



Lesson Plan: *McCulloch V. Maryland (1819)*

Learning Objectives: The students will...

1. Be able to define and explain the terms enumerated powers, necessary and proper clause, and the supremacy clause.
2. Review the controversies in the early republic regarding the National Bank and how to balance national and state power.
3. Understand the events and figures involved in the landmark Supreme Court case, *McCulloch v. Maryland*.

TEKS:

1. Summarize the issues, decisions, and significance of landmark Supreme Court cases, including *Marbury v. Madison*, *McCulloch v. Maryland*, and *Gibbons v. Ogden*. [18B]
2. Describe major domestic problems faced by the leaders of the new republic such as maintaining national security, building a military, creating a stable economic system, setting up the court system, and defining the authority of the central government. [5A]
3. Summarize arguments regarding protective tariffs, taxation, and the banking system. [5B]

Materials: Oyez video on *McCulloch v. Maryland* (www.texasbar.com/civics), computer and projector with speakers, copies of student viewing guide, copy of teacher notes, white board, and dry erase marker. (If technology allows, students could watch video and complete notes independently or in pairs.)

Vocabulary: enumerated powers, necessary and proper clause, supremacy clause
(Review: charter, implied powers)

Teaching Strategy:

Intro Activity: (5-10 Minutes)

1. Ask the students to imagine they are trying to raise money for an out-of-town school field trip for the 8th grade. One idea to raise revenue would be to institute a new tax on the students. What things in the school could they tax? (Some ideas could include soda, ice cream, or chips in the lunchroom.) Ask them to consider what taxes might be controversial? Would any taxes have unintended consequences (i.e. taxing the unhealthy food to encourage people to make healthier food choices)? Would there be any groups in the school unhappy about the new taxes? Why? Do they even have the authority to tax the other students?
2. Ask the students to keep what they brainstormed, as well as the following questions, in the forefront of their mind as they examine the second major landmark case of the Marshall court.

- a. Who should have the authority to tax and for what reasons?
- b. How can the authority to tax be used to achieve a specific purpose or goal?
- c. Should a state be able to tax the federal government?

Video: (35-40 Minutes)

1. Put students into pairs or groups of three and give each student a copy of the *McCulloch v. Maryland* viewing guide.
2. Watch the video through 1:38 and pause. Have the students work with their partner/group to complete Part 1. Once everyone is done, have the students quickly share their answers. Put the best definition of enumerated powers and explanation of the necessary and proper clause on the board.
3. Continue the video through 5:27. Pause and give them time to work with their partner/group to complete Part 2. Discuss as a class, putting any necessary answers on the board.
4. Watch the next section (5:28-8:46) and have them work with their partner/group to complete Part 3. Discuss and write the two big questions on the board.
5. Watch the final section (8:47-End) and have them work with their partner/group to complete Part 4.

(Another option: If technology allows, students could complete the video viewing guide independently or in pairs after the intro discussion. A key could be provided in the classroom. Once completed, the class could come back together for debrief and discussion.)

Wrap-Up: (5 Minutes)

Discuss how the issue of state versus federal power is still being hotly debated today.

Discussion Questions:

1. Think back to our discussion at the beginning of class, how does the court case *McCulloch v. Maryland* relate to taxing of students to pay for the field trip? Did the Supreme Court's ruling change your opinion? Why or why not?
2. Does the Court's ruling in *McCulloch v. Maryland* favor Hamilton or Jefferson's interpretation of the Constitution? Fully explain your answer.
3. Given Marshall's prediction that the debate over the limits of Congress's power would continue, what issues currently being debated reflect the conflict between the power of the national government and that of the states?

(Note: If time is short, simply end with the first discussion question and the other two could be homework. If time is really an issue, the discussion questions could be completed for homework and a short debrief could take place at the start of the next day's class.)