

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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Judd E. Hollander



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