

# Narrowing The Nation's Power: The Supreme Court Sides With The States - Jr. Noonan, John T.

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Narrowing the Nation's Power is the tale of how a cohesive majority of the Supreme Court has, in the last six years, cut back the power of Congress and enhanced the autonomy of the fifty states. The immunity from suit of the sovereign, Blackstone taught, is necessary to preserve the people's idea that the sovereign is "a superior being." Promoting the common law doctrine of sovereign immunity to constitutional status, the current Supreme Court has used it to shield the states from damages for age discrimination, disability discrimination, and the violation of patents, trademarks, copyrights, and fair labor standards. Not just the states themselves, but every state-sponsored entity--a state insurance scheme, a state university's research lab, the Idaho Potato Commission--has been insulated from paying damages in tort or contract. Sovereign immunity, as Noonan puts it, has metastasized. "It only hurts when you think about it," Noonan's Yalewoman remarks. Noonan is a passionate believer in the place of persons in the law. Rules, he claims, are a necessary framework, but they must not obscure law's task of giving justice to persons. His critique of Supreme Court doctrine is driven by this conviction. Author: Noonan, John T., Jr. Publisher: University of California Press Illustration: N Language: ENG Title: Narrowing the Nation's Power: The Supreme Court Sides with the States Pages: 00000 (Encrypted PDF) On Sale: 2002-11-08 SKU-13/ISBN: 9780520235748 Lib Category: State governments Lib Category: United States Category: Law : Courts - General Category: Law : Torts Category: Political Science : Government - State & Provincial

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