

Chief Justice Marshall's Court & Cases

High School AP US Government

Objectives: Students should be able to:

- interpret primary source documents (court decisions) from three major landmark Supreme Court cases (*Marbury v. Madison*, *McCulloch v. Maryland*, & *Gibbons v. Ogden*) decided during the tenure of Chief Justice John Marshall;
- identify and summarize the constitutional question, decision, and outcome (impact) of the case;
- draw conclusions as to how Marshall shaped the role of the court and the power of the federal government; and
- interpret a political cartoon.

Standards

AP GOVT: CON-2.B.2 The balance of power between the national and state governments has changed over time based on U.S. Supreme Court interpretation of such cases as *McCulloch v. Maryland* (1819).

CON-5.A.1 The foundation for powers of the judicial branch and how its independence checks the power of other institutions and state government are set forth in *Marbury v. Madison* (1803).

National: NSS-USH.5-12.4 Era 4 Expansion & Reform (1801-1861)

NSS-C.5-8.3 Principles of Democracy

Approx. Time: One and one-half 90 minute blocks or three 45 minute blocks

HOOK: Show students the video clip (below) about the Supreme Court decision to uphold the Affordable Care Act. If students are not aware of it or the details give them some background before you show the clip. After viewing the clip (2.5 minutes), have students discuss whether or not they agree with the decision. Allow for as much time as you feel you need to get them all engaged in the discussion. After that, ask them a few more questions.

- "Where does the Supreme Court get the power to declare a law, like the ACA, constitutional?"
- "Is buying health insurance classified as "interstate commerce" and, if it is, does Congress have the right to regulate commerce within a state?"

Again, allow for discussion. You may need to explain to students what "interstate commerce" is and give some examples. If students cannot figure it out, tell them they will discover the answer today.

■ SCOTUS ACA Decision video clip:

<https://goo.gl/Y5rRhv>

Today, you will learn about three important Supreme Court cases, decided by Chief Justice John Marshall and the Court, that changed the power of the Supreme Court and the federal government FOREVER!

Activity: Divide students into groups of three and give them all three primary source documents. Students should discuss each document and try to determine which case the decision is from (there are clues in each document). Give them sufficient time to do this, but if they are having trouble, call on a group who has finished and have them share their answers and how they figured out which decision went with which case.

Once students have identified each of the cases provide them with the web source or a handout for information. Students should quickly research the case and then find evidence in the primary source document that reflects the decision/reasoning.

Lastly, students will write an essay describing how John Marshall changed the role of the court and the federal government.

■ Show students the *Justice in the Classroom* Chapter Four video clip BEFORE students complete their essay to reinforce the idea of Marshall's influence and the significance of *Marbury v. Madison*. You may want to assign both the video and essay for homework. (Approx. 10 minutes)

Post Assessment: Students will interpret a political cartoon about *Marbury v. Madison* and judicial review.