

The University of the State of New York

REGENTS HIGH SCHOOL EXAMINATION

**UNITED STATES HISTORY
AND GOVERNMENT**

Wednesday, January 28, 2015 — 9:15 a.m. to 12:15 p.m., only

Student Name _____

School Name _____

The possession or use of any communications device is strictly prohibited when taking this examination. If you have or use any communications device, no matter how briefly, your examination will be invalidated and no score will be calculated for you.

Print your name and the name of your school on the lines above. A separate answer sheet for Part I has been provided to you. Follow the instructions from the proctor for completing the student information on your answer sheet. Then fill in the heading of each page of your essay booklet.

This examination has three parts. You are to answer **all** questions in all parts. Use black or dark-blue ink to write your answers to Parts II, III A, and III B.

Part I contains 50 multiple-choice questions. Record your answers to these questions as directed on the answer sheet.

Part II contains one thematic essay question. Write your answer to this question in the essay booklet, beginning on page 1.

Part III is based on several documents:

Part III A contains the documents. When you reach this part of the test, enter your name and the name of your school on the first page of this section.

Each document is followed by one or more questions. Write your answer to each question in this examination booklet on the lines following that question.

Part III B contains one essay question based on the documents. Write your answer to this question in the essay booklet, beginning on page 7.

When you have completed the examination, you must sign the declaration printed at the end of the answer sheet, indicating that you had no unlawful knowledge of the questions or answers prior to the examination and that you have neither given nor received assistance in answering any of the questions during the examination. Your answer sheet cannot be accepted if you fail to sign this declaration.

DO NOT OPEN THIS EXAMINATION BOOKLET UNTIL THE SIGNAL IS GIVEN.

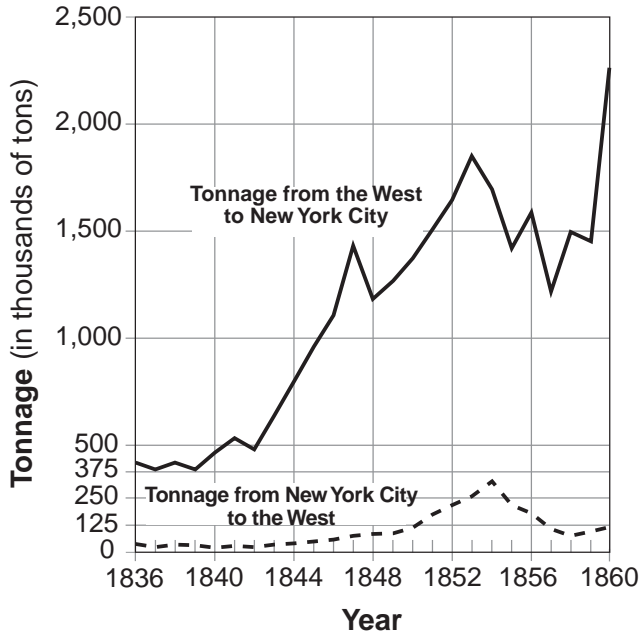
Part I

Answer all questions in this part.

Directions (1–50): For each statement or question, record on your separate answer sheet the *number* of the word or expression that, of those given, best completes the statement or answers the question.

Base your answers to questions 1 and 2 on the graph below and on your knowledge of social studies.

**Shipping Tonnage on the Erie Canal,
1836–1860**



— Douglass C. North, *The Economic Growth of the United States, 1790–1860*, W.W. Norton & Company (adapted)

- 1 Information on the graph most clearly supports the conclusion that the Erie Canal
- (1) slowed migration to the Midwest
 - (2) replaced railroads as the main method of transportation
 - (3) improved transportation between the Hudson River and the Great Lakes
 - (4) relied on the development of steamboats for canal use
- 2 One major result of the completion of the Erie Canal was that
- (1) the population of Rochester fell
 - (2) shipping on Lake Champlain decreased
 - (3) manufacturing along the canal declined
 - (4) New York City became the nation's commercial center

- 3 Which factor most influenced the economic development of the colonial South?
- (1) plentiful forests
 - (2) warm and wet growing seasons
 - (3) rich deposits of iron ore and coal
 - (4) abundant water power for manufacturing

Base your answer to question 4 on the passage below and on your knowledge of social studies.

...The Jury withdrew, and in a small time returned, and being asked by the clerk, whether they were agreed of their verdict, and whether John Peter Zenger was guilty of printing and publishing the libels in the information mentioned? They answered by Thomas Hunt, their foreman, Not Guilty. Upon which there were three huzzas [cheers] in the hall which was crowded with people, and the next day I was discharged from my imprisonment.

— John Peter Zenger, 1734

- 4 The court case discussed in this passage was important in the development of colonial America because it helped establish the principle of
- (1) freedom of the press
 - (2) double jeopardy
 - (3) freedom of assembly
 - (4) judicial independence
-
- 5 The social contract theory as used in the Declaration of Independence was most directly influenced by the writings of
- (1) John Locke
 - (2) Adam Smith
 - (3) Voltaire
 - (4) Benjamin Franklin

6 Under the Articles of Confederation, the years between 1781 and 1787 are often referred to as the “critical period” because the

- (1) colonies were forced to pay high reparations to England
- (2) states were fighting the French and Indian War
- (3) southern states threatened to secede from the Union over the issue of slavery
- (4) central government lacked the power to deal with major problems

7 Which power regarding the federal judiciary was established in *Marbury v. Madison*?

- (1) The president appoints all federal judges.
- (2) The Congress creates lower federal courts.
- (3) Members of the federal courts serve life terms.
- (4) Federal laws may be declared unconstitutional.

8 Secretary of the Treasury Alexander Hamilton supported the creation of the Bank of the United States because it would

- (1) increase the power of state banks
- (2) raise revenue to reduce the need for tariffs
- (3) help ensure the economic stability of the new nation
- (4) provide low-cost loans to farmers

9 President George Washington’s leadership during the Whiskey Rebellion (1794) was important because it

- (1) showed the ability of the new government to enforce federal law
- (2) helped assure his reelection to a third term
- (3) forced frontier farmers to limit grain production
- (4) halted British fort construction in the Northwest

10 What is a major result of the Supreme Court decisions in *McCulloch v. Maryland* (1819) and *Gibbons v. Ogden* (1824)?

- (1) Abuses of power by the president were prevented.
- (2) The powers of the federal government were expanded.
- (3) The powers of Congress over the territories were reduced.
- (4) Freedoms guaranteed in the Bill of Rights were restricted.

Base your answer to question 11 on the time line below and on your knowledge of social studies.

1803 — Louisiana Purchase Treaty established western boundary of United States.

1818 — Convention with Britain established northern boundary of Louisiana Territory.

1819 — Adams-Onís Treaty granted Florida to United States.

1842 — Webster-Ashburton Treaty established Maine-Canada border.

1846 — Treaty of Oregon established northern boundary of Oregon Territory.

11 The time line shows that the major way the United States gained territory in the early 19th century was through

- | | |
|---------------|----------------------|
| (1) war | (3) executive orders |
| (2) diplomacy | (4) arbitration |

12 In the 1830s, President Andrew Jackson supported the Indian removal policy because

- (1) white settlers desired the land on which Native American Indians lived
- (2) Native American Indians were attacking southern cities
- (3) he wanted to punish Native American Indians for their political opposition
- (4) he sought complete control of Texas by the United States

Base your answer to question 13 on the painting below and on your knowledge of social studies.

Westward the Course of Empire Takes Its Way



Source: Emanuel Leutze, 1861

- 13 Which point of view is being conveyed by the artist?
- (1) praise for Manifest Destiny
 - (2) opposition to the end of slavery
 - (3) opposition to the purchase of Alaska
 - (4) encouragement of industrial development
-

Base your answers to questions 14 and 15 on the speakers' statements below and on your knowledge of social studies.

Speaker A: The right way to settle the question of slavery in the territories is to let the people who live there determine if their state is to be slave or free.

Speaker B: The Supreme Court's decision in *Dred Scott v. Sanford* is exactly what this country needs. Perhaps now the abolitionists will stop their meddling.

Speaker C: Secession is unlawful and treasonous. Everything possible must be done to preserve the Union.

Speaker D: The rights of the states must be protected. The federal government is exceeding its authority.

14 The solution proposed by *Speaker A* is known as

- (1) nullification
- (2) popular sovereignty
- (3) the spoils system
- (4) federal supremacy

15 Which speaker most accurately represents the opinions of President Abraham Lincoln?

- (1) *A*
 - (2) *B*
 - (3) *C*
 - (4) *D*
-

16 Black Codes were established in the South immediately after the Civil War in an effort to

- (1) integrate freedmen into American society
- (2) enforce the Emancipation Proclamation
- (3) expand educational opportunities
- (4) limit the rights of newly freed African Americans

Base your answers to questions 17 and 18 on the speakers' statements below and on your knowledge of social studies.

Speaker A: The government should not interfere with business. The market will regulate itself over time. Successful businesses will remain, while inefficient ones will be eliminated.

Speaker B: The inequalities resulting from unregulated capitalism are too vast. The individual worker and consumer are at the mercy of business owners. The government must do something to protect the people.

Speaker C: Government should own and manage the principal manufacturing, transportation, and banking industries.

Speaker D: The workers should control the industries in which they work. Profits should be shared equally among them.

17 Which action by the federal government was a step toward the approach to business favored by *Speaker B*?

- (1) passage of the Transcontinental Railway Act
- (2) passage of the Sherman Antitrust Act
- (3) creation of the civil service system
- (4) decision by the Supreme Court in *United States v. E. C. Knight Co.*

18 Which speaker is expressing a viewpoint that is most consistent with the principles of laissez-faire economics?

- (1) *A*
 - (2) *B*
 - (3) *C*
 - (4) *D*
-

Base your answer to question 19 on the photographs below and on your knowledge of social studies.

Apache children on arrival at the Carlisle Indian School (Pennsylvania), 1886



Apache children at the Carlisle Indian School four months later, 1887



Source: National Museum of the American Indian, Smithsonian Institution

- 19 This pair of photographs suggests that the major purpose of the Carlisle Indian School was to
- (1) train future leaders in tribal traditions
 - (2) prepare children for life on the reservation
 - (3) teach skills needed for working in factories
 - (4) promote cultural assimilation

20 A major cause of antagonism toward the “new immigrants” who came to the United States after 1880 was the belief that they

- (1) were better educated than native-born Americans
- (2) had a higher standard of living than most Americans
- (3) adapted easily to American culture
- (4) competed with Americans for jobs as unskilled laborers

21 Secretary of State John Hay sent his Open Door Notes (1899–1900) to world powers to

- (1) keep Chinese workers from coming to America
- (2) secure a fair settlement in the Russo-Japanese War
- (3) protect United States trading interests in China
- (4) bring a peaceful end to the Boxer Rebellion

22 “...We therefore formulate, and for ourselves adopt the following pledge, asking our sisters and brothers of a common danger and a common hope, to make common cause with us, in working its reasonable and helpful precepts [principles] into the practice of everyday life.

I hereby solemnly promise, God helping me, to abstain from all distilled, fermented and malt liquors, including wine, beer and cider, and to employ all proper means to discourage the use of and traffic in the same....”

— National Woman’s Christian Temperance Union, 1908 (adapted)

According to this passage, those who adopted this pledge believed that

- (1) religion had no place in national politics
- (2) Congress should repeal Prohibition
- (3) alcohol consumption was damaging to society
- (4) only the government can solve social problems

- 23 One major goal of the Progressive movement was to
- (1) balance the federal budget by decreasing spending
 - (2) provide unemployment insurance to workers
 - (3) limit direct citizen control over government
 - (4) pass laws to help solve economic and social problems
- 24 One foreign policy goal of President Theodore Roosevelt was to
- (1) create future states by annexing Pacific island territories
 - (2) restrict European intervention in the Western Hemisphere
 - (3) limit United States investment in Latin America
 - (4) encourage independence movements in Africa
- 25 W. E. B. Du Bois and Booker T. Washington most strongly disagreed over which issue?
- (1) the constitutionality of the Sherman Antitrust Act
 - (2) the construction of the Panama Canal
 - (3) methods to achieve racial equality
 - (4) support for the Allies in World War I
- 26 After World War I, senators who opposed United States participation in the League of Nations argued that American membership in the organization would
- (1) limit the power of the president
 - (2) make trade with nonmember nations more difficult
 - (3) force the country to end traditional military alliances
 - (4) involve the nation in future world conflicts
- 27 The Great Migration during World War I refers to the movement of
- (1) factory workers from the Northeast to the Sun Belt
 - (2) communists deported to Russia as undesirable aliens
 - (3) African Americans to northern cities to find work
 - (4) refugees fleeing from eastern Europe to the United States
- 28 What was a major factor leading to the erosion of regional cultural differences in the 1920s?
- (1) development of television
 - (2) growing popularity of radio and motion pictures
 - (3) publication of novels by F. Scott Fitzgerald and Sinclair Lewis
 - (4) expansion of air travel after Charles Lindbergh's flight
- 29 During the 1920s, the trial of Sacco and Vanzetti, the Palmer raids, and the revival of the Ku Klux Klan demonstrate that
- (1) nativist sentiments were on the rise
 - (2) cultural values were similar between urban and rural Americans
 - (3) popular support for international involvement was increasing
 - (4) public support for limiting immigration was declining
- 30 A major difference between the philosophies of President Herbert Hoover and President Franklin D. Roosevelt in responding to the Great Depression is that Roosevelt
- (1) wanted to rely on private charities to provide assistance
 - (2) stressed the need for individual self-reliance
 - (3) supported direct relief to people out of work
 - (4) thought the government should not be involved in economic reform
- 31 Which federal agency, created during the New Deal, was intended to prevent serious problems in the stock market?
- (1) Social Security Administration
 - (2) Works Progress Administration
 - (3) Agricultural Adjustment Administration
 - (4) Securities and Exchange Commission

Base your answers to questions 32 and 33 on the cartoon below and on your knowledge of social studies.



Source: Joseph Parrish, *Chicago Tribune*, February 8, 1937

32 The main idea of this 1937 cartoon about President Franklin D. Roosevelt is that the president is

- (1) trying to increase the public's respect for the Supreme Court
- (2) seeking the Supreme Court's help against his political opponents
- (3) attempting to exercise too much influence over the Supreme Court
- (4) refusing to allow the Supreme Court to review legislation

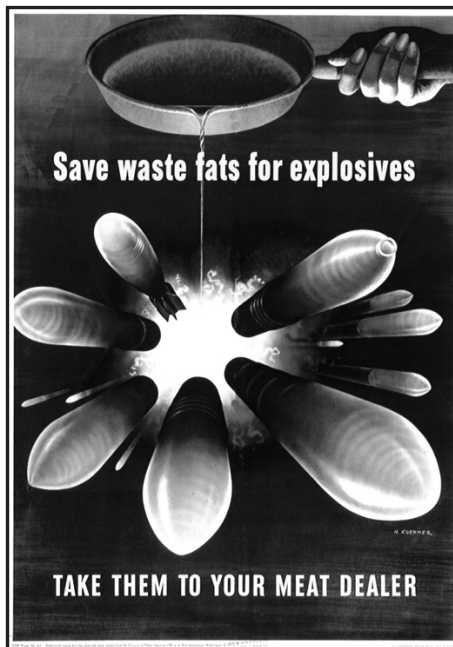
33 One outcome of the situation referred to in the cartoon was that

- (1) President Roosevelt decided not to seek reelection
- (2) the Supreme Court ended most New Deal programs
- (3) President Roosevelt was impeached for abuse of his powers
- (4) Congress rejected President Roosevelt's effort to pack the Supreme Court

Base your answer to question 34 on the illustrations below and on your knowledge of social studies.



Source: War Production Board, 1943



Source: Office of War Information, 1943

- 34 These illustrations were used during World War II to encourage women to
- (1) raise revenue by buying war bonds
 - (2) conserve household products to support the war effort
 - (3) donate food to help feed the Allied forces
 - (4) support the war effort by working in defense industries

- 35 After World War II, the legal basis for the criminal trials of German and Japanese wartime officials by the Allies was that these officials had
- (1) overthrown monarchies by force
 - (2) violated nonaggression pacts
 - (3) committed crimes against humanity
 - (4) established communist police states

- 36 The North Atlantic Treaty Organization (NATO) was formed in 1949 primarily to
- (1) provide for the mutual defense of the member nations
 - (2) promote social and cultural exchanges between members
 - (3) promote free trade between the United States and Asia
 - (4) rebuild Western Europe's war-ravaged economy

Base your answer to question 37 on the passage below and on your knowledge of social studies.

...It is hereby declared to be the policy of the President that there shall be equality of treatment and opportunity for all persons in the armed services without regard to race, color, religion or national origin. This policy shall be put into effect as rapidly as possible, having due regard to the time required to effectuate any necessary changes without impairing efficiency or morale. ...

— President Harry Truman, Executive Order 9981, July 26, 1948

- 37 According to the passage, the principal goal of President Truman in issuing this executive order was to
- (1) stop the military draft
 - (2) end segregation in the armed forces
 - (3) increase opportunities for women to serve in combat
 - (4) ensure an adequate number of troops to fight in the Cold War

-
- 38 **“U.S. Sends Aid to Greece and Turkey”**
“China Falls to Red Communists”
“Senator Joe McCarthy Claims Communists Infest U.S. Government”

Which generalization regarding these headlines is most valid?

- (1) The Cold War affected United States domestic and foreign policy.
- (2) The Soviet Union assisted in the rebuilding of Japan after World War II.
- (3) The United States returned to a foreign policy of neutrality after World War II.
- (4) The United Nations led the effort to contain fascism.

Base your answers to questions 39 and 40 on the interview below and on your knowledge of social studies.

...[Reporter Mike] WALLACE: All right, sir. A Federal District Court has already ruled that Little Rock [Arkansas] Central High School should be integrated. And the reasons for preventing integration now are anemic [weak]. In view of your promise to the President [Dwight D. Eisenhower], will you respect this decision and give your okay to integration beginning tomorrow morning?

...[Governor Orval] FAUBUS: I've previously given my okay to integration. The Guard was not called out to prevent integration, but to keep the peace and order of the community. And, of course, I disagree with your preliminary statement that we are in defiance of a Federal Court order, based upon the premise that the peace and good order of the community is paramount to all other issues. ...

— Mike Wallace interview with Arkansas Governor Orval Faubus, September 15, 1957

- 39 The issue discussed in this interview grew out of an effort to enforce the Supreme Court decision in
- (1) *Dred Scott v. Sanford*
 - (2) *Plessy v. Ferguson*
 - (3) *Brown v. Board of Education of Topeka*
 - (4) *Heart of Atlanta Motel v. United States*
- 40 The confrontation between Governor Faubus and President Eisenhower referred to in this interview was ended by the
- (1) use of federal troops to protect African American students
 - (2) passage of the Voting Rights Act by Congress
 - (3) forced resignation of Governor Faubus
 - (4) immediate desegregation of all Southern schools

Base your answer to question 41 on the newspaper headlines below and on your knowledge of social studies.



Source: *New York Daily News*,
October 23, 1962 (adapted)

- 41 The crisis highlighted in these newspaper headlines was the
- (1) invasion of the Bay of Pigs in Cuba
 - (2) election of Fidel Castro as president of Cuba
 - (3) opposition of Cuba to the Alliance for Progress
 - (4) placement of nuclear missiles in Cuba by the Soviet Union
-
- 42 Which development was a direct result of the baby boom that followed World War II?
- (1) decrease in school construction
 - (2) increase in suburbanization
 - (3) decline in crime rates
 - (4) rise in immigration
- 43 During the 1960s and 1970s, Cesar Chavez worked to unionize migrant farm workers by
- (1) seizing the land of the lettuce and grape growers
 - (2) securing passage of federal legislation to limit immigration
 - (3) using nonviolent tactics such as boycotts and hunger strikes
 - (4) urging growers to reduce the workforce through mechanization

Base your answer to question 44 on the letter below and on your knowledge of social studies.

CLARK M. CLIFFORD
815 Connecticut Avenue
Washington, D.C. 20006

May 17, 1965

The President
The White House

Dear Mr. President:

...I believe our ground forces in South Vietnam should be kept to a minimum, consistent with the protection of our installations and property in that country. My concern is that a substantial buildup of U.S. ground troops would be construed by the Communists, and by the world, as a determination on our part to win the war on the ground.

This could be a quagmire. It could turn into an open end commitment on our part that would take more and more ground troops, without a realistic hope of ultimate victory.

I do not think the situation is comparable to Korea. The political posture of the parties involved, and the physical conditions, including terrain, are entirely different. ...

Respectfully yours,
Clark

— National Security Archive,
The George Washington University

- 44 What advice about United States involvement in Vietnam is President Lyndon B. Johnson being given in this letter?
- (1) Escalation of the Vietnam War is necessary to stop communist expansion.
 - (2) Increasing the United States military commitment to Vietnam would be a mistake.
 - (3) Victory in the Vietnam War will be assured if the president continues his policies.
 - (4) Military success in Vietnam is improving the president's chances for reelection.
-

Base your answer to question 45 on the cartoon below and on your knowledge of social studies.

“STRANGE — THEY ALL SEEM TO HAVE SOME CONNECTION WITH THIS PLACE”



Source: Herblock, *Washington Post*, June 23, 1972 (adapted)

- 45 The investigations that are the subject of this cartoon resulted in the
- (1) authorization of public financing of all federal elections
 - (2) eventual resignation of President Richard Nixon
 - (3) upholding of President Nixon’s right to executive privilege by the Supreme Court
 - (4) issuance of pardons for presidential aides

46 **“Iran Starts Uranium Enrichment Program”**
“North Korea Conducts Underground Atomic Tests”
“Pakistan Accused of Selling Atomic Secrets to Libya”

These headlines are most closely related to United States national security concerns over the

- (1) proliferation of nuclear weapons
- (2) construction of nuclear power plants
- (3) effectiveness of the nuclear test ban treaty
- (4) enforcement of the Strategic Arms Limitation Treaty

Base your answer to question 47 on the passage below and on your knowledge of social studies.

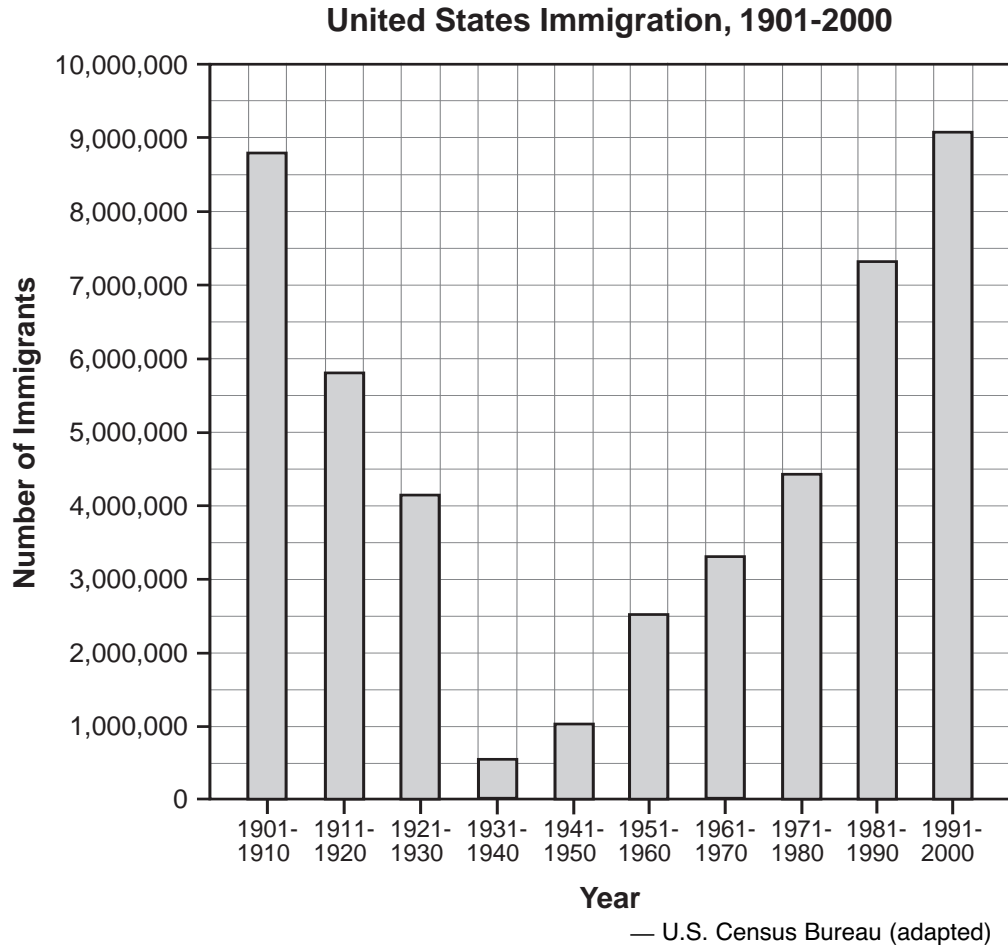
...Capitalism, demonstrably the greatest of the constructed economic systems, has in the past decade clearly proved its advantages over the alternative systems. The information highway will magnify those advantages. It will allow those who produce goods to see, a lot more efficiently than ever before, what buyers want, and will allow potential consumers to buy those goods more efficiently. Adam Smith would be pleased. More important, consumers everywhere will enjoy the benefits.

— Bill Gates, 1995

- 47 Which statement most accurately expresses the main idea of this passage?
- (1) Information technology will make it easier to buy and sell goods.
 - (2) Information technology will make capitalism obsolete.
 - (3) Government must regulate the information technology industry.
 - (4) The costs of information technology will outweigh its benefits.

- 48 The terms *containment*, *domino theory*, and *massive retaliation* are most closely associated with United States foreign policy efforts to
- (1) maintain neutrality during World War I (1914–1917)
 - (2) avoid conflict with Germany and Japan in the 1930s
 - (3) wage the Cold War in the 1950s
 - (4) increase trade with Latin America in the 1970s

Base your answers to questions 49 and 50 on the graph below and on your knowledge of social studies.



- 49 Which conclusion is most clearly supported by information in the graph?
- (1) Immigration increased in every decade throughout the 1900s.
 - (2) Immigrants have a higher birth rate than native-born Americans.
 - (3) Immigration is likely to decrease significantly in the future.
 - (4) Immigration in the 1990s was about the same as in the first decade of the 1900s.

- 50 The level of immigration shown on the graph for the 1930s and 1940s was mainly due to
- (1) the lack of free land in the United States
 - (2) a worldwide economic crisis and warfare
 - (3) nativist attacks on new immigrants
 - (4) improved political conditions in Europe

Answers to the essay questions are to be written in the separate essay booklet.

In developing your answer to Part II, be sure to keep these general definitions in mind:

- (a) **describe** means “to illustrate something in words or tell about it”
- (b) **discuss** means “to make observations about something using facts, reasoning, and argument; to present in some detail”

Part II

THEMATIC ESSAY QUESTION

Directions: Write a well-organized essay that includes an introduction, several paragraphs addressing the task below, and a conclusion.

Theme: Government (Congressional Legislation)

Throughout United States history, Congress has passed legislation to address important social and economic issues. These laws have often had a significant impact on the United States and/or on American society.

Task:

Select **two** pieces of legislation passed by the United States Congress and for **each**

- Describe the historical circumstances that led to the passage of the legislation
- Discuss the impact of the law on the United States and/or on American society

You may use any congressional legislation that was intended to address an important issue. Some suggestions you might wish to consider include:

Missouri Compromise (1820)	Wagner Act/National Labor Relations Act (1935)
Fugitive Slave Act (1850)	Interstate Highway Act (1956)
Homestead Act (1862)	Civil Rights Act (1964)
Meat Inspection Act (1906)	Title IX of the Education Amendments (1972)
Federal Reserve Act (1913)	North American Free Trade Agreement (1992)

You are *not* limited to these suggestions.

Do *not* use the USA Patriot Act because information on this act appears in the Document-Based Question.

Do *not* use a constitutional amendment as constitutional amendments are adopted through a different process than that used for congressional legislation.

Guidelines:

In your essay, be sure to:

- Develop all aspects of the task
- Support the theme with relevant facts, examples, and details
- Use a logical and clear plan of organization, including an introduction and a conclusion that are beyond a restatement of the theme

Part III

DOCUMENT-BASED QUESTION

This question is based on the accompanying documents. The question is designed to test your ability to work with historical documents. Some of these documents have been edited for the purposes of this question. As you analyze the documents, take into account the source of each document and any point of view that may be presented in the document. Keep in mind that the language used in a document may reflect the historical context of the time in which it was written.

Historical Context:

During times of national crisis, United States presidents have made controversial decisions affecting civil liberties. Three such decisions were **Abraham Lincoln's suspension of habeas corpus**, **Franklin D. Roosevelt's executive order to relocate Japanese Americans**, and **George W. Bush's signing of the USA Patriot Act**.

Task: Using the information from the documents and your knowledge of United States history, answer the questions that follow each document in Part A. Your answers to the questions will help you write the Part B essay in which you will be asked to

Choose *two* of the presidential decisions affecting civil liberties listed in the historical context and for *each*

- Describe the historical circumstances that led to this decision
- Discuss an argument of those *in favor of* **and** an argument of those *opposed to* this presidential decision

In developing your answers to Part III, be sure to keep these general definitions in mind:

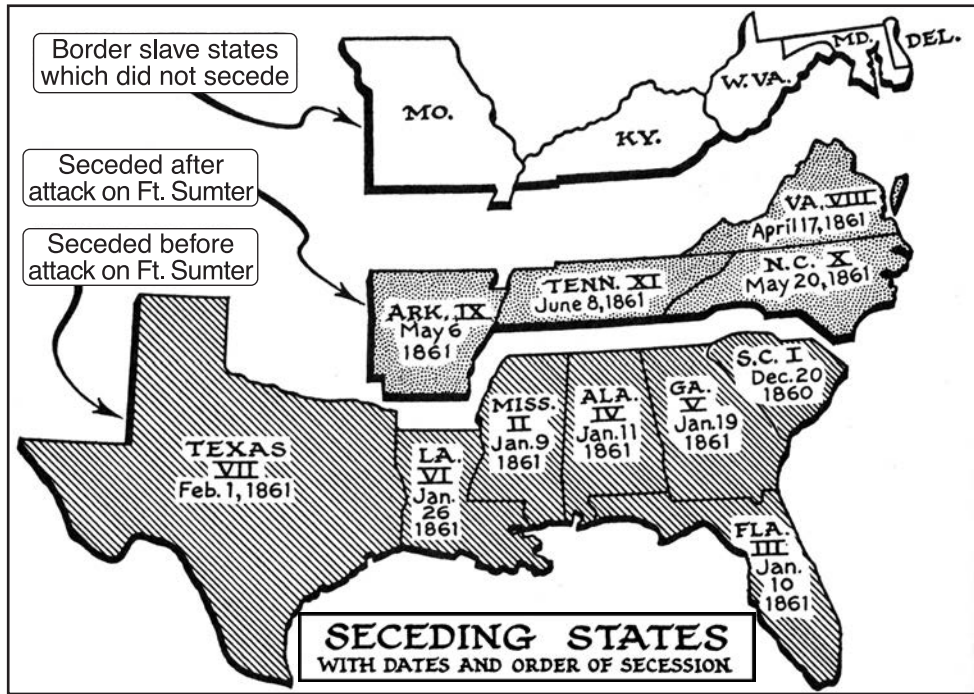
- (a) describe means “to illustrate something in words or tell about it”
- (b) discuss means “to make observations about something using facts, reasoning, and argument; to present in some detail”

Part A

Short-Answer Questions

Directions: Analyze the documents and answer the short-answer questions that follow each document in the space provided.

Document 1a



Source: Kennedy and Bailey, eds., *The American Spirit, Volume I: To 1877*, Houghton Mifflin, 2002 (adapted)

Document 1b

...After a mob in Baltimore attacked the 6th Massachusetts Infantry as it passed through the city on its way to defend Washington in April 1861, other Confederate sympathizers in Maryland tore down telegraph wires and burned railroad bridges linking the capital to the outside world. In response, Lincoln suspended the writ of habeas corpus [protection against unlawful detention] between Philadelphia and Washington. Subsequent presidential orders expanded the areas where the writ was suspended until a proclamation of September 24, 1862, suspended it throughout the whole country—North as well as South—and for good measure authorized martial law and trials by military courts of “all Rebels and Insurgents, their aiders and abettors [supporters]. . . and all persons discouraging volunteer enlistments, resisting militia drafts, or guilty of any disloyal practice, affording aid and comfort to Rebels against the authority of the United States.” ...

Source: James M. McPherson, *This Mighty Scourge: Perspectives on the Civil War*, Oxford University Press, 2007 (adapted)

1 Based on these documents, what are **two** problems faced by President Abraham Lincoln in 1861? [2]

(1) _____

Score

(2) _____

Score

Document 2a

On May 16, 1863, the Democratic Committee of Albany, NY, adopted several resolutions denouncing alleged abuses of the Constitution by President Abraham Lincoln. Document 2a is an excerpt from the president's letter responding to their criticism about the suspension of habeas corpus.

...Ours is a case of rebellion—so called by the resolutions before me—in fact, a clear, flagrant, and gigantic case of rebellion; and the provision of the Constitution that “the privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it,” is *the* provision which specially applies to our present case. ...

Source: President Abraham Lincoln, “The Truth from an Honest Man: The Letter of the President,” 1863

Document 2b

...In Lincoln's opinion, the framers of the Constitution had been wise to include a provision allowing for the suspension of the writ of *habeas corpus*, which was necessary to prevent “sudden and extensive uprisings against the government.” Lincoln explained to the Albany Democrats that Vallandigham's [former Ohio Congressman Clement Vallandigham] arrest was not, as they mistakenly believed, premised on his criticism of the administration. The Democrats had charged the administration with arresting Vallandigham in an effort to silence him, and the *Atlas and Argus* had opined [expressed the opinion] that “[t]he arrest is a threat against every public man who refuses to advocate the extreme measures of the Abolition Cabinet”; but Lincoln declared that Vallandigham had been arrested for his avowed hostility to the Union's war efforts, his laboring to prevent the raising of troops, and his encouragement of desertions from the army.

Furthermore, Vallandigham's efforts, aimed at damaging the army and leaving the Union without an adequate military force to suppress the rebellion, were intolerable to the administration and antithetical [opposed] to the Union's attempt to preserve the nation. Lincoln explained that experience showed that armies could not be maintained unless those who deserted were punished by death. He believed that Vallandigham's efforts to encourage desertions were equally detrimental to the nation and should likewise be punished by death. Then came the most-remembered passage of Lincoln's reply: “Must I shoot a simple-minded soldier boy who deserts, while I must not touch a hair of a wily agitator who induces him to desert? ... I think that in such a case, to silence the agitator, and save the boy, is not only constitutional, but, withal, a great mercy.” ...

Source: Frank J. Williams, “When Albany Challenged the President,” *New York Archives*, Winter 2009

- 2 Based on these documents, what is **one** argument used to **support** the suspension of the writ of habeas corpus by President Lincoln? [1]

Score

Document 3a

...The clause of the constitution, which authorizes the suspension of the privilege of the writ of habeas corpus, is in the 9th section of the first article. This article is devoted to the legislative department of the United States, and has not the slightest reference to the executive department. It begins by providing “that all legislative powers therein granted, shall be vested in a congress of the United States, which shall consist of a senate and house of representatives.” And after prescribing the manner in which these two branches of the legislative department shall be chosen, it proceeds to enumerate specifically the legislative powers which it thereby grants [and legislative powers which it expressly prohibits]; and at the conclusion of this specification, a clause is inserted giving congress “the power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or office thereof.” ...

Source: Chief Justice Roger B. Taney, *Ex Parte Merryman*, May 1861 (adapted)

3a According to this document, why does Chief Justice Roger Taney think President Abraham Lincoln does **not** have the right to suspend habeas corpus? [1]

Score

Document 3b

...These actions were contentious [controversial] at the time; the suspension of habeas corpus and the creation of military courts, if not the Emancipation Proclamation, remain controversial among historians today. Lincoln’s use of these war powers established precedents invoked by subsequent presidents in wartime. Whether they were constitutional or necessary in the 1860s or in later wars remains a matter of dispute. In the *Milligan* case of 1866 the U.S. Supreme Court declared unconstitutional the trial of civilians by military courts in areas where the civil courts are open. And some of the Lincoln administration’s actions, such as the arrest of Maryland legislators and other officials in September 1861, seemed excessive and unjustified by any reasonable military necessity. ...

Source: James M. McPherson, *Tried By War: Abraham Lincoln as Commander in Chief*, Penguin Press, 2008 (adapted)

3b According to James McPherson, what is **one** argument used by those who **opposed** the suspension of habeas corpus by President Lincoln? [1]

Score

Document 4a

Mr. Vice President, and Mr. Speaker, and Members of the Senate and House of Representatives: Yesterday, December 7, 1941—a date which will live in infamy—the United States of America was suddenly and deliberately attacked by naval and air forces of the Empire of Japan.

The United States was at peace with that Nation and, at the solicitation of Japan, was still in conversation with its Government and its Emperor looking toward the maintenance of peace in the Pacific. ...

As Commander in Chief of the Army and Navy I have directed that all measures be taken for our defense.

But always will our whole Nation remember the character of the onslaught against us. ...

Source: President Franklin D. Roosevelt, Address to Congress, December 8, 1941

Document 4b

...The Army, however, justified evacuation on the grounds of military necessity. According to DeWitt's [General John L. DeWitt, chief of the army's Western Defense Command] report: "The continued presence of a large, unassimilated, tightly knit racial group, bound to an enemy nation by strong ties of race, culture, custom and religion along a frontier vulnerable to attack constituted a menace which had to be dealt with." Even the absence of any overt act of sabotage caused suspicion, for it was taken as proof that plans had been carefully worked out and an "invisible deadline" was drawing near. Yet while the threat of Japanese forays [attacks] against the West Coast was not in fact removed until after the Battle of Midway in June 1942, and while the supposition that all Japanese-Americans were potential fifth columnists [spies] drew strength from a report on Pearl Harbor that erroneously ascribed [attributed] American losses to espionage, the Army's decision to relocate all Japanese resulted as much from the clamor of pressure groups as from an appraisal of military risk. "There's a tremendous volume of public opinion now developing against the Japanese of all classes," DeWitt reported late in January. "As a matter of fact, it's not being instigated or developed by people who are not thinking but by the best people of California." ...

Source: Richard Polenber, *War and Society: The United States 1941–1945*, J.B. Lippincott Company (adapted)

4 Based on these documents, state **two** circumstances that led to President Roosevelt's decision to relocate Japanese Americans living on the West Coast of the United States. [2]

(1) _____

Score

(2) _____

Score

Document 5a

Their Best Way to Show Loyalty

Japanese leaders in California who are counseling their people, both aliens and native-born, to co-operate with the Army in carrying out the evacuation plans are, in effect, offering the best possible way for all Japanese to demonstrate their loyalty to the United States.

Many aliens and practically all the native-born have been protesting their allegiance to this Government. Although their removal to inland districts outside the military zones may inconvenience them somewhat, even work serious hardships upon some, they must certainly recognize the necessity of clearing the coastal combat areas of all possible fifth columnists and saboteurs. Inasmuch as the presence of enemy agents cannot be detected readily when these areas are thronged by Japanese the only course left is to remove all persons of that race for the duration of the war. ...

Real danger would exist for all Japanese if they remained in the combat area. The least act of sabotage might provoke angry reprisals that easily could balloon into bloody race riots.

We must avoid any chance of that sort of thing. The most sensible, the most humane way to insure against it is to move the Japanese out of harm's way and to make it as easy as possible for them to go and to remain away until the war is over.

Source: *San Francisco News*, editorial, March 6, 1942

Document 5b

All Packed Up and Ready To Go



Source: Douglas Rodger, *San Francisco News*, March 6, 1942 (adapted)

- 5 Based on these documents, what was **one** argument of the *San Francisco News* to **support** the removal of the Japanese from the West Coast? [1]

Score

Document 6

United States Supreme Court Justice Frank Murphy disagreed with the majority decision in *Korematsu v. United States*. His dissent focused on the reasons the forced evacuation of Japanese Americans was unconstitutional.

...The main reasons relied upon by those responsible for the forced evacuation, therefore, do not prove a reasonable relation between the group characteristics of Japanese Americans and the dangers of invasion, sabotage and espionage. The reasons appear, instead, to be largely an accumulation of much of the misinformation, half-truths and insinuations that for years have been directed against Japanese Americans by people with racial and economic prejudices—the same people who have been among the foremost advocates of the evacuation. A military judgment based upon such racial and sociological considerations is not entitled to the great weight ordinarily given the judgments based upon strictly military considerations. Especially is this so when every charge relative to race, religion, culture, geographical location, and legal and economic status has been substantially discredited by independent studies made by experts in these matters. ...

I dissent, therefore, from this legalization of racism. Racial discrimination in any form and in any degree has no justifiable part whatever in our democratic way of life. It is unattractive in any setting, but it is utterly revolting among a free people who have embraced the principles set forth in the Constitution of the United States. All residents of this nation are kin in some way by blood or culture to a foreign land. Yet they are primarily and necessarily a part of the new and distinct civilization of the United States. They must, accordingly, be treated at all times as the heirs of the American experiment, and as entitled to all the rights and freedoms guaranteed by the Constitution.

Source: Justice Frank Murphy, Dissenting Opinion, *Korematsu v. United States*, December 18, 1944 (adapted)

6 State **one** reason Supreme Court Justice Frank Murphy believed the forced evacuation of Japanese Americans was unconstitutional. [1]

Score

Document 7

...On September 11th, enemies of freedom committed an act of war against our country. Americans have known wars, but for the past 136 years, they have been wars on foreign soil, except for one Sunday in 1941. Americans have known the casualties of war, but not at the center of a great city on a peaceful morning. Americans have known surprise attacks, but never before on thousands of civilians. All of this was brought upon us in a single day, and night fell on a different world, a world where freedom itself is under attack. ...

Tonight we face new and sudden national challenges. We will come together to improve air safety, to dramatically expand the number of air marshals on domestic flights and take new measures to prevent hijacking. We will come together to promote stability and keep our airlines flying, with direct assistance during this emergency.

We will come together to give law enforcement the additional tools it needs to track down terror here at home. We will come together to strengthen our intelligence capabilities, to know the plans of terrorists before they act and find them before they strike. ...

Source: President George W. Bush, Address Before Joint Session of Congress, September 20, 2001

7 Why did President George W. Bush call for a strengthening of law enforcement programs in 2001? [1]

Score

Document 8

Congress passed the Patriot Act just weeks after the September 11 attacks by overwhelming margins in the House and Senate. In the House, the vote was 357 to 66; in the Senate 98 to 1.

Many of the tools the Act provides to law enforcement to fight terrorism have been used for decades to fight organized crime and drug dealers, and have been reviewed and approved by the courts. The Patriot Act largely applies current law to the crimes of terrorism, including the use of chemical weapons, weapons of mass destruction, killing Americans abroad and financing terrorist activities.

There have been reports in the media about the Patriot Act, and how it will affect our civil liberties. In many cases, there are grave misunderstandings about several provisions in the Act. After learning more about the Act, I hope Americans can separate myth from reality. ...

Since the Patriot Act was signed into law, federal investigators have disrupted terror cells in at least six American cities and the Department of Justice has charged over 300 persons in terrorism-related investigations. So far, more than half of those individuals have been convicted or pled guilty. ...

The government's success in preventing another catastrophic attack on the American homeland since September 11th would have been much more difficult, if not impossible, without the Patriot Act.

Source: Congressman Lamar Smith, "The Patriot Act Protects Americans," April 23, 2004

8a According to Congressman Lamar Smith, what was the purpose of the USA Patriot Act? [1]

Score

b In 2004, what was *one* reason Congressman Lamar Smith believed the USA Patriot Act had been successful? [1]

Score

Document 9a

WASHINGTON, March 22 — Battle lines were drawn Tuesday in the debate over the government's counterterrorism powers, as an unlikely coalition of liberal civil-rights advocates, conservative libertarians, gun-rights supporters and medical privacy advocates voiced their objections to crucial parts of the law that expanded those powers after the attacks of Sept. 11, 2001.

Keeping the law intact "will do great and irreparable harm" to the Constitution by allowing the government to investigate people's reading habits, search their homes without notice and pry into their personal lives, said Bob Barr, a former Republican congressman who is leading the coalition.

Mr. Barr voted for the law, known as the USA Patriot Act, in the House just weeks after the Sept. 11 attacks but has become one of its leading critics, a shift that reflects the growing unease among some conservative libertarians over the expansion of the government's powers in fighting terrorism.

He joined with other conservatives as well as the American Civil Liberties Union on Tuesday in announcing the creation of the coalition, which hopes to curtail some of the law's more sweeping law-enforcement provisions. ...

The coalition of liberals and conservatives said it had no quarrel with the majority of the expanded counterterrorism tools that the law provided, some of which amounted to modest upgrades in the government's ability to use modern technology in wiretapping phone calls and the like.

But the group said it would focus its efforts on urging Congress to scale back three provisions of the law that let federal agents conduct "sneak and peek" searches of a home or business without immediately notifying the subject of such searches; demand records from institutions like libraries and medical offices; and use a broad definition of terrorism in pursuing suspects. ...

Source: Eric Lichtblau, "Coalition Forms to Oppose Parts of Antiterrorism Law," *New York Times*, March 23, 2005

Jasper County Public Library

A Warning From Your Library

Although the Jasper County Public Library makes every effort to protect your privacy, under the USA PATRIOT Act (Public Law 107-56), records of all the materials you borrow from this library may be obtained by federal agents and your Internet use could be monitored. This federal law prohibits library staff from informing you if federal agents have obtained records about you.

Source: Jasper County (Indiana) Public Library, January 12, 2011 (adapted)

9 Based on these documents, what are *two* reasons for opposition to the USA Patriot Act? [2]

(1) _____

Score

(2) _____

Score

Part B

Essay

Directions: Write a well-organized essay that includes an introduction, several paragraphs, and a conclusion. Use evidence from *at least four* documents in your essay. Support your response with relevant facts, examples, and details. Include additional outside information.

Historical Context:

During times of national crisis, United States presidents have made controversial decisions affecting civil liberties. Three such decisions were **Abraham Lincoln's suspension of habeas corpus**, **Franklin D. Roosevelt's executive order to relocate Japanese Americans**, and **George W. Bush's signing of the USA Patriot Act**.

Task: Using the information from the documents and your knowledge of United States history, write an essay in which you

Choose *two* of the presidential decisions affecting civil liberties listed in the historical context and for *each*

- Describe the historical circumstances that led to this decision
- Discuss an argument of those *in favor of* **and** an argument of those *opposed to* this presidential decision

Guidelines:

In your essay, be sure to

- Develop all aspects of the task
- Incorporate information from *at least four* documents
- Incorporate relevant outside information
- Support the theme with relevant facts, examples, and details
- Use a logical and clear plan of organization, including an introduction and a conclusion that are beyond a restatement of the theme

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