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Subject: Re: Supreme Court repeals 5th amendment?  
Posted by [msgtpain](#) on Sat, 25 Jun 2005 00:31:02 GMT  
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In this instance, I don't believe they are "legislating from the bench", I believe they completely failed in their primary job: Defending the interests of US citizens through interpretation of the US Constitution.

In quite a few cases they agree to take on, I firmly believe that they are overstepping their bounds by not declining and returning the authority to the States where it belongs. Even though they are the "Supreme" court, their only authority lies in defending the Constitution of the US; it is their job to decide when a citizens Constitutional rights are being violated and do something about it. When there is no Right in question, they are supposed to defer back to the State Supreme Court, end of story.

In this case, a Constitutional Right was definitely in question, and they failed in upholding that Right, this was Not a Right which should be decided by the state, the US Constitution specifically spells out the citizens Right in this scenario, the States should not have final say, which is exactly what their decision stated.

As of late, I've been completely dumbfounded in quite a few of their decisions. They're taking on cases which I believe they have no authority an refusing to take on ones which I believe they definitely do have authority. However, this one -- In my opinion, they should have taken on, and should have upheld the rights of the citizens in question. I'm baffled at why they would take it on, then defer to the state's authority.. If that was their intention, why didn't they just refuse to hear it?

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