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The US Constitutional Guidelines for Case Granting and its Advantages I) Introduction II) The Paramount Article III III) The Case or Controversy Requirement IV) Conclusion I) Introduction The Article III of the United States constitution is considered to be paramount as it deals with establishment of the judicial organ of the American federal government which involves both the Supreme Court and the lower courts. The cases are granted by the Supreme Court based on certain guidelines put forward in the Article III. II) The Paramount Article III Importantly, the authority to adjudicate constitutional disputes comes within the scope of Article III. According to Article III, the judicial power in the United States is vested upon the federal courts. The judges of the federal courts are structurally envisaged to remain independent through a constitutionally designated separation of powers. Article III involves dealing with two basic features of the United States Constitution, namely federalism and separation of powers which makes it eternally relevant and contestable. Here, the constitution invests central powers with the United States Supreme Court as the only institution in which the highest judicial powers of the land is concentrated. According to Amar, “the Constitution clearly does limit in important ways congressional power to shift ultimate judicial power from federal to state courts” (1985, 271). Importantly, the federal judges and the lower court judges are not equal as the latter is constitutionally created as supreme and independent. III) The Case or Controversy Requirement The case or controversy requirement of Article III is meant for safeguarding the timely power allocation among the courts in an easy manner, the rightful representation of a party who is at the receiving end of the judgment and protecting the matter of self-determinism. It has been argued that “the case or controversy requirement, <https://assignbuster.com/explain-the-history-and-evolution-of-the-us-constitution-related-historical-documents-and-the-us-supreme-court/>

also called the “ justiciability” doctrine, includes more specialised notions of ripeness, mootness, and standing to sue, and prohibits consideration of constitutional issues except as a necessary incident to the resolution of a concrete “ case” or “ controversy” (Brilmayer, 1979, p. 297). This requirement is to affirm the dictation of ways to deal with constitutional issues by a federal court. Here, the underlying idea is that judicial power should be extended to all Cases without exception and it must be dealt with the principles of US constitution or the laws and treaties under the preview of the constitution. The controversy to be judicial cannot be hypothetical or academic; it must be substantial and real. Therefore, federal courts are not meant for rendering advices. The standing to sue involves the notion of real harm. The party involves must have suffered harm or at least threatened by a harm. The idea that “ real harm must exist” too is corresponding to the idea of real controversy. A case cannot be granted if no parties involved have faced any real harm. For instance, a case could be permitted if there is physical harm as a result of burning but not the burning of anyone’s effigy as it is merely symbolic expression. The same goes for burning of the flag as well. The burning of American flag cannot be seen as a real harm as it does not really harm the national interests. Finally the party should have a standing in the controversy except in the cases of the doctrine called ‘ next friend standing which “ allows a third person to file a claim in court on behalf of someone who is unable to file on his or her own’ (Belk, 2004, 1749). This prevents the misuse of judiciary by the ones who are not legitimate parties in a case. IV) Conclusion The guidelines such as actual controversy, real harm and original parties are advantageous for avoiding the use of court for illusory purposes and help to concentrate on real substantial issues

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originating from actual disputes. Reference Amar, A. R. (1985). A neo-federalist view of Article III: Separating the two tiers of federal jurisdiction. *Boston University Law Review*, Vol. 65, No. 2, pp. 205- 272. Brilmayer, L. (1979). The jurisprudence of Article II: Perspectives on the “ case or controversy” requirement. *Harvard Law Review*, Vol. 93, No. 2, pp. 297-310. Belk, N. C. (2004). Next friend standing and the war on terror. *Duke Law Journal*, Vol. 53. pp. 1747-