

# Teaching American History For All

A series of lessons incorporating literacy strategies for  
Mt Diablo Unified School District  
5<sup>th</sup>, 8<sup>th</sup>, and 11<sup>th</sup> grade teachers,  
in partnership with  
University Of California, Berkeley  
History-Social Science Project

**8<sup>th</sup> Grade Lesson:** Marbury v. Madison (1803)

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**Teaching American History for All**  
**MDUSD/UCB H-SSP**  
**8<sup>th</sup> Grade Lesson: “Marbury v. Madison (1803)”**

**Developed by:** Will Gregory

**Teaching American History Grant Focus Question:**

How did definitions of citizenship change from the 17<sup>th</sup> century to the 20<sup>th</sup> century?

**8<sup>th</sup> Grade Year-long Focus Questions:**

How did federalism shape the roles of the national and state governments?

How did the rights of citizens expand and contract during the 18<sup>th</sup> and 19<sup>th</sup> centuries?

**Unit Focus:**

Unit 3: The New Republic; Chapter 7: The Jefferson Era; Section 1: Jefferson Becomes President

**Unit Focus Question:**

How did the United States solve social, political, and economic challenges as the nation grew?

**Unit Working Thesis:**

The political success of Jefferson and the Democratic-Republicans led the nation through a huge expansion of The Louisiana Purchase, The Oregon Trail, and acquisition of the Southwest from Mexico. The economy became more industrialized, and independent of Great Britain, a trend that was increased with the War of 1812. With this expansion came contact and conflicts.

**Lesson Focus Question:**

How did the Supreme Court case of Marbury v. Madison affect the balance of power in the federal government?

**Lesson Working Thesis:**

By establishing the principle of judicial review, the Marbury v. Madison case established the Supreme Court as viable check to the powers of the executive and legislative branch.

**Reading Strategy:**

Passage-level reading strategy of textbook using Cause & Effect Chart

**Suggested Amount of Time:**

1 class period of about 45 minutes

**Textbook:**

Deverell, William and White, Deborah Gray. *United States History: Independence to 1914*. Orlando, Florida: Holt, Rinehart and Winston., 2006, Chapter 7:(Jefferson becomes President; Section 1), pp 231–232.

## **Other Resources:**

Chart of the 3 branches of government

## **Context of the lesson in the unit:**

This lesson will come as part of Unit 3: The New Republic and is the first lesson in Chapter 7: The Jefferson Era. It aligns well with the election of 1800.

## **Concept of citizenship embedded in the lesson:**

Students will understand role the impact that elections have on changing the balance of power in the government, review checks and balances in the federal government, and understand the precedent of judicial review which will have a large impact on both citizens and non-citizens in the 19<sup>th</sup> century.

## **Lesson Procedure:**

### 1. Introduction

1. Review of Chapter 7 Section 1 “Jefferson becomes President” (and the election of 1800) with your students.
2. Divide them into pairs.
3. Distribute copies of handout titled “3 Branches of Government in 1800.”
4. Have the students complete the handout with a partner.
5. Review their answers in order to emphasize the change of power, and review concepts of government from the constitution.

### 2. Reading Strategy #1

1. Have students read the Section “Marbury v. Madison” from p. 231-232.
2. Distribute handout titled “Chain of Events: Marbury v. Madison (1803).”
3. Explain to the students that in order to understand the chain of events in this case, they will be filling out the sheet.
4. Point out that the first one has been done for them.
5. Instruct students to read the content questions before they complete the handout.
6. Have them work with a partner to complete the handout.
7. Teacher floats around classroom offering help and guidance where necessary.
8. Review the handout and clarify conclusions and questions as a class, paying particular attention to the ideas of judicial review, and checks and balances.

## **History-Social Science Content Standards:**

### 8.4 Students analyze the aspirations and ideals of the people of the new nation.

1. Describe the country’s physical landscapes, political divisions, and territorial expansion during the terms of the first four presidents.

## **Historical and Social Sciences Analysis Skills:**

### Chronological and Spatial Thinking

1. Students explain how major events are related to one another in time.
2. Students construct various time lines of key events, people, and periods of the historical era they are studying.

### Research, Evidence, and Point of View

3. Students distinguish relevant from irrelevant information, essential from incidental information, and verifiable from unverifiable information in historical narratives and stories.
4. Students assess the credibility of primary and secondary sources and draw sound conclusions from them.
5. Students detect the different historical points of view on historical events and determine the context in which the historical statements were made (the questions asked, sources used, author's perspectives).

### Historical Interpretation

1. Students explain the central issues and problems from the past, placing people and events in a matrix of time and place.
2. Students understand and distinguish cause, effect, sequence, and correlation in historical events, including the long-and short-term causal relations. .
3. Students explain the sources of historical continuity and how the combination of ideas and events explains the emergence of new patterns.

## **Reading/Language Arts Content Standards:**

### 2.0 Reading Comprehension (Focus on Informational Materials)

Students read and understand grade-level-appropriate material. They describe and connect the essential ideas, arguments, and perspectives of the text by using their knowledge of text structure, organization, and purpose.

### 1.0 Writing Strategies

- 1.3 Support theses or conclusions with analogies, paraphrases, quotations, opinions from authorities, comparisons, and similar devices.

## 2.0 Writing Applications

2.3c Use a variety of primary and secondary sources and distinguish the nature and value of each.

2.3d Organize and display information on charts, maps, and graphs

## 2.0 Speaking Applications (Genres and Their Characteristics)

2.1b. Reveal the significance of, and the subject's attitude about, the incident, event, or situation.

# TEACHER KEY

## 3 Branches of Government in 1800



<b>Official Name</b>	<b>Legislative Branch</b>	<b>Executive Branch</b>	<b>Judicial Branch</b>
<b>Players</b>	<b>Congress</b>	<b>President</b>	<b>Supreme Court</b>
<b>Who is in control in 1796</b>	<b>Federalists</b>	<b>John Adams (Federalist)</b>	<b>Federalists</b>
<b>Who is in control in 1800</b>	<b>Republicans</b>	<b>Thomas Jefferson (Republican)</b>	<b>Federalists</b>

## TEACHER KEY

### Chain of Events

(*Marbury v. Madison*, pp. 231-232)

One thing leads...	to another
<b>In an effort to continue their control over the judiciary</b>	<b>Federalist legislators passed the Judiciary Act of 1801</b>
<b>This act [the Judiciary Act of 1801]</b>	<b>Created 16 new federal judgeships that President Adams filled with Federalists before leaving office</b>
<b>Marbury demanded the documents [that showed President Adams authorized him to be a justice of the peace]</b>	<b>However, the new secretary of state James Madison, refused to deliver them.</b>
<b>[Because] Marbury claimed the Judiciary Act of 1789 gave the Supreme Court the power,</b>	<b>Marbury brought suit, asking the Supreme Court to order Madison to deliver the appointment papers</b>
<b><i>Marbury v. Madison</i> helped establish</b>	<b>The Supreme Court's power to check the power of the other branches of government.</b>
<b>The Constitution, Chief Justice Marshall noted,</b>	<b>Gave the Supreme Court authority to hear only certain types of cases.</b>

<b>Because Marbury's request was not one of them [that the court is allowed to hear]</b>	<b>The law that Marbury's case depended upon was therefore unconstitutional</b>
<b>By denying Marbury's request</b>	<b>The court avoided a direct confrontation with the Jefferson administration</b>  <b>&amp; it established the power of judicial review, the power to declare an act of Congress unconstitutional</b>
<b>[Judicial Review] was used by Marshall and other judges to</b>	<b>Make the judiciary a much stronger part of the national government.</b>

**Content Question:**

**TEACHER KEY**

Why do you think that Madison (under Jefferson's advice) did not think Marbury's appointment was valid?

*Because Adam's last minute appointments of the "midnight judges" were a desperate attempt to hold on to power in the Judiciary after it became clear that the Republicans would take over the other two branches of government*

How did the Marbury v. Madison help the Supreme Court check the power of the other branches of government?

*Chief Justice Marshall essentially gives the Court power to declare laws unconstitutional, something not spelled out in the Constitution itself. After this case, the Supreme Court can strike down laws passed by Congress (e.g. Dred Scott v. Sanford).*

## STUDENT VERSION

### 3 Branches of Government in 1800



<b>Official Name</b>	<b>Branch</b>	<b>Branch</b>	<b>Branch</b>
<b>Players</b>			
<b>Who is in control in 1796</b>			
<b>Who is in control in 1800</b>			

**STUDENT VERSION**

**Chain of Events**

**(Marbury v. Madison, pp. 231-232)**

<b>One thing leads...</b>	<b>To another</b>
<b>In an effort to continue their control over the judiciary</b>	<b>Federalist legislators passed the Judiciary Act of 1801</b>
<b>This act [the Judiciary Act of 1801]</b>	
<b>Marbury demanded the documents [that showed President Adams authorized him to be a justice of the peace]</b>	
<b>[Because] Marbury claimed the Judiciary Act of 1789 gave the Supreme Court the power,</b>	
<b><i>Marbury v. Madison</i> helped establish</b>	

	<b>Gave the Supreme Court authority to hear only certain types of cases.</b>
<b>Because Marbury's request was not one of them [that the court is allowed to hear]</b>	<b>The law that Marbury's case depended upon was therefore</b> _____.
<b>By denying Marbury's request</b>	<b>The court avoided a direct confrontation with the Jefferson administration</b>  <b>&amp; it established the</b> _____ _____ _____ _____
<b>[Judicial Review was used by Marshall and other judges to</b>	

**Content Questions:**

Why do you think that Madison (under Jefferson's advice) did not think Marbury's appointment was valid?

How did the Marbury v. Madison help the Supreme Court check the power of the other branches of government?