Marbury to Brown

John Marshall’s Impact on Constitutional Rule of Law
Directions...

COMPLETE THE FOLLOWING STEPS TO ANSWER YOUR ESSENTIAL QUESTION BELOW

1. REVIEW THE THREE BRANCHES OF GOVERNMENT AND THEIR CHECKS + BALANCES
2. LEARN ABOUT MARBURY V. MADISON + JUDICIAL REVIEW
3. LEARN ABOUT BROWN V. BOARD OF EDUCATION + JUDICIAL REVIEW

Essential Question...

HOW DOES JUDICIAL REVIEW ALLOW THE SUPREME COURT TO ACT AS A CHECK ON THE OTHER BRANCHES OF OUR GOVERNMENT?
Step One

REVIEW THE THREE BRANCHES OF GOVERNMENT & THEIR CHECKS + BALANCES
Each branch of government has their own power. Checks and balances ensure no one branch can become too powerful.

- Can impeach and remove the President
- Can impeach and remove judges
- Can declare laws unconstitutional
- Can appoint judges
- Can veto laws
- Can declare actions unconstitutional
Essential Question Check In

Brown v. Board of Education

How was judicial review essential to ending segregation in schools?
Imagine This!!!!

You complete an interview with a manager for a new job. You are hired and excited to start working.

However, on your first day of work you show up and a new Manager greets you at the door. He explains that, because you were hired by the previous manager, your job offer is no longer valid.

You are told you have no job and are sent home.
<table>
<thead>
<tr>
<th>Judicial Branch</th>
<th>Legislative Branch</th>
<th>Executive Branch</th>
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<tbody>
<tr>
<td>SUPREME COURT</td>
<td>FEDERAL DISTRICT COURTS</td>
<td>COMMANDS ARMY</td>
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<tr>
<td>CREATE LAWS</td>
<td>CONGRESS</td>
<td>CARRY OUT LAWS</td>
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<td>PRESIDENT</td>
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<td>DECLARE WAR</td>
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Marbury v. Madison

Marbury v. Madison, one of the most important cases in Supreme Court history, was the first case in the American judicial system to apply the principle of "judicial review."

In the election of 1800, the Democratic-Republican Thomas Jefferson defeated the sitting president (and his political rival), Federalist John Adams. In the final days of his presidency, Adams appointed (hired) a large number of judges, who were officially approved by the Senate. William Marbury, a judge appointed by John Adams, did not receive his commission (job contract) before Jefferson became president. Once in office, Jefferson told his Secretary of State, James Madison, to not deliver Marbury's commission, along with any other commissions for Adam's judicial nominees. Marbury sued to get his job, and wound up asking the Supreme Court for a "writ of mandamus," a legal order that would force Jefferson and Madison to give him his commissions.

In resolving this case, Chief Justice John Marshall answered three questions. First, did Marbury and the other appointees have a legal right to their commissions? (His answer to this was YES.) Second, did Constitution allow the courts to grant Marbury his writ of mandamus? If the answer to our second question is yes, then this leads to a third question: could the Supreme Court specifically issue such a writ?

Chief Justice Marshall's court decided that YES, because Congress passed the Judiciary Act of 1789, the courts could create writs in cases like this. HOWEVER, Marshall ruled that Congress had gone too far with portions of the Judiciary Act, which conflicted in places with the Constitution. As a result, if portions of the act were unconstitutional, the Supreme Court could not issue the writ. Marshall argued that the Court could not force Jefferson and Madison to give Marbury his commission.

But more important than the decision about William Marbury's job was the precedent Marshall had set with this decision: the judicial branch was now able to review and evaluate decisions made by the executive and legislative branches to see whether they were in line with the Constitution. Thus, the concept of "judicial review" was born.
The decision in *Marbury v. Madison* immediately was recognized across the nation as momentous.

As a result of John Marshall's decision, Marbury was denied his commission. However, Marshall's actions reached beyond this one case. Marshall shaped the concept of **Judicial Review**, which allowed the Courts to review whether a law created by Congress was unconstitutional.

As a result, the Supreme Court serves as a “check” on other branches of government.
Brown v. Board of Education

Imagine This!!!!

Southern schools were racially segregated. Black and white students had to attend different schools. The separate school systems were not equal. Schools for white children received more public money, and had better resources. Look at the images below to compare conditions in black and white schools.

SITUATION: AS LONG AS CONDITIONS FOR ALL STUDENTS ARE “EQUAL,” THE LAW ALLOWS SEPARATE, RACIALLY SEGREGATED SCHOOLS.

DO YOU:  
AGREE  
DISAGREE  

I THINK THIS BECAUSE...

Tension Meter

OH WELL! IT IS WHAT IT IS.

WE SHOULD FIGHT TO MAKE THIS RIGHT!

SLIDE THE FIRE TO THE TENSION LEVEL
Since the 1896 Supreme Court decision in *Plessy v. Ferguson*, state governments made the claim that “separate but equal” conditions for racially segregated facilities were acceptable under the Constitution. One arena where this claim was visibly untrue was in schools across the country. Unlike the schools for white students, Black schools nationwide often lacked even basic necessities. In South Carolina, schools for Black students lacked running water, flush toilets, or electricity. In one county, $149 was spent annually on white students, but only $43 on each African American student. In Delaware, Black students still attended a shabby one-room schoolhouse, while white students nearby learned in relative comfort. In Prince Edward County, Virginia, Robert R. Russa Moton High, a Black school, was so overcrowded that students attended class in tar-paper shacks. Just a few miles down the road, a brand new high school had been built for white students. Since Reconstruction, every southern state mandated school segregation. Ten additional states outside of the South had segregated schools.

Barbara Johns grew up under Jim Crow law in Prince Edward County, Virginia, which legalized segregation in public places. While a student at Moton High in 1951, she led the entire student body in a walkout to boycott the poor conditions. Following the protest, two lawyers from National Association for the Advancement of Colored People (NAACP) helped the students sue Prince Edward County. That case, *Davis v. County School Board of Prince Edward County*, joined with four related cases from across the South to be heard before the Supreme Court in *Brown v. Board of Education of Topeka* in 1954. The lead attorney for the NAACP, Thurgood Marshall, argued the case against separate but equal education.

*Brown v. Board* became a landmark Supreme Court case when the justices, led by Chief Justice Earl Warren, ruled unanimously that racial segregation of public schools was unconstitutional. This decision applied the understanding of Judicial Review in declaring individual state’s Jim Crow laws as unconstitutional.
Each branch of government has their own power. Checks and balances ensures no one branch can become too powerful.

Judicial review has allowed the supreme court to specifically check the president and congress throughout us history.