

Ch. 12 History Guide

Write a thesis statement and outline the paragraphs of your essay over the following question.

What were the causes and consequences of the War of 1812? What role did Native Americans play in the conflict?

Respond to the following questions using complete sentences.

McCulloch v. Maryland (1819)

That the power of taxation is one of vital importance; that it is retained by the states; that it is not abridged by the grant of a similar power to the government of the Union; that it is to be concurrently exercised by the two governments—are truths which have never been denied. But such is the paramount character of the Constitution that its capacity to withdraw any subject from the action of even this power is admitted. The states are expressly forbidden to lay any duties on imports or exports, except what may be absolutely necessary for executing their inspection laws. . . . The same paramount character would seem to restrain . . . a state from such other exercise of this power as is in its nature incompatible with, and repugnant to, the constitutional laws of the Union. A law absolutely repugnant to another, as entirely repeals that other as if express terms of repeal were used.

On this ground the counsel for the Bank place its claim to be exempted from the power of a state to tax its operations. There is no express provision for the case, but the claim has been sustained on a principle which so entirely pervades the Constitution, is so intermixed with the materials which compose it, so interwoven with its web, so blended with its texture, as to be incapable of being separated from it without rending it into shreds.

This great principle is that the Constitution, and laws made in pursuance thereof, are supreme; that they control the constitutions and laws of the respective states, and cannot be controlled by them. From this, which may be almost termed an axiom, other propositions are deduced as corollaries. . . . These are: 1. That a power to create implies a power to preserve. 2. That a power to destroy, if wielded by a different hand, is hostile to, and incompatible with, these powers to create and preserve. 3. That where this repugnancy exists, that authority which is supreme must control, not yield to that over which it is supreme. . . .

That the power to tax involves the power to destroy; that the power to destroy may defeat and render useless the power to create; that there is a plain repugnance in conferring on one government a power to control the constitutional measures of another. . . . are propositions not to be denied. . . .

If we apply the principle for which the state of Maryland contends, to the Constitution generally, we shall find it capable of changing totally the character of that instrument. We shall find it capable of arresting all the measures of the government, and of prostrating it at the foot of the states. The American people have declared their Constitution, and the laws made in pursuance thereof, to be supreme; and this principle would transfer the supremacy, in fact, to the states.

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 question is, in truth, a question of supremacy. And if the right of the states to tax the means employed by the general government be conceded, the declaration that the Constitution, and the laws made in pursuance thereof, shall be the supreme law of the land, is empty and unmeaning declamation.

Study Questions

1. Identify the conclusion reached by the Supreme Court in this case regarding a state's right to tax. Explain the argument behind this conclusion.
2. _____
3. **Missouri Enabling Act, 6 March 1820**
4. _____
5. **An Act to authorize the people of the Missouri territory to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original states, and to prohibit slavery in certain territories.**
6. Be it enacted That the inhabitants of that portion of the Missouri territory included within the boundaries hereinafter designated, be, and they are hereby, authorized to form for themselves a constitution and state government, and to assume such name as they shall deem proper; and the said state, when formed, shall be admitted into the Union, upon an equal footing with the original states, in all respects whatsoever.
7. SEC. 2. That the said state shall consist of all the territory included within the following boundaries, to wit: Beginning in the middle of the Mississippi river, on the parallel of thirty-six degrees of north latitude; thence west, along that parallel of latitude, to the St. Francois river; thence up, and following the course of that river, in the middle of the main channel thereof, to the parallel of latitude of thirty-six degrees and thirty minutes; thence west, along the same, to a point where the said parallel is intersected by a meridian line passing through the middle of the mouth of the Kansas river, where the same empties into the Missouri river, thence, from the point aforesaid north, along the said meridian line, to the intersection of the parallel of latitude which passes through the rapids of the river Des Moines, making the said line to correspond with the Indian boundary line; thence east, from the point of intersection last aforesaid, along the said parallel of latitude, to the middle of the channel of the main fork of the said river Des Moines; thence down and along the middle of the main channel of the said river Des Moines, to the mouth of the same, where it empties into the Mississippi river; thence, due east, to the middle of the main channel of the Mississippi river; thence down, and following the course of the Mississippi river, in the middle of the main channel thereof, to the place of beginning: . . .
8. SEC. 3. That all free white male citizens of the United States, who shall have arrived at the age of twenty-one years, and have resided in said territory three months previous to the day of election, and all other persons qualified to vote for representatives to the general assembly of the said territory, shall be qualified to be elected, and they are hereby qualified and authorized to vote, and choose representatives to form a convention. . . .
9. SEC. 8. That in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes north latitude, not included within the limits of the state, contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes, whereof the parties shall have been duly convicted, shall be, and is hereby, forever prohibited: Provided always, That any person escaping into the same, from whom labour or service is lawfully claimed, in any state or territory of the United States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labour or service as aforesaid.
10. **Resolution for the Admission of Missouri, 2 March 1821**
11. Resolution providing for the admission of the State of Missouri into the Union, on a certain condition.
12. Resolved, That Missouri shall be admitted into this union on an equal footing with the original states, in all respects whatever, upon the fundamental condition, that the fourth clause of the twenty-sixth section of the third article of the constitution [that is, "To permit the owners of slaves to emancipate them, saving the right of creditors, where the person so emancipating will give security that the slave so emancipated shall not become a public charge. It shall be their duty, as soon as may be, to pass such laws as may be necessary—1. To prevent free negroes and (and) mulattoes from coming to and settling in this State, under any pretext whatsoever; . . ."] submitted on the part of said state to Congress, shall never be construed to authorize the passage of any law, and that no law shall be passed in conformity thereto, by which any citizen, of either of the states in this Union, shall be excluded from the enjoyment of any of the privileges

and immunities to which such citizen is entitled under the constitution of the United States: Provided, That the legislature of the said state, by a solemn public act, shall declare the assent of the said state to the said fundamental condition, and shall transmit to the President of the United States, on or before the fourth Monday in November next, an authentic copy of the said act; upon the receipt whereof, the President, by proclamation, shall announce the fact; whereupon, and without any further proceeding on the part of Congress, the admission of the said state into this Union shall be considered as complete.

Source: From United States Statutes at Large, 3:545ff, 645.

Study Questions

1. Who is granted the right to vote under this Act?
 2. What provisions are made to prevent slaves from escaping to freedom in the territory covered under this act?
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The Monroe Doctrine and a Reaction (1823)

In the discussion to which this interest [Russia's on the northwest coast] has given rise, the occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for the future colonization by any European powers. . . .

The political system of the Allied Powers [Holy Alliance] is essentially different . . . from that of America. This difference proceeds from that which exists in their prospective [monarchical] governments; and to the defence of our own . . . this whole nation is devoted. We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety.

With the existing colonies or dependencies of any European power, we have not interfered and shall not interfere. But with the governments [of Spanish America] who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other light than as the manifestation of an unfriendly disposition toward the United States. . . .

Our policy in regard to Europe, which was adopted at an early stage of the wars which have so long agitated that quarter of the globe, nevertheless remains the same, which is, not to interfere in the internal concerns of any of its powers; to consider the government *de facto* as the legitimate government for us; to cultivate friendly relations with it, and to preserve those relations by a frank, firm, and manly policy, meeting in all instances the just claims of every power, submitting to injuries from none.

But in regard to those [American] continents, circumstances are eminently and conspicuously different. It is impossible that the Allied Powers should extend their political system to a portion of either continent without endangering our peace and happiness. Nor can anyone believe that our southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition in any form with indifference.

[Baltimore Chronicle, Editorial]

We can tell . . . further that this high-toned, independent, and dignified message will not be read by the crowned heads of Europe without a revolting stare of astonishment. The conquerors of Bonaparte, with their laurels still green and blooming on their brows, and their disciplined animal machines, called armies, at their backs, could not have

anticipated that their united force would so soon be defied by a young republic, whose existence, as yet, cannot be measured with the ordinary life of man.

This message itself constitutes an era in American history, worthy of commemoration. . . . We are confident that, on this occasion, we speak the great body of American sentiment, such as exulting millions are ready to re-echo. . . . We are very far from being confident that, if Congress occupy the high and elevated ground taken in the Message, it may not, under the smiles of Divine Providence, be the means of breaking up the Holy Alliance.

Of this we are positively sure: that all timidity, wavering imbecility, an backwardness on our part will confirm these detested tyrants in their confederacy; paralyze the exertions of freedom in every country; accelerate the fall of those young sister republics whom we have recently recognized; and, perhaps, eventually destroy our own at the feet of absolute monarchy.

Study Questions

1. In general, what does the Monroe Doctrine prescribe in regard to American foreign policy? What is the rationale for this policy?
2. Summarize the tone and message of the response to this doctrine published in the Baltimore Chronicle.