

Government Final Exam Study Guide/Notes

Civil Liberties & Civil Rights: Chapter 11

- Civil Liberties: LIMITS (Amendments 1-8) - 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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Pamela Lamb

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Table of Contents Government Exam Study Guide

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

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