



## Viewing Guide: *McCulloch v. Maryland* (1819)

### Part 1: (00:00-1:38)

One major debate that existed in our new republic was how to balance the power of the \_\_\_\_\_ government and the \_\_\_\_\_ governments. It was this debate that led to our second landmark case.

Define enumerated powers:

---

---

The last of the enumerated powers (#18) is the \_\_\_\_\_ clause.  
Explain the clause in your own words:

---

---

### Part 2: (1:39-5:27)

In 1791, Alexander Hamilton urged Congress to create a \_\_\_\_\_. However, there was a disagreement over whether Congress had the \_\_\_\_\_ under the Constitution to do this. The reason there was a disagreement is that nowhere does the Constitution give Congress the power to create \_\_\_\_\_.

Hamilton's Views on the Necessary and Proper Clause	Jefferson's Views on the Necessary and Proper Clause

Explain at least two reasons why many disliked the National Bank:

---

---

---

---

What did Maryland do in regards to the National Bank? What was the goal of this law?

---

---

---

### Part 3: (5:28-8:46)

James \_\_\_\_\_ was the chief cashier for the Baltimore branch of the Second Bank of the United States. He \_\_\_\_\_ to pay the tax, claiming the state of Maryland had no \_\_\_\_\_ to tax the federal government. Maryland prosecuted McCulloch in a state court, and, of course, that court sided with Maryland. When the case reached the Supreme Court, it had two questions to answer.

What were the two big questions that the Supreme Court had to answer?

1. \_\_\_\_\_
2. \_\_\_\_\_

**Part 4: The Ruling (8:47-End)**

The Court ruled that Congress has \_\_\_\_\_ powers as a result of the necessary and proper clause, which allowed Congress to charter a national bank. Chief Justice \_\_\_\_\_ reasoned that Congress has \_\_\_\_\_ powers, which should not be exceeded, but that Congress must also have the means to carry out its powers. He devised a \_\_\_\_\_ to determine if an act of Congress fits within its powers under the Constitution.

1. Was the act within the \_\_\_\_\_ and \_\_\_\_\_ of the Constitution?
2. Was it designed to help Congress carry out its \_\_\_\_\_ powers?

Explain the Court’s ruling in your own words:

---

---

---

What about Maryland’s power to tax the national bank? The Court settled this with Article 6, Paragraph 2, which is known as the Supremacy Clause. Explain this clause in your own words:

---

---

*“The power to tax involves the power to destroy.”*

—John Marshall

How was the Supremacy Clause applied to the Maryland tax on the National Bank?

---

---

*McCulloch v. Maryland* was the classic example of the Supreme Court’s interpretation of the necessary and proper clause. Chief Justice Marshall predicted that the debate over the limits of Congress’s powers would continue.

**Discussion Questions:**

1. Think back to our discussion at the beginning of class, how does the court case *McCulloch v. Maryland* relate to taxing of students to pay for the field trip? Did the Supreme Court’s ruling change your opinion? Why or why not?
2. Does the Court’s ruling in *McCulloch v. Maryland* favor Hamilton or Jefferson’s interpretation of the Constitution? Fully explain your answer.
3. Given Marshall’s prediction that the debate over the limits of Congress’ power would continue, what issues currently being debated reflect the conflict between the power of the national government and that of the states?