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Mr. Edward J. Dodson
202 Horse Shoe Court
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Dear Ed,

Many thanks for sending me the photocopy of your exchange with my good friend and former student, Cary Heath, and also for your paper on privacy rights.

At present I am immersed in the revision of the manuscript on liberation theology, so am unable to do more than make a few impressionistic comments on the first part of your paper. Since these comments mainly indicate dissent, I should preface them by saying that I thought your paper well and clearly written, and that it contains much to which I give wholehearted assent.

I agree with you that democracy does not assure justice, but I don't agree with your objection to the strict constructionist approach. The function of the judiciary is not to rule on the basis of personal value judgments but to interpret the law in terms of original intent. Laws can be passed or repealed through legislative action, which may or may not reflect a better understanding of justice than that of the original framers. The Constitution (and especially the Bill of Rights), which cannot easily be amended through the political process, was meant to protect the individual against democratic usurpations, but it has largely ceased to do this. In my opinion, the main reason has been the abandonment of original intent as the norm for interpretation. Had this norm remained in force, the judiciary would never have permitted legislative and administrative violation of the reciprocal freedom of individuals, nor would it have itself become the agent of such violation. I realize that some of the above may seem simplistic, and that it is largely a series of unsupported assertions, but that is all that I have time for now.

Imputed Rights has been out of print for several years, but I have a small personal stock from which it gives me pleasure to send you a copy under separate cover with my compliments. The book contains several things that I would change if I were doing it again, including at least one serious logical contradiction (the result of combining sections written at different times). I corrected it well before publication, but somehow my correction never found its way to the printer.

It was a real delight to finally meet you at the Atlanta conference.

Yours cordially,

Bob

Robert V. Andelson
Professor