

# FOR TEACHERS ONLY

The University of the State of New York  
REGENTS HIGH SCHOOL EXAMINATION

## UNITED STATES HISTORY AND GOVERNMENT

VOLUME  
**1** OF **2**  
MC & THEMATIC

Tuesday, June 17, 2014 — 9:15 a.m. to 12:15 p.m., only

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

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

#### Scoring the Part I Multiple-Choice Questions

Follow the procedures set up by the Regional Information Center, the Large City Scanning Center, and/or the school district for scoring the multiple-choice questions. **If the student's responses for the multiple-choice questions are being hand scored prior to being scanned, the scorer must be careful not to make any marks on the answer sheet except to record the scores in the designated score boxes. Any other marks on the answer sheet will interfere with the accuracy of scanning.**

#### Multiple Choice for Part I Allow 1 credit for each correct response.

Part I			
1 ..... 3 .....	13 ..... 3 .....	26 ..... 4 .....	39 ..... 3 .....
2 ..... 2 .....	14 ..... 1 .....	27 ..... 2 .....	40 ..... 1 .....
3 ..... 4 .....	15 ..... 3 .....	28 ..... 4 .....	41 ..... 4 .....
4 ..... 3 .....	16 ..... 1 .....	29 ..... 1 .....	42 ..... 3 .....
5 ..... 4 .....	17 ..... 4 .....	30 ..... 2 .....	43 ..... 1 .....
6 ..... 2 .....	18 ..... 4 .....	31 ..... 2 .....	44 ..... 2 .....
7 ..... 2 .....	19 ..... 1 .....	32 ..... 4 .....	45 ..... 2 .....
8 ..... 1 .....	20 ..... 2 .....	33 ..... 3 .....	46 ..... 1 .....
9 ..... 4 .....	21 ..... 4 .....	34 ..... 1 .....	47 ..... 1 .....
10 ..... 3 .....	22 ..... 3 .....	35 ..... 3 .....	48 ..... 2 .....
11 ..... 2 .....	23 ..... 4 .....	36 ..... 3 .....	49 ..... 2 .....
12 ..... 4 .....	24 ..... 1 .....	37 ..... 1 .....	50 ..... 3 .....
	25 ..... 2 .....	38 ..... 4 .....	

## Contents of the Rating Guide

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

- Scoring Key

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

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

General:

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

### Mechanics of Rating

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

### Rating the Essay Question

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

*Introduction to the task—*

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

*Introduction to the rubric and anchor papers—*

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

*Practice scoring individually—*

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

(2) When actual rating begins, each rater should record his or her individual rating for a student's essay on the rating sheet provided, *not* directly on the student's essay or answer sheet. The rater should *not* correct the student's work by making insertions or changes of any kind.

(3) Each essay must be rated by at least two raters; a third rater will be necessary to resolve scores that differ by more than one point.

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

**United States History and Government**  
**Content-Specific Rubric**  
**Thematic Essay**  
**June 2014**

**Theme: Change —The Supreme Court**

Throughout United States history, the Supreme Court has dealt with many controversial issues. The Court's decisions in these cases have had a significant impact on the United States and/or on American society

**Task:** Select *two* United States Supreme Court decisions that have had a significant impact on American society and for *each*

- Describe the historical circumstances surrounding the case
- Explain the Court's decision in the case
- Discuss the impact of the decision on the United States and/or on American society

You may use any Supreme Court decision from your study of United States history. Some suggestions you might wish to consider include *Worcester v. Georgia* (1832), *Dred Scott v. Sanford* (1857), *Plessy v. Ferguson* (1896), *Schenck v. United States* (1919), *Korematsu v. United States* (1944), *Engel v. Vitale* (1962), *Miranda v. Arizona* (1966), *New York Times v. United States* (1971), *Roe v. Wade* (1973), and *United States v. Nixon* (1974).

**You are *not* limited to these suggestions.**

**Do not use *Brown v. Board of Education of Topeka* as one of your Supreme Court decisions.\***

\* Students were instructed not to use *Brown v. Board* because information in the Document-Based Question on this exam would have helped them write their thematic essay. However, students could have used their knowledge of *Brown* in their discussion of Dr. Martin Luther King Jr.'s "Letter from Birmingham Jail" in their DBQ essay.

**Scoring Notes:**

1. This thematic essay has a minimum of *six* components (discussing the historical circumstances surrounding *two* different United States Supreme Court decisions, the Court's decision in *each* case, and the impact of *each* decision on the United States and/or on American society).
2. The discussion of the historical circumstances surrounding each case may focus on the narrow facts of the particular case *or* it may consider the wider issues of the time period surrounding the case, e.g., *Plessy v. Ferguson* may focus on Homer Plessy's attempt to ride in a "whites only" railroad car *or* it may discuss Jim Crow laws.
3. The discussion of the impact of the Court's decision may be either immediate or long term.
4. Two cases with similar issues may be discussed as long as the response includes distinct and separate information for each case.
5. The response may discuss the impact of the decision on the United States or on American society from any perspective as long as the position taken is supported by accurate historical facts and examples.
6. *Brown v. Board of Education* may not be used as one of the cases but it may be included in the discussion of another Supreme Court case, e.g., *Plessy v. Ferguson*.
7. If more than two Supreme Court decisions are discussed, only the first two decisions should be scored.

**Score of 5:**

- Thoroughly develops *all* aspects of the task evenly and in depth by discussing the historical circumstances surrounding *each* of *two* United States Supreme Court decisions, the Supreme Court’s decision in each case, and the impact of *each* decision on the United States and/or on American society
- Is more analytical than descriptive (analyzes, evaluates, and/or creates information), e.g., *Plessy v. Ferguson*: connects the post–Civil War passage of Jim Crow laws in the South that maintained white supremacy to the Supreme Court’s ruling that the “separate but equal” doctrine as applied to segregated railroad accommodations was constitutional, resulting in over half a century of inferior accommodations, degradation, and second class status for African Americans until the civil rights movement of the 1950s and 1960s; *Schenck v. United States*: connects the enactment of laws suppressing criticism of World War I and Charles Schenck’s arrest for distributing anti-draft leaflets to the Supreme Court’s ruling that speech that creates a “clear and present danger” to national security can be limited, thus establishing the precedent that government may suppress individual liberties and silence some anti-war criticism during wartime
- Richly supports the theme with relevant facts, examples, and details, e.g., *Plessy v. Ferguson*: slavery; Reconstruction; Radical Republicans; 14th amendment; equal protection clause; Louisiana; “colored only”; “whites only”; legalized segregation; Ku Klux Klan; Booker T. Washington; Justice John Marshall Harlan; *Brown v. Board of Education*; 1964 Civil Rights Act; *Schenck v. United States*: anti-German hysteria; socialist; President Woodrow Wilson; 1917 conscription; Sedition Act; Espionage Act; fines or imprisonment; interfering with war effort; first amendment; Justice Oliver Wendell Holmes; unanimous decision; yelling “fire” in a crowded theater; war on terror; 2001 USA Patriot Act; national security versus constitutional rights
- 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 Supreme Court decision more thoroughly than for the second Supreme Court decision *or* by discussing one aspect of the task less thoroughly than the other aspects of the task
- Is both descriptive and analytical (applies, analyzes, evaluates, and/or creates\* information), e.g., *Plessy v. Ferguson*: discusses the growth of segregated public facilities that resulted from the Jim Crow laws passed in the South after the Civil War, the Supreme Court decision that upheld segregated railway cars using the “separate but equal” doctrine, and how that decision perpetuated discrimination and unequal treatment of African Americans for over half a century; *Schenck v. United States*: discusses the laws passed during World War I that limited anti-war criticism, leading to the arrest of Charles Schenck for distributing anti-draft leaflets, the Supreme Court decision that upheld Schenck’s conviction using the “clear and present danger” principle, and how the ruling sanctioned government limits on individual liberties during times of war or national crisis
- 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 in little depth *or* develops *at least four* aspects of the task in some depth
- Is more descriptive than analytical (applies, may analyze and/or evaluate information)
- Includes some relevant facts, examples, and details; may include some minor inaccuracies
- Demonstrates a satisfactory plan of organization; includes an introduction and a conclusion that may be a restatement of the theme

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

**Score of 2:**

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

**Score of 1:**

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

**Score of 0:**

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

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

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

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

When the Constitutional Convention presented its final draft for the document that would thereafter direct the actions of the United States government, it left many issues unresolved—how would the nation deal with slavery? What powers did the Supreme Court have in the system of checks and balances? Over time, the Supreme Court itself has attempted to answer these questions, in two landmark trials that forever changed the shape of government and the course of history. In *Marbury v. Madison*, the court established the precedent for judicial review, and in *Dred Scott v. Sanford* it ruled on the powers of the government regarding slavery.

The seminal decision in *Marbury v. Madison* transformed the role of the Supreme Court in American history. The judicial branch as outlined in Article III of the Constitution had a specific role in government but the powers of the court were largely undefined. The *Marbury* case came at a time when the two-party system was emerging. In 1801, Secretary of State Madison, on behalf of new Democratic-Republican president Thomas Jefferson, refused to allow several “midnight” judges to take office. (appointed by former president John Adams on the eve of his retirement as an effort to maintain Federalist influence). William Marbury, a Federalist and one of the “midnight” judges, demanded that the Supreme Court order Madison to deliver his appointment. What the court decided was that it could not force Madison to deliver the job appointments, seemingly lessening its own power. Chief Justice John Marshall surprised his fellow Federalists when he ruled against them. But by declaring part of the Judiciary Act unconstitutional, he established the idea of judicial review: the Court had the power to decide the constitutionality

of laws. Thus, the position of the Supreme Court was cemented in the new government, and it used this influence to make landmark decisions on later cases involving controversial topics. Most recently, the Supreme Court narrowly upheld the constitutionality of “Obamacare”, which now remains the law of the land. Today, the power of judicial review makes the judicial branch an equal branch of government with the vast authority to uphold or strike down federal and state laws.

Another example of the Supreme Court asserting its power and altering political events can be found in the case *Dred Scott v. Sandford*. This case was a catalyst for the breakup of the Union and the start of the Civil War in the first half of the 19th century. Compromises over the expansion of slavery into the Louisiana Territory attempted to keep the Union together. After Dred Scott’s owner brought his slave north to a free territory above 36°30’ of the Missouri Compromise, Scott sued him in an attempt to win his freedom. Other slaves had gained freedom in these circumstances in some states in the past, but this had changed as sectional tensions rose. Both the Missouri courts and federal courts had denied Dred Scott his freedom. The Supreme Court, led by Chief Justice Taney, was mostly southern and pro-slavery. They decided that Dred Scott was not only still a slave, but that a black man had no rights that a white man was bound to respect. It further stated that slaves were property protected by the fifth amendment so the government had no power to stop the spread of slavery. Immediately, this decision created a deep rift between the North, which was shocked at the repudiation of the Missouri compromise, and the South, which applauded the decision.

The Republican party, formed just a few years before to stop the spread of slavery, gained momentum as many northerners now feared that no state could be free from slavery. The division between the two regions became so great and obvious that it made war seemingly inevitable. Republican candidate, Abraham Lincoln, said it best, "a house divided against itself cannot stand." The Dred Scott decision was the most decisive blow to the union leading to Civil War.

In conclusion, the Supreme Court has often been required to make decisions about the validity of laws and establish new precedents, as in the above cases. Both *Marbury v. Madison* and *Dred Scott v. Stanford* represent milestones in American politics that led to new societal developments: the power of the court in judicial review, and the increase in sectional tension leading to the civil war. Today, the court continues to rule on controversial issues that polarize society, and its decisions can be contentious.

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## Anchor Level 5-A

### The response:

- Thoroughly develops all aspects of the task evenly and in depth by discussing the historical circumstances surrounding *Marbury v. Madison* and *Dred Scott v. Sanford*, the Supreme Court's decision in each case, and the impact of each decision on the United States
- Is more analytical than descriptive (*Marbury v. Madison*: the powers of the Court were largely undefined; Marbury case came at a time when the two-party system was emerging; Marbury appointed by former President John Adams on the eve of his retirement as an effort to maintain Federalist influence; Court decided that it could not force Secretary of State Madison to deliver the job appointments, seemingly lessening its own power; by declaring part of the Judiciary Act unconstitutional, Chief Justice John Marshall established the idea of judicial review: the Court had the power to decide the constitutionality of laws; the position of the Supreme Court was cemented in the new government, and it used this influence to make landmark decisions on later cases involving controversial topics; more recently, the Supreme Court narrowly upheld the constitutionality of "Obamacare," which now remains the law of the land; today, the power of judicial review makes the judicial branch an equal branch of government with the vast authority to uphold or strike down federal and state laws; *Dred Scott v. Sanford*: compromises over the expansion of slavery into the Louisiana Territory attempted to keep the Union together; Scott sued his owner in an attempt to win his freedom; other slaves had gained freedom in these circumstances; the Supreme Court was mostly southern and pro-slavery; they decided that Dred Scott was not only still a slave, but that a black man had no rights that a white man was bound to respect; slaves were property protected by the fifth amendment so the government had no power to stop the spread of slavery; the Republican Party gained momentum as many northerners now feared that no state could be free from slavery; the division between the two regions became so great and obvious that it made war seemingly inevitable; Republican candidate Abraham Lincoln said it best, "a house divided against itself cannot stand")
- Richly supports the theme with relevant facts, examples, and details (*Marbury v. Madison*: Article III of the Constitution; Democratic-Republican President Thomas Jefferson; "midnight judges"; *Dred Scott v. Sanford*: Civil War; free territory above 36°30'; repudiation of the Missouri Compromise; South applauded the decision; increase in sectional tensions)
- Demonstrates a logical and clear plan of organization; includes an introduction that shows that the Supreme Court has attempted to settle issues that were unresolved in the Constitution and a conclusion that cites the importance of the Court in shaping societal issues

**Conclusion:** Overall, the response fits the criteria for Level 5. The response exhibits a sophisticated understanding of the evolution of the Supreme Court and how its decisions have had far-reaching impacts on the United States. The analysis of these cases shows a substantial knowledge of these Supreme Court cases from two important eras and their impact on the United States.

In the United States' governmental system of checks and balances, the judiciary branch has a vital role. The Supreme Court not only has the power to declare acts of congress as unconstitutional, but also has the responsibility of ruling on a multitude of legal issues. Throughout history, Supreme Court cases have had significant impacts on the country as a whole and have helped to shape the country into what it has become today. One issue that was reoccurring in the Supreme Court since the Constitution was written was the status of African Americans in American Society. Two Supreme Court cases that dealt with and had a significant impact on this issue were Dred Scott v. Sanford in 1857 and Plessy v. Ferguson in 1896.

In 1857 the case, Dred Scott v. Sanford, dealt with the divisive issue of slavery & whether it could be expanded into the new territories or not. Abolitionists in the north & pro-slavery advocates in the south had been debating over this issue for decades and congress had already passed legislation on the subject, as seen with the 1820 Missouri Compromise, which admitted Missouri as a slave state, Maine as a free state, & abolished slavery above the 36'30' latitude line, as well as the compromise of 1850, and the Kansas-Nebraska Act which advocated popular sovereignty. Although these laws tried to preserve the union, as the nation expanded west, the explosive issue of slavery would not be settled peacefully. In 1857 the Supreme Court made a decision that would end the possibility of compromise. When the slave Dred Scott appealed to the court to grant him his freedom on the grounds that his master had taken him into a free territory & therefore he should be free, it ruled against him. The court, under Chief Justice Taney, had a southern bias, so they declared that slaves were property,

that property rights were protected by the constitution & therefore slaves could be taken anywhere in the territories. The court also said that Congress could not keep slavery out of the territories and that the Missouri Compromise was unconstitutional. This also undermined Congress's policy of popular sovereignty and made free states fear that they might lose their power to keep slavery out. The impact on American Society was extreme, not only was there this new idea of where slavery could exist, but abolitionist forces were reignited in their quest for freedom and became a major spark leading to the Civil War. The Dred Scott decision made it seem that there was no legal way to stop the spread of slavery. Taney had also ruled that African Americans were not citizens and had no Constitutional rights. This idea would not be corrected until the passage of the landmark 14th ammendment.

Equal protection of the law in the 14th ammendment was at the center of another important ruling on the status of African Americans. Although there was no slavery in 1896, blacks certainly did not enjoy the same status as whites in this country. After the end of Reconstruction, restrictions had been placed on them by southern states such as the crippling Jim Crow laws that segregated public facilities between blacks & whites. These segregation laws spread over time. In Louisiana, even the railroad cars were designated by race by law. This being true, when Plessy, a man said to be  $\frac{7}{8}$  white &  $\frac{1}{8}$  black, sat in the section reserved to white people on a railroad car, he was arrested. Plessy then applied to the Supreme court under the 14th ammendment, claiming he wasn't equally protected under the law. Despite these claims, the courts once again ruled against the

advancement of blacks stating that “seperate, but equal” railroad facilities were constitutional. Furthermore, they said the Court shouldn't rule against prevailing public sentiments. Plessy was forced to pay a fine, but the more crucial impact was in the attitude of the american people who expected African Americans to use separate and inferior schools, bathrooms and other public facilities. African Americans remained second class citizens, suffering humiliation and persecution. Opportunities for millions of African Americans were limited for years. True change didnt come until 1954 when the Supreme Court ruled in *Brown v. Board of Edu. of Topeka*, under Chief Justice Earl Warren, that seperate school facilities are inherently unequal and violated the 14th ammendment. From this point forward great change came and the monumental 1964 Civil Rights Act banned segregation in all public places.

Overall, as seen with these cases, the Supreme Court has made important decisions about racial equality that have had much to do with the status of African Americans. The Supreme court can influence the country in ways that only can be seen in the years after its decisions.

## Anchor Level 5-B

### The response:

- Thoroughly develops all aspects of the task evenly and in depth by discussing the historical circumstances surrounding *Dred Scott v. Sanford* and *Plessy v. Ferguson*, the Court's decision in each case, and the impact of each decision on the United States
- Is more analytical than descriptive (*Dred Scott v. Sanford*: dealt with the divisive issue of slavery and whether it could be expanded into the new territories or not; although these laws tried to preserve the Union, as the nation expanded west the explosive issue of slavery would not be settled peacefully; the Supreme Court made a decision that would end the possibility of compromise; the Court, under Chief Justice Taney, had a southern bias, so they declared at this point that slaves were property protected by the Constitution and therefore could be taken anywhere in the territories; undermined Congress' policy of popular sovereignty; Taney had also ruled that African Americans were not citizens and had no constitutional rights; abolitionist forces were reignited and became a major spark leading to the Civil War; the Dred Scott decision made it seem that there was no legal way to stop the spread of slavery; this idea would not be corrected until the passage of the landmark 14th amendment; *Plessy v. Ferguson*: although there was no slavery in 1896, blacks certainly did not enjoy the same status as whites in this country; after Reconstruction, restrictions had been placed on them by southern states such as the crippling Jim Crow laws that segregated public facilities between blacks and whites; Plessy then applied to the Supreme Court under the 14th amendment claiming he was not equally protected under the law; the Court ruled against the advancement of blacks stating that "separate but equal" railroad facilities were constitutional; the Court said that courts should not rule against prevailing public sentiments; the more crucial impact was in the attitude of the American people who expected African Americans to use separate and inferior schools, bathrooms, and other public facilities; African Americans remained second-class citizens, suffering humiliation and persecution; limited opportunities for African Americans for years; true change did not come until 1954 when the Supreme Court ruled in *Brown v. Board of Education of Topeka* that separate school facilities are inherently unequal and violated the 14th amendment)
- Richly supports the theme with relevant facts, examples, and details (*Dred Scott v. Sanford*: debate over this issue for decades; 1820 Missouri Compromise; 36°30'; Kansas-Nebraska Act; *Plessy v. Ferguson*: Louisiana; sat in section reserved for white people; Chief Justice Earl Warren; 1964 Civil Rights Act; banned segregation)
- Demonstrates a logical and clear plan of organization; includes an introduction and conclusion that connect the two decisions to the status of African Americans

**Conclusion:** Overall, the response fits the criteria for Level 5. The strength of the response lies in its application of the 14th amendment to Supreme Court cases about racial equality and how each decision was later reversed. For each case, the historical circumstances and decisions are clearly described and then analyzed.

Throughout American history, the Supreme Court dealt with many controversial issues regarding the human rights of individuals. The Supreme Court decisions demonstrate the beliefs and ideas of the time. Although a court decision may be unacceptable today, their decision before may have been the general idea that the nation felt was necessary. Two controversial issues that demonstrate a violation of the citizen's constitutional rights can be observed in *Plessy v. Ferguson* (1896) and *Korematsu v. United States* (1944).

The case of *Plessy v. Ferguson* demonstrates the general idea shared by the majority of the nation after the Civil War. Although many later opposed the Supreme Court decision, it was found to be necessary for the time. The issue of the case dealt with the end of the Reconstruction period and the white South's effort to assert its control over former slaves. After the Civil War, the status of freed slaves was an important issue because of the large population of African-Americans in southern states. Ex-slaves were forced to practice share cropping and remain in the south because they did not possess land or money. Integration between blacks and whites was forbidden because of the southern belief in white supremacy. As a result, the court decided that "separate but equal" railroad cars were constitutional. *Plessy v. Ferguson* stated that African Americans and whites could have separate public facilities that had the same purpose and were said to be "equal". They were however not equal and the decision validated racial discrimination and prejudice. "Jim Crow" kept African Americans from gaining an equal chance in life for decades. This showed the post-Civil War sentiments in the south toward blacks. In addition there were other discriminating acts to limit the influence of African

Americans in our community and politics. These include poll taxes and literacy tests. The “separate but equal” decision is considered a violation of human rights today. However, back then, southerners claimed it was their right to control racial relations and the North went along with it.

The violation of human rights can also be seen in the case *Korematsu v. United States* (1944). Similar to how the “separate but equal” portrays the idea of the time, the decision in *Korematsu v. U.S.* demonstrated the nation’s fear and demand for safety during World War II. The United States entered the world war as a result of the attack on Pearl Harbor by Japanese planes. It was an event that angered and shocked the nation. As FDR stated it was a “Day which will live in infamy”. As a result, however, innocent Japanese-Americans suffered discrimination and were suspected of plotting other attacks. They were also accused of being spies and many Americans believed that they threatened the nation’s safety. Japanese-Americans on the west coast had long experienced trouble being accepted and were frequently treated unfairly. For these reasons, the government created isolated “communities”, or relocation centers segregating the Japanese and Japanese Americans, many of whom were American born citizens. *Korematsu* attempted to fight for his civil rights and refused to obey the President’s order. However, the court stated that individual liberties can be limited at times of war. Therefore, it upheld the evacuation orders and *Korematsu*’s arrest. Innocent Japanese Americans were sent to camps in order to “secure” the safety of the nation. Similar to the “separate but equal” of *Plessy v. Ferguson*, the decision in *Korematsu v. U.S.* violated the protection of

individual rights. Even though most of the camp residents had been born in the United States, they were singled out and treated worse than criminals. They had done nothing illegal and had received no individual due process. After the war, many had trouble readjusting to life outside of the camps. Although the government later officially apologized, for some, no apology could erase their feeling of betrayal.

In these cases, the Supreme Court reflected the general ideas of the time period. Its decisions also change over time. In cases such as *Plessy v. Ferguson* (1896) and *Korematsu v. U.S.* (1949), the Supreme Court failed to protect the rights of the individual. Although it is controversial, it was designed to protect the nation during its time period.

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## Anchor Level 4-A

### The response:

- Develops all aspects of the task for *Korematsu v. United States* and most aspects for *Plessy v. Ferguson*
- Is more analytical than descriptive (*Plessy v. Ferguson*: the issue of the case dealt with the end of the Reconstruction period and the South's effort to assert its authority over former slaves; the status of freed slaves was an important issue because of the large population of African Americans in southern states; integration between blacks and whites was forbidden because of the southern belief in white supremacy; the Court decided that "separate but equal" railroad cars were constitutional; stated that African Americans and whites could have separate public facilities that had the same purpose and were said to be "equal"; the decision validated racial discrimination and prejudice; "Jim Crow" kept African Americans from gaining an equal chance in life for decades; back then southerners claimed it was their right to control racial relations; *Korematsu v. United States*: demonstrated the nation's fear and demand for safety during World War II; Japanese Americans on the West Coast had long experienced trouble being accepted and were frequently treated unfairly; the government created isolated "communities" or relocation centers to segregate the Japanese and Japanese Americans; the Court stated that individual liberties can be limited in times of war; it upheld the evacuation orders and *Korematsu's* arrest; similar to the "separate but equal" of *Plessy v. Ferguson*, the decision in *Korematsu v. United States* violated the protection of individual rights; even though most of the camp residents had been born in the United States, they were singled out and treated worse than criminals; although the government later officially apologized, for some, no apology could erase their feeling of betrayal)
- Supports the theme with relevant facts, examples, and details (*Plessy v. Ferguson*: after the Civil War; sharecropping; poll taxes; literacy test; *Korematsu v. United States*: Pearl Harbor; FDR; "day which will live in infamy"; spies; trouble readjusting)
- Demonstrates a logical and clear plan of organization; includes an introduction and conclusion that recognize that court decisions that are unacceptable today were considered necessary at the time

**Conclusion:** Overall, the response fits the criteria for Level 4. The response includes much analysis and recognizes that in each case an entire ethnic group in a region was segregated from mainstream society. However, it fails to develop the impact of *Plessy v. Ferguson* completely and lacks the level of historical detail consistent with a Level 5 response.

As the theme states, throughout the history of the United States of America, the Supreme Court has dealt with many controversial issues. As the highest judicial power in the nation, the decisions made by the Supreme Court have positively and adversely had effects upon the United States and American society. Two such cases that demonstrate the impact of Supreme Court decisions upon the U.S. are Plessy v. Ferguson and Roe v. Wade.

Plessy v. Ferguson was a landmark case that had an enormous impact upon American society. After the Civil War (1861-1865), a series of amendments were passed that gave African Americans, who had just recently won their freedom from slavery more rights. For example, the 13th Amendment (1865) abolished slavery, and the 14th Amendment (1868) granted African Americans citizenship and equality under the law. However, Southern whites found many ways to curb and undermine these new rights, by establishing poll taxes, literacy tests, grandfather clauses, and Jim Crow laws. African Americans were segregated and forced to continue living in the condition of near slavery. A man named Homer Plessy, who was 1/8 African-American, sat in a white section of a train one day. Plessy was arrested and the case ensued.

The case Plessy vs. Ferguson, rocked 1896 America. The Supreme Court ruled that Homer Plessy had no right to sit in the white section, ruling that "seperate but equal" was constitutional because the 14th Amendment did not guarantee that everyone should be able to use the same train car as long as an "equal" one was provided. Many African Americans felt cheated and violated. White society was pleased but those in favor of equality were angered. In the 1900s, civil rights

groups, like the NAACP, would campaign against the idea of separate but equal and the economic, educational, and social disparities between whites and blacks that the policy created. During the 1950s, *Brown vs. Board of Education of Topeka* challenged *Plessy v. Ferguson* by finding that separate is not equal in schools. In the 1960s, Congress passed the Civil Rights Act that outlawed segregation in all public facilities.

*Roe v. Wade* (1973) has deeply divided the nation and sparked heated debates. For more than a century before the ruling, women's rights leaders had focused on gaining equal status in the workplace, equal educational and professional opportunities, and suffrage. At the Seneca Falls Convention (1800s) leaders like Lucretia Mott and Elizabeth Cady Stanton asked for, but did not get suffrage. The 19th Amendment was added in 1920. In the early 1900s, Margaret Sanger had called for women's right to decide on limiting their families, advocating scientific methods of birth control over abortion. In the 1960s a new women's movement was growing because of reformers such as Betty Friedan who wrote *The Feminine Mystique*. At the time of the *Roe v. Wade* decision, only a few states permitted legal abortions and feminist groups campaigned for a woman's right to choose.

The *Roe v. Wade* ruling was a great shock to many Americans. Groups such as Planned Parenthood (created by Sanger), celebrated the Supreme Court's decision making abortion (before the fourth month) legal in all states. They had long argued that the issue was a matter of a woman's right to choose for herself what happened with her body and claimed that first trimester babies were "fetuses" and not yet human, so abortion was not murder. Many Americans disagree with

this logic, especially conservatives and religious people. The United States has long been a religious country so legalizing abortion goes against many people's beliefs and they continue to campaign against it passionately. The controversy surrounding Roe v. Wade can still be seen in U.S. politics today, with abortion being one of the divisions between Republicans and Democrats. Pro-life activists demonstrate in front of Planned Parenthood clinics, and Catholic institutions refuse to pay for abortions or birth control which they believe is an extension of Roe vs. Wade. The controversy of Roe v. Wade was demonstrated when in the 21st century, a doctor who performed abortions was murdered by someone who opposed his stance and profession.

Throughout U.S. history, the Supreme Court has made tough decisions, decisions that are often controversial, impact certain groups negatively, and escalate tensions between different sectors of American society.

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## Anchor Level 4-B

### The response:

- Develops all aspects of the task for *Plessy v. Ferguson* and *Roe v. Wade*
- Is both descriptive and analytical (*Plessy v. Ferguson*: after the Civil War, a series of amendments were passed that gave African Americans who had just recently won their freedom from slavery more rights; southern whites found many ways to curb and undermine these new rights; African Americans were segregated and forced to continue in the condition of near-slavery; the Supreme Court ruled that Homer Plessy had no right to sit in the white section, ruling that “separate but equal” was constitutional because the 14th amendment did not guarantee that everyone should be able to use the same train car, as long as an “equal” one was provided; civil rights groups like the NAACP would campaign against the idea of “separate but equal” and the economic, educational, and social disparities between whites and blacks that the policy created; during the 1950s, *Brown v. Board of Education of Topeka* challenged *Plessy v. Ferguson* by finding that separate is not equal in schools; *Roe v. Wade*: women’s rights leaders had focused on gaining equal status in the workplace, equal educational and professional opportunities, and suffrage; Margaret Sanger had called for women’s right to decide on limiting their families, advocating scientific methods of birth control over abortion; at the time of the decision, only a few states permitted legal abortions; groups such as Planned Parenthood celebrated the Supreme Court’s decision making abortion legal in all states; the United States has long been a religious country, so legalizing abortion goes against many people’s beliefs and they continue to campaign against it; the controversy surrounding *Roe* can still be seen in United States politics today, with abortion being one of the divisions between Republicans and Democrats; the controversy about *Roe* was demonstrated when a doctor who performed abortions was murdered)
- Supports the theme with relevant facts, examples, and details (*Plessy v. Ferguson*: 13th amendment (1865) abolished slavery; 14th amendment (1868) granted African Americans citizenship; poll taxes; Jim Crow; Civil Rights Act; *Roe v. Wade*: deeply divided the nation; Seneca Falls convention; 19th amendment; Betty Friedan; *Feminine Mystique*; pro-life activists; Catholic institutions)
- Demonstrates a logical and clear plan of organization; includes an introduction and a conclusion that are slightly beyond a restatement of the theme

**Conclusion:** Overall, the response fits the criteria for Level 4. The response employs ample description and analysis in most of its discussion but fails to develop the Court’s decision in *Roe v. Wade* fully.

The Supreme Court has had a major impact on the course of American history. Many rulings on various controversial issues have greatly influenced American society and its politics. Such court cases include *Scott v. Sanford* and *United States v. Nixon*. These two court cases had a significant impact on the political and social aspects of American history.

During the court case *Scott v. Sanford* in 1857, the country was nearing a Civil War. There had been several compromises over the expansion of slavery as new states entered the Union. Dred Scott, a black slave, fought for his freedom when his master died and his ownership changed. Because Scott had been moved to a free state, he argued, he should be given the right of freedom. The Supreme Court under chief justice Taney, ruled that Scott was property and also, as a slave, he had no right to petition for freedom as he was not a United States citizen. This decision essentially repealed the Missouri Compromise because it had limited the property rights of slave owners. The ruling meant that slaves could be brought anywhere in the territories and remain in bondage. The South celebrated the decision, but this court case caused an uproar in the north and made compromise between slave and free states less likely. The ruling weakened the idea of popular sovereignty in the West because even if settlers wanted a state to be free, it was not clear if they still had that right. This court case impacted American Society in a way that halted compromise between the north and south. Some abolitionists saw violence as the only way to end slavery. A year later, John Brown's attack on Harpers Ferry made compromise nearly impossible. The beginning of the Civil War was not far away.

In the Supreme Court case *United States v. Nixon* in 1974, Richard Nixon was confronted about the Watergate Scandal. Watergate was an issue during Nixon's presidency when the Democratic National Convention offices were broken into by members of his election committee. During a Congressional investigation, it came out that all White House conversations had been secretly taped. In the court case, Nixon was ordered to hand over the tapes that were recorded after the break-in. These tapes were suspected of including the talks Nixon had between himself and his staff about those who were arrested. Such evidence would prove Nixon to be involved directly in the Watergate cover-up, and would have been grounds for impeachment. Nixon refused the congressional order on the basis of executive privilege, and strongly denied any wrongdoing. The Supreme Court voted unanimously that Nixon must give Congress the tapes. The ruling limited the use of executive privilege by a president. The significance of this ruling was the resulting resignation of Nixon shortly after. Nixon knew that after Congress listened to the tapes, the House would impeach him and the Senate would convict him. His resignation avoided more embarrassment and a resulting impeachment. The impact of the Watergate Scandal was great on American Society because it caused distrust between the people and the government. The tapes clearly demonstrated the President's misuse of power and dishonesty during the Watergate cover-up. However, the ruling also showed that the idea of checks and balances works and showed that even the president is not above the law.

Both the Supreme Court cases of *Scott v. Sanford* and *United States v. Nixon* led to great controversy in American Society. In *Scott*

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**Anchor Paper – Thematic Essay—Level 4 – C**

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*v. Sanford*, the court ruling helped spark the Civil War by eventually leading to the Southern states breaking from the Union while *United States v. Nixon* eventually led to distrust of government by the American people. The Supreme Court has significant power to influence American thought as well as impact the course of American history.

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**Anchor Level 4-C****The response:**

- Develops all aspects of the task but discusses *Dred Scott v. Sanford* somewhat less thoroughly than *United States v. Nixon*
- Is both descriptive and analytical (*Dred Scott v. Sanford*: there had been several compromises over the expansion of slavery as new states entered the Union; because Scott had been moved to a free state, he argued he should be given the right of freedom; Supreme Court ruled that Scott was property and as a slave, he had no right to petition for freedom; he was not a citizen; the ruling meant that slaves could be brought anywhere in the territories and remain in bondage; the South celebrated the decision, but this court case caused an uproar in the North and made compromise between slave and free states less likely; some abolitionists saw violence as the only way to end slavery; *United States v. Nixon*: during a congressional investigation, it came out that all White House conversations had been secretly taped; Nixon refused the congressional order on the basis of executive privilege and strongly denied any wrongdoing; the Supreme Court voted unanimously that Nixon must give Congress the tapes; the ruling limited the use of executive privilege by a president; the significance of the ruling was the resulting resignation of Nixon; Watergate scandal caused distrust between the people and the government; the ruling also showed that the idea of checks and balances works and showed that even the president is not above the law)
- Supports the theme with relevant facts, examples, and details (*Dred Scott v. Sanford*: ownership changed; Chief Justice Taney; essentially repealed Missouri Compromise; popular sovereignty; John Brown's attack; Harpers Ferry; Civil War; *United States v. Nixon*: election committee; cover-up; House would impeach; Senate would convict; resignation; misuse of power; dishonesty); includes a minor inaccuracy (*United States v. Nixon*: Democratic National Convention offices broken into)
- Demonstrates a logical and clear plan of organization; includes an introduction that restates the theme and a conclusion that cites the major impacts of the decisions

**Conclusion:** Overall, the response fits the criteria for Level 4. The response provides a good and somewhat analytical discussion of both cases. However, further information about the historical circumstances of *Dred Scott v. Sanford* would have strengthened the response.

In America, people have the right to challenge laws, regulations and structure that have been set up. This is the characteristic which makes America what it stands for today. As Americans, we have the right to fight to end any injustice that is occurring to make this country better. Two major court cases during the 19th century made a large impact on African Americans during that time, namely, *Dred Scott v. Sanford* (1857) and *Plessy v. Ferguson* (1896). Both cases had to do with the rights of Black people and ended poorly for them as well. The results of these cases strongly represent the depth of racism during that time.

In the case of *Dred Scott v. Sanford*, a doctor had taken his slave to a northern state where slavery was illegal. The states were divided between free and slave states. The issue of slavery had caused tension since the writing of the Constitution. More disagreements arose over the possible spread of slavery into new territories and into new states from 1820 to the 1850s. In that situation, Dred Scott tried to fight for his freedom claiming that since he had been in a free territory, he should gain his freedom. The supreme court ended up ruling against Scott saying that slaves are property and since they are not citizens, they do not have the right to go to court. This supreme court decision was one that set the tone of America during that time. The African Americans were oppressed and denied civil rights that every human should have because some did not see them as humans. Abolitionists in the Northern states felt a progressive contempt for the pro-slavery south due to this court case and the treatment of African Americans in the south. This tension between sections would eventually lead up to the election of Abe Lincoln in 1860, the secession of the southern

states, and the Civil War in which blacks were freed.

Even though African Americans gained their freedom in 1865 with the 13th amendment, they were seen by many as different.

While some discrimination happened during Reconstruction, it became worse after it ended. Segregation laws were passed. Plessy v.

Ferguson was a court case dealing with the issues of segregation following Reconstruction. The question in debate by the court was whether having segregated transportation was going against equality between blacks and whites. The result was that the court ruled it was constitutional for the two races to have separate but equal

transportation facilities. This court case justified the unequal practice of segregation and highlighted differences between the two races.

Signs like “Black only” or “white only” called attention to the inequality. It caused blacks to wonder, why do we have to use different bathrooms or different buses? Why aren't we equal? This court case justified further unequal practices and highlighted the differences between the two races. Segregation would end much later during the 1950s and 1960s as African American leaders demanded the right to use the same public facilities as used by whites.

The ability of an American to go to court and challenge regulations or precedents does not always guarantee immediate change. Both Dred Scott v. Sanford and Plessy v. Ferguson ended poorly for African Americans who were fighting for their rights, but what they were fighting for was eventually achieved. They have these rights today. America has become a great country not through being perfect but by overcoming the mistakes we have made in the past.

### Anchor Level 3-A

#### The response:

- Develops all aspects of the task with little depth for *Dred Scott v. Sanford* and *Plessy v. Ferguson*
- Is more descriptive than analytical (*Dred Scott v. Sanford*: a doctor had taken his slave to a northern state where slavery was illegal; issue of slavery had caused tension since the Constitution was written; possible spread of slavery into new territories and states since 1820; Dred Scott tried to fight for his freedom claiming that since he had been in free territory, he should gain his freedom; Supreme Court ruled slaves do not have the right to go to court; this Supreme Court decision was one that set the tone of America during that time; African Americans were oppressed and denied civil rights that every human should have; abolitionists in northern states felt contempt for pro-slavery south; *Plessy v. Ferguson*: discrimination happened during Reconstruction; question was whether having segregated transportation was going against equality between blacks and whites; case justified the unequal practice of segregation and was a setback for the blacks; caused blacks to wonder why they have to use different bathrooms or buses; segregation would end much later during the 1950s and 1960s as African American leaders demanded the right to use the same public facilities used by whites)
- Includes some relevant facts, examples, and details (*Dred Scott v. Sanford*: slaves are property, not citizens; election of Abraham Lincoln in 1860; secession; Civil War; *Plessy v. Ferguson*: 13th amendment; issues of segregation following Reconstruction; constitutional for the two races to have separate and equal; black only; white only)
- Demonstrates a satisfactory plan of organization; includes an introduction that connects racism to both decisions and a conclusion that observes that the cases ended poorly for African Americans

**Conclusion:** Overall, the response fits the criteria for Level 3. The response shows a general knowledge of the cases and applies some analysis. Although the response mentions the impact of these cases, it fails to develop them with specific information.

The Supreme Court of the United States often confronted major controversial issues in United States History. Likewise, the decisions of the Supreme court have had major consequences on the course of the United States. The 1857 case of Dred Scott vs. Sanford and the 1973 case of Roe v. Wade are pristine examples of the influence of the Supreme Court.

In 1857, the United States was facing a period of dangerously high sectional tensions, mostly between the north and south. The north and south faced a moral dispute over slavery. The free northern states had no real need for slaves economically and it was not a major part of their culture. The South was dependent on slaves to fuel their agrarian base economy. Slaves were accepted as racially inferior and for all intents and purposes, property. However, there was little federal legislation dealing with the specifics of slavery. This would cause a major crisis in 1857. Dred Scott, a slave, had been brought to a free state and into free territory. Once his master died, it was unclear whether Scott could sue and become a free man based on where he had lived or if he would remain a slave. Naturally, he tried to claim his freedom but his former master's kin claimed ownership through inheritance.

This conflict would climb the courts of the United States gaining national recognition and press coverage as it accended in the national spotlight. Finally in 1857, the Supreme Court would rule in favor of Sanford, reasoning that since Scott was a slave, he was basically chattel and should be treated like so.

The decision further increased sectional tensions and brought the United States ever so close to the Civil War. Besides just fueling the

moral conflict between pro-slavery forces and abolitionists, there was a sophisticated, significance to the case; it was the first major document by the government concerning slavery since the 3/5 compromise. It basically legalized slavery in the territories, and gave pro-slavery forces a real political and judicial advantage. This controversy would be settled by the Civil War.

The 1950's and following decades were significant for their cultural progress. A new wave of feminism was among the cultural revolutions sweeping across the United States. The Feminists pushed for equality in almost every area possible, led by women such as Betty Freidan, who wrote The Feminine Mystique which was a rally cry for equality. After making gains in economics and education, women pushed for the right for an abortion, which was not legal in most states. In 1973, the Supreme Court would rule in favor of abortion, as long as it took place within the first trimester or 3 months of conception.

The decision has endured 40 years of moral, political, and religious controversy. The decision, made in the highest court of the United States, signified an indisputable victory for feminists but a terrible loss for those who consider abortion murder.

At every crisis in the United States, one could argue that the Supreme Court will be involved to make a decision of major repercussions. In conclusion, the power of the Supreme court echoes through its controversial decisions shaping the United States and setting a new course for history as seen in the 1973 Roe v. Wade case and in the 1857 Dred Scott vs. Sanford decision.

### Anchor Level 3-B

#### **The response:**

- Develops all aspects of the task with little depth for *Dred Scott v. Sanford* and *Roe v. Wade*
- Is more descriptive than analytical (*Dred Scott v. Sanford*: the United States was facing a period of dangerously high sectional tensions; the South was dependent on slaves to fuel their agrarian-based economy; slaves were accepted as racially inferior and for all intents and purposes, property; Dred Scott, a slave, had been brought to a free state and free territory; since Scott was a slave, he was basically chattel and should be treated like so; the decision further increased sectional tensions and brought the United States ever so close to the Civil War; gave pro-slavery forces a real political and judicial advantage; *Roe v. Wade*: a new wave of feminism was among the cultural revolutions sweeping across the United States; after making gains in economics and education, women pushed for the right for an abortion, which was not legal in most states; the Supreme Court would rule in favor of abortion as long as it took place within the first trimester of conception; the decision has endured 40 years of moral, political, and religious controversy; signified an indisputable victory for feminists but a terrible loss for those who consider abortion murder); includes weak and faulty analysis (*Dred Scott v. Sanford*: was the first major document by the government concerning slavery since the Three-fifths Compromise)
- Includes some relevant facts, examples, and details (*Dred Scott v. Sanford*: master died; national spotlight; *Roe v. Wade*: Betty Friedan; *The Feminine Mystique*; rally cry for equality)
- Demonstrates a satisfactory plan of organization; includes an introduction and conclusion that restate the theme

**Conclusion:** Overall, the response fits the criteria for Level 3. The response demonstrates an understanding of the task. Although the response includes some analysis, it lacks depth and development, especially in the explanation of the decision in each case. More details would have strengthened the discussion of *Roe*.

The Supreme Court is undoubtedly one of the most influential part of United States government on the citizens. Only cases of the utmost importance are presented to the Supreme Court, where the cases are then deeply evaluated and heavily discussed by the Supreme Court. Once the Supreme Court makes a decision, everything is said and done, it has reached the highest level of authority. Cases over the years have resulted in many changes - both good and bad. Decisions made by the Supreme Court have positively influenced the nation with social reforms, but at times the decisions made by the Supreme Court did not always benefit the nation.

The case *Korematsu vs. U.S.* occurred during World War II. After the U.S. was bombed at Pearl Harbor by Japan, President Roosevelt issued an executive order that allowed the military to move all Japanese-Americans away from the west coast, as they were considered a threat to National Security. In an earlier decision, the Supreme Court said that during wartime the government could limit civil liberties to a certain extent. *Korematsu* was a Japanese American who was dating an Italian girl at the time. He refused to obey the order to move and was arrested. He was tried and convicted of violating the order with his case going all the way up to the Supreme Court. He argued that he was a citizen. The Supreme Court upheld his arrest because Japanese Americans were considered a risk to National security and not the target of racism. Many Americans were for the removal, however Japanese Americans were upset with the result since they lost everything when they were removed. Ironically, there was a single regiment in the United States army that was composed of Japanese Americans who enlisted to fight for their country and were

awarded for their bravery. Later on, about 40 years later, Congress apologized to the Japanese who were forced into internment camps by sending \$20,000 to Japanese-Americans still alive who had been in the camps. While it was nice for the Congress to generously apologize, it is still argued that the Supreme Court should have never upheld an order that clearly violated a citizens' rights.

President Nixon was elected during the Cold War. His presidency lasted a mere 2 years into his second term due to the Watergate Scandal. The National Democratic headquarters in the Watergate were burglarized. Nixon's re-election committee was accused. Nixon had tapes about the effort to cover up his people's role in the break in of the Watergate hotel, and when prompted to hand them over to Congress, he denied it to them. Nixon claimed executive privilege. The Supreme Court decision established limits on presidential executive privilege and stated that the president was not above the law. Nixon's actions proved to the citizens that they couldn't trust the government and did damage to the Republican party. Nixon ended up resigning before he would have been impeached. Public distrust of government continues to be an issue.

Overtime, the Supreme Court have made some decisions that haven't always made complete sense to citizens, but the mistakes are what shaped our Society today. The basis for decisions made in Supreme Court today are influenced by past ones, which ultimately can be argued that past decisions were beneficial to Society in the longrun.

### Anchor Level 3-C

#### **The response:**

- Develops most aspects of the task but does so unevenly by discussing *Korematsu v. United States* more thoroughly than *United States v. Nixon*
- Is more descriptive than analytical (*Korematsu v. United States*: after the United States was bombed at Pearl Harbor by Japan, an executive order allowed the military to move all Japanese Americans from the West Coast; in an earlier decision, the Supreme Court said that during wartime the government could limit civil liberties to a certain extent; *Korematsu* refused to obey the order to move; argued that he was a citizen; the Supreme Court upheld his arrest because Japanese Americans were considered a risk to national security and not the targets of racism; they lost everything when they were removed; there was a single regiment in the United States army that was composed of Japanese Americans who enlisted to fight for their country and were awarded for their bravery; Congress apologized and sent \$20,000 to all Japanese Americans still alive who were in the camps; still argued that the Supreme Court should have never upheld an order that clearly violated citizens' rights; *United States v. Nixon*: Nixon had tapes about the effort to cover up his people's role in the break-in at the Watergate hotel; actions proved to the citizens that they could not trust the government; decision established limits on presidential executive privilege; Nixon ended up resigning before he would have been impeached)
- Includes some relevant facts, examples, and details (*Korematsu v. United States*: World War II; President Roosevelt; threat to national security; was arrested; *United States v. Nixon*: Cold War; National Democratic Headquarters; reelection committee accused)
- Demonstrates a satisfactory plan of organization; includes an introduction that overstates the authority of the Supreme Court and an indecisive conclusion

**Conclusion:** Overall, the response fits the criteria for Level 3. The discussion of *Korematsu v. United States* is informative and completes the task. However, the discussion of *United States v. Nixon* lacks depth and development.

As time progresses so does change. In the United States, the Supreme Court has amended rules and laws based on that specific time period to supposedly help better the country. However, this may not always be the case. This change is exemplified through two of the many Supreme Court cases: *Gideon vs Wainwright* and *Plessy vs Ferguson*.

In 1896, the *Plessy vs Ferguson* trial took place. Homer Plessy bought a first class ticket on the railroad in the whites only section. Even though he looked white Plessy was caucasian with African descent. Because of this, Plessy was asked to move to the blacks only section. Upon refusal, police came and arrested him charging him with the violation of the "Seperate Cars Act". During trial Supreme Court ruled that Plessy was in the wrong due to the "seperate but equal" law. This decision allowed for racial segregation to exist all throughout society. This especially negatively effected African Americans since it gave them a sense of fear; it allowed the whites to feel superior while belittling the blacks. It also allowed for such things like the Ku Klux Klan to exist which affected African Americans tremendously by allowing actions such as lynching.

In *Gideon vs. Wainwright*, the Supreme Court ruled that according to the sixth amendment, state courts had to appoint a counsel for those who could not afford an attorney. Gideon was accused by an eyewitness of larceny. He was supposedly seen breaking into a public poolroom and damaging that property's possessions. As a result he was put on trial. However he could not afford a lawyer. As a result he defended himself and was found guilty and was to serve prison for five years. Since Gideon thought he was denied his legal rights, he

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**Anchor Paper – Thematic Essay—Level 2 – A**

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petitioned to Courts. He was then allowed another trial with the representation of an attorney in which Gideon was found not guilty and won the case. This showed how unfair the trial was since denied his due process of law. Gideon did not know the rules or laws of the Supreme Court causing him to lose at first.

Over time many laws have changed due to the decisions of the Supreme Court, which significantly impacted the lives of people in America.

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

- Minimally develops most aspects of the task for *Plessy v. Ferguson* and *Gideon v. Wainwright*
- Is primarily descriptive (*Plessy v. Ferguson*: Homer Plessy bought a first-class ticket on the railroad in the whites only section; upon refusal to move to the blacks only section, police came and arrested him; Supreme Court ruled that Plessy was in the wrong due to the “separate but equal” law; this decision allowed for racial segregation to exist all throughout society; it allowed the whites to feel superior while belittling the blacks; *Gideon v. Wainwright*: accused of breaking into a public poolroom and damaging that property’s possessions; could not afford a lawyer; as a result, he defended himself and was found guilty; the Supreme Court ruled that according to the sixth amendment, state courts had to appoint a counsel for those who could not afford an attorney; he was then allowed another trial with the representation of an attorney in which Gideon was found not guilty); includes faulty analysis (*Plessy v. Ferguson*: Ku Klux Klan; lynching)
- Includes few relevant facts, examples, and details (*Plessy v. Ferguson*: Plessy looked white; Separate Car Act; gave African Americans a sense of fear; *Gideon v. Wainwright*: accused by an eyewitness of larceny; prison for five years; petitioned the Court; denied due process of law); includes inaccuracies (Supreme Court amends rules and laws; *Gideon*: did not know rules of Supreme Court causing him to lose at first)
- Demonstrates a general plan of organization; includes an introduction and a brief conclusion

**Conclusion:** Overall, the response fits the criteria for Level 2. The response demonstrates a basic understanding of each case, especially the impact of *Plessy v. Ferguson* and the decision in *Gideon v. Wainwright*. However, it lacks the depth of a higher level response.

The decisions of the Supreme Court often have an immense impact on the United States and its society. The Supreme Court deals with important, yet controversial issues that need to be addressed. Such issues include slavery and civil rights during times of war. These issues are brought up in the Supreme Court cases *Dred Scott vs. Sanford* and *Korematsu vs United States*, respectively. Both cases resulted in landmark decisions that affected many people living in the United States.

The *Dred Scott* case proved to be a major setback for African American slaves hoping to achieve freedom and acquire personal liberties. In the 19th century, slavery was an institution used widely throughout the South. *Dred Scott* was one of many slaves with white masters. However, Scott's master had died, leaving him to believe he might actually be free from white persecution. This thought brought up an important issue and provoked controversy throughout the United States. The issue was: could slaves be considered property? The Supreme Court certainly thought so. The Court denied *Dred Scott* his freedom, stating that slaves are in fact property of their white master. After Scott moved northward to a slave-free state, he was forced to return to the South to his master's wife. Unfortunately, the Supreme Court's decision moved America backward instead of forward. Blacks were once again made inferior to the egotistical white supremacists, and were constitutionally denied their most basic rights. Black slaves would have to work even harder to attain freedom and, later, equality. This case is one of the most memorable in the U.S.'s history. It affected thousands of slaves whose hopes of one day getting civil rights were crushed. Of course, about one hundred years later, blacks fought for

and achieved full freedom and equality. This could have happened sooner, although, if the Supreme Court hadn't ruled slaves as property.

The Supreme Court case *Korematsu vs United States* is an interesting one that strengthened the power of the federal government during times of war and weakened the rights of an entire race. After the Japanese attacked Pearl Harbor during World War II, many Americans were skeptical about the loyalty of Japanese-Americans. Americans were fearful of spies and the possibility of another attack. *Korematsu* was an American citizen of Japanese descent. He was convicted of violating a law that violated his personal liberties. The U.S. government had set up camps for Japanese-Americans to reside to protect the welfare of the rest of the nation. *Korematsu*, however decided he would not leave his home to go to one of these relocation camps. Therefore, he sparked a controversy of whether or not the government could sacrifice the rights of individuals during a time of crises. The Court ruled against *Korematsu*, thus increasing the power of the government. This decision has the power to affect us even today, and has been brought back into discussion several times since its initial passing. The Supreme Court case *Korematsu vs. United State* followed the long standing tradition of siding with the federal government, giving it the right to suspect an entire race of people of espionage during times of war.

The Supreme Court deals with a large range of controversial issues. Its decisions affect the United States and its society greatly. Cases such as *Dred Scott vs Sanford* and *Korematsu vs United States* affect the American people in immense ways.

## Anchor Level 2-B

### The response:

- Develops most aspects of the task in little depth for *Dred Scott v. Sanford* and *Korematsu v. United States*
- Is primarily descriptive (*Dred Scott v. Sanford*: case proved to be a major setback for African American slaves; in the 19th century, slavery was an institution used widely throughout the South; the Court denied Dred Scott his freedom stating that slaves are the property of their white master; the Supreme Court's decision moved America backward instead of forward; *Korematsu v. United States*: many Americans were skeptical about the loyalty of Japanese Americans; Americans were fearful of spies and the possibility of another attack; the United States government had set up camps for Japanese Americans to reside to protect the welfare of the rest of the nation; *Korematsu* sparked a controversy of whether or not the government could sacrifice the rights of individuals during a time of crisis; the Court ruled against *Korematsu*; strengthened the power of the federal government during times of war and weakened the rights of an entire race); includes faulty and weak analysis (*Dred Scott v. Sanford*: Scott's master had died, leaving him to believe he might actually be free from white persecution; he was forced to return to the South to his master's wife; blacks were once again made inferior; black slaves would have to work even harder to obtain freedom)
- Includes few relevant facts, examples, and details (*Dred Scott v. Sanford*: white masters; white supremacists; *Korematsu v. United States*: Pearl Harbor; World War II; American citizens; relocation camps; espionage)
- Demonstrates a general plan of organization; includes an introduction that states the cases led to landmark decisions that affected many people and a conclusion that restates the theme

**Conclusion:** Overall, the response fits the criteria for Level 2. The discussion of *Korematsu* shows some knowledge of the case but the discussion of *Dred Scott* is much weaker, indicating a limited understanding. The response is built on sweeping generalizations and strong opinions that are not grounded with accurate supporting facts and details.

The United States Supreme Court has dealt with many controversial issues throughout history. The court cases *Roe vs. Wade* and *Gideon vs. Wainwright* have influenced American Society. The decisions of the court cases have impacted the United States in multiple ways.

In 1973, a woman who was identified as Roe to hide her real identity became pregnant. She was single and not able to raise and support a child. At the time abortions were illegal and Roe was sent to the Supreme Court. Her court case was named *Roe vs. Wade*. In the end the case made the decision that abortion was legal in the 1st trimester, and the 2nd trimester if the child's or mother's life was at risk. By the time the decision was made however Roe had already given birth. This court case impacted the Society by making abortion legal under certain circumstances. Many citizens disagreed and did not like the decision from the case of *Roe vs. Wade*. This 1973 court case *Roe vs. Wade* gave women more rights and choices. Abortion is now legal in the United States under certain circumstances due to *Roe vs. Wade*.

Another Supreme Court case that gave American citizens more legal rights was *Gideon vs. Wainwright*. In this case a man by the name of Clarence Carl Gideon was accused of breaking into a pool store and stealing items. Gideon was not able to afford a lawyer to defend him. He lost his first trial on his own and was sentenced to jail for being found "guilty". After being in jail for a while he was given a retrial and was found innocent. In this trial however he was assigned a lawyer to defend him. This court case made it so that all persons being tried had a right to an attorney. Even if they were not able to afford one they would have one assigned. This influences the court system by giving all accused people a public defender. This helped many

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**Anchor Paper – Thematic Essay—Level 2 – C**

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citizens in trials and created justice for the accused. *Gideon vs Wainwright* was important to the American judicial system as it gave rights to everyone for a public defender.

Supreme court cases of the United States have impacted American society for decades. The decisions in the court cases often granted more rights to the American citizens. The famous court cases *Roe vs. Wade* and *Gideon vs. Wainwright* have influenced some rights of women and persons accused of crimes.

**Anchor Level 2-C**

**The response:**

- Minimally develops all aspects of the task for *Roe v. Wade* and *Gideon v. Wainwright*
- Is primarily descriptive (*Roe v. Wade*: at the time, abortions were illegal; the case made the decision that abortion was legal in the first trimester; many citizens disagreed and did not like the decision; gave women more rights and choices; abortion is now legal in the United States under certain circumstances; *Gideon v. Wainwright*: Gideon was not able to afford a lawyer to defend him; he lost his first trial on his own and was sentenced to jail; this court case made it so that all persons being tried had a right to an attorney; if they were not able to afford one, they would have one assigned; created justice for the accused; it gave rights to everyone for a public defender)
- Includes few relevant facts, examples, and details (*Roe v. Wade*: Roe was single and not able to raise and support a child; *Gideon v. Wainwright*: accused of breaking into a pool store and stealing)
- Demonstrates a general plan of organization; includes an introduction that restates the theme and a conclusion that observes that the two decisions granted more rights to United States citizens

**Conclusion:** Overall, the response fits the criteria for Level 2. The discussion of the historical circumstances for each decision contains brief descriptions of the individuals involved. The remaining discussion is uneven, providing only general statements without development.

The United States Supreme Court has greatly affected American society by making important decisions regarding issues which were highly debated. Two significant cases include Schenck v. United States and Plessy v. Ferguson. These decisions have shaped the United States into the nation it is modern day.

In Schenck v. United States a man believed that he was expressing his freedom of speech by proclaiming his distaste for the war to a crowd of people. He was arrested and put onto trial for this. In the end, the Supreme Court decided that freedom of speech can be limited if there is a "clear and present danger." He was convicted for causing a threat to national security.

Originally in 1896, the Supreme Court declared that "separate but equal" is constitutional in Plessy v. Ferguson. For instance, African Americans could be forced to use separate water fountains from white people. Later in history a new supreme justice decided that the Supreme Court's decision in Plessy v. Ferguson was unconstitutional. The decision was changed with another vote amongst the justices.

## Anchor Level 1-A

### **The response:**

- Minimally addresses some aspects of the task for *Schenck v. United States* and *Plessy v. Ferguson*
- Is descriptive (*Schenck v. United States*: the Supreme Court decided that freedom of speech can be limited if there is a “clear and present danger”; Schenck was convicted for causing a threat to national security; *Plessy v. Ferguson*: the Supreme Court declared that “separate but equal” was constitutional; African Americans could be forced to use separate water fountains from white people)
- Includes no additional facts, examples, or details; includes inaccuracies (*Schenck v. United States*: a man believed he was expressing his freedom of speech by proclaiming his distaste for the war to a crowd; *Plessy v. Ferguson*: a new Supreme Justice decided that the Supreme Court’s decision in *Plessy v. Ferguson* was unconstitutional)
- Demonstrates a general plan of organization; includes an introduction that restates the theme and lacks a conclusion

**Conclusion:** Overall, the response fits the criteria for Level 1. The response contains a few accurate statements about the cases, but some are vague and lack elaboration. In addition, the impact of *Schenk* and the historical circumstances of *Plessy* are not mentioned.

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**Anchor Paper – Thematic Essay—Level 1 – B**

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There has been many Supreme Court cases in America. Some of them have changed the way we view today's society. Some were to be viewed as unimportant. Two famous court cases were *Dred Scott v. Sanford*, and *United States v. Nixon*.

One famous court case was *Dred Scott v. Sanford*. This court case was famous because it showed that slaves were property and not people. They could be owned, sold, and traded. *Dred Scott* was trying to get free and when he went to court, the court found him guilty and to be known as property.

Another famous court case is *United States v. Nixon*. This court case appeared after stealing the Democrats' plan and notes for the economy. Nixon was running for his second term and wanted a lead over Democrats. So Nixon had people steal democratic ideas, notes, and plans. He was found guilty and had to return it all and he didn't run again for office.

**Anchor Level 1-B****The response:**

- Minimally develops some aspects of the task for *Dred Scott v. Sanford* and *United States v. Nixon*
- Is descriptive (*Dred Scott v. Sanford*: this court case was famous because it showed that slaves were property and not people; they could be owned, sold, and traded; *United States v. Nixon*: Nixon was running for his second term and wanted a lead over Democrats)
- Includes no additional facts, examples, or details; includes inaccuracies (*Dred Scott v. Sanford*: the Court found him guilty; *United States v. Nixon*: case appeared after stealing the Democrats' plan and notes for the economy; Nixon had people steal democratic ideas, notes and plans; he was found guilty and had to return it all)
- Demonstrates a general plan of organization; includes an introduction that restates the theme and lacks a conclusion

**Conclusion:** Overall, the response fits the criteria for Level 1. The response recognizes that *Dred Scott v. Sanford* was about slavery and that *United States v. Nixon* was about the break-in at Democratic headquarters, but shows no understanding of the function of the Supreme Court or the constitutional issues involved in the cases. Some accurate information about the issue in *Dred Scott* is mentioned, but most of the information about *Nixon* is inaccurate or misapplied.

The Supreme Court is the highest court of law in the United States. It has the power to declare acts of congress unconstitutional and checks the power of both the legislative and executive branches of United States Governments. Because of its power of Judicial Review, the Supreme court has played significant roles in deciding the outcome of important and controversial cases. Two of these controversial cases are Dred Scott vs. Sanford and Plessy v. Ferguson, which both dealt with the high-tension issue of slavery.

In the decades before the Dred Scott decision, the North and South argued over whether slavery could expand into new states. Dred Scott was a slave, who moved to a free-state with his master. When his master died, Scott sued for his freedom, claiming that because he had been in a free state, he should be freed. Scott's case made it all the way to the Supreme Court. When it was deliberated there, chief justice Tanney ruled many important things. He said that slaves were property, and property could not be taken away or restricted due to the fifth Ammendment. Tanney also decided that because Scott was technically not a citizen he had no right to sue anyways. This decision was important for many reasons. The main reason was that it ruled that congress could not limit slavery in the territories and that the Missouri compromise was therefore unconstatutinal. This left the United States without any clear way of deciding the issue of slavery in a territory, which caused further controversy and eventually a civil war surrounding the issue.

Plessy vs. Ferguson also involved the touchy subject of race relations. African Americans had been freed from slavery but Jim Crow laws in the South kept them separate from whites. The case came

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**Thematic Essay—Practice Paper – A**

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about when an African American man was sitting in a train car, and was told to leave. The man sued the railroad company, claiming they had no right to make him sit in a different place on account of his skin color. When this case made it to the Supreme Court, it was decided that under the Fourteenth Amendment it was legal to have separate, but equal facilities. This decision was controversial and important because it made segregation legal. This decision further opened the door for racist discrimination to be allowed. African Americans were now more completely separated from the whites under threat of jail. And, even though the law said separate but Equal, the facilities were hardly ever equal for the African Americans. They had to use inferior public facilities and go to run-down schools for another half-century.

Both *Dred Scott v. Sandford* and *Plessy v. Ferguson* dealt with very controversial issues. However even though the Supreme Court dealt with both decisions, doesn't mean these decisions were just. Both promoted the legality of racism, and allowed society to unfairly treat African Americans. These two cases show how much effect a Supreme Court decision can have on society when dealing with controversial issues.

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Throughout United States History, the Supreme Court has dealt with many controversial issues. While the government is supposed to protect the people, sometimes, it actually limits their rights instead. This is seen through the cases of Plessy v. Ferguson in 1896, and Korematsu v. the United States in 1944. The court's decisions in these cases have had a significant impact on the United States and American society as a whole.

After the Civil War, the 13th, 14th, and 15th Amendments were passed, granting former slaves freedom, citizenship, and voting rights. However, in the South especially, new laws were passed to circumvent these Amendments and control former slaves under the power of the white man. Whites in the South made it difficult for freedmen to make any economic progress and they gradually did more and more to keep African Americans from voting. Jim Crow laws were established by southern states to drastically limit the rights of African-Americans by segregating them. According to Jim Crow laws, blacks could use public facilities, as long as they were kept separate from whites. One man, Homer Plessy who was merely one-eighth black, sought to challenge this separate but equal practice, after he was arrested for riding in the all white car of a train. The case made its way to the Supreme Court, and the federal landmark decision upheld segregated railroad facilities, saying they did not violate the equal protection clause of the 14th amendment. This established the doctrine of "separate but equal" that would be applied to virtually every part of southern life. This landmark case had a monumental impact on the nation for over half a century. During this time, blacks were kept segregated from whites in all aspects of daily life leaving them

vulnerable to poverty and violence. African Americans who challenged Jim Crow inequality risked visits from the KKK and lynching. Finally, the Civil Rights movement of the post-World War II era would help to reverse "separate but equal." Supreme court cases, legislation and activism eventually helped fulfill the promise of the 14th amendment. However, the impact of the decision must never be forgotten, because it truly halted racial progress in American society.

For a century before World War II, Asian Americans on the west coast had faced racism and discrimination. Separate schools, laws against land ownership, prohibition of intermarriage and restrictions on immigration were long established policies in western states. After Japan unexpectedly bombed Pearl Harbor, the United States felt threatened by all of its Japanese-American citizens. This was especially true on the west coast, where fears ran highest. Therefore, under direct executive order by President Franklin Roosevelt, all Japanese-American living on the west coast were faced with forced removal and were placed in internment camps in the interior to prevent them from spying or aiding Japan in another attack. A few people criticized this decision, because they felt it violated due process in the Constitution. Japanese-Americans had not been convicted of any crimes. Japanese-Americans had been "bullied" and depicted as evil and treasonous in various political cartoons and other propaganda, so many Americans supported their evacuation. One man, Korematsu, felt especially hurt by these laws, and challenged them all the way to the Supreme Court. This Japanese-American violated the evacuation order and was determined to avoid internment. However, his determination saw no success, as he was eventually

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**Thematic Essay—Practice Paper – B**

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arrested and sent to an internment camp. In the case of *Korematsu v. United States* in 1944, the Supreme Court ruled that during a period of military crisis such as World War II, the federal government has the right to take measures that it feels will protect and benefit most of its citizens. The Court upheld the evacuation order as a matter of military urgency. This policy of individual liberties being subject to the needs of national security, though long debated, still stands today. It has been further expanded by things such as President George Bush's creation of the Patriot Act after 9/11. The Patriot Act allows for surveillance of personal communications to prevent another terrorist attack. NSA is keeping records of phone calls made by ordinary citizens, angering civil libertarians. The *Korematsu* decision will forever impact American Society, because it allows the federal government to extend its usual powers, to protect our security at the possible cost of personal freedom.

It's incredible how much one case can forever impact American Society. In the previously discussed cases, it is seen that although a nation must govern its citizens, sometimes it does so in a very contraversial manner. The Supreme Court must truly be regarded as a force to be reckoned with, for its power often affects the nation and its people with its decisions.

The Supreme Court has dealt with many important cases; two of which are Dred Scott v. Stanford and Roe v. Wade. Both cases had a monumental impact on society at the time, and in the case of Roe v. Wade, still affect society today. Both Dred Scott v. Stanford in 1857 and Roe v. Wade were very important cases, which caused controversy throughout society.

Dred Scott vs. Stanford took place in 1857. The ruling arose because Dred Scott, a slave who had lived in the South, argued that because he had lived in the North he could sue for his freedom. Southerners favored slavery as an institution. Northerners, on the other hand, argued against it. The Supreme Court headed by Judge Taney ruled that Dred Scott was property, and since he was not a citizen could not sue in federal courts. Essentially, the court ruled that slaves would remain property anywhere in the U.S., including Free States. The Court also said that the Missouri compromise line at the 36° 30' parallel had been unconstitutional because Congress had no power to limit slavery in the territories. This decision led to more Northern resistance against slavery because they were afraid they could no longer ban slavery anywhere in the U.S. It also helped to spur further division between the North and the South. This division would later result in the civil war.

The Roe v. Wade decision took place in 1973. The issue at hand was whether all states must legalize abortions, or if they could continue to outlaw them. A lot of religious groups, especially Catholics, argued that abortion was murder. Women's rights groups, however, argued that the woman had the right to privacy and to choose under the 14th amendment. The Supreme court ruled that first trimester abortions

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**Thematic Essay—Practice Paper – C**

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were legal, and that they could be performed anywhere in the US because women have the right to privacy. The ruling was very controversial, and many anti-abortions groups now started movements against the ruling. This case also led to subsequent decisions in which the court allowed states to make some restrictions, but still upheld the original decision. Later on, people such as Randall Terry would run on anti-abortion platforms. Thus, the ruling still remains controversial today.

Both Dred Scott vs Stanford and Roe v Wade were very important decisions. They changed society fundamentally at the time, and affected the lives of millions of people. In fact, many court decisions still affect society today.

Throughout history, the United States Supreme Court has dealt with many controversial issues. The Court's decisions in these cases have had a significant impact on American society and history. Two such cases were *Schenck v. United States* and *Korematsu v. United States*. Both cases took place in a time of war when personal freedoms had to be sacrificed for the good of America. The decision of the Court in these cases drastically changed the lives of not only those involved in the case, but all other American citizens.

*Schenck v. United States* took place in 1919, during World War One. When the war broke out in Europe, the United States remained neutral and did not join the conflict. Eventually, however, President Wilson asked for a declaration of war to "make the world safe for democracy." The Wilson administration put out anti-German propaganda and passed controversial laws such as the Espionage Act. This act made it illegal for Americans to speak out against United States involvement in the war. Schenck, a socialist who opposed the war because he believed it only benefited businessmen and bankers, violated the act by printing antidraft pamphlets and was arrested. In the court case, Schenck argued that he was not guilty on the grounds that the Espionage Act violated his right to freedom of speech. The Court ruled against Schenck. Their reasoning was that during wartime, individual freedoms had to be sacrificed. The Court also reasoned that freedom of speech is not absolute and when an individual uses speech that poses "a clear and present danger," they could be silenced. Schenck, by trying to persuade Americans not to join the US Army, risked the welfare of America and all its inhabitants similar to someone yelling "fire in a crowded movie theater." This case set the

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## Thematic Essay—Practice Paper – D

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long standing belief that the needs of American security during wartime override individual rights. During World War Two, the Court again ruled on the side of national security over personal freedom.

The *Korematsu v. United States* case took place during World War Two. It was a time when US tensions with Japan were high because of the war and especially because of the Japanese bombing of Pearl Harbor, an American Naval Base. For decades, discriminatory laws had been passed against Japanese Americans. Now, it got to the point that an executive order was issued that demanded all Japanese Americans, or those of Japanese ancestry had to move to camps farther inland because of the fear that Japanese spies hidden in the population were feeding Japan information or might engage in sabotage.

In a time when nativism and nationalism were high, many Americans supported this executive order. These fears fueled even greater racism against the Japanese. Japanese-Americans were targeted more so than Italian Americans or German Americans because they were Asian and looked different than the majority of citizens in America.

Fred Korematsu, a United States citizen by birth, did not comply with the executive order and did not move to a camp. Instead, he tried to change his appearance, but was found out and arrested. There had been other cases similar to Korematsu involving Japanese Americans, but the military order to evacuate Japanese-Americans continued. The Supreme Court decided against Korematsu. The justices reasoned that the executive order was a military necessity because there was a reasonable fear of an enemy invasion and people of Japanese ancestry might be loyal to the enemy. Japanese Americans had to suffer for the

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**Thematic Essay—Practice Paper – D**

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greater good of America, even if due process was ignored. The dissenting judges argued that ruling against Korematsu was racist. Italians and Germans were not being moved to camps though we were also at war with the countries of their origin. It was also unfair to uproot the lives of so many Americans into terrible camps. They lost their homes, businesses and most of their property because they were forced to leave on very short notice and could take only what they could carry. The camps had no privacy and traditional family life was lost. This tragedy was even worse because most of them were American citizens and no acts of treason or sabotage by Japanese-Americans were ever discovered. As a result of the ruling, it was made absolutely clear that rights are not absolute, especially during wartime.

These Supreme Court cases reinforced the American ideal of self-sacrifice in times of crisis. Schenck v. US made it clear that an individual cannot use their rights if they pose a clear and present danger to others. Korematsu v. US upheld the relocation of tens of thousands of innocent people from their homes to awful camps. In both cases, rights were sacrificed. Freedom of speech or the right to due process can both be stripped away for the greater good of America. All Supreme Court cases affect every American in one way or another at different points in history and some can still be felt today.

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Thematic Essay—Practice Paper – E

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The United States Supreme Court has dealt with many controversial issues in previous years; all having some kind of important impact on the United States and American history. Plessy v. Ferguson and Dred Scott v. Sanford are two court cases that play an important role in the history of America.

Plessy v. Ferguson was a court case held in which the dispute of “seperate but equal” and the rights of African Americans were discussed.

In 1857, the case of Dred Scott v. Sanford took place and argued about the Missouri Compromise.

Controversies and issues were dealt with by the United States Supreme Court. These court cases have had an impact on American history, including two cases, Plessy vs. Ferguson and Dred Scott v. Sanford.

### Practice Paper A—Score Level 3

#### The response:

- Develops all aspects of the task unevenly for both *Dred Scott v. Sanford* and *Plessy v. Ferguson*
- Is more descriptive than analytical (*Dred Scott v. Sanford*: in the decades before the Dred Scott decision, the North and South argued over whether slavery should expand into new states; when his master died, Scott sued for his freedom, claiming that because he had been in a free state, he should be free; slaves were property, and property could not be taken away or restricted due to the fifth amendment; because Scott was technically not a citizen, he had no right to sue; ruling left the United States without any clear way of deciding the issue of slavery in the territories; caused further controversy and eventually a Civil War; *Plessy v. Ferguson*: African Americans had been freed from slavery but Jim Crow laws in the South kept them separate from whites; Supreme Court decided that under the 14th amendment, it was legal to have separate but equal facilities; it made segregation legal; African Americans were separated from whites under threat of jail; the facilities were hardly ever equal)
- Includes some relevant facts, examples, and details (*Dred Scott v. Sanford*: Chief Justice Taney; Missouri Compromise unconstitutional; *Plessy v. Ferguson*: train; racist discrimination; inferior public facilities; run-down schools) includes an inaccuracy (*Plessy v. Ferguson*: the man sued the railroad company)
- Demonstrates a satisfactory plan of organization; includes an introduction that notes that the Supreme Court has the power of judicial review and a conclusion that states both decisions promoted the legality of racism and injustice

**Conclusion:** Overall, the response fits the criteria for Level 3. The response includes a general discussion of the major points of each case with some analysis. The response is very clear about the decision in *Scott*, but lacks details about the decision in *Plessy*. The impacts of the decision for *Scott* are mentioned, but not developed; however, the impacts of *Plessy* are detailed.

## Practice Paper B—Score Level 5

### The response:

- Thoroughly develops all aspects of the task evenly and in depth by discussing the historical circumstances surrounding *Plessy v. Ferguson* and *Korematsu v. United States*, the Court’s decision in each case, and the impact of each decision on the United States
- Is more analytical than descriptive (*Plessy v. Ferguson*: in the South, new laws were passed to circumvent the 13th, 14th, and 15th amendments and control former slaves under the power of the white man; economic power of freedmen limited; African Americans kept from voting; drastically limited the rights of African Americans by segregating them; Plessy was arrested for riding in the all-white car of a train; the federal landmark decision upheld segregated railroad facilities; they did not violate the equal protection clause of the 14th amendment; established the doctrine of “separate but equal” that would be applied to virtually every part of southern life; blacks were segregated from whites in all aspects of daily life leaving them vulnerable to poverty and violence; African Americans who challenged Jim Crow inequality risked visits from the KKK and lynching; the civil rights movement of the post–World War II era would help to reverse “separate but equal”; *Korematsu v. United States*: before World War II, Asian Americans on the West Coast had faced racism and discrimination; after Japan unexpectedly bombed Pearl Harbor, the United States felt threatened by all of its Japanese American citizens; fears ran highest on West Coast; Japanese Americans were bullied and depicted as evil and treasonous in various political cartoons and propaganda, so many Americans supported their evacuation; Supreme Court ruled the federal government has the right to take measures that will protect and benefit most of its citizens; upheld the relocation order as a matter of military urgency; policy of individual liberties being subject to the needs of national security still stands today; NSA is keeping records of phone calls made by ordinary citizens, angering civil libertarians; allows the federal government to extend its usual powers to protect our security at the possible cost of personal freedom)
- Richly supports the theme with relevant facts, examples, and details (*Plessy v. Ferguson*: after the Civil War; freedom, citizenship, and voting rights; one-eighth black; *Korematsu v. United States*: separate schools; laws against land ownership; restrictions on immigration; executive order by President Franklin Roosevelt; internment camps in the interior; violated due process; President George Bush; Patriot Act; 9/11)
- Demonstrates a logical and clear plan of organization; includes an introduction and a conclusion that note that cases have sometimes limited American rights

**Conclusion:** Overall, the response fits the criteria for Level 5. The response connects *Plessy* to the pattern of limiting the rights of African Americans after Reconstruction and *Korematsu* to the continuing needs of national security, discussing how they perpetuated racism and the loss of individual liberty. Descriptive details are followed by analytical statements.

## Practice Paper C—Score Level 3

### The response:

- Develops all aspects of the task in little depth for *Dred Scott v. Sanford* and *Roe v. Wade*
- Is more descriptive than analytical (*Dred Scott v. Sanford*: Dred Scott was property and could not sue in federal courts; Missouri Compromise line at 36°30' parallel had been unconstitutional; this decision helped to spur further division between the North and South; would later result in the Civil War; led to more northern resistance because they were afraid they could no longer ban slavery anywhere in the United States; *Roe v. Wade*: the issue at hand was whether all states must legalize abortions or if they could continue to outlaw them; a lot of religious groups, especially Catholics, argued that abortion was murder; the Supreme Court ruled that first trimester abortions were legal, and that they could be performed anywhere in the United States because women have the right to privacy and to choose; many antiabortion groups started movements against the ruling; led to subsequent decisions in which the Court allowed states to make some restrictions, but still upheld the original decision)
- Includes some relevant facts, examples, and details (*Dred Scott v. Sanford*: not a citizen; slavery as an institution; Judge Taney; *Roe v. Wade*: women's rights groups; 14th amendment; Randall Terry; antiabortion platform; remains controversial today); includes an inaccuracy (*Dred Scott v. Sanford*: slaves would remain property anywhere in the United States, including free states)
- Demonstrates a satisfactory plan of organization; includes an introduction that notes that *Roe v. Wade* still affects society today and a conclusion that states that both decisions affected millions of Americans

**Conclusion:** Overall, the response fits the criteria for Level 3. The response exhibits comprehension of the decisions and their major impacts. The historical circumstances surrounding *Dred Scott* and *Roe* are limited in scope and development. The response would have been strengthened by including additional facts and details.

## Practice Paper D—Score Level 4

### The response:

- Develops all aspects of the task but does so somewhat unevenly by discussing *Schenck v. United States* less thoroughly than *Korematsu v. United States*
- Is both analytical and descriptive (*Schenck v. United States*: President Wilson asked for a declaration of war to “make the world safe for democracy”; the Wilson administration put out anti-German propaganda and passed controversial laws such as the Espionage Act; opposed the war because he believed it only benefited businessmen and bankers; freedom of speech is not absolute, and when an individual uses speech that poses a “clear and present danger,” they could be silenced; set the long-standing belief that the needs of American security as a whole override individual rights; during World War II, the Court again ruled on the side of national security over personal freedom; *Korematsu v. United States*: tensions with Japan were high because of the war, especially because of the Japanese bombing of Pearl Harbor; many Americans supported this executive order; these fears fueled even greater racism against the Japanese; justices reasoned there was a reasonable fear of an enemy invasion and people of Japanese ancestry might be loyal to the enemy; Japanese Americans had to suffer for the greater good of America, even if due process was ignored; unfair to uproot the lives of so many Americans into terrible camps; camps had no privacy and traditional family life was lost; this tragedy was even worse because most of them were American citizens and no acts of treason or sabotage by Japanese Americans were ever discovered)
- Supports the theme with relevant facts, examples, and details (*Schenck v. United States*: World War I; remained neutral; socialist; antidraft pamphlets; “fire in a crowded movie theater”; *Korematsu v. United States*: World War II; nativism and nationalism; Italians and Germans; citizen by birth; military necessity; lost their homes, businesses and most of their property)
- Demonstrates a logical and clear plan of organization; includes an introduction and a conclusion that state that both cases took place in wartime when individual rights had to be sacrificed for the good of America

**Conclusion:** Overall, the response fits the criteria for Level 4. The response demonstrates an understanding of how limits on constitutional rights during wartime have been upheld by the Court. However, a fuller discussion of the impact of *Schenck* would have strengthened the response.

## Practice Paper E—Score Level 1

### The response:

- Minimally develops an aspect of the task for *Plessy v. Ferguson*
- Is descriptive (*Plessy v. Ferguson*: a court case in which the dispute of “separate but equal” and the rights of African Americans were discussed)
- Includes no additional relevant facts, examples, or details; includes an inaccuracy (*Dred Scott v. Sanford*: argued about the Missouri Compromise)
- Demonstrates a general plan of organization; includes a brief introduction and a brief conclusion

**Conclusion:** Overall, the response fits the criteria for Level 1. The response includes a correct statement about the historical circumstances for *Plessy* but addresses neither the decision nor the impact for either case.

# United States History and Government Specifications June 2014

## Part I Multiple-Choice Questions by Standard

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

## Parts II and III by Theme and Standard

	Theme	STANDARDS
Thematic Essay	Change—Supreme Court Citizenship; Constitutional Principles; Individuals, Groups, Institutions; Civic Values; Diversity	Standards 1 and 5: United States and New York History; Civics, Citizenship, and Government
Document-based Essay	Citizenship; Civic Values; Environment; Reform Movements; Change	Standards 1, 2, 3, 4, and 5: United States and New York History; World History; Geography; Economics; Civics, Citizenship, and Government

### *Notes:*

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

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

**The *Chart for Determining the Final Examination Score for the June 2014 Regents Examination in United States History and Government* will be posted on the Department's web site at: <http://www.p12.nysed.gov/assessment/> on the day of the examination. Conversion charts provided for the previous administrations of the United States History and Government examination must NOT be used to determine students' final scores for this administration.**

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

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

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