

## Fundamental Rights and Activist Judges

1. The 14th Amendment simply made the 5th Amendment applicable to the states.
2. Voting rights are found in the 15th and the 19th Amendments.
3. Discrimination is protected under the Equal Protection act, not Substantive Due Process (except a few exceptions, such as right to privacy cases).

\* Substantive Due Process deals with Fundamental Rights. The government must survive a Strict Scrutiny review when the law is challenged- which the government nearly always fails to do. Procedural Due Process is what guarantees the individual a notice and hearing should the government attempt to take a liberty, property, or fundamental right interest.

\* There is a lot of debate as to the method in which fundamental rights are established by the Supreme Court. This is because such rights are almost always interpreted by the Supreme Court- they are not in the actual text of the Constitution. Some judges and Supreme Court Justices are wholly against any interpretation of the original Constitution; they call the Supreme Court holdings that 'found' fundamental rights 'activist' courts. This is where the term originates.

\* It is ironic how the self-evident rights are supposed to be divinely ordained i.e. they are owned by individuals and imparted by the divine; however, it takes laws to protect people's said rights. If the rights were self-evident, everybody would enjoy them and would not attempt to take away said rights from others. It takes law to enforce the establishment of these fundamental rights.