

## **I. Historical and Structural Aspects of Public Policy**

### ***A. Objectives***

- 1. Understand the Constitutional structure and its relationship to policy making**
- 2. Understand the historical context of policy**

### ***B. The context of American policy making***

- 1. The Constitution**
- 2. Features of the System**
- 3. History**

### ***C. The Constitution—Background***

- 1. The American revolution**
- 2. The Articles of Confederation**
- 3. The constitutional convention of 1787-89**
- 4. Ratification**

### ***D. The Constitution--Structure***

- 1. Three branches of government.**
- 2. Supposedly co-equal.**
- 3. Create what we know as “checks and balances” via a “separation of powers.”**

### ***E. The Separation of Powers (p. 47)***

### ***F. The Constitution: Federalism***

- 1. One national government**
- 2. Fifty state governments**
- 3. Result: Shared power between the federal government and the states.**
- 4. Examples: what do the states do that the feds don't? What do the feds do that the states don't? What do both do?**

### ***G. Key to Public Policy***

#### **1. Article 1, section 8**

#### **2. Does this limit Congress's power?**

- a) Does government go beyond the Constitution's mandate? What is the Constitution's mandate?

## **II. Constant Features of the American System**

### ***A. Ideological and political stability***

### ***B. The system is highly fragmented***

- 1. Separation of powers**
- 2. Federalism**
- 3. Rules and norms of the legislature and other bodies**
- 4. Public support for stability**

### ***C. Basic rules and norms***

### ***D. Open government and policy restraint***

### ***E. Fragmentation***

### ***F. Difficult to change constitutional system***

### ***G. Features of American Political Stability***

- 1. Ideological stability**
- 2. Political stability**
- 3. Policy stability**
- 4. Stability in power**

### ***H. Historical Eras of Policy***

- 1. Divided Power 1789-1860**
- 2. State Activism 1860-1936**
- 3. National Activism 1936-1960**
- 4. National Standards 1960-1980?**
- 5. The End of Big Government – 1980-?**
- 6. The future? That's why we're studying this subject!**

### ***I. Divided Power: 1789-1870***

- 1. The nation was still very new**

- 2. The federal government was considered fairly unimportant**
- 3. Most important task: figuring out how to divide power.**
- 4. Two examples**
  - a) Barron v. Baltimore – state vs. federal citizenship and rights
  - b) Gibbons v. Ogden – the meaning of the commerce clause (again, Art I, sec. 8).

#### ***J. State Activism: 1870-1933***

- 1. Big changes in America: the industrial revolution, immigration, urbanization, wealth disparity.**
- 2. States sought to regulate industry, monopolies**
- 3. Feds created the ICC, Sherman Act.**
  - a) But state regulation of industry was severely constrained: *Lochner v. New York* (1905)
- 4. Still, some major enactments:**
  - a) States:
    - (1) Child labor laws (some)*
    - (2) Wage and hour laws for women (Miller v. Oregon, 1912)*
  - b) Federal
    - (1) Federal Reserve System*
    - (2) Clayton Act*
    - (3) Pure Food and Drug Act*
- 5. The big constraint: the judiciary**

#### ***K. National Activism: 1933-1961***

- 1. Triggered by the Great Depression**
  - a) The problem: how to get the economy and the nation on track.
  - b) FDR's solutions: National Industrial Recovery Act, Civilian Conservation Corps
- 2. Constrained by the courts**

- a) NIRA struck down
- b) But, new Supreme Court appointments after 1936

### **3. Result:**

- a) The Court relents in *West Coast Hotel v. Parrish*, on state labor laws—end of the *Lochner* standard

***(1) Huge growth in New Deal activities after the 1936 elections***

- (a) TVA
- (b) Social Security
- (c) FDIC

***(2) Post war government remains huge, many federal programs—the New Deal coalition in power much of this time.***

### ***L. National Standards: 1960-1980?***

#### **1. Many new government programs: *The Great Society*.**

- a) Civil Rights
- b) Poverty
- c) Urban Renewal
- d) Highways and Transportation
- e) Education

#### **2. Nixon (elected 1968) didn't change that much**

- a) Some block grants to states
- b) But, EPA, Trans Alaska Pipeline = big federal projects

### ***M. The End of Big Government—1980-?***

#### **1. About 1976: a belief that government was getting “too big.”**

#### **2. The deregulation movement under Carter**

Example: Airline deregulation

#### **3. The Reagan Administration**

- a) Attempts to cut social programs
- b) But...

- (1) Congress restored much domestic spending*
- (2) Huge defense spending growth*
- (3) Tax cuts*
- (4) Result: historically high budget deficits*

#### **4. The Clinton and GW Bush Years**

- a) Clinton under pressure to limit government

Welfare reform

Deficit does shrink, due to growing economy

- b) Bush supports "smaller government"

But will invoke federal power when he finds it convenient.

Example: power lines in the West.

### **III. Summary**

#### *A. The Constitution is a framework*

- 1. The system is somewhat democratic in design**
- 2. Is the system truly democratic? Has it ever been?**
- 3. Government is big, but how big is "too big"?**