

State and Local Taxation

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Reading assignment

Week 1

I. Introduction

a. Reading - Hellerstein

i. Preface, pp iii-v

ii. Introduction, pp 1-21

iii. [*McCulloch v. Maryland*](#), 17 U.S. 316 (1819)

1. The case is very hard to read. The language is archaic and the legalese is intense. Read the syllabus from Oyez (linked) and you may find the Wikipedia entry to be useful. That said, Marshall's opinion is foundational and his language is soaring and powerful (at least in parts). It is well worth the struggle.
2. However, the principal objective is to understand what happened and what the case means for the U.S. Constitutional system, particularly as it relates to the balance of powers between the states and the federal government. So the Wikipedia entry will give you that necessary background.

b. Questions to consider

- i. **When the states (or a state) and the Federal government come into conflict, who is supreme? Does the area of controversy matter at all?**
- ii. **Why do states tax at all? Would it be more efficient for the Federal government to impose and collect all taxes and distribute money to the states? What might be wrong with this approach?**
- iii. **Is the relationship between the Federal government and the States the same today as it was in 1819? If not, in what ways has that relationship changed? Is the power differential between the Federal government and the state governments the same now as it was in 1819?**