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**Educational Technology Lesson Plan**

**Due Date: November, 09 2011**

**Marbury v Madison: The Birth of Judicial Authority**

**Overview:** This class will focus on students learning about the Marbury v Madison case, and then using that knowledge to assist in deeper investigation of the concept of Judicial Review. During this lesson, technology will be an integral part of what makes this lessons work. **Students will begin the lesson by watching a clip from Youtube.** Students will then **hear and see a PowerPoint lecture** that summarizes what actually happened in the Marbury v Madison case. **Students will use laptop computers to develop posters** that show the teacher they have a basic understanding of the court case. After doing this, students will generate questions they feel would be appropriate in assisting students in investigating the concept of Judicial Review. They will then answer questions about the concept in group presentations, **using their laptops to do research**. This lesson will be finished within one 90-minute class period, or two 50-minute class periods. Students should be able to have not only a better understand of the historical conditions that led to Marbury v Madison, but the importance of Judicial Review in our system of government.

**Grade/Class:** This lesson has been designed for a twelfth-grade US Government class. It was intended to be done in a 90 minute class, though it could be divided into two classes by separating the lesson between the Glogster posters and the generation of questions for the presentation. The class could also be adapted to any Pre-Law high school class, as well as a basic US History course (dealing with revolutionary developments).

**Length:** This lesson should take approximately 75 minutes to complete. This should fit it will within a 90 minutes class period, as there will be time to spare should presentations go longer than expected. This work can be divided into two 50 minute class periods by either after the questions have been generated, or after the posters have been made on Glogster.

**Topic:** Judicial Review

**Background Information:** Students only need limited background information for this lesson. First, they should probably have a basic understanding of how the United States federal government is constructed; they need to know that there are three branches separate and equal branches of government (Executive, Judicial, and Legislative). They also need to have a basic idea of what powers have been granted to these branches by the Constitution. This does not mean that they need to have extensive knowledge on the subject; rather, they need to understand that Congress makes the law, the President enforces the law, and the Courts interpret the law. Though not necessary, it would also be helpful if students had at least a limited understanding of Revolutionary American history. If students do not know much about this, they can be quickly informed just before the hook clip is presented (development of political parties, opposing forces, etc.). The clip, though place long after the case in the study, reflects on the power of the courts, and the driving forces that helped designed our government.

**Rationale:** Why use technology in this lesson? Granted, it is not totally necessary to do so. Glogster could certainly be replaced by traditional poster making. However, students tend to have an affinity for technology; it is what they were raised on, and it is how they go about most of their social communication. Cell phones are as much for Facebook and texting as they are for actual telephone conversations. As for the PowerPoint presentation, this is simply a convenient way for a teacher to be prepared, as well as to combine visual learners with auditory learners by adding imagery to a lecture. The final piece of technology is a the youtube clip; a piece of the film “Amistad.” This is included as the hook because the wondrous effect television has on this age group; having virtually be raised by the magic box, students of all ages tend to quiet down and pay attention when the television is on. As the craze towards reality television indicates, many students pay more attention to television than they do to real life. The clip is to get them interested in the topic at hand; the court system. The stirring speech and drama is only to provide students with a means of getting initially interested in the subject matter John Quincy Adams is discussing.

**Objectives:**

Academic:

1. Students will use knowledge of Marbury v Madison to understand how the power of judicial review became part of the American legal system. (GOVT 10)
2. Students will use knowledge of judicial review to understand what influence it has on checks and balances and the way we make policy. (GOVT 9)
3. Students will know the political culture and case background that lead to the Marbury v Madison decision (GOVT 10)

Intellectual:

1. Students will be able to create questions that will help them understand the significance of judicial review.
2. Students will use their knowledge to make connections about how judicial review has impacted our society.

Skill-based:

1. Students will learn to use the computer website “Glogster” to create a poster on the Marbury v. Madison case.
2. Students will present what they have concluded about the importance of Judicial Review

**Assessment:**

1. **Poster –** The poster on Glogster serves as a mid-way assessment for students; rather than focusing on the “analysis” and “application” part of the lesson, the Poster has students focus on making sure the understand the particulars of the Marbury v Madison case. The background, the issues, and the results are all included.
   1. **Formative Assessment** – Teachers should glance through the posters as students are working on them to get an idea as to whether or not students understand the material as they should. This assessment need not be in detail. Just make sure they understand these key details:
      1. This case was caused by Secretary of State James Madison refusing to honor appointments made at the last minute by John Adams. Marbury, one of those appointees, sued.
      2. The issues where whether or not Marbury was entitled to the position, whether the legislature could expand the powers of the court, and whether the court could determine the constitutionality of any law.
      3. The results: yes, the court could
   2. **Summative Assessment** – After the lesson is over, have students e-mail their posters to you. Grade the posters based on these specific criteria.
      1. **Background –** Does the poster contain the background for the court case?
      2. **Issues –** Each of these issues needs to be mentioned somewhere on the poster.
         1. DoesMarbury have a right to the commission? Does the law grant Marbury a remedy?
         2. Does the Supreme Court have the authority to review acts of Congress and determine whether they are unconstitutional and therefore void?
         3. CanCongress expand the scope of the Supreme Court’s original jurisdiction beyond what is specified in Article III of the Constitution? Does the Supreme Court have original jurisdiction to issue writs of mandamus?
      3. **Ruling –** Each of these answers should be somewhere on the poster.
         1. Marbury has a right to the commission, and the law grants Marbury a remedy.
         2. The Supreme Court has the authority toreview acts of Congress and determine whether they are unconstitutional and therefore void. It is very important to note; this is the basis of Judicial Review.
         3. Congress cannot expand the scope of the Supreme Court’s original jurisdiction beyond the Constitution’s limitations, and the Supreme Court does not have original jurisdiction to issue writs of mandamus (summons).
      4. **Presentation** – Does the poster look as if the student put effort into it? Is there at least one graphic on the poster?
2. **Presentation –** The Presentation serves primarily as summative assessment: this is the way we can tell whether or not students are capable of making connections based on what they have been presented with.
   1. **Formative Assessment –** The teacher must be sure to keep a constant watch over the students in this part of the lesson. The teacher should walk around the class to get an impression of where the students stand with the material. He/she also needs to be available to answer questions about any issues the students might have. Either that, or he/she should be able to direct students as to how to find the answers online with their laptops.
   2. **Summative Assessment** – Students should be graded on the following qualities in their presentations:
      1. **Participation –** Whether or not all students participate in the presentation will be taken account in the grading.
      2. **Three Questions Answered** – Whether or not students answered at least three questions in their presentation.
      3. **Fullness of Responses** – Whether or not students made the effort to answer the questions with detailed responses.
      4. **Accuracy of Responses –** Whether or not the information provided in the presentation is an accurate presentation of the research.

**A SAMPLE GLOG POSTER CAN BE FOUND AT THIS WEB ADDRES:**

[**http://dkgeroe.glogster.com/sample-class-glog/**](http://dkgeroe.glogster.com/sample-class-glog/)

**Instruction and Content:**

1. **Preparation (5 minutes)–** Let students know the schedule for the day. The schedule for the day is the first slide of the slide show in the PowerPoint presentation. This encourages teachers to have the PowerPoint up and ready to go early in class, thus facilitating transition time.
   1. **Teachers will let students know the schedule of the day:**
      1. **Hook – Watch a clip from Amistad**
      2. **Lecture – PowerPoint Presentation on Marbury v Madison**
      3. **Glogster – Students will create an online poster summarizing the case**
      4. **Creating Questions – Students will generate questions about Judicial Review (it’s importance, it’s necessity, it’s relevance, etc)**
      5. **Presentation – Students will answer the questions about judicial review that they came up with in presentations.**
   2. **Students** **will need to be ready to move from one section to another easily –** Students are expected to be able to easily move from one part of this lesson to another. Teachers should let students know as this point that because this is a busy lesson, students do not have the luxury of being chatty or off-topic.
   3. **Pass out laptops –** Students should receive their laptops from the laptop cart at this point. Though this lesson could technically be done in a computer lab, it is heavily recommended that students receive personal laptops if possible. Students need to be quick about getting their laptops prepared.
      1. **Students need to know that they will be watched during laptop use –** If students are doing anything other than their assigned work on the laptop,
2. **Hook - Watch Clip from the movie “Amistad” (10 Minutes)**
   1. **Before you play the clip, please set the background for it:** Martin Van Buren is President of the United States. The three men on trial, the Africans, were captured slaves who rebelled on the ship The Amistad. Martin Van Buren wants to see the men executed. The Presidency also believes it should have great influence over the court’s decision making process. The man who speaks in this clip is John Quincy Adams, who believes the African men should not be put to death for trying to free themselves. He is asking the Supreme Court to defy the President’s wishes and free the men.
      1. **Ask students a few questions:** Who was John Quincy Adams? Who was his father? Does anybody know about the career of Adams? Does anybody know the relationship between Adams and Van Buren?
   2. Please play the clip from the movie “[Amistad](http://www.youtube.com/watch?v=6SZFZ3Lg2JI&feature=related)” at this point. It is a long clip, so set aside enough time for it to be viewed in entirety. There are subtitles in another language on the clip, ask students to do their best to ignore them. It is best that you download this clip ahead of time and play it separately, as it is unlikely that schools will allow access to YouTube.
      1. Ask students a few questions about this clip:
         1. What does Adams wants the Supreme Court to do with regards to the Presidency?
         2. Why should the Supreme Court be free of concern about the Presidency’s opinion?
   3. **Plan B –** Should this clip not play (it’s highly unlikely that it fails, as you just need to be prepared enough to actually have the clip and to have a video player on the computer), be prepared to either describe this scene in detail to the students, or lead them through some other court case. However, as long as you’ve made preparations ahead of time, it is very unlikely that you are unable to get this to work.
3. **PowerPoint on Marbury v Madison (10 Minutes)–** Take students through the provided PowerPoint presentation on the Marbury v Madison case. **All the information below will also be on the PowerPoint presentation; you need to be prepared, however, to answer questions students might have on the topic at hand.**
   1. **Background –** Explain to students the political background that lead to the case: John Adams had been beaten for the Presidency by Thomas Jefferson. Jefferson was part of the opposing political philosophy that Adams was. In order to preserve his political influence after leaving, Adams appoints forty-two justices the night before Jefferson became President. The appointments were certified by Secretary of State John Marshall (who later wrote this case’s opinion). They were not delivered before the expiration of Adams’s term as president. Thomas Jefferson refused to honor the commissions, claiming that they were invalid because they had not been delivered by the end of Adams’s term. Marbury, one of the appointees, applied directly to the Supreme Court of the United States for a writ of mandamus to compel Jefferson’s Secretary of State, James Madison, to deliver the commissions.
   2. **Issues –** Be sure to address each of the individuals issues of the case-
      1. Does Marbury have a right to the commission?
      2. Does the law grant Marbury a remedy?
      3. Does the Supreme Court have the authority to review acts of Congress and determine whether they are unconstitutional and therefore void?
      4. Can Congress expand the scope of the Supreme Court’s original jurisdiction beyond what is specified in Article III of the Constitution?
      5. Does the Supreme Court have original jurisdiction to issue writs of mandamus?
   3. **Ruling –** Address the issues one-by-one and make sure they are answered.
      1. Yes. Marbury has a right to the commission. The fact that they weren’t delivered doesn’t change the fact that the appointment was made.
      2. Yes. The law grants Marbury a remedy; remedying injustices is one of the first duties of government.
      3. Yes. The Supreme Court has the authority to review acts of Congress and determine whether they are unconstitutional and therefore void. **It is very important to note; this is the basis of Judicial Review.**
      4. No. Congress cannot expand the scope of the Supreme Court’s original jurisdiction beyond the Constitution’s limitations.
      5. No. The Supreme Court does not have original jurisdiction to issue writs of mandamus. That would run contrary to the Constitution.
   4. **Results** – What did this mean for the Supreme Court? For Marbury?
      1. Marbury did NOT get his commission. Why? Because the Supreme Court did not have the authority to grant this request. It would be unconstitutional, because the Supreme Court cannot issue writs of mandamus.
      2. Judicial Review – Stress to students that this is the result they really need to be aware of. It is the duty of the Judicial Branch to say what the law is. If two laws conflict with each other, the Court must decide on the operation of each (what they mean). If courts are to regard the Constitution as the supreme law of the land, then the Constitution is superior to any ordinary act of the legislature. Therefore, if the law violates the Constitution (as determined by the court), the Constitution supersedes it.
   5. **Plan B** – Again, like the clip, a PowerPoint presentation is a pretty simple procedure. It is highly unlikely that it fails, as long as you have tested your program ahead of time. In case, however, you cannot get the PowerPoint to run, be sure to bring a paper copy of it with you so that you can go over the material as a normal lecture.
4. **Create an Exhibit (15 Minutes) –** Using [Glogster](http://www.glogster.com/), students will **construct posters online that summarize the case**.
   1. **Students will need an account to use Glogster** – For time’s sake, it’s best to create an account on Glogster ahead of time**.**
   2. **Students will need a computer –** If possible, it is recommended that a laptop-cart be brought in so that every student has access to a computer without having to leave the room. If there aren’t enough computers for everybody, of if for some other reason (for scaffolding, or for time, etc.), students may work in groups to come up with their posters.
   3. **Assessment –** Students will be expected to include things on their exhibit. They may use their notes from the class, their textbooks, and the internet as resources. Students must include the following information on their poster
      1. A brief summary of the background of the case.
      2. The issues that were presented.
      3. The reasoning for the issues presented.
   4. **Plan B**- It is very possible that Glogster will not be accessible through you computers at school. It may be a blocked internet site. **You need to test out ahead of time whether or not Glogster is accessible.** If it isn’t, you can bring in posterboard, markers, and other crafting materials to replace the poster is certainly an option. If this is not possible, you could possibly have student **Draw Political Cartoons** on printer paper, or even simply ask them to write a summary of the case in their own words.
5. **Generate Questions (5 minutes)–** Students will **generate questions** about Judicial Review and why it is so important. These questions are not supposed to be basic and simple; they are supposed to require thought and effort to answer.
   1. **Students will need to get into groups** – Students will need to be broken into groups, approximately 4-5 students large. Groups should be set-up ahead of time. Teachers should arrange groups so that students who might struggle with this lesson are placed with students that might have less difficulty with it.
   2. **Questions –** Students should come up with questions that they believe will cause them to dig deeper into the concepts addressed in Marbury v Madison. Students may use their computers to help them come up with questions for this part of the lesson. Sample questions include:
      1. **Why is the process of Judicial Review so important?**
      2. **How does Judicial Review contribute to the system of checks and balances?**
      3. **Are there any ways Judicial Review could be abused? Are there any remedies for this abuse?**
      4. **Are there any ways Judicial Review has been used recently?**
      5. **Why would Marshall feel the need to start Judicial Review?**
6. **Presentations (30 minutes)–** Students will then work in the same groups to **create presentations** that answer the questions they’ve created. These presentations will be the other form of assessment (aside from the Glogster posters) in this lesson. Students will have to adequately answer at least three of the questions that were asked in the previous part of the lesson. While these answers will vary, a teacher will need to be able to assist students if they are confused with the subject material.
   1. **Preparation** – Students will have a chance to prepare for ten minutes in groups.
      1. **Stay on task** – Students will be expected to stay on task for the entire ten minutes. Groups that finish early will be expected to practice what parts of their presentation that they can.
      2. **Everybody has a voice** - One person should not dominate the group. Everybody should have a chance to share their opinion and ideas. Teachers need to make sure to intervene if one person is doing everything within the group. Likewise, if one student refuses to participate, the teacher should encourage the student to share his/her ideas.
   2. **Actual Presentation –** The students’ presentations need to take these things into account:
      1. **Loud, Proud, and Clear –** Students will speak loudly, clearly, and confidently. Students will stand up straight in their presentations.
      2. **Creativity is a Good Thing –** Students are encouraged to come up with unique and interesting ways of expressing their knowledge.
      3. **Answer Each Question Thoroughly –** Students are supposed to address all aspects of a question. For example, why would Marshall feel the need to start Judicial Review? Good answers would not only include the need for checks and balances, but might also mention that Marshall and Madison were on opposite sides of the political spectrum. They might also mention that Marshall was a strong Federalist, and wanted more power in the hands of a federal institution.
      4. **Use the Computers –** Students will be able to use the computers to help answer the questions. Students should be warned, however, that looking for information online can take time, and they only have ten minutes to prepare their presentations.
      5. **Share briefly –** Students will only have a few minutes to answer their questions in their presentation. If they go long, it’s possible to allow them more time (particularly if their solutions are especially creative). Students should know, however, that they don’t have infinite time for their presentations, and if they ramble or go on too long, they can be penalized for it. Remember, all groups have to share within 20 minutes: that can be very little time per group, depending on the size of the classroom.

**Adaptations:** This lesson admittedly has some difficulties for students with disabilities. Blind students, while being able to use listen to the lecture, might have difficulty using Glogster. If this is the case, the students can be paired up when doing this part of the lesson. Students with IEPs could be given the PowerPoint material ahead of time if they have difficulty absorbing the information fast enough. Or, for students who might have difficulty with the poster section, observation of the process and contribution into the design of the poster can count for this part of the assessment. Students with learning disabilities can also be placed in groups with students who have had experience and success with these types of lesson plans; this should allow them to not only get a better grasp of the material, but to observe the habits and methods of those who have found success in higher-order thinking exercises.

**Differentiations:** The PowerPoint includes visual graphics and written word, and when combined with the auditory lecture provided by the teacher, should adequately address all students preferred learning types. This way, the basic understanding of Marbury v Madison is addressed in a way the reaches as many students as possible. The poster can either be very simple and straight-forward, or creative and unique, depending on the artistic levels of the students. Though students will be encouraged to try to be different and “outside the norm” with their posters, teachers need to make sure that they don’t assess too significantly in this regard.

**Resources:** To complete this lesson, students will need very little. The major instrument of this lesson is a personal laptop. To get this, a teacher will have to make previous arrangements with a media specialist to have a laptop cart brought into the classroom for this lesson. It is also possible that students could bring their own laptops to class (should the own them). Also necessary for this class is a PowerPoint presentation, which is included in this lesson plan, and a downloaded copy of the video clip mentioned earlier. Aside from those two other pieces of technology, the laptops should be able to cover what students need. For students who wish to take notes with pen and paper, they will need to bring these both to class on their own.

**Reflection:**

I used UDL principles by noting that students learn and share knowledge in multiple ways. The video-clip uses a dramatic scene to get students involved; it is both visually and audibly stimulating. The PowerPoint Presentation uses both pictures and written word to help students who succeed better at seeing and reading knowledge. Further, students who do better by listening or having things explained by the teacher will benefit from having the verbal lecture alongside the PowerPoint. The poster allows for students to creatively express their knowledge visually, while the presentation allows students to creatively express their knowledge orally. Students both “receive” knowledge in the traditional sense, but also construct knowledge through their posters, and especially through their presentations. Overall, UDL principles are very heavily included in this lesson; learners of all types will find some way to connect and benefit from this lesson plan. As for those with learning disabilities, I would cite the “differentiation” and “adaptation” sections mentioned above; group work is a great way for students who have more difficulty with this kind of material to get assistance without feeling “singled-out” by the teacher.

Technology does not necessarily have to connect with this material. Marbury v Madison, and Judicial Review, has been taught efficiently, even well, to students for many years without any technology being involved. The strongest parts of my lesson, the generating questions and the presentations, require nothing but active minds and willing students. However, I feel the PowerPoint will be very effective in getting the basic story of the court case across (if the teacher is there to clarify some of the more “heady” concepts). The video clip is pretty moving; it also doesn’t hurt that this is the “television generation”, and TV seems to have the ability to make even the loudest and most disruptive students silent, if only for a short while. In fact, I feel pretty confident about how the technology connects to the content in this lesson. I will say have concerns that the use of Glogster is superfluous. My experience with Glogster in designing this lesson plan has not been the greatest; it is limited in what it can do, and seems to me better suited for creating fliers and handout than academic posters. However, if there was ever a time to experiment with a new technology, now is the time. Ultimately, I do not think that technology is necessary in “connecting” with the content. I do think the clip is a good hook, and I think the PowerPoint is a great addition to any traditional lecture. I wonder though if the Glogster just isn’t too much. I do think that technology (particularly the internet on the laptops and computers in the lesson plan) can expand that amount of material accessible to students with regards to the case and Judicial Review.

The technology better fits the pedagogy rather than the content. First comes my admission that students these days are used to technology; they can do more with their phones in ten second than I could do with my first computer in an hour. Some of the things that frustrated me, like Glogster, might be much easier for them. Students expect PowerPoint presentations and video clips these days; I’ve heard students gripe in my Practicum that my CT doesn’t do as much of those things as their other teachers do. I expressly use technology to try to connect with how students in the 21st century learn. On top of that, as mentioned earlier, I use UDL principles to address the many different ways that students learn/express knowledge. This lesson has a lot of variety; students see, hear, and read. Students create visually and orally. Students work alone, and with each other. Students work with the lecture, but also research on their won. By covering as many different types of learning as I can, without “flailing about” and losing a sense of continuity, students get a chance to learn in a way that feels “modern”, possibly even “relatable”, without using their technology simply “because.”

Ultimately, I do feel that the content and pedagogy fit together with the technology. Not seamlessly, mind you. But I do think that the technology makes it possible for students to have every opportunity to learn and present the knowledge that the lesson is based around. The technology makes it easy for people to visually express knowledge, but without all the mess of doing a normal art-and-crafts-style lesson. The technology also allows students to watch a particular part of a movie, stressing the Court’s independence from the Presidency, without a teacher having to go through the trouble of renting a film (harder to do in the days where video stores are going under), queuing it up to the right place, and playing it without running into any technological issues. And the PowerPoint turns a standard lecture into something that can reach multiple types of learners much more effectively. The technological-pedagogical connection keep everything running smoothly, as well as reaching multiple types of students. As for technological-content knowledge, as I’ve said, I don’t think the technology is absolutely necessary. Judicial Review is a concept; there aren’t pictures of it. You can’t really ask students to simulate it in such a short period of time; people go to Law School for three years in order to do that. You can’t “youtube” Judicial Review; sure, you could see a court case, but the most accurate description of Judicial Review online would simply be a lecture. The very same thing you could provide in a classroom. The best thing the technology does is provide students access to means of research; if all of the students have laptops, they can use search engines and school databases to look up other court cases, political reflections, and op-eds that might be able to provide more insight into judicial review. Technology really opens up the content; it makes the pool of knowledge from which students may study much larger.

The advantages of the technology in this lesson are most evident in the Hook and the PowerPoint. The hook should get students interested; it’s a well acted and well directed scene from the movie “Amistad.” Though the material might not be the most interesting thing in the world, as I’ve said earlier, students are far more likely to give the TV a chance than a teacher (or so my experience suggests). And I don’t understand why all teachers don’t use PowerPoint (or Prezi, or something comparable) in their lesson plans. It adds a whole new dimension to the lecture; visual. Granted, there aren’t really many visual associated with the content of this lesson. But it does offer students a chance to at least see who the people associated with this case were; perhaps that’ll make it easier to connect to them. The technology, though not necessary, can be very helpful in the presentations as well; by giving students access to the infinite resources of the internet, they can all come up with unique and interesting responses to the questions they generate. There are dangers in letting students roam the internet, of course; even if they stay on task, they might be fooled by a non-credible source. A loon posing as an expert, or an opinion posing as a fact. I think a wary teacher will be able to be aware of these things, and will be able to make sure students don’t make foolish mistakes. Ultimately, I do not believe the technology is the base of this lesson. As the Plan B’s suggest above, I could certainly do a similar lesson without any of the technology I have included. However, the technology gives students a reason to be interested in what I am saying, and a way to express themselves that best suits their strengths. Everybody gets a chance to shine, and a great deal of that has to do with the technology that is provided.