

Teacher Notes



The Federal Court System

Activity 2: The Powers of the Federal Judiciary

Activity at a Glance

- ◆ **Subject:** Social Studies
- ◆ **Subject Area:** Civics/Government
- ◆ **Category:** The Federal Government
- ◆ **Topic:** Federal Court System
- ◆ **Grade Level:** 10 – 12
- ◆ **Prerequisites:** Familiarity with the federal court system as presented in Activity 1, understanding of Constitutional requirements for issues to be raised in federal court
- ◆ **Total Teaching Time:** 120 minutes

Materials

- ◆ TI-84 Plus/TI-83 Plus
- ◆ TI-Navigator™ classroom network
- ◆ Unit-to-unit link cables
- ◆ LearningCheck™ application
- ◆ LearningCheck™ AppVar:
FEDPAPS.edc
- ◆ Activity 2-1 Student Handout (Directions)
- ◆ Activity 2-2 Student Handout (Question Sheet)

Activity Overview

In this activity, students examine the powers of the federal courts of the United States of America. Students work in groups of four where they collaborate on outlining the powers of the federal judiciary. Using five selections of the Federalist Papers and the United States Constitution, students identify the jurisdiction of the federal courts, the length of tenure for judges, and the types of cases that can be heard in federal court. Students determine how the other two branches of government act as a check on the Supreme Court. Finally, students read the United States Supreme Court case, *Marbury v. Madison*, and prepare for a Socratic Seminar to be held the following class period.

Directions

Before the Activity Begins

1. Ensure that each student has a TI-84 Plus/TI-83 Plus with the LearningCheck™ application.
2. Students should be familiar with navigating within the LearningCheck™ application.
3. Download the LearningCheck™ AppVar, **FEDPAPS.edc**, to each of the graphing calculators using the TI-Navigator™ classroom network.
4. Students must have access to the Internet. If this is not possible, print out copies of the information that students will require from the Web sites listed below.

Note: All of these sites were available at the time this activity was produced. You may want to verify that they still exist before providing the list to students.

<http://lcweb2.loc.gov/const/fed/fedpapers.html> -- Federalist Papers

<http://usinfo.state.gov/usa/infousa/facts/democrac/9.htm> -- *Marbury v. Madison*

5. Distribute the case, *Marbury v. Madison*, from the Web site, one or two nights before this activity so they can spend some time taking notes on the case.
6. In this lesson, students will participate in a Socratic Seminar to stimulate thinking. For purposes of this lesson, a Socratic Seminar is a group discussion where the instructor asks broad discussion questions to stimulate student thinking. The class is to discuss the topic by integrating any primary and secondary material presented by the instructor.
7. Place students in groups of four. This will make the information much more manageable for the students.
8. Distribute, read, and review Activity 2-1 Student Handout (Directions) with the class. Explain to the students that they will read the Federalist Papers to determine what the founders of the Constitution thought were appropriate powers for the federal courts of the United States.

During the Activity

1. Monitor student/group progress. Assist the students as they read the Federalist Papers, and guide their discussions if necessary. Ensure that the students are using only the Federalist Papers to answer the questions. Later in this activity, the group will compare the United States Constitution with the Federalist Papers.
2. Ensure that all group members are participating in the activity and that the students are answering the questions in the LearningCheck™ AppVar, **FEDPAPS.edc**.

3. Distribute Student Handout 2-2 (Question Sheet) with the questions for the Socratic Seminar. Inform the students that they are to use the case of *Marbury v. Madison* to answer the questions on the handout.

After the Activity

1. If you use the TI-Navigator™ classroom network, collect the LearningCheck™ AppVar, **FEDPAPS.edc**.
2. Open the LearningCheck™ application to display class results, using the overhead projector. Ask students to present answers to the questions from the LearningCheck™ assignment. As a class, discuss the powers that the federal judiciary has, and how those powers have developed over time.
3. Ask students to prepare for a Socratic Seminar involving the case of *Marbury v. Madison*, to be held during the next class period. Inform them that they must complete Student Handout 2-2 (Question Sheet) to have a ticket to the conversation and to receive credit for the assignment.

**Activity 2-1 Student Handout
(Directions)**

Name: _____

Date: _____

The Powers of the Federal Judiciary

Part 1:

1. As a group, research the Federalist Papers to understand the extent of the powers of the federal judiciary. All group members should read the four selections of the Federalist Papers and then collaborate on answering questions in the LearningCheck™ AppVar, **FEDPAPS.edc**.
2. Review Federalist Papers #79-82. These selections can be found at <http://lcweb2.loc.gov/const/fed/fedpapers.html>. Print copies of the Federalist Papers so that you can refer to them in later discussions.

Part 2:

1. After each group member has completed the steps in Part 1, the group should reconvene to answer questions about the powers of the federal judiciary.
2. Open the LearningCheck™ AppVar, **FEDPAPS.edc**, and answer the questions concerning the four selections of readings. Make sure that all questions are thoroughly and completely answered. Groups will discuss answers later in the class, so ensure that all members understand the answers to the questions.
3. When your group has completed the LearningCheck™ assignment, compare your answers with the United States Constitution. Determine whether anything from the Federalist Papers was changed in the actual Constitution. Determine whether the authors of the Federalist Papers underestimated the power of the Supreme Court in our society.

Part 3:

1. When you have completed the LearningCheck™ assignment and compared the Federalist Papers to the U.S. Constitution, review the case of *Marbury v. Madison* given to you earlier in the week.
2. Answer questions on Student Handout 2-2, individually. These questions will be used as a starting point when the class has a Socratic Seminar during the following class period. This questionnaire must be filled out to receive credit for the Socratic Seminar.
3. Develop any questions that you would like to discuss about the Supreme Court and its power in our society.

**Activity 2-2 Student Handout
(Question Sheet)**

Name: _____

Date: _____

Questions for *Marbury v. Madison*

What are the facts of the case? Who was Marbury? Who was Madison? Why was this case tried in the Supreme Court? Using the information covered during the last class, did the Supreme Court have jurisdiction in this case?

What was at stake for the Supreme Court in this case?

How did John Marshall strengthen the power of the Supreme Court?

What could have happened if Justice Marshall had ordered the commission to be delivered? Could the order of the Supreme Court be ignored?

Does the Constitution of the United States of America explicitly give the Supreme Court the power to rule legislation unconstitutional?

Should the Supreme Court have the power to invalidate laws by elected officials?