



Marbury v. Madison 5 U.S. 137 (1803) (50 Most Cited Cases)

US Supreme Court

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Marbury v. Madison is number 13 on the list of most cited Supreme Court decisions. This ebook contains the full text of the decision.

Marbury and several others were appointed to government posts created by Congress in 1801, during the last days of John Adams' presidency. These last-minute appointments were not finalized. The disgruntled appointees invoked an act of Congress and sued for their jobs in the Supreme Court.

After an eloquent and well-reasoned disquisition, the Court's opinion finds that Marbury is entitled to his commission. However, there was a technicality. The act of congress giving the Supreme Court the power to issue a mandamus violated the Constitution's grant of jurisdiction. Thus, the Supreme Court ruled that it did not have the power to order Madison, the defendant, to give Marbury his commission.

This case establishes the Supreme Court's power of judicial review over the acts of congress. The Court ruled that the Constitution was "the fundamental and paramount law of the nation" and that "an act of the legislature repugnant to the constitution is void." When the Constitution--the nation's highest law--conflicts with an act of the legislature, that act is invalid.

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