

Government Final Exam Study Guide/Notes

Civil Liberties & Civil Rights: Chapter 11

- Civil Liberties: LIMITS (Amendments 1-6) - all freedoms and protections provided anywhere in the Constitution; act as a shield to protect specific freedoms; limitations on what the government can do.
- Civil Liberties and Civil Rights are opposites.
- Civil Rights: OBLIGATIONS (Amendments 5, 14) - narrower and applies to the rights of individuals to be free from discriminatory treatment, both public and private, based on such characteristics as race, national origin, or gender; more like a sword that promote fair treatment and equality. Civil liberties are what the government MUST do.
- Founders focused on limits -
 - Constitutional (Article 1, section 9/10) civil liberties include:
 - prohibiting the government to pass bills of attainder (law that declares individual or group guilty of a crime without a trial)
 - ex post facto laws: arresting/prosecuting someone for an action they did before a law was passed that criminalizes that action
- Dual Citizenship? Constitution limits NATIONAL government, what about state governments?
- Barron v. Baltimore (1833)
 - Baltimore (state) government built a wharf or something that ruined Barron's boat commerce business, which he sued them for since they didn't compensate him. Important because it raised the question of if state governments have to also operate according to the Bill of Rights like the national government does.
- 14th Amendment (1868)
 - "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States" aka due process clause; the government can't arbitrarily take away someone's right to "life, liberty, or property" except as authorized by law eg. committed a crime
- Selective incorporation: e.g., Chicago RR v. Chicago (1897)
 - Ruled that states have to follow the due process clause and justly compensate people when infringing on their right to property

Civil Liberties:

- Freedom of Religion:
 - 1st Amendment: "Congress shall make no law...respecting an establishment of religion, or prohibiting the free exercise thereof"
 - Free Exercise: The right to practice one's religion
 - Establishment: "Separation of church and state"
 - Free Exercise: Not absolute: polygamy, snakes, animal sacrifice, some drugs not allowed

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RS Peters



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Table of Contents Government Final Study Guide Answers

1. Understanding the eBook Government Final Study Guide Answers
 - The Rise of Digital Reading Government Final Study Guide Answers
 - Advantages of eBooks Over Traditional Books
2. Identifying Government Final Study Guide Answers
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Government Final Study Guide Answers
 - User-Friendly Interface
4. Exploring eBook Recommendations from Government Final Study Guide Answers

- Personalized Recommendations
 - Government Final Study Guide Answers User Reviews and Ratings
 - Government Final Study Guide Answers and Bestseller Lists
5. Accessing Government Final Study Guide Answers Free and Paid eBooks
 - Government Final Study Guide Answers Public Domain eBooks
 - Government Final Study Guide Answers eBook Subscription Services
 - Government Final Study Guide Answers Budget-Friendly Options
 6. Navigating Government Final Study Guide Answers eBook Formats
 - ePub, PDF, MOBI, and More
 - Government Final Study Guide Answers Compatibility with Devices
 - Government Final Study Guide Answers Enhanced eBook Features
 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Government Final Study Guide Answers
 - Highlighting and Note-Taking Government Final Study Guide Answers
 - Interactive Elements Government Final Study Guide Answers
 8. Staying Engaged with Government Final Study Guide Answers
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Government Final Study Guide Answers
 9. Balancing eBooks and Physical Books Government Final Study Guide Answers
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Government Final Study Guide Answers
 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
 11. Cultivating a Reading Routine Government Final Study Guide Answers
 - Setting Reading Goals Government Final Study Guide Answers
 - Carving Out Dedicated Reading Time
 12. Sourcing Reliable Information of Government Final Study Guide Answers

- Fact-Checking eBook Content of Government Final Study Guide Answers
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning
- Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
- Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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