

STATE UNIVERSITY OF NEW YORK AT ALBANY

AMERICAN FEDERALISM
Spring 2008

Mr. Zimmerman

I. COURSE DESCRIPTION

The course focuses on the theoretical, constitutional, and political dimensions of American federalism, including the tensions between the planes of government, interstate relations, and the problem-solving capabilities of the federal system. Particular emphasis is placed upon the formal powers of each plane of government and the limitations upon these powers. The reasons for and the political significance of the increasing use of preemptive powers by the Congress will be examined.

II. REQUIRED BOOKS

The required books are:

Joseph F. Zimmerman, *Congressional Preemption: Regulatory Federalism* (Albany: State University of New York Press, 2005).

Joseph F. Zimmerman, *Interstate Disputes: The Supreme Court's Original Jurisdiction* (Albany: State University of New York Press, 2006).

Joseph F. Zimmerman, *Interstate Economic Relations* (Albany: State University of New York Press, 2004).

III. RECOMMENDED BOOKS

Joseph F. Zimmerman, *Interstate Cooperation: Compacts and Administrative Agreements* (Westport, CT: Praeger Publishers, 2002).

Joseph F. Zimmerman, *The Silence of Congress: State Taxation of Interstate Commerce* (Albany: State University of New York Press, 2007).

Joseph F. Zimmerman, *State-Local Relations: A Partnership Approach*, 2nd ed. (Westport, CT: Praeger Publishers, 1995).

Joseph F. Zimmerman, *The Referendum: The People Decide Public Policy* (Westport, CT: Praeger Publishers, 2001).

Joseph F. Zimmerman, *Curbing Unethical Behavior in Government* (Westport, CT: Greenwood Press, 1994).

Students are encouraged to purchase a copy of a political science dictionary such as Jack C. Plano and Milton Greenberg, *The American Political Science Dictionary*, 11th ed. (Fort Worth: Holt, Rinehart, and Winston, Incorporated, 2001).

Students interested in law school should purchase a copy of *The Blue Book: A Uniform System of Citation*, 18th ed. (Cambridge, MA: Harvard Law Review Association, 2005).

IV. CLASS ATTENDANCE AND SPECIAL PROBLEMS

Class attendance is MANDATORY. Each student is responsible for materials presented in lectures which contain information not found in the assigned readings. UNEXCUSED ABSENCES RESULT IN A LOWERING OF THE COURSE GRADE

If you experience health, financial, or other problems interfering with your studies, please notify me and we may be able to make special arrangements during the problem period.

V. QUIZZES AND EXAMINATIONS

Periodic short quizzes will be administered to assess progress made by students. In addition, three equally weighted examinations will be administered. All quizzes and examinations will be announced in advance. The third and final examination will be held on Thursday, May 8, 2008, in the classroom from 3:30 a.m. – 5:30 p.m. See the attached quiz and examination on pages 10-11, respectively.

VI. RESEARCH PAPER

All written assignments will be accepted only in **Print Form** at the start of class in the classroom on the due dates indicated below.

A short Prospectus (three pages maximum) is due on February 14, 2008, and should describe briefly the research topic and the methodology (library research, questionnaires, interviews, data analysis, etc.) to be employed. Please include your E-mail address and telephone number in the prospectus. Failure to turn in the prospectus on the due date results in an automatic ZERO.

An extensive bibliography and outline of your research paper are due on March 6, 2008. In researching your topic, use the *Public Affairs Information Service Bulletin* and the *Index to Legal Periodicals*. Both are available in print form and on-line.

A complete first draft of a well written and documented research paper with a TITLE PAGE (maximum 10 pages and a BIBLIOGRAPHY) are due at the beginning of class on April 15, 2008. Two copies of a revised research paper are due at the beginning of class on April 29, 2008. FAILURE TO TURN IN THE FIRST DRAFT AND REVISED PAPER ON THE RESPECTIVE DUE DATES RESULT IN AN AUTOMATIC ZERO.

Papers will be returned without a grade if they contain an excessive number of typographical, grammatical, and spelling errors. A paper will receive a grade of ZERO if there are no page numbers commencing with page 2.

Each research paper will be devoted to an analysis of a preemption statute enacted by the Republican-Controlled Congress in the period 1995-2006. Based upon your expressed preferences of functional areas, you will be assigned a specific statute.

Please use **CAPTIONS**—center and side—to divide your paper into sections. The first caption should be a center one and subcaptions should be placed on the left side of the paper. The number of center captions is determined by the number of major sections in your paper.

PRIMARY SOURCES. A research paper **MUST** be based upon “primary” sources of information; *i.e.*, the original publication containing the information and personal interviews. A “secondary” source should be utilized only when the “primary” source is unavailable in the Capital District since a “secondary” source may contain typographical errors and/or contain material taken out of context. The New York State Library is one of the largest libraries in the United States and a “primary” source should be available in this Library if the source is unavailable in the University Library. The latter’s Inter-library Loan Office usually can obtain a book from another library within a few days.

NOTES. Documentation is important in a research paper, but over-documentation should be avoided. A complete citation must be provided for each direct or indirect quotation of a statement made by another individual. Citations must be provided for all constitutional provisions, statutes, administrative rules and regulations, court decisions, and opinions of Attorneys General and State Comptrollers or Auditors. In addition, a citation must be provided for information that is not general knowledge.

NOTES must be placed at the **FOOT OF THE PAGE** and must follow the style listed below.

1. The first reference to a work must be a full citation. Subsequent citations must be by the author’s surname and an abridged but unambiguous form of title and the precise page(s).
2. *Op. Cit.* and *Loc. Cit.* must not be used.
3. *Ibid.* may be used.
4. A definite scheme of abbreviations may be used in the notes for sources cited repeatedly provided a list of abbreviations is provided.
5. Exact page references must be cited.
6. A citation to data obtained by interview should include the name of the interviewee, his/her title, place of the interview, and date of the interview. If subsequent references are made to the same interviewee, a statement may be included after the first citation that this source “hereinafter will be referred to as Smith Interview.” Include on a separate page (labeled **INTERVIEWS**) immediately following the bibliography, all interviews with complete information as noted above.
7. Cite electronic sources in accordance with the *Writer’s Manual*. These documents may or may not have page numbers. Cite page numbers if listed.

VII. GRADE ELEMENTS

Each examination will count as one-fifth of your course grade as will quizzes collectively, and your research paper.

VIII. OFFICE LOCATIONS AND HOURS

Office hours are on Tuesdays and Thursdays from 10:10 a.m. to 11:30 p.m. in the Contact Office of Rockefeller College located in Humanities B16. In addition, office hours are

Tuesdays and Thursdays from 2:00 to 3:00 p.m. in Richardson Hall, Room 288 on the downtown campus. (Take the University bus to Draper Hall and walk one building back toward the uptown campus). Other hours may be scheduled by appointment. Messages can be left in my mail box in Milne Hall on the downtown campus.

You are free to telephone me at home (439-9440) if you are unable to contact me at my office (442-5378). The office telephone number is a direct line and you may leave a message on voice mail if I am not in the office or you may telephone me at my home. Facsimile: 442-5298. E-Mail: zimmer@albany.edu

SAMPLE PUBLIC LAW CITATIONS

- ¹ *Air Quality Act of 1967*, 81 Stat. 485, 42 U.S.C. §1857.
- ² *Americas With Disabilities Act of 1990*, 104 Stat. 327, 42 U.S.C. §12101.
- ³ *Clean Air Act Amendments of 1990*, 104 Stat. 2399, 42 U.S.C. §7407.
- ⁴ *Immigration Act of 1990*, 104 Stat. 4978, 8 U.S.C. §1101.
- ⁵ *Internet Nondiscrimination Act of 2001*, 115 Stat. 703, 47 U.S.C. §§151 and 609.
- ⁶ *Massachusetts Laws of 1967*, chap. 658 and *Massachusetts General Laws*, Chap. 117-19 (1972).
- ⁷ *New York State Constitution*, art. 5, §2 (1925).
- ⁸ *New York Laws of 1969*, chap. 176, §2. *New York Legislative Law*, art. 5-A (McKinney 1976 supp.).
- ⁹ *Connecticut Laws of 1993*, chap. 320.
- ¹⁰ *Indiana Acts of 1969*, chap. 173 and *Burn's Indiana Statutes Annotated*, tit. 18, art. 4, §§1-1 through 12-2 (1974).
- ¹¹ *Washington v. Davis*, 426 U.S. 229, 101 S.Ct. 254 (1976).
- ¹² *United States v. Morrison*, 529 U.S. 598, 120 S.Ct. 1740 (2000).
- ¹³ *Town of Lockport v. Citizens for Community Action*, 386 F. Supp. 12 (1975).
- ¹⁴ *Opinion of the Justices*, 111 N.H. 175, 276 Atl.2d 142 (1971).
- ¹⁵ *Opinion of the Justices to the House of Representatives*, 79 R.I. 277, 81 Atl.2d 693 (1952).
- ¹⁶ *State ex rel. Flynn v. McCaughey*, 81 R.I. 143, 99 Atl.2d 482 (1953).
- ¹⁷ *Chief of Police of Dracut v. Town of Dracut*, 357 Mass. 492, 258 N.E.2d 531 (1970).

¹⁸ *People v. Tremaine*, 252 N.Y. 27 (1929).

¹⁹ 33 *CFR* 95.025 (1987).

²⁰ *Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003*, 117 Stat. 676, 18 U.S.C. §2251.

SAMPLE NOTE AND BIBLIOGRAPHIC ENTRIES

NOTES

¹ Joseph F. Zimmerman, "Federal Preemption Under Reagan's New Federalism," *Publius*, Winter 1991, pp. 7-28.

² *Modernizing Local Government* (New York: Committee for Economic Development, July 1966), p. 30.

³ Alexis de Tocqueville, *Democracy in America*, 3rd American ed. (New York: George Adlard, 1839), pp. 62-63.

⁴ James Bryce, *The American Commonwealth*, 2nd ed. rev. (London: Macmillan and Company, 1891), Vol. I, p. 591.

⁵ Patricia M. Crotty, "*Bragg v. West Virginia Mining Association*: The Eleventh Amendment Challenge to Mountaintop Coal Mining," *Villanova Environmental Law Journal* 13, 2002, pp. 387-413.

⁶ Joseph F. Zimmerman, "Congressional Preemption During the George W. Bush Administration," *Publius: The Journal of Federalism* 37, Summer 2007, pp. 432-52.

⁷ *Ibid.*, p. 450.

⁸ Bryce, *The American Commonwealth*, p. 566.

⁹ *Modernizing Local Government*, p. 566.

¹⁰ Joseph F. Zimmerman, "Federal Judicial Remedial Power: The Yonkers Case," *Publius: The Journal of Federalism* 20, Summer 1990, pp. 45-61.

¹¹ *Connecticut's Home Rule Law* (Hartford: Connecticut Public Expenditure Council, Incorporated, October 1974), p. 4.

¹² Allen D. Manvel, "The Fiscal Impact of Revenue Sharing," *The Annals*, May 1975, pp. 36-49.

¹³ Joseph F. Zimmerman, "Interstate Cooperation: The Roles of the State Attorneys General," *Publius* 28, Winter 1998, pp. 71-89.

- ¹⁴ Joseph F. Zimmerman, "National-State Relations: Cooperative Federalism in the Twentieth Century," *Publius: The Journal of Federalism* 31, Spring 2001, pp. 15-30.

BIBLIOGRAPHY

Where appropriate, the Bibliography should be divided into the following sections: Public Documents, Books and Pamphlets, Articles, and Unpublished Material.

BOOKS AND PAMPHLETS

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PUBLIC DOCUMENTS

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- Zimmerman, Joseph F. *State Mandating of Local Expenditures*. Washington, D.C.: United States Advisory Commission on Intergovernmental Relations, 1978.
- Zimmerman, Joseph F. and Carol Lawrence. *Federal Statutory Preemption of State and Local Authority: History, Inventory, and Issues*. Washington, D.C.: United States Advisory Commission on Intergovernmental Relations, 1992.

ARTICLES

- Abraham, Henry J. "Limiting Federal Court Jurisdiction: A Self-Inflicted Wound?" *Judicature*. 65 (October 1981), 178-84.

- Adlow, Elijah. "Lemuel Shaw and Municipal Corporations," *Massachusetts Law Quarterly*, 44 (July, 1959), 53-98.
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- Cunningham, Richard H. "Every Citizen a Legislator; But It Takes Good Citizens," *Worcester Telegram* (Massachusetts) (March 5, 1964) 6.
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- Crotty, Patricia M. "The New Federalism Game: Options for the States." A paper presented at the annual meeting of the Northeastern Political Science Association, Philadelphia, Pennsylvania, November 14-16, 1985.
- Hyde, Albert C. "The Politics of Environmental Decision Making: The Non-Decision Issue." Unpublished Ph.D. dissertation, State University of New York at Albany, 1980.
- Stenberg, Carl W. "Federal-Local Relations in a Cutback Environment: Issues and Future Directions." A paper presented at the Annual Conference of the American Politics Group of the United Kingdom Political Studies Association, Manchester, England, January 4, 1980.
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- Zimmerman, Joseph F. "Interstate Cooperation: The Roles of the State Attorney General." A paper presented at the annual meeting of the American Political Science Association, Washington, D.C., August 28, 1997.
- Zimmerman, Joseph F. "Interstate Trade Barriers: Their Erection and Removal." A paper presented at the annual conference of the American Politics Group, University of Reading, England, January 4, 2003.
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INTERVIEWS AND ELECTRONIC SOURCES

A list of interviews—including full name and title of each interviewee, place and date—should appear on a separate page with caption INTERVIEW.

Electronic sources should be cited on a separate page with the caption ELECTRONIC SOURCES. Include the name or newspaper, periodical, or organization in parenthesis.

Insert February 17, 2007 QUIZ HERE

INSERT MARCH 13, 2007 EXAMINATION HERE

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II. NATIONAL-STATE RELATIONS

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Thus, American federalism ultimately depends on interest, not sentiment, as the hard-headed founders of the American republic doubtless expected. Notes. [1].^Â See, for example, Joseph F. Zimmerman, *Contemporary American Federalism: The Growth of National Power*, 2nd ed. Albany: State University of New York Press, 2008, p. 187. These new federal programs typically did not replace state programs but rather involved "cooperative federalism," with state and local governments responsible for their administration. See David Brian Robertson, *Federalism and the Making of America*, New York: Routledge, 2012.