

POLS 1101: American Government

Chapter 5 Study Guide

Chapter 5: Civil Liberties

2. Civil Liberties: Foundational Concepts

- Be sure to know and understand the definition of civil liberties.
 - Legal rights designed to protect individuals from abuse of power by government

The Nature and Constitutional Sources of Civil Liberties

- Do constitutions protect civil liberties against infringement by private individuals (or businesses) or do constitutions only protect against infringement by government?
 - Only protect against infringement by government
- Did civil liberties listed in the Bill of Rights of the U.S. Constitution apply to actions taken by *state* governments prior to the Civil War? Did they apply to actions taken by the *federal* government prior to the Civil War?
 - They applied to actions taken by the federal govt only

Judicial Enforcement and Interpretation of Civil Liberties

- What is "Incorporation"? What does it have to do with the Due Process Clause of the 14th Amendment?
 - When the supreme court holds that a civil liberty from the bill of rights applies to state govts through 14th amendment ; the clause was protected against state govt. By this process clause
 - o What's the difference between "selective incorporation" and "total incorporation"? Which approach has the U.S. Supreme Court used?
 - Gradual process by which the supreme court has chosen which civil liberties from bill of rights to incorporate through 14th amendment due
 - The idea that all of the civil liberties protected by the bill of rights should automatically be incorporated into the due process clause all at once
- These two concepts are closely tied to the Due Process Clause of the 14th Amendment: (1) Incorporation and (2) Unenumerated Constitutional Rights. What's the difference between those two constitutional sources of civil liberties?
 - Enumerated: rights that are said to be implied by the constitution but that are not actually mentioned in it
 - The difference between the two is in how liberties protected are discovered

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Answers

Lei Huang



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