

DOCUMENTS

Interpreting Alternative Viewpoints
in Primary Source Documents

John Marshall's Court

John Marshall helped define the role of the Supreme Court in American life. What impact did he and his Court have?



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Debating the
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in American life. What impact did he and his Court have?*

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Teacher Introduction

★ *Using Primary Sources*

Primary sources are called “primary” because they are first-hand records of a past era or historical event. They are the raw materials, or the evidence, on which historians base their “secondary” accounts of the past.

A rapidly growing number of history teachers today are using primary sources. Why? Perhaps it's because primary sources give students a better sense of what history is and what historians do. Such sources also help students see the past from a variety of viewpoints. Moreover, primary sources make history vivid and bring it to life.

However, primary sources are not easy to use. They can be confusing. They can be biased. They rarely all agree. Primary sources must be interpreted and set in context. To do this, students need historical background knowledge. *Debating the Documents* helps students handle such challenges by giving them a useful framework for analyzing sources that conflict with one another.



*“Multiple,
conflicting
perspectives are
among the truths
of history.
No single
objective or
universal account
could ever put an
end to this endless
creative dialogue
within and
between the past
and the present.”*

From the 2011 Statement on Standards of Professional Conduct of the Council of the American Historical Association.

INTRODUCTION

★ *The Debating the Documents Series*

Each *Debating the Documents* booklet includes the same sequence of reproducible worksheets. If students use several booklets over time, they will get regular practice at interpreting and comparing conflicting sources. In this way, they can learn the skills and habits needed to get the most out of primary sources.

Each *Debating the Documents* Booklet Includes

- **Suggestions for the Student and an Introductory Essay.** The student gets instructions and a one-page essay providing background on the booklet's topic. A time line on the topic is also included.
- **Two Groups of Contrasting Primary Source Documents.** In most of the booklets, students get one pair of visual sources and one pair of written sources. In some cases, more than two are provided for each. Background is provided on each source. *Within each group, the sources clash in a very clear way.* (The sources are not always exact opposites, but they do always differ in some obvious way.)
- **Three Worksheets for Each Document Group.** Students use the first two worksheets to take notes on the sources. The third worksheet asks which source the student thinks would be most useful to a historian.
- **One DBQ.** On page 20, a document-based question (DBQ) asks students to write an effective essay using all of the booklet's primary sources.

★ *How to Use This Booklet*

1. Have students read “Suggestions for the Student” and the Introductory Essay.

Give them copies of pages 5–7. Ask them to read the instructions and then read the introductory essay on the topic. The time line gives them additional information on that topic. This reading could be done in class or as a homework assignment.

2. Have students do the worksheets.

Make copies of the worksheets and the pages with the sources. Ask students to study the background information on each source and the source itself. Then have them take notes on the sources using the worksheets. If students have access to a computer, have them review the primary sources digitally.

3. “Debate the documents” as a class.

Have students use their worksheet notes to debate the primary source documents as a class. Urge students to follow these ground rules:

- Use your worksheets as a guide for the discussion or debate.
- Try to reach agreement about the main ideas and the significance of each primary source document.
- Look for points of agreement as well as disagreement between the primary sources.
- Listen closely to all points of view about each primary source.
- Focus on the usefulness of each source to the historian, not merely on whether you agree or disagree with that source’s point of view.

4. Have students do the final DBQ.

A DBQ is an essay question about a set of primary source documents. To answer the DBQ, students write essays using evidence from the sources and their own background knowledge of the historical era. (See the next page for a DBQ scoring guide to use in evaluating these essays.)

The DBQ assignment on page 20 includes guidelines for writing a DBQ essay. Here are some additional points to make with students about preparing to write this kind of essay.

The DBQ for this Booklet (see page 20):

“John Marshall’s Supreme Court strengthened the federal government at a time of change when that government might well have fallen apart.”
Do you agree or disagree with this statement? Why?

- Analyze the question carefully.
- Use your background knowledge to set sources in their historical context.
- Question and interpret sources actively. Do not accept them at face value.
- Use sources meaningfully to support your essay’s thesis.
- Pay attention to the overall organization of your essay.

INTRODUCTION

★ *Complete DBQ Scoring Guide*

Use this guide in evaluating the DBQ for this booklet. Use this scoring guide with students who are already familiar with using primary sources and writing DBQ essays.

Excellent Essay

- Offers a clear answer or thesis explicitly addressing all aspects of the essay question.
- Does a careful job of interpreting many or most of the documents and relating them clearly to the thesis and the DBQ. Deals with conflicting documents effectively.
- Uses details and examples effectively to support the thesis and other main ideas. Explains the significance of those details and examples well.
- Uses background knowledge and the documents in a balanced way.
- Is well written; clear transitions make the essay easy to follow from point to point. Only a few minor writing errors or errors of fact.

Good Essay

- Offers a reasonable thesis addressing the essential points of the essay question.
- Adequately interprets at least some of the documents and relates them to the thesis and the DBQ.
- Usually relates details and examples meaningfully to the thesis or other main ideas.
- Includes some relevant background knowledge.
- May have some writing errors or errors of fact, as long as these do not invalidate the essay's overall argument or point of view.

Fair Essay

- Offers at least a partly developed thesis addressing the essay question.
- Adequately interprets at least a few of the documents.
- Relates only a few of the details and examples to the thesis or other main ideas.
- Includes some background knowledge.
- Has several writing errors or errors of fact that make it harder to understand the essay's overall argument or point of view.

Poor Essay

- Offers no clear thesis or answer addressing the DBQ.
- Uses few documents effectively other than referring to them in “laundry list” style, with no meaningful relationship to a thesis or any main point.
- Uses details and examples unrelated to the thesis or other main ideas. Does not explain the significance of these details and examples.
- Is not clearly written, with some major writing errors or errors of fact.

Suggestions to the Student

★ *Using Primary Sources*

A primary source is any record of evidence from the past. Many things are primary sources: letters, diary entries, official documents, photos, cartoons, wills, maps, charts, etc. They are called “primary” because they are first-hand records of a past event or time period. This *Debating the Documents* lesson is based on two groups of primary source documents. Within each group, the sources conflict with one another. That is, they express different or even opposed points of view. You need to decide which source is more reliable, more useful, or more typical of the time period. This is what historians do all the time. Usually, you will be able to learn something about the past from each source, even when the sources clash with one another in dramatic ways.

★ *How to Use This Booklet*

1. Read the one-page introductory essay.

This gives you background information that will help you analyze the primary source documents and do the exercises for this *Debating the Documents* lesson. The time line gives you additional information you will find helpful.



2. Study the primary source documents for this lesson.

For this lesson, you get two groups of sources. The sources within each group conflict with one another. Some of these sources are visuals, others are written sources. With visual sources, pay attention not only to the image’s “content” (its subject matter) but also to its artistic style, shading, composition, camera angle, symbols, and other features that add to the image’s meaning. With written sources, notice the writing style, bias, even what the source leaves out or does not talk about. Think about each source’s author, that author’s reasons for writing, and the likely audience for the source. These considerations give you clues as to the source’s historical value.

3. Use the worksheets to analyze each group of primary source documents.

For each group of sources, you get three worksheets. Use the “Study the Document” worksheets to take notes on each source. Use the “Comparing the Documents” worksheet to decide which of the sources would be most useful to a historian.

4. As a class, debate the documents.

Use your worksheet notes to help you take part in this debate.

5. Do the final DBQ.

“DBQ” means “document-based question.” A DBQ is a question along with several primary source documents. To answer the DBQ, write an essay using evidence from the documents and your own background history knowledge.

John Marshall's Court

The U.S. Constitution was written in 1787. The nation is still governed by it. How has it survived two centuries of constant change?

The problem of adapting the Constitution to change presented itself almost immediately. In the early 1800s, change that the founders could barely imagine swept the nation. Vast new lands were opened. Population soared. Settlers headed west. New industrial growth began to transform work and social life. Cities mushroomed. And while roads and canals did begin to tie the nation together, many leaders feared all this change would divide regions from one another and split the nation apart.

Could the Constitution continue as the basis for a united country? Could the federal system the Constitution set up even survive? Probably no other question more concerned John Marshall during his long years as Chief Justice of the Supreme Court. Marshall headed the Court from 1801 to 1835. The Marshall Court was one of the key forces in American life in those years. It helped define the nation and guide it through a time of tremendous change.

Marshall was a member of the generation of founders—Adams, Jefferson, and Washington. By the 1800s, however, many leaders from that time were already worried that the nation might be drifting away from their ideals. Marshall seems to have shared this concern.

Marshall led the Court with a firm hand, and he wrote its major “opinions”—statements in which the Court explains its reasoning in each case. In one early case, *Marbury v. Madison* (1803), the Court clearly established its right of “judicial review.” This is its right to disallow laws or government actions that go against the Constitution.

Overall, the Marshall Court's other big cases all dealt with two big issues. First, some dealt

with contracts and the property rights of private citizens and corporations. The Court generally favored such rights against interference by state governments. In doing so, it hoped to foster economic growth by keeping the economy free and open.

Perhaps more important were cases that dealt with the power of the national government in relation to state governments. In these cases, the Court came down solidly on the side of a strong national government. A key case of this type dealt with in this booklet is *McCulloch v. Maryland* (1819). In it, the Court held that Maryland could not tax a Baltimore branch of the Second Bank of the United States, a national bank chartered by Congress in 1816. The Court said the Bank was constitutional even though the Constitution did not specifically grant Congress the right to found a bank. Marshall said the power was an “implied” power. He based this view on a Constitutional clause allowing Congress to do what is “necessary and proper” to achieve its other, specifically listed powers. As Marshall put it in his opinion for this case:

“Let the end be legitimate, let it be within the scope of the constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the constitution, are constitutional.”

Some historians see the Marshall Court decisions as an early stage in the growth of the modern federal government with its huge powers in many areas of life. Others disagree. They say Marshall saw the national government as weak and fragile at a time of rapid national growth. They say Marshall merely sought to set clear limits to the power of the states to interfere with that government. The sources here may help you make up your mind about this debate and about the Marshall Court in general.

John Marshall Time Line

1755



John Marshall is born in Prince William County, Virginia, on September 24.

1776–1781



Marshall fights as a Patriot in the American Revolution. He takes part in a number of key battles.

1782–1796



Marshall starts practicing law. On January 3, 1783, he marries Mary Ambler. Their strong marriage lasts until her death on December 25, 1831. He serves in Virginia's House of Delegates (1782–1790 and 1795–1796). He is a leader of the Federalist party in Virginia. His long-running rivalry with Thomas Jefferson begins as Jefferson turns against the Federalists.

1797



President John Adams sends Marshall to France to take part in trade negotiations. In the "X.Y.Z. Affair," Marshall and the other negotiators refuse French demands for bribes and return home as heroes.

1800–1801



Adams appoints Marshall Secretary of State. Adams loses to Jefferson in the 1800 election. In January 1801, he appoints Marshall Chief Justice of the Supreme Court.

1803



Five Landmark Decisions of Marshall's Supreme Court:

Marbury v. Madison (1803). While ruling in favor of President Jefferson in this case, Marshall's decision also establishes the power of judicial review, which does not please Jefferson. Judicial review is the Court's right to decide whether or not laws or other acts of government are constitutional and will be allowed to stand.

1819



McCulloch v. Maryland (1819). This case involves a state law taxing the Second Bank of the United States. Marshall says the Constitution gives Congress broad implied powers to establish its bank. He also rules against Maryland's tax on the grounds that states cannot interfere with federal law. The case strengthens the federal government.

1819



Dartmouth College v. Woodward (1819). New Hampshire tried to alter Dartmouth College's charter and make it a public college. Marshall rules that the state cannot do this, saying the right to make contracts cannot be altered. This decision makes the Constitution's contract clause a powerful means for protecting property rights in general.

1824



Gibbons v. Ogden (1824). New York state granted one business group a monopoly to operate steamboats between New York and New Jersey. Ogden was one of the men in this group. He sued Gibbons for running a rival steamboat service. Marshall decides that New York's grant of this monopoly was an unconstitutional interference with Congress's power over interstate commerce. His interpretation of the interstate commerce clause of the Constitution further strengthens federal power at the expense of the states.

1832



Worcester v. Georgia (1832). In a battle with President Andrew Jackson, Marshall rules against Georgia's right to expel the Cherokee Nation from its lands. It is a decision that both Jackson and Georgia ignore.

1835



Marshall retires from the Court. He dies on July 6 in Philadelphia.

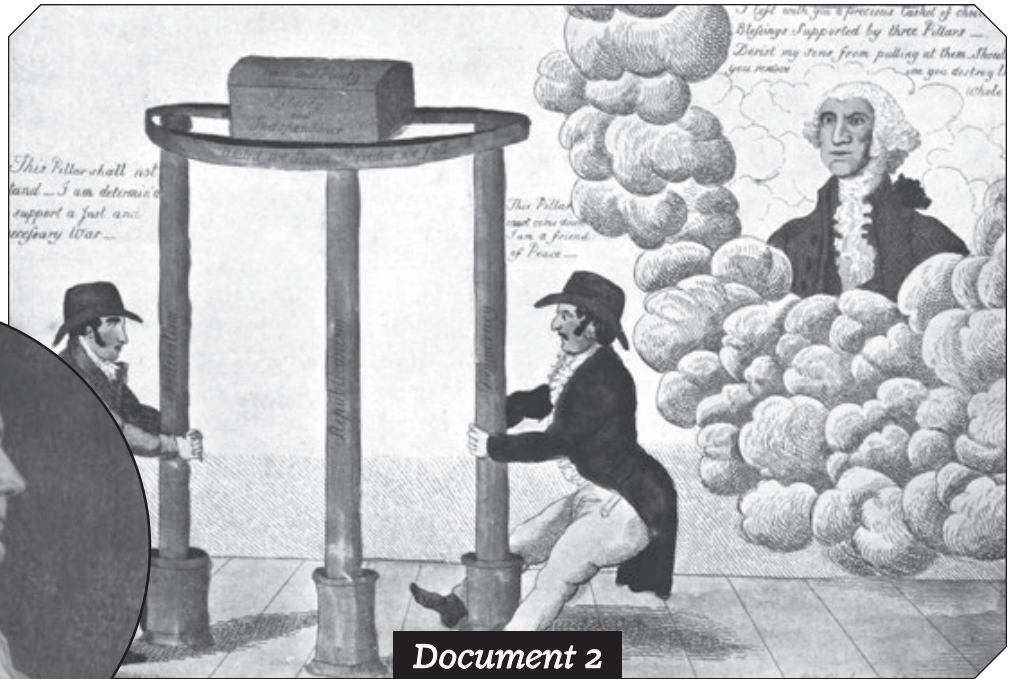
DOCUMENTS 1 & 2

Visual Primary Source Documents 1 & 2



Document 1

Library of Congress, Prints and Photographs Division, LC-USZ62-109756.



Document 2

William Charles, courtesy of the Library of Congress, Prints and Photographs Division, LC-USZ62-93548.

Information on Documents 1 & 2

Document 1. A head-and-shoulders portrait of John Marshall done by a French artist in 1808.

Document 2. In this 1810 cartoon, a casket labeled “Liberty and Independence” rests on three pillars—“Federalism,” “Republicanism,” and “Democracy.” The Democratic-Republican (a supporter of Thomas Jefferson) who favors war with England is pulling down the “Federalism” pillar. A Federalist (against war with England) is pulling down the “Democracy” pillar. George Washington

looks down from heaven (he died in 1799) and longs for the days when party strife was less bitter. He says, “I left you with a precious casket of choicest blessings supported by three pillars—desist my sons from pulling at them—should you remove one you destroy the whole.” The cartoon shows that by 1810, Americans already looked back to Washington’s time as a distant, more peaceful and harmonious era. Washington was actually more of a Federalist than this cartoon suggests.