Subject: Re: Still no coherent explanation of what legislating from the bench means
Posted by Manualblock on Thu, 03 Nov 2005 07:55:20 GMT
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Were getting sidetracked.There are no specific laws written in the Constitution. Show me one. The template for deciding what constitutes a viable and successful review is founded on the philosophy of the Constitution and Bill of Rights.We are granted a right and the Supreme Court reviews cases to make sure that we have access to that right. Take the Right to Bear Arms; what law is that? Can I carry a rocket launcher? It is not specifically prohibited in the Constitution is it?They look at the situation and see if it conforms to what the framers intended the rights and privledges to be in that case. If the rights of a citizen or entity are not respected pursuint to a legal ruling by a lower court they overturn the ruling. So again I ask:What means legislating from the bench? Thats what they are supposed to do. The case of Roe V Wade is the big trump card the bench guys use to illustrate their point. The Const. and BOR say nothing about medical procedures. But they do say a person has a right to privacy meaning to be in control of their personal destiny. Regardless of how you feel on the issue there must be a standard by which all citizens can judge their right to medical intervention. Be it one way or the other it must be respected for all citizens and not just some in one state and not another. Thats the job of the Supreme Court; to see that the rights of all entities are protected under the Constitutional umbrella.