

Repugnant Laws

CONSTITUTIONAL THINKING

Jeffrey K. Tulis and Sanford Levinson, *Editors*

Repugnant Laws

JUDICIAL REVIEW OF ACTS OF
CONGRESS FROM THE FOUNDING TO
THE PRESENT

Keith E. Whittington



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Certainly all those who have framed written constitutions contemplate them as forming the fundamental and paramount law of the nation, and consequently the theory of every such government must be, that an act of the legislature, repugnant to the constitution, is void.

—Chief Justice John Marshall, *Marbury v. Madison* (1803)

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