

Good example of responses to posts on the court system essay

[Law](#), [Criminal Justice](#)



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Response to Post No. 1

I do agree that the US Supreme Court has some policy-making power, but I would not place it on the same level as the two other branches. I think that whatever power it has in the area of policy-making is very limited. First of all, it is limited to the interpretation of laws crafted by the legislature (Neubauer 2013, p. 3). For example, in the two cases you mentioned, the Court merely applied the provisions of the Fourth Amendment. It cannot, thus, overtly go beyond the clear meaning and intent of those laws. Unlike the other two branches of the government whose main functions clearly include policy-making, the Supreme Court can only assert itself when cases are brought to it so that it is reduced to a waiting role. Nonetheless, as in the two cases you mentioned, the Court not only clarified the law, but also made practical determinations in how it should be applied. There are times, however, when the Court has used its limited policy-making power in a revolutionary manner, such as when it allowed limited abortion in the country.

Response to Post No. 2

When you stated ‘ the most important jurisdiction’ in the second paragraph, what exactly did you mean by that? The way I understand jurisdiction refers to the authority of a court to hear a case (Neubauer 2013, p. 49) and ‘ importance’ is not a criteria. Besides if importance is made criteria for determining jurisdiction, who or which agency should determine it? Unlike the amount of money being claimed or the nature of the case, such as ‘ bankruptcy’ (Neubauer 50), importance is too subjective. I think that hierarchical jurisdiction is the least important of all types of jurisdictions to a person dealing with the court system because it simply classifies a court’s jurisdiction as original or appellate. That person should be more concerned with subject matter jurisdiction because there are more courts to deal with and one must choose exactly which court his particular case should go.

Response to Post No. 3

I think that the official role of the court is to interpret and apply the law, and not to enforce it. That role properly belongs to the executive branch, particularly coursed through its law enforcement agencies. I agree that courts have a free reign of interpretation, but only when the law they are interpreting is so vague. In that case, I would agree that courts can easily use their judicial power to even read into that law something that is not there, although they would still be limited by the general provisions of the Constitution, both federal and state. I think they have to follow a general rule in the interpretation of laws, such that when the law is very clear they cannot do anything but simply read it as it is. However, I agree that

sometimes there is that window when courts, especially the Supreme Court, can really add general principles of justice and fairness that seems to be out of contemplation of the law. This is also true when the law is put into practical application because its general terms need to be interpreted into realistic terms.

Response to Post No. 4

I agree that most criticisms and confusion stem more from lack of knowledge than anything else. However, the law itself is clear when it comes to these matters, I think. The way I see it: federal laws are those passed by the US Congress; state laws by the state's legislature, and; local laws passed by the local legislative bodies. All these confusion come with the federalism territory, so we just have to deal with it. I believe, however that court jurisdiction helps in determining where to bring one's case (Neubauer 2013, p. 49). A federal crime should be filed only in a federal court and not in a state court, and a violation of a state law should be brought only to a state court. Civil and criminal cases are not that difficult to understand. The nature of civil cases is that they are between two private parties, but criminal cases violate laws that pertain to peace and order. Thus, robbery is definitely a criminal case because it tends to disturb peace and order although it may also involve only private parties.

Reference

Neubauer, D. W., Meinhold, S, S. (2013). *Judicial Process: Law, Courts, and Politics in the United States*. Boston, MA: Wadsworth.