

# FOR TEACHERS ONLY

The University of the State of New York

REGENTS HIGH SCHOOL EXAMINATION

## UNITED STATES HISTORY AND GOVERNMENT

Thursday, January 27, 2011 — 9:15 a.m. to 12:15 p.m., only

### SCORING KEY FOR PART I AND RATING GUIDE FOR PART II (THEMATIC ESSAY)

Updated information regarding the rating of this examination may be posted on the New York State Education Department's web site during the rating period. Visit the site <http://www.p12.nysed.gov/osa/> and select the link "Scoring Information" for any recently posted information regarding this examination. This site should be checked before the rating process for this examination begins and at least one more time before the final scores for the examination are recorded.

#### Contents of the Rating Guide

For **Part I** (Multiple-Choice Questions):

- Scoring Key

For **Part II** (thematic) essay:

- A content-specific rubric
- Prescored answer papers. Score levels 5 and 1 have two papers each, and score levels 4, 3, and 2 have three papers each. They are ordered by score level from high to low.
- Commentary explaining the specific score awarded to each paper
- Five prescored practice papers

General:

- Test Specifications
- Web addresses for the test-specific conversion chart and teacher evaluation forms

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Albany, New York 12234

VOLUME  
**1 OF 2**  
MC & THEMATIC

United States History  
and Government

January 27, 2011

#### Part I

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## Mechanics of Rating

The following procedures are to be used in rating papers for this examination. More detailed directions for the organization of the rating process and procedures for rating the examination are included in the *Information Booklet for Scoring the Regents Examination in Global History and Geography and United States History and Government*.

### Scoring the Part I Multiple-Choice Questions

On the detachable answer sheet, indicate by means of a checkmark each incorrect or omitted answer to multiple-choice questions; do not place a checkmark beside a correct answer. Use only red ink or red pencil. In the box provided on the answer sheet, record the number of questions the student answered correctly in Part I.

### Rating the Essay Question

- (1) Follow your school's procedures for training raters. This process should include:

*Introduction to the task—*

- Raters read the task
- Raters identify the answers to the task
- Raters discuss possible answers and summarize expectations for student responses

*Introduction to the rubric and anchor papers—*

- Trainer leads review of specific rubric with reference to the task
- Trainer reviews procedures for assigning holistic scores, i.e., by matching evidence from the response to the rubric
- Trainer leads review of each anchor paper and commentary

*Practice scoring individually—*

- Raters score a set of five papers independently without looking at the scores and commentaries provided
- Trainer records scores and leads discussion until the raters feel confident enough to move on to actual rating

- (2) When actual rating begins, each rater should record his or her individual rating for a student's essay on the rating sheet provided, *not* directly on the student's essay or answer sheet. The rater should *not* correct the student's work by making insertions or changes of any kind.
- (3) Each essay must be rated by at least two raters; a third rater will be necessary to resolve scores that differ by more than one point.

**United States History and Government**  
**Content-Specific Rubric**  
**Thematic Essay**  
**January 2011**

**Theme: Diversity (Constitutional Rights)**

Throughout United States history, Supreme Court decisions have addressed the issue of the constitutional rights of various groups. These decisions have limited or expanded the rights of members of these groups.

**Task:** Identify *two* Supreme Court cases related to the rights of specific groups and for *each*

- Describe the historical circumstances surrounding the case
- Explain the Supreme Court's decision in the case
- Discuss how the Supreme Court decision limited *or* expanded the constitutional rights of members of this group

You may use any Supreme Court case from your study of United States history in which the Supreme Court addressed the issue of the constitutional rights of various groups. Some suggestions you might wish to consider include *Worcester v. Georgia* (1832), *Dred Scott v. Sandford* (1857), *Plessy v. Ferguson* (1896), *Korematsu v. United States* (1944), *Brown v. Board of Education of Topeka* (1954), *Heart of Atlanta Motel v. United States* (1964), and *Roe v. Wade* (1973).

**Scoring Notes:**

1. This thematic essay has a minimum of *six* components (the historical circumstances surrounding *each* of *two* Supreme Court cases related to the rights of a specific group, the Supreme Court's decision in *each* case, and how *each* decision limited *or* expanded the constitutional rights of members of the group).
2. The group involved in the Supreme Court case does not need to be specifically identified as long as the group is implied in the discussion.
3. For the purposes of this question, a broad interpretation of specific groups may be applied (*Gideon v. Wainwright*/rights of the poor; *Tinker v. Des Moines*/rights of students) as long as the focus of the response is on the constitutional rights of the group.
4. If related cases such as *Plessy v. Ferguson* and *Brown v. Board of Education of Topeka* are chosen, *Plessy* may be used as part of the historical circumstances surrounding *Brown* as long as all aspects of the task for each case are thoroughly developed.
5. The discussion of expanding or limiting the rights of groups may be similar but the details should be specific to each Supreme Court decision, e.g., both *Brown v. Board of Education of Topeka* and *Heart of Atlanta Motel v. United States* expanded the rights of African Americans by forbidding various forms of discrimination, but *Brown* applied to public schools and *Heart of Atlanta* applied to public accommodations.
6. The response may discuss how the Supreme Court decision limited or expanded the rights of a group from any perspective as long as the position taken is supported by accurate historical facts and examples.

### Score of 5:

- Thoroughly develops **all** aspects of the task evenly and in depth by describing the historical circumstances surrounding **each** of **two** Supreme Court cases, explaining the Supreme Court's decision in each case and discussing how each decision either expanded *or* limited the rights of the involved group
- Is more analytical than descriptive (analyzes, evaluates, and/or creates\* information), e.g., *Korematsu v. United States*: connects the long-standing prejudice against Japanese Americans, fear of espionage/sabotage after the Japanese attack on Pearl Harbor, and President Roosevelt's order to relocate West Coast Japanese Americans to the Supreme Court's decision upholding Japanese American exclusion from the West Coast based on the needs of national security during wartime that limited their rights and caused the imprisonment of and property loss for American citizens of Japanese descent without due process; *Brown v. Board of Education of Topeka*: connects 19th-century Jim Crow laws and strict segregation of African Americans in public facilities and schools to the Warren Court's decision that "separate but equal" was unconstitutional and the order to desegregate schools "with all deliberate speed," linking the decision that expanded rights for African Americans to the desegregation of all public facilities and the fulfillment of equal protection of law for African Americans
- Richly supports the theme with relevant facts, examples, and details; *Korematsu v. United States*: Gentleman's Agreement; San Francisco school segregation; Executive Order #9066; Manzanar; Nisei;  $\frac{2}{3}$  were citizens; 5th amendment; mass evacuations in trains and trucks; loss of family structure; German Americans and Italian Americans not interned; apology in 1988; reparations; *Brown v. Board of Education of Topeka*: slavery; Civil War; Reconstruction; 14th amendment; undermining of *Plessy v. Ferguson*; unanimous decision; Linda Brown; NAACP; Thurgood Marshall; minority children feeling inferior; Montgomery Bus Boycott; President Eisenhower; troops to Little Rock; 1964 Civil Rights Act; Martin Luther King Jr.; impact of *Heart of Atlanta Motel v. United States*; busing; de jure vs. de facto segregation
- Demonstrates a logical and clear plan of organization; includes an introduction and a conclusion that are beyond a restatement of the theme

### Score of 4:

- Develops **all** aspects of the task but may do so somewhat unevenly by discussing one aspect of the task less thoroughly than the other aspects of the task for both Supreme Court cases *or* discussing **all** aspects of the task for one Supreme Court case more thoroughly than for the second Supreme Court case
- Is both descriptive and analytical (applies, analyzes, evaluates, and/or creates\* information), e.g., *Korematsu v. United States*: discusses the long-standing prejudice against Japanese Americans and fear of another attack like Pearl Harbor that led President Roosevelt to order the internment of West Coast Japanese Americans, the upholding of the Japanese American exclusion by the Supreme Court based on national security during wartime, and how the decision limited Japanese American rights by permitting imprisonment of and property loss for American citizens without due process; *Brown v. Board of Education of Topeka*: discusses how *Plessy v. Ferguson* upheld Jim Crow laws that segregated transportation and other public facilities such as schools for nearly a century, how the Court undermined *Plessy* by outlawing "separate but equal" in education and ordering the desegregation of the nation's schools, and how the decision expanded the educational rights of African American children and marked the beginning of the civil rights movement
- Supports the theme with relevant facts, examples, and details
- Demonstrates a logical and clear plan of organization; includes an introduction and a conclusion that are beyond a restatement of the theme

**Score of 3:**

- Develops *all* aspects of the task with little depth *or* develops *at least four* aspects of the task in some depth
- Is more descriptive than analytical (applies, may analyze and/or evaluate information)
- Includes some relevant facts, examples, and details; may include some minor inaccuracies
- Demonstrates a satisfactory plan of organization; includes an introduction and a conclusion that may be a restatement of the theme

**Note:** If *all* aspects of the task have been thoroughly developed evenly and in depth for *one* Supreme Court case, and if the response meets most of the other Level 5 criteria, the overall response may be a Level 3 paper.

**Score of 2:**

- Minimally develops *all* aspects of the task *or* develops *at least three* aspects of the task in some depth
- Is primarily descriptive; may include faulty, weak, or isolated application or analysis
- Includes few relevant facts, examples, and details; may include some inaccuracies
- Demonstrates a general plan of organization; may lack focus; may contain digressions; may not clearly identify which aspect of the task is being addressed; may lack an introduction and/or a conclusion

**Score of 1:**

- Minimally develops some aspects of the task
- Is descriptive; may lack understanding, application, or analysis
- Includes few relevant facts, examples, or details; may include inaccuracies
- May demonstrate a weakness in organization; may lack focus; may contain digressions; may not clearly identify which aspect of the task is being addressed; may lack an introduction and/or a conclusion

**Score of 0:**

Fails to develop the task or may only refer to the theme in a general way; *OR* includes no relevant facts, examples, or details; *OR* includes only the theme, task, or suggestions as copied from the test booklet; *OR* is illegible; *OR* is a blank paper

\*The term *create* as used by Anderson/Krathwohl, et al. in their 2001 revision of Bloom's *Taxonomy of Educational Objectives* refers to the highest level of the cognitive domain. This usage of create is similar to Bloom's use of the term *synthesis*. Creating implies an insightful reorganization of information into a new pattern or whole. While a Level 5 paper will contain analysis and/or evaluation of information, a very strong paper may also include examples of creating information as defined by Anderson and Krathwohl.

African Americans' struggle for equality has been long and arduous. After the Civil Rights Movement of the 1960s and its great accomplishments, the worst part of that struggle is over. But there were many setbacks, such as the Supreme Court cases of Dred Scott v. Sanford and Plessy v. Ferguson, in which aspects of African Americans' constitutional rights were decided to the detriment of the black community.

The mid-1800s were a turbulent era in American history, slavery was more and more <sup>a</sup>passionate, divisive issue, especially with westward expansion raising the question of how new territory, acquired by the Louisiana Purchase, various other Native American and European treaties, and the Mexican American War, would be admitted to the Union regarding slavery. The Missouri Compromise of 1820 set Missouri's southern border, the 36°30' line, as the northernmost limit of slavery in the Louisiana territory. In the 1850s, with the Kansas-Nebraska Act, the Kansas and Nebraska territories were divided into two large territories, in which slavery would be decided by popular sovereignty thereby nullifying the Missouri Compromise. These events, and others, caused much bloodshed and sectional conflict.

This conflict between North and South, pro-slavery and abolitionist groups, was intensified by the Dred Scott decision of 1857. Dred Scott was a slave who had been

moved from a slave state to a free state, and returned to a slave state with his master. He brought a case, Dred Scott v Sanford, to the Supreme Court, arguing that he was a free man as he had ceased to be a slave forever when he had moved to the free state.

The Supreme Court's decision, under Justice Taney, was severe. Taney ruled that slaves were property and all African Americans were not and never could be citizens, so Dred Scott had no right to bring a case to court at all. The Court also ruled that Congress had no authority to outlaw slavery anywhere, as in his view it limited property rights under the 5<sup>th</sup> amendment, which effectively ~~was~~ nullified the Compromise of 1820. The outcome of Dred Scott v Sanford limited entirely all of African-Americans' constitutional rights. They were ruled to be forever property and as such had no rights under the Constitution. The ruling also severely limited Congress' power to end or confine slavery or do much to aid African-Americans. It was perhaps the single most detrimental case against minorities ever. As a result of the Taney ~~is~~ Court's interpretation of the Constitution, the abolitionist goal of ending slavery became much harder.

However, four short years after Dred Scott saw the beginning of the Civil War. At its end, the slaves were emancipated and given rights of freedom, citizenship, due process and equal protection of law and voting (for men) by the 13<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup> Amendments

to the Constitution, which voided the Dred Scott case. But these new constitutional rights were not enforced in the South, where Jim Crow laws and blatant, violent oppression led to enforced segregation in most public and private structures, as well as the prevention of equal protection of the laws.

In 1896, Homer Plessy challenged segregation in the Supreme Court case of Plessy v. Ferguson. He had been prevented from riding in a whites only railroad car and argued that it was unconstitutional and violated his equal protection of the laws. The Supreme Court did not rule in his favor. The Court ruled that as the segregation laws applied equally to both blacks and whites, that it was not unconstitutional. And as long as "separate but equal" facilities were provided, they were constitutionally allowed. Once again, the Court interpreted the Constitution in favor of the white majority.

This case, like Dred Scott, also severely limited the constitutional rights of African-Americans. Segregation was legalized, and was formally used for over sixty years, until Brown v Board of Education, to force African-Americans to use services and facilities of far inferior quality to those of whites. The decision greatly contributed to blatant disregard of constitutionally-protected "equal protection of the laws" and other fundamental rights of African-Americans. African-Americans would be treated as second-class citizens, struggling until passage of the Civil Rights Act in 1964.

Basic rights, such as property, due process and equal protection



of the laws, are aspects of life and citizenship that most Americans take for granted. But the struggle for minorities to achieve these same basic rights lasted centuries and overcame many setbacks, with few as far-reaching as the Supreme Court's decision in Dred Scott v. Sanford and Plessy v. Ferguson.

**Anchor Level 5-A**

**The response:**

- Thoroughly develops all aspects of the task evenly and in depth by describing the historical circumstances surrounding *Dred Scott v. Sanford* and *Plessy v. Ferguson*, explaining the Supreme Court's decision in each case, and discussing how each decision limited the rights of African Americans
- Is more analytical than descriptive (*Dred Scott v. Sanford*: slavery was more and more a passionate, divisive issue, especially with westward expansion; Taney ruled that slaves were property, and all African Americans were not and never could be citizens, so Dred Scott had no right to bring a case to court at all; it was perhaps the single most detrimental case against minorities ever; under the Taney Court's interpretation of the Constitution, the abolitionist goal of ending slavery became much harder; *Plessy v. Ferguson*: new constitutional rights were not enforced in the South, where Jim Crow laws and blatant, violent oppression led to enforced segregation in most public and private structures; as long as "separate but equal" facilities were provided, they were constitutionally allowed; once again the Court interpreted the Constitution in favor of the white majority; African Americans would be treated as second-class citizens, struggling until the passage of the Civil Rights Act in 1964)
- Richly supports the theme with relevant facts, examples, and details (*Dred Scott v. Sanford*: territory acquired by the Louisiana Purchase; Mexican American War; Missouri Compromise of 1820; 36°30' line; Kansas-Nebraska Act; popular sovereignty; nullifying the Missouri Compromise; bloodshed and sectional conflict; pro-slavery and abolitionist groups; moved from a slave state to a free state; property rights; 5th amendment; *Plessy v. Ferguson*: Civil War; emancipated; rights of freedom, citizenship, due process, equal protection and voting; 13th, 14th, and 15th amendments voided the *Dred Scott* case; Homer Plessy; "whites only" railroad car; *Brown v. Board of Education*; services and facilities of far inferior quality)
- Demonstrates a logical and clear plan of organization; includes an introduction and a conclusion that identify the decisions as setbacks in the arduous struggle of African Americans for civil rights

**Conclusion:** Overall, the response fits the criteria for Level 5. The response demonstrates a clear understanding of the role these decisions played in limiting the rights of African Americans across two centuries. Relevant detail, good analysis, and smooth transitions highlight and connect these landmark decisions.

Throughout United States History, the Supreme Court has addressed the constitutional rights of minorities and declared laws constitutional or unconstitutional through judicial review. The decisions of the Supreme Court has limited the rights of minorities in cases such as *Korematsu vs. US* in 1944, however it expanded the rights in cases such as *Brown vs. Topeka Board of Education* in 1954.

In 1944, the US was still at war with Japan, a war we entered because the Japanese had bombed Pearl Harbor on Dec 7, 1941. President Roosevelt ordered West Coast Japanese, American both immigrants and American citizens, to internment camps to protect the country from espionage and further attacks, even though no acts of espionage had occurred. Korematsu challenged this internment of Japanese-Americans and his case was taken to the Supreme Court, claiming that it violated his 5<sup>th</sup> amendment right of due process. The Court ruled that the exclusion orders were constitutional because during wartime, the security of the United States was more important than the rights of one minority group. This ruling limited the rights of the Japanese Americans. While German Americans and Italian Americans remained free, the Japanese spent four years in camps, lost their homes and property, and were humiliated by their imprisonment, all because of racism.

In 1954, the Supreme Court made a decision that began the modern civil rights movement, when Jim Crow segregation was finally challenged. The 1896 Supreme Court case *Plessy vs. Ferguson* ruled

that segregation on trains and in other facilities was legal and did not violate equal protection of the law if conditions were "separate but equal." During the civil rights movement, many activists such as the NAACP challenged the Plessy vs. Ferguson "separate but equal" ruling and the Supreme Court accepted the Brown vs. Topeka Board of Ed. case, which challenged segregation in schools on behalf of Linda Brown. The Warren Court overturned the Plessy vs. Ferguson ruling and claimed "separate but equal" schools were unconstitutional and damaged the African American children by making them feel inferior. The Supreme Court went one step further and ordered that schools across the nation had to "integrate" with all deliberate speed. This decision increased the rights of African Americans because it outlawed segregation in schools and led to many more challenges to segregation such as at water fountains, lunch counters and buses. A few years after the decision, the High School in Little Rock, Arkansas was forced to desegregate when President Eisenhower sent troops to protect nine African American students from mob violence. States were forced to stop separating school children based on race, which was a first step in bringing equality to African Americans.

Clearly, Supreme Court decisions have had a large impact on minorities. Within a decade, it <sup>both</sup> limited and expanded the rights of minority groups showing the power of the Supreme Court to influence American life.

## Anchor Level 5-B

### The response:

- Thoroughly develops all aspects of the task evenly and in depth by describing the historical circumstances surrounding *Korematsu v. United States* and *Brown v. Board of Education of Topeka*, explaining the Supreme Court’s decision in each case, and discussing how each decision limited or expanded the rights of the involved group
- Is more analytical than descriptive (*Korematsu v. United States*: Korematsu challenged his internment, claiming it violated his 5th amendment right of due process; during wartime, the security of the United States was more important than the rights of one minority group; the Japanese Americans spent four years in camps, lost their homes and property, and were humiliated by their imprisonment—all because of racism; *Brown v. Board of Education of Topeka*: the NAACP challenged the *Plessy v. Ferguson* “separate but equal” ruling; the Supreme Court went one step further and ordered that schools across the nation had to integrate “with all deliberate speed”; states were forced to stop separating school children based on race which was a first step in bringing equality to African Americans)
- Richly supports the theme with relevant facts, examples, and details (*Korematsu v. United States*: the United States was still at war with Japan; Pearl Harbor on December 7, 1941; President Roosevelt; West Coast Japanese were both American citizens and immigrants; no acts of espionage; German Americans; Italian Americans; *Brown v. Board of Education of Topeka*: Jim Crow segregation was finally challenged; segregation on trains; *Plessy v. Ferguson* ruled that segregation did not violate equal protection of the law; Linda Brown; Warren Court; damaged African American children; water fountains, lunch counters, and buses; high school in Little Rock, Arkansas; President Eisenhower; nine African American students; mob violence)
- Demonstrates a logical and clear plan of organization; includes an introduction that restates the theme and a conclusion that states the Supreme Court both limited and expanded minority rights within a decade, demonstrating its power over American life

**Conclusion:** Overall, the response fits the criteria for Level 5. The response recognizes how forced separation of minority groups creates a sense of humiliation and inferiority. It uses the discussion of the decisions to emphasize the differences between these two cases that resulted in the expansion of rights for African Americans and the denial of rights to those of Japanese ancestry.

Throughout the history of the United States, the rights of individuals has consistently been the focus of many judicial cases. The ability of the Supreme Court to interpret the Constitution effectively breathes life into it, allowing it to grow and change depending on the needs of our changing society. One example of the Supreme Court making a decision that strongly effected the rights of a group of individuals was Dred Scott v. Sanford. Another such case is Brown v. Board of Education of Topeka.

In the beginning of the 19<sup>th</sup> century, the slavery issue was becoming more divisive especially about the question of its expansion into the new western territories. The Missouri Compromise attempted to settle the issue by dividing the Louisiana territory at 36° 30' with slavery allowed south of the line and forbidden north of it. Dred Scott was a slave who had spent time with his master in the free North. Upon returning to a slave state, Scott sued for his freedom claiming he had achieved it during his time in the free state. The supreme court decided that he had not gained his independence as slaves were private property and property is protected by the constitution. The court continued to state that because of the protection the

the constitution offered to property in the fifth amendment the Missouri compromise was unconstitutional and slavery became a permanent institution that could not be legally banned in any territory of the United States. The Court further ruled that Scott was not eligible to sue because African Americans were not citizens. This severely limited the rights of blacks as their status effectively became secured as a slave even if they could escape to a freestate they would still legally be a slave. Even if they were legally free, the decision limited them to a life without any of the rights of citizens. It would take a bloody Civil War and amendments to the constitution to overturn *Dred Scott v. Sanford*.

*Brown v. Board of Education of Topeka* came about because the established theory of separate but equal facilities which allowed segregation under Jim Crow laws, had been upheld in *Plessy v. Ferguson*. *Brown* was a young black girl who had been attending a school for blacks far away from her home despite living near an all-white school. Her parents and the NAACP sued claiming that she should be allowed to attend the same school as whites. The supreme court wrote that segregating schools <sup>was</sup> psychologically

damaging as it instilled thoughts of inferiority in African American children. The court decided that "separate but equal" was in fact not equal and found segregation in public education was unconstitutional. This decision greatly increased the rights of blacks due to the newly gained ability to use schools previously deemed whites only.

During the course of United States history, court decisions have shaped the rights of individuals. Although not always a positive change, the court system allows change in our rights as our society changes. Our "living" constitution allows us to meet the needs of changing society, mainly due to the Supreme Court's ability to interpret the constitution during the cases it is involved in.

## Anchor Level 4-A

### The response:

- Develops all aspects of the task but does so somewhat unevenly by discussing all aspects of the task for *Dred Scott v. Sanford* more thoroughly than for *Brown v. Board of Education*
- Is both descriptive and analytical (*Dred Scott v. Sanford*: in the beginning of the 19th century, the issue of slavery was becoming more divisive, especially about the question of its expansion into the new western territories; the Missouri Compromise was declared unconstitutional and slavery became a permanent institution that could not be legally banned in any territory of the United States; even if they were legally free, the decision limited them to a life without any of the rights of citizens; *Brown v. Board of Education of Topeka*: Brown's parents, backed by the NAACP, sued, claiming that she should be allowed to attend the same schools as whites; the Supreme Court wrote that segregating schools was psychologically damaging as it instilled thoughts of inferiority in African American children; this decision greatly increased the rights of blacks due to the newly gained ability to use schools previously deemed "whites only")
- Supports the theme with relevant facts, examples, and details (*Dred Scott v. Sanford*: free North; slaves were private property; 5th amendment; not eligible to sue; bloody Civil War; amendments to the Constitution; *Brown v. Board of Education of Topeka*: "separate but equal"; Jim Crow laws; *Plessy v. Ferguson*; young black girl; all white school; found segregation in public education unconstitutional)
- Demonstrates a logical and clear plan of organization; includes an introduction and a conclusion that credit the Supreme Court with making the Constitution a living document that responds to changes in society

**Conclusion:** Overall, the response fits the criteria for Level 4. The discussion of *Dred Scott v. Sanford* includes ample detail and thorough analysis. However, the discussion of *Brown v. Board of Education* lacks similar analysis, particularly in the discussion of how the decision expanded African American rights.



Diversity has always been an aspect of American culture. It is the Supreme Court's job to interpret whether laws are fair for minorities and other groups. Sometimes the Courts expand a group's right. Sometimes, to protect the nation, the Court must limit the rights of a particular group.

There are many Court Cases that have played a significant role in the past of equal rights. Two very important cases that made a huge impact to the way we, as Americans, think and live our lives are *Brown vs the Board of Education of Topeka*, and *Korematsu vs the United States*. After slavery Jim Crow laws were passed in the South that forced separation of whites and blacks in all public facilities including schools.

In *Brown vs BOE of Topeka*, a Little African American girl wanted to go to a school far closer to her home than the one she was currently attending. The problem was that it was a "whites only" school. Like all "whites only" ~~schools~~ schools, it was superior to the schools for black children. This became a test case for the NAACP which took it to Court and the Supreme Court was forced to review its decision in a previous case, *Plessy vs Ferguson*, that had said that "separate but equal" was Constitutional.

The Court changed their interpretation of the 14th amendment. Both schools, one for blacks and one for whites, were not equal and even if they were the "segregation in public ~~schools~~ schools is unconstitutional" because it harms African American children. Therefore, all public schools would have to be integrated.

This ruling expanded the rights of Black students everywhere. It allowed them to get a better education, and become equal to every other American citizen. It also set the ground work for 'the Little rock nine' and other civil rights movements.

Korematsu vs the United States was a different type of court case. It involved the rights of Japanese Americans during WW2, a year before the war ended, though the actual imprisonment of the Japanese Americans occurred three years prior to the court hearing. On December 7th 1941, Japanese bombed Pearl Harbor on the coast of Hawaii. The Japanese Empire had conquered other areas throughout the Pacific creating panic on the west coast. In an attempt to stop any other attacks the military ordered all Japanese American citizens to be stripped of their belongings and moved into internment camps far from their homes. Korematsu-san, a Japanese American citizen, appealed to the Courts to avoid his, and every other Japanese American, imprisonment and denial of their due process rights because they had not done anything illegal.

The Courts decided that the relocation order was constitutional because individual rights could be restricted during times of war. They said the exclusion of Japanese citizens was a national safety, or security necessity, and that there was nothing unconstitutional about it.

This Supreme Court decision, unlike that of Brown vs the Board of Education, restricted rights of Japanese American Citizens. Today

people see that what the government did was wrong, and even gave the citizens imprisoned, including Korematsu-san, reparations for their loss of freedom and possessions.

Individual rights and the rights of minority groups has, and always will be, an issue the Supreme Court, and we as American citizens, will always have to deal with. Whether its the rights of Blacks, Whites, Christion, Jews, gays, pagens or women and men, the best we can do is try to give equal rights to all and educate ourselves so as not to repeat ~~the~~ past mistakes.

Anchor Level 4-B

**The response:**

- Develops all aspects of the task but does so somewhat unevenly by discussing how the decision expanded or limited the constitutional rights of the group less thoroughly than the other aspects of the task for both *Brown v. Board of Education of Topeka* and *Korematsu v. United States*
- Is both descriptive and analytical (*Brown v. Board of Education of Topeka*: this became a test case for the NAACP, which took it to court; the Supreme Court was forced to review its decision in a previous case, *Plessy v. Ferguson*, that had said “separate but equal” was constitutional; the Court changed its interpretation of the 14th amendment; it also set the groundwork for the Little Rock Nine and other civil rights movements; *Korematsu v. United States*: the Japanese empire had conquered areas throughout the Pacific, creating panic on the West Coast; individual rights could be restricted during times of war; today people see what the government did was wrong, and even gave the citizens imprisoned, including Korematsu-san reparations for their loss of freedom and possessions)
- Supports the theme with relevant facts, examples, and details (*Brown v. Board of Education of Topeka*: Jim Crow laws; separation of whites and blacks; little African American girl; “whites only” school; segregation harms African American children; public schools integrated; *Korematsu v. United States*: World War II; December 7, 1941; Japanese bombed Pearl Harbor; internment camps; due process rights; relocation order; exclusion; national security necessity)
- Demonstrates a logical and clear plan of organization; includes an introduction and conclusion that cite the importance of diversity in American culture

**Conclusion:** Overall, the response fits the criteria for Level 4. The response contains important points about the historical circumstances related to the relocation of Japanese Americans and segregation of African Americans, but lacks a full discussion of how the Supreme Court’s decisions changed the constitutional rights of the Japanese.

Supreme Court decisions have addressed the issues surrounding various groups' constitutional rights. Throughout United States history, these decisions have both limited and expanded the rights of different groups. The ruling of *Plessy v. Ferguson* (1896), for example, limited the rights of African Americans, and the ruling in *Brown v. Board of Education Topeka* (1954) expanded their rights.

In the years following the Civil War, especially in the South, attitudes about the status of African Americans did not change. Segregation and discrimination were commonly accepted practices. In the South, Jim Crow laws kept African Americans from exercising the rights they were given, separating them from whites in public facilities and denying them suffrage, through ~~the~~ poll taxes and literacy tests. In a time when economic prosperity was impossible for African Americans because of sharecropping, tenant farming, and the cycle of poverty they were kept in, African Americans were never treated equally. When Homer Plessy tried to board a "whites only" railroad car, he was arrested. In the 1896 Supreme Court ruling of *Plessy v. Ferguson*, the court legalized segregation. The discriminatory actions of many southern Americans were now supported by the federal government. The Supreme Court ruled that "separate but equal" facilities

did not violate equal protection rights. This decision greatly limited the rights of African Americans, being that the quality of public facilities were almost never equal. Even though Plessy was about transportation, it was applied to all African American rights, including schools.

Almost 60 years later, the Supreme Court's decision in Plessy v. Ferguson was overturned by its decision in the case of Brown v. Board of Education Topeka. This case came about when a young African American girl wanted to attend a white school closer to her home, but was denied. The court ruled that when dealing with education, "separate but equal" was unconstitutional and impossible because the minority would always feel unequal. With this ruling, the Court ordered the desegregation of public schools and consequently overturned its previously ruling in the case of Plessy v. Ferguson. Once the decision was made by the Court, it would have to be enforced, so schools could truly be integrated. One instance occurred in Little Rock Arkansas where the governor ordered the national guard to prevent African American students from entering. In response, President Eisenhower used the troops to escort the nine students into school. The Supreme Court's decision and the president's enforcement of it expanded the rights of African

Americans by allowing them to receive an equal education, and providing them with the opportunity to succeed. The decision in Brown helped pave the way to the start of the civil rights movement. Not long after this decision Rosa Parks started a movement for fair seating on buses in Montgomery, Alabama. This type of protest eventually led to marches, sit-ins, and freedom rides.

The Supreme Court has been given the great power and responsibility to both limit and expand the constitutional rights of various groups in the U.S. And, as we have seen through the cases of Plessy v. Ferguson and Brown v. Board of Education Topeka, the Court has exercised this right.

## Anchor Level 4-C

### The response:

- Develops all aspects of the task but does so somewhat unevenly by discussing how *Plessy v. Ferguson* limited constitutional rights and by describing the historical circumstances surrounding *Brown v. Board of Education of Topeka* less thoroughly than the other aspects of the task
- Is both descriptive and analytical (*Plessy v. Ferguson*: in the South, Jim Crow laws kept African Americans from exercising the rights they were given, separating them from whites in public facilities; the discriminatory actions of many southern Americans were now supported by the federal government; this decision greatly limited the rights of African Americans being that the quality of public facilities were almost never equal; *Brown v. Board of Education of Topeka*: this case came about when a young African American girl wanted to attend a white school closer to her home, but was denied; the Court ruled that when dealing with education “separate but equal” was unconstitutional and impossible because the minority would always feel unequal; Court ordered the desegregation of schools; once the decision was made by the Court, it would have to be enforced so schools could truly be integrated)
- Supports the theme with relevant facts, examples, and details (*Plessy v. Ferguson*: Civil War; segregation and discrimination; suffrage; poll taxes; literacy tests; sharecropping; tenant farms; cycle of poverty; arrest of Homer Plessy; “whites only” railroad cars; “separate but equal” did not violate equal protection rights; *Brown v. Board of Education of Topeka*: *Plessy v. Ferguson* was overturned; Little Rock, Arkansas; President Eisenhower; nine students; Rosa Parks; buses in Montgomery; marches, sit-ins, freedom rides)
- Demonstrates a logical and clear plan of organization; includes an introduction and a conclusion that generally restate the theme

**Conclusion:** Overall, the response fits the criteria for Level 4. The response shows a general understanding of legal, economic, and social subjugation in the era of *Plessy v. Ferguson*. It also demonstrates knowledge of the events following *Brown v. Board of Education of Topeka* but lacks similar development for the other aspects of the task.

Throughout its history, the United States Supreme Court has made many landmark decisions in this country. Although the court has shifted in partisan make-up, beliefs, and principles, its decisions still have vast importance. The Supreme Court has made many decisions on the rights of minority groups.

In the case of Dred Scott vs Sanford, a slave named Dred Scott had sued for his freedom after his owner died. However, after a series of inheritances by the slaves former masters relatives, a relative of the master claimed that Scott was her property. During the time of the case, slavery was one of the most important issues in the country. The South and North were constantly arguing over the spread of slavery as new states were added to the Union. The courts decision went against Dred Scott, as he was ruled as property of the master. Furthermore, the case also said they shouldn't even have heard the case because slaves are not citizens of the United States and can't go to court. The decision gave legitimacy to slavery as the North was angry and the South celebrated. The rights of African slaves were weakened by the decision and would take the bloody civil war to eventually make blacks citizens.

Another Supreme Court case dealing with minority rights was Korematsu vs United States in 1944. As Europe was engaged in another bloody war, the United States <sup>again</sup> ~~again~~ tried to remain out of combat. However on December 7<sup>th</sup> 1941 the Japanese bombed the US military base at Pearl Harbor. The United States was soon at war with Japan and Germans. On the West coast of the United States governments decided that they could not trust the Japanese Americans and wanted to somehow isolate them in internment camps. In the decision the United States Court held that the Japanese Americans could be put in the internment camps for national security. The rights of the Japanese were severely limited and <sup>the</sup> court proved that in times of war all rights especially those of



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**Anchor Paper – Thematic Essay—Level 3 – A**

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minorities could be altered.

The Supreme Court can determine the plight of many people in the United States. In both *Dred Scott vs Sanford* and *Komatsu vs United States*, they decided to limit the rights of minorities.

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**Anchor Level 3-A****The response:**

- Develops most aspects of the task with some depth by describing the historical circumstances surrounding *Dred Scott v. Sanford* and *Korematsu v. United States*, explaining the Supreme Court's decision in each case, and mentioning how each decision limited the rights of the involved group
- Is both descriptive and analytical (*Dred Scott v. Sanford*: the South and North were constantly arguing over the spread of slavery as new states were added to the Union; the decision gave legitimacy to slavery as the North was angry and the South celebrated; the rights of African slaves were weakened by the decision and it would take the bloody Civil War to eventually make blacks citizens; *Korematsu v. United States*: on the West Coast of the United States, the United States government decided that they could not trust the Japanese Americans and wanted to somehow isolate them in internment camps; the Court proved that in times of war, all rights, especially those of minorities, could be altered)
- Includes some relevant facts, examples, and details (*Dred Scott v. Sanford*: sued for his freedom after his owner died; ruled as property; *Korematsu v. United States*: another bloody war; December 7, 1941; military base at Pearl Harbor; at war with Japan and Germany; the rights of the Japanese were severely limited); includes a minor inaccuracy (*Korematsu v. United States*: in the decision, the United States Court held that the Japanese Americans could be put in the internment camps for national security)
- Demonstrates a satisfactory plan of organization; includes an introduction that credits the Supreme Court with many landmark decisions and a conclusion that notes the role of the Supreme Court in determining the plight of many people in the United States

**Conclusion:** Overall, the response fits the criteria for Level 3. The response uses good analytic statements, especially in its description of historical circumstances surrounding the cases. The comments about the constitutional limits on minorities contain important generalizations but are undeveloped and brief.

Throughout U.S. History, Supreme Court decisions have addressed the issue of the constitutional rights of various groups. These decisions have limited or expanded the rights of members of these groups. Two Supreme Court cases that prove this thesis are; *Korematsu v. United States* (1944) and *Brown v. Board of Edu. of Topeka* (1954).

In the case of *Korematsu v. United States* (1944) the U.S. was currently at war with Japan and other countries like Germany and Italy. There were many Japanese Americans living on the West Coast of the U.S. and we thought they could possibly be a threat because we were at war with their home country, so we put them in relocation camps but what they were most like were concentration camps. They were not treated poorly or tortured in the camps, but they were kept there for the simple reason that they were Japanese living on the West Coast. Korematsu tried taking the US gov't to court because of the camps saying they were not constitutional and he was an American Citizen. The Court simply made the decision that there was a time of war going on in the US and to keep the majority of Americans feeling safe the President could order the Japanese to stay in the camps until the war ended to give Americans the feeling of safety. The country's safety was more important than the rights and freedom of any minority.

group. This decision def. limited the rights of the Japanese Americans at the time but felt like it was needed to be done to help the other Americans feel safe during the time of war.

The other Supreme Court case that dealt w/ the constitutional rights of a group/minority was the case of *Brown v. The board of Edu. of Topeka* (1954). The case was about a black family who lived near an all white school at the time and the children could not go there because they were African American. The Browns had to walk a great distance to the school that allowed blacks to attend but even though the schooling was poor and the condition of the school was a lot worse than the all white school they lived by. At the court the decision was eventually made to allow blacks at the white school, people were furious about this decision. The blacks that tried signing papers to allow their children to attend this school were hazed and harassed by the white parents of the schools. This decision changed history by expanding the rights of all minorities to get just as good of an education as white kids. This decision also helped start the civil rights movement when Martin Luther King and Rosa Parks worked to get equal treatment on buses and other public places. The "I have a Dream" speech helped convince Congress to pass a law making segregation illegal.

Throughout history court cases have expanded and limited rights of many groups/individuals, in these two court cases; *Korematsu v. U.S.* (1944) and *Brown v. Board of Edu. of Topeka* (1954) were huge court cases that truly showed the people of the U.S. what type of courts we had. The courts wanted the citizens to feel safe during war at any cost but later on they wanted whites and minorities to become one and be U.S. citizens.

**Anchor Level 3-B**

**The response:**

- Develops most aspects of the task in some depth by describing the historical circumstances surrounding *Korematsu v. United States* and *Brown v. Board of Education of Topeka*, explaining the Supreme Court's decision in *Korematsu v. United States*, and discussing how *Brown v. Board of Education of Topeka* expanded the rights of African Americans
- Is more descriptive than analytical (*Korematsu v. United States*: they were not treated poorly or tortured in the camps, but they were kept there for the simple fact that they were Japanese living on the West Coast; the Court simply made the decision that there was a time of war going on in the United States, and the President could order the Japanese to stay in the camps until the war ended to give Americans this feeling of safety; *Brown v. Board of Education of Topeka*: the case was about a black family who lived near an all white school at the time, and the children could not go there because they were African American; this decision also helped start the civil rights movement when Martin Luther King Jr. and Rosa Parks worked to get equal treatment on buses and other public places)
- Includes some relevant facts, examples, and details (*Korematsu v. United States*: war with Japan, Germany, and Italy; West Coast; relocation camps; American citizens; *Brown v. Board of Education of Topeka*: walk a great distance; schooling was poor; "I Have a Dream" speech helped convince Congress to pass a law); includes inaccuracies (*Korematsu v. United States*: order the Japanese to stay in the camps; *Brown v. Board of Education of Topeka*: the blacks that tried signing papers to allow their children to attend this school were hazed and harassed by the white parents of the schools)
- Demonstrates a satisfactory plan of organization; includes an introduction that restates the theme and a conclusion that attempts to summarize the effects of these cases

**Conclusion:** Overall, the response fits the criteria for Level 3. The response clearly describes the situation facing Japanese Americans during World War II and then focuses on the needs of white Americans to feel safe during war. The discussion of the expansion of the rights of African Americans after *Brown v. Board of Education* is satisfactory, but the explanation of the decision is basically inaccurate.

Through out United States history, Supreme Court decisions have addressed the issue of constitutional rights of various groups. These decisions have limited or expanded the rights of members of these groups. Two cases impacted constitutional rights. These cases were *Roe v. Wade* and *Tinker v. Des Moines School District*.

In the Supreme Court case *Tinker v. Des Moines*, three students (Mary Tinker, John Tinker, and a friend) entered the Des Moines school district with black armbands to protest the war in Vietnam. At the time, many young Americans across the country were participating in antiwar demonstrations. The black armbands represented the death of American soldiers during the war. The school officials suspended them for violating the school law against wearing symbolic clothing or material. The Tinkers file a lawsuit against the school at the federal district court. The district court was in favor of Des Moines, so the Tinkers appeal their case to the Supreme Court.

The Tinkers believed that their first amendment rights (freedom of speech, rights of assembly) were being violated. Des Moines school's argument was that by them wearing armbands, they were disrupting the school's learning environment. Restricting the armbands meant disciplining students. The S.C.'s 7 to 2 decision upheld the Tinkers rights, meaning they won the case. The S.C. said that students do not "lose their constitutional rights at the schoolhouse door." They have a right to express their opinions. This expanded students' first amendment right to free speech. Students in schools now have a greater right to use symbols (ex. Muslim head scarfs, peaceful tattoos). This case gave students a greater chance to express their

opinions about controversial issues and opened ~~the~~ schools up to new ideas.

During the women's movement, a Texan woman wanted an abortion for her unborn child. The woman claimed that she was raped. Many states including Texas forbid women the right to abort a child. The woman (Roe) sued the State, saying that the State violated her rights of privacy. The case of *Roe v. Wade* was taken to the Supreme Court and the court decided to allow women to have abortions.

Anchor Level 3-C

**The response:**

- Develops all aspects of the task for *Tinker v. Des Moines* by describing the historical circumstances surrounding the case, explaining the Supreme Court's decision, and discussing how the decision expanded students' rights; minimally develops some aspects of the task for *Roe v. Wade* by describing the historical circumstances surrounding the case and mentioning the Supreme Court's decision
- Is more descriptive than analytical (*Tinker v. Des Moines*: three students entered the Des Moines school district with black arm bands to protest the war in Vietnam; the Court said students do not "lose their constitutional rights at the school house door"; have a right to express their opinions; it gave students a greater chance to express their opinions about controversial issues and opened schools up to new ideas; *Roe v. Wade*: during the women's movement, a Texas woman wanted an abortion for her unborn child; the case was taken to the Supreme Court and the Court decided to allow women to have abortions)
- Includes some relevant facts, examples, and details (*Tinker v. Des Moines*: Mary Tinker; John Tinker; antiwar demonstrations; deaths of American soldiers; suspended; symbolic clothing; district court; 1st amendment rights; freedom of speech; 7-2 decision; *Roe v. Wade*: right of privacy); includes a minor inaccuracy (*Tinker v. Des Moines*: right of assembly)
- Demonstrates a satisfactory plan of organization; includes an introduction that restates the theme but lacks a conclusion

**Conclusion:** Overall, the response fits the criteria for Level 3. The discussion of *Tinker v. Des Moines* includes some good information about the Vietnam War era, freedom of expression, and students' role in expressing concern over the conflict. In contrast, the discussion of *Roe v. Wade* is cursory and incomplete.

Throughout the United States history, many Supreme Court decisions have influenced the civil rights of diverse groups. These decisions sometime expand the natural rights of these citizens but sometimes even limit them. Two Supreme Court cases that best illustrates this preceding statement are Plessy v. Ferguson (1896) and Brown v. Board of Education of Topeka (1954), two landmark cases.

In Plessy v. Ferguson (1896), a black man, Homer Plessy, was thrown in jail for boarding the "white only" section of a railroad car. In turn, Plessy sued for his constitutional rights, having stated that his constitutional 14<sup>th</sup> and 15<sup>th</sup> amendment rights were being violated.

The Supreme Court judges argued opposingly. The Supreme Court decided that "separate but equal" treatment to African Americans was allowed under the Constitution.

This decision did not help ameliorate the civil rights of minorities. This Supreme Court decision limited the rights of African American citizens, and insured racial segregation in public facilities.

In Brown v. Board of Ed. of Topeka (1954), fifty-eight years after Plessy v. Ferguson (1896), 11 families sued the Board of Ed. of Topeka against unfair educational opportunities and eliminate racial segregation in the educational system.

The Supreme Court judges decided that the idea of "separate but equal" treatment was violating constitutional rights and overturned the decision made in Plessy v. Ferguson (1896).

The Supreme Court's ruling ended segregation in schools and created opportunities for African Americans throughout the United States. The decision expanded the rights of African American citizens.

These Supreme Court cases have greatly influenced what America represents today, a symbol of freedom and equal rights for its citizens. The accomplishments of prominent African-Americans today shows us how equality has influenced the U.S., for example an African American winning the presidential candidate nomination from a major party. These landmark cases shaped America.

Anchor Level 2-A

**The response:**

- Minimally develops all aspects of the task by describing the historical circumstances surrounding *Plessy v. Ferguson* and *Brown v. Board of Education of Topeka*, explaining the Supreme Court's decision in each case, and mentioning how each decision limited or expanded the rights of African Americans
- Is more descriptive than analytical (*Plessy v. Ferguson*: a black man, Homer Plessy, was thrown in jail for boarding the "white only" section of a railroad car; the Supreme Court decided that "separate but equal" treatment for African Americans was allowed under the Constitution; this Supreme Court decision limited the rights of African American citizens and ensured racial segregation in public facilities; *Brown v. Board of Education of Topeka*: families sued the Board of Education of Topeka against unfair educational opportunities and to eliminate racial segregation in the educational system; the Supreme Court judges decided that the idea of "separate but equal" was violating constitutional rights and overturned the decision made in *Plessy v. Ferguson*; the Supreme Court ruling ended segregation in schools and created opportunities for African Americans throughout the United States)
- Includes few relevant facts, examples, and details (*Plessy v. Ferguson*: 14th amendment; *Brown v. Board of Education of Topeka*: 58 years after *Plessy v. Ferguson*); includes an inaccuracy (*Plessy v. Ferguson*: 15th amendment rights were being violated)
- Demonstrates a general plan of organization; includes an introduction that restates the theme and a conclusion that ignores the setbacks of *Plessy* and emphasizes the expansion of African American rights that resulted in the nomination of an African American for President of the United States

**Conclusion:** Overall, the response fits the criteria for Level 2. A general understanding of the cases is evident. However, the response does not go beyond the basic points and the information is inadequate, briefly mentioning the effects of these decisions on the constitutional rights of African Americans.



Throughout United States history, the nation has often turned to the Supreme Court to defend or reject the constitutionality of laws, and issues that come up. The decisions made by the court are upheld and either expand or ~~repeal~~ restrict the rights of certain groups or individuals. Two cases that illustrate ~~the~~ this are <sup>Plessy vs. Ferguson</sup> ~~Dred Scott vs. Sandford~~, and Brown vs the Board of Education of Topeka.

The case of Plessy vs. Ferguson dealt with this issue of segregation. Up to that point blacks and whites had been segregated in all aspects; ~~and~~ even schooling systems. It was seen as unfair to the blacks, who always got the lower end of things. In this case, the Supreme Court ruled that "separate but equal" facilities were constitutional. Meaning that as long as facilities were equal, segregation would continue. This decision restricted rights of Blacks in the long run, for clearly, facilities were unequal, and whites had a clear advantage (educational) over blacks.

The case of Brown vs. The Board of Education actually refuted the decision of Plessy vs Ferguson. ~~It~~ It was brought back to the court's attention that facilities were unequal, and this time the

courts ruled that "separate but equal" would not suffice, and that schools must be integrated. This decision expanded the rights of blacks (more education), but went against what the whites wanted.

clearly, the decisions of the Supreme Court have had a strong impact on the United States, and the groups, and individuals who gain or lose from these decisions. Supreme Court rulings offer insight and decide constitutionality of rights and laws, as seen in the two cases described above.

**Anchor Level 2-B**

**The response:**

- Minimally develops all aspects of the task by describing the historical circumstances surrounding *Plessy v. Ferguson* and *Brown v. Board of Education of Topeka*, stating the Supreme Court's decision in each case, and mentioning how each decision either limited or expanded the rights of African Americans
- Is primarily descriptive (*Plessy v. Ferguson*: blacks and whites had been segregated in all aspects, even schooling systems; the Supreme Court ruled that "separate but equal" facilities were constitutional; this decision restricted rights of blacks in the long run, for clearly facilities were unequal, and whites had a clear educational advantage over blacks; *Brown v. Board of Education of Topeka*: it was brought to the Court's attention that facilities were unequal; this time the Court ruled that "separate but equal" would not suffice and that schools must be integrated; this decision expanded the rights of blacks but went against what the whites wanted)
- Includes few relevant facts (*Plessy v. Ferguson*: issue of segregation; *Brown v. Board of Education*: refuted decision of *Plessy v. Ferguson*)
- Demonstrates a general plan of organization; includes an introduction and a conclusion that note the Supreme Court's role in determining the constitutionality of laws.

**Conclusion:** Overall, the response fits the criteria for Level 2. The response includes one relevant but brief statement for each aspect of the task without further elaboration.

The Supreme Court's ability to decide what is and what isn't constitutional gives it a major role in the expansion or limitations to certain groups' rights.

One example of the Supreme Court limiting the rights of a minority is in the case "Korematsu v. United States." During this time Japanese were considered a threat to the safety of the country, so the US government forced Japanese Americans into camps. Korematsu believed that this was unconstitutional so he brought it to the Supreme Court's attention. The Supreme Court ruled that rights and freedoms can be given up to protect national security. So for a period of time this decision greatly limited the rights of Japanese Americans.

Another example that expanded the rights of a minority was in the case "Brown v. Board of Education of Topeka." During this time in American history there was a lot of racial segregation because of the belief that "separate but equal facilities" were constitutional. However

Schools for African Americans were clearly not equal to schools for whites. This led to the case "Brown v. Board of Ed. of Topeka". This case ruled that the schools were separate but clearly not equal so the belief of "separate but equal" had no place. This case greatly expanded the rights of African Americans.

The Supreme Court's ability to interpret the constitutionality of a law makes it an essential part in expanding and limiting rights of minorities.

Anchor Level 2-C

**The response:**

- Develops some aspects of the task with some depth by describing the historical circumstances surrounding *Korematsu v. United States* and *Brown v. Board of Education of Topeka* and with little depth by stating the Supreme Court decision in each case
- Is primarily descriptive (*Korematsu v. United States*: the United States government forced Japanese Americans into camps; the Supreme Court ruled that rights and freedoms can be given up to protect national security; *Brown v. Board of Education of Topeka*: schools for African Americans were not equal to schools for whites; this case ruled that the schools were separate but clearly not equal, so the belief of "separate but equal" had no place)
- Includes a few relevant facts, examples, and details (*Korematsu v. United States*: Japanese were considered a threat to the safety of the country; *Brown v. Board of Education of Topeka*: racial segregation)
- Demonstrates a general plan of organization; includes an introduction and conclusion that are barely beyond a restatement of the theme

**Conclusion:** Overall, the response fits the criteria for Level 2. The response recognizes the role of national security in depriving Japanese Americans of their rights and the injustice of the doctrine of separate but equal in schools. However, the response merely identifies how the decision limited or expanded constitutional rights and lacks any discussion of this component.

Throughout United States history, Supreme Court decisions have addressed the constitutional rights of various groups.

These decisions have limited or expanded the rights of these groups.

In the Dred Scott v. Sandford case, the Supreme Court based its decision on the belief that slaves were considered property. Dred Scott was an enslaved African American but ~~was not~~ when he got to the north the government was saying that he belonged to his owner as property so he has to return.

In Gideon vs. Wainwright the group of people addressed were poor people. If they did not have enough money, the court would appoint an attorney to them anyway.

It exercised the law that you have the right to an attorney in the court of LAW.

In conclusion, I still need to brush up on my Supreme Court cases. I'm not too fond of that subject but I will study them. They're hard to remember.

## Anchor Level 1-A

### **The response:**

- Minimally develops some aspects of the task by mentioning the historical circumstances surrounding *Dred Scott v. Sanford* and stating the Supreme Court's decision in *Dred Scott v. Sanford* and in *Gideon v. Wainwright*
- Is descriptive (*Dred Scott v. Sanford*: Dred Scott was an enslaved African American; the Supreme Court based its decision on the belief that slaves were considered property; *Gideon v. Wainwright*: if they did not have enough money, the court would appoint an attorney to them)
- Includes very few additional details (*Gideon v. Wainwright*: poor people; you have the right to an attorney in the court of law)
- Demonstrates a general plan of organization; includes an introduction that repeats the theme and a conclusion that is a personal statement

**Conclusion:** Overall, the response fits the criteria for Level 1. The response appropriately labels the poor as a group whose rights were addressed by the Supreme Court and connects slavery to property rights. However, it lacks depth and omits several aspects of the task.

In the court case of *Korematsu v. United States* was held in 1944 right after WWII. The thought after Pearl Harbor left hatred of the Japanese. They were thought of as an enemy, so the government called for a relocation. The case stated that the Japanese citizens should be stripped of the rights to live in the US for they could be a threat to our country, so the Japanese suspects were held captive outside the US or in camp closely supervised. The second case was considered an absolute necessary case. The case of *Plessy v. Ferguson* was a case held to post the rights and show the segregation of Black Americans.

In all both cases contain evidence of wrong things, making statements and false accusations to point something in the right direction.

Anchor Level 1-B

**The response:**

- Minimally develops an aspect of the task by describing the historical circumstances surrounding *Korematsu v. United States*
- Is descriptive (*Korematsu v. United States*: Pearl Harbor left hatred of the Japanese; they were thought of as an enemy)
- Includes few relevant facts, examples, or details (*Korematsu v. United States*: relocation; in camps closely supervised); includes inaccuracies (*Korematsu v. United States*: case held right after World War II; the case stated the Japanese citizens should be stripped of their rights to live in our country because they could be a threat to our country; the Japanese suspects were held captive outside the United States)
- Demonstrates a general plan of organization; lacks an introduction and includes a conclusion that is incoherent

**Conclusion:** Overall, the response fits the criteria for Level 1. The response shows a connection between Pearl Harbor, fear of the Japanese, and relocation. The statements concerning *Plessy v. Ferguson* contain no information relevant to the task.

When our nation was founded they made a judicial branch on purpose. Some one, or a group needed to address constitutional rights of U.S. citizens, and all the Supreme court cases have helped make our nation free and unique as it is today.

In 1954 there was the Supreme court case Brown vs Board of Education of Topeka. It was about a black family that lived closer and paid taxes to a white school but had to travel farther to go to a all-black school. Under Earl Warren - chief Justice at the time, the Supreme court ruled that Brown was right, that black children should be allowed to go to the same school as white children and that "separate but equal" was unconstitutional. The Supreme Court ordered that schools around the country had to integrate as quickly as possible. This Supreme court case has helped expand the rights of African Americans by allowing them an opportunity for an equal education.

In Korematsu vs. United States Korematsu challenged the president Roosevelt's executive order #9066 of placing all Japanese on the West Coast in internment camps. The president issued this order because of the Japanese attack on Pearl Harbor. They were afraid that some of the Japanese were loyal to Japan and that they could harm our nation. The internment camps were very harsh places and Korematsu thought that relocation took away his rights as a U.S.



citizens. The Supreme court decided that under times of national security, citizens rights are limited. Because of the war with Japan, an individual's rights to due process was not as important as preventing another attack. This limited the rights of the Japanese. None of them had been convicted of spying, but they lost everything and were moved far away from their homes. Families had no privacy in the camps and they were guarded like prisoners.

These two cases helped expand and limit the rights of groups in the U.S. whether it was desegregating schools or limiting citizens rights under times of national security. ~~The~~ Supreme court cases have helped enforce our constitution and protect all citizens in the U.S. without the Supreme court, some minorities wouldn't have all the rights they do today.

Throughout the United States history, Supreme Court decisions have addressed the issue of the Constitutional rights of various groups. These decisions have limited or expanded the rights of members of these groups. (1832) Dred Scott v. Sandford. Dred Scott v. Sandford means being separate but equal so that's ~~what~~ what was going on in 1832. They wanted things to be separate but equal but they were not sure how that was going to work. I guess it turned out pretty good, well basically they just wanted their rights. And Brown v. Board of Education. Equal rights between the black and white. and Dred Scott v. Sandford went on for a long time.

Throughout United States history, Supreme Court decisions have addressed the issue of the constitutional rights of various groups. These decisions have limited or expanded the rights of members of these groups.

One of those court cases was Heart of Atlanta Motel v. United States in 1964. During the 1950s and 1960s, civil rights leaders like Martin Luther King, Jr. pushed for the integration of public places and the end of Jim Crow. After the March on Washington in 1963 the Civil Rights Act was passed by the United States Congress not allowing racial discrimination and segregation in public places. The Atlanta Hotel's owner refused to let blacks get a room and the owner filed suit against Congress' new Civil Rights Act.

The decision the court made was that the commerce clause of the Constitution gives power to congress to regulate interstate travel, and since

The hotel gave rooms to other interstate travelers instead of blacks it messed with their freedom of movement across state lines. Therefore the Supreme Court said that the Civil Rights Act of 1964 was constitutional. The decision expanded the rights of African Americans by guaranteeing that the Civil Rights Act could be used to desegregate hotels, restaurants, stores, and almost all public facilities.

Another case is the court case of Roe v. Wade. During the 1960s the Women's Liberation Movement fought for the right of women to make decisions about their own bodies, including birth control and abortion. In 1973, a pregnant woman from Texas wanted to get an abortion, but Texas had made a law saying that it was a crime to do such thing. Roe took Texas to the Supreme Court and said to the court that the Texas Law violated her implied right of personal liberty in the 14

amendment and privacy from the Bill of Rights.

The Court's decision in the case *Roe v. Wade* was that states may not interfere with a woman wanting an abortion in the first trimester because state laws could not interfere with a woman's right to privacy. The Court expanded the rights of women getting abortions in the United States. The decision gave women an alternative to unwanted pregnancy, including cases of rape, incest, or teenage pregnancy. The debate about abortion is still going on and has led to political disputes. It often divides communities and has led to some unfortunate incidents.

These decisions that the Supreme Court makes sometimes limit and sometimes expand the rights of members of various groups in the United States. The Supreme Court has settled many disputes in states across America, and affected the lives of many minority groups.

Supreme court decisions over the years have affected society greatly, some limiting and some expanding the rights of members of certain groups of people. Two Supreme Court cases that clearly display this are the Dred Scott v. Sandford case in 1857 and the Brown v. Board of Education of Topeka case in 1954.

In the Dred Scott v. Sandford case, Dred Scott was a slave and he sued his master for his freedom. His master had brought him to a free state, where Dred Scott had lived as a free man. When Scott's master brought him back home, Scott thought that having lived in free territory made him a free man. The Supreme Court decided that Dred Scott was an African American and was not a citizen. Therefore, he could not sue, and had no case. Even if he could sue, the Supreme Court decided that slaves were property and therefore even though Dred Scott lived in free territory, he was still considered someone's property, and therefore still a slave. This Supreme Court decision limited the rights of African Americans. It made it publicly known that slavery could spread and that African Americans were not citizens, and did not have the same rights as a white man.

In the Brown v. Board of Education of Topeka case, Linda Brown had been rejected by an all-white school near her home. The closest black school was miles away. Linda's father sued the Board of Education of Topeka for Linda's rights. Schools were segregated at the time and this Supreme Court decision desegregated them. The Supreme Court decided that "separate but equal" that was

Decided in the Plessy v. Ferguson case did not apply to education, this decision called for the desegregation of all schools. In contrast to the Dred Scott v. Sanford case, this decision expanded the rights of African Americans. It expanded their rights by proclaiming that African Americans could go to the same schools as white people. This was a huge step in the Civil Rights movement, and a huge step towards integration and equality.

In conclusion, the Dred Scott v. Sanford case and the Brown v. Board of Education of Topeka case were both important Supreme Court cases in the history of the United States and greatly affected the rights of African Americans. The Dred Scott v. Sanford case in 1857 limited the rights of African Americans while the Brown v. Board of Education of Topeka case in 1954 expanded the rights of African Americans. Overall, there were many other Supreme Court decisions that affected the rights of African Americans as well as other groups of people.

Throughout history, the Supreme Court has addressed the issue of constitutional rights to a number of diverse groups of people. In some cases Supreme Court decisions have limited or expanded the constitutional rights of members in these groups.

In the Supreme Court case, *Brown vs. The Board of Education of Topeka* the point of segregated schools was brought about. Brown sent his child to an all white school because it was closer to their house, and his child was denied the right of entry because she was black. Brown sued the Board of Education. Supreme Court's decision on this matter was, it is illegal to have segregation in a school. The children were now allowed in the school but faced much discrimination. Although this was a step closer for blacks to receive equal rights, they were treated & respected horribly with great discrimination.



In another court case known as Roe vs. Wade women's rights were tested. Women believed it was their right to decide if they wanted to have an abortion or to keep the child. When this was being questioned Roe sued. Supreme Court had ruled that it was in fact a woman's right to decide on abortion, but it would have to be in the first ~~8~~ three months of pregnancy. In this case it also was meant to expand the rights of women and bring them closer to equality but it was taking time to do so. Women still faced lower wages than men, and some work places didn't even want them working there.

Supreme Court has addressed many cases involving constitutional rights of different groups of people. In the two cases Brown vs The Board of Education of Topeka, and Roe vs. Wade, Supreme Court decision was meant to expand constitutional rights of African Americans, and women. Although it was one step

Closer to equality. It took much time to bring this about. African Americans faced discrimination while women were looked at ~~as lower~~ lower than men, dealing with lower wages, + questioning their rights.

Practice Paper A—Score Level 3

**The response:**

- Develops all aspects of the task with little depth by describing the historical circumstances surrounding *Brown v. Board of Education of Topeka* and *Korematsu v. United States*, explaining the Supreme Court’s decision in each case, and discussing how each decision either expanded or limited the rights of the involved groups
- Is more descriptive than analytical (*Brown v. Board of Education of Topeka*: it was about a black family that lived closer to a white school but had to travel farther to go to an all black school; under Earl Warren, Chief Justice at the time, the Supreme Court ruled that Brown was right, black children should be allowed to go to the same school as white children; the Supreme Court case has helped expand the rights of African Americans by allowing them an opportunity for an equal education; *Korematsu v. United States*: the President issued this order because of the Japanese attack on Pearl Harbor; the Supreme Court decided that under times of national security, citizens’ rights are limited; none of them had been convicted of spying, but they lost everything and were moved far away from their homes)
- Includes some relevant facts, examples, and details (*Brown v. Board of Education of Topeka*: “separate but equal” was unconstitutional; *Korematsu v. United States*: President Roosevelt; Executive Order #9066; due process; relocation; was a United States citizen; families had no privacy in camps; guarded like prisoners)
- Demonstrates a satisfactory plan of organization; includes an introduction and a conclusion that make the faulty analysis that all Supreme Court cases have made our nation free and have protected United States citizens

**Conclusion:** Overall, the response fits the criteria for Level 3. Although the response includes several relevant details and descriptions about the internment of Japanese Americans, it lacks similar development of school segregation issues. Additionally, flawed statements in the introduction and conclusion detract from its quality.

## Practice Paper B—Score Level 0

### **The response:**

Fails to develop the task

**Conclusion:** The response fits the criteria for Level 0 because it includes no accurate information about either *Dred Scott v. Sanford* or *Brown v. Board of Education*.

## Practice Paper C—Score Level 4

### **The response:**

- Develops all aspects of the task by describing the historical circumstances surrounding *Heart of Atlanta Motel v. United States* and *Roe v. Wade*, explaining the Supreme Court’s decision in each case, but discusses how these decisions expanded the rights of the groups less thoroughly than the other aspects of the task
- Is both descriptive and analytical (*Heart of Atlanta Motel v. United States*: the Atlanta motel’s owner refused to let blacks get a room and the owner filed suit against Congress’ new Civil Rights Act; the decision the Court made was that the commerce clause of the Constitution gives power to Congress to regulate interstate travel; the decision expanded the rights of African Americans by guaranteeing that the Civil Rights Act could be used to desegregate hotels, restaurants, stores, and almost all public facilities; *Roe v. Wade*: during the 1960s, the women’s liberation movement fought for the right of women to make decisions about their own bodies, including birth control and abortion; the Court’s decision was that states may not interfere with a woman wanting an abortion in the first trimester because state laws could not interfere with women’s right to privacy; the decision gave women an alternative to unwanted pregnancies, including cases of rape, incest, or teenage pregnancy)
- Supports the theme with some relevant facts, examples, and details (*Heart of Atlanta Motel v. United States*: civil rights movement of 1950s and 1960s; Martin Luther King Jr.; end of Jim Crow; March on Washington; racial discrimination; segregation; *Roe v. Wade*: Texas; implied 14th amendment right of personal liberty; privacy from the Bill of Rights; divides communities)
- Demonstrates a logical and clear plan of organization; includes an introduction that restates the theme and a conclusion that credits the Supreme Court with settling many disputes in states across the country

**Conclusion:** Overall, the response fits the criteria for Level 4. The response exhibits an understanding of the application of the commerce clause of the Constitution to civil rights and the implied right to privacy in the Bill of Rights and the 14th amendment. However, the discussion of how the rights were expanded by these decisions lacks the analysis of a Level 5 paper.

## Practice Paper D—Score Level 3

### **The response:**

- Develops all aspects of the task with some depth by describing the historical circumstances surrounding *Dred Scott v. Sanford* and *Brown v. Board of Education of Topeka*, explaining the Supreme Court’s decision in each case, and discussing how each decision either limited or expanded the rights of African Americans
- Is more descriptive than analytical (*Dred Scott v. Sanford*: when Scott’s master brought him back home, Scott thought that having lived in a free territory made him a free man; the Supreme Court decided that slaves were property and therefore, even though Dred Scott lived in free territory, he was still considered someone’s property, and therefore still a slave; the case made it publicly known that slavery could spread and that African Americans were not citizens and did not have the same rights as white men; *Brown v. Board of Education of Topeka*: Linda Brown had been rejected by an all white school near her home; the Supreme Court decided that “separate but equal” that was upheld in the *Plessy v. Ferguson* case did not apply to education; this was a huge step in the civil rights movement and a huge step toward integration and equality)
- Includes few relevant facts, examples, and details (*Dred Scott v. Sanford*: could not sue; *Brown v. Board of Education of Topeka*: schools were segregated); includes an inaccuracy (*Dred Scott v. Sanford*: Dred Scott had lived as a free man)
- Demonstrates a satisfactory plan of organization; includes a brief introduction that restates the theme and a conclusion that cites the importance of the cases in limiting and expanding African American rights

**Conclusion:** Overall, the response fits the criteria for Level 3. The response demonstrates a basic understanding of the events leading to each case but does so with few supporting details and limited depth.

## Practice Paper E—Score Level 2

### The response:

- Develops some aspects of the task with little depth by mentioning the historical circumstances surrounding *Brown v. Board of Education of Topeka*, stating the Supreme Court’s decision in *Brown v. Board of Education of Topeka* and in *Roe v. Wade*, and mentioning how *Brown* expanded the rights of African Americans
- Is primarily descriptive (*Brown v. Board of Education of Topeka*: Brown sent his child to an all white school because it was closer to their house and his child was denied the right of entry because she was black; the Supreme Court’s decision on this matter was that it is illegal to have segregation in a school; this was a step closer for blacks to receive equal rights; *Roe v. Wade*: the Supreme Court had ruled that it was a woman’s right to decide on abortion, but it would have to be in the first three months of pregnancy)
- Includes few relevant facts, examples, or details (*Brown v. Board of Education of Topeka*: children still faced much discrimination)
- Demonstrates a general plan of organization; contains a digression (*Roe v. Wade*: women still faced lower wages than men and some workplaces did not even want them working there); includes an introduction that restates the theme and a conclusion that recognizes that although both decisions expanded rights, additional struggles faced each group

**Conclusion:** Overall, the response fits the criteria for Level 2. Despite accurately identifying the Supreme Court’s decision in each case, the response lacks historical perspective and utilizes only broad statements that lack supporting detail.

# United States History and Government Specifications Grid January 2011

## Part I Multiple Choice Questions by Standard

<i>Standard</i>	<i>Question Numbers</i>
1—United States and New York History	6, 9, 14, 16, 17, 18, 20, 22, 23, 24, 26, 28, 29, 32, 33, 34, 37, 38, 39, 40, 48, 49
2—World History	35, 36, 44
3—Geography	1, 3, 13, 15, 27
4—Economics	5, 12, 19, 21, 25, 30, 31, 41, 43, 45, 46
5—Civics, Citizenship, and Government	2, 4, 7, 8, 10, 11, 42, 47, 50

## Parts II and III by Theme and Standard

	<b>Theme</b>	<b>STANDARDS</b>
Thematic Essay	Constitutional Principles; Supreme Court Decisions Diversity; Minority Rights; Citizenship	Standards 1 and 5: United States and New York History; Civics, Citizenship, and Government
Document-based Essay	Presidential Decisions and Actions; Foreign Policy; Interdependence; Change; Science and Technology	Standards 1, 2, 3, and 4: United States and New York History; World History; Geography; Economics

**The *Chart for Determining the Final Examination Score for the January 2011 Regents Examination in United States History and Government* will be posted on the Department's web site <http://www.p12.nysed.gov/osa/> on the day of the examination. Conversion charts provided for the previous administrations of the United States History and Government examination must NOT be used to determine students' final scores for this administration.**

### **Submitting Teacher Evaluations of the Test to the Department**

Suggestions and feedback from teachers provide an important contribution to the test development process. The Department provides an online evaluation form for State assessments. It contains spaces for teachers to respond to several specific questions and to make suggestions. Instructions for completing the evaluation form are as follows:

1. Go to <http://www.forms2.nysed.gov/emsc/osa/exameval/reexameval.cfm>.
2. Select the test title.
3. Complete the required demographic fields.
4. Complete each evaluation question and provide comments in the space provided.
5. Click the SUBMIT button at the bottom of the page to submit the completed form.