

TEACHER INSTRUCTIONS

Goal

Students understand why the Eleventh Amendment was adopted, drafting constitutional amendments to address what many Americans in the 1790s viewed as federal overreach.

Instructions

1. Tell students: The year is 1794. A recent Supreme Court decision has sparked outrage across much of the country. Many state leaders believe federal judges are claiming powers they were never supposed to have. Newspapers are filled with arguments about sovereignty, federal authority, and the meaning of the Constitution. Congress has called a special Constitutional Convention. Your group has been chosen to propose amendments that would prevent similar disputes in the future.
2. Place students in pairs/small groups; have them respond to the reports with constitutional amendments.
3. Discuss as a class.

Debrief/Wrap-Up Questions

- Why did many Americans believe the Eleventh Amendment was necessary after *Chisholm v. Georgia*?
- What problem was the amendment intended to solve?
- Why might states have been concerned about federal courts hearing lawsuits against them?
- What does this suggest about the ability of the people and states to respond to Supreme Court decisions?
- If the Supreme Court makes a controversial ruling today, what options exist for correcting it?

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For each report:

- Identify the government action being challenged.
- Decide whether it exceeds constitutional limits.
- Write a one-sentence constitutional amendment that would prevent the action in the future.

Crisis Report A: The Unlimited Powers Argument. A member of Congress argues this: “The Constitution never says we can’t do it, so we can.” Soon, Congress begins claiming authority over subjects never listed among its constitutional powers. Your amendment:

Crisis Report B: The Expanding Court System. Federal judges begin hearing disputes involving local contracts, property disagreements, and other matters that state courts have traditionally handled. State officials warn that federal courts are taking over state responsibilities. Your amendment:

Crisis Report C: The Broken Promise. During ratification debates, supporters of the Constitution repeatedly assured citizens that federal courts would never exercise a particular power. Only a few years later, the Supreme Court claims that very power. Citizens complain that the government is ignoring the promises made during ratification. Your amendment:

Crisis Report D: The New Federal Authority. A federal agency announces that it now has authority over an issue not listed among the powers granted to the federal government. Officials defend the move by claiming it is necessary for effective government. Your amendment:

Crisis Report E: The States Protest. Several state legislatures formally declare that federal judges are exercising powers that were never delegated to them by the Constitution. Tensions rise as states demand that constitutional limits be clarified. Your Amendment:

