

# 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

# American Government Final Study Guide

**Josephus Nelson Larned, Philip  
Patterson Wells**

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## **Table of Contents American Government Final Study Guide**

1. Understanding the eBook American Government Final Study Guide
  - The Rise of Digital Reading American Government Final Study Guide
  - Advantages of eBooks Over Traditional Books
2. Identifying American Government Final 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 American Government Final Study Guide
  - User-Friendly Interface
4. Exploring eBook Recommendations from American Government Final Study Guide
  - Personalized Recommendations
  - American Government Final Study Guide User Reviews and Ratings
  - American Government Final Study Guide and Bestseller Lists
5. Accessing American Government Final Study Guide Free and Paid eBooks
  - American Government Final Study Guide Public Domain eBooks
  - American Government Final Study Guide eBook Subscription Services
  - American Government Final Study Guide Budget-Friendly Options
6. Navigating American Government Final Study Guide eBook Formats

- ePub, PDF, MOBI, and More
- American Government Final Study Guide Compatibility with Devices
- American Government Final Study Guide Enhanced eBook Features

7. Enhancing Your Reading Experience

- Adjustable Fonts and Text Sizes of American Government Final Study Guide
- Highlighting and Note-Taking American Government Final Study Guide
- Interactive Elements American Government Final Study Guide

8. Staying Engaged with American Government Final Study Guide

- Joining Online Reading Communities
- Participating in Virtual Book Clubs
- Following Authors and Publishers American Government Final Study Guide

9. Balancing eBooks and Physical Books American Government Final Study Guide

- Benefits of a Digital Library
- Creating a Diverse Reading Collection American Government Final Study Guide

10. Overcoming Reading Challenges

- Dealing with Digital Eye Strain
- Minimizing Distractions
- Managing Screen Time

11. Cultivating a Reading Routine American Government Final Study Guide

- Setting Reading Goals American Government Final Study Guide
- Carving Out Dedicated Reading Time

12. Sourcing Reliable Information of American Government Final Study Guide

- Fact-Checking eBook Content of American Government Final 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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