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, state-local 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:


III. RECOMMENDED BOOKS


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 **Tuesday, May 13, 2014**, in the classroom from **10:30 a.m. – 12:30 a.m.** See the attached quiz and examination on pages 9 and 10, 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 11, 2014**, 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, 2014**. In researching your topic, use the *Public Affairs Information Service Bulletin, Index to Legal Periodicals*, and other data bases.

A **complete first draft** of adequately documented research paper in **good English** with a TITLE PAGE (maximum 10 pages and a BIBLIOGRAPHY) are due at the beginning of class on **April 3, 2014**. Two copies of a **revised research paper** are due at the beginning of class on **April 29, 2014**. **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 must be devoted to an analysis of a preemption statute enacted by the Congress. Based upon your expressed preferences of functional areas, you will be assigned a specific statute.

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** and include the name of the organization. These documents may or may not have page numbers. Cite page numbers if listed.
VII. GRADE ELEMENTS

Each of three 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 11:20 a.m. in the Contact Office of Rockefeller College located in Humanities B16. In addition, office hours are Tuesdays and Thursday from 2:00 p.m. to 3:00 p.m. in Richardson Hall, Room 284, 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 my 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: jzimmerman@albany.edu

SAMPLE PUBLIC LAW CITATIONS

7 New York State Constitution, art. 5, §2 (1925).
9 New York Criminal Procedure Law, §190.40.
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. McCaughy, 81 R.I. 143, 99 Atl.2d 482 (1953).
18 People v. Tremaine, 252 N.Y. 27 (1929).

SAMPLE NOTE AND BIBLIOGRAPHIC ENTRIES

NOTES

7. Ibid., p. 450.

SAMPLE BIBLIOGRAPHY

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the Bibliography should be divided into the following sections: Public Documents, Books and Pamphlets, Articles, and Unpublished Material.

BOOKS AND PAMPHLETS


**PUBLIC DOCUMENTS**


**ARTICLES**


Cunningham, Richard H. “Every Citizen a Legislator; But It Takes Good Citizens,” *Worcester Telegram* (Massachusetts) (March 5, 1964) 6.


**UNPUBLISHED MATERIALS**


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.
QUIZ

Place a "T" before each statement if it is true. Place a "F" before each false statement and convert it into a true statement without using the word NOT or its equivalent.

CREDIT IS NOT GIVEN FOR CONVERTING A TRUE STATEMENT INTO ANOTHER TRUE STATEMENT OR FOR SIMPLY INDICATING A STATE IS FALSE.

1. The constitution of a confederacy authorizes the constituent states to determine the powers of the national government.

2. Concurrent powers are powers exercisable only by state legislatures.

3. The United States Constitution forbids Congress to impair the obligation of contract.

4. The necessary and proper clause of the United States Constitution is also known as the elastic clause.

5. Congress employs condition grants-in-aid to persuade states to implement national policies.

6. U.S. categorical grants-in-aid to state and local governments assume one of two forms: formula or project.

7. The United States Constitution specifically delegates to Congress the power to raise and support an air force.

8. The United States Constitution guarantees each state a democratic form of government.

9. Equity is remedial law.

10. The United States Constitution specifically forbids Congress to enact an ex post facto law.
Identify Five (5)

1. The Police Power
2. Due Process of Law
3. Minimum Standards Preemption
4. Complete Preemption
5. Delegated Powers
6. Supremacy of the Law Clause

Answer Two (2)

1. Explain the methods by which the powers of the United States Government have been expanded since 1789. Do you agree with the expansion? Why or Why Not?

2. List and describe the major defects of the Articles of Confederation and Perpetual Union. Could these defects have been cured by amendment of the articles or was it essential to replace the Articles with a new constitution? Why or Why Not?

3. Identify the amendments to the United States Constitution that delegate regulatory authority to Congress. Are there any restrictions placed on this type of delegated authority? Would it be desirable to amend the Constitution to grant additional powers to Congress?
GENERAL REFERENCE


_Index to Legal Periodicals_.


_New York State Constitution._


_Public Affairs Information Service Bulletin_.


Reports issued by the United States Advisory Commission of Intergovernmental Relations.

Reports issued by the 1967 New York State Constitutional Commission.

Rothblatt, Donald N. and Sanction, Andrew. _American/Canadian Metropolitan Intergovernmental Governance Perspectives_. Berkeley: Institute of Governmental Studies, University of California, 1993.

NATIONAL-STATE RELATIONS


FEDERAL-LOCAL RELATIONS


INTERSTATE RELATIONS


**STATE-LOCAL RELATIONS**


*City-State Relations*. Philadelphia: Institute of Local and State Relations, 1937.


**INTERLOCAL RELATIONS**


INTERGOVERNMENTAL FISCAL RELATIONS


