In *Marbury v. Madison* and in other leading Supreme Court cases, the Court strongly maintained that, "the very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury." Yet, this idea of redress for constitutional violations is undercut by the doctrine of state sovereign immunity, which provides states with immunity from suit. These two principles can be reconciled in one of two ways: either state sovereign immunity can be viewed as an exception to an individual's right to a remedy when he is injured by a state, or both principles can be viewed as contradictory, leaving one with out any constitutional basis. I contend that it is the latter, calling for the need to abolish state sovereign immunity because it is inconsistent with the framers' intent and with the text of the Constitution.

Following the American Revolution, the framers sought to create a republican form of government in order to break away from the ideals of the English monarchy. Although the framers did not intend to break away from every English common law principal, there is certainly a debate as to whether the framers believed that states should not be accountable for violating the Constitution and other federal laws. *See Chemerinsky, Against Sovereign Immunity*. This is evidence by the fact that when ratifying the convention, many state representatives were reluctant about the idea of state sovereign immunity. Therefore, unlike sovereign immunity of the U.S. government, state sovereign immunity was not a "universally received opinion." Additionally, Article III § 2 allows federal courts to hear controversies "between a state and citizens of another state." The article is silent as to whether states can be a defendant in such suits, and therefore supports the inference that the framers believed that states could be sued in its own name.

One may argue that the Article III argument is undermined by the Eleventh Amendment, which precludes federal courts from hearing actions against a state by a citizen of another state. However, as Justice Souter explains in his dissenting opinion in *Seminole Tribe of Florida*, the Eleventh Amendment only prohibits suits against states where the basis for jurisdiction is citizen-state diversity. When drafting the Eleventh Amendment, a representative from Massachusetts proposed that the Amendment should contain broader language, which would bar federal question suits as well. However, Congress rejected this proposal, and drafted the Amendment in narrow terms, which only immunizes states from suits under the diversity theory. Therefore, if Congress believed that the framers intended to bar federal-question suits, Congress would have included it in the Eleventh Amendment.

While there are good justifications for state sovereign immunity, both American history and the text of the Constitution support the argument that the doctrine state sovereign immunity was not meant to be as broad as it is today. Thus, I maintain that an individual is entitled to a remedy against his wrongdoer, whether it be a private citizen or a state.