

# **Case Brief Example**

**McCulloch v. Maryland, 17 U.S. 316 (1819)**

## **Facts:**

The United States Bank was rechartered by congressional legislation passed in 1816 after the original charter had been allowed to expire due to intense political disagreement over the necessity and constitutionality of a national bank. The Maryland state legislature passed a law requiring that all banks not chartered by the state pay a 2% tax on the value of notes issued or a flat \$15,000 fee per year. Noncompliance with the state statute resulted in a \$500.00 penalty per violation. James McCulloch was the cashier at the Baltimore Maryland branch of the U.S. Bank. He refused to pay the tax arguing that the state of Maryland had no authority to tax the bank because it was a federal entity. The state of Maryland contended that the charter of the U.S. Bank was an unconstitutional exercise of power by the national government and the states retain the sovereign right of taxation within their own geographic boundaries. Furthermore, the national government cannot infringe upon that right or any others retained by the states, because the Constitution itself was an act of the sovereign states who are independent of and supreme to the national government.

McCulloch was convicted of violating the Maryland statute. The Maryland Court of Appeals upheld the conviction and the case was appealed to the United States Supreme Court through a writ of error.

## **Issues:**

- (1) Whether the legislation chartering the U.S. Bank was a constitutionally acceptable exercise of Congressional powers?
- (2) Whether the state of Maryland has authority under the U.S. Constitution to tax a federal entity?

## **Holding:**

In a 7/0 decision, the United States Supreme Court declared the act of Congress creating the U.S. Bank an acceptable exercise of "implied" power granted by the Constitution. Additionally, the Supreme Court ruled that the Maryland law which imposed a tax on the U.S. bank violated the U.S. Constitution's Supremacy Clause and was therefore void.

## **Rationale:**

In upholding the constitutionality of the U.S. Bank, Chief Justice Marshall defined the role of the Necessary and Proper Clause in relation to implied powers granted to Congress by the U.S. Constitution. Marshall establishes the legitimacy of implied powers by arguing that, unlike the Articles of Confederation, there are

# From Cases To Composition

**Patrick Vollmar**



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