Overview: The Judicial Branch of the U.S. government is responsible for interpreting the laws of the United States. The federal courts of the judiciary, along with state and local courts, form the backbone of the U.S. legal system. The laws are made by the legislature, but they are tested and interpreted by the judiciary.

Source of Power

The Constitution is the original source of power for the judicial branch of the U.S. government:

Article I, Section 8, Clause 9:
Congress has the expressed power “to constitute tribunals inferior to the Supreme Court.”

Article III, Section 1:
The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

Beyond the Constitution

John Marshall was appointed as chief justice of the Supreme Court in 1801 and served for the rest of his life—34 years. He is often considered to be the greatest of all chief justices. Chief Justice John Marshall’s ruling in Marbury v. Madison in 1803 established the Supreme Court’s predominant authority in testing the validity of all laws against the supreme law of the Constitution. This function is known as “judicial review.”

If, then, the Courts are to regard the Constitution, and the Constitution is superior to any ordinary act of the Legislature, the Constitution, and not such ordinary act, must govern the case to which they both apply. Those, then, who controvert the principle that the Constitution is to be considered in court as a paramount law are reduced to the necessity of maintaining that courts must close their eyes on the Constitution, and see only the law.

Chief Justice John Marshall, Marbury v. Madison, 1803