

CREATIVE FEDERALISM

1960-1980

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CREATIVE FEDERALISM DEFINITION

❖ Liberal Agenda under LBJ; National government used block and categorical grants to control states; National government set more guidelines for states to follow; 1960's national government starting telling states what needed to be focused on; Inherent conflict between national and state; Categorical made sure government interests were not tweaked by the states by being narrow and specific in nature. System was expanded to include more involvement of things such as local governments and non-profit organization.


CREATIVE FEDERALISM CONTINUED

❖ It represents a combination of four political traditions:

- Belief in the Capacity of the national government to solve basic social and economic problems. (one great society)
- States and local governments should be active partners in the system as implementers. (grants-in-aid)
- Pragmatism (concern for practical consequences)
- Fiscal and Administrative Conservatism

❖ Four Key points about Creative Federalism:

- Intergovernmental liaison officers were established in domestic departments to improve their communication with state and local governments.
- Grant management was standardized and simplified
- Federal Regional Councils established to improve HQ to field officer relations
- Reorganizations helped rationalize the federal bureaucracy.



OTHER NAMES

❖ Pickett Fence Federalism

❖ Marble Cake Federalism

COURT CASES

- ❖ **Baker v. Carr** (1962) - established federal court right to determine districts within a state(voting representation in districts)
- ❖ The Tennessee State Constitution requires that the legislative districts be redrawn every 10 years to provide equal population for districts. Baker complained that Tennessee districts haven't been redrawn since 1901. By the time of the lawsuit, Shelby County, the district Baker lived in grew about ten times as many residents as there would be in rural districts. The votes of rural citizens were "worth" more than the votes of urban citizens because of their size. Baker argued that this discrepancy violated the 14th Amendment which should provide him with equal protection of law. The Equal Protection Clause requires states to apply laws equally to each person without preferring a class of persons over another. Charles Baker sued Joe Carr who was in charge of conducting elections in state and for publication of district maps. However, Carr was not in charge of setting district lines.
- ❖ The Court declared reapportionment issues in favor of Baker. Redistricting issues gave permission for federal courts to intervene. The case also resulted in the "one person, one vote" standard.

❖ **Gray v. Sanders**, 372 U.S. 368 (1963), was a Supreme Court of the United States case dealing with equal representation in regard to the American election system and formulated the famous "one person, one vote" standard for legislative districting. By a vote of 8 to 1, the court struck down the County Unit System. Justice William O. Douglas wrote the majority opinion and said "The concept of political equality...can mean only one thing—one person, one vote". The court found that the separation of voters in the same election into different classes was a violation of the 14th Amendment's guarantee of equal protection. Justice John Marshall Harlan II dissented, suggesting the case be sent back for retrial, which would investigate the constitutional requirements for legislative districts


❖ **Griswold v. Connecticut**, 381 U.S. 479 (1965),^[1] is a landmark case in which the Supreme Court of the United States ruled that the Constitution protected a right to privacy. The case involved a Connecticut law that prohibited the use of contraceptives. By a vote of 7–2, the Supreme Court invalidated the law on the grounds that it violated the "right to marital privacy".

❖ **Harper v. Virginia Board of Elections**, 383 U.S. 663 (1966), was a case in which the U.S. Supreme Court found that Virginia's poll tax was unconstitutional under the equal protection clause of the 14th Amendment. The Twenty-fourth Amendment to the United States Constitution prohibited poll taxes in federal elections; the Supreme Court extended this prohibition to state elections. In a 6 to 3 vote, the Court ruled in favor of Ms. Harper. The Court noted that “a state violates the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution whenever it makes the affluence of the voter or payment of any fee an electoral standard. Voter qualifications have no relation to wealth.” This ruling reversed a prior decision by the Court, *Breedlove v. Suttles*, 302 U.S. 277 (1937), which upheld the state's ability to impose poll taxes, and the Court did so despite the fact that there had been no relevant change in the text of the Constitution between 1937 and 1966. The 24th Amendment, adopted in 1964, outlawed the poll tax in federal elections, but did not speak to the question of state elections, which was the question involved in the Harper case.


❖ **Walz v. Tax Commission of the City of New York**, 397 U.S. 664 (1970) 397 U.S. 664 (1970) was a case before the United States Supreme Court. The Court held that grants of tax exemption to religious organizations do not violate the Establishment Clause of the First Amendment. The Court held that there was no nexus between these tax exemptions and the establishment of religion, and that federal or state grants of tax exemption to churches did not violate the First Amendment.

❖ **United States v. Thirty-seven Photographs**, 402 U.S. 363, is a 1971 United States Supreme Court decision in an in rem case on procedures following the seizure of imported obscene material. A 6–3 court held that the federal statute governing the seizures was not in violation of the First Amendment as long as the government began forfeiture proceedings within 14 days of the seizure.

❖ **Hoyt v. Florida**, 368 U.S. 57 (1961), was an appeal by Gwendolyn Hoyt, who had killed her husband and received a jail sentence for second degree murder. Hoyt claimed that her all-male jury led to discriminate and unfair circumstances during her trial. In the closing arguments, it was noted that at the time, 17 other states also exempted women from jury duty unless they so chose to register, and that in this case at least, the jury was not selected unconstitutionally.

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❖ **Engel v. Vitale**, 370 U.S. 421 (1962), was a landmark United States Supreme Court case that ruled it is unconstitutional for state officials to compose an official school prayer and encourage its recitation in public schools. The Court ruled government written prayers were not to be recited in public schools and were an unconstitutional violation of the Establishment Clause. The Court explained the importance of separation between church and state.

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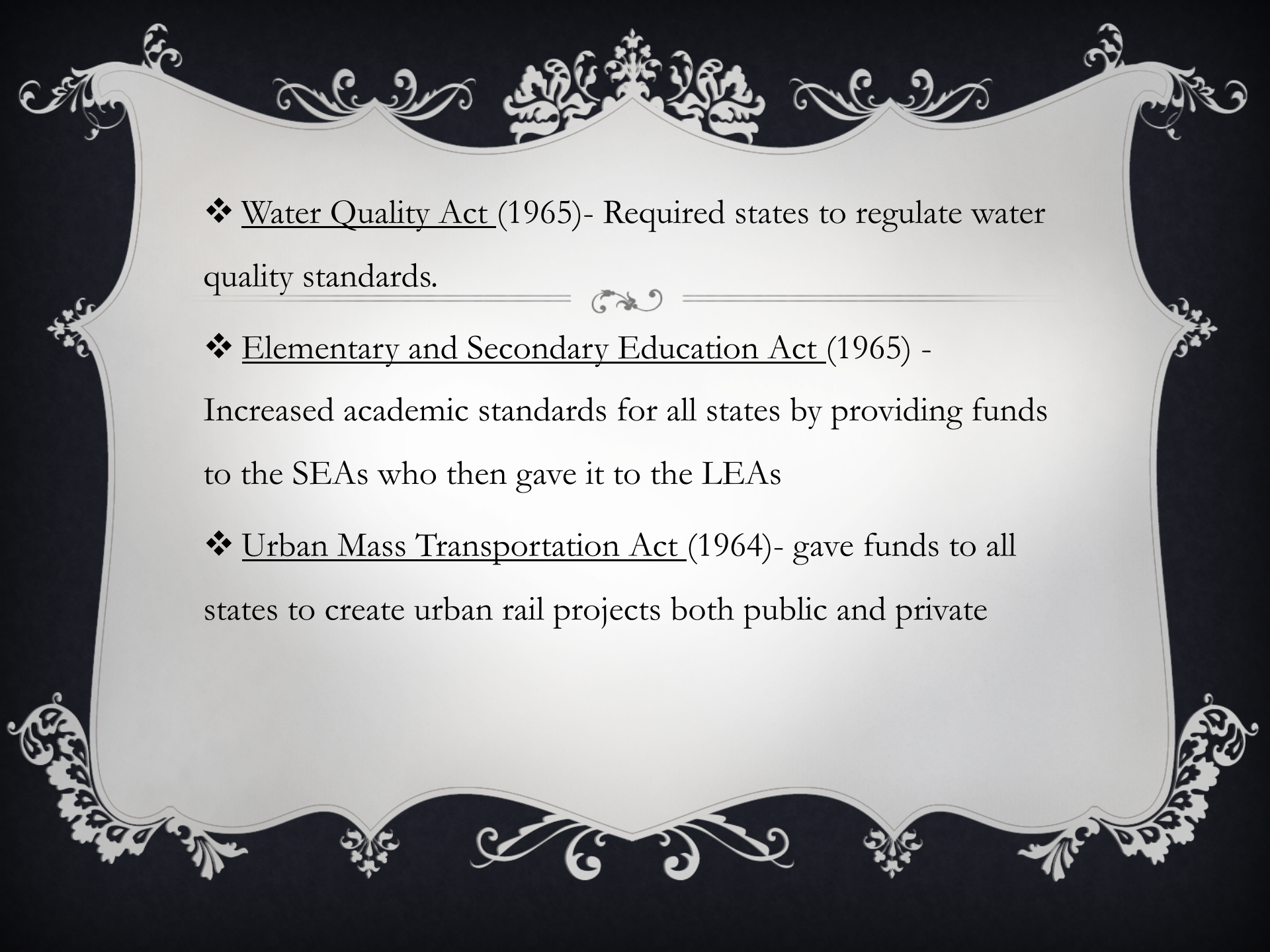
❖ **Roe v. Wade**, 410 U.S. 113 (1973), is a landmark decision by the United States Supreme Court on the issue of abortion. Decided simultaneously with a companion case, *Doe v. Bolton*, the Court ruled 7–2 that a right to privacy under the due process clause of the 14th Amendment extended to a woman's decision to have an abortion, but that right must be balanced against the state's two legitimate interests in regulating abortions: protecting prenatal life and protecting women's health. Arguing that these state interests became stronger over the course of a pregnancy, the Court resolved this balancing test by tying state regulation of abortion to the trimester of pregnancy. The Court later rejected *Roe's* trimester framework, while affirming *Roe's* central holding that a person has a right to abortion until viability. The *Roe* decision defined "viable" as being "potentially able to live outside the mother's womb, albeit with artificial aid", adding that viability "is usually placed at about seven months (28 weeks) but may occur earlier, even at 24 weeks." In disallowing many state and federal restrictions on abortion in the United States, *Roe v. Wade* prompted a national debate that continues today about issues including whether, and to what extent, abortion should be legal, who should decide the legality of abortion, what methods the Supreme Court should use in constitutional adjudication, and what the role should be of religious and moral views in the political sphere. *Roe v. Wade* reshaped national politics, dividing much of the United States into pro-choice and pro-life camps, while activating grassroots movements on both sides.

GREAT SOCIETY

- ❖ Creative federalism was popular because it is a form of federalism where the national government determines the needs of the state. Johnson did exactly that in his Great Society program.
- ❖ The Vietnam War, the Oil Crisis, and the 1970's Recession made it necessary for the federal government to open up these new programs of the Great Society to stabilize society and the economy.
- ❖ Great Society Programs were used to increase national government's authority, using state and local governments to implement national policies.

GREAT SOCIETY ACTS

- ❖ Civil Rights Act (1964)- Outlawed discrimination and eliminated discrimination in public facilities and led to the Voting Rights Act (1965)
- ❖ Economic Opportunity Act (1964)- Provided job training, adult education and loans to small businesses
- ❖ Highway Beautification Act (1965)- The national government allowed the states to control advertising on highways.



❖ Water Quality Act (1965)- Required states to regulate water quality standards.

❖ Elementary and Secondary Education Act (1965) -
Increased academic standards for all states by providing funds to the SEAs who then gave it to the LEAs

❖ Urban Mass Transportation Act (1964)- gave funds to all states to create urban rail projects both public and private


AMENDMENTS

- ❖ Amendment XXIII (1961): Changed the voting rights from only people who reside in the states to include the District of Columbia. Allowed the federal political body to vote, since they resided in the District of Columbia.
- ❖ Amendment XXIV (1964): Abolished the poll tax, which was commonly used to prevent African-Americans from voting. Ties into Creative Federalism because once again the federal government extended their power in deciding how the states vote.
- ❖ Amendment XXV (1967): Presidential succession if the president is no longer able to perform his duties. Gave federal government more options with how it transferred its power.
- ❖ Amendment XXVI (1971): Lowered the voting age to 18.



SOCIAL & ECONOMIC CHANGES

- ❖ The 1960s Supreme Court completed nationalization of the state power restricting portions of the Bill of Rights and gave Congress unlimited supremacy in issues of commerce and taxation, which ended the political debate over federalism.
- ❖ Johnson created the Departments of Housing and Urban Development, Transportation, Energy, Education, Health, and Human Services.



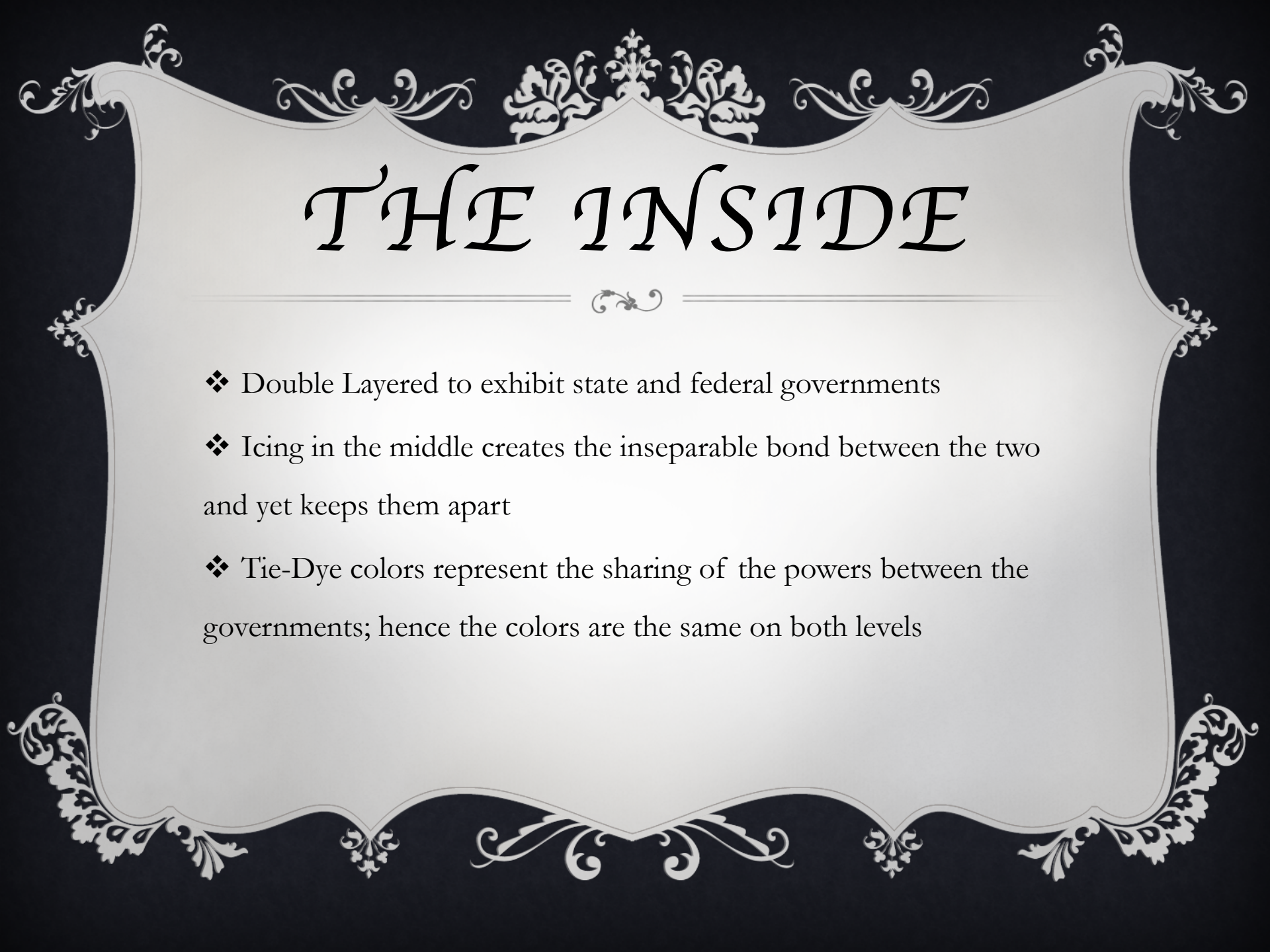
CONTINUED...

- ❖ 2.9 million jobs in the government during Great Society.
- ❖ The Equal Employment Opportunity Commission allowed for anyone to be employed by the federal government regardless of ethnicity, which created more jobs for in the Great Society.
- ❖ Block Grants- Grants given to the state by the federal government for social services and social projects (health, education, ad housing).

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THE INSIDE

- ❖ Double Layered to exhibit state and federal governments
- ❖ Icing in the middle creates the inseparable bond between the two and yet keeps them apart
- ❖ Tie-Dye colors represent the sharing of the powers between the governments; hence the colors are the same on both levels

THE OUTSIDE

- ❖ Heart shape and the peace sign represent the hippie movement.
- ❖ The Chocolate Chips and Sweethearts represent the separation between the races and how they all together form American Civilization
- ❖ The sprinkles represent creative federalism
- ❖ The Red and Blue icing represent the Republican and Democratic

WORKS CITED

- ❖ <http://quizlet.com/3072275/ap-us-gov-ch-3-federalism-flash-cards/>
- ❖ http://citation.allacademic.com//meta/p_mla_apa_research_citation/2/6/5/9/1/pages265911/p265911-4.php
- ❖ <http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=13&ved=0CC4QEjACOAo&url=http%3A%2F%2Foldmill-hs.enschool.org%2Fourpages%2Fauto%2F2013%2F8%2F22%2F40459393%2FFederalism.pptx&ei=BYvkUqOMG8 fsAT3 IC4Cw&usq=AFOjCNGJvjELSLqBgBiFqkyFBtjYfWYWOA&by m=bv.59930103.d.cWc>
- ❖ http://www.conservapedia.com/Creative_Federalism
- ❖ <http://stgapgov.pbworks.com/w/page/7199067/Types%20of%20Federalism>
- ❖ http://www.fee.org/the_freeman/detail/creative-federalism#axzz2s7nxfLWY
- ❖ <http://www2.fiu.edu/~ganapati/3003/federalism.html>
- ❖ <http://srufaculty.sru.edu/mark.daniels/pa%20times.htm>
- ❖ http://www.archives.nysed.gov/edpolicy/research/res_bib_mcdonnell.pdf
- ❖ http://www.pbs.org/vnet/supremecourt/rights/landmark_roe.html
- ❖ <http://www.lawnix.com/cases/roe-wade.html>