## Teacher’s Guide

### McCulloch v. Maryland

**Time Needed:** One Class Period

**Materials Needed:**
- Student worksheets
- Projector / Transparencies

**Copy Instructions:**
- Reading (2 pages; class set)
- Worksheet (2 pages; class set)

### Learning Objectives.
Students will be able to:

- Explain how the supremacy of the national government was defined by the Supreme Court’s decision in *McCulloch v. Maryland*.
- Describe how the landmark case *McCulloch v. Maryland* expanded the powers of the national government.
- Identify the effect of the Supremacy Clause and the “Necessary and Proper” clause in the U.S. Constitution.

### Step by Step

- **ANTICIPATE** by asking students to think about who makes rules at the school. Whose rules have more authority: The teacher’s classroom rules, or the rules in the school handbook? What would happen if a teacher decided one of the handbook’s rules didn’t apply in her classroom? Would that work? What would happen if the school itself had no authority and only teachers could make rules?

- **DISTRIBUTE** one reading page to each student.

- **READ** together with the class, pausing to discuss and explain as appropriate.

- **PROJECT** the A/B anticipation activity. If you can, keep the questions covered so you can reveal them one at a time.

- **REVEAL** each question. Have the class answer A or B as a chorus. (You could also make index cards with A on one side and B on the other and have students show you the correct letter.) Use each question as an opportunity for discussion and review.

- **DISTRIBUTE** one worksheet to each student.

- **PROJECT** the bank note transparency to help students with the first activity, “Give Me Five!” You may want to do this activity as a class.

- **REVIEW** the answers to the worksheet if you wish.

- **CLOSE** by asking students to recall which laws are supreme: United States laws or state laws.

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This lesson plan is part of the *Legislative Branch* series by iCivics, Inc., a nonprofit organization dedicated to advancing civic education. For more resources, please visit [www.icivics.org/teachers](http://www.icivics.org/teachers), where you can access the state standards aligned to this lesson plan. Provide feedback to [feedback@icivics.org](mailto:feedback@icivics.org).

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Power Play: State vs. Nation

What if someone gave you the power to read stories to a first grade class in the library—but gave the first graders the power to decide whether you’re allowed to use any books? Or imagine you have the power to decide which TV shows your family will watch on Friday nights, but your kid sister has the power to decide whether anyone is allowed to turn the TV on. Who’s really in control? In 1816, the state of Maryland tried to make a play against the United States government that would have worked just like this.

A New Government = Big Questions

In order to understand the tension between Maryland and the federal government, you have to imagine what it was like when the United States was first born. Our Founding Fathers had created a brand new government. There had never been another government exactly like it. Even though the Constitution described how it was supposed to work, the Constitution could not describe every detail. There were lots of questions—especially about how much power the federal government had.

Constitutional Powers

The U.S. Constitution created three branches of government and gave each branch certain powers. The legislative branch is made up of Congress, which is made up of the Senate and the House of Representatives. Article I of the Constitution gives Congress a long list of powers. It also says Congress can “make all Laws which shall be necessary and proper” for carrying out these powers. But what does that mean? (Is a building a snack bar “necessary and proper” for making rules about food and drinks at the pool?) In 1816, Congress made a decision that tested out the “necessary and proper” question in a big way.

Congress Creates a Bank

All nations need money to carry out their business, and the United States was no different. To make it easier for the government to do business, in 1816 Congress passed a law creating a national bank. The Bank of the United States was just like any other bank, except it was where the federal government did its banking business. In those days, state banks issued bank notes that functioned like money. The Bank of the U.S. was also allowed to issue bank notes. In exchange for this special treatment, it agreed to loan money to the U.S. government.

Maryland Passes a Tax

Once the bank was established, it opened branches in different states. One branch was located in Baltimore, Maryland. The U.S. government didn’t ask Maryland for permission—it just opened the branch and started doing business. Maryland’s state banks weren’t very happy about having a new competitor in town where people could do their banking. And they didn’t
like that the Bank of the U.S. had a privileged relationship with the
U.S. government. In response, Maryland’s government passed a law
of its own: Any bank that had not been chartered, or organized, in the
state of Maryland had to pay a special tax. The Bank of the U.S.
refused to pay, so the state of Maryland sued the bank in state court.

Who Has the Power?
The Maryland courts sided with Maryland. So in 1819, the bank appealed to the
United States Supreme Court. There were two main questions that needed to
be answered: Did the Constitution allow Congress to start a bank? And if so,
was a state allowed to tax a bank that was part of the federal government?

As always, the Supreme Court decided the case by looking at what the
Constitution says. The Constitution gives Congress the power “to regulate
Commerce . . . among the several States.” Regulate means to make rules about
something. Commerce is another word for business or trade. The Constitution
also gives Congress the power to borrow money and collect taxes. But the
Constitution does not say Congress has the power to start a bank. Could
Congress start one anyway?

If It’s Necessary and Proper, It’s Okay
In a unanimous decision, the Supreme Court said yes. First, a bank is
“necessary and proper” for carrying out the powers related to commerce,
borrowing, and taxes. But even without the power to do what is
“necessary and proper,” Congress would still be able to start a bank. Why?
Because sometimes in order to be able to do one thing, you have to be
able to do something else. For example, the Court pointed out that the
Constitution gives Congress the power to maintain a navy but says nothing
about steam ships. Even so, “no one doubts the power of Congress to use
them.” In the same way, the Court said, “A bank is a proper and suitable
instrument to assist the operations of the government.”

This decision expanded the powers of the national government. It did this
by saying the government could take any action that was appropriate for
carrying out its powers—even if that action was not specifically mentioned
in the Constitution, like starting a bank. Congress was only prohibited from
doing things the Constitution specifically said it could not do.

State Interference? Not Okay.
As for Maryland’s bank tax, the Constitution says that laws of the United States
“shall be the supreme law of the land” and states must follow them. The Court
said that if Maryland were allowed to tax the Bank of the U.S., it would have the
power to tax the bank so heavily that the bank would be forced to leave the
state. The court said that states are not allowed to interfere with the business of
the U.S. government. This decision affirmed that the national United States
government is “supreme” over state governments, just like the Constitution says.
Maryland could not try to force the bank out by making it pay taxes.
<table>
<thead>
<tr>
<th><strong>McCulloch v. Maryland</strong></th>
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<td>The way our government should work is described in the _____.</td>
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<td>Constitution</td>
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<td>The Constitution created ___ branches of government.</td>
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McCulloch v. Maryland

The bank that issued this note.

The state where this bank was located.

Old bank notes promised to pay the bearer, or person who had the note, a specific sum in coins.

The Federal Reserve is the central bank of the United States.

Recognize this word?

Today's bank notes are legal tender, meaning the law recognizes them as money in addition to coins.
McCulloch v. Maryland

A. Give Me Five! Compare this $5 bank note from the 1800s with a $5 bill you might have in your pocket right now. List five similarities and five differences.

Similarities:
1. 
2. 
3. 
4. 
5. 

Differences:
1. 
2. 
3. 
4. 
5. 

B. Necessary and Proper. In *McCulloch v. Maryland*, the Court said that “necessary and proper” means what is “best and most useful” for the task at hand. Match each power the Constitution gives Congress with a “necessary and proper” means of carrying it out.

The Constitution says Congress can . . .

___1. Coin money
___2. Establish post offices and post roads
___3. Declare war
___4. Establish a rule of naturalization (becoming a citizen)
___5. Provide and maintain a navy
___6. Establish courts below the Supreme Court
___7. Regulate commerce among the states
___8. Collect taxes

So the national government can . . .

A. Develop a new, high-tech submarine
B. Buy a new computer system for the federal district courts
C. Research ways to make dollar bills harder to counterfeit
D. Contract with an airline company to carry mail over long distances
E. Set a minimum wage for employers to pay employees
F. Hire border patrol officers
G. Create a system for people to pay their taxes online
H. Use drone airplanes to spy on the enemy
C. Using Transitions. Transition words can link two sentences together so they read smoothly. One way to use transitions is after a period, at the beginning of the next sentence. For each pair of sentences, choose the transition that best links the sentences together.

1) Congress has the power to declare war, so it may use suitable methods of warfare. ______, Congress has the power to tax and borrow money, so it may establish a bank. [ ✗ Similarly ✗ However ✗ In other words ]

2) New methods for carrying out a power may develop over time. ______, the new methods would be proper to use. [ ✗ In addition ✗ If so ✗ Instead ]

3) People may argue that the Framers did not say Congress could start a bank. ______, the Framers did not intend to list specifics when they wrote the Constitution. [ ✗ Specifically ✗ However ✗ In addition ]

4) The Constitution divides power in America. ______, it gives some powers to the national government and some powers to the state governments. [ ✗ Instead ✗ If so ✗ Specifically ]

5) The Constitution is the supreme law of the land. ______, United States laws are superior to state laws. [ ✗ Therefore ✗ Meanwhile ✗ Similarly ]

D. Review. Complete the crossword to review what you learned about *McCulloch v. Maryland*.

Across
3. The state of Maryland said the Bank of the U.S. had to pay this  
5. Describes how the government works  
9. Word that means “to make rules about”  
10. In the old days, state banks issued these, which acted like money  
11. Word that means “business or trade”  

Down
1. Maryland city where the Bank of the United States opened a branch  
2. Congress can make laws that are necessary and ___ for carrying out its powers  
4. The Supreme Court’s answer to the question, “Can a state tax a United States bank?”  
6. The Constitution says United States laws are ___ over state laws.  
7. In *McCulloch v. Maryland*, the problem was that Congress had created one of these  
8. The Supreme Court’s answer to the question, “Can Congress start a bank?”
**McCulloch v. Maryland**

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**Active Participation Activity: Projection Master**
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Worksheet p.1
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