

- I. The Marshall Court and the Expansion of National Power
 - A. 1801 – 1835
 - B. *McCulloch v. Maryland* 1819
 - 1. Necessary and Proper Clause
 - C. *Gibbons v. Ogden* 1824
 - 1. Commerce Clause
- II. Dual Federalism
 - A. 1835 – 1933
 - B. Layer Cake Federalism
 - C. Clear and distinct line between state and national powers
 - D. National government only has powers enumerated in the Constitution
 - E. All powers not given to the national government or denied to the states are reserved to the states or the people
 - 1. Tenth Amendment
 - F. Period of Civil War and Reconstruction was an Exception
 - 1. Dominance of National Government
 - G. Court cases upheld concept of Dual Federalism
 - 1. *Dred Scott v. Sanford* 1857
 - a) National government does not have the power to ban slavery in the territories as it did in the Missouri Compromise of 1820
 - 2. *Plessy v. Ferguson* 1896
 - a) States have power to segregate races
- III. Cooperative Federalism
 - A. 1933 – 1980
 - B. Marble Cake Federalism
 - C. Franklin Roosevelt and the New Deal
 - 1. Response to Great Depression
 - 2. Democrat
 - D. Increased power of National Government
 - E. States required to “cooperate” with National Government programs
 - F. Categorized Grants from National Government to States
 - 1. Many strings attached
 - 2. Consistent with rise in power of national government
- IV. New Federalism
 - A. 1980 – Present
 - B. Richard Nixon and Ronald Reagan
 - 1. Republicans
 - 2. Reagan Revolution
 - C. Devolution Revolution
 - 1. Return Power to States and Reduce Power of National Government
 - 2. Block Grants
 - a) Less strings attached
 - D. Courts have begun to find limits on Commerce power
 - E. Obama Marijuana Policy?