

FOR TEACHERS ONLY

The University of the State of New York

REGENTS HIGH SCHOOL EXAMINATION

VOLUME
2 OF 2
DBQ

UNITED STATES HISTORY AND GOVERNMENT

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

RATING GUIDE FOR PART III A AND PART III B (DOCUMENT-BASED QUESTION)

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 at: <http://www.p12.nysed.gov/assessment/> 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 several times throughout the Regents Examination period.

Contents of the Rating Guide

For **Part III A** Scaffold (open-ended) questions:

- A question-specific rubric

For **Part III B** (DBQ) 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

Mechanics of Rating

The procedures on page 2 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*.

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THE STATE EDUCATION DEPARTMENT
Albany, New York 12234

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.

Rating the Scaffold (open-ended) Questions

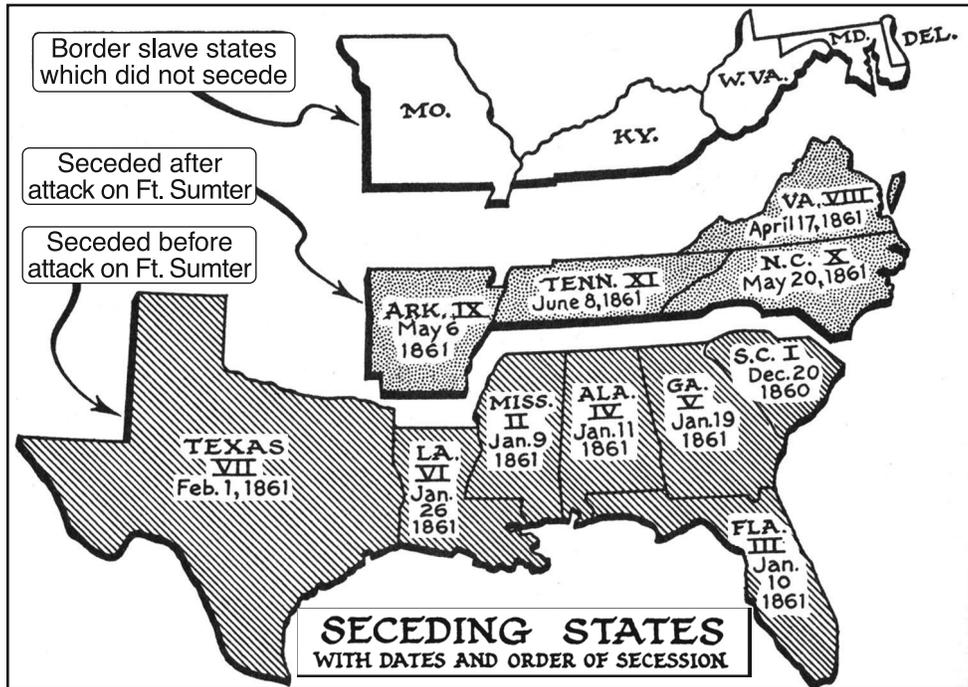
- (1) Follow a similar procedure for training raters.
- (2) The scaffold questions are to be scored by one rater.
- (3) The scores for each scaffold question must be recorded in the student's examination booklet and on the student's answer sheet. The letter identifying the rater must also be recorded on the answer sheet.
- (4) Record the total Part III A score if the space is provided on the student's Part I answer sheet.

Schools are not permitted to rescore any of the open-ended questions (scaffold questions, thematic essay, DBQ essay) on this exam after each question has been rated the required number of times as specified in the rating guides, regardless of the final exam score. Schools are required to ensure that the raw scores have been added correctly and that the resulting scale score has been determined accurately. Teachers may not score their own students' answer papers.

The scoring coordinator will be responsible for organizing the movement of papers, calculating a final score for each student's essay, recording that score on the student's Part I answer sheet, and determining the student's final examination score. The conversion chart for this examination is located at <http://www.p12.nysed.gov/assessment/> and must be used for determining the final examination score.

United States History and Government
Part A Specific Rubric
Document-Based Question
January 2015

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?

Score of 2 or 1:

- Award 1 credit (up to a maximum of 2 credits) for each *different* problem faced by President Abraham Lincoln in 1861 based on these documents
Examples: attack on Fort Sumter; many Southern states had seceded/Southern states left the Union/secession; the need to prevent border slave states from seceding; mobs in Baltimore were attacking Northern troops/6th Massachusetts Infantry on their way to defend Washington; Washington D.C.'s links to the outside world were threatened/Confederate sympathizers in Maryland tore down telegraph wires that linked the capital to the outside world *or* Confederate sympathizers in Maryland burned railroad bridges that linked the capital to the outside world; people discouraging volunteer enlistments; resistance to militia drafts; aid/comfort being given to rebels; the Civil War; reactions to the authorization of military law and use of military courts; pro-Southern actions in Maryland led Lincoln to suspend habeas corpus; need to raise a larger army; seceding states

Note: To receive maximum credit, two *different* problems faced by President Abraham Lincoln in 1861 must be stated. For example, *Washington D.C.'s links to the outside world were threatened* and *Confederate sympathizers in Maryland tore down telegraph wires that linked the capital to the outside world* are the same reason since *Confederate sympathizers in Maryland tore down telegraph wires that linked the capital to the outside world* is a subset of *Washington D.C.'s links to the outside world were threatened*. Likewise, *Confederate sympathizers in Maryland burned railroad bridges that linked the capital to the outside world* is another subset of *Washington D.C.'s links to the outside world were threatened*. In these and similar cases, award only *one* credit for this question.

Score of 0:

- Incorrect response
Examples: border states refused to free their slaves; the 6th Massachusetts Infantry attacked a mob in Baltimore; all persons resisted the military draft; confederate sympathizers maintained the security of the national government; Lincoln authorized military trials; border states seceded
- Vague response
Examples: the order of secession; the authority of the United States; subsequent presidential orders; writ of habeas corpus
- No response

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?

Score of 1:

- States an argument used to support the suspension of the writ of habeas corpus by President Lincoln based on these documents

Examples: there is a rebellion against the United States; a provision in the Constitution allows for the suspension of habeas corpus in cases of rebellion/invasion; it was necessary to prevent sudden and extensive uprisings against the government; it would help prevent interference with the war effort; preventing the raising of troops/encouraging desertions from the army interfered with the war efforts; it would help preserve the nation; Vallandigham's actions could damage the army's ability to raise troops; the public safety requires it; it is necessary to protect the United States from avowed hostility to the Union's war effort

Score of 0:

- Incorrect response
Examples: the government can arrest anyone who opposes the President; it gives the army the right to shoot deserters; the Constitution states habeas corpus cannot be suspended; Vallandigham criticized the administration; soldier boys were simple-minded
- Vague response
Examples: the Democratic Committee in Albany adopted resolutions; there were abuses; the boy would be saved; it is Lincoln's opinion; the provision of the Constitution applies to present case
- No response

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?

Score of 1:

- States why Chief Justice Roger Taney thinks President Abraham Lincoln does not have the right to suspend habeas corpus according to this document
Examples: the privilege of the writ of habeas corpus is in the ninth section of the first article of the Constitution; Article I of the Constitution is devoted to the legislative department and has not the slightest reference to the executive department; the Constitution does not give the president this right; all of the powers related to habeas corpus belong to Congress; it is a legislative power; Article I of the Constitution does not give powers to the president

Score of 0:

- Incorrect response
Examples: it is an executive power; all of the powers related to habeas corpus belong to the House of Representatives; habeas corpus is not mentioned in the Constitution
- Vague response
Examples: it is in an article; the Senate and House of Representatives make up Congress; it is a foregoing power; it is necessary and proper
- No response

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?

Score of 1:

- States an argument used by those who opposed the suspension of habeas corpus by President Lincoln according to James McPherson
Examples: civilians should not be tried in military courts where civil courts were open; it was excessive/unjustified by any reasonable military necessity; its constitutionality was questioned; it would establish questionable precedents; the arrest of Maryland legislators seemed excessive and unjustified

Score of 0:

- Incorrect response
Examples: Lincoln's actions were declared constitutional; the Emancipation Proclamation created controversy; civilians should only be tried in military courts
- Vague response
Examples: actions were contentious; it remains controversial among historians; it was invoked
- No response

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 Polenberg, *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.

Score of 2 or 1:

- Award 1 credit (up to a maximum of 2 credits) for each *different* circumstance that led to President Roosevelt's decision to relocate Japanese Americans living on the West Coast of the United States based on these documents

Examples: the attack on Pearl Harbor/the United States of America was attacked by Japan/attack by the naval and air forces of the Empire of Japan; the continued presence of a large, unassimilated, tightly knit racial group bound to an enemy nation along a frontier vulnerable to attack was considered a menace which had to be dealt with; clamor of pressure groups against the Japanese; growing public opinion against the Japanese; belief that Japanese Americans were potential fifth columnists/spies; a report that said American losses at Pearl Harbor had been caused by espionage; absence of an overt act caused suspicion/absence of an act was taken as proof that plans for an attack had been carefully worked out/an invisible deadline was drawing near; Japanese forays/attacks threatened the West Coast; suspicion of espionage

Note: To receive maximum credit, two *different* circumstances that led to President Roosevelt's decision to relocate Japanese Americans living on the West Coast of the United States must be stated. For example, *the attack on Pearl Harbor* and *the United States of America was attacked by Japan* are the same circumstance expressed in different words. In this and similar cases, award only *one* credit for this question.

Score of 0:

- Incorrect response
Examples: the United States was at peace with Japan; the battle of Midway removed the threat of Japanese forays against the West Coast; Japan was attacked; all Japanese Americans were spies
- Vague response
Examples: it was developed by people; General DeWitt was chief of the army's Western Defense Command; the report; overt acts; they had proof; the report was erroneous; there was tremendous volume
- No response

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?

Score of 1:

- States an argument the *San Francisco News* used to support the removal of the Japanese from the West Coast based on these documents

Examples: cooperation by Japanese Americans would demonstrate their loyalty to the United States; necessity of clearing the coastal combat areas of all possible fifth columnists/spies/saboteurs; since presence of enemy agents could not be detected readily when area is thronged by Japanese, it was best to remove all Japanese/California-born Japanese citizens from the combat area; if there is an act of sabotage, they could be the victims of angry reprisals in bloody race riots/bloody riots could break out; it would move the Japanese out of harm's way; real danger would exist for Japanese if they remained in the combat area/military zone; it was the humane way to ensure safety; to protect Japanese Americans; it may be somewhat inconvenient, but it is necessary

Score of 0:

- Incorrect response
Examples: they are not citizens; enemy agents could be readily detected; they are needed in coastal combat areas
- Vague response
Examples: they are already packed up; Japanese leaders in California are counseling their people; they remain away; the Army is carrying out evacuation plans; inconvenient; experience hardships
- No response

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.

Score of 1:

- States a reason Justice Frank Murphy believed the forced evacuation of Japanese Americans was unconstitutional based on this document

Examples: a reasonable relation between the group characteristics of Japanese Americans and the dangers of invasion/sabotage/espionage has not been proved; the military order was based on an accumulation of misinformation/half-truths/insinuations; the foremost advocates of the evacuation were people with racial and economic prejudices; the evacuation was not strictly based on military considerations; independent studies conducted by experts substantially discredited every charge relative to race, religion, culture, geographical location, and legal and economic status; it would be a legalization of racism; racial discrimination has no justifiable part in our democratic way of life; it is against the principles set forth in the Constitution of the United States; all residents of this nation are entitled to all rights and freedoms guaranteed by the Constitution; discrimination is utterly revolting/unattractive among a free people who embrace the United States Constitution

Score of 0:

- Incorrect response
Examples: there was a danger of invasion/sabotage/espionage; judgments were based on strictly military considerations; racial discrimination is justified
- Vague response
Examples: it was legalization; they relied on main reasons; it was part of the American experiment; it was guaranteed; the military order was based on an accumulation of information; all residents of this nation are kin in some way
- No response

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?

Score of 1:

- States why President George W. Bush called for a strengthening of law enforcement programs in 2001 based on this document
Examples: the surprise attack/act of war against our country on September 11; a terrorist attack on the United States; enemies of freedom committed an act of war against our country; to improve air safety/to dramatically expand the number of air marshals on domestic flights/to prevent hijacking/to promote stability and keep our airplanes flying with federal assistance; to give law enforcement the additional tools it needs to track down terror at home; to strengthen intelligence capabilities; to know plans of terrorists before they act; to find terrorists before they strike; freedom itself was under attack; to provide tools to fight terrorism; to prevent another 9/11; to prevent acts of war here at home

Score of 0:

- Incorrect response
Examples: to fight a war on foreign soil; America had never known a surprise attack; to commit acts of war; to restrict law enforcement; an attack on a Sunday in 1941
- Vague response
Examples: it was at the center of a great city; to come together; air marshals; tools; new measures; enemies of freedom
- No response

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?

Score of 1:

- States the purpose of the USA Patriot Act according to Congressman Lamar Smith
Examples: to provide law enforcement with tools to fight terrorism; to apply current law to crimes of terrorism; to fight terrorism; to prevent another catastrophic attack on America; to apply current law to crimes of terror including the use of chemical weapons *or* weapons of mass destruction *or* the killing of Americans abroad *or* the financing of terrorist activities; to help law enforcement be able to disrupt terrorist cells

Score of 0:

- Incorrect response
Examples: to fight organized crime/drug dealers; civil liberties; to reduce the power of the Department of Justice; to get approval of the courts; to charge 300 persons of terrorist-related crimes; terrorism; to deal with reports in the media
- Vague response
Examples: to separate myth from reality; to get overwhelming margins in the House and Senate; to get reports from the media; fight back; financing activities
- No response

8b In 2004, what was *one* reason Congressman Lamar Smith believed the USA Patriot Act had been successful?

Score of 1:

- States a reason Congressman Lamar Smith believed the USA Patriot Act had been successful in 2004 based on this document
Examples: federal investigators had disrupted terror cells in at least six American cities; the Department of Justice has charged more than 300 persons in terrorism-related investigations; more than half of the individuals charged with terror-related activities have been convicted or pled guilty; it has helped keep our country safe; it has helped prevent another catastrophic attack on the United States

Score of 0:

- Incorrect response
Examples: the House and Senate passed it by overwhelming margins; Department of Justice has charged few people in terrorism-related activities; it has helped finance terrorist activities; federal investigations have been disrupted
- Vague response
Examples: it was signed; convicted; there have been media reports; there were federal investigations; people were guilty; disruptions occurred
- No response

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.

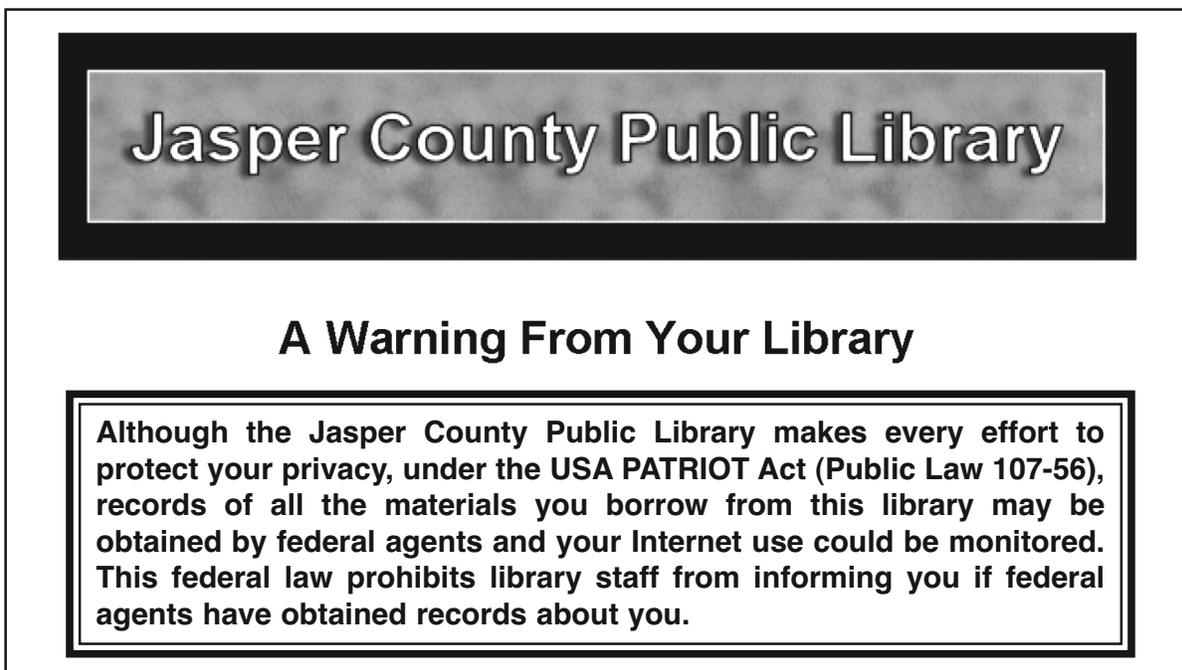
He joined with other conservatives as well as the American Civil Liberties Union on Tuesday in announcing the creation of the coalition, which hopes to curtail some of the law’s more sweeping law-enforcement provisions. ...

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

Document 9b



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?

Score of 2 or 1:

- Award 1 credit (up to a maximum of 2 credits) for each *different* reason for opposition to the USA Patriot Act based on these documents

Examples: the law will do great and irreparable harm to the Constitution; it threatens constitutional protection in the Bill of Rights/it allows the government to search homes without notice/it allows “sneak and peek” searches; government is allowed to pry into personal lives/it gives government unprecedented access into citizens’ private activities; it lets federal agents demand records from medical offices; it lets federal agents demand records from institutions like libraries/it allows the government to investigate peoples’ reading habits/it allows federal agents to obtain records of all materials an individual borrows from the library; it lets federal agents demand records from institutions like libraries/it allows monitoring of Internet use in libraries; it prohibits library staff from telling you if federal agents have obtained your records; law has sweeping law-enforcement provisions that threaten civil liberties; it uses a broad definition of terrorism in pursuing suspects

Note: To receive maximum credit, two *different* reasons for opposition to the USA Patriot Act must be stated. For example, *government is allowed to investigate peoples’ reading habits* and *it allows federal agents to obtain records of all materials an individual borrows from the library* are the same reason expressed in different words. In this and similar cases, award only *one* credit for this question.

Score of 0:

- Incorrect response
Examples: it prevents people from buying guns; it repealed the government’s counterterrorism powers; civil rights advocates, conservative libertarians, gun-rights supporters, and medical privacy advocates have formed a coalition; the American Civil Liberties Union voted for the law
- Vague response
Examples: battle lines were drawn; an unlikely coalition voiced objections; group focused on efforts for Congress; growing unease; efforts were focused on three provisions
- No response

United States History and Government
Content-Specific Rubric
Document-Based Question
January 2015

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: 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

Scoring Notes:

1. This document-based question has a minimum of *six* components (describing the historical circumstances that led to *each* of *two* presidential decisions affecting civil liberties, discussing an argument *in favor of* **and** an argument *opposed to* *each* presidential decision).
2. The description of the historical circumstances that led to the presidential decision may focus on long-term issues or immediate events, e.g., describing the long history of anti-Japanese discrimination on the West Coast *or* describing events surrounding Japan’s attack on Pearl Harbor.
3. Information that is used to describe the historical circumstances that led to a presidential decision may also be used to discuss an argument of those in favor of the decision, e.g., concentration of a large Japanese American group on a frontier vulnerable to attack could be used to describe historical circumstances *or* as an argument in favor of the relocation of Japanese Americans.
4. The response should discuss an argument used by those in favor of the presidential decision and an argument used by those who opposed the presidential decision. However, other related arguments may be included as part of either discussion.
5. Arguments in favor of and opposed to presidential decisions may be the same for both presidents, but the facts and details will vary, e.g., the need for balance between national security requirements and protection of civil liberties as an opposition argument for both Roosevelt and Bush.
6. Arguments in favor of or opposed to a presidential decision may be discussed from different perspectives as long as the discussion is supported with accurate historical facts and examples.
7. A discussion of the USA Patriot Act may include amendments to the Act that have been added since 2001, e.g., the extension of roving wiretaps by President Obama.
8. Only two presidential decisions should be chosen from the historical context. If three presidential decisions are addressed, only the first two may be scored.
9. For the purposes of meeting the criteria of using *at least four* documents in the response, documents 1a, 1b, 2a, 2b, 3a, 3b, 4a, 4b, 5a, 5b, 9a, and 9b may be considered as separate documents *if* the response uses specific and separate facts from *each* document.

Score of 5:

- Thoroughly develops **all** aspects of the task evenly and in depth by discussing the historical circumstances that led to each of **two** presidential decisions, an argument of those in favor of, **and** an argument of those opposed to each presidential decision
- Is more analytical than descriptive (analyzes, evaluates, and/or creates* information), e.g., *Franklin D. Roosevelt's executive order to relocate Japanese Americans*: connects the long-term racial discrimination experienced by Japanese Americans on the West Coast and the public response to Japan's attack on Pearl Harbor to support for President Roosevelt's executive order evacuating the large number of West Coast Japanese Americans by those who believed it would prevent espionage, sabotage, and angry reprisals against Japanese Americans and to the opposition of those who argued it was based on racism and violated due process as guaranteed in the Constitution; *George W. Bush's signing of the USA Patriot Act*: connects the reasons the 2001 terrorist attacks created new national security challenges and required a reappraisal of law enforcement strategies to government support for expanded search and surveillance capabilities that would help prevent further acts of terrorism at home and to the argument of critics who believed the legislation's broad definition of terrorism could result in the violation of the right to privacy while expanding federal power
- Incorporates relevant information from **at least four** documents (see Key Ideas Chart)
- Incorporates substantial relevant outside information related to controversial presidential decisions (see Outside Information Chart)
- Richly supports the theme with many relevant facts, examples, and details, e.g., *Franklin D. Roosevelt's executive order to relocate Japanese Americans*: terms of Gentlemen's Agreement; San Francisco school segregation; "yellow peril"; 1920s ban on Asian immigration; destruction of Pacific fleet; widespread fear and paranoia; *George W. Bush's signing of the USA Patriot Act*: role of al Qaeda; attacks on World Trade Center, Pentagon, and Flight 93 over Pennsylvania; more than 3,000 Americans killed; surveillance of emails and phone calls; arrest of terrorists; fourth amendment issues; unreasonable search and seizure
- 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 all aspects of the task for one presidential decision more thoroughly than for the second presidential decision *or* by discussing one aspect of the task less thoroughly than the other aspects of the task
- Is both descriptive and analytical (applies, analyzes, evaluates, and/or creates* information), e.g., *Franklin D. Roosevelt's executive order to relocate Japanese Americans*: discusses how long-term discrimination experienced by Japanese Americans on the West Coast and the surprise attack on Pearl Harbor led to President Roosevelt issuing an executive order relocating West Coast Japanese Americans, which supporters argued would prevent espionage and sabotage while opponents argued it denied Japanese Americans their civil liberties; *George W. Bush's signing of the USA Patriot Act*: discusses the reasons for increased government concerns about protecting national security resulting from the 2001 terrorist attacks on the United States, government support for expanded search and surveillance capabilities to prevent further acts of terrorism, and the opposition of critics who believed that expansion of government power would result in the violation of citizens' right to privacy
- Incorporates relevant information from **at least four** documents
- Incorporates relevant outside information
- 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)
- Incorporates some relevant information from some of the documents
- Incorporates limited relevant outside 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* presidential decision 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
- Incorporates limited relevant information from the documents *or* consists primarily of relevant information copied from the documents
- Presents little or no relevant outside information
- 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
- Makes vague, unclear references to the documents *or* consists primarily of relevant and irrelevant information copied from the documents
- Presents no relevant outside information
- 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 historical context and/or task as copied from the test booklet; *OR* includes only entire documents 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.

All sample student essays in this rating guide are presented in the same cursive font while preserving actual student work, including errors. This will ensure that the sample essays are easier for raters to read and use as scoring aids.

Raters should continue to disregard the quality of a student's handwriting in scoring examination papers and focus on how well the student has accomplished the task. The content-specific rubric should be applied holistically in determining the level of a student's response.

Lincoln’s suspension of habeas corpus

Historical Circumstances

<i>Key Ideas from Documents</i>	<i>Relevant Outside Information</i> (This list is not all-inclusive.)
<p>Doc 1—Attack on Ft. Sumter Secession of Southern states Loyalty of some border slave states Attack on 6th Massachusetts Infantry on its way to defend Washington in April 1861 by mob in Baltimore Destroying of telegraph wires and burning of railroad bridges linking the capital to outside world by Confederate sympathizers Suspension of habeas corpus between Philadelphia and Washington and then throughout the country with proclamation in 1862 by Lincoln Authorization of martial law and trials by military courts for persons discouraging volunteer enlistments, resisting military drafts, or giving aid and comfort to rebels against the authority of the United States</p>	<p>Issues leading to Civil War (nullification, States rights, role of abolitionists, extension of slavery into territories, election of Lincoln in 1860, formation of Confederacy) Details about Ft. Sumter Expansion of executive power necessary to preserve Union (blockade, increasing size of federal army, advancing treasury money, and supervision of voting in border states without congressional approval) Strategic importance of border states</p>

Arguments in Favor of

<i>Key Ideas from Documents</i>	<i>Relevant Outside Information</i> (This list is not all-inclusive.)
<p>Doc 2—Lincoln’s defense that the Constitution supported suspension in cases of rebellion Lincoln’s belief that suspension was included in the Constitution to prevent “sudden and extensive uprisings against the government” Justification of Vallandigham’s arrest due to his avowed hostility to Union’s war efforts, his laboring to prevent the raising of troops, his encouragement of desertions from the army, his efforts that would leave Union without adequate military force to suppress rebellion, and his opposition to the Union’s attempt to preserve the nation</p>	<p>Congressional approval as military necessity Importance of keeping border states loyal Constitutional sacrifices necessary to preserve Union President able to act more quickly during national emergency Potential sympathy for Southern viewpoint (civilian authority vs. military courts) Justification of military arrests (entire country as a war zone) Curtailment of civil liberties not a precedent for peacetime Threats to Lincoln’s war objective by demands for armistice (Peace Democrats, Copperheads)</p>

Lincoln's suspension of habeas corpus

Arguments Opposed to

<i>Key Ideas from Documents</i>	<i>Relevant Outside Information</i> (This list is not all-inclusive.)
<p>Doc 2—Resolutions denouncing alleged abuses of Constitution from Democratic Committee of Albany, NY</p> <p>Charges by Democrats that Vallandigham arrested in an effort to silence him</p> <p>Charges by the <i>Atlas and Argus</i> that Vallandigham's arrest threatened every public man who refused to support Lincoln</p> <p>Doc 3—Suspension of habeas corpus by legislative branch as authorized in ninth section of first article of Constitution</p> <p>No reference to executive branch in first article of Constitution</p> <p>Constitutional provision that legislative powers given only to Senate and House of Representatives</p> <p>Legislative powers enumerated in Constitution</p> <p>Establishment of unconstitutional precedents</p> <p>Use of <i>Milligan</i> case to question president's use of war powers</p> <p>Some of Lincoln administration's accusations excessive and unjustified (arrest of Maryland legislators)</p>	<p>Violation of 5th amendment due process clause</p> <p>Threatened system of checks and balances</p> <p>Dictatorial expansion of presidential power</p> <p>Civilian arrests by military not authorized by Constitution</p> <p>Exaggerated wartime concern about national security</p>

Relocation of Japanese Americans

Historical Circumstances

<i>Key Ideas from Documents</i>	<i>Relevant Outside Information</i> (This list is not all-inclusive.)
<p>Doc 4—Sudden and deliberate attack by naval and air forces of Japan on December 7, 1941</p> <p>United States in conversation with Japan to maintain peace in Pacific</p> <p>Character of attack not to be forgotten (“a date which will live in infamy”)</p> <p>Fear of another attack on United States</p> <p>Japanese Americans—a large, unassimilated, tightly knit racial group bound to enemy nation by strong ties of race, culture, custom, religion</p> <p>Concentration of large Japanese American group on a frontier vulnerable to attack</p>	<p>Japanese aggression in Pacific</p> <p>Deteriorating relationship with Japan (embargoes, freezing of assets, unsuccessful negotiations)</p> <p>Long history of anti-Japanese sentiment on West Coast (“yellow peril”, property ownership restrictions, employment discrimination, social segregation, Gentlemen’s Agreement)</p> <p>Declaration of war as a result of damage to Pacific fleet at Pearl Harbor and extensive loss of life</p>

Arguments in Favor of

<i>Key Ideas from Documents</i>	<i>Relevant Outside Information</i> (This list is not all-inclusive.)
<p>Doc 4—Justification of evacuation on grounds of military necessity</p> <p>Japanese Americans large, unassimilated, tightly knit racial group bound to enemy nation by strong ties of race, culture, custom, religion</p> <p>Fear of another attack</p> <p>Concentration of large Japanese American group on a frontier vulnerable to attack</p> <p>Absence of overt act of sabotage, proof of carefully worked out plans with “invisible deadline”</p> <p>Supposition that all Japanese Americans were potential fifth columnists (spies)</p> <p>Report on Pearl Harbor that ascribed American losses to espionage</p> <p>Tremendous volume of negative public opinion</p> <p>Doc 5—Demonstration of loyalty of California-born Japanese citizens to the United States with cooperation in evacuation plans</p> <p>Support of West Coast newspapers for evacuation (<i>San Francisco News</i>)</p> <p>Necessity of clearing coastal combat areas of possible fifth columnists and saboteurs</p> <p>Detection of enemy agents difficult in large Japanese population</p> <p>Danger for Japanese who remained in combat area</p> <p>Possibility that angry reprisals could easily balloon into race riots</p> <p>Evacuation for duration of war humane way to protect Japanese</p>	<p>Death of more than 2,300 Americans by Japanese at Pearl Harbor</p> <p>Evacuation of Japanese Americans upheld by Supreme Court (<i>Korematsu v. United States</i>)</p> <p>Justification of Executive Order 9066 based on national security</p>

Relocation of Japanese Americans

Arguments Opposed to

<i>Key Ideas from Documents</i>	<i>Relevant Outside Information</i> (This list is not all-inclusive.)
<p>Doc 6—No reasonable relation between group characteristics of Japanese Americans and dangers of invasion, sabotage, and espionage</p> <p>Use of misinformation, half-truths, and insinuation to make decision</p> <p>Foremost advocates of policy—people with years of racial and economic prejudices against Japanese Americans</p> <p>Policy based on racial and sociological considerations instead of strict military considerations</p> <p>Independent studies discrediting every charge relative to race, religion, culture, geographical location, and legal and economic status</p> <p>Racial discrimination in any form and in any degree not justifiable in a democracy</p> <p>Violation of Constitutional principles</p> <p>Entitlement of all residents of United States to rights and freedoms guaranteed by Constitution</p>	<p>Different treatment for German Americans and Italian Americans</p> <p>Willingness of Japanese Americans to volunteer for military duty</p> <p>United States citizenship of many Japanese Americans</p> <p>Unfairness of forcing individuals to leave homes, sell property at a loss, disrupt lives, move to internment camps</p> <p>Violation of 5th and 14th amendment rights (due process, right to privacy)</p> <p>Dangerous precedent for a democratic nation</p> <p>Manipulation of issue by politicians to advance self-interest</p>

Signing of the USA Patriot Act

Historical Circumstances

<i>Key Ideas from Documents</i>	<i>Relevant Outside Information</i> (This list is not all-inclusive.)
<p>Doc 7—September 11, 2001—act of war against country by enemies of freedom September 11, 2001—first act of war on American soil since 1941 Death of thousands of civilians New and sudden national security challenges</p>	<p>Previous terrorist actions and activities (1993 World Trade Center, Pan American Flight 103, USS <i>Cole</i>) Complications of United States foreign policy toward Middle East (oil, alliances, Islamic fundamentalism) Public’s emotional response as a result of attacks Increased fear and anxiety about national security (World Trade Center, Pentagon, Flight 93 over Pennsylvania, anthrax mailings)</p>

Arguments in Favor of

<i>Key Ideas from Documents</i>	<i>Relevant Outside Information</i> (This list is not all-inclusive.)
<p>Doc 7—Need to improve air safety, to expand number of air marshals on domestic flights, to take new measures to prevent hijacking Need to promote stability and keep American airlines flying Need for law enforcement to have additional tools to track domestic terrorists Need to strengthen intelligence capabilities to know plans of terrorists before they act and find them before they strike Doc 8—Application of current law to crimes of terrorism (chemical weapons, weapons of mass destruction, killing Americans abroad, financing terrorist activities) Disruption of terror cells in American cities Terrorism-related investigations by Department of Justice leading to charges, convictions, guilty pleas Need to prevent another catastrophic attack on America</p>	<p>Recommendations of 9/11 Commission (increased cooperation between FBI and CIA) Strong public support for doing what is necessary for national security Strong bipartisan support for counterterrorist measures Nature of terrorism requiring different thinking about law enforcement</p>

Arguments Opposed to

<i>Key Ideas from Documents</i>	<i>Relevant Outside Information</i> (This list is not all-inclusive.)
<p>Doc 9—Great and irreparable harm to the Constitution (allowing government to investigate people’s reading habits, search of homes without notice, prying into personal lives) Concern over expansion of government’s powers in fighting terrorism Threats to civil liberties (invasion of privacy, unreasonable search, monitoring of personal records such as library borrowing, Internet use, and records in medical offices)</p>	<p>Unconstitutional (amendments 1, 4, 5, and 6) Passage of laws without adequate debate or deliberation Need for balance between law enforcement and protection of civil liberties (habeas corpus) Expansion of federal power at expense of state and local governments Possibility of misuse by some government officials</p>

In the America in which we live, the Constitution provides for countless freedoms and rights to all citizens. Some of these rights include freedom of speech, the right to bear arms, the right to a trial by jury, and numerous others. Some of the citizens in the United States labor under the mistaken impression that their civil liberties are absolute. However, as was firmly established in the Supreme Court case *Schenck v. United States*, this is not the case. Justice Oliver Wendell Holmes declared that in the case of clear and present danger, civil liberties may be suspended. Throughout the course of American history, several presidents have, in case of rebellion or invasion, suspended certain civil rights in favor of the country's safety. Two such presidents were Abraham Lincoln, who suspended the writ of habeas corpus during the Civil War, and President George W. Bush's signing of the Patriot Act following the September 11, 2001 attacks.

In the years of 1860-61, President Abraham Lincoln found himself in a desperate predicament. The differences between the North and South over the issue of slavery and states rights had led several states to secede from the Union after his election and form the Confederacy. Although Lincoln was not an abolitionist, the South feared he would end their "peculiar institution." War had broken out after the Confederate attack on Fort Sumter. At the same time Confederate sympathizers began rioting in the border state of Maryland. In April 1861, after a mob in Baltimore attacked the 6th Massachusetts Infantry on its way to defending Washington, Lincoln decided to suspend the writ of habeas corpus between Philadelphia and Washington and imprison anyone he felt was aiding the South. He eventually expanded the suspension to the whole

country to stop treasonous actions that might jeopardize his goal of preserving the Union. He had to act quickly and decisively (Document 1b).

Lincoln defended his actions by quoting the Constitution itself, which states that “the privilege of habeas corpus may not be suspended unless when public safety requires it in case of rebellion or invasion” (Document 2a). He pointed to the rioting and rebellion going on in Maryland and the necessity of protecting the nation’s capital as a clear situation to which the Constitution was referring in which habeas corpus may be suspended. Secessionists in the other border states could gain control and lead those states to also separate from the Union. The country was in chaos; Southern states had seceded, and if the border states left the Union would be in shambles. In his opinion, the framers of the Constitution had included this provision to prevent “sudden and extensive uprisings against the government.” He felt he was justified because as president he could act more quickly than Congress.

Some people disagreed with Lincoln’s reasoning. Democrats in Albany were becoming more concerned about the length of the war and with the Republican president’s use of power (Document 2b). Supreme Court Chief Justice Taney pointed out that the clause in the Constitution allowing for the suspension of habeas corpus was referring to the legislative branch, Congress. However, nowhere was there any mention of the executive branch, the president, doing so. (Document 3a) Taney was using a strict interpretation of the Constitution. The elastic clause of the constitution itself was also provided but only for Congressional use. Therefore, it was felt Lincoln had overextended his boundaries as president and disregarded the

system of checks and balances.

Prior to September 2001, there had not been a major foreign attack on the contiguous United States since the War of 1812. The attacks of September 11, 2001, brought about a new chapter in American history and altered Americans' perception of their safety. Four airplanes were hijacked by terrorists. Two crashed into the Twin Towers, one into the Pentagon, and the fourth, which was heading toward the White House, crashed into a field in Pennsylvania. Thousands of people were killed and many Americans worried that terrorist activities would continue. Following the attacks, President George W. Bush declared a war on terrorism and as Lincoln had expanded his powers during the Civil War Bush also expanded his powers. In addition to taking on a foreign war in Afghanistan to destroy Al-Qaeda Congress passed the Patriot Act to fight terrorism on American soil. It gave the government the right to wiretap phones and search e-mails and other private information without a specific warrant in order to gather information about suspected terrorists and their activities. This was a different kind of war. It would be important to monitor dangerous individuals and stop attacks from happening.

Many people, both in the government and outside it, defended the Patriot Act because it would help protect national security. It passed through Congress in an overwhelming majority - 357 to 66 in the House and 98 to 1 in the Senate (Document 8). There was hardly any debate because Congress was reacting to the seemingly ever present new dangers of terrorism. They felt that dangerous times called for drastic measures, and that the government should act aggressively to keep the country safe. Terrorism has such a strong threat to the public welfare and since no one knew what we were up against or how long

the war on terror would have to last a loss of privacy would be insignificant in comparison to the number of lives saved. Indeed, Congressman Lamar Smith stated in April 2004 that "Since the Patriot Act was signed into law, federal investigators had disrupted terrorist cells in at least 6 different American cities" (Document 8). Those who defended the law felt that the benefits significantly outweighed the deficits of the loss of personal liberties guaranteed in the Bill of Rights. Terrorism was a clear and present danger.

There were many other people who felt that the Patriot Act would do "great and irreparable harm" to America and saw civil liberty guarantees as being more absolute, as Charles Schenck had. The law was in direct violation of the 4th Amendment, which provides for the right to privacy. Some people were afraid of the government abusing the ability to search for information, and broadly defining what a war was and who was a suspected terrorist. Also, the law allowed for searches without informing the subject, which they felt would be harmful. Some who disagreed with the law thought it was passed too quickly and that Congress did not spend enough time discussing the possible negative effects of the law on individuals and the country. Government surveillance of individuals could get out of hand and that, too, would be a clear and present danger.

Overall, presidents of the United States, such as Abraham Lincoln and George W. Bush, have suspended different civil liberties at times in American history. They have been met with much controversy. However, they have stood firm in their beliefs that their actions benefit the safety of the country, and have helped the country through some of its major crises.

Anchor Level 5-A

The response:

- Thoroughly develops all aspects of the task evenly and in depth for Abraham Lincoln’s suspension of habeas corpus and George W. Bush’s signing of the USA Patriot Act
- Is more analytical than descriptive (*Lincoln*: justified writ by pointing to rioting and rebellion in Maryland; if border states left, Union would be in shambles; as president, he could act more quickly than Congress; Albany Democrats becoming more concerned about length of war and with Republican president’s use of power; Chief Justice Taney pointed out clause allowing for suspension referred to legislative branch; *Bush*: prior to 9/11, no major foreign attack on contiguous United States since the War of 1812; it would be a different kind of war so it would be important to monitor dangerous individuals and stop attacks from happening; a loss of privacy would be insignificant in comparison to number of lives that would be saved; some afraid of government abusing ability to search for information, broadly defining what a war was, and deciding who was a suspected terrorist; some thought Congress did not spend enough time discussing possible negative effects of the law)
- Incorporates relevant information from documents 1, 2, 3, 7, 8, and 9
- Incorporates substantial relevant outside information (*Lincoln*: differences between North and South over slavery and States rights led several states to secede after his election and form the Confederacy; secessionists in border states could lead those states to separate from Union; some felt Lincoln had disregarded the system of checks and balances; *Bush*: four airplanes were hijacked by terrorists with two crashing into the Twin Towers, one into the Pentagon, and fourth crashing in a field in Pennsylvania; Congress took on a war in Afghanistan to destroy al Qaeda; defenders felt benefits of law significantly outweighed deficits of loss of personal liberties guaranteed in the Bill of Rights; terrorism was a clear and present danger; some saw civil liberty guarantees as being absolute, as Charles Schenck had; Act in direct violation of 4th amendment which provides for right of privacy)
- Richly supports the theme with many relevant facts, examples, and details (*Lincoln*: Baltimore mob attacked 6th Massachusetts infantry; suspended writ between Philadelphia and Washington and eventually entire country; Constitution states writ may not be suspended unless public safety requires it in case of rebellion or invasion; Taney used strict interpretation of the Constitution; *Bush*: Congress passed Act to fight terrorism on American soil; gave government right to wiretap phones; passed by overwhelming majority in House and in Senate; as of April 2004, federal investigators disrupted terrorist cells in at least six different American cities; Act allowed for searches without informing the subject)
- Demonstrates a logical and clear plan of organization; includes an introduction that states the freedoms provided by the Constitution are thought to be absolute by some even though they are not and a conclusion that states Lincoln and Bush stood firm in the belief that their actions benefited the safety of the country

Conclusion: Overall, the response fits the criteria for Level 5. A good understanding of the “clear and present danger” concept establishes a thoughtful context for the discussion of circumstances leading to both presidential decisions. Relevant political and constitutional understandings are reflected in document analysis throughout the response.

During a president's time in office, they are likely to come face-to-face with events that threaten the national security of America. To combat these threats, presidents sometimes take actions that inhibit the rights of citizens, supposedly for the safety of the country. Two such presidents are Franklin D. Roosevelt and George W. Bush. Roosevelt called for the relocation of Japanese Americans due to the war with Japan, and Bush enacted the Patriot Act to help combat terrorism in the country. The actions these presidents took were as highly criticized as they were praised by citizens.

Franklin D. Roosevelt, while dealing with the Great Depression and directing the New Deal on the homefront, had many problems to attend to on a global scale. The U.S. rejected the League of Nations after World War I. During the 1930s Congress passed Neutrality Acts hoping to stay out of war but it wasn't possible. World War II came to America when the American port in Pearl Harbor, Hawaii, was bombed in a surprise attack by Japanese forces. This attack influenced the U.S. to enter World War II the very next day against Japan and against Germany soon after. (Doc. 4) The army and many California residents were worried, however, about an attack on the U.S. from within by Japanese Americans that might be loyal to their mother country. Since the Japanese Americans living on the west coast had suffered discrimination for many years and some were not allowed to become citizens they generally lived with other Japanese Americans. (O.1). This resulted in less assimilation than most other immigrant groups. To combat the fear of possible espionage and sabotage Roosevelt was convinced to issue Executive Order 9066. This led to Japanese Americans living on the west coast being relocated to internment

_____ camps away from the coast. This decision was supported by some, but _____ opposed by others.

_____ American citizens had opposing views when debating whether the _____ relocation of Japanese Americans was constitutional or not. Those who _____ supported the action felt that Japanese American co-operation with _____ Roosevelt's Executive Order 9066 was a means of testing their loyalty _____ (Doc.5). If they were truly loyal to the country, they would _____ understand the need for such actions during wartime. This in turn _____ would also help identify potential Japanese spies in the process (Doc.5). _____ Americans expected the government to protect them and they believed _____ the government has the responsibility to protect national security. _____ People living on the west coast were nervous and afraid that Japanese _____ Americans could not be trusted any more than the country of Japan _____ could be trusted. After all the Japanese had attacked Pearl Harbor _____ without warning while our diplomats were still discussing peace in the _____ Pacific (Doc 4). Those who opposed the action, however, thought much _____ differently about it. Some felt that forcing Japanese Americans to _____ leave their homes and placing them in these camps surrounded by _____ barbed wire and armed guards was, in essence, stripping them of their _____ constitutional rights as citizens (Doc.6). They were denied due process _____ rights as guaranteed in the Constitution. (O.1). Some Japanese _____ Americans even fought back in the courts against this decision, in _____ hopes of overturning the internment. The most famous example of this _____ was in the court case Korematsu vs. United States. Korematsu, a _____ Japanese American, was arrested and convicted for not obeying the _____ internment order. (O.1). He ultimately appealed to the Supreme Court _____ that his rights shouldn't be restricted and the conviction was unfair.

The Supreme Court, however, ruled that rights of some citizens can be restricted during war to protect against espionage and sabotage. However, Justice Murphy argued that the forced evacuations of Japanese Americans should be based on fact and not on rumors or racism. He refused to accept the military's judgment because it was based on flawed considerations (Doc. 6). This was not the only time a president's actions were highly controversial, however.

During the presidency of George W. Bush, he had to deal with a situation very similar to that of Roosevelt's. Before Bush was president, tensions between America and Islamic fundamentalist groups in the Middle East had begun to rise. (O.1). Terrorism became the weapon of choice to protest American foreign policy and what America stood for. Events such as the Iran Hostage Crisis during Jimmy Carter's presidency and the bombing of the USS Cole in the Middle East by Islamic Fundamentalists presented new challenges for the U.S. (O.1). Finally, on September 11, 2001, terrorists working out of Afghanistan enacted a plan the U.S. would never forget. Similar to the attack on Pearl Harbor, members of Al Qaeda, a terrorist group led by Osama Bin Laden, hijacked four American planes and crashed two into the World Trade Center and one into the Pentagon. (O.1). The country was devastated, and President Bush knew something had to be done about it. (Doc. 7). As a result, Bush asked Congress for a resolution in support of bombing Al Qaeda targets in Afghanistan and for the USA Patriot Act just weeks after the attacks on 9/11. Most Americans supported these actions. Just like Roosevelt, Bush faced controversy in his decision to impose such a law as the war on terror continued.

After Bush signed the Patriot Act to prevent secret terrorist acts, history basically repeated itself, as supporters and critics of the Act began to be heard. Those in favor of the Act felt that it was an effective way to help make sure another 9/11 never happened again even if it meant restricting freedoms. America did not want that kind of shock again or to experience the loss of so many innocent lives. It was reported that, as of April 23, 2004, over 300 people were investigated and charged with terrorism, and over half of them were convicted or pled guilty (Doc.8). Those opposed to it, on the other hand, felt it was a restriction of civil liberties and privacy. Since the Patriot Act allowed federal agents to initiate “sneak and peak” searches, citizens felt that it was an invasion of their personal lives, and an abuse of the Constitution. Opponents believed that government leaders took advantage of fear and passed legislation that was extreme and beyond what was necessary to protect national security. To enforce the Patriot Act, millions of taxpayer dollars would have to be spent on homeland security and on monitoring innocent law abiding citizens. (O.1). For example public records could be examined by the government, including the library books checked out and internet usage of individuals. Those whose records were observed were not supposed to know or be told about it (Doc.9). Although the Patriot Act is still in effect today, expanded government surveillance continues to be a controversial issue.

President Roosevelt’s and President Bush’s decisions during times of national danger are very controversial topics. Roosevelt’s relocation of Japanese Americans was admired for increasing national security but criticized for its restriction of citizens’ rights. President Bush’s

passage of the Patriot Act helped uncover terrorist activities in the U.S., but also invaded peoples' privacy. All in all, it truly is a difficult task for a president to provide for his country while making everyone happy at the same time.

Anchor Level 5-B

The response:

- Thoroughly develops all aspects of the task evenly and in depth for Franklin D. Roosevelt's executive order to relocate Japanese Americans and George W. Bush's signing of USA Patriot Act
- Is more analytical than descriptive (*Roosevelt*: the army and many California residents worried about an attack from within by Japanese Americans that might be loyal to their mother country; those who supported relocation felt Japanese American cooperation with Executive Order 9066 was a means of testing their loyalty; Japanese attacked Pearl Harbor while our diplomats were still discussing peace in the Pacific; some felt forcing Japanese Americans to leave homes was stripping them of their constitutional rights; Justice Murphy argued that forced evacuation of Japanese Americans should be based on fact, not on rumors or racism; *Bush*: terrorism became weapon of choice to protest American foreign policy and what America stood for; supporters felt Act was an effective way to make certain another 9/11 never happened again even if it meant restricting freedoms; citizens felt Act was an invasion of their personal lives and abuse of Constitution; government leaders took advantage of fear and passed legislation that was extreme and beyond what was necessary to protect national security)
- Incorporates relevant information from documents 4, 5, 6, 7, 8, and 9
- Incorporates substantial relevant outside information (*Roosevelt*: attack on Pearl Harbor influenced entry into World War II; Japanese Americans living on West Coast had suffered discrimination for many years resulting in less assimilation than most other immigrant groups; Japanese Americans denied due process rights; Korematsu arrested and convicted for not obeying internment order; Supreme Court ruled that rights can be restricted to protect against espionage and sabotage; *Bush*: before his presidency, tensions between America and Islamic fundamentalist groups in Middle East had begun to rise; events such as the Iran hostage crisis and bombing of USS *Cole* presented new challenges for United States; members of al Qaeda, led by bin Laden, hijacked American planes and crashed them into World Trade Center and the Pentagon; Bush asked Congress for a resolution in support of bombing al Qaeda targets in Afghanistan; to enforce Act, millions of taxpayer dollars to be spent on homeland security and on monitoring innocent law-abiding citizens; expanded government surveillance continues to be a controversial issue today)
- Richly supports the theme with many relevant facts, examples, and details (*Roosevelt*: League of Nations; Neutrality Acts; World War II; relocation of Japanese Americans in camps; *Bush*: over 300 people investigated and charged with terrorism and over half convicted or pled guilty; "sneak and peek" searches; public records such as library books checked out and Internet usage)
- Demonstrates a logical and clear plan of organization; includes an introduction that states presidents sometimes impose laws that inhibit the rights of citizens to combat threats to national security and a conclusion that notes the controversial nature of Roosevelt's and Bush's decisions

Conclusion: Overall, the response fits the criteria for Level 5. A good historical context supported by substantive outside information is established in the discussion of circumstances leading to both presidential decisions. Insightful document analysis contributes to the examination of arguments for each decision.

The antifederalist critics of the Constitution were successful in adding a written guarantee of rights for the individual: The Bill of Rights. Throughout the next 200 years, the question of whether or not these rights superceded national security has been raised many times. To understand why, a historical context needs to be explored: Only then can one more objectively analyze both the supporters and opponents of this temporary suspension of individual rights. Two famous examples of this are Lincoln's suspension of the writs of habeas corpus during the 1860's and Roosevelt's decision to relocate Japanese Americans to internment camps during World War II.

During the 1860 Presidential campaign, sectional tensions reached their apex when the southern states threatened to secede from the Union if Republican candidate Abraham Lincoln was elected. Although Lincoln promised not to interfere with slavery where it already was, some southern states thought they would be more secure out of the Union. When he was elected, the South kept its word: one month after Lincoln's victory, South Carolina seceded from the Union, and by June of the next year, eleven Southern states had joined the Confederacy, the rebel government. (Doc. 1a). When the Confederates sympathizers in Baltimore began to attack and destroy Union infrastructure and communications equipment, Lincoln suspended the writs of habeas corpus, or the protection against unlawful detention in Maryland. (Doc. 1b). He was concerned about the spread of violence, more disloyalty, and the safety of the national capital. Since the entire country was either a war zone or vital to the war effort, he extended the suspension into the North as well. The Constitution does permit the suspension of these writs "in cases of rebellion or invasion, [or when] the public safety may

require it.” (Doc. 2a). This was the argument used by Lincoln and supporters of this decision: there was clearly a rebellion taking place and he had to use his war powers as commander-in-chief to defend the United States. Lincoln felt that this was constitutional because he needed to be able to quickly detain insubordinate rebels who could otherwise continue subversive treasonous activities in the interim between confirmed suspicion and lawful detainment. Clement Vallandigham’s efforts to discourage volunteers and encourage desertions is an example. To argue against this decision, pro-Southern Chief Justice Roger Taney, whose court had ruled against Dred Scott’s freedom, cited the location of the writs of habeas corpus in the constitution: in the 9th section of the first article, which appropriates powers to the legislative branch. (Doc. 3a) Taney and others use this fact to claim that the President acted outside his authority by suspending habeas corpus by executive order. Another, perhaps more popular argument is that Lincoln’s technically constitutionally valid action set the precedent for more radical and rights-restricting presidential actions in the future such as Franklin D. Roosevelt’s internment order during World War II. James M. McPherson, who outlines this and other arguments in a 2008 book, also claims that some of Lincoln’s actions supposedly authorized by the suspension of habeas corpus were “excessive and unjustified” especially considering the Supreme Court ruling in the Milligan case. (Doc. 3b). Although the constitutional provision about habeas corpus as it relates to rebellion would seem to justify Lincoln’s action, an underlying continuing controversy over the far-reaching use of executive power during wartime makes the issue much more complicated.

80 years and 3 wars later, President Franklin D. Roosevelt is faced with a crucial decision and presidential power would be questioned again. On December 7th, 1941 — “a date which will live in infamy” — the United States was attacked by the Japanese at Pearl Harbor in the not-yet-state of Hawaii. (Doc. 4a). Americans were shocked and angry over the many deaths and destruction that came so unexpectedly even though our relationship was strained. A concern developed among some that something must be done about the Japanese Americans living on the West Coast as rumors of espionage and sabotage brought the West Coast United States into a panic. Roosevelt decided to follow the military’s advice, which relied too much on anti-Japanese fears on the West Coast. This executive order set up military areas from which citizens of Japanese descent and non-citizen Japanese immigrants living on the West Coast could be excluded. They were then relocated to internment camps. Although most Japanese Americans were citizens, they were denied due process rights and not formally charged with a crime. Some of the individuals who made recommendations to intern the Japanese Americans were also extremely prejudiced themselves and said they wished to protect the American public from sabotage and further attack. This decision grew to be one of the most controversial issues in American history. Supporters argued that the willingness of the Japanese Americans to be interned would show their loyalty to the United States and protect them from racial prejudice and possible violence. (Doc. 5a). However, the Japanese Americans had faced years of discrimination in California where their property rights were limited and their children faced school segregation. The bombing at Pearl Harbor made the racism they faced for years worse. Although interned Japanese

Americans volunteered to fight as American soldiers to show their loyalty in World War II, their relatives continued to live in internment camps. Justice Frank Murphy, in his dissenting opinion for Korematsu vs. the United States, the Supreme court case that upheld the conviction of Korematsu and the exclusion order, believed racial discrimination was strongly at play in the ruling and should hold no place in a Democratic society. (Doc. 6) The United States government eventually ceased internment and later formally and fiscally apologized to the Japanese people.

The tension between individual rights and the needs of national security has led to a number of different presidential decisions. Both Lincoln and Roosevelt faced hard choices concerning the country's future.

Anchor Level 4-A

The response:

- Develops all aspects of the task for Abraham Lincoln's suspension of habeas corpus and Franklin D. Roosevelt's executive order to relocate Japanese Americans
- Is both descriptive and analytical (*Lincoln*: since entire country was either a war zone or vital to the war effort, suspension extended into the North; Constitution permits suspension in cases of rebellion or invasion when public safety may require it; Confederate sympathizers attacked and destroyed Union infrastructure and communications; Lincoln's action set precedent for more radical and rights-restricting presidential actions; underlying continuing controversy over far-reaching use of executive power during wartime makes issue more complicated; *Roosevelt*: United States attacked by Japanese at Pearl Harbor; Americans shocked and angry over many deaths and destruction even though relationship with Japan strained; supporters argued willingness of Japanese Americans to be interned would show loyalty to United States and protect them from racial prejudice and possible violence; bombing at Pearl Harbor made racism worse; Supreme Court Justice Murphy believed racial discrimination at play in Korematsu ruling and should hold no place in a democratic society)
- Incorporates relevant information from documents 1, 2, 3, 4, 5, and 6
- Incorporates relevant outside information (*Lincoln*: Southern states threatened to secede if Lincoln elected; although he promised not to interfere with slavery, some Southern states thought they would be more secure out of the Union; *Roosevelt*: executive order set up military areas; although most Japanese Americans were citizens, they were denied due process rights; Japanese Americans faced years of discrimination in California where property rights were limited and children faced school segregation; although Japanese Americans volunteered to fight as American soldiers in World War II, their relatives continued to live in internment camps; Supreme Court upheld Korematsu's conviction and exclusion order; United States government eventually ended internment and apologized to Japanese people)
- Supports the theme with relevant facts, examples, and details (*Lincoln*: eleven states joined Confederacy; Vallandigham discouraged volunteers and encouraged desertions; Chief Justice Taney; location of habeas corpus in Constitution appropriates powers to legislative branch; *Roosevelt*: citizens of Japanese descent and noncitizen Japanese immigrants living on West Coast could be excluded then relocated to internment camps)
- Demonstrates a logical and clear plan of organization; includes an introduction that discusses the suspension of individual rights versus the needs of national security and a brief conclusion

Conclusion: Overall, the response fits the criteria for Level 4. Although the documents are used to frame the discussion, the response integrates good relevant outside information. Acknowledging the continuing controversy over the use of executive wartime power provides a historical segue from Lincoln's suspension of habeas corpus to Roosevelt's decision about Japanese American internment.

Desperate times call for desperate measures, and times of hardship led presidents to make difficult decisions. Civil war-time Abraham Lincoln and turn-of-the-21st-century George W. Bush both had to make tough decisions regarding civil liberties when crisis struck and to this day both decisions are seen as highly controversial. Constitutional or not, those presidents suppressed civil rights and in doing so affected the outcome of their respective crises.

Abraham Lincoln is often remembered for honesty, his Civil War leadership, and the abolishment of slavery with his support of the 13th amendment. Some even believe he was one of our best presidents for defeating the Confederacy and his plans for reuniting the United States of America. After he was elected, the country was falling apart, and from December to June the country lost eleven states (Document 1a). Before the fall of Fort Sumter, Lincoln was trying to preserve the nation by assuring the Southern states he would not attack them. After Fort Sumter, he had to fight and win a war to bring those eleven states back. It wouldn't be easy so when sympathizers of the Confederates in Maryland destroyed communication lines to Washington D.C. he had to act quickly (Document 1b) so he decided to suspend the writ of habeas corpus. That means that he temporarily bypassed the constitutional protection of citizens against unlawful detention. There was quite a stir as both agreements and disapprovals for this policy appeared throughout the country. Most of the support for the suspension was backed up by the fact that the provision in the Constitution about habeas corpus specifically states that it can be suspended when "in cases of rebellion or invasion, the public safety may require it". (Doc 2a). The Civil War was dangerous enough for the

future of this country and endangered the lives of soldiers and their families without confederate supporters working on their own agendas. Of course words were spoken against the suspension, calling it unconstitutional. The Chief Justice of the Supreme Court argued the fact that the provision for habeas corpus is within an article in the Constitution about the legislative branch of government and its powers (Doc 3a). That argument might make the suspension of habeas corpus by a president unconstitutional. After the Civil War, the Supreme Court ruled that if civilian courts were open, that is where civilians have to be tried (Doc 3b). But if you boil it down, those confederate supporters were terrorists of a different kind in a different time trying to spark further unrest in the Union when Lincoln was trying so hard to pull the country back together again.

The terrorists of the 1860s were nothing like those of the late-1900s and early 2000s, though. Technology and biological advancements have created a new breed of terror, coming to us from across the Atlantic Ocean. This modern terror came to a peak in 2001 as American airliners were hijacked, used as weapons, and flown into both of the towers of the world trade center and into the Pentagon. Although global terrorism had been around for many years, this radical Islamic attack caught the nation off guard. Everyone was worried that an attack of that magnitude could happen again and threaten more American lives and our economic well-being. Soon after this attack, Bush Jr. called for an increase of law enforcement policies “to know the plans of terrorists before they act, and find them before they strike” (Document 7). A great majority of Americans supported the USA Patriot Act at first, brought together by fear and hostility

toward the terrorists. And it really did work, within 3 years the Act had been used to discover and disrupt terrorist cells in at least six cities and had been used to charge over 300 people with terror-related crimes, over half of which were convicted or pled guilty (Document 8).

But by 2005, dislike for the USA Patriot Act was growing to a noticeable decibal. Even members of congress who voted for the Act weeks after 9/11 were upset with it. Bob Barr had been a republican congressman when he voted in favor of the USA Patriot Act, but formed a coalition against it four years later, calling for a decrease in its power (Document 9a). The Act threatened doctor-patient confidentiality and communication privacy and let the federal government search into your personal life with no notice that they were looking. There seemed to be no end in sight for government infringement on individual liberties when it came to national security.

The debates over the legality and ethics of these wartime presidents' actions could go on forever without being resolved. It's no surprise either if future presidents have to make similar calls during national emergencies. If the country can be better protected by restraining civil liberties, then it will probably happen.

Anchor Level 4-B

The response:

- Develops all aspects of the task for Abraham Lincoln's suspension of habeas corpus and George W. Bush's signing of the USA Patriot Act
- Is both descriptive and analytical (*Lincoln*: before fall of Fort Sumter, he was trying to preserve the nation by assuring Southern states he would not attack; temporarily bypassed constitutional protection of citizens against unlawful detention; argument of Supreme Court Chief Justice might make suspension by a president unconstitutional; after Civil War, Supreme Court ruled if civilian courts were open, civilians must be tried there; Confederate supporters were terrorists of a different kind in a different time trying to spark further unrest in the Union when Lincoln was trying so hard to pull country back together; *Bush*: everyone was worried that an attack of the magnitude of 9/11 could happen again and threaten more American lives and our economic well-being; Americans brought together by fear and hostility toward the terrorists; by 2005, dislike for Patriot Act growing; terrorist cells in at least six cities discovered; over 300 people charged with terror-related crimes, half of whom convicted or pled guilty; members of Congress who had voted for Act were upset; Act threatened privacy and let federal government search into personal life with no notice; no end in sight for government infringement on individual liberties when it came to national security)
- Incorporates relevant information from documents 1, 2, 3, 7, 8, and 9
- Incorporates relevant outside information (*Lincoln*: often remembered for his Civil War leadership and abolition of slavery with 13th amendment; some believe he was one of our best presidents for defeating Confederacy and his plans for reuniting United States; Civil War dangerous for future of country and endangered lives of soldiers and their families; *Bush*: technology and biological advancements created a new brand of terror from across Atlantic Ocean; American airliners hijacked, used as weapons, and flown into both towers of World Trade Center and into Pentagon; radical Islamic attack caught nation off guard)
- Supports the theme with relevant facts, examples, and details (*Lincoln*: after his election, country lost 11 states; sympathizers of Confederates destroyed communication lines to Washington, D.C.; provision about habeas corpus in article about legislative branch; *Bush*: increase of law enforcement policies; great majority of Americans supported Patriot Act at first)
- Demonstrates a logical and clear plan of organization; includes an introduction and a conclusion that are somewhat beyond a restatement of the theme

Conclusion: Overall, the response fits the criteria for Level 4. Conclusions about each presidential decision indicate a thoughtful analysis of document information and the controversy surrounding each issue. Additional facts and details would have enhanced the overall discussion.

During times of crisis and confusion in American society, Presidents have extended government powers in an effort to promote national security and protect the people. However, some people feel the extension of government power does more harm than good. It creates situations in which government power can easily be abused, and puts the civil rights and liberties we hold near and dear in jeopardy. Two examples of these extensions of power are Franklin D. Roosevelt's executive order to relocate Japanese Americans, and George W. Bush's signing of the USA Patriot Act.

Before the United States entered WWII, many Americans believed the US should remain neutral in foreign wars and not involve ourselves in military conflicts. These beliefs were tested by the aggressive actions of Germany, Italy, and Japan leading up to our declaration of war on the Axis powers. Many Americans favored the Allies and thought if we went to war it would be to stop the Nazis in Europe. So as one can imagine; when Pearl Harbor was attacked by the Japanese without warning, Americans were outraged and many wanted revenge. People especially those living on the west coast began to look at the Japanese who were also living on the west coast for signs of foreign influence and dangers which could put the country in further danger. Japanese Americans, or Nisei, were unfairly targeted during this time. Their businesses were boycotted, they were physically attacked, and some lost their jobs. As demonstrated by Document 4b, some people believed that Japanese Americans living among them could possibly be spies or feel they could side with their ancestral home land. The military was supporting relocation and presidents often take advice from the military during wars. Believing this could

hinder the war effort and cause sabotage; army General Dewitt and other lobby groups influenced President Roosevelt to order an evacuation of Japanese Americans to isolated camps where they could do no harm. Some people argued this action was unconstitutional because it took away the civil liberties of innocent people and it was immoral because innocent people were uprooted from their homes and lost years of their lives based on what they might do wrong, not on what they actually did wrong. This all happened without due process and many Japanese Americans were forced to sell their property at reduced prices. As discussed in Document 6, Justice Frank Murphy believed the ordered evacuation was based on racist principles and not militarily needed to protect the country. He also believed accusations of sabotage and spies was not based on reality and truth; but rather paranoia and prejudice. He also argues that the order is an ugly stain on the American government and goes against the American principles of freedom and equality set by the constitution, and thus the order is not only illegal, but immoral and an undermining of our societal principals as Americans.

The terrorist attacks that occurred on September 11th, 2001 were unlike any we have seen or experienced in the past. The Japanese surprise attack on Pearl Harbor was not on our mainland. Although Islamic terrorists were responsible for an earlier bombing of the World Trade Center, Americans were not expecting such a bold attack on New York City and Washington D.C. People were shocked by the destruction and loss of life that occurred on that horrific day and it unified Americans to support the president's action. Many Americans felt that not only were the terrorists themselves the cause of this tragedy; but so

was our own negligence to take the threat of a possible terrorist attack seriously and secure our nation. President Bush set up a commission to investigate whether the 9/11 attacks could have been stopped before they happened. In order to stop future terrorist attacks, the USA Patriot Act passed in both houses with a large majority, and was signed by President Bush. As Document 7 shows, the President felt that the extension of power and additional tools given to law enforcement and the government were necessary for National Security and the prevention of other terrorist attacks. People who supported this act shared the President's opinion that terrorism required a new law enforcement approach as shown in Document 8. Congressman Smith believes the act has been successful in its goal to prevent terrorist activities and convict people involved in them. Examples of these successes were the disruption of terrorist cells in at least 6 American cities and the arrest of over 300 people; half of which have been convicted or pled guilty. Since 2004 there have been more arrests related to terrorism and so far we have not had another 9/11 so the Patriot Act seems to be working. However, not everyone shares this opinion. As demonstrated in Document 9a, many people felt that individual rights to privacy have been unnecessarily trampled upon; and that the government and law enforcement has given itself too much power. Examples of such trampling of rights include search and seizures that some people believe goes against limits set by the Constitution that protects people from "unreasonable" search & seizure.

In conclusion the liberties of people versus the needs of a nation in crisis continue to be debated and must find balance in American society.

Anchor Level 4-C

The response:

- Develops all aspects of the task for Franklin D. Roosevelt’s executive order to relocate Japanese Americans and George W. Bush’s signing of the USA Patriot Act
- Is both descriptive and analytical (*Roosevelt*: some people believed Japanese Americans could side with their ancestral homeland; military supported relocation and presidents often take advice from military during wars; some argued relocation was immoral because innocent people were uprooted from homes and lost years of lives; Justice Murphy argued order was against American principles of freedom and equality and undermines our societal principles; *Bush*: terrorist attacks on 9/11 unlike any seen or experienced in past; people shocked by destruction and loss of life; felt extension of power and additional tools given to law enforcement and government necessary for national security; terrorism required a new law enforcement approach; many people felt individual rights to privacy unnecessarily trampled on)
- Incorporates relevant information from documents 4, 6, 7, 8, and 9
- Incorporates relevant outside information (*Roosevelt*: United States neutrality tested by aggressive actions of Germany, Italy, and Japan; when Pearl Harbor attacked by Japanese, Americans outraged and many wanted revenge; Japanese Americans or Nisei unfairly targeted as businesses boycotted, physically attacked, and some lost jobs; *Bush*: Islamic terrorists responsible for earlier bombing of World Trade Center; Americans not expecting such a bold attack on New York City and Washington, D.C.; some Americans felt that not only were terrorists the cause of tragedy but so was our own negligence to take threat of possible terrorist attack seriously; set up a commission to investigate 9/11 attacks; since 2004, more arrests and have not had another 9/11, so Patriot Act seems to be working)
- Supports the theme with relevant facts, examples, and details (*Roosevelt*: General DeWitt influenced him to order evacuation of Japanese Americans; Japanese surprise attack not on our mainland; *Bush*: signed Patriot Act to stop future terrorist attacks; Act passed in both houses with a large majority; terrorist cells disrupted in at least six American cities; Constitution protects people from “unreasonable search and seizure”)
- Demonstrates a logical and clear plan of organization; includes an introduction that discusses the controversy surrounding the extension of government powers by the president in an effort to promote national security and a brief conclusion

Conclusion: Overall, the response fits the criteria for Level 4. The historical circumstances leading to both presidential decisions are supported with good relevant outside information. Although some thoughtful statements about civil liberties are included, further explanation and less reliance on document information would have strengthened the discussion.

There are often times in which the president of the United States has to make crucial and sometimes controversial decisions regarding civil liberties. Although the person making these decisions feels they are correct at the time, some of the American people tend to disagree on the moral correctness and constitutionality of such decisions. In particular, the decision Abraham Lincoln made to suspend habeas corpus and Franklin D. Roosevelt's executive order to relocate Japanese Americans were controversial.

In the time leading up to Lincoln's suspension of habeas corpus, the nation was facing much turmoil. Economic differences between the North and the South as well as differences in opinions regarding the strength of the national government versus the strength of the state governments led to sharp divides. In fact, the sectionalism in the nation resulted in the election of a sectional president, Abraham Lincoln, who was unacceptable to most in the South. The southern concern over what might happen was so great that eleven states seceded from the union by June 8, 1861 (Document 1a). Secessions led to much rioting in border states. In Maryland, Confederate sympathizers were "[tearing] down telegraph wires and [burning] railroad bridges" which were crucial to connecting the capital of the United States to the rest of the nation and the world (Document 1b). As a result, Lincoln interpreted the Constitution in a way that would allow him to suspend the writ of habeas corpus which was necessary to prevent continued "uprisings against the government" that might lead to him losing the border states and maybe the Civil War (Document 2b). Although this became a controversial decision supported by most northerners, Lincoln felt it was necessary and permitted by the Constitution. He

hoped this decision might help end the rebellion and help win the war.

On the other hand, there were many people who felt Lincoln's suspension of habeas corpus was unconstitutional. Chief Justice Roger Taney's view on this matter is of particular interest because he stated that the clause of the constitution which allows the suspension of habeas corpus only gives the legislative branch of the government the power to suspend this right (Document 3a). In other words, although Congress could have made the decision to suspend habeas corpus, the President—as leader of the executive branch—did not have the right to do so. Certainly the decision made by Abraham Lincoln was controversial, but it may have been the suspension of this right which allowed him to preserve the Union by imprisoning those who were interfering with his efforts as commander in chief.

Similar to the controversy surrounding Abraham Lincoln's decision to suspend the "writ" of habeas corpus, Franklin D. Roosevelt's executive order to relocate Japanese Americans living on the west coast became widely disputed as well. After Pearl Harbor was attacked on December 7, 1941, President Roosevelt, as commander in chief, was convinced by leaders in the army that precautions should be taken to decrease the likelihood of such an event happening again (Document 4a). As a result, he ordered the relocation of a "large, unassimilated, tightly knit racial group" on the grounds of military necessity. Deciding that Japanese Americans were a national security threat based on their ethnic background, the army convinced President Roosevelt that this had to be done. President Roosevelt felt he had the legal right to do so, and the Supreme Court agreed in the majority opinion of *Korematsu*.

One of the most notable opponents of FDR's decision to relocate Japanese-Americans living on the west coast was Supreme Court Justice Frank Murphy. He felt the decision made was a form of racial discrimination and unconstitutional because it was a military decision "based upon racial and sociological considerations" (Document 6). Supreme Court Justice Frank Murphy, like many other Americans, felt all Americans are entitled to "rights and freedoms guaranteed by the Constitution." As American citizens the Japanese Americans deserved better treatment. Sending them to camps without any legal due process and no evidence of wrongdoing was even worse than "cruel and unusual punishment."

As shown by both Abraham Lincoln's suspension of habeas corpus and Franklin D. Roosevelt's executive order to relocate Japanese Americans, the decisions made during times of crisis are sometimes controversial. It is important to note, however, that it is these very decisions which hold our nation together during challenging times.

Anchor Level 3-A

The response:

- Develops all aspects of the task in some depth for Abraham Lincoln's suspension of habeas corpus and in little depth for Franklin D. Roosevelt's executive order to relocate Japanese Americans
- Is both analytical and descriptive (*Lincoln*: Southern concern over what might happen resulted in secession; secession led to much rioting in border states; interpreted Constitution in a way that would allow him to suspend the writ of habeas corpus as necessary; hoped decision would help end rebellion and win war; Chief Justice Taney stated clause of Constitution allowing suspension only gives power to legislative branch; decision allowed him to preserve the Union by imprisoning those interfering with his efforts as commander in chief; *Roosevelt*: he was convinced by army leaders that precautions should be taken to decrease likelihood of such an event happening again; army decided Japanese Americans were a national security threat based on ethnic background; Justice Murphy felt decision was a form of racial discrimination and unconstitutional based on racial and sociological considerations; Murphy felt all Americans entitled to rights and freedoms guaranteed by Constitution; as American citizens, Japanese Americans deserved better treatment)
- Incorporates some relevant information from documents 1, 2, 3, 4, and 6
- Incorporates limited relevant outside information (*Lincoln*: economic differences between North and South as well as differences in opinion regarding strength of national government led to sharp divides; sectionalism resulted in election of a sectional president, Lincoln, who was unacceptable to most in the South; *Roosevelt*: sending Japanese Americans to camps without due process and no evidence of wrongdoing was even worse than cruel and unusual punishment)
- Includes some relevant facts, examples, and details (*Lincoln*: eleven states seceded; in Maryland, telegraph wires torn down and railroad bridges burned; *Roosevelt*: Japanese Americans living on West Coast relocated; attack on Pearl Harbor on December 7, 1941; Supreme Court agreed he had the legal right in *Korematsu*)
- Demonstrates a satisfactory plan of organization; includes an introduction and a conclusion that are slightly beyond a restatement of the theme

Conclusion: Overall, the response fits the criteria for Level 3. Document information frames the discussion for both presidential decisions and is supported by some good analytic statements. Although all aspects of the task are addressed for Roosevelt's decision, that discussion is limited.

Ever since George Washington was the first US president, the decisions of the executive branch have been applauded and criticized. Whether concerning civil rights or militaristic actions, there have been protesters and demonstrators who object to the decisions. Some of these courses of action have been beneficial, even though seen as revolutionary by some people. In the decisions of Lincoln (the suspension of habeas corpus) and Roosevelt (the executive order to relocate Japanese Americans) some have found the government guilty of overlooking and violating civil liberties in times of national crisis and disorder.

At the beginning of the United States Civil War, the Union experienced a wave of panic. From December of 1860 to June of 1861, the nation had broken apart as states began to secede, beginning with South Carolina. (Document 1a). Southern sympathies had become strong in border states such as Maryland and Kentucky. (Document 1b). It was at this point that President Lincoln decided he had to order the suspension of the writs of habeas corpus, protection against unlawful detention. Lincoln justified his action by stating that a provision in the Constitution allowed the suspension in cases of rebellion or revolt (Document 2a). Lincoln believed that winning the Civil War was necessary to save the Union. However, the provision about habeas corpus is located in Article I of the constitution, meaning the legislative branch had the power to suspend it (Document 3a). According to Supreme Court Justice Taney, neither the President nor the executive branch had the right to allow unlawful and unjustified arrests. Lincoln let the military detain civilians for an unspecified amount of time and according to some, unconstitutionally denying them of their right to a "just and speedy trial" as found in

the Bill of Rights. Although some believe Lincoln acted in the best way to help preserve the union, some believed he actually abused powers not given to him and ultimately denied innocent citizens of their civil liberties.

Soon after WWII began, President Roosevelt faced a decision involving Japanese who had immigrated to the United States and their children born in America. As a result of the December 7th, 1941 Japanese attack on the US naval base at Pearl Harbor, President Roosevelt understood the fear of his people (Document 7a). Americans, having experienced many casualties at Pearl Harbor and knowing that the Japanese were on the move in the Pacific feared that the west coast might be attacked next. Some believed that Japanese Americans were spies, involved in espionage, helping the Japanese forces from the inside (Document 4b). Roosevelt's decision to relocate Japanese Americans on the west coast came from this fear. Some thought that separating the Japanese American citizens would protect them from being mistaken for enemy soldiers in case of an attack. Also, it would protect them from citizens who would physically harm persons of Japanese decent, believing they were spies and unloyal to America (Document 5a). Ultimately, the relocation showed the US government to be as discriminatory as the people they were supposedly protecting the Japanese Americans from. Separating a group of persons on the basis of race, origin, or nationality without specific evidence of wrongdoing is the definition of racial discrimination (Document 6). Relocation deprived Japanese Americans the civil liberties they were granted when they were granted citizenship. To discriminate against Japanese Americans is to discriminate against the citizen the government is supposed to protect, according to the guidelines set by

the Constitution. When Roosevelt ordered the relocation of Japanese Americans, he ordered the government to discriminate which was undemocratic.

As Presidents, Roosevelt and Lincoln were forced to make tough decisions in the face of fighting. While some praised the actions taken, others criticized them and declared them to be unjust and undemocratic. When Lincoln suspended the writs of habeas corpus during the Civil War, he used powers that weren't necessarily his. Lincoln opened the door to arrest any persons for interfering with national interests. When Roosevelt ordered Japanese Americans on the west coast to be relocated, he did one worse; the government not only undemocratically violated civil liberties but also racial discriminated against individuals of Japanese decent. The relocation could be compared to a hypothetical situation in which all homosexual males had been arrested and separated during the beginning of the AIDS and HIV epidemic. Presidents do have to make risky moves during wartimes, but they should always protect the unalienable rights of their citizens.

Anchor Level 3-B

The response:

- Develops the historical circumstances in little depth and the arguments in some depth for Abraham Lincoln’s suspension of habeas corpus and Franklin D. Roosevelt’s executive order to relocate Japanese Americans
- Is more descriptive than analytical (*Lincoln*: nation had broken apart as states seceded; according to Supreme Court Justice Taney, neither president nor executive branch had the right to allow unlawful and unjustified arrests; some believed he acted to preserve Union; some believed he abused powers and denied innocent citizens’ civil liberties; opened the door to arrest persons for interfering with national interests; *Roosevelt*: understood fear of people after Pearl Harbor; knowing Japanese were on the move in Pacific, Americans feared West Coast might be attacked next; some believed Japanese Americans were spies; some thought separating Japanese American citizens would protect them from being mistaken for enemy soldiers)
- Incorporates some relevant information from documents 1, 2, 3, 4, 5, and 6
- Incorporates some relevant outside information (*Lincoln*: as war continued, southern sympathies had become strong in border states such as Maryland and Kentucky; winning Civil War necessary to save Union; let military detain civilians for an unspecified amount of time and denied them a “just and speedy trial”; *Roosevelt*: faced a decision involving Japanese who immigrated to United States and their children born in America; Japan attacked United States naval base; relocation deprived Japanese Americans civil liberties granted with citizenship)
- Includes some relevant facts, examples, and details (*Lincoln*: South Carolina first state to secede; Constitution allowed suspension in cases of rebellion or revolt; habeas corpus located in Article I, meaning legislative branch had power to suspend; *Roosevelt*: executive order to relocate Japanese Americans; Japan attacked United States in 1941; racial discrimination)
- Demonstrates a satisfactory plan of organization; includes an introduction that is somewhat beyond a restatement of the theme and a conclusion that is well beyond a restatement of the theme

Conclusion: Overall, the response fits the criteria for Level 3. The discussion of opposing arguments employs simplistic arguments for and against presidential decisions demonstrating an understanding of the task. While the historical circumstances for both decisions are mentioned, additional facts and details would have strengthened the effort.

There have been occasions where this country has had to face a national crisis. The United States' presidents have done their best to help the country get passed its struggles. However, some of their decisions have been said to be unconstitutional and definitely controversial. Two such actions taken by United States presidents were Franklin D. Roosevelt's executive order to relocate Japanese Americans, and George W. Bush's signing of the USA Patriot Act.

During the time of Franklin D. Roosevelt's presidency, World War II had erupted in Europe. Roosevelt's first reaction was for the US to remain neutral. American citizens and the President tried to stay out of the war for as long as they could. In fact they succeeded to stay out from fighting in Europe for almost two years. On December 7th, 1941, "A day which will live in infamy", as President Roosevelt stated, the Japanese executed a surprise attack on the US naval base in Pearl Harbor, Hawaii, that left Americans in shock. Before the attack, the United States was at peace with Japan. (Doc 4a) However Japan's alliance with the Italians and Germans created tensions with the United States that worsened when the United States restricted trade with them. This action by the Japanese brought us into World War II. Roosevelt knew that he had to do everything in his power to protect and defend the United States. One such measure that he took was to relocate West Coast Japanese-Americans and put them in camps. This measure was extremely controversial. The US Army justified the action of the evacuation as a military necessity as did the Supreme Court. (Doc 4b) In California many residents believed that the removal of the Japanese was necessary because it would relocate possible Japanese spies so they could be watched and sabotage could be prevented. (Doc 5a) No factual information existed that proved the Japanese Americans were

involved with sabotage but people decided Japanese Americans should be relocated. This was mostly based on fear and prejudice. Others believed that President Roosevelt's decision was unconstitutional. One such person who argued against President Roosevelt's action was Supreme Court Justice Frank Murphy. Murphy saw the President's actions as unconstitutional because he saw the evacuation of the Japanese-Americans as a racially motivated decision. Murphy also believed that racial discrimination is not justifiable in a democratic nation that values civil liberties. (Doc 6)

Murphy's opinion was finally accepted in the 1980s with payment of reparations to Japanese Americans and formal presidential apologies.

When President George W. Bush signed the USA Patriot Act he did it for the best interests of the country. Our national crisis at that time was caused by Islamic militants who were members of al Qaeda. It was a very difficult frightening experience for the nation. Suicide hijackers had targeted some of our most important landmarks to protest United States policies in the Middle East. Our nations security was at stake. On September 11, 2001, when these enemies of freedom attacked our country they committed an act of war against the United States. (Doc 7) The US faced new challenges that we had never faced before. President Bush proposed the USA Patriot Act because he wanted to strengthen law enforcement to help them track down terrorists in the United States.

September 11 was indeed a terrorist attack and it took the lives of many innocent civilians. President Bush and others believed that the government's success in preventing another terrorist attack would have been impossible without the Patriot Act. (Doc 8) One argument in favor of the act was that as of April 2004 more than 300 persons who were charged with terrorism-related investigations, were convicted or even pled guilty.

This information shows that the act has been somewhat successful in fighting 21st century terrorism. An argument against the Act was that it allowed for “sneak and peek”. “Sneak and Peek” are government searches of the home or business, without notifying the subjects of the searches. (Doc 9a). Many see this as an invasion of privacy which they believed the government did not have the power to do.

Many times the decisions and actions that Presidents make at the time of national crisis, will not be loved by everyone. Like everything, some people will support it and some will oppose this. Roosevelt’s relocation of Japanese-Americans and Bush’s signing of the USA Patriot Act are just two such examples of controversial decisions made by US presidents.

Anchor Level 3-C

The response:

- Develops all aspects of the task with little depth for Franklin D. Roosevelt’s executive order to relocate Japanese Americans and George W. Bush’s signing of the USA Patriot
- Is more descriptive than analytical (*Roosevelt*: Japanese attack brought us into World War II; knew he had to do everything in his power to protect and defend United States; United States Army and Supreme Court justified evacuation as a military necessity; many in California believed the removal was necessary because it would relocate possible Japanese spies; no factual information existed to prove Japanese Americans were involved with sabotage; people decided Japanese Americans should be relocated based on fear and prejudice; Chief Justice Murphy saw evacuation as racially motivated and believed decision not justifiable in a democratic nation that values civil liberties; *Bush*: a difficult and frightening experience for nation; nation’s security was at stake; wanted to strengthen law enforcement to track down terrorists; believed government’s success in preventing another terrorist attack impossible without Act; Act somewhat successful in updating an old law to make it more effective in fighting 21st-century terrorism)
- Incorporates some relevant information from documents 4, 5, 6, 7, 8, and 9
- Incorporates some relevant outside information (*Roosevelt*: Japan attacked United States naval base; Japan’s alliance with Italians and Germans created tensions that worsened when United States restricted trade with them; Murphy’s opinion finally accepted in 1980s with payment of reparations to Japanese Americans and formal presidential apologies; *Bush*: national crisis caused by Islamic militants of al Qaeda; suicide hijackers targeted important landmarks to protest United States policies in Middle East)
- Includes some relevant facts, examples, and details (*Roosevelt*: surprise attack; West Coast Japanese Americans put into camps; some believed decision unconstitutional; *Bush*: terrorist attack on 9/11 took lives of many innocent civilians; as of 2004, more than 300 persons charged with terrorism; “sneak and peek” government searches of homes or businesses)
- Demonstrates a satisfactory plan of organization; includes an introduction and a conclusion that restate the theme

Conclusion: Overall, the response fits the criteria for Level 3. In the discussions of historical circumstances, the outside information employed leading to Roosevelt’s decision show knowledge of the events; however, supporting information leading to the Bush decision is more limited. Document analysis provides substance to the discussion of supporting and opposing arguments for both decisions.

During times of national crisis, United States presidents have made controversial decisions affecting civil liberties. Two decisions during times of crisis which stand out in American history are Franklin D. Roosevelt's executive order to relocate Japanese Americans and George W. Bush's signing of the USA Patriot Act. Both decisions had positive arguments towards them, however, they both also had negative arguments towards them. The relocation of the Japanese Americans kept America safe during times of suspicion and uncertainty however it was seen as racial discrimination. Also, the USA Patriot Act kept America safe during the time of increased terrorism but, it did violate the privacy of Americans. Each decision was very controversial.

During World War II, after the attack on Pearl Harbor by the Japanese, Franklin D. Roosevelt decided to relocate Japanese Americans to military relocation camps during time of suspicion. There were both positive and negative arguments towards the decision. One positive argument is that this would prevent America from being attacked again. [Doc 4A] Another reason why some believed that the decision was a good idea is because some believed that the Japanese were bound to the enemy nation by strong ties of race, culture, and religion. [Doc 4b] This meant that the Japanese would most likely attack America to help their nation. One more positive argument is shown in document 5a. Some felt that if the Japanese stayed, then it might provoke angry reprisal and can result in bloody race riots. Although there were positive arguments, there were also negative ones as well. For example, document 6 shows that the relocation was unconstitutional because the racial discrimination towards the Japanese was not right. Another

negative argument was that some Japanese were born in America and had no relations with the Japanese who bombed Pearl Harbor, however, they were still relocated. [01]

George W. Bush's decision to sign the USA Patriot Act also received positive and negative feedback. One positive argument can be seen in document 7. This document explains that he wanted to prevent terror at home after the 9/11 attacks. Another positive argument can be seen in document 8. This document states that the act was successful because federal investigators have disrupted terror cells in at least six American cities since it was passed. Although there were positive arguments, there were also negative. Document 9a states that it will harm the constitution by allowing the government to investigate people's reading habits, search their home without notice, and pry into their personal lives. Document 9b also states that the act could allow for your internet use to be monitored.

As you can see the decision to relocate the Japanese Americans and the decision to pass the USA Patriot Act had both positive and negative arguments towards them.

God Bless America!

Anchor Level 2-A

The response:

- Develops some aspects of the task in little depth for Franklin D. Roosevelt's and George W. Bush's controversial decisions
- Is primarily descriptive (*Roosevelt*: relocation of Japanese Americans kept America safe during times of suspicion and uncertainty; seen as racial discrimination; one positive argument was relocation would prevent America from being attacked again; some believed Japanese Americans bound to enemy nation by strong ties of race, culture, and religion; some felt if Japanese Americans stayed it might provoke angry reprisals and result in bloody race riots; *Bush*: Act kept America safe during time of increased terrorism, but it did violate privacy of Americans; Bush wanted to prevent terror at home after 9/11 attacks; Act will harm Constitution by allowing government to investigate people's reading habits, search their homes without notice, and pry into their personal lives)
- Incorporates limited relevant information from documents 4, 5, 6, 7, 8, and 9
- Presents very little relevant outside information (*Roosevelt*: some Japanese were born in America and had no relations with the Japanese who bombed Pearl Harbor; however, they were still relocated)
- Includes few relevant facts, examples, and details (*Roosevelt*: Pearl Harbor; military relocation camps; relocation unconstitutional; *Bush*: federal investigators disrupted terror cells in at least six American cities; your Internet could be monitored)
- Demonstrates a general plan of organization; includes an introduction that is somewhat beyond a restatement of the theme and a brief conclusion

Conclusion: Overall, the response fits the criteria for Level 2. Although the historical circumstances leading to Bush's decision are not addressed and those for Roosevelt are barely mentioned, relevant document information is used to state positive and negative arguments for both decisions. A lack of supporting facts and details detracts from the effort.

In the History of the U.S many presidents had to make controversial decisions on how to protect and benefit the country. President Franklin D. Roosevelt made the decision of relocating Japanese Americans in the U.S. Another crucial decision made by a president is the signing of the U.S.A Patriot Act.

President F.D.R had made the decision of relocating Japanese Americans due to the bombing of Pearl Harbor on December 7th, 1941. (Document 4a). The people of the U.S along with Roosevelt believed that Japanese Americans were assisting in the attack or were spies intended to sabotage, in some way. (Document 4b). Some believed the relocation of the Japanese Americans were necessary to protect the Japanese Americans from accusations of the American people. San Francisco News supported the removal for this cause stating in document 5a "Real danger would exist for all Japanese if they remained in the combat area" saying Japanese Americans were no longer safe. While some believed relocation was the right thing to do others believed it was wrong and unconstitutional, Supreme Court Justice Frank Murphy said he believed this was an act of racial discrimination. Murphy states "It is utterly revolting among a free people who have embraced the principles set forth in the constitution of the U.S" stating it is unconstitutional. (Document 6) Murphy also says that all of the people of the U.S are by blood or culture to foreign land, so all must be treated as equals, and be entitled to all rights and freedoms guaranteed by the constitution.

President George W. Bush had made the decision of signing the U.S.A Patriot Act do to the terrorist act of September 11th 1941, of the hijacking of four commercial air flights. Bush believed he must

Anchor Paper – Document-Based Essay—Level 2 – B

strengthening the security of our nations to protect the people by signing this act. Congressman Lamar Smith believes the Patriot Act is successful do to "Federal investogatores have distupted terror cells in at least six - american cities, and the department of Justice charged more than 300 persons with terrorism related investigations" (Document 8). People believed the signing of this Act to be "an Irreparable harm to the constitution by allowing the government to investigate, peoples reading habits.

Anchor Level 2-B**The response:**

- Minimally develops all aspects of the task for Franklin D. Roosevelt's and George W. Bush's controversial decisions
- Is primarily descriptive (*Roosevelt*: some believed relocation necessary to protect Japanese Americans from accusations of the American people; others believed it was wrong and unconstitutional; Supreme Court Justice Frank Murphy believed this was an act of racial discrimination and unconstitutional; Murphy believed relocation was revolting among a free people who embraced principles set forth in the Constitution; *Bush*: believed he must strengthen security of nation to protect the people; people believed signing of Act did irreparable harm to Constitution by allowing the government to investigate people's reading habits); includes faulty and weak application (*Roosevelt*: Roosevelt believed Japanese Americans assisted in the attack)
- Incorporates limited relevant information from documents 4, 5, 6, 7, 8, and 9
- Presents very little relevant outside information (*Bush*: hijacking of four commercial air flights)
- Includes few relevant facts, examples, and details (*Roosevelt*: bombing of Pearl Harbor on December 7, 1941; *San Francisco News*; *Bush*: federal investigators; terror cells in at least six American cities; Department of Justice); includes an inaccuracy (*Bush*: terrorist act of September 11, 1941)
- Demonstrates a general plan of organization; includes an introduction that restates the theme and lacks a conclusion

Conclusion: Overall, the response fits the criteria for Level 2. The response is dominated by direct quotations from the documents and shows a basic understanding of the task. The discussion would have been strengthened by additional development and details.

When the nation has needed them the most, the United States' Presidents have always been there with a plan. However, sometimes the plans didn't benefit everyone.

President Franklin D. Roosevelt, FDR, was governing the country during a time of war. He was there during the bombing of Pearl Harbor and attacks by Japan. Although fighting was going on overseas, there were many issues beginning to surface. According to the San Francisco News, Doc. 5a, the military was told to remove the Japanese from harms way, which was any military zone. Only if they stayed in the Military zones could they get into trouble. The removal of Japanese Americans from the West Coast could be argued as unconstitutional. According to Supreme Court Justice Frank Murphy, Doc. 6, many people felt that the evacuation was based on racism against Japanese Americans and misguided information.

Another President there for his country during a time of need was George W. Bush. When the twin towers were attacked, nobody knew what to do, but the President stepped up and signed the Patriot Act. The Patriot Act, according to doc. 8, applied current laws to the crimes of terrorism. Many feel it has been successful because ever since it has been put into effect, six terrorism cases in America have been disrupted and no longer exist. However, there are also critics that believe the Patriot Act isn't any good, but instead it gets in the way. Some believe this because according to doc. 9a, the government has gained too much control from the Patriot Act. Also, people don't have as much privacy as they want to and things are constantly being monitored.

Although Presidents have been able to step up when our country needed them, sometimes it wasn't for the best. For example, the

Anchor Paper – Document-Based Essay—Level 2 – C

internment of the Japanese Americans and the signing of the Patriot Act. Even though they seemed good at the time, in the long run they had no benefits.

Anchor Level 2-C

The response:

- Minimally develops all aspects of the task for Franklin D. Roosevelt’s and George W. Bush’s controversial decisions
- Is primarily descriptive (*Roosevelt*: Japanese could get into trouble if they stayed in military zones; removal of Japanese Americans from West Coast could be argued as unconstitutional; many people felt evacuation based on racism and misguided information; *Bush*: government gained too much control; people do not have as much privacy as they want; things constantly monitored); includes faulty application (*Bush*: six terrorism cases in America disrupted and no longer exist)
- Incorporates limited relevant information from documents 4, 5, 6, 7, 8, and 9
- Presents very little relevant outside information (*Roosevelt*: fighting was going on overseas; president during attacks by Japan)
- Includes few relevant facts, examples, and details (*Roosevelt*: governed country during a time of war; bombing of Pearl Harbor; military told to remove Japanese from harm’s way; *Bush*: Act applied current laws to crimes of terrorism)
- Demonstrates a general plan of organization; includes an introduction and a conclusion that take a position supporting those who opposed these presidential actions

Conclusion: Overall, the response fits the criteria for Level 2. Document information frames the response and briefly mentions all aspects of the task. Overgeneralizations and a lack of development weaken the response.

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

In times of national crisis, United States presidents have made decisions that were controversial. George W. Bush's decision to sign the Patriot Act after 9-11 was very controversial. Some people thought it was good because it was used to fight terrorism. On the other hand, people opposed it because it violated one's constitutional rights.

Another controversial decision was made by Franklin Roosevelt during WWII. After the attack on Pearl Harbor, Roosevelt decided to relocate all the Japanese-Americans that were living on the West Coast. People opposed this because it violated one's individual rights. People supported this idea was to prevent any suspicion that a Japanese-American was a communist.

In conclusion, in times of crisis, presidents have made decisions that have been very controversial. Decisions such as Roosevelt relocating the Japanese-Americans and Bush's signing of the Patriot Act. Both of these decisions had many people supporting and opposing it making it 2 of the most controversial decisions in history.

Anchor Level 1-A

The response:

- Minimally develops all aspects of the task for George W. Bush's and Franklin D. Roosevelt's controversial decisions
- Is descriptive (*Bush*: some people thought Act was good because it was used to fight terrorism; people opposed Act because it violated one's constitutional rights; *Roosevelt*: people opposed relocation because it violated one's individual rights)
- Includes minimal information from documents 4, 5, 6, 7, 8, and 9
- Presents no relevant outside information
- Includes few relevant facts, examples, and details (*Bush*: Act signed after 9/11; *Roosevelt*: Pearl Harbor; Japanese Americans living on West Coast) includes an inaccuracy (*Roosevelt*: people supported relocation because it was to prevent any suspicion that a Japanese American was a communist)
- Demonstrates a general plan of organization; includes an introduction and a conclusion that are a restatement of the theme

Conclusion: Overall, the response fits the criteria for Level 1. A single statement is used to develop each aspect and demonstrates a basic understanding of the task.

Presidential decisions have played a major role in foreign affairs and issues concerning the United States of America. Abraham Lincoln, Franklin D. Roosevelt, and George W. Bush all played a part in a time of National crisis.

Franklin D. Roosevelt was president during the time in which the attack on Pearl Harbor took place. In Document 4a and 4b, it talks about how the U.S.A went into war with Japan soon after the attack on Pearl Harbor. Pearl Harbor is a military base in Hawaii. In Document 5c it talks about President Roosevelt's decision to relocate Japanese-Americans from the west coast. This takes them outside of military zones. During the time George W. Bush was President, 2 planes crashed into the twin towers, which is talked about in document 7 and Document 8. George W. Bush responded by creating the USA Patriot Act which is talked about in document 9a.

In conclusion, presidential decisions have played a major role in deal with foreign affairs. George W. Bush responded to a terrorism crisis with the USA Patriot Act. Franklin D. Roosevelt was president when the attack on Pearl Harbor took place. He decided to go to war with Japan and move Japanese immigrants from the West Coast.

Anchor Level 1-B

The response:

- Minimally develops the historical circumstances for Franklin D. Roosevelt's and George W. Bush's controversial decisions
- Is descriptive (*Roosevelt*: decided to relocate Japanese Americans from the West Coast; takes Japanese Americans outside of military zones; *Bush*: responded by creating the USA Patriot Act)
- Includes minimal information from documents 4, 5, 7, 8, and 9
- Presents very little relevant outside information (*Bush*: two planes crashed into the Twin Towers)
- Includes very few relevant facts, examples, and details (*Roosevelt*: United States went to war with Japan soon after attack on Pearl Harbor)
- Demonstrates a general plan of organization; includes an introduction that restates the theme and a conclusion that summarizes the crisis of each president and their response

Conclusion: Overall, the response fits the criteria for Level 1. The response briefly addresses historical circumstances leading to both presidential decisions. Arguments in favor of and opposed to those decisions are not addressed.

In times of crisis, the Presidents of the United States face grave decisions to protect the country, while often sacrificing the rights to civil liberties for some citizens. After his election in 1860, Abraham Lincoln faced the breaking up of the Union as more states in the south seceded. Because of the crises he faced, he suspended the writ of habeas corpus, eventually causing much debate throughout the country. Likewise, President Franklin Delano Roosevelt faced threats to the security of a nation in 1941 after the attack on Pearl Harbor. To maintain a safe environment, he planned to remove Japanese Americans from the western coast, creating more debate over civil freedoms. When faced with threats to national security, Presidents often have to make decisions that could threaten the rights of citizens.

When President Lincoln was elected in 1860, the South began to secede from the Union, determined to continue the use of slavery. Prior to this, tension heightened throughout the country as abolitionists and others in the North wanted to end the inhumane economic system of the south and the south pushed to expand slavery into new western territories. As more and more land was added to the country, and manifest destiny was achieved after the Mexican American War, debate heightened. Even though compromises were made, the South felt threatened by the election of Lincoln and by free soil beliefs, choosing to secede from the Union and form the Confederate states of America. Lincoln knew he needed to maintain control of the border states and Maryland, which was a key state because it was on the northern border of Washington, D.C., the capital of the Union (Document 1a). If Maryland was lost, other border states might secede because many people in those states supported the Confederacy. Heightening tensions

during the Civil War led to Lincoln's suspension of habeas corpus and the right to a civil trial (Document 1b). John Merryman and other officials were arrested by the military to limit their disloyal activities. As the war dragged on debate over these actions rose in the nation.

In 1863, the debate over the righteousness of the suspension reached the Democratic Committee in Albany. In defense of his decision, Lincoln argued for the suspension as constitutional by declaring that a Constitutional provision clearly allows for suspension under certain circumstances. Lincoln believed this provision implied that in times of rebellion or invasion, when the public is in danger, the president has the right to suspend habeas corpus. Lincoln also believed this provision allowed suspension in cases of attack against the government (Document 2a). The Confederacy had seized federal property and attacked Fort Sumter which was unacceptable to Lincoln. Lincoln was president and it was his responsibility to enforce the laws of the United States. Clement Vallandigham was arrested for hostility toward the union, preventing the raising of troops, and encouraging the desertion of army forces. Dissenters were detrimental to Lincoln's efforts to preserve the Union. (Document 2b). However, opponents argued that suspension was not constitutional. Roger B. Taney argued that the provision of the constitution applies only to the congress, not to the executive branch. Because of this, Lincoln's action would be unconstitutional because the president suspended the writ of habeas corpus, not Congress (Document 3a). Likewise, some opponents claimed that the suspension of habeas corpus used by Lincoln could set a precedent for future presidents, allowing them to use questionable military power when they believed it was necessary. Opponents also

claimed that Lincoln's use was unjustifiably excessive and wrong. (Document 3b). Opponents claimed it intimidated Americans from speaking freely and the president took too much power at the expense of the other two branches. Faced with a difficult decision and a national emergency, Lincoln chose to preserve the union, even though it meant suspending the civil liberties of the people.

Just as Lincoln was faced with a difficult controversy in the nation, Franklin D. Roosevelt faced one as the United States found themselves at war in World War II. In 1941, Japan bombed the United States at Pearl Harbor after trade disputes about oil and Japanese imperialism in Asia were not resolved by negotiation (Document 4b). The December 7th attack surprised Americans and plunged the country into World War II. Rumors about enemy planes and possible sabotage by Japanese-Americans were spreading as were fears that they could not be trusted. FDR was faced with a vital question about Japanese Americans, and he signed an executive order which allowed the military to set up internment camps until the war's end. His decision led to a denial of constitutional rights for Japanese-American citizens.

Proponents of the removal of Japanese-Americans saw it as a vital way to ensure America's safety. They viewed the tight knit group of Japanese-Americans, who were largely unassimilated, as a threat to security because of their ties with the "enemy nation" (Document 4b). Some Americans believed the Japanese-Americans were sending radio signals to help Japan plan another surprise attack. Some Americans thought they were spies and would jeopardize a victory over Japan. Others believed that removing the Japanese-Americans would be the

Document-Based Essay—Practice Paper – A

best way to prevent riots and attacks on them by other Americans (Document 5a & b). Later the Supreme Court upheld their removal in the Korematsu case. However, on the other hand, opponents saw it as a blatant attack on civil liberties. They believed that everyone in America, no matter the race, religion, or ethnicity, deserves equal entitlement to the rights and freedoms of the country. After all many of those who were interned were American citizens. Some Americans did not see it as a way to prevent espionage, but instead as a clear show of racism directed towards the Japanese-Americans, who had been experiencing racism since first coming to the United States. A Supreme Court judge who disagreed with the majority in the Korematsu ruling considered it legalized racism and as a revolting new concept in a country designed to ensure freedom for all people (Document 6). The Japanese-Americans were interned only because of their ethnicity. Faced by a threat to the country's security, President FDR decided to remove Japanese-Americans from the West and ensure national security. Unfortunately for the Japanese-Americans, they had to endure hardships and punishment even though they were never a threat to national security.

In times of crises, Presidents are forced to make vital decisions to ensure national safety. Even though Lincoln and FDR sacrificed the rights of citizens, they were able to maintain a safe and united country.

Throughout American history, the powers granted to the National Government and the President himself have been strengthened and expanded in wartime situations. Although sometimes controversial, the authority exerted on the nation through these powers have successfully protected the well-being of America and its national security. Abraham Lincoln's suspension of the writ of habeas corpus during the Civil War and the passage of the USA Patriot Act under George W. Bush following terrorist attacks on September 11, 2001 may have violated some civil liberties, but were more importantly necessary to protect American freedoms on a larger scale.

In 1861, President Abraham Lincoln was faced with the task of maintaining the unification of the United States. During the years leading up to the election of 1860, sectional differences and arguments over the expansion of slavery had begun to destroy the ties that held America together. When Abraham Lincoln was finally elected in 1860, slowly but surely, the Southern states began to secede from the Union, establishing their own Confederate States of America. In response to this as well as potential attacks on the nation's capital, Abraham Lincoln officially suspended the writ of habeas corpus, first in select areas, and eventually throughout the entire nation, North and South. Without habeas corpus, which is the Constitutional protection against unlawful detention or custody, citizens of the United States could be jailed without reason at any time for any length of time. Some people around the country thought the national suspension of the writ was an abuse of power by President Lincoln. Their thinking was that anyone who politically disagreed with Lincoln could be arrested as antiwar Congressman Clement

vallandigham was. Other constitutionally protected rights could be threatened as well. Chief Justice Robert B. Tany, in Document 3a states that the suspension of habeas corpus had not been approved by Congress, making it unlawful for any President to enforce. Despite this, however, many people supported the decision, proclaiming that the action was smart and necessary, considering that the president had the responsibility of saving the United States and faced many challenges before unity could be restored like that stated in Document 2b. In Lincoln's own words, seen in Document 2a, he used the provision of the Constitution citing rebellion and public safety to justify his actions.

Following the attacks on the World Trade Center in New York City on the morning of September 11, 2001, President George W. Bush had quickly and unexpectedly become a wartime President. However, unlike Franklin D. Roosevelt and Abraham Lincoln before him, who also faced similar situations, Bush was dealing with terrorism, a much more modern and complicated threat to national security. After the terrorist attacks which in addition to the destruction caused in New York City saw a section of the Pentagon also damaged, the National Government quickly put into action the USA Patriot Act, which Bush signed just weeks after the attacks. The Act, which allowed for the Government to investigate and search citizens' property, among other privacies, without the usual notifications recieved both criticism and support much like the similar actions taken by President Lincoln nearly 150 years earlier. Those in support, such as Congressman Lamar Smith in Document 8, said the Patriot Act was not such a threat to civil liberties as most people thought, since a lot of

Document-Based Essay—Practice Paper – B

the Act's "new" methods of invading privacy had already been used for decades in the United States, just for different crimes. And many of these governmental actions had already been challenged and reviewed by the Supreme Court. Still, citizens concerned about their privacy openly expressed their discontent, including Republican Congressman Bob Barr, who had actually approved the law himself. Despite this, he shifted his opinion and lashed out against the law, which is shown in Document 9a. Barr, like many other Americans began to think the law would do "great and irreparable harm" to the United States Constitution because the government's power to intrude on personal privacy went too far. While most of Congress itself approved of the USA Patriot Act, there were some lingering worries that constitutional privacy protections were gone for good.

When the United States is faced with a war or warlike situation, it is the job of the Federal Government to strengthen their power in order to protect the national well being of the country, by almost any means necessary. Presidents Abraham Lincoln and George W. Bush did just that in their respective situations. By suspending the writ of habeas corpus and signing the USA Patriot Act, Lincoln and Bush both made use of their presidential authority during a time of crisis in the United States, and, regardless of the amount of support or criticism they received, both protected American freedoms on a larger scale while sacrificing some civil liberties.

Presidents have a very difficult job. They have to make important decisions for our country that can become controversial very fast. Lincoln, suspended the privilege of Habeas Corpus during the Civil War. Roosevelt, relocated Japanese-Americans to camps in the Mid-Western United States, during World War II. Bush signed the Patriot Act, after a terrorist attack on the twin towers in New York City, which took away a lot of privacy from U.S. citizens.

Abraham Lincoln was faced with many hardships throughout his career. As soon as he was elected the country split in two, literally! [Doc 1A & 1B] People from the states that did not succeed were still against what was happening. Lincoln's hand was forced. When the South revolted this allowed Lincoln to suspend the privilege of Habeas Corpus because the U.S. was involved in a revolution. (Doc. 2A) Lincoln needed to do this to prevent the North from revolting as well. (Doc. 2b) This was a necessary decision, but came with very much controversy.

Franklin D. Roosevelt also had many hardships during his career. He was president during one of the biggest wars of our Nation's history, World War II. Roosevelt was forced to make a decision that was extremely controversial and even considered racist (Doc 6). The Japanese attacked us at Pearl Harbor, December 7, 1941, for an unforeseen reason. We were at peace with Japan. (Doc 4a) Roosevelt then made the decision to relocate Japanese aliens and citizens to camps in the Mid western region of the U.S. This was for the protection of the American people from the Japanese and for the protection of the Japanese-Americans from the angry American people. (Doc 5a & 5b)

On September 11, 2001, terrorists launched an attack on the U.S.

Document-Based Essay—Practice Paper – C

Two planes were hijacked and sent into the twin towers and another plane was hijacked and sent into the pentagon. President George Bush was pressed to make one of the most controversial decisions of the decade. He signed the USA Patriot Act which heightened law enforcement and took away some privacy from American citizens. (Doc 7) Public places such as libraries (Doc 9b) became places where the United States Government could spy on you. It made it difficult to stand by a president that would so easily take away one of the most important things we had, our privacy.

These decisions made by our presidents were seen necessary by our government for the security of our nation. All of these decisions were made under times of crisis. This goes to show that the United States government will do any thing to keep our nation safe. Whether or not it is taking away civil liberties, their intent is to keep us together as one nation. They will stand by us even through our criticism.

Throughout American history, several U.S. presidents have issued controversial decisions that affect civil liberties during times of crisis. These decisions lead to debate on whether suspending civil rights to promote national security is democratic. When Abraham Lincoln suspended habeas corpus during the Civil War, his decision was criticized as undemocratic. Similarly, Franklin D. Roosevelt's executive order to relocate Japanese Americans following the attack on Pearl Harbor led to debate on the constitutionality of his decision.

President Abraham Lincoln suspended habeas corpus during the Civil War in order to preserve the Union. Following his election in 1860, the southern states began to secede and more left after the attack on Fort Sumter until eleven were gone (document 1a). Five border states stayed but mob violence began in these states, and rebels who sided with the Confederacy began to tear down telegraph wires and burn bridges (document 1b). Because of these violent uprisings, Lincoln suspended habeas corpus between Philadelphia and Washington. Washington was in danger and Lincoln did not want any more trouble in Maryland, a state he wanted to stay in the Union. This decision has caused controversial debate as to whether his action was constitutional. Those who favor his decision believe that in the case of a rebellion, such as the Civil War, the president had the right to suspend habeas corpus in order to promote public safety (document 2a). They would say Lincoln had no choice because of the circumstances. People were arrested because they tried to prevent the raising of troops and encouraged people to desert the army (document 2b). During a war, a president cannot let this happen. Lincoln decided to suspend habeas corpus, supporters believe, in an effort to promote

public safety and preserve the union which a Southern victory would destroy. However, others were opposed to his action and view it as unconstitutional. Chief Justice Taney thought that the right to suspend habeas corpus belonged only to the legislative branch (document 3a). Some felt that Lincoln's action was "excessive and unjustified," and after the Civil War, the Supreme Court decided that military courts should not be used where civil courts are open (document 3b). Military courts were used wherever habeas corpus had been suspended. Those who were opposed believed that Lincoln had violated the constitution and denied citizens their right to trial in a civil court. President Abraham Lincoln's suspension of habeas corpus during the Civil War sparked much controversy of the constitutionality of his decision.

Similarly, following the Japanese attack on Pearl Harbor, President Franklin D. Roosevelt ordered the relocation of Japanese Americans on the West Coast. On December 7, 1941, the U.S. military base at Pearl Harbor was attacked by the Japanese (document 4a). This "date which will live in infamy" caused the U.S. to declare war and begin preparing for our defense. Americans on the West Coast began to believe that Japanese Americans were tied to their enemy: the Japanese. (document 4b). Following the attack, FDR ordered the relocation of Japanese Americans who lived on the West Coast. They had to leave their homes with only what they could carry with them. This action caused concern. Those who favored his decision believed that if the Japanese Americans were moved, they would be "out of harm's way" (document 5b). Anger toward the Japanese Americans for what the Japanese did at Pearl Harbor had already resulted in some violent

Document-Based Essay—Practice Paper – D

confrontations. The military believed that if the Japanese stayed out of the war zone, soldiers could carefully watch them for any act of sabotage (document 5a). However, there were those who were opposed to the decision and viewed it as unconstitutional. Justice Murphy thought that the evacuation was brought on by racism rather than any legitimate reason (document 6). They believed that the Japanese were being denied the equal protection rights that were guaranteed to them under the constitution. They paid a large personal and financial price for not being guilty of sabotaging U.S. efforts during World War II. Franklin D. Roosevelt's executive order to relocate Japanese Americans following Pearl Harbor was a controversial decision which led to the government finally admitting it was wrong many years after World War II.

Several American presidents have made controversial decisions regarding civil liberties during times of national crisis. Abraham Lincoln's suspension of habeas corpus during the civil war led to citizens questioning the constitutionality of his decision. Similarly, by ordering the relocation of Japanese Americans following the attack on Pearl Harbor, President Franklin D. Roosevelt caused debate on whether constitutional rights should be sacrificed in an effort to promote national security.

During times of national crisis, United States presidents have made controversial decisions affecting civil liberties. Two such decisions were Franklin D. Roosevelt's executive order to relocate Japanese Americans, and George W. Bush's signing of the USA Patriot Act. Such actions were taken in order to protect the public and to keep the country safe. Although they were controversial they did however protect American lives.

On December 7, 1941 Japanese aircrafts and naval-ships attacked Pearl Harbor. This attack made the U.S. go to war with Japan. However it wasn't until 1942 that the evacuation of Japanese Americans began. As shown in Document 4b F.D.R.'s decision to relocate them was based on suspicion that they were going to plan a sabotage, and they could be a possible threat to national security. There were people against this and people in favor of this. In Document 5a the San Francisco News supported the relocation mainly because they felt that the Japanese Americans were in danger and could get hurt. Someone that was against this was Supreme Court Justice Frank Murphy in Document 6 that believed that this was unconstitutional. The relocation of them is denying their 1st amendment rights. This matter was controversial.

On September 11, 2001 terrorist hijacked planes and crashed them into the World Trade Center. This was an act of war and act of terrorism. Since then George W. Bush enacted The Patriot Act, in order to protect American civilians such as in Document 7 George Bush enacted this to avoid another terrorist attack this act strengthen law enforcement. People like Lamar Smith in Document 8 believe this Act protects Americans and has been successful in taking out possible terrorists. However this act was controversial because it limits the

Document-Based Essay—Practice Paper – E

privacy of the people it allows the government raid homes of anyone suspicious to working with terrorists.

Furthermore, all these actions were taken to protect lives. Even though they were controversial. They were still passed during a time of national crisis. These men made history, and made the United States a safer nation. Civil liberties might be loss during a time of crisis, but protection does come with it.

Practice Paper A—Score Level 5

The response:

- Thoroughly develops all aspects of the task evenly and in depth for Abraham Lincoln’s suspension of habeas corpus and Franklin D. Roosevelt’s executive order to relocate Japanese Americans
- Is more analytical than descriptive (*Lincoln*: with his election, South began to secede determined to continue slavery; if Maryland was lost, other border states might secede because many in these states supported the Confederacy; constitutional provision clearly allows suspension during times of rebellion or invasion when public is in danger; Taney argued constitutional provision applied only to Congress so Lincoln’s action was unconstitutional; some thought suspension could set a precedent; chose to preserve Union, even though suspension meant suspending civil liberties; *Roosevelt*: supporters saw removal vital for America’s safety; tight knit group of Japanese Americans mostly unassimilated and viewed as threat because of ties with enemy nation; some believed removal was best way to prevent riots and attacks on Japanese Americans by other Americans; some thought Japanese Americans were spies and would jeopardize a victory; Supreme Court judge considered it a revolting new concept in a country designed to ensure freedom to all people; Japanese Americans had to endure hardships and punishment even though they were never a threat to national security)
- Incorporates relevant information from documents 1, 2, 3, 4, 5, and 6
- Incorporates substantial relevant outside information (*Lincoln*: tensions heightened as abolitionists and other Northerners wanted to end inhumane economic system of South; South pushed to expand slavery into new western territories; Manifest Destiny achieved after Mexican American War; South threatened by free soil beliefs and chose to form Confederate States of America; Confederacy seized federal property and attacked Fort Sumter; opponents claimed suspension intimidated Americans from speaking freely and president took too much power; *Roosevelt*: Pearl Harbor bombed after trade disputes about oil and Japanese imperialism in Asia were not resolved; rumors about enemy planes and sabotage by Japanese Americans; Japanese Americans experienced racism since first coming to United States; some Americans believed Japanese Americans were sending radio signals to help Japan plan another surprise attack; removal upheld in Korematsu case; many interned were American citizens)
- Richly supports the theme with many relevant facts, examples, and details (*Lincoln*: suspended right to a civil trial; Albany Democratic Committee; Vallandigham arrested for preventing raising of troops and encouraging desertion; *Roosevelt*: Pearl Harbor; removed Japanese Americans from western coast; set up internment camps until end of war; denial of constitutional rights for Japanese American citizens; interned only because of ethnicity)
- Demonstrates a logical and clear plan of organization; includes an introduction that states presidents face grave decisions in protecting the country while often sacrificing the rights of some citizens and a brief conclusion that states Lincoln and Roosevelt were able to maintain a safe and united country

Conclusion: Overall, the response fits the criteria for Level 5. Significant outside information supports document interpretation and analysis. Important constitutional understandings are integrated in a thorough discussion of opposing arguments for both presidential decisions.

Practice Paper B—Score Level 3

The response:

- Develops all aspects of the task with some depth for Abraham Lincoln’s suspension of habeas corpus and George W. Bush’s signing of the USA Patriot Act
- Is both descriptive and analytical (*Lincoln*: when elected, southern states began to secede; in response to secession and potential attacks on nation’s capital, he officially suspended writ; without habeas corpus, citizens could be jailed without any reason; some saw suspension as abuse of presidential power; other constitutionally protected rights could be threatened; many proclaimed suspension as smart and necessary considering president’s responsibility of saving United States; *Bush*: on 9/11, he quickly and unexpectedly became a wartime president; terrorism is a more modern and complicated threat to national security than what Lincoln and Roosevelt had faced; Congressman Smith did not think Act was as much a threat to civil liberties as people thought since many of methods had been used for decades; Congressman Barr, who initially supported Act, shifted opinion because it would do great and irreparable harm to Constitution; most of Congress approved Act but there were worries that constitutional privacy protections were gone for good)
- Incorporates some relevant information from documents 1, 2, 3, 7, 8, and 9
- Incorporates limited relevant outside information (*Lincoln*: sectional differences and arguments over expansion of slavery had begun to destroy ties that held America together; faced with task of maintaining unification of United States; seceded states established Confederate States of America; *Bush*: World Trade Center; attacks caused destruction in New York City and damaged a section of Pentagon)
- Includes some relevant facts, examples, and details (*Lincoln*: suspended writ first in select areas and eventually throughout entire nation; habeas corpus is constitutional protection against unlawful detention or custody; Congressman Vallandigham arrested; Chief Justice Taney stated suspension not approved by Congress; constitutional provision citing rebellion and public safety used to justify action; *Bush*: Act signed weeks after attacks; Act allowed government to investigate and search citizens’ property without usual notifications)
- Demonstrates a satisfactory plan of organization; includes an introduction and a conclusion that state presidential decisions in wartime have successfully protected the well-being of America and its national security although these decisions have sometimes been controversial

Conclusion: Overall, the response fits the criteria for Level 3. Although the discussion is focused on document information, the interpretation and integration of that information leads to some good analytic statements. Good points of comparison are included; however, additional supporting facts and details would have strengthened their effectiveness.

Practice Paper C—Score Level 2

The response:

- Develops some aspects of the task in little depth for Abraham Lincoln’s and Franklin D. Roosevelt’s controversial decisions
- Is primarily descriptive (*Lincoln*: as soon as elected, country split in two; people from states who did not secede were still against what was happening; when South revolted, it allowed Lincoln to suspend habeas corpus because United States involved in a revolution; *Roosevelt*: forced to make a decision that was extremely controversial and even considered racist; Japanese aliens and citizens relocated for protection of American people and for protection of Japanese Americans from angry American people); includes faulty application (*Lincoln*: needed to do this to prevent North from revolting as well; *Roosevelt*: relocation camps in the mid-western region of the United States)
- Incorporates limited relevant information from documents 1, 2, 4, and 5
- Presents very little relevant outside information (*Roosevelt*: president during one of biggest wars in our nation’s history, World War II)
- Includes few relevant facts, examples, and details (*Lincoln*: suspended habeas corpus during Civil War; *Roosevelt*: relocated Japanese Americans to camps; Japanese attacked United States at Pearl Harbor, December 7, 1941)
- Demonstrates a general plan of organization; includes an introduction that summarizes the controversial decisions of all three presidents and a conclusion that states decisions made by presidents during crisis were necessary for the security of the nation

Conclusion: Overall, the response fits the criteria for Level 2. Three presidential decisions are addressed; however, only the first two can be rated. A basic understanding of document information and its relationship to the task is demonstrated but often lacks sufficient explanation. An opposing argument for each decision is not addressed.

Practice Paper D—Score Level 3

The response:

- Develops all aspects of the task with little depth for Abraham Lincoln’s suspension of habeas corpus and Franklin D. Roosevelt’s executive order to relocate Japanese Americans
- Is more descriptive than analytical (*Lincoln*: did not want more trouble in Maryland, a state he wanted to stay in Union; those in favor believed in case of rebellion president had right to suspend habeas corpus; Chief Justice Taney thought the right to suspend habeas corpus belonged only to legislative branch; those opposed believed Lincoln had violated Constitution; *Roosevelt*: Americans on West Coast began to believe Japanese Americans tied to their enemy; some believed relocation put Japanese Americans out of harm’s way; anger toward Japanese Americans for what Japanese did at Pearl Harbor resulted in some violent confrontations; military believed if Japanese stayed out of war zone, soldiers could watch them for sabotage; Justice Murphy thought evacuation brought on by racism rather than any legitimate reason)
- Incorporates some relevant information from documents 1, 2, 3, 4, 5, and 6
- Incorporates limited relevant outside information (*Lincoln*: following his election, states began to secede; Southern victory would destroy Union; *Roosevelt*: Pearl Harbor caused United States to declare war; Japanese Americans had to leave with only what they could carry; some believed Japanese Americans were being denied equal protection rights; Japanese Americans paid a large personal and financial price for not being guilty of sabotage; government finally admitted wrong many years after World War II)
- Includes some relevant facts, examples, and details (*Lincoln*: more states seceded after attack on Fort Sumter until eleven were gone; rebels in border states, who sided with Confederacy, began to tear down telegraph wires and burn bridges; suspended habeas corpus between Philadelphia and Washington; people arrested because they tried to prevent raising of troops and encouraged people to desert the army; after Civil War, Supreme Court decided military courts should not be used where civil courts were open; *Roosevelt*: Japanese attacked Pearl Harbor on December 7, 1941; Japanese Americans on the West Coast relocated)
- Demonstrates a satisfactory plan of organization; includes an introduction and a conclusion that discuss whether presidential decisions which affect civil liberties during crises are constitutional

Conclusion: Overall, the response fits the criteria for Level 3. Interpretation of document information leads to some analytical conclusions about both Lincoln and Roosevelt. Additional facts and details would have strengthened the treatment of the controversial nature of presidential decisions.

Practice Paper E—Score Level 2

The response:

- Minimally develops all aspects of the task for Franklin D. Roosevelt’s and George W. Bush’s controversial decisions
- Is primarily descriptive (*Roosevelt*: attack on Pearl Harbor made United States go to war with Japan; his decision to relocate Japanese Americans based on suspicion they were going to plan sabotage and could be a possible threat to national security; *San Francisco News* supported relocation mainly because Japanese Americans in danger and could get hurt; Supreme Court Justice Murphy believed relocation unconstitutional because Japanese Americans denied rights; *Bush*: attacks on September 11, 2001 were an act of war and an act of terrorism; he enacted Patriot Act to protect American civilians and to avoid another terrorist attack; Smith believed Act protects Americans; Act allows government to raid homes of anyone suspected of working with terrorists)
- Incorporates limited relevant information from documents 4, 5, 6, 7, 8, and 9
- Presents very little relevant outside information (*Bush*: on September 11, 2001, terrorists hijacked planes and crashed them into World Trade Center)
- Includes few relevant facts, examples, and details (*Roosevelt*: Japanese attacked Pearl Harbor on December 7, 1941; *Bush*: Act strengthened law enforcement; Act successful in taking out possible terrorists; Act limits privacy of people); includes an inaccuracy (*Roosevelt*: relocation denying Japanese Americans their first amendment rights)
- Demonstrates a general plan of organization; includes an introduction and a conclusion that are slightly beyond a restatement of the theme

Conclusion: Overall, the response fits the criteria for Level 2. The mention of arguments in favor of and opposed to each presidential decision demonstrates a basic understanding of the controversy involved in each issue. While the mention of historical circumstances includes a few relevant details, most development is minimal.

United States History and Government Specifications January 2015

Part I Multiple-Choice Questions by Standard

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

Parts II and III by Theme and Standard

	Theme	STANDARDS
Thematic Essay	Government; Human Systems; Immigration and Migration; Reform Movements; Places and Regions; Economic Systems	Standards 1, 2, 3, 4, and 5: United States and New York History; World History; Geography; Economics; Civics, Citizenship, and Government
Document-based Essay	Presidential Decisions and Actions; Constitutional Principles; Citizenship; Foreign Policy; Places and Regions	Standards 1, 2, 3, and 5: United States and New York History; World History; Geography; Civics, Citizenship, and Government

Notes:

Part I and Part II scoring information is found in Volume 1 of the Rating Guide.

Part III scoring information is found in Volume 2 of the Rating Guide.

The *Chart for Determining the Final Examination Score for the January 2015 Regents Examination in United States History and Government* will be posted on the Department's web site at: <http://www.p12.nysed.gov/assessment/> 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.