



Marbury v. Madison (1803)

Learning Objectives: The students will...

1. Review the election of 1800 and the appointment of the Midnight Judges.
2. Understand the events and figures involved in the landmark Supreme Court case, *Marbury v. Madison*.
3. Be able to explain the concept of judicial review and its importance to the power of the judicial branch of the U.S. government.

TEKS:

1. Identify the origin of judicial review and analyze examples of congressional and presidential responses. [18A]
2. Summarize the issues, decisions, and significance of landmark Supreme Court cases, including *Marbury v. Madison*, *McCulloch v. Maryland*, and *Gibbons v. Ogden*. [18B]

Materials: Computer and projector with speakers, copies of student note sheet, copy of teacher notes, scratch paper, 5-6 small white boards, and dry erase markers (or sheets of scratch paper and markers).

Vocabulary: judicial, commission (n), jurisdiction, landmark case, precedent, writ of mandamus

Teaching Strategy:

Intro Activity: (15 Minutes)

1. Put the students in groups of three or four. Give each group a white board (scratch paper) and dry erase marker (markers) and have them choose a scribe.
2. Project the six vocabulary words in the *Marbury v. Madison* vocabulary PowerPoint which can be found on the **texasre.org website under Resources**, or use the list below to teach the necessary vocabulary. Have students copy down each of the six definitions into their glossary or notes.
 - Judicial – Relating to courts of law, judges or the administration of justice.
 - Commission – A document granting certain powers or the authority to carry out a particular task or duty.
 - Jurisdiction - The extent or range of authority or control.
 - Landmark case - Court decisions that establish new precedents or change the interpretation of existing law.
 - Precedent - A judicial decision that may be used as a guide in future similar cases.
 - Writ of Mandamus - A legal document issued by a court commanding an official to perform a specific duty.
3. After every student has written the six definitions, project each sentence in the *Marbury v. Madison* vocabulary PowerPoint (**found on texasre.org under Resources**) or read the scenarios from the list below. As each sentence is projected or read, have the groups decide which word best fits in the blank and have the scribe write the word on the

white board (scratch paper). Have each group hold up their white boards (scratch paper) to make sure there is consensus. Discuss words as needed.

- The architecture firm received a government _____ to complete a new building in Washington D.C. (**Commission**)
- I was pulled over by a Dallas police officer on I-10 in Houston, but he couldn't give me a ticket because he did not have _____. (**Jurisdiction**)
- The court issued a _____, commanding that the Secretary of State deliver a commission. (**Writ of Mandamus**)
- The Supreme Court case *Brown v. the Board of Education* is considered a _____ because it fundamentally changed the law regarding segregation in schools. (**Landmark Case**)
- The Supreme Court case, *Tinker v. Des Moines*, set the important _____ that students do have a right to freedom of speech in school, with certain limitations. (**Precedent**)
- The branch of government responsible for interpreting the law is the _____ branch. (**Judicial**)

Video: (30 Minutes)

1. Give each student a copy of the *Marbury v. Madison* note sheet.
2. Have them work with their groups to fill in Part 1 based on what they have already learned.
3. Watch the video through 4:05. Pause and have them check their answers and fill in any blanks that they didn't have. Answer any questions.
4. Watch the next section (4:06-6:08) and have them work in their groups to fill in the blanks in Part 2. Answer any questions and discuss.
5. Watch the final section (6:09-End) and fill in the final blanks in Part 3 with their groups.

Wrap-Up: (5 Minutes)

As a class, discuss the importance of judicial review. Show the students examples of how the power of judicial review has affected history (ex. *Scott v. Sandford*) as well as current issues before the Supreme Court.

Discussion Questions: (Could be discussed in class or given as homework.)

1. Do you think judicial review gives too much or the right amount of power to the judicial branch? Explain your answer.
2. Can the judicial branch truly check the other branches without the power of judicial review? Explain your answer.
3. What might have happened if the Court had ordered Marbury's commission to be delivered and President Jefferson and Secretary of State Madison had refused?