

Teacher Guide for the Lesson on **Marbury v. Madison**

Standard:

8.18(A)

Content Objective:

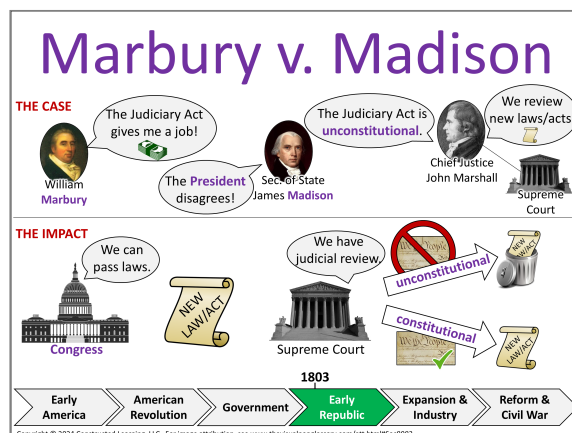
We can explain the origin of judicial review through the case of *Marbury v. Madison*.

Language Objective: Answer the following question in complete sentences using the sentence stem and the key vocabulary of the lesson:

If **Marbury v. Madison** did not occur, how would the **Constitution** be affected today?

If **Marbury v. Madison** did not occur, I think the **Constitution**...

Other key vocabularies: [checks and balances](#), [Constitution](#)



By studying this visual, students might:

Notice	Wonder
The Supreme Court is shown as deciding if a law is constitutional or unconstitutional.	Why did the Court get the power to stop unconstitutional laws?
The case involved both the president and Congress.	What would government look like without judicial review?
The timeline places the case in the early years of the republic.	Why did Madison refuse to deliver Marbury's commission?
A law connected to the case was the Judiciary Act of 1789.	How did rivalry between Adams and Jefferson affect the case?
The outcome changed the powers of the Supreme Court.	How does this case still affect laws today?

EXTENDING THE DISCUSSION

- After randomly calling on students, if there is anything from this list that was not mentioned, then ask the class, "Did anyone notice...?"
- After students have shared what they notice, ask the class, "Did anyone wonder...?" using the suggestions above or anything else you might think is interesting or relevant to the lesson.

Structured Conversation Prompts

OBSERVATIONAL	RELATIONAL	INFERENTIAL
What occurred in the case of Marbury v. Madison ? In the case of Marbury v. Madison , ...	How is Marbury v. Madison related to checks and balances ? Marbury v. Madison is related to checks and balances because...	If Marbury v. Madison did not occur, how would the Constitution be affected today? If Marbury v. Madison did not occur, I think the Constitution ...

Example Student Responses to the Observational Question

Low-Level	High-Level
In the case of Marbury v. Madison , the Supreme Court said it could cancel a law if it does not follow the Constitution .	In the case of Marbury v. Madison , the Supreme Court decided that a part of the Judiciary Act was unconstitutional. This decision established judicial review , which is the power to decide whether laws follow the Constitution .

RESPONDING TO RESPONSES

Emphasize and celebrate each student's use of the key vocabulary to support a culture of "no wrong answers."

STRUCTURING STUDENT CONVERSATIONS

Have students list observations from the visual as a warm-up, then use the Q-SSS-A process to guide small-group conversations. In the slide decks, brackets can be moved to prepare the structured conversation. In the example to the right, students will be instructed: [Q-SSS-A](#).

- To put a thumb up, then lower their hand when they are ready to answer the question
- To share with their elbow/shoulder partner, and that the student with the darkest shoe will share first
- That they will be randomly called on after the conversation



[Here is an example](#) of structuring a conversation with Q-SSS-A.

Note: the inferential question is the same as the language objective. It is recommended that students answer the inferential question in a small-group discussion before answering it individually as the closure or exit ticket of the lesson.

Structured Reading

READING PURPOSE	PAT LIST	POST-READING DISCUSSION
The purpose for reading is to see how Marbury v. Madison changed the powers of the Supreme Court and affected the government.	• Why Marbury v. Madison went to the Supreme Court • What the Supreme Court said about Madison's actions • What the Judiciary Act of 1789 had to do with the ruling • The meaning of judicial review • How this case affected the powers of the Supreme Court	Why was it important for the Supreme Court to gain the power of judicial review after Marbury v. Madison ? It was important for the Supreme Court to gain the power of judicial review because...

STRUCTURING THE READING

Communicate the purpose of reading to the students and instruct them to make a note every time they see something on the PAT ("Pay Attention To") list. How you have students note items on the PAT list is up to you. This could include:

- Putting an asterisk in the margin
- Underlining text that supports the PAT list
- Putting a comment in the margin

Follow the reading with the post-reading discussion. Structure this discussion using the Q-SSS-A process just like the structured conversations in this lesson.

Note: you might find the relational question is better discussed before or after the reading. This depends on whether the relational question is directly related to the reading or might make connections across units.

DIFFERENTIATING THE READING

You will notice that three different reading passages are provided with this lesson. Look at the shapes in the top-left of each passage to determine the grade level.

BELOW GRADE LEVEL	ON GRADE LEVEL	ABOVE GRADE LEVEL
 <i>Triangle is bottom-left</i>	 <i>Square is bottom-left</i>	 <i>Circle is bottom-left</i>

In a class with students at diverse reading level proficiencies, you can give the appropriate reading passage to different students, while having all students follow the same PAT list and post-reading discussion.