

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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Table of Contents Study Guide Government

1. Understanding the eBook Study Guide Government
 - The Rise of Digital Reading Study Guide Government
 - Advantages of eBooks Over Traditional Books
2. Identifying Study Guide Government
 - 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 Government
 - User-Friendly Interface
4. Exploring eBook Recommendations from Study Guide Government
 - Personalized Recommendations

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

- 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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