

People vs. American Policing

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Editor Note

Law relations across different legal jurisdictions between persons, and sometimes also companies, corporations and other legal entities. Each country's legal system reflects its society's values. As a result, national laws and the structure of domestic judicial systems vary considerably from country to country. From the police precinct to the prison plantation, historians of the American Cereal State have scrutinized "the habitual surveillance and incapacitation of racial individuals and communities" as a defining feature of American criminal law enforcement. This abridged historical review expounds upon the central thesis of Criminalization of Black Americans and examines the development of anti-black punitive traditions in American policing that first surfaced in the era of slavery and settler colonization. I argue that colonial police patrols established in the 17th century were foundational antecedents of anti-black order maintenance functions ultimately incorporated by modern municipal police forces throughout the 19th century. By tracing the emergence of town watches and city guards from Boston to New Orleans, this review underscores the evolution of urban police practices originally deployed for the purpose of controlling "savages" and "slaves" throughout revolutionary and antebellum America. Conflict of laws is a term used primarily in the United States, Canada, and, increasingly, the United Kingdom. In most other countries, while public law deals with the law governing state institutions as well as the latter's governmental e.g., regulatory relations with private parties. Private international law thus emphasizes the differences between national legal systems: although the term private international law may aptly describe the subject matter, it may also mislead by suggesting that there is an international body of rules to bridge differences between legal systems which is emphatically not the case. The term conflict of laws initiates rules that are solely national in origin and are explicitly not part of international law. Law must address three principal questions. When touches upon more than one country, it must be determined which court has jurisdiction to adjudicate the

matter. Once a court has taken jurisdiction, it must decide what law it should apply to the question before it. The rules governing the court may direct it to apply its own law or call for the application of the law of another country.

Conclusion

Assuming that the court ultimately renders a judgment in favor of the plaintiff, conflicts law must address the enforcement of the judgment. In the event that the defendant has insufficient assets locally, recognition and enforcement of the judgment must be sought in a country where assets do exist. Other differences in legal and extra-legal norms may also give rise to problems of conflict of laws. Strategies described above generally presuppose unitary legal systems, which may exist in countries with unitary political structures and in countries organized as federals.

Biography

Tung Yin was associate professor (2002-2007), professor (2007-2008), and professor and Claire Ferguson Carlson Faculty Fellow (2008-2009) at The University of Iowa College of Law. He also practiced law from 1998-2002 with Munger Tolles & Olson LLP in Los Angeles, California, where he represented clients in white collar criminal defense and employment discrimination matters. He is a former law clerk to the late Hon. Edward Rafeedie of the U.S. District Court for the Central District of California, the Hon. William J. Holloway, Jr., of the U.S. Court of Appeals for the Tenth Circuit, and the Hon. J. Clifford Wallace of the U.S. Court of Appeals for the Ninth Circuit. While in law school, he was a Note and Comment Editor of the California Law Review and a member of the Moot Court Board. Yin's scholarly work has focused primarily on domestic legal issues arising out of the United States' military and prosecutorial responses to the 9/11 attacks and has examined such matters as the jurisdiction of the federal courts to entertain habeas petitions by Guantanamo Bay detainees, the theory of unilateral executive branch war powers, and the potential constitutional rights available to alien detainees outside the country.

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