



Rights, Remedies, and the Impact of State Sovereign Immunity (SUNY series in American Constitutionalism)

Christopher Shortell

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Engaging case studies on the impact of state sovereign immunity on both plaintiffs and states.

The Supreme Court's recent spate of state sovereign immunity rulings have protected states from lawsuits based on federal legislation as diverse as disabilities law, age discrimination, patent and trademark law, and labor standards. But does the doctrine of state sovereign immunity increase state authority? Does it undermine federal antidiscrimination statutes? Is it an effective means to revive a more robust version of federalism, shifting the balance of power toward states and away from the federal government, and if so, what are the costs and implications of such an approach? This book explores these questions through engaging historical case studies and traces the impact of state sovereign immunity on both plaintiffs and states. Demonstrating that the doctrine's primary effect is felt most keenly by the weakest and most politically unpopular individuals, Christopher Shortell's findings challenge arguments from both proponents and opponents of state sovereign immunity.

"...provides an important resource for anyone interested in the history of state sovereign immunity doctrine ... Those who teach constitutional federalism will find this book invaluable." — Law and Politics Book Review

"Shortell's cogent book examines the history of state sovereign immunity in the US. It offers an exhaustive examination of all major Supreme Court cases decided based on this legal concept, while tracing the rise and fall of the doctrine from the writing of the Constitution through its revival under Supreme Court Chief Justices Rehnquist and Roberts." — CHOICE

"The author's treatment of the history of the state use of sovereign immunity is quite thorough. He does an excellent job of discussing the periods right after the adoption of the Constitution, Reconstruction, and post-1996. Through the historical discussion, he advances his empirical argument; his thesis is persuasive and well supported." — Matthew H. Bosworth, author of *Courts as Catalysts: State Supreme Courts and Public School Finance Equity*

"This is a meticulously researched book that makes use of an impressive range of primary sources in the course of assessing the impact of judicial rulings over a span of two centuries." — John J. Dinan, author of *The American State Constitutional Tradition*

Christopher Shortell is Assistant Professor of Political Science at California State University at Northridge.

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