

McCulloch v. Maryland (1819)

Developing a Political Cartoon Based on the Decision

The decision in *McCulloch v. Maryland* established precedent with regard to the implied powers of the Constitution, but it also established precedent with regard to which level of government, the national or state, was supreme when their laws conflicted.

Directions:

Below is a segment of the decision in *McCulloch v. Maryland* that deals with the question of national supremacy. **Read through the excerpt carefully, taking note of words, images, or ideas that might lend themselves to the development of a political cartoon that captures the idea of national supremacy. Then, on a separate sheet of paper, sketch such a cartoon.**

Excerpt from *McCulloch v. Maryland*:

. . . This great principle is, that the constitution and the laws made in pursuance thereof are supreme; that they control the constitution and laws of the respective states, and cannot be controlled by them. From this . . . other propositions are deduced as corollaries. . . .

. . . That the power to tax involves the power to destroy. . . .

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.

. . . The result is a conviction that the states have no power, by taxation or otherwise, to retard, impede, burden, or in any manner control, the operations of the constitutional laws enacted by congress to carry into execution the powers vested in the general government. This is, we think, the unavoidable consequence of that supremacy which the constitution has declared. We are unanimously of opinion, that the law passed by the legislature of Maryland, imposing a tax on the Bank of the United States, is unconstitutional and void.