

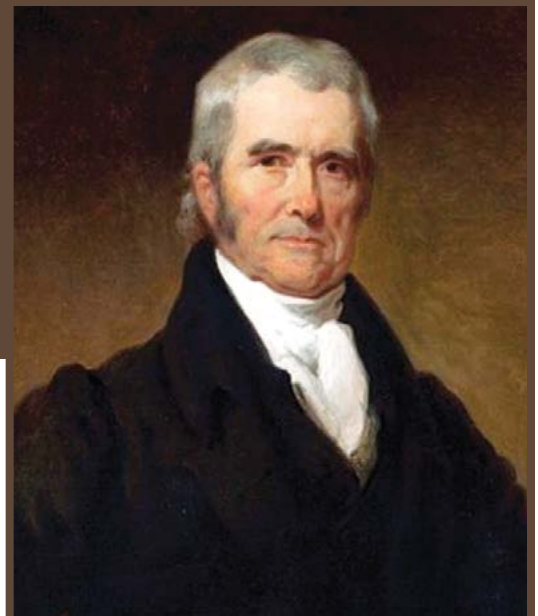
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ERA 4: EXPANSION AND REFORM (1801–1861)

ERA 10: CONTEMPORARY UNITED STATES (1968 TO THE PRESENT)

THEME: POLITICS AND CITIZENSHIP, REFORM

# THE GREAT CHIEF JUSTICE



Original portrait of Chief Justice John Marshall, when the jurist sat for artist Henry Inman in Philadelphia in September 1831

## GUIDING QUESTIONS

Should the Supreme Court be able to overturn laws?

Did Marshall make his decisions based on politics economics or the Constitution?

Does the Constitution give or deny supremacy to the Supreme Court? Where? How?

## QUESTION FOCUS EXAMPLES FOR TASK 24

The Supreme Court should not be able to overturn laws

## TEACHER-TO-TEACHER

Chief Justice John Marshall took the helm of the Supreme Court of the United States at a pivotal time in the history of the country as well as the history of the Court itself. Many, including Rodell, assert that Marshall was able to create a national government that was based on his own ideas of how that government should be structured and how it should function. Marshall most certainly provided opinions that strengthened the national government, and specifically the national judiciary in its relationship with the other two branches of government. With Rodell's article, students can read three key decisions written by Marshall and analyze the manner in which those decisions helped to shape the scope of national government power and the role the national judiciary would play in the decades to follow after Marshall leaves the bench. Finally, students can be challenged to discuss Rodell's assertion that if Marshall were alive today, he would be a states' rights advocate. Using the Supremacy Clause as well as other written opinions, students can debate the merits of Marshall's view that the Court can rule laws unconstitutional.

## CONTENTS

- ◆ **The Great Chief Justice** ARTICLE
- ◆ **The Constitution of the United States** DOCUMENT
- ◆ **Brutus No. 15** DOCUMENT
- ◆ **Federalist No. 78** DOCUMENT
- ◆ **Judiciary Act of 1789** DOCUMENT
- ◆ **Marbury v. Madison** DOCUMENT

## RECOMMENDED INSTRUCTIONAL STRATEGIES

- Task 1: Wrestle with an Argument: Close Reading of an Argumentative Text**
- Task 2: One Sentence Summaries**
- Task 3: Unpack the Points**
- Task 7: Close Reading: Focus Question**
- Task 23: Identifying Claim/Evidence**
- Task 24: QFT (Question Formulation Technique)**
- Task 25: Document Analysis/Sourcing**