

Teaching American History Grant: Learning Experience 2005



Title of Lesson: **American History through the lens of the Supreme Court decisions: Key vocabularies**

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School District: **Webutuck Central**

Subject Area(s): **Social Studies/U.S. Government, Social Studies/Civics**

Grade Level(s)/Course: **High School (Academic Intervention Services)**

Subject Specific Standards: **Civics, Citizenship, and Government**

State Standards (New York State: Standards 5)

Students will use a variety of intellectual skills to demonstrate their understanding of the necessity for establishing governments; the governmental system of the U.S., the Constitution; the basic civic values of American constitutional democracy the roles, rights and responsibilities of citizenship, including avenues of participation.

This activity focuses on vocabulary needed to understand functions of the U.S. Constitution, the Supreme Court and how decisions have been interpreted.

Essential Question

What are some important concepts, vocabularies /terms necessary to help you understand Supreme Court cases and decisions?

Overview of the Learning Experience

Students aren't always knowledgeable about the historical context of Supreme Court cases and the decisions that have been made. They have trouble understanding the key concepts associated with these decisions and may not know terms used.

Purpose

This activity is to familiarize students with vocabulary necessary to understand Supreme Court decisions and will be used as a support to the Unit on the Constitution.

Goal (s)

Students will:

- Understand the historical background of Supreme Court decisions
- Understand basic principles behind legislation.
- Understand reasoning for Supreme Court decisions
- Define legal concept and words
- Understand the meanings of the language used
- Extract word meanings from context

Stated Objective(s)

Students will be able to:

- Identify at least two historically significant Supreme Court decisions
 - Define four legal concepts
 - Define four legal terms
 - Write sentences using vocabulary learned
- This will be clear when students demonstrate an understanding of language used.

Time Allotment (classroom time) Introduction

Two 45-minute sessions

Students will be given a copy of case summaries for the *Marbury v. Madison (1803)* case. They will go through and highlight words that they don't know or words that they think are important to understanding the document.

Teacher will write on board the words that students came up with

Teaching Strategy

Modeling, small group, group sharing/independent activity

Procedure

Teacher writes own list of important words on board for comparison. Starting with words common to student and teacher lists, teacher asks students to guess what the word means. Teacher follows up with process question: What was it about the word that gives them a clue?

Teacher provides the true definition. Now that students know the word meaning, teacher asks student to explain concept in layman's terms or use word in a sentence. Repeat for all words on vocabulary list.

Vocabulary words:**Marbury v. Madison (1803)**

- Judicial Power
- Executive Power
- Judicial Review
- Federalist
- Republicans
- Sedition Acts
- Supreme Court
- Supremacy clause
- Writ of Mandamus
- Original jurisdiction
- Unconstitutional
- Federalist papers
- Ratification debate
- Upheld

Assessment

At the close of second session, teacher gives students worksheet to complete. Exercises are closed sentences in which students must fill in blank. The closed sentences contain some of the words students identified as unknown, in the Introduction. Assessment will be based on the number of correct answers given.

Materials**Internet Resources:**

<http://www.tourolaw.edu/Patch/CaseSummary.asp>. Accessed July 22, 2005

Other Resources:

Irons, P. (2000). *People's History of the Supreme Court*. Buffalo, NY: Penguin Books

Murphy, Walter F, Barber, Sotirios A, Fleming, James E, Macedo, Stephen (2003). *American Constitutional Interpretation*. New York, NY: Foundation Press

Teacher Signature

Date

CASE SUMMARIES

Source: <http://www.tourolaw.edu/Patch/CaseSummary.asp>. Accessed July 22, 2005

Marbury v. Madison

Citation: 5 U.S. 137 (1803) **Concepts:** Judicial v. Executive Power/Judicial Review

Facts

In his last few hours in office, President John Adams made a series of “midnight appointments” to fill as many government posts as possible with Federalists. One of these appointments was William Marbury as a federal justice of the peace. However, Thomas Jefferson took over as President before the appointment was officially given to Marbury. Jefferson, a Republican, instructed Secretary of State James Madison to not deliver the appointment. Marbury sued Madison to get the appointment he felt he deserved. He asked the Court to issue a *writ of mandamus*, requiring Madison to deliver the appointment. The Judiciary Act, passed by Congress in 1789, permitted the Supreme Court of the United States to issue such a writ.

Issue

Whether the Supreme Court of the United States has the power, under Article III, Section 2, of the Constitution, to interpret the constitutionality of a law or statute passed by Congress.

Opinion

The Court decided that Marbury's request for a *writ of mandamus* was based on a law passed by Congress that the Court held to be unconstitutional. The Court decided unanimously that the federal law contradicted the Constitution, and since the Constitution is the Supreme Law of the Land, it must reign supreme. Through this case, Chief Justice John Marshall established the power of judicial review: the power of the Court not only to interpret the constitutionality of a law or statute but also to carry out the process and enforce its decision.

This case is the Court's first elaborate statement of its power of judicial review. In language which remains relevant today, Chief Justice Marshall said, “It is emphatically the province and duty of the judicial department to say what the law is.” Nowhere in the Constitution does the Court have the power that Chief Justice Marshall proclaimed. Despite there being no mention of such power in the Constitution, since 1803, our Nation has assumed the two chief principles of this case: that when there is a conflict between the Constitution and a federal or state law, the Constitution is supreme; and that it is the job of the Court to interpret the laws of the United States.

McCulloch v. Maryland

Citation: 17 U.S. 316 (1819) **Concepts:** “Necessary & Proper” Clause/Federal Supremacy v. State Rights

Facts

The state of Maryland brought an action against James William McCulloch, a cashier in the Maryland branch of the Bank of the United States, for not paying a tax the state had imposed on the United States Bank.

Issue

Whether the state of Maryland had the right to tax a federal agency which was properly set up by the United States Congress.

Opinion

In a unanimous decision, the Supreme Court of the United States ruled that the “power to tax involves the power to destroy,” and that the federal government’s national bank was immune to state taxation. The Court reasoned that Congress could set up a United States Bank and write laws “necessary and proper” to carry out its constitutional power to coin and regulate money.

Gibbons v. Ogden

Citation: 22 U.S. 1 (1824) **Concepts:** Interstate Commerce/Federal Supremacy v. State Rights

Facts

Robert Livingston secured from the New York State Legislature an exclusive twenty-year grant to navigate the rivers and other waters of the State. The grant further provided that no one should be allowed to navigate New York waters by steam without a license from Livingston and his partner, Robert Fulton, and any unlicensed vessel should be forfeited to them. Ogden had secured a license for steam navigation from Fulton and Livingston. Gibbons originally had been partners with Ogden but was now his rival. Gibbons was operating steamboats between New York and New Jersey under the authority of a license obtained from the United States. Ogden petitioned the New York court and obtained an injunction ordering Gibbons to stop operating his boats in New York waters.

Issue

Whether the New York statute that prohibited vessels licensed by the United States from navigating the waters of New York was unconstitutional and, therefore, void.

Opinion

Writing for the Supreme Court of the United States, Justice Marshall said that the injunction against Gibbons was invalid because the monopoly granted by the New York statute conflicted with a valid federal law. The Court used this case to put forth the position that Congress can legislate and regulate *all* matters of interstate commerce as long as there is some commercial connection with another state. While interstate commerce is regulated by Congress, power to regulate “completely internal” commerce (trade carried on in a state that does not affect other states) is reserved to the states.

Supreme Court Vocabulary & Definitions

Vocabulary (key terms) that appear in primary source documents and used in this learning experience.

Supreme Court	- the highest judicial body in the United States made up of nine members appointed for life by the President with the approval of the Senate.
Judicial Power	- powers associated with the justices
Judicial Review	- power of the Supreme Court to examine local, state and Federal laws and actions and to decide if they violate the Constitution.
Executive Power	- putting into effect orders, plans or policies of the executive branch of a government.
Federalists	- members of the political group (1787-1823) which favored a strong central government during the controversy over approving the constitution and led by the views of Alexander Hamilton.
Republicans	- members of the political group which favored a limited national government, controlled by ordinary citizens entitled to vote.
Sedition Act(s)	- a series of laws passed by Congress in 1798 to silence opposition to an unexpected war with France and to address issues believed to cause rebellion against the government. Also used to fine or imprison anyone who urged resistance to federal laws or who criticized the government of the United States.
National Government	- concerning the nation - has the power over issues of national concern; example, defense of the nation.
Writ of Mandamus	- a written command made by a higher court to a lower court that a specified thing be done.
Original jurisdiction	- power to say what the law is. Also, refers to cases that a court can hear directly rather than through appeals from the lower courts.
Ratification debate	- arguments cited by many Americans that the government was too powerful; that Congress could pass laws that would prevent public criticism. Some states would not approve the Constitution unless a list of guaranteed rights (amendments) were added, called the Bill of Rights.
Clause	- Article IV of the Constitution establishes the Constitution as the "supreme law of the land".

Unconstitutional

- the power of the Supreme Court to decide whether or not a law passed by Congress goes against something written in the Constitution.

Upheld

- to decide in favor of.

Assessment

Date

Complete the sentences by filling in the blanks. Use terms learned in the lesson.

1. The _____ is the only court mentioned in the Constitution.
2. Federal judges are chosen by the _____, and they must be approved by the _____. Their term of office is for _____.
3. The amount of courts and judges on each court, including the Supreme Court, is set by _____.
4. The Supreme Court's main power is _____. This is the court's power to review local, state and Federal laws and actions and to decide if they violate the U. S. Constitution.
5. A law or other government actions may be declared _____ if it violates the U.S. Constitution.
6. The power to declare federal laws or governmental actions "null and void" is an _____ power.
7. The _____ and _____ were first two political parties formed to attain political goals, such as, electing officials and influencing the public.
8. To which political group did John Adams belong?
_____.
9. _____ favored strong state governments and less central control of economic affairs.
10. Why was Marbury suing Madison?

11. In deciding the Judiciary Act of 1789, unconstitutional, what power of the Supreme Court did this decision reinforce?

12. What did the *Writ of Mandamus* require Madison to do?

13. After 1803, what were the two guidelines followed by the U.S. Supreme Court?

- 1.
- 2.

Teacher's Answer Key

1. The Supreme Court
2. President, Senate, life
3. Congress
4. judicial review
5. unconstitutional
6. implied power
7. Federalists, Republicans
8. The Federalists
9. Jefferson
10. To get the job he felt he deserved.
11. Judicial power
12. To 'deliver the appointment'
13.
 1. When there is a dispute between the Constitution and federal or state laws, the Constitution is the highest.
 2. It is the job of the Court to explain the meanings of the laws of the United States.