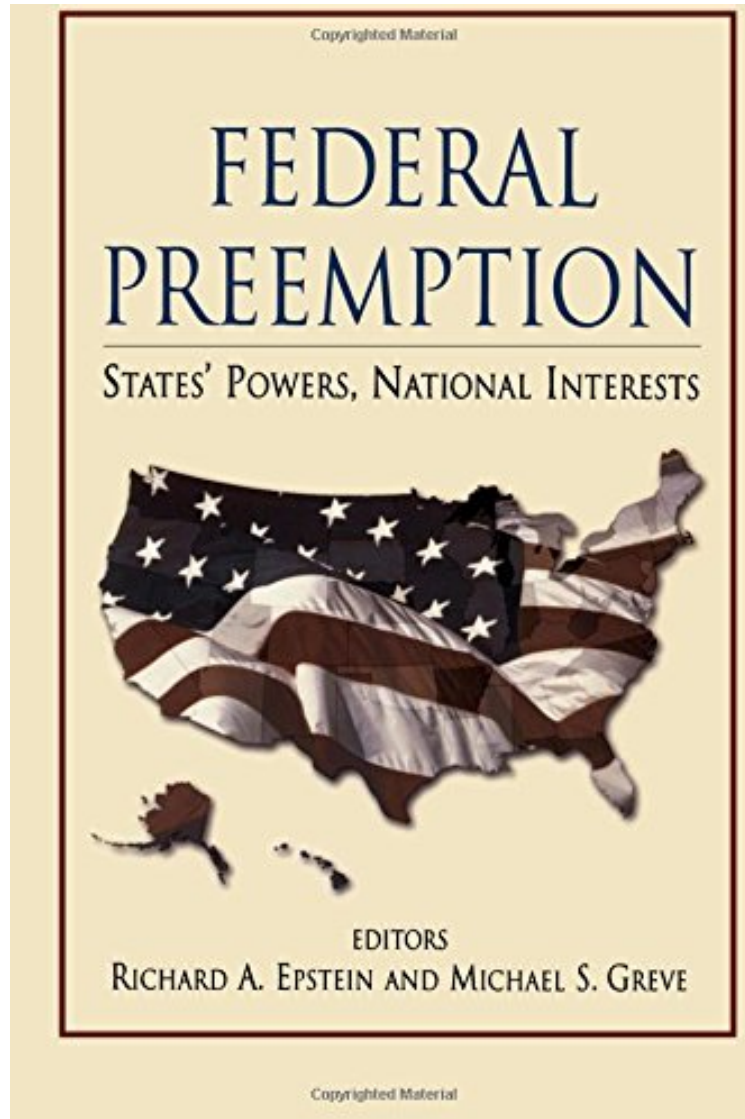


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## Federal Preemption: States' Powers, National Interests

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**From Brand: Aei Press : Federal Preemption: States' Powers, National Interests** before purchasing it in order to gage whether or not it would be worth my time, and all praised Federal Preemption: States' Powers, National Interests:

3 of 3 people found the following review helpful. While likely tough sledding for the general reader, anyone interested in this topic will find this book quite valuable By Craig Matteson Despite my enthusiasm for this text, I have to warn general readers that this is a legal treatise on a complex legal and Constitutional subject. If you want something that makes simple claims for the Constitution and sees clearly what a hundred years and more of members of Congress, Supreme Court Justices, Presidents, and others have not, this is not the book for you. If you want to understand the

shifting relationship between the states rights and federal domination and how the other branches of government have shifted to try and dampen new interpretations and claims of Federal Power by the others, I think you will find this quite fascinating. However, since this is written for professionals at a high level, those of us who are not lawyers or actual Constitutional scholars, well, we have some work to do as we read our way through. A large number of cases are cited and while you don't have to necessarily look them up somehow, you need to pay attention to the names so when they get cited again you can understand the shift of interpretation that has taken place. While you will likely start the book with a strong belief in one interpretation of the balance discussed here, I doubt you will finish believing exactly the same way as you began. You will certainly also get a good lesson on the legal philosophies that have been proposed, attempted to take the national stage, and their lingering influence (for good or ill). A valuable book.

When does federal law trump state law? The arcane topic of federal preemption has become the stuff of public debate and major news stories. The partisan lines are clearly drawn. On one side, consumer advocates, plaintiffs' attorneys, and state officials argue that broad federal preemption claims interfere with the states' historic police power to protect their citizens against corporate misconduct. On the other side, corporations and federal agencies maintain that preemption is a vital safeguard against unwarranted and inconsistent state interferences with the national economy and against aggressive trial lawyers and attorneys general. Fierce struggles along these lines dominate the political debate, judicial decisions, and legal commentary in a wide range of regulatory arenas, from financial regulation to automobile safety; from clean air laws to the regulation of telecommunications, energy, and other network industries; from securities law to consumer products standards; from pharmaceutical drugs to pesticides to outboard motors. In all these areas, billions of dollars hang on regulatory nuances and arcane points of legal interpretation. The preemption debate is also being waged in the shadow of broader, sometimes constitutional arguments concerning the role and utility of federalism and states' rights in a modern, highly mobile, integrated economy. Legal scholars are sharply divided over both the substance of those arguments and the extent to which they should dominate economic considerations or statutory language. What the preemption debate needs is an examination that reflects the delicate interplay between our constitutional structure and the details of specific regulations. In *Federal Preemption: States' Powers, National Interests*, Richard A. Epstein and Michael S. Greve, two leading scholars in the field of preemption, have assembled an exceptional group of prominent legal scholars and practicing attorneys for a probing analysis and spirited discussion of these difficult issues. The vo

About the Author Richard A. Epstein is Laurence A. Tisch Professor of Law at New York University School of Law, Peter and Kirsten Bedford Senior Fellow at the Hoover Institution, and James Parker Hall Distinguished Service Professor Emeritus of Law and Senior Lecturer at the University of Chicago Law School. <http://www.aei.org> target="new" American Enterprise Institute for Public Policy Research.