

American Government Chapter 5

Civil Rights

- Civil rights- guarantees by the government that it will treat people equally, particularly people belonging to groups that have been historically discriminated against
- The due process clause of the 5th amendment reinforces that "all men are created equal"
- Equal protection clause (14th amendment)- no state shall deny any person within its jurisdiction the equal protection of the laws
 - All people similarly circumstanced shall be treated equal
- Liberties are protected freedoms, rights are equal treatment
- There are cases of legal discrimination, like alcohol and nicotine age
 - Legal discrimination must have purpose
- Rational basis test- as long as there's a reason for treating some people differently that is rationally legitimate, the discriminatory act or law is acceptable
 - Courts apply more strict rules on race, ethnicity, gender, religion and origin based discriminatory laws because of U.S.'s history
- Intermediate scrutiny- requires the government to demonstrate that treating men and women differently is substantially related to a governmental objective
 - Craig v Boren (1976) and Clark v Jeter (1988)
- Strict scrutiny- burden of proof is on the government to demonstrate that there is a compelling governmental interest in treating one group differently
 - For racial, ethnic or religious discrimination
- Affirmative action- government programs and policies designed to benefit members of groups historically subject to discrimination
- Black codes- laws designed to reduce formerly enslaved people to the status of serfs or indentured servants post civil war
- How to identify discrimination
 - Which group is being discriminated against?
 - Which rights are threatened?
 - What do we do?

African American Rights

- Dred Scott v. Sanford (1857)
 - Determined that if african americans free or enslaved could not become U.S citizens

American Government Chapter 5

D Keegan



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Table of Contents American Government Chapter 5

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

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