

APGOPO 2019 SEMESTER I FINAL EXAM INFORMATION

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
9 <i>SEE MS.RYAN: 7-7:30AM 2:30-3:30PM</i>	10 FRQ WORKSHOP 230-330 <i>SEE MS.RYAN: 7-7:30AM 2:30-3:30PM</i>	11 INSERVICE (SUBSTITUTE TEACHER)	12 Ch 9 Reading Test AP CLASSROOM UNIT 4 REVIEW QUIZ <i>SEE MS.RYAN: 7-7:30AM 2:30-3:30PM</i>	13 ALL CHAPTER 9 WORK TO BE COMPLETED AND SUBMITTED BY THE END OF THE DAY AP CLASSROOM SEMESTER REVIEW <i>SEE MS.RYAN: 7-7:30AM 2:30-3:30PM</i>
16 REVIEW DAY SCOTUS FRQ <i>SEE MS.RYAN: 7-7:30AM 2:30-3:30PM</i>	17 - FINAL EXAMS <i>SEE MS.RYAN: 7:30-8:30AM</i> P3:830-10 APGOPO <i>P4/5/6:1010-1140 SEE MS. RYAN</i> <i>MAKE UP OR SEE MS. RYAN: 1150-120</i>	18 - FINAL EXAMS <i>SEE MS.RYAN: 7:30-8:30AM</i> <i>P6/7/8:830-10 SEE MS. RYAN</i> P9:1010-1140 APGOPO <i>MAKE UP OR SEE MS. RYAN: 1150-120</i>	19 - FINAL EXAMS <i>SEE MS.RYAN: 7:30-8:30AM</i> P1:830-10 SHUSH P2:1010-1140 SHUSH <i>MAKE UP OR SEE MS. RYAN: 1150-120</i>	20 - FINAL EXAMS <i>SEE MS.RYAN: 7:30-8:30AM</i> P10:830-10 APGOPO <i>MAKE UP OR SEE MS. RYAN: 1010-1140</i>

PERIOD 3 FINAL EXAM: TUESDAY - DECEMBER 17 830-10	PERIOD 9 FINAL EXAM: WEDNESDAY - DECEMBER 18 1010-1140	PERIOD 10 FINAL EXAM: FRIDAY - DECEMBER 20 830-10
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WHAT TO STUDY:

50% MCQ - 25 QUESTIONS UNIT 4: CHAPTER 9

50% MCQ - 25 QUESTIONS UNIT 1: CH1,2,3, UNIT 2: CH 6, UNIT 3: CH7,8

1 SCOTUS FRQ...KNOW MCCULLOCH

REVIEW GUIDEAND ALSO UNIT REVIEWS!

QUIZLET TERMS FOR UNITS 1-4

KHAN ACADEMY UNIT 1 AND UNIT 2

AP CLASSROOM PRACTICE REVIEW

Name: _____ Pd. _____

AP GOPO - Review Sheet: 1st Semester Exam 2018

FRQ(Supreme Court Case Comparison)

-Be able to compare *McCulloch v Maryland* to another recent Supreme Court case

-Be able to describe what Checks and Balance powers the Executive and Legislative branches have in relation to the Supreme Court(Judicial Branch)

Foundational Documents:	Notes:
Declaration of Independence	
Constitution/Bill of Rights(Amendments)	1st Amendment- 4th Amendment- 6th Amendment- 8th Amendment- 10th Amendment- 14th Amendment- 17th Amendment-
Federalist #10	
Federalist #70	

Supreme Court Cases:	Notes:
<i>Marbury v Madison</i>	
<i>McCulloch v Maryland</i>	
<i>Shaw v Reno</i>	
<i>U.S. v Lopez</i>	

Terms/Concepts:	Notes:
SCOTUS Decision Making Process	
Judicial Review	
Impeachment	
Necessary & Proper Clause	
Precedent	
Stare Decisis	
Supremacy Clause	
Commerce Clause	
Great Compromise	
Limited Government	
Popular Sovereignty	
Checks and Balances	
Equality of Opportunity	
Judicial Restraint v Judicial Activism	
Supreme Court Term Lengths - "Good Behavior"	
Advice and Consent(Senate Power of Approval)	

Term/Concept:	Notes:
Factors in Pres. Nominations for Supreme Court	
<i>Writ of Certiorari</i>	
Articles of Confederation vs Constitution(Chart Comparison)	Articles of Confederation Constitution
Federalists vs Anti-Federalists (Chart Comparison)	Federalists Anti-Federalists
<i>McCulloch v Maryland vs US v Lopez</i> (Chart Comparison)	<i>McCulloch v Maryland</i> <i>US v Lopez</i>
Checks and Balances(Examples for each of the three branches)	
Congressional Oversight	
War Powers Act(Resolution)	
Congressional Committees	Rules Committee Joint Committee Standing Committee Conference Committee

Term/Concept:	Notes:
Federalism	
Block Grants	
Categorical Grants	
Gerrymandering	
Models of Congressional Representation	Delegate Trustee Politico
House of Reps vs Senate (Chart Comparison)	House of Reps Senate
Incumbency	
Executive Order	
Iron Triangle	
Bureaucratic Rule-Making Power	
Formal vs Informal Powers of the President(Chart Comparison)	Formal Powers Informal Powers
Divided Government	

McCulloch v. Maryland (1819)

AP US Government and Politics: CON-2.B.2 (EK)

A quick guide to the background, decision, and impact of *McCulloch v. Maryland*.

Key points

- In the case *McCulloch v. Maryland*, the Supreme Court considered whether Congress had the power to create a national bank and whether the state of Maryland had interfered with congressional powers by taxing the national bank.
- The Supreme Court ruled in favor of McCulloch and found that the state of Maryland had interfered with one of Congress's **implied powers**.

Background of the case

After the founding of the United States, one of the first things the new government had to address was the debt the nation had incurred fighting the Revolutionary War. Secretary of the Treasury Alexander Hamilton came up with a plan to create the **Bank of the United States**, a national bank, in order to absorb state debts from the war and to create a national currency. But not everyone agreed that the federal government had the power to create a bank.

One of the bank's most vocal opponents was Thomas Jefferson, who argued that it was not within the federal government's explicit powers to create a national bank and that doing so was an overreach of federal power. Despite opposition to the bank, Congress passed the first charter of the Bank of the United States in 1791, granting it the power to operate for twenty years.

But when it came time to renew the bank's charter in 1811, the measure was defeated in Congress by one vote. It would take another five years for Congress to pass the second charter of the Bank of the United States, but in 1816, the national bank was reestablished. Once again, conflict flared over whether Congress had the power to create a national bank.

The government of Maryland did not want a national bank and did not want a branch in Maryland. Nevertheless, the branch opened in 1817. The state of Maryland decided to tax the Baltimore branch of the Bank of the United States in an effort to run it out of business.

The bank's cashier, James W. McCulloch, refused to pay the tax. In response, the state of Maryland sued him. Both the state trial court and the state supreme court agreed that McCulloch had to pay the tax. McCulloch appealed to the US Supreme Court, which heard the case in 1819.

CHECK YOUR UNDERSTANDING

What was the main argument against creating a national bank?

- a. States were the only ones who could levy taxes and therefore the national bank was infringing on state powers
- b. Each state already had a state bank that levied taxes for the federal government, so the creation of a national bank was not necessary
- c. The power to create a national bank was not explicitly written in the Constitution

The Constitutional question at stake

The Supreme Court has two conditions for hearing a case: the case needs to be nationally significant, meaning that its outcome will most likely affect the entire country, or it has to deal with a question regarding the Constitution. Since 1803, the Court has had the power of **judicial review**, the responsibility to determine whether or not a law violates the Constitution.

So, when we ask “What was the Constitutional question in this case?” we are really asking, “What question is the Court trying to answer about how the law interacts with the Constitution?”

For *McCulloch v. Maryland*, there were two questions the Court was trying to answer:

- **Did Congress have the authority to establish the bank under the Constitution?**
- **Did the Maryland law unconstitutionally interfere with congressional powers?**

Decision

For the first question, the Supreme Court decided that Congress *did* have the power to establish a national bank, not as an **enumerated**, or explicit, power, but as an **implied power** granted by the Constitution. The Supreme Court found that the Constitution grants Congress the explicit power to levy (or collect) taxes and regulate currency, which means that they need to have a way to do that.

So, even though the Constitution does not explicitly say that the federal government can create a national bank, because Congress *needs* a national bank in order to levy taxes and regulate currency, the court argued that the power to create a national bank was *implied*.

Chief Justice Marshall explained the Court’s decision this way:

“The government which has a right to do an act, and has imposed on it the duty of performing that act, must, according to the dictates of reason, be allowed to select the means . . . The power of creating a corporation is never used for its own sake, but for the purpose of effecting something else. No sufficient reason is, therefore, perceived, why it may not pass as incidental to those powers which are expressly given, if it be a direct mode of executing them.” [What does this mean?]

CHECK YOUR UNDERSTANDING

According to the Supreme Court, what is the difference between enumerated powers and implied powers?

- a. Implied powers are powers that the Constitution explicitly grants to the federal government, whereas enumerated powers are not explicitly written but are necessary for carrying out implied powers
 - b. Enumerated powers are powers given to the federal government and implied powers are powers given to state governments
 - c. Enumerated powers are powers that the Constitution explicitly grants to the federal government, whereas implied powers are not explicitly written but are necessary for carrying out enumerated powers
-

As for the second question, the Supreme Court found that the Maryland law *did* unconstitutionally interfere with Congressional powers. Seeing as the Court decided that Congress needed the national bank to perform its constitutional duties, Maryland's attempt to tax the bank was unconstitutional and violated federal supremacy. The Supreme Court found that federal law had **supremacy**, or authority, over state laws and that states could not interfere with federal powers.

Marshall explained the Court's decision as follows:

"If the States may tax one instrument, employed by the government in the execution of its powers, they may tax any and every other instrument. They may tax the mail; they may tax the mint; they may tax patent rights; they may tax the papers of the custom-house; they may tax judicial process; they may tax all the means employed by the government, to an excess which would defeat all the ends of government. This was not intended by the American people. They did not design to make their government dependent on the States. . . ." [What does this mean?]

Under the Constitution, the Supreme Court argued that a strong central government had more power than the states and that states could not tax one part of the federal government without undermining that power.

CHECK YOUR UNDERSTANDING

If Congress has the power to "deliver the mail," which of the following might be an implied power of Congress?

- a. Designating that dry ice can't be mailed
 - b. Banning pamphlets advertising Communist party meetings
 - c. Hiring postal workers to deliver the mail
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Why does *McCulloch v. Maryland* matter?

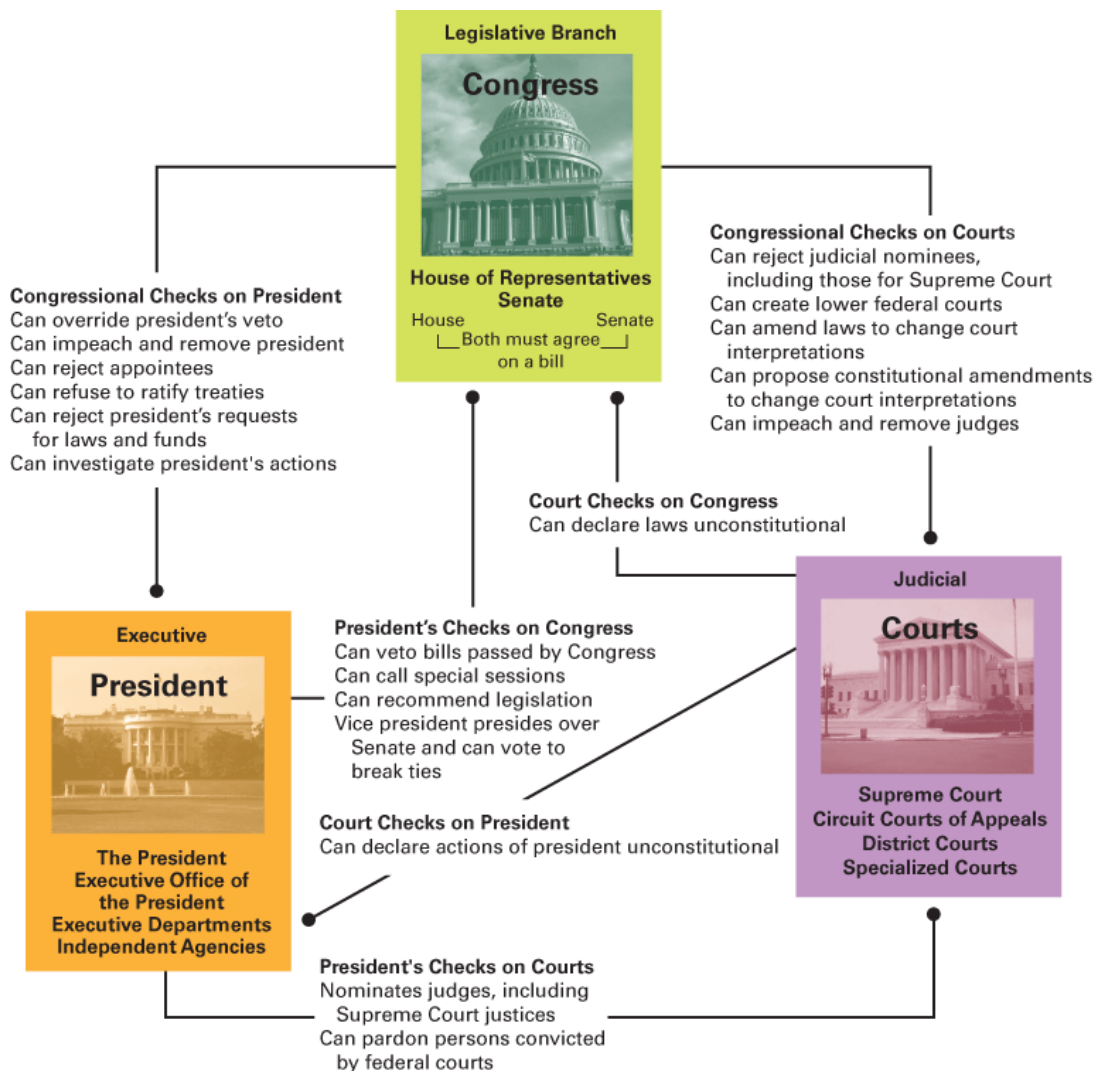
McCulloch v. Maryland has had two significant effects on what **federalism** means for the United States. Federalism is the institutional arrangement in which power is distributed between two relatively independent levels of government: the federal government and the state governments. First, the federal government has powers that are not listed in the Constitution. The decision in *McCulloch v. Maryland* enhanced federal power and gave the federal government ways to achieve the responsibilities that were given to it in the Constitution.

Second, federalism is a system of shared power between state governments and the national government, but the decision in *McCulloch v. Maryland* established and reaffirmed the fact that the United States has a strong central government and that federal law has authority over state law. Imagine if states could just ignore federal laws: how would that affect how much authority the federal government has? This case ensured that the original intention of the Constitution to make a strong central government was met and guaranteed that states cannot interfere with powers given to the federal government.

What do you think?

What are the potential arguments for and against giving federal laws supremacy over state laws?

Explain what an implied power is in your own words. Name two examples of implied powers the federal government has today.



McCulloch v. Maryland

Facts of the case

In 1816, Congress chartered The Second Bank of the United States. In 1818, the state of Maryland passed legislation to impose taxes on the bank. James W. McCulloch, the cashier of the Baltimore branch of the bank, refused to pay the tax. The state appeals court held that the Second Bank was unconstitutional because the Constitution did not provide a textual commitment for the federal government to charter a bank.

Question

Did Congress have the authority to establish the bank?
Did the Maryland law unconstitutionally interfere with congressional powers?

Conclusion

UNANIMOUS DECISION 1

UNANIMOUS DECISION FOR MCCULLOCH

MAJORITY OPINION BY JOHN MARSHALL

Maryland may not impose a tax on the bank.

Washington

Livingston

Duvall



Marshall

Johnson

Todd

Story

UNANIMOUS DECISION 2

UNANIMOUS DECISION FOR MCCULLOCH

MAJORITY OPINION BY JOHN MARSHALL

Congress has the power under the Necessary and Proper Clause to charter the second Bank of the United States.

Washington

Livingston

Duvall



Marshall

Johnson

Todd

Story

In a unanimous decision, the Court held that Congress had the power to incorporate the bank and that Maryland could not tax instruments of the national government employed in the execution of constitutional powers.

Pursuant to the Necessary and Proper Clause (Art. I, Section 8), Chief Justice Marshall noted that Congress possessed powers not explicitly outlined in the U.S. Constitution. Marshall redefined "necessary" to mean "appropriate and legitimate," covering all methods for furthering objectives covered by the enumerated powers. Marshall also held that while the states retained the power of taxation, the Constitution and the laws made in pursuance thereof are supreme and cannot be controlled by the states.