Subject: Lets look at some facts
Posted by Manualblock on Mon, 14 Nov 2005 17:50:34 GMT
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The Constitution and the Bill of Rights very clearly gives all citizens the right to privacy.What does that mean? Well I will do as all Judges everywhere do and give my opinion. Thats..MY OPINION. Not some talk show hosts opinion. But an opinion I pondered and thought through and now believe in.There is of course a very well established right of privacy expressed in the Constitution and extending from Constitutional precepts dating back to the founding. The legal doctrine of Stare' Descisis is well established in that regard.Now you ask where in the Constitution this right originates.First up we see that in the original document there is no inclusion of the Bill Of Rights simply because the founding fathers saw no need to provide extra protection since those rights were spelled out in the body of the Const.However some of the founders felt there might be a mis-understanding sometime down the road regarding personal rights so they all agreed to draft and ratify a Bill Of Rights specifically spelling out those rights and that is the document we have they passed down to us.Now while the main body of the Constitution spells out what they government MAY DO and what it Must DO; the Bill Of Rights spells out what the government MAY NOT DO.It Can't search or seize your property without due process.It cannot hold you in prison without trial.It Cannot enact laws abridging the rights of freedom of speech/freedom of religion/ the right to bear arms and various other prohibitions on the government are spelled out.Then the Ninth and Tenth Amendments were enacted to make sure there was absolutely no mis-understanding concerning the LIMITED power of government granted by the Constitution.Amendment IX The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people. Amendment X The powers not delegated by the United States in the Constitution nor prohibited it by the states are reserved to the States respectively or TO THE PEOPLE.Now; where is the right to privacy? It's right there in the BOR and those two amendments. The Government has no power to tell people what to do except in those areas specifically authorised in the Constitution.You can't find the right to privacy spelled out in the Const.? You can't find any right to be married or any right to own stock or play golf or be a member of the Communist Party. Because you have those rights by definition.So again what is legislating from the bench mean?

Subject: Re: Lets look at some facts
Posted by akhilesh on Mon, 14 Nov 2005 18:58:54 GMT
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"Amendment IX The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people. Amendment X The powers not delegated by the United States in the Constitution nor prohibited it by the states are reserved to the States respectively or TO THE PEOPLE. Now; where is the right to privacy? It's right there in the BOR and those two amendments. The Government has no power to tell people what to do except in those areas specifically authorised in the Constitution. "John,The above indicates that the rights belong to the STATES. "You can't find the right to privacy spelled out in the Const.? You can't find any right to be married or any right to own stock or play golf or be a member of the

Communist Party. Because you have those rights by definition. "Actually, a state can take away those rights, if they choose to. ONly the rights that are in the BIll of RIGHTS like the first & second amendment can not be taken away. Everything else, the STATES can decide. Including the right to buying liquour on SUndays. or any other right. EXCEPT those spelled out in the constitution. -akhilesh

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Subject: Re: Lets look at some facts
Posted by Manualblock on Tue, 15 Nov 2005 02:45:54 GMT
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No Ak you have to read the whole thing. What rights the federal govt gives the citizens cannot be taken away by the states. Thats the last section of the Tenth. ie," Are reserved to the states or TO the people."Now look at the ninth where it says no law herein can abrogate any rights the people have.Thats the issue. The people's rights according to this document take precedent over Federal or States rights not enumerated in the amendments. At least thats how I read it.

Subject: Re: Lets look at some facts
Posted by akhilesh on Fri, 18 Nov 2005 15:08:14 GMT
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So then, since it's not explicitly forbidden in the constitution, we should all be able to go out and make nukes in our back yards, right? How about drugs? SHould we be allowed to smoke or inject whatever we choose?How do we decide what is a right, and what is not?-akhilesh

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