



Eleventh Amendment: Lesson Plan

Topic	
The Eleventh Amendment clarifies Article III of the Constitution, which protects state governments from being sued by citizens of other states or foreign entities.	
Possible subjects/classes	Time needed
<ul style="list-style-type: none">• History• Government• Politics	45-60 minutes
Video link:	
https://academy4sc.org/video/eleventh-amendment-suits-against-states/	
Objective: <i>What will students know/be able to do at the end of class?</i>	
Students will be able to... <ul style="list-style-type: none">• Name the Supreme Court cases that initiated the push for the Eleventh Amendment.• Explain the controversy surrounding the Eleventh Amendment in more recent cases.	
Key Concepts & Vocabulary	
Constitution	
Materials Needed	
Worksheet, poster-making materials, computers with powerpoint capabilities	
Before you watch	
Quick write: Have students read Article III Section 2 of the Constitution (the section clarified by the Eleventh Amendment) and write down what they think it means.	
While you watch	
1. What is sovereign immunity?	



2. Who initially proposed the Eleventh Amendment?
3. What is an explanatory amendment?

After you watch/discussion questions

1. Should the Eleventh Amendment be read literally or in the context of the time(s) and situation(s) in which it is invoked?
2. Is sovereign immunity fair? Should state governments be exempt from legal action?
3. What are the pros and cons of sovereign immunity?

Activity Ideas

- **Class Debate:** Split students into two groups for a debate. One side must argue in favor of interpreting the Constitution and its Amendments literally, word-for-word. The other side must argue in favor of contextual interpretations that may vary slightly based on the situation.
- **Teach It:** A lot of people don't know what the term "sovereign immunity" means, let alone that it is a foundational element of our Constitution. Have students design a lesson plan or presentation (poster, powerpoint, etc.) that educates others on the concept and why it is an important part of the country's history.

Sources/places to learn more

1. Smentkowski, B. P. (2014, November 18). Eleventh Amendment. Encyclopedia Britannica.
<https://www.britannica.com/topic/Eleventh-Amendment>.
2. *Interpretation: The Eleventh Amendment* | *The National Constitution Center*. (n.d.).
<https://constitutioncenter.org/interactive-constitution/interpretation/amendment-xi/interps/133>.
3. Clark, B.R. (2010). *The Eleventh Amendment and the Nature of the Union*. Harvard Law Review.
http://cdn.harvardlawreview.org/wp-content/uploads/pdfs/vol123_clark.pdf.