

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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Brendan G. Carr



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Table of Contents Polit Ofinal Exam Study Guide Answers

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

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