

# America's present judicial structure

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America's judicial system is one of the most well known all over the world. In many countries, people of the state are not given as much opportunity to seek legal redress, or defend one's self. In the United States, accusers and defendants alike are given the same rights in court regardless of their social standing. I can say that Americans are living with such a great privilege to be able to live with a judicial system and constitution that uphold the inherent rights of every citizen.

However, I believe that anything that is created good has the tendency or potential to digress from its original purpose, and as time goes by, may deteriorate or become corrupted. The Founding Fathers have set a constitution that would be the basis for judicial proceedings in the land. They are honest, trustworthy and honorable men. They envisioned a state that upholds the truth and executes justice. But as the generations continue to pass by, there is no guarantee that every judge in the Federal and State courts will have the same integrity as the ones who framed the laws in the past.

Thus, the first weakness that I can see in America's judicial structure is that, if corruption penetrates it, the very laws that uphold the dignity of every human being will be left to the interpretation and disposal of the men who are corrupt. Various literature and entertainment media has portrayed this exact problem of the judicial system. For example, the 1996 movie entitled "City Hall", (starring Al Pacino and John Cusack) portrays the high possibility of corruption in the judiciary.

In the movie, a judge in the highest court of New York participates in the manipulation of the law, and instead of convicting a guilty man, let him go

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and hid the documents considered as evidence. As the story unfolds, it became clear that the city mayor was the one who influenced the judge to do the act because it is in the best interest of some wealthy businessmen who helped the mayor with his political career. Although this is a fictional story, I can say that there is always fire under the smoke. In real American life, politics has a major impact on the judiciary.

If the above statement is true, then there really is a possibility that the executive branch can influence the decisions of the judiciary by applying political pressure. So much has been said about the separation and independence of the branches of government from each other, but in some cases (especially high profile cases and those that stir political interests), the judiciary is highly vulnerable to the influence of the political world. I believe the current judicial structure has not exceeded its constitutional powers, but it is more powerful than what the framers of the constitution originally intended.

For example, the Federal court is known as the guardian of the constitution. It is within its power to interpret the law written in the past, and apply it to present day circumstances. Thus, the people who interpret the law are more powerful than the law itself. Although members of the judiciary system are working within the limits and bounds set by the constitution, the constitution itself gives them the power to interpret and execute the law. This means that with the enormous power in their hands, it is easy to neglect true justice by using legal technicalities.

Interpretation of the law is a rather difficult task because the constitution is vague and ambiguous in many ways. Some law scholars believe that the <https://assignbuster.com/americas-present-judicial-structure/>

Constitution purposely remains vague in order to be timeless and applicable to all circumstances. Some believe that the constitution should be followed literally and word for word, and if there are vague areas in it, should be changed or amended to be more precise. This ambiguity in the constitution makes way for the neglect of true justice because each trial lawyer interprets the law in a manner that suits his client's advantage.

Because of the vagueness of the constitution, the courtroom often becomes more of a battleground of who is the better lawyer, than a battleground between right and wrong. For example, a person accused of trampling animal rights by offering sheep and goats as sacrifices, may also be acquitted on the grounds of the freedom of religion. The final verdict, however, will depend on who is the better lawyer, more skilled at applying legal technicalities, and more skilled at interpreting the law in a way that suits the taste of the jury.

This basic problem of the American justice system was portrayed in another film entitled, "The Devil's Advocate", where a young lawyer has never lost a single case in his entire life, even though his clients are obviously guilty. There is no other way to solve this judicial problem than to amend the constitution itself. In my opinion, there is no need to change the laws that are written by the constitution framers of old. However, modern applications to the said laws should constantly be added to suit the changing needs of society and modern life.

Lessening the ambiguity of the constitution will make way for fairer decisions in the court and ensure that guilty men are punished and the innocent are rewarded with freedom. Needless to say, judges must maintain a high standard of integrity to avoid corruption within the judicial system.

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Corruption can bring down even the strongest of judicial systems. It did once, for the Roman government. In essence, it is still the American people and not the judiciary who has the power to issue a final verdict. Our jury system was created to ensure that courtroom decisions are impartial, and that the citizens of the nation still have the final say.

Jurors are chosen from different walks of life and given the responsibility and duty of executing justice. This is a reflection of true democracy and I believe it is one of the major strengths of the American judicial system. Bibliography: City Hall. Dir. Harold Becker. Perf. Al Pacino, John Cusack, Bridget Fonda, Danny Aiello, and David Paymer. 1996. DVD. Touchstone, 2001 MegaEssays.com. "Federal and State Court Structures and Jurisdiction". 1 October 2007. The Devil's Advocate. Dir. Taylor Hackford. Perf. Keanu Reeves, Al Pacino and Charlize Theron. Warner Brothers Pictures, 1997.