Lecture 6-2007

September 11, 2007

1. 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
   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?


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”?