

Mr. Moultrie
ETAP 623 Unit Plan
United States History & Government
“John Marshall Court Cases”



Picture adapted from (<http://en.wikipedia.org/wiki/Image:CJMarshall.jpg>)

Objective:

The objective of this lesson is to get the learner to understand the importance of the United States Constitution. At the end of the lesson the learner will have a better understanding of the rights that are granted to learner in the United States Constitution. Additionally, the learner will be aware of the struggle that framer of the Americans Constitution encountered trying to outline the laws in the United States government. At the end of the lesson the students will have better communication, research and development and team building skills. The goal of the class is to have 90 percent of the class pass The Constitution exam with a grade of 85 or better. The goal for the presentations is to have 90 percent of the students to have 17 point in each of the five boxes or a total score of 85.

Discipline and Topic:

“John Marshall Court Cases” This lesson will augment a previous lesson on Jacksonian Democracy, in which students were given a lecture and notes on The United States Constitution.

Targeted Population: is 11th and 12th grade United States History & Government.

New York State Learning Standards

Social Studies Standard 1, 2, 3

Key Ideal: The evolution of democratic values and beliefs

Social Studies Standard 5

Key Ideal: The roles rights and responsibilities of citizenship, including avenues of participation.

Social Studies Standard 6

Key Ideal: Knowledge of basic government documents and principals.

English Language Art Standard 1

Key Ideal: Students will be able to read and write for critical analysis.

English Language Art Standard 3:

Key Ideal: Students will listen, speak, read, and write for critical analysis and evaluation.

English Language Art Standard 4:

Key Ideal: Students will listen, speak, read and write for social interaction.

Media Literacy Objectives

This lesson is designed to enhance the learner knowledge of the United States Constitution. The learners will use the provided website to enhance there knowledge of the rights provided to them in the Constitution. The learner will be aware of the struggle that Americans encountered trying to outline the laws in the United States Constitution. At the end of the lesson the students will have better communication, research and development and team building skills.

Materials Needed, Description and Timing

The learner will need a pencil, or pen. They will also need their notebooks, their “American History” texts and a copy of the United States Constitution. Additionally, the learner will need a copy of “John Marshall Court Case Fact Sheet”, and a brief synopsis of each court case. This lesson is designed to be taught over two to three days in 50 minute class. The first day the students will meet in the Media Center. The second day the students will meet in the Media Center to finish the project. If time permits on Day 2 Mr. Moultrie will began to review The John Marshall Court Case Fact Sheet. Day 3 the student will meet in the classroom. Each student will need the information; this project will take place of lecture and notes on these court cases. Each student will write an essay for homework on Day 3 that will detail the effect their court case had on American History.

The learner will be given a list of websites to research John Marshall Court Cases

<http://www.answers.com/topic/john-marshall>

www.google.com

<http://www.landmarkcases.org/mcculloch/descriptions.html#marbury>

<http://www.landmarkcases.org/mcculloch/marshalllegacy.html>

<http://www.law.cornell.edu/constitution/constitution.overview.html>

<http://odur.let.rug.nl/~usa/D/1801-1825/marshallcases/marxx.htm>

<http://www.uen.org/core/socialstudies/marbury/>

<http://www.usconstitution.net/const.html>

http://en.wikipedia.org/wiki/United_States_Constitution

The Students will be research the following Court Cases:

1. Marbury V. Madison (1803)
2. McCulloch V. Maryland (1819)
3. Dartmouth V. Woodward (1819)
4. Gibbons V. Ogden (1824)
5. Worcester V. Georgia (1832)

Scope and Sequence

Day 1

1. Teacher will meet and greet students at the door.
2. The teacher will pass out the quiz.
3. The students will take the quiz. (10 Minutes)
4. The class will review the quiz. (3 Minutes)
5. The class will discuss current events. (5 minutes)
6. Mr. Moultrie will then break students into equal groups; by giving each person a number and designating were each group should sit.(5 minutes)
7. Mr. Moultrie will assign each group a court case. (1minute)
8. Mr. Moultrie will give the student a list of approved websites so students can obtain information about their court case. (5 minutes)
9. Mr. Moultrie will pass out “John Marshall Court Case Fact Sheet” and the “The Amendment Review Sheet”. (3 Minutes)
10. After five minutes Mr. Moultrie will walk around Media Center to check the students work and help students as needed.

Day 2

1. Teacher will meet and greet students at the door.
2. Students will break into assigned groups.
3. The class will have a brief discussion on current events. (5 minutes)
4. Student will have time to finish information on their assigned court case. (15 minutes)
5. Mr. Moultrie will call the groups in numerical order to begin reviewing their court cases once students have completed.
6. Mr. Moultrie will instruct the students to leave room for information that any group might have left out.
7. In numerical order each group will began to review. Each group will first state what amendment was violated if any and what rights are granted under that given

amendment. Then each group will be discuss their Court case and tell the significance it has had on United States History and Government.

8. While student are reviewing their court case Mr. Moultrie will use the accompanying rubric to grade the student's presentation.

Day 3

1. Teacher will meet and greet students at the door.
2. Students will break into assigned groups.
3. Mr. Moultrie will continue reviewing with the next court case.
4. Mr. Moultrie will instruct the students to leave room for information that any group might have left out.
5. While student are reviewing their court case Mr. Moultrie will use the accompanying rubric to grade the student's presentation.
6. Mr. Moultrie will collect the John Marshall Fact Sheet. They will be given back this will be keep by the students for their notes.
7. Mr. Moultrie will assign will remind the students that there essay is due tomorrow as soon as they walk in the door.

Supplemental materials

The Students will be use the following Court Cases:

1. Marbury V. Madison (1803)
2. McCulloch V. Maryland (1819)
3. Dartmouth V. Woodward (1819)
4. Gibbons V. Ogden (1824)
5. Worcester V. Georgia (1832)

The Students will be use the following website to research the Court Cases

<http://www.answers.com/topic/john-marshall>

www.google.com

<http://www.landmarkcases.org/mcculloch/descriptions.html#marbury>

<http://www.landmarkcases.org/mcculloch/marshalllegacy.html>

<http://www.law.cornell.edu/constitution/constitution.overview.html>

<http://odur.let.rug.nl/~usa/D/1801-1825/marshallcases/marxx.htm>

<http://www.uen.org/core/socialstudies/marbury/>

<http://www.usconstitution.net/const.html>

http://en.wikipedia.org/wiki/United_States_Constitution

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<http://www.landmarkcases.org/mcculloch/descriptions.html#marbury>

<http://www.landmarkcases.org/mcculloch/marshalllegacy.html>

<http://odur.let.rug.nl/~usa/D/1801-1825/marshallcases/marxx.htm>

<http://www.uen.org/core/socialstudies/marbury/>

http://experts.about.com/e/d/da/dartmouth_college_v_woodward.htm

Evaluation of students

Student will be evaluated both formally and informally. The formal evaluation of the students will occur when student take their daily quiz, student will also be formally

assessed by Mr. Moultrie when they present their court case. The informal evaluation of the students will take place when Mr. Moultrie walks around the Media Center to ensure all parties in the group are fully participating. In addition the learner will be assessed orally when the Mr. Moultrie reviews the previous day's class work. To assess the learner understanding of the United States Constitution Mr. Moultrie will divide the students into groups and given them a court case and students will have to present fact of the case to the class and detail the ramification this case had on American History. The students will also be evaluated by the essay they write about the effect that their court case has had on the American History. The learner will be assessed in a variety of ways. The learner will be assessed by the presentations. The learner will be assessed with the daily quiz. Additionally, the Learner will have there ability to create an argument assessed when they hand in there one page essay in. The essay will be turned in at the conclusion of class presentations.

Evaluation of the lesson

The lesson evaluation will come from the grade the Mr. Moultrie gives the student on their presentation and The Constitution exam. The goal of the class is to have 90 percent of the class pass The Constitution exam with a grade of 85 or better. The goal for the presentations is to have 90 percent of the students to have 17 point in each of the five boxes or a total score of 85. Additionally, the grading the behavior of the students in the Media Center will determine if this lesson needs to be tweaked. If the students behave and are attentive in the Media Center and 90 percent of the class receives 85 percent or better on the reaction, the presentation and The Constitution exam then I will consider it a success. If the student do not receive 85 percent or better I will then allot more time in the Media Center to work on the research and extra day for presentations and review.

Cognitive Outcome:

The learner is expected to be able to read for understanding; decode and The United States Constitution is the most important document in American history. The framers of the United States Constitution developed a living breathing document that would govern the United States. This document has only been changed twenty seven times over the course of two hundred plus years. This document and these court cases are imperative to American history because they are court cases that outline the role the Federal Government will play in the live of American citizens.

By working collaboratively student will develop better communication, research and development and team building skills. By using this lesson in all classes including Integrated Special Education and Advanced Placement classes I am trying to decrease the digital divide that exist. Severin and Tankard define digital divide as “inequality in access to computers and online information. (Severin and Tankard p.377)

According to the National Research Council, in order for students to learn they must have an extended understanding of new situations. (p.171) According to Mayer “Students learn by assimilation; that is they fit new information into their existing knowledge.” (p.223) Student must build on there prior knowledge to learn new concepts. The more I use lesson like this my students will become computer and internet literate. This will hopefully increase the student’s self-interest in technology and decrease the Knowledge Gap.

Citations:

Picture adapted of John Marshall

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<http://www.uen.org/core/socialstudies/marbury/>

http://experts.about.com/e/d/da/dartmouth_college_v._woodward.htm

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Severin, W Tankard, J. (2001). Communication Theories: Origins, Methods, and Uses in
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Jones, Eric Integrating Technology to Maximize Learning.
Education Digest; Sep2007, Vol. 73 Issue 1, p23-26, 4p Condensed from Principal
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of Secondary School Principals (NASPP)

<http://en.wikipedia.org/wiki/Image:CJMarshall.jpg>

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<http://www.usconstitution.net/const.html>

http://en.wikipedia.org/wiki/United_States_Constitution

(Appendix 9)
Speech and Presentation Grading Rubric
 Public Speaking and Oral Presentation Component

	In need of improvement (0-12 points)	Satisfactory (13-16 points)	Exemplary (17-20 points)	Score
1. Organization (20 points)	Ideas may not be focused or developed; the main purpose is not clear. The introduction is undeveloped. Main points are difficult to identify. Transitions may be needed. There is no conclusion or may not be clear the presentation has concluded. Conclusion does not tie back to the introduction. Audience cannot understand presentation because there is no sequence of information.	Main idea is evident, but the organizational structure may need to be strengthened; ideas may not clearly developed or always flow smoothly and the purpose is not clearly stated. The introduction may not be well developed. Main points are not clear. Transitions may be awkward. Supporting material may lack in development. The conclusion may need additional development. Audience has difficulty understanding the presentation because the sequence of information is unclear.	Ideas are clearly organized, developed, and supported to achieve a purpose; the purpose is clear. The introduction gets the attention of the audience and clearly states the specific purpose of the speech. Main points are clear and organized effectively. The conclusion is satisfying and relates back to introduction. (If the purpose of the presentation is to persuade, there is a clear action step identified and an overt call to action.)	
2. Topic Knowledge (20 points)	Student does not have grasp of information; student cannot answer questions about the subject. Few, if any, sources are cited. Citations are attributed incorrectly. Inaccurate, generalized, or inappropriate	Student has a partial grasp of the information. Supporting material may lack in originality. Citations are generally introduced and attributed appropriately. Student is at ease with expected answers to all	Student has a clear grasp of information. Citations are introduced and attributed appropriately and accurately. Supporting material is original, logical and relevant. Student demonstrates full knowledge (more	

	supporting material may be used. Over dependence on notes may be observed.	questions but fails to elaborate. Over dependence on notes may be observed.	than required) by answering all class questions with explanations and elaboration. Speaking outline or note cards are used for reference only.	
3. Audience Adaptation (20 points)	The presenter is not able to keep the audience engaged. The verbal or nonverbal feedback from the audience may suggest a lack of interest or confusion. Topic selection does not relate to audience needs and interests.	The presenter is able to keep the audience engaged most of the time. When feedback indicates a need for idea clarification, the speaker makes an attempt to clarify or restate ideas. Generally, the speaker demonstrates audience awareness through nonverbal and verbal behaviors. Topic selection and examples are somewhat appropriate for the audience, occasion, or setting. Some effort to make the material relevant to audience needs and interests.	The presenter is able to effectively keep the audience engaged. Material is modified or clarified as needed given audience verbal and nonverbal feedback. Nonverbal behaviors are used to keep the audience engaged. Delivery style is modified as needed. Topic selection and examples are interesting and relevant for the audience and occasion.	
4. Language Use (Verbal Effectiveness) (20 points)	Language choices may be limited, peppered with slang or jargon, too complex, or too dull. Language is questionable or inappropriate for a particular audience, occasion, or setting. Some biased or unclear language may be used.	Language used is mostly respectful or inoffensive. Language is appropriate, but word choices are not particularly vivid or precise.	Language is familiar to the audience, appropriate for the setting, and free of bias; the presenter may “code-switch” (use a different language form) when appropriate. Language choices are vivid and precise.	
5. Delivery (Nonverbal Effectiveness) (20 points)	The delivery detracts from the message; eye contact may be very limited; the presenter may tend to look at the floor,	The delivery generally seems effective – however, effective use of volume, eye contact, vocal control, etc. may	The delivery is extemporaneous -- natural, confident, and enhances the message – posture, eye contact, smooth gestures, facial	

	<p>mumble, speak inaudibly, fidget, or read most of the speech; gestures and movements may be jerky or excessive. The delivery may appear inconsistent with the message. Nonfluencies (“ums”) are used excessively. Articulation and pronunciation tend to be sloppy. Poise of composure is lost during any distractions. Audience members have difficulty hearing the presentation.</p>	<p>not be consistent; some hesitancy may be observed. Vocal tone, facial expressions, clothing and other nonverbal expressions do not detract significantly from the message. The delivery style, tone of voice, and clothing choices do not seem out-of-place or disrespectful to the audience or occasion. Some use of nonfluencies are observed. Generally, articulation and pronunciation are clear. Most audience members can hear the presentation.</p>	<p>expressions, volume, pace, etc. indicate confidence, a commitment to the topic, and a willingness to communicate. The vocal tone, delivery style, and clothing are consistent with the message. Delivery style and clothing choices suggest an awareness of expectations and norms. Limited use of nonfluencies is observed. Articulation and pronunciation are clear. All audience members can hear the presentation.</p>	
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(Appendix 10)

Background Information

Adapted from Landmarkcourcases.org

Marbury v. Madison (1803)

Thomas Jefferson, a member of the Republican Party, won the election of 1800. The outgoing President, John Adams, proceeded to rapidly appoint 58 members of his own party to fill government posts created by Congress.

It was the responsibility of the Secretary of State, John Marshall, to "deliver the commissions," finish the paperwork, and give it to each of the newly appointed judges. Although Marshall signed and sealed all of the commissions, he failed to deliver 17 of them to the respective appointees. Marshall assumed that his successor would finish the job, but when Jefferson became President, he told his new Secretary of State, James Madison, not to deliver some of the commissions, because he did not want members of the opposing political party to take office. Those individuals couldn't take office until they actually had their commissions in hand.

William Marbury, whom Adams had appointed as justice of the peace of the District of Columbia, was one of these last-minute appointees who did not receive his commission. Marbury sued James Madison and asked the Supreme Court of the United States to issue a writ of mandamus, a court order that requires an official to perform or refrain from performing a certain duty. In this case, the writ would have ordered Madison to deliver the commission.

Marbury argued that he was entitled to his commission and that the Judiciary Act of 1789 gave the Supreme Court of the United States original jurisdiction to issue a writ of mandamus. Madison disagreed. When the case came before the Court, John Marshall — the person who had failed to deliver the commission in the first place — was the new Chief Justice. If this situation were to arise today, Marshall would likely disqualify himself because of a conflict of interest.

(Appendix 11)

Background Information

Adapted from Landmarkcourcases.org
McCulloch v. Maryland (1819)

Many state banks did not like the competition and the conservative practices of the Bank of the United States. As a way to restrict the Bank's operations, the state of Maryland imposed a tax on it. After the Bank refused to pay the tax, the case went to court. Maryland argued that the federal government did not have the authority to establish a bank, because that power was not delegated to them in the Constitution.

The Supreme Court reached a unanimous decision that upheld the authority of Congress to establish a national bank. In the opinion, Chief Justice John Marshall conceded that the Constitution does not explicitly grant Congress the right to establish a national bank, but noted that the "necessary and proper" clause of the Constitution gives Congress the authority to do that which is required to exercise its enumerated powers. Thus, the Court affirmed the existence of implied powers.

On the issue of the authority of Maryland to tax the national bank, the Court also ruled in the Bank's favor. The Court found that "the power to tax involves the power to destroy . . . If the states may tax one instrument [of the Federal Government] they may tax any and every other instrument . . . the mail . . . the mint . . . patent rights . . . judicial process? This was not intended by the American people. They did not design to make their government dependent on the States." Furthermore, he said, "The Constitution and the laws made in pursuance thereof are supreme; they control the Constitution and laws of the respective states and cannot be controlled by them."

(Appendix 12)

Background Information

Adapted from <http://odur.let.rug.nl/~usa/D/1801-1825/marshallcases/marxx.htm>

Dartmouth V. Woodward (1819)

Dartmouth College Case

In 1819 the U.S. SUPREME COURT, in *Trustees of Dartmouth College v. Woodward*, 4 Wheaton 518, extended judicial interpretation by declaring private-corporation charters to be contracts and hence, by the contract clause of the CONSTITUTION OF THE UNITED STATES, immune from impairment by state legislative action. Circumstances had aligned Republicans against Federalists and egalitarianism against religious establishment to complicate the education squabble. On 26 August 1815 the self-perpetuating board of trustees established under the charter of 1769 deposed the president of Dartmouth, John Wheelock. New Hampshire legislative enactments presently altered the charter and brought the institution under state control by enlarging the board; by creating a board of overseers appointed by the legislature, with veto on trustee action; and by changing its name to Dartmouth University. The college sued William H. Woodward, an adherent of the university faction and former secretary-treasurer of the college, for recovery of the charter, the seal, and other documents. After a state court decision favorable to the university faction, Daniel Webster argued the case before the Supreme Court. Chief Justice John Marshall's opinion held that the New Hampshire law was invalid because it impaired contractual obligations. This decision freed existing corporations from control by the states that created them and became a bulwark of laissez faire and a boon to corporate development. Control was later largely restored by (a) state legislation reserving the right to alter or repeal subsequent charters and (b) judicial decisions forbidding legislatures to grant, by charter, rights that menace the community or to surrender, by charter, its duty under the police power to protect the life, safety, and morals of the community.

(Appendix 13)

Background Information

Adapted from Landmarkcourcases.org

Gibbons v. Ogden (1824)

One of the enduring issues in American government is the proper balance of power between the national government and the state governments. This struggle for power was evident from the earliest days of American government and is the underlying issue in the case of *Gibbons v. Ogden*.

In 1808, Robert Fulton and Robert Livingston were granted a monopoly from the New York state government to operate steamboats on the state's waters. This meant that only their steamboats could operate on the waterways of New York, including those bodies of water that stretched between states, called interstate waterways. This monopoly was very important because steamboat traffic, which carried both people and goods, was very profitable.

Aaron Ogden held a Fulton-Livingston license to operate steamboats under this monopoly. He operated steamboats between New Jersey and New York. However, another man named Thomas Gibbons competed with Aaron Ogden on this same route. Gibbons did not have a Fulton-Livingston license, but instead had a federal (national) coasting license, granted under a 1793 act of Congress.



Aaron Ogden



Thomas Gibbons

Naturally, Aaron Ogden was upset about this competition because according to New York law, he should be the only person operating steamboats on this route. Ogden filed a complaint in the Court of Chancery of New York asking the court to stop Gibbons from operating his boats. Ogden claimed that the monopoly granted by New York was legal even though he operated on shared, interstate waters between New Jersey and New York. Ogden's lawyer said that states often passed laws on issues regarding interstate matters and that states should be able to share power with the national government on matters concerning interstate commerce or business. New York's monopoly, therefore, should be upheld.

Gibbons' lawyer disagreed. He argued that the U.S. Constitution gave the national government, specifically Congress, the sole power over interstate commerce. Article I, Section 8 of the Constitution states that Congress has the power "[t]o regulate Commerce with foreign Nations, and among the several States. . . ." Gibbons' lawyer claimed that if the power over interstate commerce were shared between the national government and state governments, the result would be contradictory laws made by both governments that would harm business in the nation as a whole.

The Court of Chancery of New York found in favor of Ogden and issued an order to restrict Gibbons from operating his boats. Gibbons appealed the case to the Court of Errors of New York, which affirmed the lower court's decision. Gibbons appealed the case to the Supreme Court of the United States.

The key question in this case is who should have power to determine how interstate commerce is conducted: the state governments, the national government, or both. This was no small matter, as the nation's economic health was at stake. Before the U.S. Constitution was written, the states had most of the power to regulate commerce. Often they passed laws that harmed other states and the economy of the nation as a whole. For instance, many states taxed goods moving across state borders. Though many people acknowledged that these were destructive policies, they were reluctant to give too much power over commerce to the national government. The trick was to find a proper balance. Chief Justice John Marshall's decision in this case was a precedent for determining what that balance should be and has far-ranging effects to this day.

(Appendix 14)

Background Information

Adapted from <http://odur.let.rug.nl/~usa/D/1801-1825/marshallcases/marxx.htm>

Worcester V. Georgia (1832)

In Worcester v. Georgia, 31 U.S. (6 Pet.) 515 (1832) the U.S. Supreme Court .

invalidated the conviction under a Georgia statute of a non-Cherokee man for the offence of living on the territory of the Cherokee Nation. The court held that the law under which he was convicted was *ultra vires* the State of Georgia. In so doing the court considered the nature and basis of the Cherokee claims to the land and to governance over that land. Again, it based its judgment on its analysis of the origins of those claims which, it held, lay in the relationship between the pre-existing rights of the "ancient possessors" of North America and the assertion of sovereignty by European nations (at pp. 542-43 and 559):

America, separated from Europe by a wide ocean, was inhabited by a distinct people, divided into separate nations, independent of each other and of the rest of the world, having institutions of their own, and governing themselves by their own laws. It is difficult to comprehend the proposition, that the inhabitants of either quarter of the globe could have rightful original claims of dominion over the inhabitants of the other, or over the lands they occupied; or that the discovery of either by the other should give the discoverer rights in the country discovered, which annulled the pre-existing rights of its ancient possessors.

After lying concealed for a series of ages, the enterprise of Europe, guided by nautical science, conducted some of her adventurous sons into this western world. They found it in possession of a people who had made small progress in agriculture or manufactures, and whose general employment was war, hunting, and fishing.

Did these adventurers, by sailing along the coast, and occasionally landing on it, acquire for the several governments to whom they belonged, or by whom they were commissioned, a rightful property in the soil, from the Atlantic to the Pacific; or rightful dominion over the numerous people who occupied it? Or has nature, or the great Creator of all things, conferred these rights over hunters and fishermen, on agriculturists and manufacturers?

But power, war, conquest, give rights, which, after possession, are conceded by the world; and which can never be controverted by those on whom they descend? We proceed, then, to the actual state of things, having glanced at their origin; because holding it in our recollection might shed some light on existing pretensions.

. . . The Indian nations had always been considered as distinct, independent political communities, retaining their original natural rights, as the undisputed possessors of the soil, from time immemorial, with the single exception of that imposed by irresistible

power, which excluded them from intercourse with any other European potentate than the first discoverer of the coast of the particular region claimed. [Emphasis added.]

Marshall C.J.'s essential insight that the claims of the Cherokee must be analyzed in light of their pre-existing occupation and use of the land -- their "undisputed" possession of the soil "from time immemorial" -- is as relevant for the identification of the interests §35(1) was intended to protect as it was for the adjudication of Worcester's claim.

In *Johnson v. McIntosh* Marshall C.J., although he acknowledged the Proclamation of 1763 as one basis for recognition of Indian title, was nonetheless of opinion that the rights of Indians in the lands they traditionally occupied prior to European colonization both predated and survived the claims to sovereignty made by various European nations in the territories of the North American continent. The principle of discovery which justified these claims gave the ultimate title in the land in a particular area to the nation which had discovered and claimed it. In that respect at least the Indians' rights in the land were obviously diminished; but their rights of occupancy and possession remained unaffected.

(Appendix 15)

Name: _____ Date: _____ Period: _____

Mr. Moultrie

U. S. History & Government

“John Marshall Court Case Fact Sheet”

Case: _____

1. Describe the conflict and the parties involved:

2. How do think the court ruled?

3. What was the reasoning of the Supreme Court Majority decision?

4. What long-range significance did the court case have in American History?
