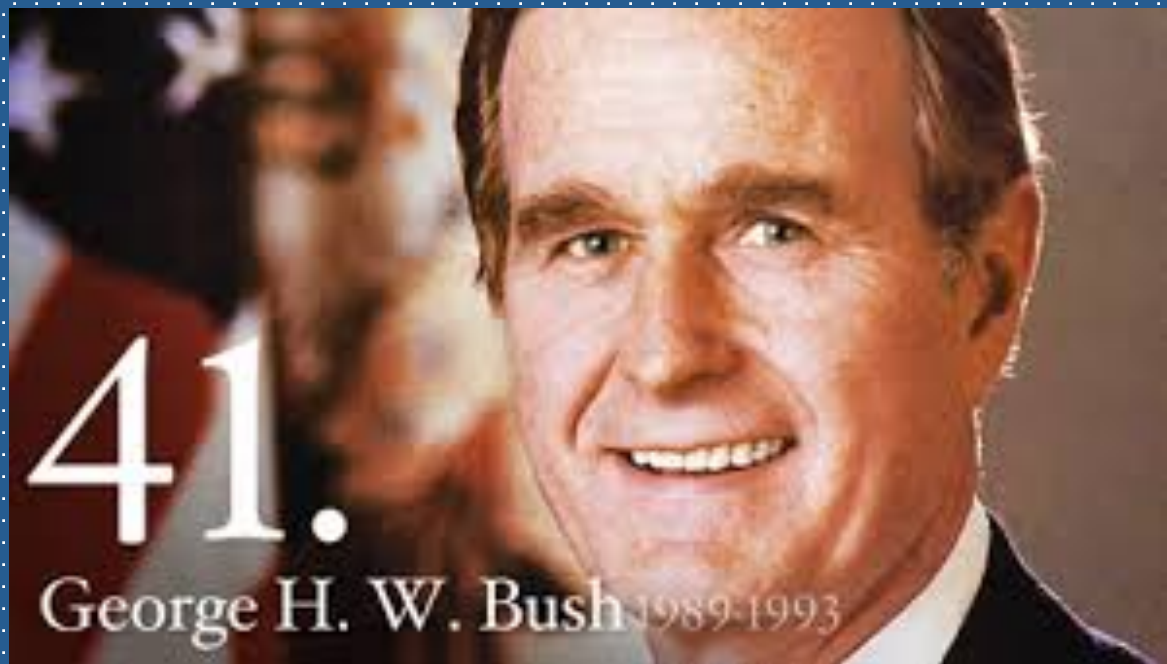
1980's- Ronald Reagan

- For the first time in years, federal aid to states declined. President Ronald Reagan was criticized for weakening the states economical standing by creating debt. This was the opposite effect that Nixon had promised.



1980's- George H. W. Bush

- Ronald Reagan and Bush in 1993 passed out the most block-grants
- **Block-grants** are broad grants with few strings attached; given to states by federal government or specified activities, such as secondary education or health services.



Da sinistra: Barack, Piersicotti

1992- William “Bill” Clinton

- President Bill Clinton was more predisposed to federal programs than the presidents preceding him.
- 27th Amendment- Congressmen cannot increase their salary for the time they are in office. If the salary DOES become increased, it will not take effect until the next term.
- FUN FACT: This was proposed in the 1789, but wasn't ratified until 1992!!



The Contract of America

- The Contract of America pledged to force a national debate regarding the role of the national government and their power over the states. It favored giving powers back to the states.
- 48% of American citizens felt that the government had too much power
- Very few of the contract proposals, regarding budget and tax reforms, were passed to become laws

Unfunded Mandates Reform Act of 1995

- This act prevented Congress from passing expensive federal programs without debate on funding and addressed the primary concern for the state governments
- National laws that direct states or local governments to comply with federal rules or regulation
- Contain NO federal funding to avoid the cost of meeting these requirements.
- i.e. Columbus, Ohio, for example, faced a \$1 billion bill to comply with the federal Clean Water Act and the Safe Drinking Water Act. The government was not going to pay for this bill.

Personal Responsibility and Work Opportunity Reconciliation Act of 1996

- Returned much of the administrative power for welfare programs to the states
- This program changed from the Aid to Families with Dependent Children to the Temporary Assistance for Needy Families

The End of Clinton

- All the new programs produced record federal and state budget surpluses.
- Because of these surpluses, the states were able to cut taxes and increase spending.
 - The states were then in the best fiscal shape since the 1970's.

The Bush Administration- 2000

- Terrorist attacks, a struggling economy, and the rising cost of education and welfare produced state and federal budget deficits that would have been unimaginable a few years before.

September 11, 2001

- During the declaration of war against terrorism, the federal government had to take powers back from the states to protect The United States of America.
- **Preemption**- A concept derived from the Constitution's Supremacy Clause that allows the national government to override state or local governments in certain areas and circumstances.



No Child Left Behind

- On January 8, 2002, President Bush signed NCLB into a law.
- NCLB requires all public education systems that federally funded to give students state mandated standardized testing.
- This continued to leave the education powers with the federal government, which has been the case ever since President Nixon.

Court Cases

Case	Year	Vote	Issue/Question	Decision
Webster V. Reproductive Health Services	1989	5-4	Are several state abortion restrictions constitutional?	Yes. In upholding most of the restrictions, the court invited the states to begin to enact new state restrictions
New York V. Smith	1992	6-3	Does the Low-Level Waste Act, Which requires states to dispose of radioactive waste within their borders, violate the Tenth Amendment	Yes. The section of the act that requires the states to take legal ownership of waste is unconstitutional because it forces states into the service of the federal government.
U.S. V. Lopez	1995	5-4	Does Congress have the authority to regulate guns within 1,000 feet of a public school?	No. Only states have this authority; no connection to commerce found.

Court Cases Cont'd

Case	Year	Vote	Issue/Question	Decision
Seminole Tribe V. Florida	1996	5-4	Can Congress impose a duty on the states to negotiate with Indian tribes?	No. Federal Courts have no jurisdiction over an Indian tribe's Suit to force a state to comply with the Indian Gaming Regulations Act, thus upholding the state's sovereign immunity (immunity from a lawsuit)
Boerne V. Flores	1997	5-4	Is the federal Religious Freedom Restoration Act and its application of local zoning ordinances to a church constitutional?	No. Sections of the act are beyond the power of congress to force on the states.
Printz V. U.S.	1997	5-4	Can Congress temporarily require local law enforcement officials to conduct background checks on handgun purchasers?	No. Congress lacks the authority to compel state officers to execute federal laws.

Court Cases Cont'd

Case	Year	Vote	Issue/Question	Decision
Florida Prepaid V. College Savings Bank	1999	5-4	Can Congress change patent laws to affect state sovereign immunity?	No. Congress lacks authority under the commerce clause and the patent clause to eliminate sovereign immunity
Alden V. Maine	1999	5-4	Can Congress void state immunity from lawsuit in state courts?	No. Congress Lacks the authority to eliminate a state's immunity in its own courts.
U.S. V. Morrison	2000	5-4	Does Congress have the authority to provide a federal remedy for victims of gender-motivated violence under the commerce clause of the Fourteenth Amendment?	No. Portions of Violence Against Women Act were found unconstitutional.

LET THEM EAT CAKE!!!!!!!

- The Red Velvet Poke Cake represents the state governments and the holes represents each state. The topping represents the federal governments. When the topping is added, the cake is taking some of it in. This is mirrored by the states taking back some of their power from the federal government.
- The Andes Mint topping represents how gradual the gaining of state power. The blank section of the cake, represents the amount of power the states had after September 11, 2001.



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