

What Is the Proper Role of the Courts?

“Judicial review requires the judge to determine not whether the law leads to good or bad results, but whether the law violates the Constitution.”

According to the Framers, all three branches of government have a duty to uphold the Constitution. The courts are a co-equal branch of government and the decisions of judges must be guided by the Constitution. Over time, the courts have started claiming the exclusive power to interpret the Constitution, and to interpret it in light of their personal preferences. This volume in the *Understanding America* series examines the proper role of the courts in determining the constitutionality of our laws.

UNDERSTANDING AMERICA

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Robert Alt

The *Understanding America* series is founded on the belief that **America is an exceptional nation**. America is exceptional, not for what it has achieved or accomplished, but because, unlike any other nation, it is dedicated to the principles of human liberty, grounded in the truths expressed in the Declaration of Independence that all men are created equal and endowed with equal rights. As Abraham Lincoln once said, these permanent truths are “applicable to all men and all times.” The series explores these principles and explains how they must govern America’s policies, at home and abroad.

About This Cover

According to the Founders, the job of the courts is to rule whether a law violates the Constitution—not whether it constitutes good policy. In recent decades, some judges have become activists, deciding cases by applying their own policy preferences rather than by impartially applying the law. In these cases, justice is no longer blind: it picks the outcome it prefers.

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