

## **Con Law I**

**September 15, 2009**

### **Class Notes and Discussion Questions**

#### **McCulloch v. Maryland**

1. What is Marshall's theory of "implied powers"? How is this consistent with an enumerated powers constitution?
2. How does the Necessary and Proper Clause fit into this theory of implied powers?
3. How does the Tenth Amendment fit into this theory of implied powers?
4. Do state governments have the power to nullify Acts of Congress or Supreme Court decisions? Why or why not?
5. What is the importance of the Supremacy Clause in the second part of *McCulloch*?
6. What are Marshall's methods of constitutional interpretation (*i.e.* ways to answer my third question)? Is there a hierarchy of interpretative methods, *i.e.*, some are to be used first, while others are to be used as a last resort? How does Marshall use his methods?