



Present

The Revolutionary World of American Government (Part 1)

1997 Cerebellum Corporation • 800-VCR-REVU

American Government Part 1 Outline

I. Introduction to Government.

- A. The Origins of American Government
- B. Types of Government
- C. Characteristics of American Democracy

II. All the Stuff That Happened Before the Constitution Was Written

- A. Origins of a New Nation
- B. The Declaration of Independence and the Articles of Confederation
- C. The Constitutional Convention

III. The United States Constitution

- A. The Basic Principles of the Constitution
- B. The Articles of the Constitution
- C. The Drive for Ratification

IV. Federalism

- A. The Roots of

Federalism

- B. The Powers of Government in a Federal System
- C. The Evolution and Development of Federalism
- D. The Role of the Supreme Court in Federalism

V. Civil Liberties

- A. What are Civil Liberties?
- B. The Bill of Rights
- C. The Due Process Clause and the Incorporation Doctrine
- D. First Amendment Guarantees
- E. The Rights of Those Accused of a Crime
- F. The Right to Privacy

VI. Civil Rights

- A. Civil Rights - What are They?
- B. Slavery, Abolition, and the Right to Vote
- C. The Push for Equality

History of Federalism

Nationalization

1789 - 1830

National powers increase

- Marshall Court
- McCulloch v. Maryland (1819) → broad interpretation of enumerated powers

Dual Federalism Part 1 1830's to early 1860's

State powers increase

- Taney Court
- National and state governments have clearly outlined powers (layer cake)

Dual Federalism Part 2 Mid 1860's to early 1930's

State powers increase

- Chase Court
- Plessy v. Ferguson (1896)
Civil rights issues should be state matters

Cooperative Federalism 1930's to 1960's

National powers increase

- Roosevelt's New Deal

- Heightened cooperation between national, state, local governments.
- National and state responsibilities mixed and interdependent (marble cake)

Creative Federalism 1960's to 1970's

National powers increase

- Johnson's Great Society
- Mostly categorical grants, some block grants

New Federalism 1970's to 1990's

State powers increase (a bit)

- Revenue sharing, more block grants

Competitive Federalism 1990's to present

- Federal mandates
- Competition increased between federal and state governments

Articles of the Constitution

Article 1 - Establishes a bicameral legislature, lists enumerated powers, “necessary and proper” clause.

Article 2 - Establishes executive branch.

Article 3 - Establishes judicial branch, defines Supreme Court’s jurisdiction.

Article 4 - Describes relationship between federal and state governments.

Article 5 - Describes how to amend the Constitution.

Article 6 - Contains the supremacy clause.

Article 7 - Contains directions for ratifying the Constitution.

Rights of the Accused (Due Process Rights)

Fourth amendment - Protection against unreasonable searches and seizures.

Fifth amendment - Protection against self-incrimination.

Sixth amendment - Guarantees right to an attorney; speedy trial by an impartial jury.

Eighth amendment - Protection against cruel and unusual punishment.

Miranda Rights - List of rights that must be read to the accused at time of arrest.

Exclusionary Rule - Forbids illegally seized evidence at trials.

Civil Rights Legislation

Thirteenth amendment (1865) - Banned all forms of slavery and involuntary servitude.

Fourteenth amendment (1868) - Guarantees that states give due process and equal protection to all United States citizens. (regardless of race)

Fifteenth amendment (1870) - Blacks receive the right to vote.

Nineteenth amendment (1920) - Women receive the right to vote.

Civil Rights Act of 1964 - Outlawed segregation in public facilities and racial discrimination in employment, education, and voting.

Major Supreme Court Cases

McCulloch v. Maryland (1819)

- Marshall Court ruled that the federal government had the power to form banks.
- Decision based on Congress' enumerated powers to issue currency and levy taxes.
- Broad interpretation of enumerated powers ==> increase in federal power.

Dred Scott v. Sanford (1857)

- Taney Court ruled that slaves were property and not American citizens.
- One of the first civil rights cases to be decided in the Supreme Court.
- Decision increased state power, inflamed public opinion against slavery in North.

Plessy v. Ferguson (1896)

- Ruled that segregation ("separate but equal") was constitutional.
- Civil rights issues should be state matters, not federal matters.
- Decision increased state power.

Brown v. the Board of Education of Topeka (1954)

- Ruled that segregation was unconstitutional.
- Reversed Plessy v. Ferguson decision.