Subject: Re: Still no coherent explanation of what legislating from the bench means
Posted by Manualblock on Wed, 02 Nov 2005 19:18:10 GMT
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How can something be considered unconstitutional if it has no reference in the constitution? Would it not have to be addressing a constitutional issue to be "Unconstitutional?" Meaning not allowed by the constitution?That would eliminate most of our body of decided law and bring us back into the 18th century.Thats why it is "Interpreted", no?Isn't that their job; to "interpret the meaning of the constitution" as applied to issues before the law?If you read the document there isn't much there; certainly not anything you could use to finalise any legal position; thats why it is Interpreted.Using that premise black people would still be 3/5ths of a person. Because at the time the Legislatures' wanted it that way.