



Paideia Seminar Plan

Text: *McCulloch v. Maryland*, 1819 – for [Emerging Readers](#) or [Advanced Readers](#)

Pre-Seminar Content

Launch Activity

Begin by asking the lesson’s inquiry question: “Does the national government hold too much power?” Allow students to share their knowledge about the structure of government, federalism, or checks and balances.

A brief class discussion may include examples of the Articles of Confederation, the Constitutional Convention, or the opposing views of the Federalists and Anti-Federalists. Tell students that today, you will explore *McCulloch v. Maryland*, which is known as the landmark decision in the contest between federal authority and states’ rights.

Inspectional Read

1. Distribute copies of the *McCulloch v. Maryland*, 1819 excerpt [note: there are versions for [Emerging Readers](#) or [Advanced Readers](#)].
2. Have students number the paragraphs.
3. As students skim the excerpt (teachers can choose to further shorten the excerpt or provide the entire decision), ask students to circle any vocabulary words that they will need to define.
4. Students can also underline phrases and sentences that best exemplify national versus state power.
5. Assign students to six groups; each should be assigned to a respective section.
6. One group member will read their assigned section aloud. While listening, other group members will annotate the section by circling unfamiliar words or phrases.

Background Information

Provide the following background information for the students: *McCulloch v. Maryland*, 1819, is one of the most critical U.S. Supreme Court decisions regarding federal power. In its unanimous decision in 1819, the Court established that Congress had the implied constitutional power to create a national bank and that individual states could not tax a federally chartered bank. The decision went on to state that Congress was authorized to pass laws “necessary and proper” to carry out its duties.

Even after the Constitutional Convention and the ratification of the new governmental framework for our nation, controversy still lingered. People questioned how strong the national government should be and how much power should be granted to the states. Our first secretary of the Treasury, Alexander Hamilton, argued a national bank was necessary to fund national infrastructure projects. The first Bank of the United States was created in 1791 by President George Washington.



The second Bank of the United States was created in 1816 with branches in a number of cities, including Baltimore, Maryland. In 1818, a bill taxing out-of-state banks operating in the state was passed by Maryland's legislature. It specifically targeted the Bank of the United States as it was the only out-of-state bank operating in Maryland. James W. McCulloch, the Baltimore branch's head cashier, refused to pay \$15,000 in owed taxes on the grounds that the state legislature did not have the right to tax a federally chartered bank. Maryland state courts sided with the legislators when Maryland's leaders sued McCulloch.

The case was appealed to the U.S. Supreme Court, where the Justices ruled in favor of Congress. Chief Justice John Marshall wrote that states lacked the authority to tax a federally chartered institution and that Congress had the right to establish a bank under the Constitution's "necessary and proper" clause of the U.S. Constitution.

Vocabulary

Have participants share the words and phrases they found unfamiliar while a volunteer lists them on the interactive whiteboard. Be sure to include the following terms:

- federalism
- reserved powers
- implied powers
- national bank
- judicial review
- enumerated powers

Discuss as a class, as needed, until all participants are comfortable with the surface meaning of the text.

Analytical Read

Instruct each group to reread the text selection, slowly highlighting the three most impactful lines or sentences. Then, in the selection's margins, write notes on what makes those lines or sentences compelling. To support the students' efforts to annotate the text, consider providing the following guidance:

- Think about which three sentences/statements in your assigned section are most powerful or important and highlight them.
- Why do you think the statements you highlighted are among the most important in this section? Note your reasoning in the margin near each highlighted statement.



Pre-Seminar Process

Define and State the Purpose of the Seminar

Tell the students that a Paideia Seminar is a collaborative, intellectual dialogue about a text facilitated with open-ended questions. The primary purpose of this seminar is to arrive at a fuller understanding of the textual ideas and values of ourselves and each other.

Describe the Responsibilities of the Facilitator and Participants

State the following aloud: “In my role as the facilitator, I am primarily responsible for asking challenging, open-ended questions. I will take various notes to keep up with the discussion’s turns and flow of ideas. I will help move the discussion forward by asking follow-up questions based on my notes.

In your role as the participant, I ask each of you to think, listen, and speak candidly about your thoughts, reactions, and ideas. You can help your fellow participants do this by using one another’s names.

You do not need to raise your hands to speak; rather, the discussion is collaborative in that you try to stay focused on the main speaker and wait your turn to talk.

You should try to both agree and disagree courteously and thoughtfully. For example, you might say, ‘I disagree with Joanna because...,’ focusing on the ideas involved, not the individuals.”

Have Participants Set a Personal Goal

Instruct students to reflect on how they normally participate in group discussions. Using the Before Seminar section of the [Paideia Seminar Civil Dialogue Organizer](#), ask students to set a goal for themselves that will help the seminar flow and meaning.

Please consider the list of personal participation goals:

- To speak at least three times
- To refer to the text
- To ask a question
- To speak out of uncertainty
- To build on others’ comments

Ask students whether there is one that is relevant for them individually. Instruct them to choose one goal from the list or one goal that they feel is best, and commit to achieving it during the discussion they are about to have. Have them write down or circle their personal goal.

Agree On a Group Goal

Tell students, “For this seminar, I will suggest that our group goal should be...” (Display for all to see or have a brief discussion to decide and post the group goal.) The teacher will select the class goal from the [Paideia Seminar Civil Dialogue Organizer](#).



Seminar Questions

Opening (Identify Main Ideas From the Text)

- Which phrase or sentence is most striking to you about the powers of the states or national government? (round robin)
- Elaborate on your chosen phrase or sentence and why this stood out. (spontaneous discussion)

Core Questions (Analyze Textual Details)

- How does this shape what you know about the power of the national government versus the states' power?
- The decision references the Articles of Confederation several times. Why did the justices do so in drafting this opinion?
- How does the decision use the ratification clause and process to support its claim to supreme national power? Do you agree with this?
- The decision references several other clauses of the Constitution to support its ruling. Do you agree with these interpretations?

Closing (Personalize and Apply the Ideas)

- How effective do you think power has been divided between the states and national government? What historical or current events support this?
- Why has federalism been so challenging?
- Why has it been so difficult to find the right balance of power between the federal, state, and local levels?
- What other potential conflicts do you see that need resolving today?



Post-Seminar Process

Thank the students for their focused and thoughtful participation in the seminar.

Post-Seminar Reflection

Encourage students to complete the After Seminar section of the [Paideia Seminar Civil Dialogue Organizer](#). Allow time for students to reflect on their participation and that of the class. Students will self-evaluate the success of accomplishing their personal goal and the class goal, as well as reflect on the seminar experience.

Main Text Selections

- Excerpts from the *McCulloch v. Maryland* Supreme Court case

Additional Sources

- *McCulloch v. Maryland*