

FOR TEACHERS ONLY

The University of the State of New York

REGENTS HIGH SCHOOL EXAMINATION

VOLUME
2 OF 2
DBQ

UNITED STATES HISTORY AND GOVERNMENT

Friday, August 17, 2012 — 8:30 to 11:30 a.m., only

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

Updated information regarding the rating of this examination may be posted on the New York State Education Department's web site during the rating period. Visit the site at: <http://www.p12.nysed.gov/apda/> and select the link "Scoring Information" for any recently posted information regarding this examination. This site should be checked before the rating process for this examination begins and several times throughout the Regents Examination period.

Contents of the Rating Guide

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

- A question-specific rubric

For **Part III B** (DBQ) essay:

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

General:

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

Mechanics of Rating

The procedures on page 2 are to be used in rating papers for this examination. More detailed directions for the organization of the rating process and procedures for rating the examination are included in the *Information Booklet for Scoring the Regents Examination in Global History and Geography and United States History and Government*.

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THE STATE EDUCATION DEPARTMENT
Albany, New York 12234

Rating the Essay Question

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

Introduction to the task—

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

Introduction to the rubric and anchor papers—

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

Practice scoring individually—

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

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

Rating the Scaffold (open-ended) Questions

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

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

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

Document 1

The Espionage Act was passed in 1917. The Sedition Act was passed in 1918.

... Before the war [World War I], the government had had no power to interfere with free speech. During the neutrality years and on into the first months of war, pessimistic rumors, criticism of America's military preparations, and overtly [openly] pro-German propaganda had all gone unchecked. Democrats' moves to introduce press censorship as part of wider antiespionage legislation had been blocked by Republicans claiming that censorship could be used by the President to screen himself from criticism.

But with war fever mounting all the time, a modified Espionage Act (subsequently to be supplemented with the even more stringent [strict] Sedition Act) became law in June 1917. Suddenly, any statement that might interfere with the success of the armed forces, incite disloyalty, or obstruct recruiting to the Army became a punishable offense. A crucial weapon had been added to the government's armory. It now had the legal power to control what its citizens said in public. And rather than simply trusting newspaper editors to be discreet, it had the power to suppress their publications if they spoke out too roughly. In some cases, suppression was temporary; for others, it was permanent. Postmaster General Albert Burleson was given the power to ban offensive material from circulating through the mail. Under postal regulations, if a journal missed one issue, for whatever reason, it automatically lost its second-class mailing privilege—and for a great many publications, this spelled financial death....

Source: Harries and Harries, *The Last Days of Innocence: America at War 1917–1918*, Random House, 1997

1 According to Harries and Harries, what were *two* reasons the Espionage and Sedition Acts were passed?

Score of 2 or 1:

- Award 1 credit (up to a maximum of 2 credits) for each *different* reason the Espionage and Sedition Acts were passed according to Harries and Harries

Examples: the government wanted to limit criticism harmful to the war effort/the government wanted to control what citizens said in public about the war; to suppress statements that might interfere with the success of the armed forces/incite disloyalty/obstruct recruiting to the army; the government wanted to suppress publications if newspaper editors were not discreet about the war; to ban offensive material from circulating through the mail; to prevent overtly pro-German propaganda; to stop criticism of America's military preparations; to limit pessimistic rumors that had gone unchecked; because we were at war/because the United States was at war

Note: To receive maximum credit, two *different* reasons the Espionage and Sedition Acts were passed must be stated. For example, *the government wanted to limit criticism harmful to the war effort* and *the government wanted to control what citizens said in public about the war* are the same reason since *to control what citizens said in public about the war* is a subset of *the government wanted to limit criticism harmful to the war effort*. In this and similar cases, award only *one* credit for this question.

Score of 0:

- Incorrect response
Examples: to outlaw censorship; to incite disloyalty; to obstruct army recruiting; to block Republicans
- Vague response
Examples: it was a crucial weapon; to interfere; to control; to ban; presidential criticism
- No response

Document 2

William H. Rehnquist was Chief Justice of the Supreme Court from 1986 to 2005.

... Charles T. Schenck was convicted [in 1918] of violating the act [Espionage Act] by printing and distributing to draftees leaflets that urged them to resist the draft. Schenck took his case to the Supreme Court, arguing that his conviction violated the First Amendment's guarantee of freedom of the press. The Supreme Court, in a unanimous opinion authored by Justice Oliver Wendell Holmes, upheld his conviction. It said that "When a nation is at war many things which might be said in time of peace are such a hindrance to its efforts that their utterance will not be endured so long as men fight. ... No court could regard them as protected by any constitutional right." The Court said that since the leaflet could be found to have been intended to obstruct the recruiting for the armed forces, it was not protected by the First Amendment; its words created "a clear and present danger" of bringing about conduct that Congress had a right to prevent. ...

Source: William H. Rehnquist, *All the Laws but One: Civil Liberties in Wartime*, Vintage Books, 1998 (adapted)

2 According to William H. Rehnquist, what was *one* argument used by the United States Supreme Court to uphold Charles T. Schenck's conviction under the Espionage Act?

Score of 1:

- States an argument used by the United States Supreme Court to uphold Charles T. Schenck's conviction under the Espionage Act according to William H. Rehnquist
Examples: speech which hinders the war effort is not protected by the Constitution; leaflet could have been found to have obstructed the recruiting of armed forces so the leaflet was not protected by the first amendment; when the nation is at war, Congress has a right to prevent actions that create a "clear and present danger" to the United States/that bring about conduct that Congress has the right to prevent

Score of 0:

- Incorrect response
Examples: free speech is guaranteed by the first amendment; leaflets urging men to resist the draft were protected by the first amendment; constitutional rights are not affected by war
- Vague response
Examples: Congress had the right; the opinion was unanimous; leaflets were printed/distributed; cannot be protected; it obstructed
- No response

Document 3a

... I think all men recognize that in time of war the citizen must surrender some rights for the common good which he is entitled to enjoy in time of peace. But, sir, the right to control their own Government according to constitutional forms is not one of the rights that the citizens of this country are called upon to surrender in time of war.

Rather, in time of war, the citizen must be more alert to the preservation of his right to control his Government. He must be most watchful of the encroachment [intrusion] of the military upon the civil power. He must beware of those precedents in support of arbitrary action by administration officials which, excused on the pleas of necessity in war time, become the fixed rule when the necessity has passed and normal conditions have been restored.

More than all, the citizen and his representative in Congress in time of war must maintain his right of free speech....

Source: Senator Robert M. La Follette, "Free Speech in Wartime," October 6, 1917

3a What is *one* argument *against* restricting free speech during wartime, according to Senator Robert M. La Follette?

Score of 1:

- States an argument against restricting free speech during wartime according to Senator Robert M. La Follette

Examples: the right of citizens to control the government should not be surrendered in time of war; in time of war, the citizen must be more alert to the preservation of his right to control his government; the military could encroach upon the civil power; wartime precedents could become the fixed rule when normal conditions have been restored

Score of 0:

- Incorrect response
Examples: citizens must surrender some rights for the common good; the military should be given power over the civil government; national security is not important
- Vague response
Examples: it is recognized; it is wartime; citizens have representatives; citizens must be alert
- No response

Document 3b

The Sedition Act continued to be enforced after World War I.

SWAT THE FLY, BUT USE COMMON SENSE.



Source: Lute Pease, *Newark News*, reprinted in *Literary Digest*, March 6, 1920 (adapted)

3b What is the cartoonist's viewpoint of Uncle Sam's use of the Sedition legislation?

Score of 1:

- States the cartoonist's viewpoint of Uncle Sam's use of the Sedition legislation
Examples: it is too drastic; the country might be hurt by the Sedition legislation; Sedition legislation might be too drastic a weapon; enforcement could hurt the country; current Sedition laws are too drastic, but the problem of Reds needs to be addressed; our fear of Reds is leading to an overreaction

Score of 0:

- Incorrect response
Examples: it made common sense; the legislation is weak; it was supported by the Reds; it was good; flies need to be swatted
- Vague response
Examples: it was legislation; it was used; common sense
- No response

Document 4

... The entire nation was stunned by the Japanese attack on Pearl Harbor, but it seemed much closer to home on the west coast than elsewhere on the mainland. In February 1942, oil installations in the vicinity of Santa Barbara were shelled by a Japanese submarine. The military established a Western Defense Command, which consisted of the coastal portions of California, Oregon, and Washington.

Residents became fearful of ethnic Japanese among them. Japanese immigrants had begun to settle on the west coast shortly before the turn of the century but had not been assimilated into the rest of the population. Those who had emigrated from Japan were not allowed to become citizens; they were prohibited by law from owning land and were socially segregated in many ways. The first generation of Japanese immigrants—the Issei—therefore remained aliens. But their children—the Nisei—being born in the United States, were citizens from birth. Public officials, particularly in California—Governor Culbert Olson, Attorney General Earl Warren, and Los Angeles Mayor Fletcher Bowron—began to call for “relocation” of persons of Japanese ancestry in the interior of the country. There were more than one hundred thousand of these on the west coast if one counted both the Issei and the Nisei....

Source: William H. Rehnquist, *All the Laws but One: Civil Liberties in Wartime*, Vintage Books, 1998

4 According to William H. Rehnquist, what is *one* reason public officials in California called for the relocation of Japanese Americans?

Score of 1:

- States a reason public officials in California called for the relocation of Japanese Americans according to William H. Rehnquist

Examples: because the West Coast was closer to Pearl Harbor/Japan, residents became fearful of the ethnic Japanese; West Coast residents became fearful of ethnic Japanese as a result of the Japanese attack on Pearl Harbor; fear of an attack since the West Coast was closer to Japan/Pearl harbor than the rest of the country; the shelling of oil installations near Santa Barbara by a Japanese submarine made people afraid/fearful; after Pearl Harbor, residents on the West Coast felt threatened because more than 100,000 people of Japanese ancestry lived there; the West Coast was more vulnerable to direct Japanese attacks; after the attack, residents were fearful of Japanese immigrants who had not been assimilated

Score of 0:

- Incorrect response
Examples: Nisei were citizens from birth; ethnic Japanese were prohibited from owning land; the military established a Western Defense Command
- Vague response
Examples: both Issei and Nisei were counted; the nation was stunned; there was a first generation of Japanese immigrants; Japanese submarines; as a result of the attack; felt threatened
- No response

Document 5a

The excerpt below is from Executive Order 9066, which resulted in the relocation of Japanese Americans.

Executive Order No. 9066

AUTHORIZING THE SECRETARY OF WAR TO PRESCRIBE MILITARY AREAS

WHEREAS the successful prosecution of the war requires every possible protection against espionage and against sabotage to national-defense material, national-defense premises, and national-defense utilities as defined in Section 4, Act of April 20, 1918, 40 Stat. 533, as amended by the Act of November 30, 1940, 54 Stat. 1220, and the Act of August 21, 1941, 55 Stat. 655 (U.S.C., Title 50, Sec. 104):

Source: President Franklin D. Roosevelt, Executive Order 9066, February 19, 1942

5a According to President Roosevelt, what is *one* reason for the relocation of Japanese Americans?

Score of 1:

- States a reason for the relocation of Japanese Americans according to President Roosevelt
Examples: successful prosecution of the war requires protection against espionage/against sabotage to national defense material/against sabotage to national defense premises/ against sabotage to national defense utilities; to protect areas important to our national defense; for the common defense

Score of 0:

- Incorrect response
Examples: to work in national defense; to move them to areas important to our national defense; to prosecute them
- Vague response
Examples: it was an Executive Order; it was amended; to give authorization to the Secretary of War; he ordered it; national defense material/premises/utilities
- No response

Document 5b

... The policy [relocation and internment of Japanese Americans] stemmed from a myriad of motives, including the insecurity of the army's west coast commander, the racism and hostility of the Pacific states' white population, bureaucratic ambitions, and the political advantages perceived by local, state, and federal officials. The affair involved a variety of officials and institutions, including high ranking military officers, heads and lower officials of the Department of Justice and the War Department, the FBI, the Supreme Court, and the president. Many of these officials knew at the time that the Japanese American community harbored very few disloyal persons; furthermore, knowledgeable parties in key agencies, such as the FBI and the Office of Naval Intelligence, long had been aware of those elements and knew that no military necessity existed to justify so Draconian [harsh] a measure....

Source: Stanley I. Kutler, "Review: At the Bar of History: Japanese Americans versus the United States," *American Bar Foundation Research Journal*, Spring 1985

5b According to Stanley Kutler, what was *one* motive behind the government's decision to intern Japanese Americans?

Score of 1:

- States a motive behind the government's decision to intern Japanese Americans according to Stanley Kutler
Examples: the insecurity of the army's West Coast commander; the racism/hostility of the white population in the Pacific states; political advantages/bureaucratic ambitions perceived by local/state/federal officials

Score of 0:

- Incorrect response
Examples: there were many disloyal persons in the Japanese American community; to justify a draconian measure; the army's West Coast commander opposed it; the FBI; War Department
- Vague response
Examples: there were many/myriad of motives; the perception of people; advantages; ambitions
- No response

Document 6

MR. JUSTICE JACKSON, dissenting.

Korematsu was born on our soil, of parents born in Japan. The Constitution makes him a citizen of the United States by nativity, and a citizen of California by residence. No claim is made that he is not loyal to this country. There is no suggestion that, apart from the matter involved here, he is not law-abiding and well disposed. Korematsu, however, has been convicted of an act not commonly a crime. It consists merely of being present in the state whereof he is a citizen, near the place where he was born, and where all his life he has lived.

Even more unusual is the series of military orders which made this conduct a crime. They forbid such a one to remain, and they also forbid him to leave. They were so drawn that the only way Korematsu could avoid violation was to give himself up to the military authority. This meant submission to custody, examination, and transportation out of the territory, to be followed by indeterminate confinement in detention camps.

A citizen's presence in the locality, however, was made a crime only if his parents were of Japanese birth. Had Korematsu been one of four — the others being, say, a German alien enemy, an Italian alien enemy, and a citizen of American-born ancestors, convicted of treason but out on parole — only Korematsu's presence would have violated the order. The difference between their innocence and his crime would result, not from anything he did, said, or thought, different than they, but only in that he was born of different racial stock...

Source: Justice Robert Jackson, Dissenting Opinion, *Korematsu v. United States*, December 18, 1944

6 Based on this dissenting opinion in *Korematsu v. United States*, state two arguments made by Justice Robert Jackson against the conviction of Korematsu.

Score of 2 or 1:

- Award 1 credit (up to a maximum of 2 credits) for each *different* argument made by Justice Robert Jackson against the conviction of Korematsu in this dissenting opinion in *Korematsu v. United States*

Examples: Korematsu was a citizen/ Korematsu was a citizen of the United States; Korematsu was a citizen of California by residence; no claim had been made that Korematsu was not loyal to the United States/he was loyal; there was no suggestion that Korematsu was not law-abiding/well disposed; Korematsu was convicted of an act not commonly a crime/of being in the state/locale where he was a citizen/was born/lived all his life; the law was drawn up to make it a crime to stay or to leave; Korematsu's conviction was directly related to his Japanese ancestry and nothing else

Note: To receive maximum credit, two *different* arguments made by Justice Robert Jackson against the conviction of Korematsu must be stated. For example, *Korematsu was born in the United States* and *he was a citizen by birth* are the same argument expressed in different words. In this and similar cases, award only *one* credit for this question.

Score of 0:

- Incorrect response
Examples: Korematsu was not loyal to his country; his parents were born in Japan; he was not law-abiding; he was convicted of treason/out on parole
- Vague response
Examples: no claim was made; he was born; he has lived his life; a citizen's presence in the locality; he was a foreigner/an alien; American-born ancestors; law-abiding; loyal
- No response

Document 7

... The attacks in New York and Washington [on September 11, 2001], followed closely by the mysterious anthrax mailings and the swift war in Afghanistan, inevitably instigated [prompted] changes in law enforcement, intelligence operations, and security generally. As U.S. Supreme Court Justice Sandra Day O'Connor predicted on September 29, 2001: "We're likely to experience more restrictions on our personal freedom than has ever been the case in our country." The public strongly supported doing whatever was necessary. In fact, one poll showed 55 percent of citizens were worried that the government *would not go far enough* in fighting terrorism in order to protect civil liberties; only 31 percent were worried the government would go too far in fighting terrorism at the expense of civil liberties....

Source: Leone and Anrig, eds., *The War on Our Freedoms: Civil Liberties in an Age of Terrorism*, Century Foundation, 2003

7 According to this document, what was *one* reason for the passage of the USA Patriot Act?

Score of 1:

- States *one* reason for the passage of the USA Patriot Act according to this document
Examples: the attacks in New York and Washington on September 11, 2001/the anthrax mailings/war in Afghanistan; to fight terrorism, changes in law enforcement/intelligence operations/security were needed; the public supported doing whatever was necessary to fight terrorism; to fight terrorism

Score of 0:

- Incorrect response
Examples: to expand civil liberties; to eliminate restrictions on personal freedom; the Supreme Court demanded it; law enforcement; intelligence operations; to restrict our personal freedom; would not go far enough in the fight to protect civil liberties
- Vague response
Examples: they wanted government to go farther; it was necessary; it was supported; in support of what was necessary
- No response

Document 8

This is an excerpt of President George W. Bush's remarks upon signing the USA Patriot Act.

... For example, this legislation gives law enforcement officials better tools to put an end to financial counterfeiting, smuggling, and money laundering. Secondly, it gives intelligence operations and criminal operations the chance to operate not on separate tracks but to share vital information so necessary to disrupt a terrorist attack before it occurs.

As of today, we're changing the laws governing information-sharing. And as importantly, we're changing the culture of our various agencies that fight terrorism. Countering and investigating terrorist activity is the number one priority for both law enforcement and intelligence agencies.

Surveillance of communications is another essential tool to pursue and stop terrorists. The existing law was written in the era of rotary telephones. This new law that I sign today will allow surveillance of all communications used by terrorists, including emails, the Internet, and cell phones. As of today, we'll be able to better meet the technological challenges posed by this proliferation of communications technology....

Source: President George W. Bush, October 26, 2001

8a According to President George W. Bush, what is *one* way the USA Patriot Act will help law enforcement officials?

Score of 1:

- States *one* way the USA Patriot Act will help law enforcement officials according to President George W. Bush

Examples: provides additional tools for law enforcement officials to put an end to financial counterfeiting/smuggling/money laundering; enables intelligence and criminal operations to share vital information; changing the culture of agencies will improve ability to fight terrorism; better tools for surveillance of all communications used by terrorists; allows for surveillance of emails/the Internet/cell phones used by terrorists

Score of 0:

- Incorrect responses
 - Examples:* protection for the privacy of United States citizens; prevention of government reading of citizens' emails/listening to phone conversations; keeps intelligence and criminal operations separate from each other
- Vague response
 - Examples:* tools would be used; there would be surveillance; intelligence operations; vital information
- No response

8b According to President George W. Bush, what is the *primary* goal of the USA Patriot Act?

Score of 1:

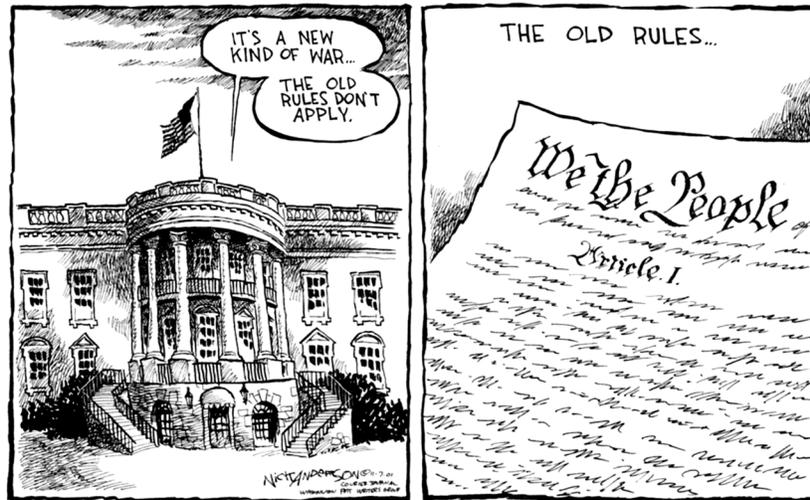
- States the primary goal of the USA Patriot Act according to President George W. Bush
 - Examples:* to protect the United States from terrorism; to enable the United States to stop terrorists; to disrupt a terrorist attack before it occurs; to better share information to track/catch terrorists; to protect people in the United States from terrorism

Score of 0:

- Incorrect responses
 - Examples:* to pass legislation; to pose technological challenges; to check communications/emails/Internet/cell phones
- Vague response
 - Examples:* to provide tools; to separate tracks; to share information; surveillance; to monitor/check
- No response

Document 9a

War on Terrorism



Source: Nick Anderson, *Washington Post Writers Group*, November 7, 2001
(adapted)

Document 9b

... The war on terrorism may be launching a legal revolution in America. The changes pose these questions: How necessary are some of the reforms? Have [Attorney General] John Ashcroft and the Justice Department unraveled constitutional protections in trying to ensure our safety? "There is a significant civil-liberties price to be paid as we adopt various national-security initiatives," says Mary Jo White, a former U.S. Attorney in the Southern District of New York, whose office pursued some of the biggest terrorism cases of the 1990s. "For the most part, I think that price is necessary. But what I worry about is government officials who find the answers too easy in this arena." ...

Source: Richard Lacayo et al., "Civil Liberties: The War Comes Back Home," *Time*, May 12, 2003

9 Based on these documents, what is *one* criticism of measures taken to fight the war on terrorism?

Score of 1:

- States *one* criticism of measures taken to fight the war on terrorism based on these documents
Examples: they violate the Constitution; the loss of civil liberties in some instances is too great a price to pay; government officials may abuse their powers; government officials may be too quick to find easy answers concerning civil liberties; the Justice Department may have unraveled constitutional protections; ensuring that we are safe may unravel constitutional protections; these reforms may not be necessary; they ignore/do not go by "the old rules"/the Constitution

Score of 0:

- Incorrect response
Examples: the price is necessary; the government is trying to ensure our safety; we have to pay the price
- Vague response
Examples: it is national security; it is unfair; the rules are old
- No response

United States History and Government
Content-Specific Rubric
Document-Based Question
August 2012

Historical Context: At various times in United States history, the federal government has taken controversial actions that have limited civil liberties. Three such actions were the **passage of the Espionage and Sedition Acts (1917–1918)**, **issuing Executive Order 9066 relocating Japanese Americans (1942)**, and the **passage of the USA Patriot Act (2001)**.

Task: Select *two* actions taken by the federal government that are mentioned in the historical context and for *each*

- Describe the historical circumstances surrounding the action
- Discuss an argument used by the government to *support* its action
- Discuss an argument used by those who *opposed* the government’s action

Scoring Notes:

1. The response to this document-based question has a minimum of *six* components (discussing the historical circumstances surrounding *each* of *two* actions of the federal government, an argument used by the government to support *each* action, **and** an argument used by those who opposed *each* government action).
2. The description of historical circumstances surrounding the federal government’s action may focus on long-term issues or immediate events, e.g., long history of discrimination toward Japanese Americans or Japan’s surprise attack on Pearl Harbor.
3. The specific provisions of the legislation may be, but are not required to be, included in the description of historical circumstances.
4. The discussion of an argument used by the federal government to support its action may be included as part of the description of historical circumstances.
5. The response should discuss an argument used by the government to support its action and an argument used by those who opposed the government’s action. However, one or more related arguments could be included as part of either discussion.
6. An argument used by the government to support its action or an argument used by those who opposed the government’s action may be discussed from different perspectives as long as the discussion is supported by accurate historical facts and examples.
7. A discussion of the USA Patriot Act may include amendments that have been added since 2001, e.g., extension of roving wiretaps by President Obama.
8. Only two actions taken by the federal government should be chosen from the historical context. If three actions are discussed, only the first two should be rated.
9. For the purposes of meeting the criteria of using *at least four* documents in the response, documents 3a, 3b, 5a, 5b, 9a, and 9b may be considered as separate documents *if* the response uses specific facts from *each* individual document.

Score of 5:

- Thoroughly develops **all** aspects of the task evenly and in depth by describing the historical circumstances surrounding **each** of **two** actions of the federal government, discussing an argument used by the government to support **each** action, **and** discussing an argument used by those who opposed **each** government action
- Is more analytical than descriptive (analyzes, evaluates, and/or creates* information), e.g., *Espionage and Sedition Acts*: connects the divide in public opinion regarding United States entrance into World War I and challenges of mobilization to government support for the action based on the “clear and present danger” posed by Schenck’s obstruction of military recruiting and to those who argue that intimidation of government critics during wartime violates first amendment rights just as the Alien and Sedition Acts did in the 1790s; *USA Patriot Act*: connects reasons the 2001 terrorist events required a reappraisal of law enforcement strategies for the sake of national security to government support for expanded search and surveillance capabilities that would prevent further acts of terrorism and to critics who believed that the legislation’s broad definition of terrorism could result in the violation of Americans’ right to privacy while expanding federal power
- Incorporates relevant information from **at least four** documents (see Key Ideas Chart)
- Incorporates substantial relevant outside information related to limits on civil liberties (see Outside Information Chart)
- Richly supports the theme with many relevant facts, examples, and details, e.g., *Espionage and Sedition Acts*: World War I; pro-German propaganda; mobilization and draft; Socialist Party; military draft; *Schenck v. United States*; first amendment rights; *USA Patriot Act*: attacks on World Trade Center, Pentagon, and Flight 93 over Pennsylvania; more than 3,000 Americans killed; hijacking; live televised coverage; arrest of terrorists targeting New York City; first amendment; fourth amendment; unreasonable search and seizure; police power; surveillance of emails and phone calls; wiretapping; scrutiny of library records
- Demonstrates a logical and clear plan of organization; includes an introduction and a conclusion that are beyond a restatement of the theme

Score of 4:

- Develops **all** aspects of the task but may do so somewhat unevenly by discussing all aspects of the task for one action more thoroughly than for the second action **or** by discussing one aspect of the task less thoroughly than the other aspects of the task
- Is both descriptive and analytical (applies, analyzes, evaluates, and/or creates* information), e.g., *Espionage and Sedition Acts*: discusses reasons the government was concerned about those who were speaking out against United States involvement in World War I, government support for action that would limit first amendment rights to protect military recruiting necessary for the war effort, and critics who argued that limiting civil liberties during wartime countered important democratic principles such as national debate and dissent; *USA Patriot Act*: discusses effects of the 2001 terrorist attacks on Americans and the way they thought about national security, the challenges the government faced in protecting the country from terrorism and government support for the expanded search and surveillance capabilities to prevent further acts of terrorism, and critics who believed that the Act would result in the violation of citizens’ right to privacy
- Incorporates relevant information from **at least four** documents
- Incorporates relevant outside information
- Supports the theme with relevant facts, examples, and details
- Demonstrates a logical and clear plan of organization; includes an introduction and a conclusion that are beyond a restatement of the theme

Score of 3:

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

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

Score of 2:

- Minimally develops *all* aspects of the task *or* develops *at least three* aspects of the task in some depth
- Is primarily descriptive; may include faulty, weak, or isolated application or analysis
- Incorporates limited relevant information from the documents *or* consists primarily of relevant information copied from the documents
- Presents little or no relevant outside information
- Includes few relevant facts, examples, and details; may include some inaccuracies
- Demonstrates a general plan of organization; may lack focus; may contain digressions; may not clearly identify which aspect of the task is being addressed; may lack an introduction and/or a conclusion

Score of 1:

- Minimally develops some aspects of the task
- Is descriptive; may lack understanding, application, or analysis
- Makes vague, unclear references to the documents *or* consists primarily of relevant and irrelevant information copied from the documents
- Presents no relevant outside information
- Includes few relevant facts, examples, or details; may include inaccuracies
- May demonstrate a weakness in organization; may lack focus; may contain digressions; may not clearly identify which aspect of the task is being addressed; may lack an introduction and/or a conclusion

Score of 0:

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

*The term *create* as used by Anderson/Krathwohl, et al. in their 2001 revision of Bloom's *Taxonomy of Educational Objectives* refers to the highest level of 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.

Espionage and Sedition Acts (1917-1918)

Key Ideas from Documents 1–3

Historical Circumstances	<p>Doc 1—Lack of governmental power to interfere with free speech before World War I Pessimistic rumors, criticism of America’s military preparations, pro-German propaganda unchecked Espionage Act modified and supplemented with a more stringent Sedition Act as war fever mounted Interfering with success of armed forces, inciting disloyalty, obstructing Army recruiting, circulating offensive material through the mail detrimental to war effort</p>
Argument Used by Government to Support Action	<p>Doc 1—Pessimistic rumors, criticism of America’s military preparations, pro-German propaganda needs to be checked Interfering with success of armed forces, inciting disloyalty, obstructing Army recruiting, circulating offensive material through the mail needs to be controlled Lack of trust in discretion of newspaper editors Doc 2—Schenck’s conviction upheld by Supreme Court because leaflets printed and distributed intended to obstruct recruiting for armed forces Right of Congress to prevent “clear and present danger” protected Doc 3—Surrender of some rights for the common good in time of war</p>
Argument Used by Those Opposed to Government’s Action	<p>Doc 1—Possible use of censorship by president to screen himself from criticism Possible financial death for publications if second-class mailing privileges lost Doc 3—Public’s right to control government must be preserved even during wartime Possibility of encroachment of military upon civil power Possibility of precedents established in wartime becoming fixed Maintenance of free speech important in time of war Sedition legislation too drastic Common sense not demonstrated by Sedition legislation</p>

Relevant Outside Information

(This list is not all-inclusive.)

Historical Circumstances	<p>Public opinion divided over United States involvement in European war Concern of government officials over war dissenters (Socialists, Eugene Debs, Socialist Party, Industrial Workers of the World [IWW]) Mobilization of public opinion to support war (Committee on Public Information [Creel Committee]) Concerns about violence and industrial sabotage</p>
Argument Used by Government to Support Action	<p>Precedent established by Alien and Sedition Acts (1798) and previous wartime measures Concern over spread of radical political thought (Socialists, communists, labor leaders) Details about <i>Schenck v. United States</i> First amendment guarantees not absolute</p>
Argument Used by Those Opposed to Government’s Action	<p>Fear, harassment, intimidation of those who disagree with government policies Limited public debate over issues of national importance Details about Red Scare, Palmer Raids Continuation of limits on constitutional rights during postwar period Details about <i>Schenck v. United States</i></p>

Key Ideas from Documents 4–6

Historical Circumstances	<p>Doc 4—Nation stunned by Japanese attack on Pearl Harbor, but “close to home” on West Coast</p> <p>Shelling of oil installations in vicinity of Santa Barbara by Japanese submarine</p> <p>Japanese immigrants not allowed to become citizens</p> <p>Residents fearful of ethnic Japanese among them (lack of assimilation by Japanese immigrants, more than 100,000 Issei and Nisei on West Coast)</p>
Argument Used by Government to Support Action	<p>Doc 4—Calls by California public officials for relocation of persons of Japanese ancestry</p> <p>Doc 5—Need for protection against espionage and sabotage for successful prosecution of the war</p> <p>Legal precedent for Roosevelt’s actions (Act of 1918)</p> <p>Doc 6—Korematsu’s parents of Japanese birth</p>
Argument Used by Those Opposed to Government’s Action	<p>Doc 5—Insecurity of army’s West Coast commander; racism and hostility of Pacific states’ white population; bureaucratic ambitions; political advantages perceived by local, state, and federal officials’ questionable motives</p> <p>Knowledge of officials that Japanese American community harbored few disloyal persons</p> <p>Knowledge of FBI and Naval Intelligence that no military necessity existed to justify measure</p> <p>Doc 6—Korematsu a citizen of the United States and California by residence according to the Constitution</p> <p>No claims of Korematsu’s disloyalty to the United States</p> <p>No claims that Korematsu not law abiding and well disposed</p> <p>Conviction of Korematsu for an act not commonly a crime</p> <p>Korematsu’s treatment different from an Italian or German alien enemy</p>

Relevant Outside Information

(This list is not all-inclusive.)

Historical Circumstances	<p>Long history of discrimination against Japanese Americans on West Coast (children segregated in San Francisco schools, employment discrimination, Gentlemen’s Agreement, “yellow peril”)</p> <p>Resentment among white California farmers toward successful Japanese American farmers</p> <p>Creation of war hysteria by newspaper and radio coverage, especially on West Coast</p> <p>Circulation of rumors that Japanese Americans were spies</p>
Argument Used by Government to Support Action	<p>Military necessity a constitutional reason for government policy of evacuation of Japanese Americans</p> <p>Evacuation of Japanese Americans upheld by Supreme Court</p>
Argument Used by Those Opposed to Government’s Action	<p>Loyalty of most Japanese Americans (willingness to volunteer for military duty)</p> <p>Right to privacy and due process guaranteed in the Constitution</p> <p>Unfairness of forcing individuals to leave homes, sell property at a loss, disrupt lives</p>

USA Patriot Act (2001)

Key Ideas from Documents 7–9

Historical Circumstances	Doc 7 —Attacks on 9/11/2001 in New York and Washington, D.C. Mysterious anthrax mailings War in Afghanistan
Argument Used by Government to Support Action	Doc 7 —Strong public support for doing whatever is necessary Need for more restrictions on personal freedom Doc 8 —Better tools needed for law enforcement officials to put an end to financial counterfeiting, smuggling, and money laundering Opportunities provided for intelligence and criminal operations to share vital information to disrupt terrorist attack before it occurs Surveillance of communications essential tool to pursue and stop terrorists Doc 9 —Need for new rules to ensure safety Need for new national security initiatives despite loss of civil liberties
Argument Used by Those Opposed to Government’s Action	Doc 9 —No need to abandon “old rules” (Constitution) No need to violate and unravel constitutional protections to secure national safety Loss of civil liberties too high a price to pay for adoption of national security initiatives Possibility of misuse by some government officials

Relevant Outside Information
(This list is not all-inclusive.)

Historical Circumstances	Previous terrorist actions/activities (Pan American Flight 103, 1993 World Trade Center) Details about anthrax mailings (Congress) Details of 9/11/2001 attacks Anxiety and fear as a result of attacks on New York City and Washington, D.C. Complications of United States foreign policy toward Middle East (rise of Islamic fundamentalism, oil, alliances)
Argument Used by Government to Support Action	Reduction of terrorist capability to act in the United States (bank transactions, library records) Recommendations of 9/11 Commission (increased cooperation between FBI and CIA) Bipartisan political support for law Many tools provided to law enforcement to fight terrorism used for decades and approved by courts Prevention of another catastrophic attack (disruption of terrorist cells)
Argument Used by Those Opposed to Government’s Action	Passage of laws without adequate debate or deliberation Need for balance between law enforcement and protection of civil liberties (first and fourth amendments) Violation of American civil liberties (expansion of home and office searches, expansive use of arrest and detainment) Expansion of federal government power at expense of state and local governments Unconstitutional (amendments 1, 4, 5, 6, and 7)

America, a land of freedoms and liberty, has not always been true to its policy of guaranteeing liberties. In the 20th and 21st centuries, government policies concerning national security were enacted. Although many viewed these actions as necessary for the nation's well being, others argued that the sacrifice of individual liberties was unacceptable. The Executive Order 9066 relocating Japanese Americans and the U.S.A. Patriot Act are specific examples.

World War II was a period of uncertainty and great national fear. The Executive Order 9066 was a consequence of such volatile times. The attack on Pearl Harbor led to a considerable fear and mistrust of Japanese Americans (Doc 4). Many Americans on the West Coast believed that if given the opportunity, Japanese Americans might spy for Japan and possibly do great harm to America (Doc 5a). Many also believed the Japanese Americans needed to be relocated as a consequence of racial and social hostility on behalf of white Californians (Doc 5b). This social and racial prejudice against the Japanese Americans had deep roots in America's history. As a result of increased Japanese immigration to the West Coast in the early 1900s, a racism and hatred against them just like the Chinese before them was considerably heightened. This xenophobia labeled Asians as the "yellow peril." Many laws limiting the Immigration and assimilation of Japanese people were passed. The Gentlemen's Agreement limited the emigration of Japanese workers to the United States and the National Origins Act in the 1920s allowed no Japanese to enter the U.S. The segregation of public facilities such as showers in San Francisco and laws limiting property ownership showed discrimination against Japanese Americans even before Pearl Harbor. Although there were those who agreed with the Japanese internment, there was considerable disagreement

as well. Prominent members of the Supreme Court, ^{such as Justice Jackson} argued that the relocation of the Japanese Americans without a long-term relocation of Italians and Germans as well was unfair and demonstrated how hypocritical and unreasonable the executive order was. (Doc 6). The Japanese internment was certainly a trespass on civil rights that denied equal protection of the law to loyal citizens. It wasn't the first time that civil rights were lost in American history but it was a particularly tragic experience for Japanese Americans.

Yet another highly controversial action regarding individual rights during war-time was the U.S.H. Patriot Act. The beginning of the 21st century was most definitely not one of peace and political tranquility in the United States. The dreadful 9/11 attacks left a considerable impact on this country and also led to the passage of the Patriot Act. Muslim extremist Al-Qaeda leader Osama Bin-Laden organized a terrorist plot involving hijacked commercial jetliners and succeeded in killing thousands of people at the World Trade Center in New York City, the Pentagon in Washington, D.C., and in Pennsylvania. The fear of many citizens that such attacks would be repeated and that the government did not have enough power to combat terrorists attacks at home led, in part, to the passage of the Patriot Act. (Doc 7). The Patriot Act allowed the Federal government the ability to intercept communications with the intent of stopping terrorist activity and making America safer. It also encouraged law enforcement officials to share information in order to more effectively operate counter-terrorism activities. It allowed the Federal government to monitor many different aspects of the personal lives of American citizens. (Doc 8) The Patriot Act was controversial because while it did increase the means by which to stop terrorism, it potentially sacrificed many individual freedoms found in the Bill

of Rights. Americans were worried that their personal communications would be tapped and this represented a reason for discontent. Many believed that the government was only being hypocritical and going considerably too far against the constitution. (Doc 9) Using the support of the people at the time when they felt most vulnerable resulted in powerful new tools to fight terrorism. President Bush initiated the War on Terror and thus invaded Afghanistan. Afghanistan had been a stronghold of Al-Qaeda's influence and for these reasons, America invaded Afghanistan in an attempt to overthrow the Taliban which was an Al-Qaeda backed government. The Patriot Act also represents a considerable and controversial piece of legislation regarding individual rights.

The American government has gone to great lengths to ensure the national well being. However, as caring citizens, Americans need to consider the advantages and potential disadvantages of powerful government actions such as the passage of the Patriot Act and the Japanese Internment. Balancing national security and individual rights is difficult, especially when the cost of getting it wrong on either side is so high.

Anchor Level 5-A

The response:

- Thoroughly develops all aspects of the task evenly and in depth for Executive Order 9066 and the USA Patriot Act
- Is more analytical than descriptive (*Executive Order 9066*: many Americans on the West Coast believed that if given the opportunity Japanese Americans might spy for Japan; many believed Japanese Americans needed to be relocated as a consequence of racial and social hostility; Justice Jackson argued that the relocation of Japanese Americans without a long-term relocation of Italians and Germans was unfair and demonstrated how hypocritical and unreasonable it was; it was not the first time civil rights were lost in American history; *USA Patriot Act*: the fear of many American citizens that such attacks could be repeated and that the government did not have enough power to combat terrorism led to its passage; while it increased the means to stop terrorism, it sacrificed many freedoms; Americans were worried that their personal communications would be tapped; using the support of the people when they felt most vulnerable resulted in powerful new tools to fight terrorism)
- Incorporates relevant information from documents 4, 5, 6, 7, 8, and 9
- Incorporates substantial relevant outside information (*Executive Order 9066*: it was a reaction to the volatile times and uncertainty of World War II; as a result of increased Japanese immigration to the West Coast, racism and hatred was heightened; Gentlemen's Agreement limited emigration of Japanese workers and the National Origins Act allowed no Japanese to enter the United States; segregation of public facilities in San Francisco and laws limiting property ownership showed discrimination against Japanese Americans even before Pearl Harbor; the internment was a trespass on civil rights that denied equal protection of the law to loyal citizens; *USA Patriot Act*: Muslim extremist al Qaeda leader Osama bin Laden organized a terrorist plot involving hijacked commercial jetliners and succeeded in killing thousands of people at the World Trade Center in New York City, the Pentagon in Washington, D.C., and in Pennsylvania; President Bush initiated the War on Terror and thus invaded Afghanistan to overthrow the Taliban which was an al Qaeda-backed government)
- Richly supports the theme with many relevant facts, examples, and details (*Executive Order 9066*: the attack on Pearl Harbor led to considerable fear and mistrust of Japanese Americans; *USA Patriot Act*: it allowed the federal government to intercept communications with the intent of stopping terrorist activity to make America safer; it encouraged law enforcement officials to share information in order to more effectively operate counterterrorism activities)
- Demonstrates a logical and clear plan of organization; includes an introduction that states some viewed the limiting of civil liberties by the government as necessary while others argued it was unacceptable and a conclusion that states concerned citizens need to consider potential advantages and disadvantages to government legislation

Conclusion: Overall, the response fits the criteria for Level 5. A strong case is made for the long-standing racial prejudice directed at Japanese Americans that played a historical role in the circumstances surrounding Executive Order 9066. Conflict between security and liberty is well supported by outside information about terrorism leading to an analytical approach to the development of arguments regarding the USA Patriot Act.

In the history of the U.S. there have been times where laws were passed which impeded civil liberties. In the first half of the twentieth century there were two such incidents, the Espionage and Sedition Acts (1917-18), and Executive Order 9866 (1942). During these periods circumstances allowed the government to pass controversial acts, but they did not go unchallenged. Each law was challenged in the Supreme Court.

During the early 1900s when the Espionage and Sedition Acts were passed extenuating circumstances allowed for the laws to be approved. As the U.S. became more supportive of Great Britain and its allies as unrestricted submarine warfare continued and the Zimmermann Note was intercepted, the government became more concerned about negative war attitudes. After Congress declared war against Germany and into the first few months of war "pessimistic rumors, criticism of America's military preparations, and overtly pro-German propaganda" were allowed to go on unchecked. This negativity had the potential of undermining the war efforts of the govt at a time when many Americans had to be convinced of its necessity. With this legislation, the govt thought it could reverse the outspoken negative opinions by censoring information which went against WWI efforts.

In addition, the first world war created unrest not only in the U.S. but globally. The Bolshevik Revolution left Americans concerned about communism in the U.S. and later caused a Red Scare. The uneasiness caused by so many changes also added to the general support for the Espionage and Sedition Acts to be passed. People responded to these acts in a myriad of ways. For example, those who opposed them claimed they were unconstitutional and should be repealed because they violated first amendment rights. Socialist Party leader Charles J. Schenck was opposed to the war and believed the draft violated the Constitution. Schenck also believed he had the right to express his opinion about this but the Supreme Court upheld the Espionage Act stating that during war the government can restrict first amendment rights. However, those who were for the Act claimed it helped those who were off fighting the war by keeping their spirits up. "To make the world safe for democracy" was an important goal and to be achieved it had to have the full support of the country.

When WWII started in Europe, the U.S. wanted to stay neutral because they had had enough of war. Deteriorating relations between us and Japan, unfortunately, led the Japanese to bomb Pearl Harbor. As a result, we entered

WWII with strong public backing. Executive Order 9066 was established a few months after we entered the war. This order was responding to racism on the west coast where most Japanese Americans lived and had been discriminated against for years. Residents feared the Japanese Americans might become secret agents of the Japanese government and the army commander supported relocating them. "Residents became fearful of ethnic Japanese..." said William Rehnquist and Stanley Kutler observed. "The policy stemmed from a myriad of motives, none of which were supported by specific acts of treason. It was a dangerous precedent for a nation founded on guarantees of civil liberties. This order did not go unopposed by the Japanese Americans. There were cases like Korematsu v U.S. Korematsu went to the Supreme Court saying he was a loyal U.S. citizen and he didn't deserve to be interned and be deprived of rights guaranteed to U.S. citizens. But, there were also many Americans who supported the order and the Supreme Court rejected that opinion when it disagreed and upheld Korematsu's forced evacuation. This may be the result of many things but a key factor at the time Executive Order 9066 was issued was the fear that the Japanese could

attack America again. Although the order had seemingly credible criteria for the relocation, many in this nation would eventually regret denying basic rights in such an extreme way to a group based on their race.

Throughout the U.S.'s history there have been times of extenuating circumstances where the men and women of the country have sacrificed liberties for the supposed benefit of the nation. Two examples were WWI and WWII because both time periods had policies which limited civil liberties. WWI had the Espionage and Sedition Acts and WWII had Executive Order 9066. However, they did not go unopposed or without support from different citizens of the nation.

Anchor Level 5-B

The response:

- Thoroughly develops all aspects of the task evenly and in depth for the Espionage and Sedition Acts and Executive Order 9066
- Is more analytical than descriptive (*Espionage and Sedition Acts*: this negativity had the potential of undermining the war efforts of the government at a time when many Americans had to be convinced of its necessity; those who opposed them claimed they were unconstitutional and should be repealed because they violated first amendment rights; supporters claimed the Acts helped those who were fighting the war by keeping their spirits up; *Executive Order 9066*: none of the motives for the order were supported by specific acts of treason; it was a dangerous precedent for a nation founded on guarantees of civil liberties)
- Incorporates relevant information from documents 1, 2, 3, 4, 5, and 6
- Incorporates substantial relevant outside information (*Espionage and Sedition Acts*: as unrestricted submarine warfare continued and the Zimmermann Note was intercepted, the government became more concerned about negative war attitudes; the Bolshevik Revolution left Americans concerned about communism in the United States; the government thought a way to reverse the outspoken negative opinions was to censor information; Schenck was opposed to the war and believed the draft violated the Constitution; “to make the world safe for democracy” was an important goal which had to have the full support of the country; *Executive Order 9066*: when World War II started in Europe, the United States wanted to stay neutral because they had had enough of war; deteriorating relations between us and Japan unfortunately led the Japanese to bomb Pearl Harbor; although the Order had seemingly credible criteria for relocation, many in this nation would eventually regret denying basic rights in such an extreme way to a group based on their race)
- Richly supports the theme with many relevant facts, examples, and details (*Espionage and Sedition Acts*: after Congress declared war on Germany and into the first few months of war, pessimistic rumors, criticism of America’s military preparation, and overtly pro-German propaganda were allowed to go unchecked; the Supreme Court ruled that during war the government can restrict first amendment rights; *Executive Order 9066*: it was responding to racism on the West Coast where most Japanese Americans lived and had been discriminated against for years; residents feared the Japanese Americans might become secret agents of the Japanese government and the army commander supported relocating them; Korematsu went to the Supreme Court saying he was a loyal United States citizen and did not deserve to be interned and be deprived of rights guaranteed to United States citizens; the Supreme Court reflected the opinion of many Americans when it disagreed with Korematsu and upheld his forced evacuation)
- Demonstrates a logical and clear plan of organization; includes an introduction and a conclusion that discuss that there have been times when United States laws need to limit civil liberties but they do not go unchallenged

Conclusion: Overall, the response fits the criteria for Level 5. A good historical understanding of the public mood at the time of our entrance into World War I establishes a thoughtful context for the Espionage and Sedition Acts and the viewpoints regarding its passage. Important understandings such as the concept of precedent-setting political decisions are demonstrated in the discussion of Executive Order 9066 and help substantiate the opposing and supporting arguments.

Our nation, though relatively young, has faced many national crises. It has become a noticeable pattern that during difficult times, some civil liberties have been undermined. Whether or not this is excusable, is another question, and one that has not been answered.

During WWI, when the United States was fighting against the Central Powers, some actions had to be taken at home in the hope of uniting the diverse American people under the same belief: that the central powers were an enemy to be defeated. However our constitution provides us (the U.S.) with the freedom of expression, which would generally allow anyone and everyone to hold any opinion of our foreign policy and our involvement in the war. Some people disagreed with who the U.S. was fighting or even disagreed with its motives for fighting. Therefore, different opinions about fighting a European war began to circulate in newspapers and among different groups (Doc 1.) However, the American government and President Wilson could not afford to lose its people's support for the war. After all, the United States had finally declared war after three years of neutrality and we were fighting in its name. As a result, our government passed the Espionage and Sedition Acts in the late 1910s (also doc 1). This legislation proved to be quite controversial because it had made speaking out against the war, a punishable crime in order to limit disagreement with government policies. This was not unheard of during wartime

and even though it looked like it was a clear violation of the 1st amendment, a freedom on which the U.S. had built its constitutional foundation, Congress justified it as a necessary and proper action. Charles T. Shreck, even brought this issue to court. In this *Shreck vs. United States* case, Shreck had published and distributed leaflets encouraging draftees to resist the draft because he believed conscription violated the Constitution. To protest or distribute leaflets would seem normal, as he was simply exercising his right of freedom of expression, yet the Supreme Court ruled, that since the U.S. was at war, this could pose a threat to U.S. security. It created "a clear and present danger" to the U.S. (doc 2.).

In the next World War in the 1940s an ~~executive~~ executive order had been issued that again undermined citizens' civil liberties, but in this case restricted it to a select group of people. In 1942, President Roosevelt's Order No. 9066 forced Japanese Americans to relocate into internment camps. (Doc 5a) After the Japanese attack on Pearl Harbor, (which came as quite a surprise to the American people because at the time we were negotiating with them), panic spread among Americans who at the time were worried about enemy agents. When people saw Japanese Americans on West Coast streets they would be fearful. Unfortunately, Japanese Americans, because of racial differences, are easy to point out in the United States and many feared they would spy or betray the U.S. in a time of war. However many of these people of Japanese ancestry had been born in the U.S. and probably

had no intention of betraying the U.S. They were just as American as everyone else and yet because they came from Japanese ancestry they were seen as a face of the enemy. (doc 5b.) So, these people of Japanese ancestry had to leave their personal belongings behind and were forced to sell their homes and farms quickly and at a financial loss. They were sent into internment camps surrounded by barbed wire and guards with guns. Americans were taking away civil rights of a certain group of people not on the basis that they had done anything wrong in their lifetime, but because of their ancestry. However, what is even more unfair to the Japanese was that descendants from other enemies during WWII, such as Germans or Italians did not face prejudice in the same way (Doc 6). This was pointed out by Justice Jackson in dissenting in the Korematsu case. Jackson argued that Korematsu was a legal citizen convicted of staying in the area where he had grown up. His only real "crime" was his ancestry – he had done nothing to deserve the treatment he received. Japanese Americans in many cases longed to fight for their country... America. Yet they were initially turned down on the basis that they had Japanese ancestry, but eventually they got their chance. In the movie "Most Honorable Sui", the main character speaks of his experience in the war. This man, a Nisei, flew an incredible number of missions against the Japanese. Yet there were many Japanese Americans who remained interned as he and others of Japanese ancestry fought honorably and patriotically for their country.

Civil liberties have been undermined in past national crises. Some

Anchor Paper – Document-Based Essay—Level 4 – A

say it is for the better, and others say for the worse. Yet it is sure that in some cases, what we have done to our own people, is completely unexcusable.

Anchor Level 4-A

The response:

- Develops all aspects of the task but does so more thoroughly for the Espionage and Sedition Acts than for Executive Order 9066
- Is both descriptive and analytical (*Espionage and Sedition Acts*: it proved quite controversial because it made speaking out against the war a punishable crime in order to limit disagreement with government policies; it would seem that Schenck was simply exercising his right of freedom of expression, yet the Supreme Court ruled that since the United States was at war, this could pose a threat to security; Schenck's actions created a "clear and present danger" to the United States; *Executive Order 9066*: it undermined citizen's civil liberties, but restricted it to a select group of people; after the attack on Pearl Harbor, panic spread among Americans who at the time were worried about enemy agents; when people saw Japanese Americans on West Coast streets they would be fearful; many feared Japanese Americans would spy or betray the United States in a time of war; many Japanese Americans were just as American as everyone else and yet because they came from Japanese ancestry they were seen as the face of the enemy; other descendants from other enemies during World War II, such as Germans and Italians, did not face prejudice in the same way)
- Incorporates relevant information from documents 1, 2, 4, 5, and 6
- Incorporates substantial relevant outside information (*Espionage and Sedition Acts*: during World War I some actions had to be taken at home in the hope of uniting the diverse American people under the same belief—that the Central Powers were an enemy to be defeated; the American government and Wilson could not afford to lose people's support for the war; even though it looked like it was a clear violation of the first amendment, Congress justified the acts as a necessary and proper action; Schenck believed conscription violated the Constitution; *Executive Order 9066*: many Japanese Americans had to leave many of their personal belongings behind and were forced to sell their homes and farms quickly and at a financial loss; in many cases Japanese Americans longed to fight for America but were initially turned down because they had Japanese ancestry; there were many Japanese Americans who remained interned as others fought honorably and patriotically for America)
- Supports the theme with relevant facts, examples, and details (*Espionage and Sedition Acts*: different opinions about fighting a European war began to circulate in newspapers and among different groups; Charles T. Schenck brought the issue to court; Schenck had published and distributed leaflets encouraging draftees to resist the draft; *Executive Order 9066*: it forced Japanese Americans to relocate into internment camps; many Japanese Americans had been born in the United States and were therefore citizens)
- Demonstrates a logical and clear plan of organization; includes an introduction and a conclusion that civil liberties have sometimes inexcusably been undermined

Conclusion: Overall, the response fits the criteria for Level 4. Constitutional factors associated with support for the Espionage and Sedition Acts are used as an effective transition to President Franklin D. Roosevelt's decision to issue Executive Order 9066. A cursory approach to the historical circumstances surrounding Executive Order 9066 is balanced by the inclusion of commentary on "The Most Honorable Son" which adds to the discussion of the opposition argument.

The United States government was formed on the democratic principle of limited federal power and the protection of the rights of the citizens it governed. However, throughout history, the U.S. government has occasionally acted against these values and limited civil liberties. Two such instances were the relocation of Japanese Americans in 1942 and the passage of the USA Patriot Act in 2001. Both the Executive Order 9066 and the USA Patriot Act, which were caused by attacks on American civilians and soldiers, had the support of most people and the government, but also had detractors.

The Executive Order 9066 was put into effect during World War II. At the initial outbreak of World War II in 1939, the United States tried to remain neutral. Neither the government nor the American people was eager to get involved in another war in Europe. However, the attack on Pearl Harbor in Hawaii quickly changed this view (Doc 4). While west coast Americans had never particularly accepted the Japanese immigrants and were envious of their ~~own~~ economic success, they had never seen them as a direct threat. Pearl Harbor made Californians fear the Japanese living among them, even those who were born in the United States. This anti-Japanese hysteria proved to be enough reason for ^{the} issuing of Executive Order 9066, which provided for the relocation of Japanese Americans. President Roosevelt justified the order by saying

it was necessary to prevent attempts at espionage and sabotage. (Doc 3A) The decision was affected by the insecurity of the army's west coast commander (Doc 3B), whose level of fear led him to ignore the ~~advice~~ advice of cooler heads at the FBI and Naval Intelligence. This executive order would give the military considerable control of Japanese Americans in the western United States. Despite government support, there were people against the internment of the Japanese. In the case of *Korematsu v. United States*, the Supreme Court upheld Korematsu's conviction of violating Executive Order 9066. However, Court justice Robert Jackson dissented from the majority ruling, stating that Korematsu was born in America and was a law-abiding California resident (Doc 6). His only crime was being of Japanese descent. Jackson implied that a majority of the Japanese being interned had neither committed crimes nor shown disloyalty, and thus should not be detained. That became the majority point of view decades later when the government apologized and paid compensation to the Japanese Americans. The Executive Order 9066 was a reaction to Pearl Harbor and was eventually recognized as a mistake that violated Japanese American citizenship rights.

The USA Patriot Act was meant to combat terrorism, but many may have violated civil liberties in the process. On

September 11, 2001, two planes hijacked by terrorists were flown into the World Trade Center, a third was flown into the Pentagon,

and a fourth almost made it to Washington, DC, before crashing. Fear swept the nation, and nobody felt safe. This was compounded by mail with anthrax and entry into war with Afghanistan (Doc 7). This clash reaction made Americans more worried about the government not going far enough to protect the country than doing too much. Consequently, the USA Patriot Act was passed. President Bush declared it necessary to find and stop terrorists. He stated that the act would monitor terrorist communications as well as provide better tools to end financial counterfeiting, money laundering, and smuggling which financed terrorist activities (Doc 8). Bush hoped that the USA Patriot Act would facilitate the process of stopping terrorism. Unfortunately, some people were wary of this legislation and saw it as a violation of civil liberties of all Americans, not just terrorist suspects. Political cartoonist Nick Anderson suggested that the White House was ignoring Constitution to fight terrorism and justifying it because it was a "new war" (Doc 9). The USA Patriot Act had intentions to calm national fears and prevent another devastating terrorist attack, but it posed a major threat to civil liberties.

In many cases, government intervention proves to be necessary for the good of the public. However, the government occasionally makes a controversial decision as in the case of Executive Order 966.

Anchor Paper – Document-Based Essay—Level 4 – B

In the cases of Executive Order 9066 and the USA Patriot Act, the U.S. government bypassed civil liberties to combat what they believed were threats during the time period

Anchor Level 4-B

The response:

- Develops all aspects of the task for Executive Order 9066 and the USA Patriot Act
- Is both descriptive and analytical (*Executive Order 9066*: West Coast Americans had never particularly accepted Japanese immigrants but had never seen them as a direct threat; it would give the military considerable control of Japanese Americans in the western United States; Justice Jackson implied that a majority of the Japanese who were interned had neither committed crimes nor shown disloyalty and should not be detained; it was a reaction to Pearl Harbor and was eventually recognized as a mistake that violated Japanese American citizenship rights; *USA Patriot Act*: it was meant to combat terrorism but may have violated civil liberties in the process; fear swept the nation after September 11, 2001 and no one felt safe which was compounded by mail with anthrax and entry into war with Afghanistan; chain reaction made Americans more worried about the government not going far enough to protect the country than doing too much)
- Incorporates relevant information from documents 4, 5, 6, 7, 8, and 9
- Incorporates relevant outside information (*Executive Order 9066*: at the initial outbreak of World War II, the United States tried to remain neutral; the attack of the Japanese on Pearl Harbor in Hawaii quickly changed the United States view; West Coast Americans were envious of the success of Japanese Americans; decades later the government apologized and paid compensation to the Japanese Americans; *USA Patriot Act*: on September 11, 2001, two planes hijacked by terrorists were flown into the World Trade Center, a third was flown into the Pentagon, and a fourth almost made it to Washington, D.C. before crashing; political cartoonist Nick Anderson suggested that the White House was ignoring the Constitution to fight terrorism)
- Supports the theme with relevant facts, examples, and details (*Executive Order 9066*: Pearl Harbor made Californians fear the Japanese living among them; it provided for the relocation of Japanese Americans; President Roosevelt justified it by saying it was necessary to prevent attempts at espionage and sabotage; in *Korematsu v. United States*, the Supreme Court upheld Korematsu's conviction of violating the Order; Justice Jackson stated that Korematsu was born in America and was a law-abiding California resident and that his only crime was being of Japanese descent; *USA Patriot Act*: President Bush declared it necessary to find and stop terrorists; it would monitor terrorist communications and provide better tools to end financial counterfeiting, money laundering, and smuggling which financed terrorist activities; some people saw the legislation as a violation of civil liberties of all Americans, not just terrorist suspects)
- Demonstrates a logical and clear plan of organization; includes an introduction that even though the United States was formed on the democratic principle of limited federal power and the protection of rights of its citizens it has limited civil liberties, and a conclusion that while government intervention is often needed for the public's good, in Executive Order 9066 and the USA Patriot Act the government bypassed civil liberties to combat perceived threats

Conclusion: Overall, the response fits the criteria for Level 4. An important concept that a minority opinion can evolve into a majority opinion over time is integrated into the discussion of opposing viewpoints regarding Executive Order 9066. Although document information is accompanied by good statements about civil liberties, additional outside information would have provided more depth to the discussion of both federal actions.

at various times in United States history, the federal government has taken controversial actions that have limited civil liberties. Two examples in history include issuing Executive Order 9066 relocating Japanese Americans in 1942, and the passage of the USA Patriot Act in 2001. Both of these actions limited civil liberties and affected citizens in America. Many of our citizens did not necessarily agree with these actions taken by the government to deal with national crises.

When the Executive Order 9066 was issued in 1942, it relocated West Coast Japanese Americans under military authority. After Pearl Harbor was attacked by the Japanese, it caused a scare among our citizens along the West Coast. The Executive Order 9066 was issued to protect the national defense against espionage and sabotage. Many feared another attack by the Japanese aided by Japanese and Japanese Americans in the United States. Public hostility toward Japanese Americans grew as store owners, banks, and other businesses refused to do business with them. ~~In 2001~~ Anger directed toward Japanese Americans could be dangerous for them. In 2001 the USA Patriot Act was passed to keep the nation safe after radical Islamic terrorists left thousands dead in the United States. Attacks occurred in New York and Washington, D.C. and were blamed on al Qaeda. The government believed that the terrorism could continue indefinitely and maybe even result in worse consequences. The passing of this Act allowed law enforcement operations to share information to help stop terrorism before it occurred. The surveillance of communications used by terrorists was a key part of this Act.

The government had strong viewpoints supporting both of these limitations involving civil liberties. In document 5b you can see one of the motives for the government's decision to intern people of Japanese ancestry was the known racism and hostility of the Pacific states white population. A main responsibility of the government was to protect the national security during World War II and a major priority was to protect the national-defense material against espionage and sabotage, as stated in document 5a. The government argued that the Japanese living in the United States could possibly cause major security risks affecting our national well-being and interfering with efforts to win the war. For the passage of the USA Patriot Act as stated in document 7 the government followed the opinion of its citizens. They concluded that much of the public strongly supported doing whatever necessary to protect the nation, even if it meant sacrificing civil liberties. The government believed their responsibility was to pursue and stop terrorism so a 9/11 attack would never happen again. According to document 8, President Bush was confident that the USA Patriot Act would give law enforcement a better chance to use communications to halt terrorism. Even though that might involve an invasion of personal freedoms that Americans were used to, the government argued that the ever-changing nature of terrorism required far-reaching measures to win the war and bring a halt to terrorism.

Although the government's motive in making these changes was to protect the United States, there were people who were opposed to them. Document 6 is a good example of someone, Justice Jackson, who opposed the Executive Order 9066 that led to the internment of Japanese Americans. This

document states that Jackson argued that Korematsu was a citizen under the Constitution and a citizen by his nativity and by residence. Jackson argued that Korematsu was only being interned because of his racial status, which took away his civil liberties. Many Japanese Americans felt this way toward this Order, believing that they should be treated just like other Americans and not have to move from their homes to relocation camps. Many believed that the USA Patriot Act was putting American civil liberties at risk. In documents 9a and 9b a political cartoonist and a writer show that critics felt this Act was violating and changing the meaning of our Constitution. They believed the government's reaction to terrorism was putting the country onto the path of a legal revolution. Some argued that the government was going too far, putting us in danger of losing more civil liberties. Others argued that the government officials might use the USA Patriot Act and apply it to many situations.

at these times in United States history, when our federal government has taken controversial actions that have limited civil liberties many questions have surfaced. the passing of the USA Patriot Act in 2001 and the Executive Order 9066 that relocated Japanese Americans in 1942 allowed our government to use its power to respond to an emergency—World War II and a terrorist attack on American soil. at each of these times in history our citizens believed their civil rights were both protected and limited.

Anchor Level 4-C

The response:

- Develops all aspects of the task for Executive Order 9066 and the USA Patriot Act
- Is both descriptive and analytical (*Executive Order 9066*: a major responsibility of the government was to protect national security during World War II and to protect the national defense material against espionage and sabotage; Jackson argued that Korematsu was only interned because of his racial status which took away his civil liberties; many Japanese Americans believed that they should be treated like all other Americans and not have to move from their homes to relocation camps; *USA Patriot Act*: the government believed that the terrorism could continue indefinitely and maybe result in worse consequences; the government concluded that much of the public strongly supported doing whatever was necessary to protect the nation even if meant sacrificing civil liberties; President Bush was confident that it would give law enforcement a better chance to use communications to halt terrorism; even though personal freedoms that Americans were used to might be invaded, the government argued that the ever-changing nature of terrorism required far-reaching measures to bring a halt to terrorism; critics felt that it violated and changed the meaning of the Constitution; some argued that government officials might apply it to many situations)
- Incorporates relevant information from documents 4, 5, 6, 7, 8, and 9
- Incorporates relevant outside information (*Executive Order 9066*: many feared another attack by the Japanese aided by Japanese and Japanese Americans; public hostility toward Japanese Americans grew as store owners, banks, and other businesses refused to do business with them; the government argued that Japanese living in the United States could possibly cause major security risks affecting our national well-being and interfering with efforts to win the war; *USA Patriot Act*: it was passed to keep the nation safe after radical Islamic terrorists left thousands dead in the United States; attacks blamed on al Qaeda; critics believed the government's reaction to terrorism was putting the country onto the path of a legal revolution)
- Supports the theme with relevant facts, examples, and details (*Executive Order 9066*: it was used to relocate Japanese Americans under military authority; after Pearl Harbor was attacked by the Japanese it caused a scare among citizens along the West Coast; it was issued to protect the national defense against espionage and sabotage; Jackson argued that Korematsu was a citizen under the Constitution by his nativity and residence; *USA Patriot Act*: it allowed law enforcement operations to share information to stop terrorism before it occurred; surveillance of communications used by terrorists was a key part of the Act; the government believed their responsibility was to pursue and stop terrorists so a 9/11 attack would never happen again)
- Demonstrates a logical and clear plan of organization; includes an introduction that citizens did not necessarily agree with actions taken by the government to deal with crises, and a conclusion that when the federal government has taken controversial actions to limit civil liberties, many questions have surfaced

Conclusion: Overall, the response fits the criteria for Level 4. While document analysis is effective, the discussion of both actions would benefit from the inclusion of more historical facts and details. Linking the changing nature of terrorism to the need for a far-reaching measure such as the USA Patriot Act is an insightful conclusion.

During times of crisis, the government takes certain actions to do what they believe is right. Sometimes these actions can limit the civil liberties of individuals that are given to them in the Constitution. Two of these actions were passing the Espionage and Sedition Acts, and issuing Executive Order 9066 relocating Japanese Americans.

The Espionage and Sedition Acts were passed in 1917-1918. These acts were passed in response to World War I in order to protect the United States Military. These acts limited what you were allowed to say or publish in a newspaper that could be critical of the government. Eugene Debs spoke out against the war, was convicted of violating the Espionage Act, and sent to jail. The government believed these laws and their harsh sentences were necessary in order to protect the United States armed forces, and to prevent interfering with recruiting of people in the army (Doc 1). In a Supreme^{Court} case of Schenck v. the United States, Charles T. Schenck was convicted of violating the Espionage Act. Schenck argued that his right to freedom of speech was protected by the First Amendment to the Constitution. The Supreme Court however, deemed that when there is "a clear and present danger," he is not protected by the First Amendment. The government believed that if someone threatens the

nations during a time of crisis ~~is~~ is a danger, the civil liberties of that person, or people may be limited in order to protect the country (Doc 2). Arguments against the policy stated that people should not have to surrender their rights during the time of war. Americans should be allowed to criticize government policies. Granted the people can give up some conveniences during war, such as rationing, but not those rights promised to them by the Constitution (Doc 3a). People having the right to speak out and having a say in the actions of their government makes the country stronger, not weaker.

The order to relocate Japanese Americans was issued in 1942 as a result of the Japanese attack on Pearl Harbor. The attack on Pearl Harbor made some Americans fear that the Japanese Americans might be spies or another form of threat to their country. In order to ease the fear of Americans, especially those living on the West Coast, over 100,000 Japanese Americans were sent to internment camps in the West but away from the coast (Doc 4). The government argued that it was necessary to remove the Japanese Americans in order to protect against sabotage of national-defense material, national-defense premises, and national-defense utilities (Doc 5a). Another reason some supported internment was because of race. People wanted

to relocate Japanese Americans because they stereotyped them as dangerous, just like the Japanese who had attacked Pearl Harbor, so they were sent to camps (Doc 5b). In another Supreme Court case *Korematsu v. United States*, an argument was made against the internment of Japanese Americans. *Korematsu* was born in the United States, which made him a citizen of the United States. The government had no claim that he was not loyal to his country or was any threat. Another argument stated that he was only made to leave his home because of his race. If he would have been born a white or non-Japanese American, he would not have had to leave his home. But because of the fear and the hatred of Japanese Americans, internment was necessary (Doc 6). The Japanese Americans had no say in what was happening to them, the government made a decision and they had to follow it because the government took their say and their liberties away.

The government stripped both Americans and Japanese-Americans liberties away. During a time of crisis, the government takes whatever actions they think are necessary in order to protect everyone else. Sometimes in order to insure the safety of the nation, the people themselves have to give up some rights given to them as citizens. When a government makes a national security decision, there is little anyone can do about it.

Anchor Level 3-A

The response:

- Develops all aspects of the task with little depth for the Espionage and Sedition Acts and Executive Order 9066
- Is more descriptive than analytical (*Espionage and Sedition Acts*: the government believed these laws and harsh sentences were necessary to prevent interfering with recruiting of people into the army; the Supreme Court deemed that Schenck was not protected because of “clear and present danger”; the government believed that if someone threatens the nation during a time of crisis or is a danger, their civil liberties may be limited to protect the country; arguments were that people should not have to surrender their rights during time of war; Americans should be allowed to criticize government policies; *Executive Order 9066*: the attack on Pearl Harbor made some Americans fear that the Japanese Americans might be spies or another form of threat to their country; the government argued that it was necessary to remove the Japanese Americans to protect against sabotage of national defense material, national defense premises, and national defense utilities; some said that Korematsu was made to leave his home because of race; if Korematsu had been born a white or non-Japanese American, he would not have had to leave his home; internment was necessary because of the fear and the hatred of Japanese Americans; the Japanese Americans had no say in what was happening to them because the government made the decision and they had to follow it since the government took their liberties away)
- Incorporates some relevant information from documents 1, 2, 3, 4, 5, and 6
- Incorporates limited relevant outside information (*Espionage and Sedition Acts*: Eugene Debs spoke out against World War I and was convicted of violating the Espionage Act and sent to jail; people can give up some conveniences during war, such as rationing, but not those rights promised to them by the Constitution; *Executive Order 9066*: people wanted to relocate Japanese Americans because they had stereotyped them as dangerous like the Japanese who had attacked Pearl Harbor)
- Includes some relevant facts, examples, and details (*Espionage and Sedition Acts*: they were passed in response to World War I; they limited what you were allowed to say or publish in a newspaper; in *Schenck v. United States*, Schenck was convicted of violating the Espionage Act; *Executive Order 9066*: the order to relocate Japanese Americans was issued as a result of the Japanese attack on Pearl Harbor; to ease the fear of Americans, especially those living on the West Coast, over 100,000 Japanese Americans were sent to internment camps; in *Korematsu v. United States* an argument was made against internment; Korematsu was born in the United States which made him a citizen of the United States; the government had no claim that Korematsu was not loyal to his country or was any threat)
- Demonstrates a satisfactory plan of organization; includes an introduction that is a restatement of the theme and a conclusion that the government takes away liberties in times of crisis to insure the safety of the nation

Conclusion: Overall, the response fits the criteria for Level 3. Although much of the discussion is organized around documents, the interpretation and integration of those documents effectively addresses the task. Drawing a distinction between acceptable types of public sacrifice during wartime and concluding that free speech makes democracy stronger indicates an understanding of issues associated with the Espionage and Sedition Acts.