



# Devolution 1980 - Present Day

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# What is Devolution?

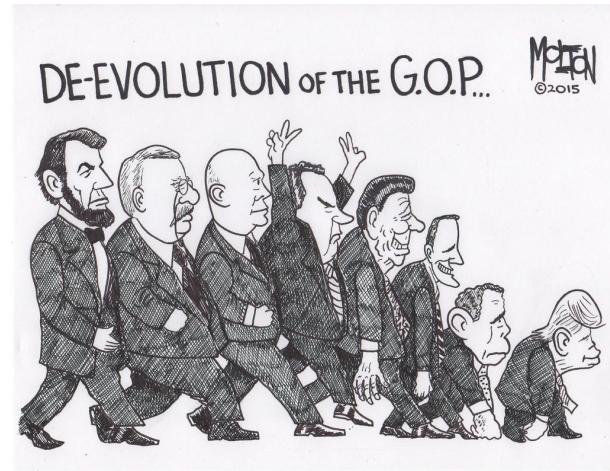
Devolution is the transfer of certain powers from one entity to another. It's an effort to reduce federal government powers by transferring some responsibilities to the state governments. Through devolution, the states gain responsibility for matters that were previously handled at the federal level.

Each government entity has responsibilities over the matters that are best addressed at that level of government. For example, the states handle most things themselves, but the federal government administers our national defense, interprets the Constitution and regulates interstate commerce.

## Devolution Revolution

President Reagan campaigned for the 1980 presidency promising to curb the size and influence of the federal government. By the mid 1990s, the term devolution revolution was used to describe this particular era of politics where federal programs were downsized and state responsibilities were increased. The devolution revolution especially applied to various social programs, though Social Security and Medicare remain largely untouched.

Devolution increased in popularity because many politicians thought federal grants had been improperly used to impose the interests of the federal government on the individual states. Through devolution, the federal government instead provides large block grants, or blocks of money, to the states to be used for specific social programs. Unlike in previous years, the states have broad discretion to implement the programs as they best see fit. The federal government is still involved but mostly only monitors the progress and outcomes of the projects.



# Major Court Cases

## Citizens United v. Federal Election Commission

In 2010, a labor union called Citizens United went up against the Federal Election Commission to remove restrictions against a project called Hillary: The Movie. It directly expressed negative views of Hillary Clinton. The Commission said that under Section 203 of the Bipartisan Campaign Reform Act, a labor union could not fund a political project such as the movie. Citizens United argued that this violated their right to free speech guaranteed in the first amendment. In the end, the Commission won and Hillary: The Movie was heavily restricted. The precedent of the case was McConnell v. Federal Election Commission, in which limits were placed on the ways campaign money can be raised. This case can be viewed as a limitation of personal freedoms by the federal government.

## United States v. Lopez

A senior in San Antonio in 1995 brought a concealed weapon to school with him. At first, he was convicted under Texas state law of having a gun on campus. However, he was consequently charged with a felony because he violated the federal Gun-Free School Zones Act of 1990. One could argue that Lopez had the second amendment right to carry a gun, and that the Gun-Free School Zones Act violates that. This case has become increasingly relevant in recent years as we struggle with a country-wide argument: to what extent does our second amendment right reach? Additionally, was it constitutional to clear the state charges against Lopez and instead charge him with a federal crime?

# Court Cases, Continued

## McDonald v. Chicago

A series of suits were filed in 2009 against Chicago and Oak Park, Illinois, for bans on handguns. The Court upheld their right to ban guns for public safety, although many considered the public ban a direct attack on the Second Amendment.

## Shaw v. Reno

In 1993, North Carolina tried to create a congressional reappointment plan. However, if the area was divided the way the plan wanted, the districts would be structured around where there was a majority of black citizens. Residents of North Carolina claimed this was a way to secure black representatives in government, rather than keeping the ballot impartial to racial bias. This challenged the idea of the federal government contributing to social aspects of the country.



# The 27th Amendment

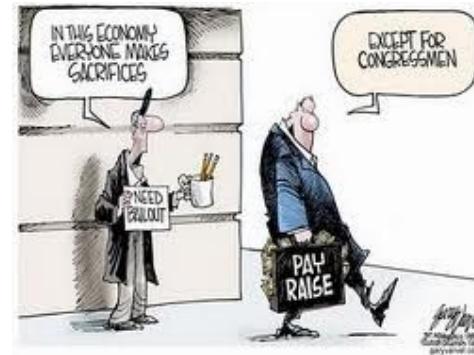
Originally proposed: Sept. 25, 1789

Ratified: May 7, 1992

“No law varying the compensation for the services of the Senators and Representatives shall take effect, until an election of Representatives shall have intervened.”

Basically, any decrease or increase to Congressman's salary must take effect after the next term of office for the representatives. This means that another election would have had to occur before the change in pay can take effect.

# The 27th Amendment



- It took about 200 years to ratify the 27th amendment!
- In 1789, the amendment was proposed with original 10 amendments, but only six states ratified it, so it wasn't added to the Constitution. Many of the framers were wary of allowing Congress to set its own salary; some, like Benjamin Franklin were completely against public officers even having a salary, while others, like Madison didn't want Congress to have control of their own salary.
- In order to prevent corruption, the framers added Article 1 Section 6 Clause 2, the Incompatibility Clause, in the constitution to inhibit members of Congress from resigning and taking higher-salary government job; this clause made it impossible for a congressman to vote in favor of a pay raise for a specific executive office and then move into that job himself.

# The 27th Amendment

My paper got a C in class, but I got an A-mendment in the Constitution.



- Then, in 1982, Gregory Watson, a sophomore in college wrote a paper over the congressional pay amendment proposed 200 years earlier, arguing that it could be ratified today, according to the constitution. After his paper received a C, he struck out to get the amendment officially ratified with  $\frac{3}{4}$  of the state's ratification. By 1992, 38 states had passed it and it finally became what we know today as the 27th Amendment!
- This amendment serves to put a check on the legislative branch, preventing members of Congress from implementing an increase or decrease to their pay before their term in office ends.

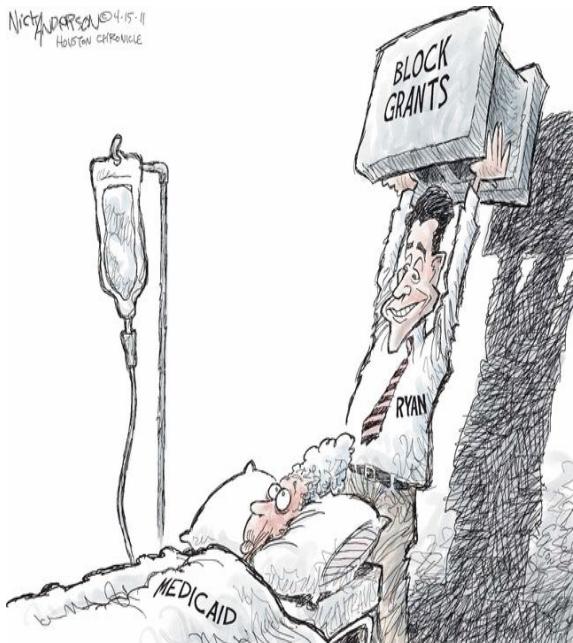
# Legislation

Legislation from the 1980s -2001 helped shape the devolution time period in which the government made an effort to transfer responsibility for many public programs and services from the federal Government to the states.

Favored by Reagan in the 80s, **Block Grants** is money given to the states from the federal government for programs in certain general areas rather than for specific kinds of programs. **What do block grants and federalism have in correlation?** Federalism is a form of government which divides the power between the federal government and the states so with block grants, the government is providing the resources for the states to do what they deem necessary in the specific situation provide. pg103

According to the general accounting office, from 1980-2001, the number of federal block Grant programs **went from 450 to 700**. These are aimed to a wide range of activities from education to healthcare.

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HOUSTON CHRONICLE



# Legislation continued

## Temporary Assistance For Needy Families (1996)

Clinton signed the bill into law on August 22, 1996. Under TANF, the federal government provides a block grant to the states, which uses these funds to operate their own programs for the needy. The law converted a cash assistance program known as *aid to families with dependent children* into this blocked grants. This dramatically changed the way the federal government and states determine eligibility and provide aid for needy families. TANF supports a broad range of activities related to the four purposes specified in federal law: (1) assisting needy families so children can be cared for in their own homes or the homes of relatives; (2) reducing the dependency of needy parents by promoting job preparation, work, and marriage; (3) preventing out-of-wedlock pregnancies; and (4) encouraging the formation and maintenance of two-parent families. pg103



# Legislation...again...

## Omnibus Budget Reconciliation Act of 1981

Block grants were created as part of the Omnibus Budget Reconciliation Act, and fully operated for the first time in 1982. These are:

- Community Development Block Grant (CDBG) 
- Social Services Block Grant (SSBG) 
- Maternal and Child Health Block Grant (MCHBG)
- Preventive Health and Health Services Block Grant (PHHSBG)
- Community Services Block Grant (CSBG)
- Low Income Home Energy Assistance Block Grant (LIHEAP).

While CDBG and SSBG had existed since the mid-1970s, modifications made in OBRA were significant enough to consider the two programs, in their current forms, to have been adopted in 1982. For example, the CDBG small cities grant program had initially been operated directly by the federal government, but OBRA turned that program over to the states to run, and also folded several additional categorical grants into the block grant. And OBRA completely replaced SSBG's authorizing law, eliminated the matching requirement, and folded in another categorical grant.

# Executive Action

In October of 1987, President Reagan released **Executive Order 12612**. The order's focus was on federalism and directed the current administration to follow it with a traditional American view. The order was consistent with the founder's vision for the Constitution. The purpose of the order was to restore the division between national government and the states that the framers of the Constitution had intended.

[http://encyclopedia.federalism.org/index.php/Executive\\_Orders](http://encyclopedia.federalism.org/index.php/Executive_Orders)



President Clinton in May of 1998 released a new executive order on federalism, **Executive Order 13083**, that outlines new criteria that must be followed in order to formulate and implement policies that have associations with federalism. It was meant to replace Reagan's EO 12612. This order meddles in federalism for it justifies the federal government's intervention in state and local community matters.

<https://www.heritage.org/political-process/report/president-clinton-s-sellout-federalism>



# Societal Changes

Devolution is based on the concept of new federalism which allows the states to reclaim some power while recognizing the federal government as the highest governmental power. It's a response to the argument that the federal government grew too powerful during years of operation under other federalism theories.

Reagan signed more bills preempting state powers than any previous president; he also approved major conditions attached to aid, such as the National Minimum Legal Drinking Act and the Federal-Aid Highway Act in 1984.

During the 1980s the welfare system was subjected to many critical attacks due to the system effectively trapping single-parent families in a cycle of welfare dependency, creating more, rather than less, poverty.

In the 1980s 40 states set up so called welfare-to-work programs that provided education and training to the less fortunate. The federal Family Support Act of 1988 adopted this approach, directing all states to phase in comprehensive welfare-to-work programs by 1990. Each state was to implement education, job training, and job placement programs for welfare recipients. Nevertheless, the initiative proved unsuccessful because the states lacked the money needed for federal matching funds. By 1993 only one in five eligible recipients was enrolled in a training program.

# Societal Changes (Continuation)

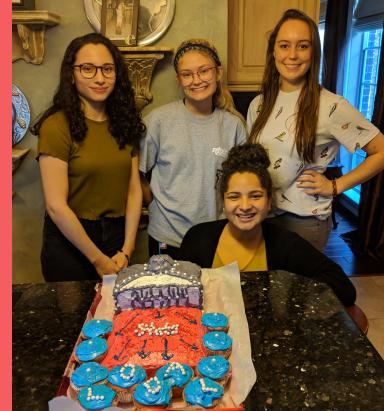
The 1996 welfare reforms were created as a part of the devolution revolution. These reforms allow the states to spend federal welfare grants at their discretion. The program is based on the argument that state governments are more effective in administering welfare because they better understand local poverty issues.

The 1996 welfare reform law—the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA)—enacted during Bill Clinton’s presidency was deemed devolutionary by some observers because PRWORA created a new block grant, Temporary Assistance for Needy Families (TANF), which provided temporary financial assistance for pregnant women and families with one or more dependent children ( help pay for food, shelter, utilities, and expenses other than medical), and allowed states considerable discretion in implementing PRWORA. A main goal of these reforms is to reduce the number of individuals or families dependent on government assistance and to assist the recipients in their efforts to become self-sufficient.

# Cake Metaphor Explanation



- The White House/ vanilla cake- represents the federal government
- Red portion/ chocolate cake- the state government
- Blue cupcakes/strawberry cake= local governments
- The arrows represent the transition of power from federal to state to local governments



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