Subject: Re: Still no coherent explanation of what legislating from the bench means
Posted by Manualblock on Tue, 01 Nov 2005 17:58:01 GMT
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I understand your point AK; my position is this: The founding fathers specifically moulded the Constitution to be a fluid; change with the times template for future events beyond what they could percieve at the time. They make that very clear; if one were to read the federalist papers it becomes apparent that was their aim. How could a set of legislation be viable in perpituity? Thats why we call it Interpretation of the law when we act as judicial referees such as the Supreme Court does with every case.How would you rule in the Microsoft Monopoly case using just the Constitution as written without applying any recent descisions?How about right to die; since there was no medical means to determine how close to death people were 200 yrs ago?So; if the court does no interpretation of changing events then what is their purpose except to read the constitution to people?Oh; and let me say; I know you are not a childishly sarcastic individual and I appreciate that, thats why it's a pleasure to talk with you.