

U.S. Constitution Article III - Annotated

This annotated version of the Constitution provides the original text (left column) with commentary about the meaning of the original text. <http://www.senate.gov/civics/constitution>

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. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

This clause identifies the third branch of our separated government, empowering the courts to decide cases and limiting them to the exercise of a certain kind of authority. The Constitution makes no mention of judicial review, the right of the Supreme Court to declare federal and state laws unconstitutional. The Court asserted this right in the case of *Marbury v. Madison* in 1803 and on more than 120 occasions since then. For the sake of independence, justices and judges are given life tenures, subject only to removal by impeachment, and a guarantee that their salaries cannot be reduced.

Explained in *The Words We Live By* by Linda Monk

The duty of the judicial branch is to interpret the laws. Or, in the words of Chief Justice John Marshall, “to say what the law is.” Article III has been interpreted by the Supreme Court to give the judiciary the power to declare acts of the president or Congress unconstitutional. This power, known as judicial review, gives American courts much more influence than in other countries.

Article III is the shortest, and least specific, of the constitutional provisions establishing the three branches of government. The framers of the Constitution spent far less time—and debate—on the judiciary than Congress or the president. Yet the power of unelected judges to overturn laws in a democracy has become one of the most controversial issues in American government