

Teaching Guide for the 11th Amendment

Grade Level Recommendation: 9 – 12

Approximate Time to Complete: one 45-minute class period

Objective:

1. Explain the rationale for the ratification of the 11th Amendment.

Required Materials:

1. [11th Amendment](#)

Teacher Guide	Modifications
<p>Introduction</p> <ol style="list-style-type: none"> 1. Activate prior knowledge by leading a class discussion of the following prompts: <ol style="list-style-type: none"> a. We've discussed federalism this year. How would you describe federalism? Why do we utilize a federal system? b. During the process of ratifying the Constitution there was a debate between the Federalists and Anti-Federalists. What was at the heart of that debate? c. Think of a teeter-totter with "Federal Power" on one end, and "State Power" on the other. Which way do the following aspects of the Constitution tilt the teeter-totter? <ol style="list-style-type: none"> i. Article 2 allows for a singular chief executive, the President, to run the Federal government (Federal) ii. The President is chosen by the Electoral College (State) iii. The Supremacy Clause in Article 5 (Federal) iv. The 10th Amendment (State) 2. Turn students' attention to the learning target and state that today students will learn about another part of the Constitution that helped to establish balance in our federalist system. 	<p>1a-b. An opportunity for differentiation exists here – instead of a whole class discussion, you might rank these questions from least to most challenging, group students accordingly, and have them discuss in small groups then report out to the whole class.</p> <p>1c. You might incorporate student movement here by having students stand with their arms out, with each arm being one side of a teeter-totter. As you cite each aspect of the Constitution, they can tilt their bodies accordingly to demonstrate their answers. You could also designate sides of the room as "Federal" and "State" and have them move and stand to the side they believe to be the correct answer.</p>

Direct Instruction

3. Hand out or display the text of the 11th Amendment. Read together as a class; ask students to paraphrase and simplify. Address any questions and ensure consensus understanding of the 11th Amendment.
 4. State that the 11th Amendment was ratified after an unpopular SCOTUS decision in the case of *Chisolm v. Georgia* (1793).
 5. Play [“The First Supreme Court Case That Mattered – Chisolm v. Georgia”](#) from Mr. Beat on YouTube from the beginning to 1:35. Clarify that eventually this case made it to SCOTUS. This will help students understand why a citizen from one state might want to sue another state.
 6. When soliciting questions, naturally students will conclude that it was only right for Georgia pay the debt and will want to know why this decision became unpopular. Display that question on the board: “Why would the U.S. amend the Constitution to not allow a citizen to sue a state?”
 7. State that people typically can sue other parties when they have suffered damages due to the actions of another party, as in the case of *Chisolm*. Then, using a polling app, display a list of government actions or policies that students might feel has caused suffering or damages and have students vote on which of the policies has caused them suffering. This list could include but is not limited to: draft registration for men, 18-year-old suffrage, truancy laws, probationary license restrictions for new drivers, speed limits, auto insurance mandates, minimum wage laws, curfew laws, etc.
 8. Identify the policy that students have identified has caused them the most “suffering.” Ask students why they don’t pool their resources and sue the state or government entity that has established that policy. Guide a discussion that allows students to see that some of those policies are Constitutionally protected and/or provide for the general welfare of the public.
5. The video is one efficient option of relaying the back story to students. Here’s a different option that might lead to more engagement and fun: If you happen have 5 or so willing students with strong theatrical abilities, you could prep them ahead of time to act out the backstory for the class.
 7. You might instead ask students to create a similar list working in small groups. To incorporate student movement, you could write policies on individual pieces of paper and have students walk around the room placing a mark or ranking on policies they feel have caused suffering.
 8. For a higher-level class or students who would benefit from enrichment, you might push students to dive deeper by examining case law that has further constructed the 11th Amendment. You might also teach “qualified immunity” versus “absolute immunity.”



<p>9. Students should now understand the rationale of the 11th Amendment. Define “sovereign immunity” and state that the 11th Amendment granted it to the states, further recognizing the sovereignty of states and thereby tilting the teeter totter ever so slightly in their direction.</p>	<p>9. Students may ask, “But what about Chisolm?! Georgia simply didn’t have to pay up!?” Georgia eventually settled that debt in the mid-1800s. This is also a great opportunity to transition to step 10.</p>
<p>Closure</p> <p>10. Refer back to the list of legal, protected policies that students might argue cause them suffering. Move students into small groups and assign each group a policy. Task students with brainstorming methods of political participation other than litigation that citizens might use if they wish to eliminate or change the policy. Have them evaluate the extent that those methods might cause positive change. State that, although the Constitution does not allow citizens to file suit against a state, we the people have many other tools at our disposal to influence state policy and actions.</p>	