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The Supreme Court and Chief Justice Marshall

The judicial branch and Supreme Court decisions have often been an area of great debate in the United States. Of the three branches in the Constitution, the judiciary has the least amount of power directly granted. However, in debates and conflicts ranging from federalism to slavery to abortion, decisions from the Supreme Court have become the law of the land. What has been termed the "passive branch" has, at times, taken the lead in determining governmental policy.

In your paper, trace the developing role of the U.S. Supreme Court, from the founding to present day. Did the Founding Founders provide a clear role for the Court in the U.S. Constitution? If so, what was that role? Trace the changing role of the Supreme Court from *Marbury v. Madison* to *McCulloch v. Maryland*. Did Chief Justice John Marshall alter or carry out the intentions of the founding fathers during his tenure as chief justice? Was Marshall an American Founding Father?

In your essay, use the U.S. Constitution, founding fathers, and court cases to answer the questions. You should be familiar with the following terms:

James Madison John Jay Alexander Hamilton

Marbury v. Madison McCulloch v. Maryland John Marshall

judicial activism judicial restraint

This essay has six assignments:

Assignment	Due Date		Due Date
1. Prewriting Activities		4. Rough Draft	
2. Thesis Statement		5. Final	
3. Outline		6. Works Cited	

Prewriting Activities for Essay #6 A. Taking Notes

Follow the structure below to take notes:

James Madison	
What?	
Who?	
When?	
Where?	
Why?	
Why?	
Any other information?	
Source:	
John Jay	
What?	
Who?	
When?	
Where?	
Why?	
What did this person write about the nature of the judiciary?	
Any other information?	
Source:	
Alexander Hamilton	
What?	
Who?	
When?	
Where?	
Why?	
What did this person write about the nature of the judiciary?	
Any other information?	
Source:	

B. American Founding Fathers and the Court

The American Founding Fathers fought for independence and created the American Republic. Often, Americans today look to these men for guidance to interpret the meaning of the U.S. Constitution. In this activity, your job is to learn what the Founding Fathers thought of the role of the court. Did the Founders provide a clear role for the Court in the U.S. Constitution? Did the founders agree on the role of the Court? What did the founding fathers think the role of the Court should be?

1.	Who are considered the American Founding Fathers?
2.	When did the American Founding Fathers live?
3.	Is Chief Justice John Marshall considered to be an American Founding Father?
4.	What does the U.S. Constitution say about the Court System? What power did the writers of the Constitution give to the Court System?
5.	What does Alexander Hamilton in "Federalist Paper No. 78" say about the U.S. Court
	system?
6.	What is the debate in contemporary American politics over strict constructionism and living constitution?

C. Two Major Court Decisions

	arbury v. Madison
	When was this court case? What were the details of this case?
c.	What power did the Supreme Court create in this case?
d.	What did President Jefferson think about this decision?
e.	Was the Supreme Court's decision correct? Was it following the intent of the Founding Fathers? Why do you think this?
a.	cCulloch v. Maryland When was this court case? What were the details of this case?
c.	What were two main decisions in McCulloch v. Maryland?
d.	Did the U.S. Constitution explicitly create the authority for the Supreme Court to make these two decisions?

D. Class Discussion

When you share ideas with other students, your ideas may be reinforced, rejected, or slightly changed. Listening to your classmates' ideas will help you form your own judgment.

Each student must interview at least three classmates who do not sit next to one another. The answers to the following questions must be written down on a piece of paper.

- 1. What is your name?
- 2. Did the Founding Fathers provide a clear role for the Court in the U.S. Constitution? If so, then what was that role?
- 3. Did Chief Justice John Marshall alter or carry out the intentions of the founding fathers during his tenure as chief justice?
- 4. Which facts do you have that support what you think?

Reflection

After you have written down all your classmates' responses, think about them and ask yourself the following questions. Write down your answers under your classmates' responses.

- 1. What do I think of my classmates' answers?
- 2. Which are the best three answers to questions #2 and #3 above?
- 3. Have I changed the way I think?
- 4. How have I changed the way I think?

You should now have a chance to present your ideas in a class discussion. If somebody says something with which you disagree, speak up! In your discussion, you may find out they are actually right and you are wrong. All possible viewpoints should be stated and defended out loud. Test your ideas in class.

Multi-Page Essay Grading Rubric

- Grading Scale Exceeds Standards 4
- 3 Meets Standards
- Approaching Standards Below Standards 2
- 1
- 0 Nonexistent

I. Organization/St	tructure of the Essay	Yes/No
	Does the thesis take a firm position on the essay topic?	
B. Topic Sentences:	Do topic sentences strongly support the thesis?	
C. Conclusion:	Does the conclusion persuasively affirm the thesis?	
	Score:	
II Evidence: Part	I: Accuracy and Adequacy of Evidence	
A. Accuracy:	Is all evidence accurate (true)?	
	Is enough evidence used?	
1 3	Score:	
III Evidence: Part	II: Validity and Persuasiveness of Evidence	
	Do explanations of evidence make sense?	
2	Do explanations of evidence support main ideas?	
	Score:	
IV Language Mech	nanics	
	Does the essay use correct punctuation?	
B. Grammar:	Does the essay use correct grammar (sentence structure)?	
C. Spelling:	Is spelling correct?	
	Score:	
V Writing Process	S	
A. Prewriting Activitie	s: Are all prewriting activities complete?	
B. Effort:	Is great effort shown in these activities?	
	Score:	
	Total Score: $X = Grade$	