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Federal Maritime Commission v. South Carolina State Ports Authority: *Extending the States' Sovereign Immunity to Administrative Adjudications*

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Abstract by Brooksley Crisman

The author cites the Supreme Court's decision in *Federal Maritime Commission v. South Carolina State Ports Authority* as one of a number of recent cases where the Court has limited the federal government's ability to regulate the states. The author studies the Supreme Court's expansive view of the sovereign immunity doctrine to include a prohibition of not only private suits against nonconsenting states in federal courts but also a proscription of private suits brought through the administrative process.

The first part of the comment summarizes the existing jurisprudence on state sovereignty that laid foundation for the Court's decision in *Federal Maritime Commission v. South Carolina State Ports Authority*. The second part of the comment outlines the Federal Maritime Commission's enforcement procedures. Part three examines the Court's majority and dissenting opinions in *Federal Maritime Commission*. Part four evaluates the potential repercussions of the Court's decision on informal adjudications against state-run entities. Finally, the conclusion proposes modifications to existing agency rules that allow private parties to adjudicate their complaints against states while remaining within the parameters of the sovereign immunity restrictions established by the Court.