<table>
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<th>ESSENTIAL QUESTION:</th>
<th>How do principles of government influence the structure and organization of the legislative branch as established in the Constitution?</th>
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| PROCEDURES:         | **Day One** - View the two diagrams of the US Congress & Maryland General Assembly, then answer the questions that follow  
|                     | **Day Two** - Read the material on federal supremacy and answer the questions that follow  
|                     | **Day Three** - Read the passage and complete the chart that follows  |
| WORK TO BE RETURNED:| **Assignment #1** - Six questions on the US Congress and Maryland General Assembly  
|                     | **Assignment #2** - Five questions on McCulloch and Federal Supremacy  
|                     | **Assignment #3** - Complete the chart following the Making it Stretch passage  |
| RESOURCES:          | -Diagrams of the US Congress and Maryland General Assembly  
|                     | -Federal Supremacy passage  
|                     | -Making it Stretch reading  |
| TIME ALLOCATED:     | Assignment #1 - 15 Minutes  
|                     | Assignment #2 - 20 Minutes  
|                     | Assignment #3 - 15 Minutes  |

**Assignment #1 - Structure and Function of the US Congress & Maryland General Assembly**
1. In what ways are the House of Representatives and the US Senate similar? (list at least 3)

2. In what ways are the House of Representatives and the US Senate different? (list at least 5)

3. Is power equally shared by both houses of Congress? Explain your answer.
1. What are the two houses that make up the Maryland General Assembly?

2. How is the Maryland House of Delegates different from the Maryland Senate? (list at least 3 differences)

3. How is the Maryland House of delegates similar to the Maryland Senate? (list at least 3 similarities)

Assignment #2 - Federal Supremacy
Directions: Complete the questions after reading the case.
**McCulloch v. Maryland (1819)**

**Background of the case:**

*Congress* chartered the Second Bank of the United States in April of 1816. The First Bank of the United States charter had run out in 1811 before the end of the War of 1812. *Congress* had debated re-chartering the bank based on issues of its constitutionality. Many people objected to a national bank because they thought it harmed state and local economies and gave the national government too much power.

Maryland passed a law in 1818 which tried to get rid of the Second Bank of the United States and its competition with Maryland banks. The law imposed a tax on the national bank. James McCulloch of the Baltimore branch of the national bank refused to pay the tax. Maryland filed suit against the bank and McCulloch for not paying the tax. McCulloch lost the case in the Maryland Court of Appeals. McCulloch then brought the case to the U.S. *Supreme Court* in an attempt to reverse the decision.

**The Constitutional Issue:** Does Congress have the power to charter a national bank? Does any state have the constitutional right to tax an agency of the United States government?

**Ruling:** The *Supreme Court* decided in favor of McCulloch stating two Constitutional issues: first, the creation of a national bank was within the *implied powers* of the Congress. Article I allows *Congress* the power to pass legislation that is "necessary and proper" (*elastic clause*) for carrying out other functions of the government. According to the *Constitution*, a national bank was necessary in order to create and coin national currency, collect taxes, borrow money, and other functions. These functions fall under the *delegated powers* of *Congress*. The second constitutional issue was based on the question should the state of Maryland have the right to tax the national bank? A state taxing a federal institution would violate Article VI of the *Constitution* making the federal government *supreme* to the states. If the state was allowed to tax the national bank it would make the state superior not only to the national government, but to the other states. This would be a violation of the *Constitution*. The *Supreme Court* declared the act of Maryland taxing a national bank unconstitutional and void.

**The Impact:** of the decision supports the issue of federalism. The national government is supreme to the states, allowing *Congress* to use its *implied powers* to carry out the *delegated powers* in the *Constitution*. *McCulloch v. Maryland* supports the *supremacy clause* allowing *Congress* to have power over the states.

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1. What is the issue before the Supreme Court? (Remember the issue is always stated in the form of a question.)

2. What are the facts of the case? (Who was involved? What happened?)
3. What was the decision of the Supreme Court? What was the Court’s reasoning?

4. Explain the significance (importance) of the case.

5. What do you think Chief Justice John Marshall meant by his quote “The power to tax is the power to destroy?” Explain your answer by using this Supreme Court case.

Assignment #3 - The Elastic Clause
Directions - Read the following passage. Using the information in the passage and what we learned in class, complete the chart below.

Making it Stretch

The Founding Fathers created three specific branches of government in order to separate power so that no one branch would become too powerful. However, the peoples’ branch – the Legislative was vested with the most enumerated (written down) powers. This branch is outlined in the first Article of the Constitution. Although Congress was delegated many powers, there was no way to know what new powers might be needed. Since the amendment process was long and difficult, and the founders recognized the need for the document to be flexible or it would break, they included in Article 1 Section 8 the following statement, “to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers… The purpose of this “necessary and proper” clause was to allow the Constitution to stretch to cover the powers that Congress needed. The clause is often referred to as the Elastic Clause because, like elastic, it stretches the Constitution.

The powers that Congress asserts under the Elastic Clause/Necessary and Proper Clause are known as implied powers. Congress cannot make up a power that is not already listed in Constitution, but they can more clearly define those powers. For example: Congress has the power to raise an army and navy – this is a delegated/enumerated power, however the way that Congress raises this army and navy is not explained, therefore Congress can use the power of the draft which is implied by the original power. Other powers specifically delegated to Congress/enumerated in the Constitution include: collecting taxes, coining money, creating a postal service, regulating interstate trade, naturalizing citizens, dealing with bankruptcies, counterfeiting
and piracy, issuing copyrights and patents, establishing the federal courts, declaring war, creating rules for the armed forces, organizing a militia/national guard, and creating laws for the District of Columbia.

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<th>Enumerated (it is listed in the Constitution) Powers</th>
<th>Implied Powers – What can they do because of the power that was listed?</th>
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<tbody>
<tr>
<td>Raise an Army</td>
<td>Draft people to serve in the military</td>
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