

# FOR TEACHERS ONLY

The University of the State of New York

VOLUME  
**2 OF 2**  
DBQ

## REGENTS HIGH SCHOOL EXAMINATION

### UNITED STATES HISTORY AND GOVERNMENT

**Thursday, January 29, 2009 — 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 <http://www.emsc.nysesd.gov/osa/> and select the link "Examination Scoring Information" for any recently posted information regarding this examination. This site should be checked before the rating process for this examination begins and at least one more time before the final scores for the examination are recorded.

#### Contents of the Rating Guide

For **Part 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

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THE STATE EDUCATION DEPARTMENT  
Albany, New York 12234

## UNITED STATES HISTORY and GOVERNMENT

### **Mechanics of Rating**

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

#### **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 need only be scored by one rater.
- (3) The scores for each scaffold question may be recorded in the student's examination booklet.

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.emsc.nysesd.gov/osa/> and must be used for determining the final examination score.

**United States History and Government**  
**Part A Specific Rubric**  
**Document-Based Question—January 2009**

**Document 1a**

... The Warren Court (1953–1969) revolutionized constitutional law and American society. First, the unanimous and watershed [critical] school desegregation ruling, *Brown v. Board of Education*, in 1954 at the end of Warren's first year on the bench. Then, in 1962 *Baker v. Carr* announced the “reapportionment revolution” guaranteeing equal voting rights [to individual voters no matter where they lived]. And throughout the 1960s, the Court handed down a series of rulings on criminal procedure that extended the rights of the accused and sought to ensure equal access to justice for the poor. *Mapp v. Ohio* (1961), extending the exclusionary rule to the states, and *Miranda v. Arizona* (1966), sharply limiting police interrogations of criminal suspects, continue to symbolize the Warren Court's revolution in criminal justice. . . .

Source: David M. O'Brien, "The Supreme Court: From Warren to Burger to Rehnquist," *PS*, Winter 1987

**1a According to David M. O'Brien, what is *one* effect of the Warren Court on American society?**

**Score of 1:**

- States an effect of the Warren Court on American society as stated by David M. O'Brien  
*Examples:* *Brown v. Board of Education* ordered schools to be desegregated; reapportionment revolution guaranteed equal voting rights; rights of the accused during criminal procedures were extended; the Court sought to give the poor more equal access to justice; the exclusionary rule was extended to the states; police interrogations of criminal suspects were limited; it revolutionized constitutional law

**Score of 0:**

- Incorrect response  
*Examples:* there were more restrictions on the rights of suspects; criminal procedures became more discriminatory against the poor; *Baker v. Carr* desegregated the schools; *Miranda v. Arizona* made it easier for police to gain information from criminal suspects
- Vague response  
*Examples:* the Court handed down a series of rulings; there were criminals; equal access was ensured
- No response

## **Document 1b**

... The Warren Court's revolution in public law promoted acrimony [hostility] and bitterness precisely because it empowered those who had previously not had the opportunity to exercise power. Whether we approve of their behavior or not, there is little doubt that these new groups added dramatically and often disturbingly to the contours of American society. Much of what the Warren Court did was to release dissident minorities from long-standing legal and social strictures [limits]. Critics complained that the Court was the root of the problem; it was fostering subversive [disobedient] action by civil rights advocates, Communist agitators, criminals, smut peddlers, and racketeers who hid behind the Fifth Amendment when called to account. . . .

Source: Kermit Hall, "The Warren Court in Historical Perspective," Bernard Schwartz, ed., *The Warren Court: A Retrospective*, Oxford University Press, 1996

### **1b According to Kermit Hall, what is *one* criticism leveled against the decisions of the Warren Court?**

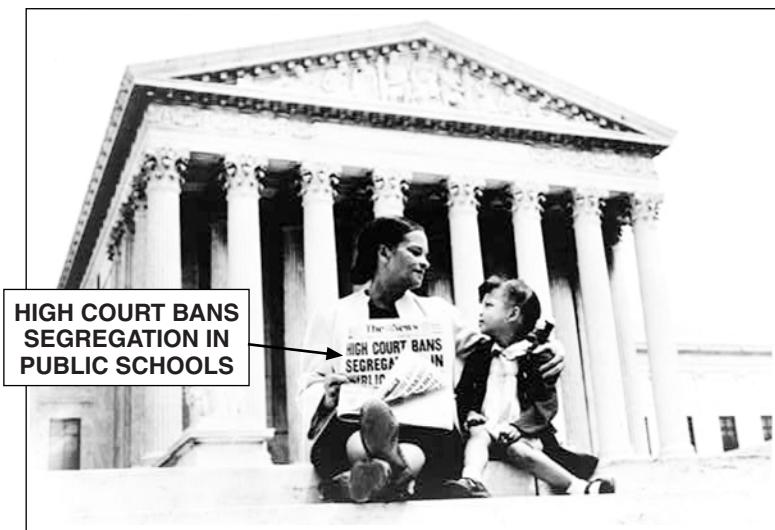
#### **Score of 1:**

- States a criticism leveled against the decisions of the Warren Court according to Kermit Hall  
*Examples:* the Court decisions caused bitterness/divisiveness because it empowered those who had not previously had the opportunity to exercise power; fostered destructive action by civil rights advocates/Communist agitators/criminals/smooth peddlers/racketeers; it allowed criminals to hide behind the fifth amendment; it created a radical revolution

#### **Score of 0:**

- Incorrect response  
*Examples:* the Court's decisions abolished the fifth amendment; it made it harder for minorities to get fair treatment; communist agitators were prosecuted by the Warren Court
- Vague response  
*Examples:* the Court affected the United States; it was public law; the Court was the root of the problem; revolution
- No response

## Document 2



Source: "With an Even Hand," Brown v. Board of Education exhibition,  
*Library of Congress* (adapted)

Mrs. Nettie Hunt, sitting on the steps of the U. S. Supreme Court Building in Washington, explains the significance of the Court's May 17, 1954 desegregation ruling to her daughter, Nikie  $3\frac{1}{2}$ , in this November 19, 1954 photo.

- 2 Based on this photograph and caption, what is the significance of the *Brown v. Board of Education* decision?

**Score of 1:**

- States the significance of the *Brown v. Board of Education* decision based on this document  
*Examples:* segregation in public schools was banned by the Court; African American children will no longer be segregated; Nikie Hunt will be allowed to attend a previously all white school/an integrated school/a desegregated school; the Supreme Court promoted racial equality in public education; schools would be desegregated

**Score of 0:**

- Incorrect response  
*Examples:* segregation was allowed to continue; African Americans would be permitted to enter the Supreme Court building; Nikie Hunt cannot attend school
- Vague response  
*Examples:* they used an even hand; African Americans were important; people could sit on the steps of the Supreme Court
- No response

### **Document 3a**

... “The promise of *Brown* was not fulfilled in the way that we envisioned it,” says U.S. Secretary of Education Rod Paige, who was a student at Mississippi’s all-black Jackson State University when the decision was handed down. Within the first few years after the decision, paratroopers were protecting black students entering Central High School in Little Rock, Ark., schools were shuttered [closed] entirely in Prince Edward County, Va., and white families across the South put their children into private schools. By 1971, the court had endorsed busing to overcome the residential segregation that was keeping black and white children apart. Particularly in the South, the integration drive worked, as the share of black children attending majority white schools rose from 0.1% in 1960 to a high of 44% in 1988. . . .

Source: Rebecca Winters, “No Longer Separate, But Not Yet Equal,” *Time*, May 10, 2004

### **Document 3b**

... Even though the effects of *Brown* were slow in coming—real desegregation only occurred with the 1964 Civil Rights Act and aggressive enforcement by the Department of Justice, which denied federal funds to any segregated school—they were revolutionary. Greenberg [Jack Greenberg, a member of the *Brown* legal team] cites encouraging evidence today as the half-full approach: there are black Cabinet members in Democrat and Republican administrations; blacks hold top management positions in major corporations like Citibank, Xerox, Time Warner, and Merrill Lynch. When Greenberg started practicing law in 1949 there were only two black U.S. Congressmen. Today [2004] there are 39.

*Brown* “broke up the frozen political system in the country at the time,” Greenberg notes. Southern congressmen made it a priority to keep African-Americans from obtaining power, but *Brown* allowed for change. Judge Carter [Robert Carter, a member of the *Brown* legal team] believes that the greatest accomplishment of the ruling was to create a black middle class: “The court said everyone was equal, so now you had it by right.” . . .

Source: Kristina Dell, “What ‘Brown’ Means Today,” *Time*, May 17, 2004

**3 Based on these documents, state *two* effects of the *Brown v. Board of Education Supreme Court decision on American society.***

**Score of 2 or 1:**

- Award 1 credit (up to a maximum of 2 credits) for each *different* effect of the *Brown v. Board of Education Supreme Court decision on American society* as stated in these documents

*Examples:* paratroopers had to protect black students entering Central High School in Little Rock, Arkansas; Central High School in Little Rock, Arkansas was integrated; counties in Virginia closed schools; white families put their children into private schools; children were bused to overcome residential segregation; the share of black children attending majority white schools increased; African Americans have gained leadership positions in government and business; the *Brown* decision brought political and social change for African Americans; a black middle class was created; more African American congressmen were elected; in 2008, the United States elected its first African American president

**Notes:** 1. As a result of recent events, the election/inauguration of Barack Obama as the first African American president is a reasonable inference as an effect of the *Brown* decision.

2. To receive maximum credit, two *different* effects of the *Brown v. Board of Education* decision on American society must be stated. For example, *white families put their children into private schools* and *fewer white children attended public schools* are the same effect expressed in different words. In this and similar cases, award only **one** credit for this question.

**Score of 0:**

- Incorrect response

*Examples:* the share of black children attending white schools did not change; the integration drive did not work in the South; major corporations would not allow blacks to hold management positions; the political system remained frozen; it prevented change

- Vague response

*Examples:* there were federal funds; children attended school; the effects were slow in coming; the promise was not fulfilled

- No response

## Document 4

... **QUESTION:** Mr. President, in the furor [uproar] over the Supreme Court's decision [in *Engel v. Vitale*] on prayer in the schools, some members of Congress have been introducing legislation for Constitutional amendments specifically to sanction [permit] prayer or religious exercise in the schools. Can you give us your opinion of the decision itself, and of these moves of the Congress to circumvent [get around] it?

**THE PRESIDENT:** I haven't seen the measures in the Congress and you would have to make a determination of what the language was, and what effect it would have on the First Amendment. The Supreme Court has made its judgment, and a good many people obviously will disagree with it. Others will agree with it. But I think that it is important for us if we are going to maintain our Constitutional principle that we support the Supreme Court decisions even when we may not agree with them.

In addition, we have in this case a very easy remedy, and that is to pray ourselves and I would think that it would be a welcome reminder to every American family that we can pray a good deal more at home, we can attend our churches with a good deal more fidelity, and we can make the true meaning of prayer much more important in the lives of all of our children. That power is very much open to us. . . .

Source: President John F. Kennedy, News Conference, June 27, 1962

### 4a What was one effect of the *Engel v. Vitale* decision on public schools in the United States?

#### Score of 1:

- States an effect that the *Engel v. Vitale* decision had on public schools in the United States  
*Examples:* school-sponsored prayer was banned; prayer/religious exercise was restricted in the schools

#### Score of 0:

- Incorrect response  
*Examples:* the decision was repealed by Congress; schools were allowed to continue prayer; an amendment was passed allowing families to pray at home
- Vague response  
*Examples:* school prayer; things changed; legislation
- No response

### 4b What does President John F. Kennedy suggest as a “remedy” to those who disagree with the Supreme Court’s decision in *Engel v. Vitale*?

#### Score of 1:

- States what President John F. Kennedy suggested as a remedy to those who disagreed with the Supreme Court’s decision in *Engel v. Vitale*  
*Examples:* people should pray themselves/pray more with their families at home; people could attend church with more fidelity; we/parents could make the true meaning of prayer more important in the lives of their children

#### Score of 0:

- Incorrect response  
*Examples:* Americans should ignore the decision; an amendment should be passed to permit prayer in school; the first amendment should be disregarded
- Vague response  
*Examples:* it is important for us; it is a very easy remedy; power is very much open to us
- No response

## Document 5

ATLANTA, Nov. 21 — As President Clinton and the new Republican leadership in Congress consider measures that would return organized prayer to public schools, it is worth remembering one thing.

Prayer is already there.

Despite a Supreme Court ruling [*Engel v. Vitale*] 32 years ago that classroom prayer and Scripture reading are unconstitutional even if they are voluntary, prayer is increasingly a part of school activities from early-morning moments of silence to lunchtime prayer sessions to pre-football-game prayers for both players and fans.

The most common forms are state-mandated moments of silence at the beginning of the day, which are permissible to the extent they are not meant to be a forum for organized prayer. But, particularly in the South, religious clubs, prayer groups and pro-prayer students and community groups are making religion and prayer part of the school day. . . .

Source: Peter Applebome, "Prayer in Public Schools? It's Nothing New for Many,"  
*New York Times*, November 22, 1994

### 5 According to Peter Applebome, what are *two ways* in which prayer in public schools continued despite the Supreme Court ruling in *Engel v. Vitale*?

#### Score of 2 or 1:

- Award 1 credit (up to a maximum of 2 credits) for each *different* way in which prayer in schools continued despite the Supreme court ruling in *Engel v. Vitale* as stated by Peter Applebome

*Examples:* in some states, moments of silence have been mandated at the beginning of the school day; religious clubs and prayer groups have become part of school life, especially in the South; schools have allowed lunchtime prayer sessions; players and fans sometimes take part in pre-game prayers; community groups/students have made religion and prayer part of the school day

**Note:** To receive maximum credit, two *different* ways in which prayer in public schools has continued despite the Supreme Court ruling in *Engel v. Vitale* must be stated. For example, *players and fans sometimes take part in pre-game prayers and football players pray before a big game* are the same way expressed in different words. In this and similar cases, award only **one** credit for this question.

#### Score of 0:

- Incorrect response

*Examples:* Congress has returned organized prayer into the public schools; some public schools have mandated prayer during the school day; prayer and religion have been eliminated from all schools

- Vague response

*Examples:* they changed their rules; community groups were important; schools hold activities

- No response

## Document 6

In the decades following the *Engel* decision, federal courts have continued to hear cases and make rulings on issues involving separation of church and state.

FRANKFORT, Ky. — A civic group will send a Ten Commandments monument back to Frankfort only if political leaders give assurances that it will be displayed publicly, as a new law allows. . . .

The Ten Commandments monument was part of an ever-growing list of religious issues that [Governor Ernie] Fletcher and other political leaders have dealt with this year. . . .

The Eagles [a fraternal organization] donated the Ten Commandments monument to the state in 1971. It was removed from the Capitol grounds and placed in storage in the mid-1980s during a construction project. When political leaders tried to display it again in 2000, the American Civil Liberties Union went to court, claiming the monument was an unconstitutional endorsement of religion. The ACLU won the case. . . .

Lawmakers passed a bill calling for the return of the monument. The same bill granted permission to local governments to post displays of the commandments in courthouses and other public buildings.

Kentucky has been at the center of legal fights in recent years on the posting of the commandments. In one case, *McCreary County v. ACLU* [2005], the U.S. Supreme Court ruled displays inside courthouses in McCreary and Pulaski counties were unconstitutional. In another [lower court case], *Mercer County v. ACLU*, the 6th U.S. Circuit Court of Appeals said a similar display in the Mercer County Courthouse is constitutional because it included other historic documents. . . .

Source: "Ten Commandments, other issues generating debate in Ky." *Associated Press*, April 13, 2006

### 6 Based on this article, what is *one* issue in the continuing debate on separation of church and state?

#### Score of 1:

- States an issue in the continuing debate on separation of church and state according to this article  
*Examples:* the posting of the Ten Commandments in courthouses/other public buildings; the removal of religious monuments from public grounds; the constitutionality of placing religious displays in public areas; judicial disagreement over interpretation of separation of church and state issues; state and local endorsement of religion

#### Score of 0:

- Incorrect response  
*Examples:* the ACLU support for the display of the Ten Commandments in the Frankfort courthouse; the removal of a religious display from the Mercer County courthouse
- Vague response  
*Examples:* the passing of a bill; the separation of church and state; a disagreement; a civic group opposes it/agrees with it
- No response

## Document 7

. . . along with other Warren Court decisions, *Miranda* has increased public awareness of constitutional rights. The *Miranda* warnings may be the most famous words ever written by the United States Supreme Court. With the widespread dissemination [distribution] of *Miranda* warnings in innumerable [numerous] television shows as well as in the movies and contemporary fiction, the reading of the *Miranda* rights has become a familiar sight and sound to most Americans; *Miranda* has become a household word. As Samuel Walker writes, “[e]very junior high school student knows that suspects are entitled to their ‘*Miranda* rights.’ They often have the details wrong, but the principle that there are limits on police officer behavior, and penalties for breaking those rules, is firmly established.” As we have seen, a national poll in 1984 revealed that 93% of those surveyed knew that they had a right to an attorney if arrested, and a national poll in 1991 found that 80% of those surveyed knew that they had a right to remain silent if arrested. Perhaps it should not be surprising that, as many of my research subjects told me, some suspects assert their rights prior to the *Miranda* admonition [warning] or in situations where police warnings are not legally required. Indeed, in the last thirty years, the *Miranda* rights have been so entrenched [well-established] in American popular folklore as to become an indelible part of our collective heritage and consciousness. . . .

Source: Richard A. Leo, “The Impact of ‘Miranda’ Revisited,” *The Journal of Criminal Law and Criminology*, Spring 1996 (adapted)

### 7 According to Richard A. Leo, what is *one* effect of the *Miranda* decision on American society?

#### Score of 1:

- States an effect of the *Miranda* decision on American society according to Richard A. Leo  
*Examples:* public awareness of constitutional rights for the accused has increased; many Americans know that, if arrested, they have the right to an attorney/the right to remain silent; *Miranda* rights have become part of our collective heritage and consciousness; the principle that there are limits on police behavior when dealing with suspects has been firmly established; *Miranda* rights have become more familiar to the public through television shows and movies

#### Score of 0:

- Incorrect response  
*Examples:* *Miranda* warnings are not legally required; most people do not know about *Miranda* rights; *Miranda* warnings must be used on television and in the movies
- Vague response  
*Examples:* there was a national poll; there was widespread dissemination; rights have been established
- No response

### Document 8a



Source: Charles Brooks, *Birmingham News* (adapted)

### Document 8b

. . . The familiar fact is that the vastly troubled criminal-justice system often exacts no price at all for crime. An adult burglar has only one chance in 412 of going to jail for any single job, according to Gregory Krohm of the Virginia Polytechnic Institute's Center for the Study of Public Choice. For juveniles under 17, the figure is one in 659 burglaries, with a likelihood of only a nine-month term if the 659-to-1 shot comes in. Many critics are convinced that such odds were created in large part by those constitutional-law rulings of the Warren Court that expanded the rights of criminal defendants. Mapp, Escobedo, Miranda and Wade\* are still names that enrage law-and-order advocates. But despite all the years of talk and four Nixon appointments, the court has so far been willing only to trim some of the rules, not reverse them. The new rulings obviously add to the work of the courts, and some experts believe that they have hampered the criminal-justice system's capacity to convict guilty offenders, though as yet there have been no studies demonstrating any such significant damage. . . .

Source: "The Crime Wave," *Time*, June 30, 1975

## 8 Based on the cartoon and the *Time* article, what is *one* impact of the rulings of the Warren Court on crime?

### Score of 1:

- States an impact of the rulings of the Warren Court on crime based on the cartoon and *Time* article  
*Examples:* Warren Court rulings have expanded the rights of criminal defendants; critics claim that Warren Court rulings have made it more difficult to convict guilty offenders; rulings may have given the criminal an advantage over the victims of crime; critics claim the criminal justice system's capacity to convict guilty offenders is hampered; it has created additional work for the courts; critics claim that fewer criminals are going to jail

### Score of 0:

- Incorrect response  
*Examples:* it is easier to convict accused criminals; juveniles are more likely to go to jail for a crime than adults; law-and-order advocates supported the decisions of *Mapp/Escobedo/Miranda/Wade*
- Vague response  
*Examples:* they have created problems; crime has no price; it changed crime
- No response

## Document 9

WASHINGTON — Refusing to overturn more than three decades of established law enforcement practice, the Supreme Court yesterday strongly reaffirmed its landmark *Miranda* [*Miranda v. Arizona*] decision, which requires police to inform criminal suspects of their rights to remain silent and to be represented by an attorney during interrogation.

In a 7-2 opinion written by Chief Justice William H. Rehnquist, the high court ruled that the requirement that criminal suspects be read their “Miranda rights” is rooted in the Constitution and cannot be overturned by an act of Congress. Federal lawmakers passed legislation seeking to undo the *Miranda* decision in 1968, two years after the ruling.

The seven justices in the majority left open the question of whether they would have reached the same conclusion as the original five-justice *Miranda* majority about the constitutional rights of criminal suspects. But citing the court’s long tradition of respect for precedent, the justices said there were compelling reasons not to overrule it now.

“*Miranda* has become embedded in routine police practice to the point where the warnings have become part of our national culture,” wrote Rehnquist, a frequent and vocal critic of the *Miranda* decision during his earlier years on the bench. . . .

Source: “Miranda warnings upheld, Supreme Court says right now deeply rooted,”  
*Florida Times Union*, June 27, 2000

### 9 Based on this article, why did the Supreme Court decide not to overturn the decision in *Miranda v. Arizona*?

#### Score of 1:

- States a reason the Supreme Court decided not to overturn the decision in *Miranda v. Arizona* as stated in this article

*Examples:* the requirement that criminal suspects be read their rights is rooted in the Constitution; the Court has a long tradition of respect for precedent; *Miranda* warnings have become a part of our national culture; *Miranda* is embedded in routine police practice

#### Score of 0:

- Incorrect response

*Examples:* Congress required it; precedent should not be considered; federal lawmakers had already passed legislation to undo the *Miranda* decision

- Vague response

*Examples:* compelling reasons; they voted not to; they lost the vote

- No response

**United States History and Government  
Content-Specific Rubric  
Document-Based Question  
January 2009**

**Historical Context:** Between 1953 and 1969, the Chief Justice of the United States Supreme Court was Earl Warren. Supreme Court decisions made during the “Warren Court” era led to significant changes in various aspects of life in the United States. Several important court cases affected equal protection under the law, separation of church and state, and the rights of individuals accused of crimes.

**Task:** Discuss how decisions of the Warren Court affected American society

***Scoring Notes:***

1. The response to this document-based question should discuss *at least two* effects that Warren Court decisions have had on American society.
2. Decisions of the Warren Court that are not included in the documents may be used as outside information in the discussion, e.g., *Gideon v. Wainwright*, *Tinker v. Des Moines*.
3. The discussion may address the effects of Warren Court decisions on American society by using specific constitutional categories (equal protection under the law, separation of church and state, and rights of individuals accused of crimes) rather than specific court cases.
4. Responses that accurately discuss details about a Supreme Court case but either inaccurately identify the case or do not specifically name the case may receive some credit for addressing the task.
5. The same court case could be used to discuss more than one constitutional category, i.e., *Miranda v. Arizona* and/or *Mapp v. Ohio* may be used as cases based on both equal protection under the law and rights of individuals accused of crimes.
6. The response may discuss the effects of Warren Court decisions from differing perspectives as long as the positions taken are supported by accurate historical facts and examples.
7. For the purposes of meeting the criteria of using *at least five* documents in the response, documents 1a, 1b, 3a, 3b, 8a, and 8b may be considered as separate documents *if* the response uses specific separate facts from each document.

**Score of 5:**

- Thoroughly develops the task evenly and in depth by discussing the effects of Warren Court decisions on American society
- Is more analytical than descriptive (analyzes, evaluates, and/or creates\* information), e.g., *equal protection under the law*: connects the decision in *Brown v. Board of Education* to equal protection guarantees in the 14th amendment and the reversal of the court's ruling in *Plessy v. Ferguson* to the civil rights activism that challenged segregation laws throughout American society and led to wide-ranging public and congressional support for civil rights legislation; *separation of church and state*: connects the New York State Regents Prayer to its violation of the establishment clause of the first amendment and the impact of the *Engel v. Vitale* decision on the development of national political party platforms regarding the role of religion in public schools and on local school boards as they formulate policies regarding curriculum and school activities
- Incorporates relevant information from *at least five* documents (see Key Ideas Chart)
- Incorporates substantial relevant outside information related to effects of the decisions of the Warren Court (see Outside Information Chart)
- Richly supports the theme with many relevant facts, examples, and details, e.g., *equal protection under the law*: Rosa Parks, Martin Luther King Jr., sit-ins, marches, boycotts, Civil Rights Acts; *separation of church and state*: voluntary prayer, daily Bible reading, Pledge of Allegiance, religious themed school events, creationism versus evolution
- 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 the task by discussing the effects of Warren Court decisions on American society but may do so somewhat unevenly by discussing some effects more thoroughly than other effects
- Is both descriptive and analytical (applies, analyzes, evaluates, and/or creates\* information), e.g., *equal protection under the law*: discusses the decision in *Brown v. Board of Education* and the guarantee of equal protection and its role in bringing public attention to racial issues and the need for congressional action to end long-term societal segregation through civil rights legislation; *separation of church and state*: discusses the *Engel v. Vitale* decision and the unconstitutionality of school prayer and the continuing national debate between those who view prayer as important for the moral development of children and those who believe that there should be a complete separation of church and state
- Incorporates relevant information from *at least five* 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 the task with little depth by discussing the effects of Warren Court decisions on American society
- 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

**Score of 2:**

- Minimally develops the task by discussing some effects of Warren Court decisions on American society *or* develops the task in some depth by discussing an effect of Warren Court decisions on American society
- 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 the task by mentioning how decisions of the Warren Court affected American society
- 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.

# **Equal Protection under the Law**

## ***Key Ideas from Documents 1–3***

### **Effect of Warren Court Decisions on American Society**

**Doc 1**—School desegregation results from *Brown v. Board of Education* decision

Minorities released from long-standing legal and social limits by Court decisions

Critics claim that subversive action by civil rights advocates, Communist agitators, criminals, smut peddlers, and racketeers are fostered by court decisions

“Reapportionment revolution” guarantees equal voting rights in *Baker v. Carr*

Exclusionary rule extended to states in *Mapp v. Ohio*

Police interrogations of criminal suspects sharply limited in *Miranda v. Arizona*

**Doc 2**—Segregation banned in public schools by *Brown v. Board of Education*

**Doc 3**—Troops needed to protect black students in Little Rock, Arkansas

Some schools in Virginia closed and some white children in South placed in private schools by parents

Busing endorsed by Supreme Court to overcome residential segregation

Share of black children attending majority white schools increased in much of the South

Desegregation accelerated by Civil Rights Act of 1964 and Justice Department

More blacks were able to hold positions in government and business

Black middle class created

### ***Relevant Outside Information***

(This list is not all-inclusive.)

### **Effect of Warren Court Decisions on American Society**

Segregation challenged in courts by NAACP (role of Thurgood Marshall)

“Separate but equal” (*Plessy v. Ferguson*) reversed as violation of 14th amendment

Judicial activism in area of States rights and role of Supreme Court debated

Social and cultural attitudes toward African Americans change

Details of how communities complied with ruling or how others ignored it (massive resistance)

Decision denounced by Southern congressmen; defiance urged in “Southern Manifesto”

White Citizens Council, mayors, and school boards work to obstruct integration (diversion of public funds to private schools)

Only a small percentage of eligible black students actually integrated in years immediately after *Brown* decision

Educational opportunities expand and African American high school graduates increase

Activism challenging segregation grows throughout American society (buses, restaurants, interstate transportation, Rosa Parks, Martin Luther King, Jr., Greensboro sit-ins)

Support for congressional passage of civil rights legislation increases (Civil Rights Acts)

Other groups fighting for equality empowered (women, Hispanics, Native Americans, disabled)

Affirmative action advocates clash with those claiming “reverse discrimination”

Predominantly black and minority neighborhoods and schools left behind in cities by “White Flight”  
(de facto segregation)

Details of how busing was used to achieve racial balance

First African American, Barack Obama, elected to presidency in 2008/inaugurated in 2009

Precedent set for later legal challenges regarding equal protection and civil rights (*Heart of Atlanta Motel v. United States*)

Equal protection of the law applied to principle of “one person, one vote” (*Baker v. Carr*)

Political power makes a significant shift from rural to urban areas

Equal protection of the law applied to protection against unlawful search and seizure (*Mapp v. Ohio*)

Wrongly obtained evidence no longer admitted in a trial (lack of a search warrant)

## Separation of Church and State

### *Key Ideas from Documents 4–6*

#### **Effect of Warren Court Decisions on American Society**

- Doc 4**—Supreme Court’s decision in *Engel v. Vitale* creates an uproar  
Some Congressmen suggest amending Constitution to circumvent decision on school prayer  
Support for Supreme Court decisions urged even if disagreement exists  
President encourages families to make prayer more important in children’s lives
- Doc 5**—Classroom prayer and scripture reading declared unconstitutional, even if voluntary  
Public schools continue to allow prayer (early morning moments of silence, lunchtime prayer sessions, pre-football game prayers, religious clubs, prayer groups)
- Doc 6**—Controversy over unconstitutional endorsement of religion in public places continues (display of Ten Commandments in courthouses and other public buildings)

#### *Relevant Outside Information*

(This list is not all-inclusive.)

#### **Effect of Warren Court Decisions on American Society**

- Daily recitation of nondenominational New York State Regents prayer violates “establishment clause”  
Public schools not permitted to require daily Bible reading  
Course offerings in religious history and literature continue  
National debate arises between those who believe school prayer is important for moral development versus those who believe states should not be involved with religion  
Prayers at public school-sponsored events declared unconstitutional by Supreme Court  
Positions on public school prayer included in political party platforms  
Interest in passing a constitutional amendment permitting prayer in public schools continues  
Creationism versus evolution debated by Boards of Education  
Pledge of Allegiance challenged in federal courts  
Events with religious themes banned from public schools

## Rights of Individuals Accused of Crimes

### *Key Ideas from Documents 7–9*

<b>Effect of Warren Court Decisions on American Society</b>
<b>Doc 7</b> —Public awareness of constitutional rights increases
Miranda warnings used in television shows, movies, and books
<i>Miranda</i> decision becomes part of our collective heritage and consciousness
Further limits placed on police behavior by <i>Miranda</i> decision
<b>Doc 8</b> —Belief by some that criminals are given an advantage over the victim by criminal justice system
Belief by critics that <i>Miranda</i> decision resulted in fewer criminals and juveniles being convicted of crimes
Anger of law-and-order advocates over Warren Court rulings continues
<b>Doc 9</b> — <i>Miranda</i> decision reaffirmed in 2000 Supreme Court ruling
<i>Miranda</i> decision becomes part of the national culture

### *Relevant Outside Information*

(This list is not all-inclusive.)

<b>Effect of Warren Court Decisions on American Society</b>
Arguments for fair trial protections, confessions not being extorted under pressure, guarantee of equality before the law for all citizens, consistency and fairness of police procedures cited by supporters of decision
Arguments against restrictions placed on police investigations, hampering of police in dealing with unpredictable situations, conviction reversals, or exclusion of evidence cited by opponents of decision
Rights of accused to obtain legal representation expanded in <i>Gideon v. Wainwright</i> Additional costs for taxpayers associated with increase in mandated court procedures

The Supreme Court has always made decisions that have had lasting impacts on society. A time period during which this was particularly true was the period between the years 1953 and 1969, when the Chief Justice of the court was Earl Warren. Under his influence, the court made a number of legal decisions that continue to hold significance in American life today. Such court cases include Brown v. Board of Education (1954) and Miranda v. Arizona. (1966).

The issue of segregation has long been a part of American society, especially in the South. In the early to mid-twentieth century, Jim Crow laws kept a rigid separation between black and white. Even Supreme Court cases such as Plessy v. Ferguson made segregation constitutional, providing that the separate facilities were equal, of course, and created a sort of caste system in American society. This "equality" looked good on paper but in reality was rarely the case, especially when it came to schools. Substandard buildings, supplies, and transportation often made the educational experience for African Americans inferior to whites. It wasn't until 1954 with the ruling of Brown v. Board of Education that segregation in schools was made unconstitutional (Doc 2), based on the equal protection clause of the 14th amendment. In order to become integrated, some schools were forced to resort to busing their students in from other areas (Doc 3a).—although the ruling took care of "de jure" integration of society (that which is imposed by the federal court system), it did little to immediately reverse the "de facto" segregation of society, especially in the South ("de facto" implies that which has become the unwritten law of social classes and segregated residential areas themselves.) Long-term effects of the decision were more dramatic, however. In the long run Brown v. Board of Education helped to create a black middle class (Doc 3b) by

providing legal means for African Americans to demonstrate their equality. For a long time, many Southerners had been working to keep the black people in their places, but could no longer because the Supreme Court had ruled against segregated educational facilities which would over time lead to more social and economic competition for whites (Doc 1 b). Despite the steps taken to integrate society in the U.S., today some Americans continue to disagree as to whether integration has achieved its objectives. Just recently, a Southern school had its very first integrated prom because both blacks and whites had continued wanting separate events. Many people also continue to send their children to private institutions where Brown v. Board of Education holds less weight. Despite the lasting effects of this Supreme Court decision, one thing remains clear: integration is still far from complete and in some cases is worsening as African Americans and other minorities continued to live in urban areas just as they did in the 1960s and 1970s.

Another Warren Court decision that plays a role in daily life is the court case Miranda v. Arizona (1966). This decision, generally speaking, defined the rights of the accused after an appeal was made on behalf of Ernesto Miranda. It said, among other things, that each person accused of a crime has the right to remain silent and the right to an attorney (Doc 7). The tradition of these Miranda rights has become common knowledge in American society, despite the fact that some people believe that they are generally too lenient and often hamper the justice system's ability to convict guilty criminals of their crimes (Doc 8a + 8b). The Supreme Court has failed to see adequate need for reversal of this decision, despite the dramatic odds that lie in the favor of the accused as a result of the decision, and the fact that the victim is often left without help when the offender is not convicted. In a recent case, the Supreme Court

ruled that the Miranda decision was too deeply rooted in history to overturn (Doc 9). Miranda v. Arizona (1966) was clearly a long-lasting Warren Court decision that will not likely lose its significance in the near future because of its <sup>5th</sup> and 14th amendment guarantees that all Americans are entitled to.

The Warren Court made several lasting decisions that continue to hold relevance in present society. The issue of integration of schools is still there, and actually some resegregation has occurred despite the ruling in Brown v. Board of Education (1954) - however, the decision did result in much-needed integration of American society in the long run.

Miranda v. Arizona (1966) was a decision that holds the same significance to those accused of crimes now as it did when the ruling was initially made. Although it may have inadvertently increased the odds in favor of the guilty getting away with criminal acts, and in some ways, complicated the work of judges and law-enforcement officials, the word "Miranda" today has become a household word and the ruling has no doubt saved many innocent people from serving jailtime. Although they vary in terms of constitutional issues, these Warren Court decisions do continue to play significant roles in daily life.

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## Anchor Level 5-A

### The response:

- Thoroughly develops the task evenly and in depth by discussing the effects of Warren Court decisions on American society
- Is more analytical than descriptive (“equality” looked good on paper but in reality was rarely the case; Americans continue to disagree as to whether integration has achieved its objectives; some people believe *Miranda* rights are generally too lenient and often hamper the justice system’s ability to convict guilty criminals of their crimes; Supreme Court has failed to see adequate need for reversal of *Miranda* despite the dramatic odds that lie in favor of the accused; victim is often left without help when the offender is not convicted; *Miranda* was clearly a long-lasting Warren Court decision that will not likely lose its significance in the near future because of its 5th and 14th amendment guarantees that all Americans are entitled to; although *Miranda* may have inadvertently increased the odds in favor of the guilty getting away with criminal acts, and in some ways, complicated the work of judges and law enforcement officials, the word *Miranda* has become a household word; *Miranda* ruling has no doubt saved many innocent people from serving jail time)
- Incorporates relevant information from documents 1, 2, 3, 7, 8, and 9
- Incorporates substantial relevant outside information (Jim Crow laws kept a rigid separation between blacks and whites; *Plessy v. Ferguson* made segregation constitutional; substandard buildings, supplies, and transportation often made the educational experience for African Americans inferior to whites; *Brown* was based on the equal protection clause of the 14th amendment; de jure integration did little to immediately reverse de facto segregation of society, especially in the South; Supreme Court had ruled against segregated educational facilities which would, over time, lead to more social and economic competition for whites; a Southern school had its first integrated prom because both blacks and whites had continued wanting separate events; in some cases, integration is worsening as African Americans and other minorities continue to live in urban areas; *Miranda* defined the rights of the accused after an appeal was made on behalf of Ernesto Miranda; some resegregation has occurred despite the ruling in *Brown*)
- Richly supports the theme with many relevant facts, examples, and details (*Brown* made segregation in schools unconstitutional; *Miranda* said that each person accused of a crime has the right to remain silent and the right to an attorney; tradition of *Miranda* rights has become common knowledge in American society; Supreme Court ruled that *Miranda* decision was too deeply rooted in history to overturn)
- Demonstrates a logical and clear plan of organization; includes an introduction that restates the theme and a conclusion that discusses how *Brown v. Board of Education* and *Miranda v. Arizona* continue to play a significant role in daily life

**Conclusion:** Overall, the response fits the criteria for Level 5. The historical context established about the *Brown v. Board of Education* decision reflects a strong understanding of race issues and the incompleteness of integration. Analytical statements about *Miranda v. Arizona* combined with insightful document analysis and integration clearly establish how the case has had a lasting impact on American society.

The Warren Court of 1953-1969 was a critical element in redefining the roles of religion and race and justice in American society. From groundbreaking decisions such as Brown vs. Board of Education, to the Constitutional controversies such as Engel vs. Vitale, the Warren Court could effectively be called the most liberal, but the most important court of the twentieth century.

America was supposed to be the land of the free... or so her forefathers proclaimed. However, by the mid-twentieth century, there were racial and gender issues as well as issues involving civil liberties that came to the surface. However, people started to rebel as they noticed all of these imperfections, and movements for reform started, the Civil Rights movement, the Women's Rights movement... perhaps the Warren Court only reflected the rebellious tidings in the anxious American people. One of its first decisions, Brown vs. Board of Education in 1954, which stated that public schools must integrate, that they could not prohibit entry based on race (Doc. 2). While the response was slow, and not always receptive, this decision had long-lasting effects once enforcement and cooperation took hold. For instance, black participation in the Federal government increased, with two black congressmen 39, and more blacks were able to take advantage of educational opportunities, giving them greater access to better jobs. Additionally, when prayer was banned in public schools with the Engel vs. Vitale decision, the establishment

clause was upheld. Finally, the government was providing more fair and equal opportunities in schools for students of minority backgrounds, as well as encouraging more <sup>toleration</sup> (Doc. 4). The reform was not limited to schooling and education, though, but also to the distribution of justice by law enforcement. In *Miranda vs. Arizona*, the courts were able to enhance the Constitutional awareness of the nation, as the police must now read an arrested suspect his or her rights, which has made the criminal justice system more fair (Doc. 7). Likewise, the case of *Gideon vs. Wainwright* was able to overturn unconstitutional state statutes that provided state-appointed legal counsel only to those facing capital punishment or mental illness; with this decision, every a penniless roamer could have adequate legal counsel.

Despite all the good the Warren Court did, some of the controversial decisions only increased personal efforts to subvert the Constitution and its principles. For every good, it seemed, there was another bad. In *Brown vs. Board*- yes, it overturned the *Plessy vs. Ferguson* decision, and yes, it had good long term effects - many white parents were outraged and many even tried to send their children to still segregated private schools, and continue to do so. When white parents were told their children would be bussed farther from their homes to achieve racial balance in public schools, they actively protested (Doc. 3a). Likewise, opponents of *Engel vs. Vitale* still practiced religion in public schools just the same, but in slightly more discreet manners - such as non-sectarian or

handwritten notes: nondescript verses or moments of silence (Doc. 5). Also, while granting the citizens more protections, the decisions of the Warren Court helped create a more bitter and lawless society, according to the critics (Doc. 1b). Some say the protections it provided made the rewards of crime outweigh the risks. After all, a juvenile might have only a "659-to-1 shot" of being found guilty of burglary, and those who are found guilty only receive a likely "nine-month term" (Doc. 8b). Some accused criminals are able to go free because the police officer simply forgot to read them their rights or made an error in doing so. With those rights so present in the mass media of modern America, some suspects accused of crimes have been able to exploit these "Miranda rights" (Doc. 9).

The Warren Court certainly was beneficial to the American public to some degree. The cases it decided were critical in shaping modern perspectives on freedom and justice. Despite its good, though, it introduced us to new social ills and struggles, and perhaps contributed to a criminal justice system that favors a suspect.

## Anchor Level 5-B

### The response:

- Thoroughly develops the task evenly and in depth by discussing the effects of Warren Court decisions on American society
- Is more analytical than descriptive (perhaps Warren Court only reflected rebellious tidings in anxious American people; while response to *Brown* was slow and not always receptive, this decision had long-lasting effects once enforcement and cooperation took hold; more blacks were able to take advantage of educational opportunities; government was providing more fair and equal opportunities in schools for students of minority backgrounds as well as encouraging more toleration; reform was not limited to schooling and education but also to distribution of justice by law enforcement; opponents of *Engel* still practice religion in public schools, but in slightly more discreet manners; *Miranda* made criminal justice system more fair; some controversial decisions of the Warren Court increased personal efforts to subvert the Constitution and its principles; some say protections provided by Warren Court made rewards of crime outweigh the risk; with *Miranda* rights so present in the mass media of modern America, some suspects accused of crimes have been able to exploit these rights)
- Incorporates relevant information from documents 1, 2, 3, 4, 5, 7, 8, and 9
- Incorporates substantial relevant outside information (establishment clause was upheld in the *Engel* decision; *Gideon v. Wainwright* was able to overturn unconstitutional state statutes that provided state-appointed legal counsel only to those facing capital punishment or mental illness; even a penniless roamer could have adequate legal counsel; *Brown* overturned *Plessy v. Ferguson*; when white parents were told their children would be bused further from their homes to achieve racial balance in public schools, they actively protested)
- Richly supports the theme with many relevant facts, examples, and details (*Brown v. Board of Education* stated that public schools must integrate and could not prohibit entry based on race; black participation in the federal government increased as a result of *Brown*; *Engel v. Vitale* banned prayer in public schools; police must now read an arrested suspect his or her rights; many white parents were outraged and many even tried to send their children to still-segregated private schools and continue to do so)
- Demonstrates a logical and clear plan of organization; includes an introduction that discusses the Warren Court as a critical element in redefining the roles of religion, race, and justice in American society and a conclusion that refers to new social ills and struggles introduced by Warren Court decisions

**Conclusion:** Overall, the response fits the criteria for Level 5. By organizing the response around the positive and negative effects of the Warren Court decisions, a comprehensive understanding of the Court's influence on American society is demonstrated. Good document interpretation and analysis as well as a strong interpretation of outside historical information improve the response.

The judicial branch of the United States government has the ability and power to revolutionize American life and society. Between 1953 and 1969, Chief Justice Earl Warren utilized this power, and practiced judicial activism to the fullest extent. His controversial decisions concerning equal protection under the law, separation of church and state, and the rights of individuals accused of crime, had a major effect on American Society.

In 1954, in the case Brown v. Board of Education, the Warren Court ruled that separate education facilities for whites and blacks are unequal, and do not provide the 14<sup>th</sup> amendment right of "equal protection under the law." After the Brown v. Board of Ed ruling, schools were ordered to desegregate and admit black students. Southern whites responded by either closing down their schools, or placing their children in private schools. (Doc. 3A) The governor of Little Rock, Arkansas, fearing a riot if black students were to enter white schools, sent troops to prevent the blacks from entering. President Eisenhower responded by sending soldiers to protect the black students and ensure desegregation. Although initially some schools refused to integrate, by 1988, the share of black students attending majority white schools increased from ~~0.1%~~ 0.1% to 44% (Doc. 3A).

Besides for ~~deregulating schools~~ desegregating schools, the Brown v. Board of Education decision sparked the Civil Rights Movement of the 1950's and 1960's when blacks campaigned for racial equality. This movement through its protests and demonstrations succeeded by furthering desegregation of colleges and universities. This allowed more blacks to take advantage of higher education and enter the middle class. Brown "broke up the frozen political system in the country at the time." (Doc. 3b) After this landmark case, blacks began to hold important government positions and top jobs in major corporations such as Citibank, Xerox, Time Warner, and Merrill Lynch (Doc. 3b). By ending de-jure segregation, the Warren Court provided blacks with the opportunity to join society as equal participants, and to contribute fully to American culture and life.

The Warren Court also impacted American Society with its decision in Engle v. Vitale. In this controversial court case, the Supreme Court outlawed state mandated school prayer as a violation of the separation of church and state. In response to objection to this decision, President Kennedy advised Americans to increase prayer at home and in church. (Doc. 4b) Also as a result of this decision, some

Schools instituted early-morning moments of silence, lunchtime prayer sessions, and pre-football game prayers to make up for lack of organized school prayer. (Doc 5) The American Civil Liberties Union adopted this strict separation between church and state by claiming that it is unconstitutional to display a Ten Commandments monument on Capitol grounds. (Doc. 6) Due to the Engle v. Vitale ruling, both the United States government and most schools shied away from strongly endorsing or promoting religious activities. They wanted to uphold the separation between church and state and respect the cultural and religious diversity that characterizes many of the nation's public schools.

The Warren Court greatly expanded the rights of individuals accused of crimes. In Gideon v. Wainwright, the Supreme Court guaranteed legal counsel to accused persons, even if unable to afford it, to ensure equal access to justice for the poor. Miranda v. Arizona sharply limited police interrogations of those suspected of a crime (Doc. 1a), and ruled that police must inform criminal suspects of their rights. Reactions to these sweeping decisions were mixed. Many Americans felt that the Supreme Court was fostering and coddling

Criminals, thereby obstructing justice in the country. Critics claimed that these rulings "hampered the criminal-justice system's capacity to convict guilty offenders" (Doc. 8b). However, other Americans lauded these Supreme Court rulings and felt that they increased public awareness of the rights guaranteed by the constitution. Young students are now aware that they are entitled to their "Miranda rights." (Doc. 7) People feel that the expansion of the rights of the accused is beneficial to society and upholds the rights guaranteed in the first ten amendments.

Supreme Court decisions made by the Warren Court led to significant changes in various aspects of life in America, which were met with mixed feelings. The Warren Court truly demonstrated the power of the judicial branch to revolutionize American culture and society.

## Anchor Level 4-A

### The response:

- Develops the task by discussing the effects of Warren Court decisions on American society
- Is both descriptive and analytical (*Brown* decision sparked the Civil Rights movement of the 1950s and 1960s when blacks campaigned for racial equality; as a result of *Engel*, the government and most schools shied away from strongly endorsing or promoting religious activities; government and schools wanted to uphold separation of church and state and respect the cultural and religious diversity that characterizes many of the nation's public schools; *Miranda v. Arizona* sharply limited police interrogations of those suspected of crime; critics claimed Court rulings hampered criminal justice system's capacity to convict guilty offenders; people feel that expansion of rights of the accused is beneficial to society and upholds rights guaranteed in the first ten amendments)
- Incorporates relevant information from documents 1, 3, 4, 5, 6, 7, and 8
- Incorporates relevant outside information (Warren Court ruled separate education facilities for whites and blacks were unequal and do not provide 14th amendment right of equal protection under the law; President Eisenhower responded by sending soldiers to protect black students and ensure desegregation; Civil Rights movement through its protests and demonstrations succeeded by furthering desegregation of colleges and universities; by ending de jure segregation, Warren Court provided blacks with the opportunity to join society as equal participants; to ensure equal access to justice for the poor, Supreme Court in *Gideon v. Wainwright* guaranteed legal counsel to accused persons)
- Supports the theme with relevant facts, examples, and details (after *Brown v. Board of Education* ruling, schools were ordered to desegregate and admit black students; after *Brown*, blacks began to hold important government positions and top jobs in major corporations; in the controversial *Engel v. Vitale*, the Supreme Court outlawed state-mandated school prayer as a violation of the separation of church and state; President Kennedy advised Americans to increase prayer at home and in church; some schools instituted early-morning moments of silence, lunchtime prayer sessions, and pre-football game prayers; American Civil Liberties Union claimed it was unconstitutional to display a Ten Commandments monument on Capitol grounds; *Miranda* ruled that police must inform criminal suspects of their rights); includes a minor inaccuracy (governor of Little Rock, Arizona)
- Demonstrates a logical and clear plan of organization; includes an introduction that mentions Earl Warren practiced judicial activism to the fullest extent and a conclusion that states the Warren decisions were met with mixed feelings

**Conclusion:** Overall, the response fits the criteria for Level 4. Although much of the *Brown* discussion focuses on a synopsis of events in Little Rock and more supporting facts and details could have been included in the discussion on *Miranda*, the inclusion of relevant historical facts in conjunction with document integration demonstrates how the power and activism of the Warren Court contributed to change in America. Summary statements containing both cultural and political references relating to the impact of each case strengthen the response.

Between 1953 and 1969, the Warren Court under Chief Justice, Earl Warren, set precedents, ended school segregation, protected civil rights, and ended up shifting the way American society worked forever. The Warren Court created both uplifting and uneasy feelings in the United States. Earl Warren made an impact and left a mark that can never be erased.

In document number two, there's a caption a picture of Nettie Hunt and her young daughter Nikie, who are pleased about one of the biggest decisions that the Supreme Court has ever dealt with. Linda Brown, a young black girl like Nikie felt uneasy and fed-up with traveling many miles out of her way to go to an all black school, when a white school was much closer and much more convenient. Her family then brought the issue to the Supreme Court because they thought her rights were being violated and finally, after months of arguments, Chief Justice Earl Warren declared a ban on segregation in public schools because black schools were not equal to white schools and damaged the emotional mind-set of black children by making them feel inferior. This

decision set a precedent and was the beginning to the end of racial segregation all across America as more Americans began to understand how bad racial segregation was. In document number three, two authors of Time magazine tell how the effects of the Brown Supreme Court decision improved the lives of blacks in schools and led them to them getting more jobs in corporations and official positions in all levels of government. In 1971, the court had endorsed busing to end <sup>racial</sup> segregation in schools that still existed between blacks and whites and increased the number of blacks attending white schools from .1% to 44%. This was a huge step towards the end of racial segregation and because there were now laws and federal funding going towards a halt to segregation, many whites and blacks were realizing that there wasn't much choice and it was time to integrate the races. Another writer stated how the number of black men in worldwide and American corporations has increased tremendously and the number of black men Congressional men increased from a mere 2 persons to a remarkable 39. All it took was one simple step towards ending segregation in schools and from there blacks gradually found better jobs, equal treatment, and a higher level

of respect. Earl Warren started this trend towards changing our world for the better.

In 1962, the Supreme Court made a ruling in Engel v Vitale that prayer and religious practices were now unconstitutional in public schools. This led to a severe amount of arguments and disagreements around the United States. In document number four, President John F Kennedy states that he feels we must support the Supreme Court rulings even if we don't agree with them to better our country. Kennedy also states that it's now time to begin to pray on our own and made a powerful and inspirational statement to American children that we need prayer. This document is an example of how much of an uproar Justice Earl Warren had caused with the radical decision on prayer in public schools, an issue which still stands even today, even more so with the controversy over "Under god" in the pledge of Allegiance. Although, in 1994, President Clinton considered a measure to return prayer back to public schools it would not have been worth

the effort, even though Engel banned prayer, it remained in schools through silences, prayers before football games and other activities, and before lunchtime prayer. And even 32 years later, the issue remains as people still argue over whether the Supreme Court had the right to take prayer away from children. Some continue to demand their rights for prayer in public schools and many students continue to pray at home and have accepted that school is not the place for religious activities.

Yet again, in 1966, Chief Justice of Supreme Court Earl Warren in *Miranda v Arizona* ruled that criminals had specific rights and they should be made clear of them upon their arrest, setting strict limitations on police officials. Many agreed with these rights and believed that their impact on society was crucial to Americans. Document number seven stated that over

93% of those surveyed knew they had the right to an attorney when arrested. Chief Justice Rehnquist stated that the Congress cannot change those guaranteed rights because they are part of our heritage. But, others disagreed with this. Document eight stated that the Miranda rights are too strict on police officials and give too much leeway and flexibility to criminals. The decision in *Miranda v Arizona* continues to be the cornerstone of the American justice system.

Chief Justice of the United States Supreme Court, Earl Warren and the Warren Court made many changes to society causing uproar, challenges and disagreements, but most importantly he did what was necessary and set many precedents and standards for years to come.

## Anchor Level 4-B

### The response:

- Develops the task by discussing the effects of Warren Court decisions on American society
- Is both descriptive and analytical (black schools damaged emotional mindset of black children by making them feel inferior; *Brown* decision set a precedent and was the beginning to the end of racial segregation as more Americans began to understand how bad racial discrimination was; blacks gradually found better jobs, equal treatment, and a higher level of respect; people still argue whether the Supreme Court had the right to take prayer away from children; some continue to demand their rights for prayer in public schools; many students continue to pray at home and have accepted that school is not the place for religious activity; even though some have said *Miranda* rights are too strict on police officials and gave too much leeway and flexibility to criminals, the *Miranda* decision continues to be one of the cornerstones of the American justice system)
- Incorporates relevant information from documents 2, 3, 4, 5, 7, and 8
- Incorporates relevant outside information (Linda Brown, a young black girl, felt uneasy and fed up with traveling many miles out of her way to go to an all black school when a white school was closer and much more convenient; Brown's family brought the issue to the Supreme Court because they thought her rights were being violated; there is a controversy over "under God" in the Pledge of Allegiance)
- Supports the theme with relevant facts, examples, and details (Nettie and Nikie are pleased about the *Brown* decision; Chief Justice Earl Warren declared a ban on segregation in public schools because black schools were not equal to white schools; *Brown* led blacks to getting more jobs in corporations and official positions in all levels of government; blacks attending white schools increased from .1% to 44%; *Engel v. Vitale* ruled that prayer and religious practices were unconstitutional in public schools; President John F. Kennedy states that he feels we must support Supreme Court rulings even if we do not agree with them; even though *Engel* banned prayer, it remained in schools through silences, prayers before football games, and lunchtime prayer; *Miranda* ruled that criminals had specific rights and they should be made clear upon their arrest, setting strict limitations on police officials; 93% of those surveyed stated they knew they had the right to an attorney when arrested; Chief Justice Rehnquist stated that Congress cannot change those guaranteed rights because they are part of our heritage)
- Demonstrates a logical and clear plan of organization; includes an introduction that establishes the theme that Warren Court decisions created both uplifting and uneasy feelings and a conclusion that states the Warren Court set many precedents and standards for years to come

**Conclusion:** Overall, the response fits the criteria for Level 4. Limited outside information strengthens the basic presentation of documents and the details from those documents. Using the contrast of "uplifting and uneasy" as the theme of the discussion about the societal impact of the Warren Court is effective.

As Earl Warren being the Chief Justice of the United States Supreme Court, many changes occurred, greatly affecting American society. Under the rule of the Warren Court, reforms were brought about in different aspects of American living. The Court's decisions in several significant Court cases led to equal protection under the law, separation of church and state, and the rights of individuals accused of crimes. These changes greatly influenced the lives of all Americans.

The Warren Court's decision in Brown v. Board of Education led to equal protection under the law for children. On May 17, 1954 the Warren Court banned segregation in public schools that had been around since Reconstruction. (doc 3). At first, the court case's ruling were not immediately accepted, as schools were completely shut down in Prince Edward County, Va., and southern families enrolled their children in private schools. However, by 1971 the Court "endorsed busing to overcome the residential segregation..." (doc. 3a). Busing and cutting federal funds to segregated schools eventually increased the enrollment of black children into white schools. This step towards racial equality also led to further social equality for blacks. For example, Democratic and Republican administrations have both had black Cabinet members. The Democratic Party has even

nominated a Black man to run for President. And many blacks hold top management positions in large corporations (doc. 3b). Opportunities for blacks have expanded immensely since the ruling of the Warren Court in Brown v. Board of Education.

The Warren Court also led to the separation of church and state with its ruling in Engel v. Vitale. In this court case the Supreme Court banned public prayer and religious exercises in schools. To offset the anger of people who thought taking prayer out of schools might lead to other problems, President John F. Kennedy encouraged praying at home and attending church more faithfully and privately (doc. 4). Although some school districts disagreed with the Court's ruling, they continued to allow prayer in various school activities, such as during "early-morning moments of silence to luncheon prayer sessions to pre-football-game prayers for both players and fans" (doc. 5). Additionally, the principle of the separation of church and state led to debates about public displays of the Ten Commandments. In 1971 the Eagles, a fraternal organization in Frankfort, Ky., donated a Ten Commandments monument to the state. After it was removed and placed in storage during the mid-1980s, it was displayed again in 2000. In opposition, the American Civil Liberties Union (ACLU)

presented a case to the court, stating that the movement was unconstitutional and won (doc. 6). Conflicts continued over the public displays of the Ten Commandments in Kentucky and over religious observances in schools and communities due to the Warren Court's decision in Engl v. Vitale. Now things like nativity scenes and Christmas pageants can't be held in public schools. Some think the Supreme Court went too far.

Furthermore, the Warren Court increased the rights of individuals accused of crimes in the Court cases Gideon v. Wainwright, which guaranteed that the poor accused of crimes can have a lawyer, and Miranda v. Arizona. According to Richard A. Leo, the Miranda decision was widely supported in American society. Most American suspects knew about their Miranda rights, including the right to an attorney if arrested, and the right to remain silent if arrested (doc. 7). The Court case became so widely known that "Miranda has become a household word." Nonetheless, the Court's ruling stirred up many hostile feelings of Americans toward criminals.

Because the case expanded the rights of criminal defendants, many people believe that the decision has "hampered the criminal-justice system's capacity to convict guilty offenders" (doc. 8b). Therefore, more criminals are able to get away with committed crimes, leaving victims vulnerable (doc. 8). Though

federal lawmakers) tried to undo the Miranda decision in 1968, the Supreme Court stated that their "Miranda rights are rooted in the Constitution and cannot be overturned by an act of Congress" (doc. 9). Because the Court has always respected cases rooted in the Constitution, the justices decided there would be no reason to overrule it.

Many aspects of American society were heavily influenced by the decisions made by the Warren Court. Rulings of the Warren Court guaranteed equal protection under the law, separation of church and state, and the rights of individuals accused of crimes. Although these cases gave rights to those who had limited civil liberties before, the decisions led to criticism by some Americans, as it "fostered subversive action by civil rights advocates, communist agitators, criminals..." (doc. 1b). Despite that opinion, the Warren Court improved the lives of many Americans and made sure civil liberties guaranteed in the U.S. Constitution would be applied more equally to all. However, the changes brought about by the Warren Court still govern many aspects of American society today.

## Anchor Level 4-C

### The response:

- Develops the task by discussing the effects of Warren Court decisions on American society
- Is both descriptive and analytical (the *Brown* ruling was not immediately accepted; step towards racial equality led to further social equality for blacks; to offset anger of people who thought taking prayer out of schools might lead to other problems, President John F. Kennedy encouraged praying at home and attending church more faithfully; some school districts disagreed with the Court's ruling; conflicts continued over public displays of the Ten Commandments in Kentucky and over religious observations in schools and communities; most American suspects know about their *Miranda* rights, including the right to an attorney if arrested and the right to remain silent if arrested; the Court's ruling stirred up many hostile feelings of Americans toward criminals; more criminals are able to get away with committed crimes leaving many victims vulnerable; because the Court has always respected cases rooted in the Constitution, the Justices decided there would be no reason to overrule *Miranda*; Warren Court improved lives of many Americans and made sure that civil liberties guaranteed in the United States Constitution would be applied more equally to all)
- Incorporates relevant information from all the documents
- Incorporates relevant outside information (segregation had been around since Reconstruction; Democratic Party has nominated a black man to run for President; now things like nativity scenes and Christmas pageants cannot be held in public schools; *Gideon v. Wainwright* guaranteed that the poor accused of crimes can have a lawyer)
- Supports the theme with relevant facts, examples, and details (decision in *Brown* led to equal protection under the law for children; schools were completely shut down in Prince Edward County; Southern families enrolled their children in private schools; busing and cutting federal funds to segregated schools eventually increased enrollment of black children into white schools; both Democratic and Republican administrations have had black cabinet members; blacks hold top management positions in large corporations; *Engel* banned public prayer and religious exercises in schools; prayer continued in various school activities; a Ten Commandments monument was donated to Kentucky; American Civil Liberties Union stated that the monument was unconstitutional; *Miranda* increased the rights of individuals accused of crimes; *Miranda* expanded the rights of criminal defendants)
- Demonstrates a logical and clear plan of organization; includes an introduction that is a restatement of the theme and a conclusion that uses document 1 to state that although Warren Court decisions led to criticism, changes brought about by the Court still govern many aspects of American society

**Conclusion:** Overall, the response fits the criteria for Level 4. Although some document information is directly quoted, it is effectively integrated and supported by interpretation and brief commentary. Analytical statements particularly about the continued influence of Warren Court cases represent a good understanding of constitutional issues and their application to contemporary life.

The Warren Court era led to significant changes in our society. Between 1953 and 1969, Earl Warren and the other eight justices made groundbreaking decisions on issues such as, equal protection under the law, separation of church and state, and the rights of individuals accused of a crime. The decisions they made led to significant changes in a variety of aspects of life in the United States. The majority of the decisions are still in place today, proving that the Warren Court was one of the most effective, influential courts of all time.

The first, unanimous decision of the Warren Court was their ruling in Brown v. Board of Education. In this case, a young African American girl wanted to attend an all white school simply because it was a shorter distance from her home. When she was denied access to the school, her family sued on the basis that her 14<sup>th</sup> amendment rights were violated. This case is one of the most significant cases of all time. It overturned years of racial segregation in public schools. The Warren Court ruled in favor of Brown, stating that segregation in schools is unconstitutional. (Doc 1a)

Though segregation in schools was ruled unconstitutional, it was difficult for desegregation to be accepted. After the decision was made, paratroopers had to be brought in to protect black students entering Central High School in Little Rock, Arkansas. Schools in Prince Edward County, Virginia were completely shut down. In order to avoid the integrated black and white students in public schools, many white families put their children in private schools, something that many black families could not afford. In order for the court's decision to have any effect, the Court endorsed busing. In some cases this meant that white kids would be bused to inner city schools that were predominantly black, and black kids were bused into predominantly white schools.

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## Anchor Paper – Document-Based Essay—Level 3 – A

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This practice was one of the factors in raising the number of blacks in white schools from 0% to 44% by 1988. (Doc 3a)

Another pivotal case decided by the Warren Court was Engel v. Vitale. This case dealt with the issue of prayer in school. The Court ruled that religious prayer and reading religious scripture in school was unconstitutional. The decision made in this case was highly controversial. (Doc 4) Due to the people's dissenting opinion, many people found ways around the law. A moment of silence at the beginning of the day, a moment of silence before lunch, praying before a football game for a favorable outcome, all these practices were used to get around the decision and they are still done today. (Doc 5) Some people think that an amendment should be added to the Constitution guaranteeing the right to pray in schools.

Perhaps the most widely recognized case decided on by the Warren Court is that of Miranda v. Arizona in 1966. This case dealt with the rights of a person accused of a crime. According to a national poll in 1984, 93% of those surveyed knew that they had Miranda rights, and what they were. Miranda rights must be read to you at the time of your arrest. You have the right to remain silent. Anything you say can be used against you in the court of law. You have the right to an attorney. If you cannot afford one, the court will appoint you one. The issuance of Miranda rights expands the rights of the accused in the constitution making police work more complicated and time-consuming. (Doc. 7)

The Warren Court remains one of the most significant, influential courts of all time. The decisions made by the Warren Court vastly changed the dynamic of our society. The lasting effects instilled by the Warren Court are felt heavily in today's world and there is not telling what life would be like had their decisions not been made.

## **Anchor Level 3-A**

### **The response:**

- Develops the task with little depth by discussing the effects of Warren Court decisions on American society
- Is more descriptive than analytical (*Brown* overturned years of racial segregation in public school and was one of the most significant cases of all times; it was difficult for desegregation to be accepted; due to the peoples' dissenting opinion, many people found ways around the law; some people think that an amendment should be added to the Constitution guaranteeing the right to pray in public schools; *Miranda* rights made police work more complicated and time-consuming)
- Incorporates some relevant information from documents 1, 3, 4, 5, and 7
- Incorporates some relevant outside information (first unanimous decision of the Warren Court was their ruling in *Brown v. Board of Education*; a young African American girl wanted to attend an all-white school, simply because it was a shorter distance from her home; when this African American girl was denied access to the school, her family sued on the basis that her 14th amendment rights were violated; many black families could not afford to put their children in private schools; in some cases, busing meant that white kids would be bused to inner city schools that were predominantly black and black kids were bused into predominantly white schools)
- Includes some relevant facts, examples, and details (Warren Court ruled in favor of *Brown* stating that segregation in schools was unconstitutional; paratroopers had to be brought in to protect black students entering Central High School in Little Rock, Arkansas; schools in Prince Edward County, Virginia, were completely shut down; busing was one of the factors in raising the number of blacks in white schools from 0.1% to 44% by 1988; *Engel v. Vitale* dealt with the issue of prayer in school; Court ruled that religious prayer and reading religious scripture in school was unconstitutional; a moment of silence at the beginning of the day, a moment of silence before lunch, praying before a football game for a favorable outcome are all practices to get around the decision; *Miranda v. Arizona* dealt with the rights of a person accused of a crime; according to a 1984 national poll, 93% of those surveyed knew they had *Miranda* rights and what they were)
- Demonstrates a satisfactory plan of organization; includes an introduction and a conclusion that are somewhat beyond a restatement of the theme by stating that the decisions continue to affect us today

**Conclusion:** Overall, the response fits the criteria for Level 3. Mentioning the 14th amendment as the constitutional issue at the core of *Brown v. Board of Education* and the inclusion of some case details combine with a comprehensive use of document information to assess the impact of that case on American society. Good statements about dissenting public opinion and circumvention of the *Engel v. Vitale* decision and an impact of *Miranda* on police officials help improve each of those sections's heavy reliance on document information.

Between 1953 and 1969, the Chief Justice of the United States was Earl Warren. The decisions of the Supreme Court during the "Warren Court" era led to significant changes in many aspects of life in the United States. Several important court cases affected separation of church and state, the rights of individuals accused of crimes, and equal protection under law.

One of the court cases that had a major impact of American society was the court case of Brown vs. Board of Education. This case affected the equal protection under law. The Supreme Court ruled that segregation in schools was unconstitutional. This ruling started a desegregation movement in schools throughout the nation. With this decision it now allowed for all groups to attend school together, mostly white and blacks though. This decision effected American society in that it took a few years for it to completely kick in and take full effect. (Doc. 3) During the time that it needed to take full effect, schools in the South closed due to <sup>the</sup> protesting. The National Guard had to protect African American students entering and leaving Central High School. This also affected American society in that whites did not want their children attending school with African Americans so they would send their white children to private schools. (Doc. 3) Over time enforcement of desegregation, court orders, and busing began to make a difference and more people began to accept integration. The Brown decision has had a major impact on how we, as a country, have been able to accept that we are all created equal and should receive equal rights.

Another court case that had an impact on the American society is

Miranda vs. Arizona. This court case affected the rights of individuals accused of crimes. The Supreme Court ruled that a suspect must be read its individual rights at the time of the arrest. Those rights are the following: the right to remain silent and the right to an attorney in the court of law if one can not be afforded. Those were the rights established by this case and cases like Gideon vs. Wainwright. And these rights have become part of everyone's life. One effect of these court cases are now a majority of people know their rights before they even run into the law (Doc. 7). Those laws have become part of people's lives if they are either ~~measuring~~ around with a friend or actually hearing these laws from an officer.

Another court case during the "Warren Court" era that has impacted the American society was the case of Engel vs. Vitale. This case affected the separation of church and state. The Supreme Court ruled that there must be a separation between the two. Ruling that there can be <sup>not</sup> being any prayer or anything religious during the school day. Many that support this decision believe that <sup>there</sup> is enough time throughout the day to take time and pray at your house or church without offending anyone. Everyone that attends your school does not follow and practice the same religion as you do. This will cause controversies throughout the school district (Doc. 4). Although the ruling of the Supreme Court states <sup>that</sup> there is separation between the two; many schools have done little things to keep it going. Schools carry on religious clubs, prayer groups, and pro-prayer students are making religion and prayer part of the school day (Doc. 5). The problem with this is that there is not definite line between the good and not good. Everything

*is a judgement call on whether it is ok or not. Some of the things that are allowed could easily go the other way around in a court decision.*

*Many Supreme Court cases have affected the American society in that it has led to many dramatic changes in various parts of our lives as Americans.*

### Anchor Level 3-B

#### The response:

- Develops the task with little depth by discussing the effects of Warren Court decisions on American society
- Is both descriptive and analytical (*Brown* started a desegregation movement in schools throughout the nation; *Brown* took a few years to completely kick in and take full effect; whites did not want their children attending school with African Americans so they would send their white children to private schools; over time enforcement of desegregation, court orders, and busing began to make a difference and more people began to accept integration; *Brown* decision has had a major impact on how we as a country have been able to accept that we are all created equal and should receive equal rights; *Miranda* rights have become part of people's lives; many who support *Engel* believe that there is enough time throughout the day to take time and pray at your house or church without offending anyone; *Engel* does not provide a definite line between the good and not good which means everything is a judgment call on whether it is okay or not)
- Incorporates some relevant information from documents 3a, 3b, 4, 5, and 7
- Incorporates limited relevant outside information (National Guard had to protect African American students entering and leaving Central High School; *Gideon v. Wainwright*)
- Includes some relevant facts, examples, and details (*Brown v. Board of Education* affected equal protection under the law; Supreme Court ruled that segregation in schools was unconstitutional; schools in the South closed due to protesting; *Miranda v. Arizona* affected the rights of individuals accused of crimes; Supreme Court ruled that a suspect must be read their individual rights at the time of the arrest; *Engel v. Vitale* affected the separation of church and state; religious clubs, prayer groups, and pro-prayer students are making religion and prayer part of the school day)
- Demonstrates a satisfactory 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 3. The summary statements in the response demonstrate an understanding of how the Warren Court affected both the individual and the nation at large. The references to the eventual acceptance of integration and the somewhat unexpected impact of Court decisions involving separation of church and state add some analysis to a primarily document-driven discussion.

Decisions are made everyday by every person to effect some aspect of ones life. The Warren Court made crucial decisions that effected American society between 1953 and 1969. Some of the rulings took time to take full effect and some were controversial. Nevertheless these rulings made significant changes in the American Society.

One of the most significant cases was Brown v. The Board of Education in 1954. A young black girl was turned away from a white school in her neighborhood and had to attend a school further away. Brown's parents took this to court and won. The Supreme Court ruled that the legalized segregation created in the Plessy v. Ferguson case, was unconstitutional when it came to education. This was a very important change in society because it protected blacks' right to receive an equal education (D2). The military enforced the ruling in Little Rock, Arkansas, and the share of children attending majority white schools gradually rose from 0.1% to a high of 44% (D3a). The Brown v. BOE desegregation ruling was also significant because it contributed to breaking up the frozen political system of the time, and creating a black middle class through the expansion of education (D3b).

In the Supreme Court case of Engel v. Vitale the issue of religion and government was challenged. The ruling resulted in the separation of church and state. One effect of this case

was that prayer was no longer allowed in public schools. As a "remedy" to this President Kennedy suggested that people pray themselves, pray more at home, attend churches, and make the true meaning of prayer more important in the lives of their children (D4). This ruling became a very controversial topic. Although organized prayer was outlawed in schools, pre-football-game prayers for players and fans, as well as state-mandated moments of silence at the beginning of the day still existed (D5). There is also a debate over if a Ten Commandments monument should be allowed to be displayed in public buildings or nativity scenes should be displayed in public parks (D6).

There were a few cases strengthening the rights of the accused, that came to be controversial as well. The *Miranda v. Arizona* case in 1966 made it mandatory for those accused to be read their "Miranda Rights." In *Mapp v. Ohio* in 1961 protected citizens from search and seizure without a warrant. A significant affect of these decisions was that they increased public awareness of constitutional rights (D7). Some people disagreed with these rulings because they felt that the Warren Court expanded the rights of criminal defendants (D8). However the Supreme Court will not overrule its decision in *Miranda* because the requirement that criminal suspects be read their

"Miranda Rights" is rooted in the Constitution (D9).

The Warren Court made many decisions that improved civil rights, religious separation, and individual rights. These were some of the most significant aspects of the rulings made that changed American society. Although some were controversial, the cases made very important impacts.

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## **Anchor Level 3-C**

### **The response:**

- Develops the task with little depth by discussing the effects of Warren Court decisions on American society
- Is more descriptive than analytical (Supreme Court protected blacks' right to receive an equal education; *Brown* decision contributed to breaking up the frozen political system of the time and creating a black middle class through the expansion of education; President Kennedy suggested that people pray themselves, pray more at home, attend churches, and make the true meaning of prayer more important in the lives of their children; although prayer was outlawed in schools, pre-football game prayers for players and fans as well as state-mandated moments of silence at the beginning of the day still existed; there is also a debate over whether a Ten Commandments monument should be allowed to be displayed in a public building or nativity scenes should be displayed in public parks; a significant effect of *Miranda* and *Mapp* was that they increased public awareness of constitutional rights)
- Incorporates some relevant information from documents 2, 3, 4, 5, 6, 8, and 9
- Incorporates limited relevant outside information (a young black girl was turned away from a white school in her neighborhood and had to attend a school further away; Brown's parents went to court and won; Supreme Court ruled that the legalized segregation created in *Plessy v. Ferguson* was unconstitutional when it came to education)
- Includes some relevant facts, examples, and details (the military enforced *Brown* in Little Rock, Arkansas, and the share of children attending majority white schools gradually rose from 0.1% to a high of 44%; issue of religion and government was challenged in *Engel v. Vitale*; *Engel* resulted in the separation of church and state; organized prayer was no longer allowed in public schools; *Miranda v. Arizona* made it mandatory for those accused to be read their *Miranda* rights; *Mapp v. Ohio* protected citizens from search and seizure without a warrant; some people disagreed with *Miranda* and *Mapp* rulings because they felt that the Warren Court expanded the rights of criminal defendants; Supreme Court will not overrule its decision in *Miranda* because the requirement that criminal suspects be read their *Miranda* rights is rooted in the Constitution)
- 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. The recognition that the legalization of segregation created as a result of *Plessy v. Ferguson* was unconstitutional when applied to public education is a good segue to brief document references about the societal change brought about by *Brown v. Board of Education*. Although the effects of *Engel* and *Miranda* are derived primarily from the documents with no outside information in support, the discussion is integrated in a way that demonstrates an understanding of the significance of these cases.

The Warren Court Era gave the people more rights + drew fair lines. Through many cases they gave blacks more rights, made a line between public schools + religion. The courts also banned segregation in schools. The Warren Court Era made life better for certain groups in society.

Article One refers to Brown v. Board of Education. In this case a TM. Brown brought it to the Supreme Court that Segregation in schools is illegal. The courts agreed w/ Brown that separate is not equal. As stated in Document 3 after this decision was made white families started pulling children out of the newly integrated schools. This was a major court case in United States History.

Documents 4+5 refer to religion being taught in schools. The court case is Engel v. Vitale. Document 4 is a transcript of a news conference w/ President John F. Kennedy. In this conference Kennedy supports prayer not being said in the schools. As other options he said make prayer part of home life or get to church more. Document 5 talks about even though that case ruling was made people still pray in schools. Ironically states even mandate it sometimes as in moments of silence.

Another case referred to is Miranda v. Arizona. This case is talked about in Document 7. Prior to this case when arrested people were not informed of their rights.

Miranda was accused of a crime in the state of Arizona and was never told his rights of remaining quiet nor his right to an attorney. After this case police had to say the accused's rights. After this case Miranda was playing cards in a bar, while doing this he was shot in an argument. The police that arrested his killer read the man his Miranda Rights from the Miranda card.

The Warren Court Era made a lot of good changes in America. Although segregation wasn't completely abolished until the passage of the Civil Rights Act, Brown vs. Board of Education made a large leap. Engel vs. Vitale showed a separation between church & state with prayers not being able to be said in public schools. Miranda vs. Arizona gave the accused the right of knowing their rights and not incriminating themselves. This did a lot of good for our country.

## Anchor Level 2-A

### The response:

- Minimally develops the task by discussing some effects of Warren Court decisions on American society
- Is primarily descriptive (Mr. Brown brought to the Supreme Court the fact that segregation in schools was illegal; after the decision was made, white families started pulling children out of newly integrated schools; segregation was not completely abolished until the passage of the Civil Rights Act; President Kennedy said make prayer part of home life or go to church more; even though the ruling was made, people still prayed in schools; after *Miranda*, police had to say rights to the accused; *Engel v. Vitale* showed a separation between church and state with prayers not being able to be said in public schools); includes faulty application (documents 4 and 5 refer to religion being taught in schools)
- Incorporates limited relevant information from documents 1, 3, 4, 5, and 7
- Presents some relevant outside information (the courts agreed with Brown that separate is not equal; prior to *Miranda*, arrested people were not informed of their rights; Miranda was accused of a crime in the state of Arizona and was never told his rights of remaining quiet nor his right to an attorney; the police that arrested Miranda's killer read the man his Miranda rights from the Miranda card; *Miranda v. Arizona* gave the accused the right of knowing their rights and not incriminating themselves)
- Includes few relevant facts, examples, and details (President Kennedy supports prayer not being said in schools); includes an inaccuracy (Miranda was shot in an argument)
- Demonstrates a general plan of organization; includes an introduction that asserts the Warren Court Era made life better for certain groups and a conclusion that summarizes how specific cases made good changes in America

**Conclusion:** Overall, the response fits the criteria for Level 2. Relevant information is extracted from the documents; however, in the discussion of *Brown v. Board of Education* and *Engel v. Vitale*, facts and details are limited. Although information included in the discussion of *Miranda* focuses on the personal circumstances of Ernesto Miranda, the discussion points out the irony of the use of the Miranda card in Miranda's killing. The analytical statement about the irony of state-mandated moments of silence demonstrates some further understanding of the task.

The effects of the Warren Court decisions on American society have been both negative and positive, ~~desegregation~~ yet extremely apparent. With this movement, rights have been given as well as taken away, and Supreme Court rulings have raised conflict across the country. From desegregating schools in Brown v. The Board of Education (Document 1a) to forbidding ~~segregated~~ classroom prayer in Engel v. Vitale (Document 5), Warren Court decisions have greatly impacted the nation.

As depicted in document two, the Supreme Court decision in Brown v. Board of Education allowed for black and white children to coexist in a learning environment, and although the law ~~reversed~~ forbidding racial segregation in the classroom was not widely accepted or effective right away, it led to more efficient movements, such as the 1964 Civil Rights Act, which ~~was only~~. ~~Reformations~~ With this, the percent of ~~black~~ black students in predominantly white schools increased and in the south, ~~was only~~ school that ~~had about~~ 0.1% ~~and~~ black elevated to 44%. Reformations were undeniable. However, while government was working towards desegregating schools, it made the

decision to segregate prayer and education, ~~separating~~ deciding, according to document four, to eliminate religion in the classroom. Much like the desegregation of black and white students, this ~~closed~~ caused "uproar" all over the United States. But when questioned, President John F. Kennedy merely suggested that families pray more at home and at church to make it highly present in their lives.

Similarly, indicated by document six, religion was ~~programmed~~ to be kept separate from government matters. Although the issue was debated in case such as McCreeary County v. ACLU, the separation of church and state still stands today.

The Warren Court decisions molded society and, ultimately, gave America ~~too many~~ many of its basic laws ~~to~~ <sup>protecting</sup> ~~so~~ ~~so~~. It put in place the Miranda Rights for criminals, separation of religion and state for government, and exclusion of prayer in the classroom for ~~the~~ education systems. Had the decisions been different, America ~~could~~ might have been a very different country today.

## **Anchor Level 2-B**

### **The response:**

- Minimally develops the task by discussing some effects of Warren Court decisions on American society
- Is primarily descriptive (*Brown v. Board of Education* allowed for black and white children to co-exist in a learning environment; although the law forbidding racial segregation in the classroom was not widely accepted or effective right away, it led to the Civil Rights Act; reform was undeniable; much like desegregation of black and white students, *Engel* caused an uproar all over the United States; President John F. Kennedy suggested that families pray more at home and at church; religion was to be kept separate from government matters; although the issue was debated in cases such as *McCreary County v. ACLU*, separation of church and state still stands today; Warren Court decisions molded society, and ultimately gave America many of its basic laws); includes weak application (it was decided to eliminate religion in the classroom; the Miranda rights were put in place for criminals; Warren Court put in place separation of church and state for government)
- Incorporates limited relevant information from documents 1, 2, 3, 4, 5, and 6
- Presents no relevant outside information
- Includes few relevant facts, examples, and details (schools were desegregated in *Brown v. Board of Education*; classroom prayer was forbidden in *Engel v. Vitale*; the percent of black students in predominantly white schools increased; in the South, schools that were only 0.1% elevated to 44% black students)
- Demonstrates a general plan of organization; includes an introduction and a conclusion that are a little beyond a restatement of the theme

**Conclusion:** Overall, the response fits the criteria for Level 2. Interpretation of document information is basic and some overgeneralizations weaken the response. The response demonstrates a limited understanding that both cases had long-range impacts that helped shape society.

Many times in United States history, between the period of 1953–1969, very important Supreme Court cases have come up. These cases often resulted in the change of American way of life. One example of this is the Brown v. Board case which outlawed segregation in schools. Other cases have been ruled to change the course of history as well, of which made large impacts on how we live.

One way in which the Supreme Court affected American society was by the Engel vs. Vitale case. This case made prayer outlawed in public schools & caused the famous rule of "Separation of church and state." Reactions varied as people had different opinions. Some loved it and some hated it. Even in 1994 prayer is still outlawed<sup>(doc 5)</sup>. Although it was outlawed it didn't stay out of schools at all.

Another way in which the American Society was affected was the Brown v. Board case. This case cause racial segregation to end in public schools. Blacks were overjoyed by this as they could tell their young children that they could go to any school<sup>(doc 2)</sup>. Reactions

also varied in this case as well. Some felt that ~~certain~~ action took too long (doc 3a), while others prospered in the 48% ~~enrollment~~ enrollment of minorities (doc 3b). This historical case is still impacting our society today.

The last case that affected American Society was the Miranda vs Arizona case. This case forced police and other arresting officials to read you your rights at the time of arrest. This case impacted the American Justice System extremely and also made many more people aware. On average of 85%, people knew they had rights while being arrested (doc 7). This has made our justice system a lot stronger in many ways. One was is that criminals get away more often (docs 5a... 8b) and also causes more of an uproar in society.

Many times in American history Supreme Court cases have affected our way of life. These cases have been mostly under the period of 1953- 1969. All of these have also been huge impacts on the future as well. Whether it is no prayer in school or no racial Segregation - there are still many more

Cases still yet to come that will change  
American society for ~~better~~ better or worse.

## Anchor Level 2-C

### The response:

- Minimally develops the task by discussing some effects of Warren Court decisions on American society
- Is primarily descriptive (reactions to *Engel* varied as people had different opinions; even though prayer was outlawed, it did not stay out of schools; blacks were overjoyed by the *Brown* decision as they could tell their young children that they could go to any school; some felt that action as a result of *Brown* took too long while others prospered in the enrollment of minorities; *Miranda v. Arizona* forced police and other arresting officials to read you your rights at the time of arrest; *Miranda* has made the justice system tougher in many ways); includes weak application (*Engel v. Vitale* caused the famous rule of “separation of church and state”)
- Incorporates limited relevant information from documents 2, 3, 4, 5, 7, and 8
- Presents no relevant outside information
- Includes few relevant facts, examples, and details (*Engel v. Vitale* outlawed prayer in public schools; *Brown v. Board of Education* ended racial segregation in public schools); includes some inaccuracies (48% of minorities were enrolled; an average of 85% of people knew they had rights while being arrested)
- Demonstrates a general 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 2. A brief discussion of how the Warren Court cases resulted in different reactions is supported by limited use of the documents. Lack of explanation weakens accurate summary statements made at the conclusion of each section.

THE DECISIONS OF THE WARREN COURT  
HAD ENORMOUS CHANGES IN AMERICAN SOCIETY.  
THEY DEALT WITH ISSUES CONCERNING  
RACISM, RELIGION, AND CRIMINAL RIGHTS,  
SOME OF THE MOST CONTREVERSIAL TOPICS  
IN AMERICAN SOCIETY.

THEIR DECISIONS AGAINST SEGREGATION  
HELPED ABOLISH RACISM IN SCHOOLS  
THROUGHOUT THE COUNTRY. IN THE BROWN  
VS. THE BOARD OF EDUCATION CASE, THE  
COURT PROHIBITED SEGREGATION IN SCHOOLS  
AND GRANTED THE BLACK ~~SONGERS~~ POPULATION  
A BETTER PLACE IN SOCIETY.

CONCERNING RELIGION, THE COURT RULED  
AGAINST PUBLIC DISPLAY OR ACTS OF RELIGION.  
THE SUPREME COURT RULING, ENGEL V. VITALE,  
DECLARED THAT EVEN VOLUNTARY PRAYER OR  
SCRIPTURE READINGS IN PUBLIC ARE UNCONSTITUTIONAL.  
THIS DECISION REFLECTED UPON THE FIRST  
AMENDMENT.

## Anchor Paper – Document-Based Essay—Level 1 – A

FOR THE CRIMINAL RIGHTS ISSUE, THE WARREN COURT PROVIDED RIGHTS FOR THE ACCUSED, SUCH AS THE MIRANDA RIGHTS, WHICH PROVIDES AN ATTORNEY ~~AN~~ AND THE RIGHT TO REMAIN SILENT FOR THE CRIMINALLY ACCUSED.

WITHOUT ALL THESE DECISIONS MADE, THE AMERICAN SOCIETY WOULD BE COMPLETELY DIFFERENT. THE WARREN COURT TRULY ~~DOES~~ PLAYED AN IMPORTANT ROLE IN AMERICAN HISTORY.

### Anchor Level 1-A

#### The response:

- Minimally develops the task by mentioning how decisions of the Warren Court affected American society
- Is descriptive (decisions against segregation helped abolish racism in schools; *Engel* decision reflected upon the first amendment); includes faulty and weak application (*Brown* granted the black population a better place in society; Court ruled against public display or acts of religion; *Miranda* provides an attorney)
- Incorporates limited relevant information from documents 1, 3, 5, 6, and 9
- Presents no relevant outside information
- Includes few relevant facts, examples, and details (*Brown* prohibited segregation in schools; *Engel v. Vitale* declared that even voluntary prayer or scripture readings in public are unconstitutional; *Miranda* provided rights for the criminally accused)
- 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. Although the facts selected from the documents are accurate, their presentation reflects a limited understanding of the task. A basic understanding of the importance of *Brown v. Board of Education* is demonstrated, but the development of *Engel v. Vitale* is very weak.

Earl Warren Supreme Court Chief Justice from 1953 to 1969 ~~passer~~ made many decisions that changed ~~@~~ American Society. Similar to John Marshall every decision that he made changed one thing. Unlike Marshall, Warren changed American Society instead of strengthening the National Government. Warren did two important things. One was the desegregation of schools and improving criminal Rights.

One major decision during Warren's rein was Brown V. Board of Education. In Document 1 it explains how American life being improved. This decision help to desegregate all aspects of American Life.

In document 2 it helps to show the impact on children in this decision. The little girl will be going to a desegregated school when she is older.

The other major decision Warren made was increasing criminal rights.

⑩ In document 7 it helps to explain the importance of the Miranda rights in the U.S. It is supported by document 9 by saying that the Supreme Court will never overturn

their decision. This goes back to the Bill of Rights. In document 8 it is showing a negative side to the argument. It says it give criminals too much power.

Earl Warren Chief Justice of the Supreme Court made many Society changing decisions. From *Brown v. Board of Education* to the establishing of the *Miranda Rights*. Warren help American Society with many great rulings.

**Anchor Level 1-B**

**The response:**

- Minimally develops the task by mentioning how decisions of the Warren Court affected American society
- Is descriptive (the little girl will be going to a desegregated school when she is older); includes faulty and weak application (every decision of Earl Warren changed one thing; *Brown v. Board of Education* helped to desegregate all aspects of American life; the Supreme Court will never overturn the *Miranda* decision; *Miranda* gave criminals too much power)
- Incorporates limited relevant information from documents 1, 2, 7, 8, and 9
- Presents little relevant outside information (John Marshall strengthened the national government; the *Miranda* decision goes back to the Bill of Rights)
- Includes few relevant facts, examples, and details (*Miranda* increased criminal rights)
- Demonstrates a general plan of organization; includes an introduction that contains accurate and inaccurate information and a conclusion that restates the theme

**Conclusion:** Overall, the response fits the criteria for Level 1. Although some accurate statements are included and although an understanding of the document-based question process is demonstrated in the attempt to incorporate outside history and document information, it is unclear whether the Court's decisions or their impacts on American society are understood.

CHIEF JUSTICE EARL WARREN ASSUMED HIS ROLE DURING A TURBULENT TIME PERIOD. THE POST WORLD WAR II YEARS PRECEDED HIM AND THE VIETNAM WAR WAS SLOWLY GAINING STEAM THROUGHOUT THE LATTER PART OF HIS SERVED YEARS. DESPITE THE CHAOTIC FOREIGN EVENTS, THE WARREN COURT MANAGED TO MAKE COUPLESS DECISIONS THAT CHANGED MULTIPLE ASPECTS OF THE AMERICAN CULTURE. THESE DECISIONS HAVE HAD ~~LASTING~~ EFFECT ON SOCIETY, AND MANY ARE STILL BEING DISCUSSED AND UTILIZED ALMOST HALF A CENTURY LATER.

SOME OF THE LANDMARK CHANGES CAME IN THE AREA OF CIVIL RIGHTS. THIS STARTED IN 1954 WITH THE CASE OF BROWN V. BOARD OF EDUCATION, WHEN THE WARREN COURT RULED THAT SEGREGATION IN PUBLIC SCHOOLS WAS NOT ALLOWED. DOCUMENT 2 SITOWNS A WOMAN AND HER DAUGHTER SITTING OUTSIDE OF THE SUPREME COURT BUILDING. THE WOMAN IS HOLDING HER YOUNG DAUGHTER A NEWSPAPER WITH THE COURT'S DECISION ON THE FRONT. THE SMALL CHILD WAS DIRECTLY AFFECTED BY THE RULING BECAUSE SHE WOULD SOON BEGIN HER EDUCATION IN A DESEGREGATED SCHOOL UNIKE LINDA BROWN (DOCUMENT 2). NOT ONLY DID THE CASE IMPROVE MINORITY RIGHTS, PARTICULARLY FOR AFRICAN AMERICANS AT THE TIME BUT IT HAS LASTED INTO THE PRESENT DAY. ACCORDING TO DOCUMENT 3A, A MAGAZINE ARTICLE, THE NUMBER OF AFRICAN-AMERICAN CHILDREN WHO WENT TO PREDOMINANTLY CAUCASIAN SCHOOLS IN THE SOUTH CONTINUED TO RISE ALL THE WAY INTO THE 1980'S. THE PERCENTAGE

HANDED FROM A NEGIGIBLE 0.1 PERCENT TO 44 PERCENT IN A MATTER OF THIRTY YEARS (DOCUMENT 3A) THE DECISION OF BROWN V. BOARD OF EDUCATION INSPIRED ALL FIVE TO SEGREGATION IN PUBLIC PLACES IN GENERAL BY ENCOURAGING AFRICAN AMERICANS SUCH AS ROSA PARKS AND MARTIN LUTHER KING JR TO FIGHT FOR EQUAL RIGHTS. THE DECISION MADE IN THE HEART OF ATLANTA MOTEL CASE BUILT OFF OF BROWN V. BOARD OF EDUCATION AND USED THE CIVIL RIGHTS ACT OF 1964 SUPPORTED BY PRESIDENT LYNDON B. JOHNSON TO EXTEND DESSEGREGATION. BROWN V. BOARD OF EDUCATION ENDS DISCRIMINATION NOT JUST AGAINST AFRICAN AMERICANS BUT IT AIMED IN ADVANCING WOMENS, MINORITIES, AND HANDICAPPED PERSONS' RIGHTS AS WELL.

THE WAY CRIME WAS HANDLED WAS ALSO REVOLUTIONIZED DURING THE ERA OF THE WARREN COURT. ACCORDING TO DOCUMENT 2, THE DECISION OF MIRANDA V. ARIZONA NOT ONLY ALLOWED FOR THE MEASURES OF RIGHTS AT TIMES OF ARREST, IT ALSO MADE PEOPLE MORE AWARE OF THEIR RIGHTS IN GENERAL. "THE MIRANDA WARNINGS MAY BE THE MOST FAMOUS WORDS EVER WRITTEN BY THE... SUPREME COURT." IT SHOWS THE IMPACT THAT A SINGLE CASE CAN AND STILL HAS TODAY (DOCUMENT 7). A RECENT ATTEMPT TO OVERTURN THE MIRANDA DECISIONS THAT FAILED DEMONSTRATES JUST HOW LONG LASTING IT IS. THE SUPREME COURT DECISION MADE BY WILLIAM H. REHNQUIST WAS BASED ON THE FACT THAT THE MIRANDA RIGHTS ARE NOTED IN THE CONSTITUTION (DOCUMENT 9) NOTHING HAS CHANGED REGARDING THESE MIRANDA RIGHTS.

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## Document-Based Essay—Practice Paper – A

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ANOTHER TOPIC INVOLVING EDUCATION DURING THE ERA OF CHIEF JUSTICE EARL WARREN WAS PRAYER IN SCHOOLS. IN ENGEL V. VITALE, THE COURT RULED THAT PRAYER WAS NOT APPROPRIATE IN THE PUBLIC LEARNING ENVIRONMENT. MANY CITIZENS WERE UPSET WITH THE DECISION, BUT PRESIDENT KENNEDY HANDLED THE CRITICISM BY OFFERING AN ALTERNATIVE. KENNEDY SAID THAT PRAYING AT HOME WOULD BE EFFECTIVE (DOCUMENT 4). UNLIKE SOME OF THE OTHER WARREN COURT CASES WHICH HAVE BEEN FIRMLY ESTABLISHED AND STOOD BY, THE ENGEL DECISION IS IMPORTANT BECAUSE OF THE CHANGES SOCIETY HAS SEEN SINCE AND HOW THE RULING IS SOMWHAT REVOKED. ACCORDING TO DOCUMENT 6, A NEWSPAPER ARTICLE BY PETER APPLEGATE, A MEASURE TO ~~ADD~~ TO REIMPLEMENT PRAYER INTO SCHOOLS WOULD BE A WASTE BECAUSE IT HAS SLOWLY MADE ITS WAY BACK IN ANYWAY. SOME SCHOOLS HOLD A MOMENT OF SILENCE IN THE MORNING, WHICH IS VIEWED BY SOME TO BE RELIGIOUSLY AFFILIATED. "LUNCHTIME PRAYER SESSIONS" HAVE ALSO FOUND THEIR WAY INTO SOME SCHOOLS (DOCUMENT 6). IT IS CERTAIN THAT ENGEL V. VITALE WILL KEEP EMERGING IN THE FUTURE AS THIS RELIGION-EDUCATION IDEA STAYS A "HOT TOPIC".

NOT ONLY DID THE DECISIONS MADE BY CHIEF JUSTICE EARL WARREN IMPACT PEOPLE DURING THE 1950'S AND 1960'S, THEY HAVE PLAYED VITAL ROLES IN PRESENT DAY SITUATIONS. THEIR EFFECTS ON SOCIETY WERE INCREDIBLE, AND MANY WILL CONTINUE TO SHOW UP INTO THE REMAINDER OF THE 21<sup>ST</sup> CENTURY.

From 1953 to 1969, the United States Supreme Court was led by Chief Justice Earl Warren. This "Warren Court," as it is now known, was important as it ruled on several landmark cases that dramatically effected American life.

One obvious example of a "Warren Court" ruling that changed American life was Brown vs. Board of Education of 1954, as seen in Document 2. This decision, which stated that segregation was inherently unequal and reversed Plessy vs. Ferguson, led to a dramatic change of black life in America. For example, as said by document 3a, initial attempts to integrate schools were met with protest and many southern conservatives criticized the Supreme Court for denying states their reserved rights. Little Rock, Arkansas was one of many communities that resisted integration and defied the national government by not allowing blacks to attend Central High School. President Eisenhower's decision to enforce Brown vs. Board of Education was a major step forward for integration. Although many white families simply moved their children out of public schools, the number of black children enrolled in white-majority schools raised from .1% to 44.4% in 1968. This shows that black children were now able to get the same education as white children. Another result of the Court decision was that it allowed blacks the opportunities that white people had. As seen in Document 3b, the Brown ruling also set the stage for blacks to hold positions of political power, such as Senate and cabinet positions. As the federal government was given more authority over violations of

Voting rights, more blacks voted and became a force in the political life of the nation. Brown also contributed to black economic power as they became managers in major corporations such as Xerox, Citi bank and Time Warner.

Another effect the Warren Court had on American life can be seen in the ruling of Gideon vs. Wainright combined with the ruling of Miranda vs. Arizona, which went another step further. Both of these landmark cases established clear rights for those accused of crimes in the form of needing to be read your rights as you are being arrested (Miranda) and having an attorney provided for you by the state if you cannot afford one (Gideon). Confessions could not be extorted under questionable conditions. The effects of these two cases have had on American culture are quite significant. For example, as said by Document 7, the ideals behind these rights given by these two cases and the main idea behind them (rights of the accused) have almost universal comprehension among the American populace. Due to the concept being engrained in American thoughts by contemporary movies and books, the term "Miranda" has become a household name, with 85% of Americans knowing that they have the right to remain silent and 93% knowing that they have the right to an attorney (D.c.7). This has also had the impact of starting much controversy among those who disagree with it, and some argue that these rulings can be used to help criminals shield themselves with the 5<sup>th</sup> amendment, hampering the power of the police to investigate crimes (D.c.1b). Another criticism leveled at the

ruled was that it has the effect of making a person less likely to go to jail for their crimes and to get away with them (Doc. 8b), and that it leaves the victim of the crime as the victim without justice being served (Doc. 8a). In the 1970s, some politicians portrayed those in favor of Miranda as being soft on crime.

A third impact on American culture by the Warren Court is seen in the case Engel vs. Vitale, where the court ruled that forced prayer in public school is not constitutional, enforcing the constitutional principle of separation of church and state. This case ruling was met with intense backlash soon after the ruling, as some members of Congress attempted to have the actual Constitution amended to allow prayer in public school. (Doc 4) President Kennedy himself offered that lack of prayer in school could just as easily be made up for by more meaningful prayer at home or at church (Doc. 4). Some simply thought of alternative ways to allow prayer in school, such as state mandated moments of silence (alluding to silent prayer) or volunteer religious and prayer clubs within school (Doc. 5). The impact of this case was so great that, like Miranda vs. Arizona, its ruling is still debated over to this day. For example, several court cases have been fought over displaying of religious texts and memorabilia on public grounds, such as Mercer County vs. ACLU. Most of these rulings have reinforced the court decision, but some, such as the above Mercer vs. ACLU, have not. In that case, the ruling allowed a religious display because the religious scripture shown included other historic documents. Another

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Document-Based Essay—Practice Paper – B

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one that was debated was the showing of a 10 commandments statue on the grounds of the capitol of Kentucky.

In conclusion, the Warren Court was an important period in United States Case Law. The judicial rulings handed down by the court contained landmark decisions whose effects and prominence are felt to this day.

In the mid 1900's <sup>the</sup> Chief Justice of the United States Supreme Court was Earl Warren. Earl Warren made some very important decisions during his time as Chief Justice. Some of the significant court cases he was involved in were, Brown Vs. Board of Education, Mapp Vs. Ohio, and Miranda Vs. Arizona.

In document 2 it talks about how the high court banned Segregation in public schools. This branched from the court case, Brown Vs. Board of Education. The outcome of this case was it ended most racial Segregation in the classroom, and expanded Civil rights. This did not go right into effect until the late 1900's. After the Little Rock Crisis, where paratroopers had to go into the school and protect the black students. The good effect that Brown had was that African Americans can hold Congress and govt jobs. They can also hold positions in major corporations. African American children can go to school and get a good education.

In the early twentieth century a lot of uproar about the separation of religion and state has been going on. In document 5 it talks about Classroom prayer. In 1962 it was said that prayer should be held at home or at church rather than school. Well 32 years later president Clinton says that prayer is already

there. He says that there is prayer or moments of silence in the early morning, which are permissible to the extent they are not meant to be organized. There are also pre football game prayers for the players and the fans. Even before important exams children and teens are saying prayers so no matter where you are prayer will follow.

In document 6 it argues whether a govt building should have a religious monument or not. A civic group will send a ten commandments monument back to Frankfort only if it is displayed publicly. Even though it was taken down a bill was passed calling for the return of the monument. The continuing debate on separation of church and state is, if religious endorsement should be allowed in a govt building, even though a bill was passed calling for them back.

These are some of the arguments that the Warren Court had to go through, and some of the changes in American Society. Some of the argument will go on forever and there will always be an answer.

The Warren Court was very important. They made many rulings that changed many people's lives. The Warren Court made many controversial decisions that effected some Americans lifestyles.

In document #1 They talked about The Brown vs [REDACTED] Board of education trial. In document #2, There is a lady with a young girl and she is holding a newspaper that says, High Court Bars Segregation in Public Schools.

In document #3 They talk about segregation, and how it affects people. In document #4 its a press conference with the President, asking him questions on Prayers in schools. In document #6 They talk about posting commandments on the walls of public places.

In all of the documents they talk about laws that the Warren court were involved in. The Warren court made many difficult rulings and changed society after the better.

## Document-Based Essay—Practice Paper – E

The Warren Court had a lasting impact on America. Many of the court decisions made under chief Justice Earl Warren were revolutionary and changed many aspects of American society. His changes included equal protection under the law, separation of church and state, and the rights of individuals accused of crimes.

The Warren Court made big strides in equal protection under the law in its ruling which ended de jure segregation in public schools. This opened up more opportunities for blacks. The ruling of Brown v. Board of Education helped to create a black middle class. Additionally, we saw an improvement in the number of blacks in top management positions and government jobs (Doc 3b). However, it took a long time for real results to be seen – it was not until 1971 when busing was endorsed to prevent the de facto segregation that resulted from white flight that things changed (Doc 3a). Also in 1964 when federal funds were denied to segregated schools the stubborn holdouts were finally brought into line (Doc 3b). Because of the changes the Warren court tremendous strides were made in equal protection under the law.

During the Warren Court the court decision made big changes about the separation of church and state. The decision of Engel v. Vitale disallowed school prayer as it had existed in New York state (Doc 5). However, from the start

Congress, state legislatures and local school districts tried to get around this ruling. (Doc 4) Additionally, there is still prayer in school with state mandated moments of silence and pro-prayer school groups (Doc 5). This led to another issue about displaying religious things in government buildings (Doc 6) such as the Ten Commandments monument in Kentucky. So although the Warren Court tried to guarantee the separation of church and state their rulings did not completely take in society.

The Warren Court also revolutionized the way individuals are protected when accused of a crime. The public knowledge of the Miranda rights has become widely known because the rulings have entered the mainstream media of the nation. (Doc 7) However, some are upset with these rulings because they are allowing some criminals to get away with their crimes when police officials fail to follow proper procedures. Although many disagree with the Miranda rights, the Rehnquist court upheld them and decided Congress did not have the ability to overturn the ruling. The Warren court ruling despite disapproval of many was upheld and will have a continuing effect on America.

The Warren Court revolutionized many American ideals. It allowed minorities to rise and helped the powerless gain power. Although not all of the rulings still have the designed effect on our society, the rulings made in that court have changed America for the better. Still today, the famous rulings of the Warren Court are remembered by the American people.

## Practice Paper A—Score Level 3

### The response:

- Develops the task with little depth by discussing the effects of Warren Court decisions on American society
- Is more descriptive than analytical (the child in the photograph was directly affected by *Brown* because she would soon begin her education in a desegregated school, unlike Linda Brown; a recent attempt to overturn the *Miranda* decision failed but demonstrated how long lasting the decision is; *Miranda* rights are rooted in the Constitution; *Engel* ruled that prayer was not appropriate in the public learning environment; many citizens were upset with the *Engel* decision, but President Kennedy handled the criticism by offering an alternative; unlike other Warren Court cases, *Engel* is somewhat ignored; a measure to implement prayer in schools would be a waste because prayer has slowly made its way back into schools; some schools hold a moment of silence in the morning which is viewed by some to be religiously affiliated)
- Incorporates some relevant information from documents 2, 3, 4, 6, 7, and 9
- Incorporates limited relevant outside information (decision in *Brown* inspired an end to segregation in public places in general by encouraging African Americans such as Rosa Parks and Martin Luther King Jr. to fight for equal rights; decision made in the *Heart of Atlanta Motel* case built off of *Brown* and used the Civil Rights Act of 1964 to extend desegregation; *Brown* ended discrimination not just against African Americans but it aided in advancing women's, minorities', and handicapped persons' rights as well)
- Includes some relevant facts, examples, and details (*Brown* ruled that segregation in public schools was not allowed; the number of African American children who went to predominantly Caucasian schools in the South continued to rise all the way into the 1980s; *Miranda* not only allowed for the reading of rights at times of arrest but also made people more aware of their rights in general; lunchtime prayer sessions have also found their way into some schools)
- Demonstrates a satisfactory plan of organization; includes an introduction and a conclusion that mention the continued influence of Warren Court decisions

**Conclusion:** Overall, the response fits the criteria for Level 3. Relevant outside historical information is used to support the role played by *Brown v. Board of Education* as a precedent for further expansion of civil rights for African Americans and others. Relating *Engel v. Vitale* to the concept of education and mentioning the continuing influence of the *Miranda v. Arizona* decision enhances a primarily document-driven response.

## Practice Paper B—Score Level 5

### The response:

- Thoroughly develops the task evenly and in depth by discussing the effects of Warren Court decisions on American society
- Is more analytical than descriptive (*Brown* led to a dramatic change in black life in America; Little Rock, Arkansas, was one of many communities that resisted integration and defied the national government by not allowing blacks to attend Central High School; rights of the accused have almost universal comprehension among the American populace; some argue that Warren Court rulings can be used to help criminals shield themselves with the 5th amendment and hamper the power of the police to investigate crimes; some say it leaves the victim of the crime without justice being served; some simply thought of alternative ways to allow prayer in school)
- Incorporates relevant information from documents 1, 2, 3, 4, 5, 6, 7, and 8
- Incorporates substantial relevant outside information (*Brown v. Board of Education* stated that segregation was inherently unequal and reversed *Plessy v. Ferguson*; many southern conservatives criticized the Supreme Court for denying states their reserved rights; President Eisenhower's decision to enforce *Brown* was a major step forward for integration; as the federal government was given more authority over violations of voting rights, more blacks voted and became a force in the political life of the nation; *Miranda* went another step further than *Gideon v. Wainwright*; *Gideon* established that an attorney had to be provided by the state if you could not afford one; confessions could not be extorted under questionable conditions; in the 1970s, some politicians portrayed those in favor of *Miranda* as being soft on crime)
- Richly supports the theme with many relevant facts, examples, and details (initial attempts to integrate schools were met with protests; although many white families simply moved their children out of public schools, the number of black children enrolled in white majority schools increased; black children were now able to get the same education as white children; *Brown* ruling also set the stage for blacks to hold positions of political power; *Brown* also contributed to black economic power as blacks became managers in major corporations; *Miranda* established that you needed to be read your rights as you were being arrested; “Miranda” has become a household name due to the concept being engrained in American thought by contemporary movies and books; *Engel v. Vitale* ruled that forced prayer in public schools is not constitutional, enforcing the constitutional principle of separation of church and state; some members of Congress attempted to have the Constitution amended to allow prayer in public schools; several court cases have been fought over displaying religious texts and memorabilia on public grounds; *Mercer County v. ACLU* allowed a religious display because the religious scripture shown included other historic documents)
- Demonstrates a logical and clear 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 5. Document information and outside information are integrated in an analytical discussion that includes insightful and relevant historical details. The response demonstrates a good understanding of the changes that resulted from the landmark decisions of the Warren Court.

## Practice Paper C—Score Level 2

### The response:

- Minimally develops the task by discussing some effects of Warren Court decisions on American society
- Is primarily descriptive (the outcome of *Brown* was that it ended most racial segregation in the classroom and expanded civil rights; paratroopers had to go into the school and protect the black students during the Little Rock crisis; African Americans can hold congressional and government jobs and also positions in major corporations; African American children can go to school and get a good education; in 1962, it was said that prayer should be said at home or church rather than school; moments of silence are permissible to the extent that they are not meant to be organized; there are pre-football game prayers for the players and the fans; debate on separation of church and state continues about religious endorsements in government buildings); includes faulty and weak application (segregation did not go into effect until the late 1900s; President Clinton said that prayer is already in the schools with moments of silence in the early morning)
- Incorporates limited relevant information from documents 1, 2, 3, 4, 5, and 6
- Presents little relevant outside information (before important exams, children and teens are saying prayers)
- Includes few relevant facts, examples, and details (Supreme Court banned segregation in public schools in *Brown v. Board of Education*)
- Demonstrates a general plan of organization; includes an introduction that restates the theme and a conclusion that mentions the controversial nature of the Warren Court decisions

**Conclusion:** Overall, the response fits the criteria for Level 2. The methodical approach to the task results in a response that is dominated by brief excerpts of document information. However, an understanding of the effects of the Warren Court’s decisions is demonstrated by the inclusion of a few good statements about the expansion of civil rights and prayer in the lives of children and teenagers.

## Practice Paper D—Score Level 0

### The response:

Fails to develop the task; refers to the theme in a general way

**Conclusion:** Overall, the response fits the criteria for Level 0. Literal statements describing documents 1, 2, 3, and 4 are made, but no reference to the effect of Warren Court decisions is mentioned. Although the introduction makes a general reference to the controversial decisions of the Warren Court and the conclusion states that the Warren Court made many difficult rulings which changed society for the better, an understanding of the effects of the decisions of the Warren Court is not demonstrated.

## Practice Paper E—Score Level 3

### The response:

- Develops the task with little depth by discussing the effects of Warren Court decisions on American society
- Is more descriptive than analytical (it took a long time for the real results of *Brown* to be seen; when federal funds were denied to segregated schools, the stubborn holdouts were brought into line; from the start, Congress, state legislators, and local school districts tried to get around *Engel*; there is still prayer in school with state-mandated moments of silence and pro-prayer school groups; although the Warren Court tried to guarantee the separation of church and state, their rulings did not take hold in society; the Warren Court revolutionized the way individuals are protected when accused of a crime; public knowledge of *Miranda* rights became more widely known because the rulings have entered mainstream media; some are upset with *Miranda* rights because they are allowing criminals to get away with their crimes when police officials fail to follow proper procedures; although many disagree with *Miranda* rights, the Rehnquist Court upheld them and decided Congress did not have the ability to overturn them)
- Incorporates some relevant information from documents 3, 4, 5, 6, 7, and 8
- Incorporates limited relevant outside information (Warren Court made big strides in equal protection under the law in its ruling which ended de jure segregation in public schools; it was not until 1971 when busing was endorsed to prevent the de facto segregation that resulted from white flight that things changed; the decision of *Engel v. Vitale* disallowed school prayer as it had existed in New York State schools)
- Includes some relevant facts, examples, and details (*Brown* ruling helped create a black middle class; the number of blacks in top management positions and government jobs improved)
- Demonstrates a satisfactory plan of organization; includes an introduction that is a restatement of the theme and a conclusion that states the rulings of the Warren Court have changed America for the better although not always with the desired effect

**Conclusion:** Overall, the response fits the criteria for Level 3. Citing the end of de jure segregation and the subsequent role played by white flight in the development of de facto segregation demonstrates an understanding of the societal impact of *Brown v. Board of Education*. A few factual references and accurate document interpretation support *Engel v. Vitale*'s and *Miranda v. Arizona*'s continuing effect on American society.

# **United States History and Government Specifications**

## **January 2009**

### **Part I**

#### **Multiple-Choice Questions by Standard**

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

### **Parts II and III by Theme and Standard**

	<b>Theme</b>	<b>STANDARDS</b>
Thematic Essay	Migration and Immigration: Movement of People into and within the United States	Standards 1, 3, 4, and 5: United States and New York History; Geography; Economics; Civics, Citizenship, and Government
Document-based Essay	Constitutional Principles: Effect of Decisions of the Warren Court	Standards 1 and 5: United States and New York History; 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 2009 Regents Examination in United States History and Government* will be posted on the Department's web site <http://www.emsc.nysesd.gov/osa/> on the day of the examination. Conversion charts provided for the previous administrations of the United States History and Government examination must NOT be used to determine students' final scores for this administration.**

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

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

1. Go to <http://www.emsc.nysesd.gov/osa/exameval>.
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.