

# 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

# Study Guide For Government Final

**Brian W. Stewart**



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**Table of Contents Study Guide For Government Final**

1. Understanding the eBook Study Guide For Government Final
  - The Rise of Digital Reading Study Guide For Government Final
  - Advantages of eBooks Over Traditional Books
2. Identifying Study Guide For Government Final
  - 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 Study Guide For Government Final
  - User-Friendly Interface
4. Exploring eBook Recommendations from Study Guide For Government Final
  - Personalized Recommendations
  - Study Guide For Government Final User Reviews and Ratings
  - Study Guide For Government Final and Bestseller Lists
5. Accessing Study Guide For Government Final Free and Paid eBooks
  - Study Guide For Government Final Public Domain eBooks
  - Study Guide For Government Final eBook Subscription Services
  - Study Guide For Government Final Budget-Friendly Options
6. Navigating Study Guide For Government Final eBook Formats
  - ePub, PDF, MOBI, and More
  - Study Guide For Government Final Compatibility with Devices
  - Study Guide For Government Final Enhanced eBook Features
7. Enhancing Your Reading Experience
  - Adjustable Fonts and Text Sizes of Study Guide For Government Final
  - Highlighting and Note-Taking Study Guide For Government Final
  - Interactive Elements Study Guide For Government Final
8. Staying Engaged with Study Guide For Government Final

- Joining Online Reading Communities
- Participating in Virtual Book Clubs
- Following Authors and Publishers Study Guide For Government Final
- 9. Balancing eBooks and Physical Books Study Guide For Government Final
  - Benefits of a Digital Library
  - Creating a Diverse Reading Collection Study Guide For Government Final
- 10. Overcoming Reading Challenges
  - Dealing with Digital Eye Strain
  - Minimizing Distractions
  - Managing Screen Time
- 11. Cultivating a Reading Routine Study Guide For Government Final
  - Setting Reading Goals Study Guide For Government Final
  - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Study Guide For Government Final
  - Fact-Checking eBook Content of Study Guide For Government Final
  - 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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