

## About the MU School of Law

One of the oldest law schools in the United States, the University of Missouri School of Law was founded in 1872. The Law School faculty includes nationally and internationally recognized scholars who bring to the classroom a breadth of experience from government, private practice and interdisciplinary academic fields. The Law School draws outstanding students from Missouri, other states and around the globe. Its strong traditional curriculum is complemented by an orientation toward lawyering as a problem-solving endeavor. The School's Center for the Study of Dispute Resolution is one of the top such programs in the nation, and the LLM program in dispute resolution attracts top students and mid-career professionals from around the world.

The Law School's students drive many successful organizations and law journals, including the *Missouri Law Review*. The Law Review, an entirely student-run journal, is one of the oldest legal publications west of the Mississippi. The articles featured in this year's symposium will appear in volume 73, issue 4 in fall 2008. Domestic subscriptions are available for \$40; international subscriptions are \$45.

To view recent issues or request a subscription, please see [www.law.missouri.edu/lawreview](http://www.law.missouri.edu/lawreview), call 573-882-7055 or write:

*Missouri Law Review*  
University of Missouri School of Law  
15 Hulston Hall  
Columbia, MO 65211  
[umclawrev@missouri.edu](mailto:umclawrev@missouri.edu)

## Webcast

This symposium will be broadcast online at [www.law.missouri.edu](http://www.law.missouri.edu) and [www.opiniojuris.org](http://www.opiniojuris.org).

## Cost and Registration

There is no fee for the symposium. Registration is requested by Friday, February 8, 2008. To register, or for more information, please contact Professor Peggy McGuinness at 573-882-7293 or [m McGuinness@missouri.edu](mailto:m McGuinness@missouri.edu).

## Continuing Legal Education Credit

This symposium is approved for 9 hours of mandatory continuing legal education credit in the state of Missouri.

School of Law  
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School of Law  
UNIVERSITY OF MISSOURI

# Missouri Law Review Symposium 2008

Return to

## *Missouri v. Holland*

A Symposium on  
Federalism and International Law

February 15–16, 2008

THEME

**Return to *Missouri v. Holland*:  
Federalism and International Law**

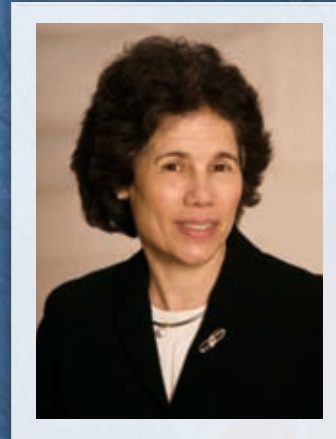
In the 1920 case *Missouri v. Holland*, Justice Oliver Wendell Holmes famously declared, "We must consider what this country has become in considering what [the Tenth] Amendment has reserved." The Supreme Court upheld the federal government's ability to regulate, through exercise of the Treaty Power, activity that otherwise would be reserved to the states. During the era when the Court adopted an expansive view of Congress' ability to regulate through the Commerce Clause, the import of *Missouri v. Holland* receded. But as the Court has increasingly cabined the scope of the Commerce Clause, and in a world where everything from the death penalty, to greenhouse gas emissions, to access to medical care has become the subject of multilateral treaty regimes, the ability of the federal government to invoke the Treaty Power in regulating the states is once again central to discussions of federalism in the United States.

This gathering of scholars will reexamine *Missouri v. Holland* and explore the intersection of federalism and international law from a variety of perspectives. The papers and commentary will address, among other topics, the following: Has increased global regulation altered the relationship between the states and the federal government in such a way as to require a fundamental reconsideration of *Missouri v. Holland*? Given the range of regulation now delegated to international organizations and courts, does federalism provide any limitations on the federal government's foreign affairs powers? In a system of dual sovereignty, what are the limitations on state participation in international law making in areas such as the environment and human rights? What are the implications of multiple layers of governance for the development of domestic and international law?

KEYNOTE

*The 2008  
Earl F. Nelson Lecture*

*The Internationalism of American Federalism*  
presented by



**JUDITH RESNIK**

Arthur Liman Professor of Law, Yale Law School

**JUDITH RESNIK** is the Arthur Liman Professor of Law at Yale Law School, where she teaches about federalism, adjudication, procedure, citizenship, equality and subordination. Her books and essays include *Processes of the Law: Understanding Courts and Their Alternatives* (Foundation Press, 2004); "Law's Migration: American Exceptionalism, Silent Dialogues, and Federalism's Multiple Ports of Entry," *115 Yale Law Journal* 1564 (2006), "Judicial Selection and Democratic Theory: Demand, Supply, and Life Tenure," *26 Cardozo Law Review* 597 (2005); and "Trial as Error, Jurisdiction as Injury: Transforming the Meaning of Article III," *113 Harvard Law Review* 924 (2000). Currently, she is (with Dennis E. Curtis) working on the book, *Representing Justice: From Renaissance Iconography to Twenty-First Century Courts*. In 2001, she was elected a fellow of the American Academy of Arts and Sciences and, in 2002, a member of the American Philosophical Society; she is also a Managerial Trustee of the International Association of Women Judges. She graduated from Bryn Mawr College and NYU Law School where she was an Arthur Garfield Hays Fellow.

*The Earl F. Nelson Lecture was established by the trustees of the University of Missouri Law School Foundation in memory of Mr. Nelson, one of the founders of the Foundation and a former member of the Board of Curators of the University of Missouri.*

SCHEDULE

**Friday, February 15**

**8:30 a.m.**

**Introduction and Welcome**

**8:45 - 10:30 a.m.**

**Panel 1**

***The Scope of the Treaty Power and Congressional Power to Legislate Pursuant to Treaty***

**Presenters**

Carlos Manuel Vázquez  
Georgetown University Law Center

Edward T. Swaine  
The George Washington Law School

Michael D. Ramsey  
University of San Diego  
School of Law

**Commentators**

David Golove  
New York University  
School of Law

Nicholas Quinn Rosenkranz  
Georgetown University Law Center

**10:45 a.m. - 12:15 p.m.**

**Panel 2**

***States as International Law Makers***

**Presenters**

Paul B. Stephan  
University of Virginia  
School of Law

Duncan B. Hollis  
Temple University  
Beasley School of Law

Julian Ku  
Hofstra University School of Law

**Commentators**

Janet Koven Levit  
University of Tulsa College of Law

David P. Stewart  
U.S. State Department, Office of the  
Legal Advisor

**2:00 p.m.**

**2008 Earl F. Nelson Lecture**

Professor Judith Resnik

*The Internationalism of American Federalism*

**3:15 - 4:45 p.m.**

**Panel 3**

***International Law and Inter-Systemic Governance***

**Presenters**

Robert B. Ahdieh  
Emory University School of Law and  
Princeton University Program in Law  
and Public Affairs

Paul Schiff Berman  
University of Connecticut  
School of Law

Ilya Somin  
George Mason University  
School of Law

**Commentators**

Margaret E. McGuinness  
University of Missouri School of Law

Peter J. Spiro  
Temple University  
Beasley School of Law

**Saturday, February 16**

**8:00 - 10:00 a.m.**

**Roundtable Discussion**

All Participants

**Moderator**

Margaret E. McGuinness  
University of Missouri School of Law

THE PRESENTERS

