

REGENTS EXAM IN U.S. HISTORY AND GOVERNMENT

The University of the State of New York

REGENTS HIGH SCHOOL EXAMINATION

UNITED STATES HISTORY AND GOVERNMENT

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

Student Name _____

School Name _____

Print your name and the name of your school on the lines above. A separate answer sheet for Part I has been provided to you. Follow the instructions from the proctor for completing the student information on your answer sheet. Then fill in the heading of each page of your essay booklet.

This examination has three parts. You are to answer **all** questions in all parts. Use black or dark-blue ink to write your answers to Parts II, III A, and III B.

Part I contains 50 multiple-choice questions. Record your answers to these questions as directed on the answer sheet.

Part II contains one thematic essay question. Write your answer to this question in the essay booklet, beginning on page 1.

Part III is based on several documents:

Part III A contains the documents. When you reach this part of the test, enter your name and the name of your school on the first page of this section.

Each document is followed by one or more questions. Write your answer to each question in this examination booklet on the lines following that question.

Part III B contains one essay question based on the documents. Write your answer to this question in the essay booklet, beginning on page 7.

When you have completed the examination, you must sign the declaration printed at the end of the answer sheet, indicating that you had no unlawful knowledge of the questions or answers prior to the examination and that you have neither given nor received assistance in answering any of the questions during the examination. Your answer sheet cannot be accepted if you fail to sign this declaration.

The use of any communications device is strictly prohibited when taking this examination. If you use any communications device, no matter how briefly, your examination will be invalidated and no score will be calculated for you.

DO NOT OPEN THIS EXAMINATION BOOKLET UNTIL THE SIGNAL IS GIVEN.

REGENTS EXAM IN U.S. HISTORY AND GOVERNMENT

Part I

Answer all questions in this part.

Directions (1–50): For each statement or question, record on your separate answer sheet the *number* of the word or expression that, of those given, best completes the statement or answers the question.

- 1 The original settlements in the thirteen British colonies were all located
- (1) east of the Appalachian Mountains
 - (2) along the Gulf Coast
 - (3) on the Great Plains
 - (4) west of the Mississippi River

Base your answer to question 2 on the chart below and on your knowledge of social studies.

Urban and Rural Population of the United States, 1800–1920

Year	Total Population	Percent Urban	Percent Rural
1800	5,308,483	6.1	93.9
1820	9,638,453	7.2	92.8
1840	17,063,353	10.8	89.2
1860	31,443,321	19.8	80.2
1880	50,189,209	28.2	71.8
1900	76,212,168	39.6	60.4
1920	106,021,537	51.2	48.8

Source: U.S. Census Bureau

- 2 Which generalization can best be supported by the information in this chart?
- (1) Migration to urban areas slowed by 1920.
 - (2) By 1900, a majority of Americans worked in factories.
 - (3) Between 1800 and 1900, the United States population was primarily rural.
 - (4) From 1800 to 1920, the percentage of farm workers in the labor force steadily increased.
-
- 3 What was a main reason large plantations developed in the South during the colonial period?
- (1) British laws discouraged tenant farming.
 - (2) Cotton could only be grown in wetlands.
 - (3) Southern mountains led to the development of isolated, self-sufficient farms.
 - (4) The coastal plain in the South contained large areas of fertile soil.
- 4 Which statement about the British colonial policy of mercantilism is most accurate?
- (1) Raw materials from the colonies were shipped to England.
 - (2) England encouraged the colonies to seek independence.
 - (3) The colonies were required to send manufactured goods to Europe.
 - (4) The British opposed the use of slave labor in the colonies.
- 5 In colonial America, the House of Burgesses, the Mayflower Compact, and town hall meetings were all developments that led to the
- (1) regulation of trade with Native American Indians
 - (2) protection of the rights of women
 - (3) elimination of the power of the upper classes
 - (4) creation of representative government
- 6 During the early 1770s, how did the British government respond to increasing American protests of British colonial policy?
- (1) It offered self-government to the colonists.
 - (2) It increased efforts to maintain order and enforce laws.
 - (3) It agreed to grant the colonies representation in Parliament.
 - (4) It asked France for help in controlling the colonists.

- 7 Which constitutional principle best protects the public from abuse by one branch of government?
- (1) equality
 - (2) federalism
 - (3) executive privilege
 - (4) checks and balances

- 8 • A bicameral legislature is created in which states have equal representation in the Senate, but representation in the House depends on population.
- An enslaved person is counted as three-fifths of one person for purposes of both representation and taxation.

These two statements describe

- (1) grievances included in the Declaration of Independence
- (2) provisions found in the Articles of Confederation
- (3) compromises reached at the Constitutional Convention
- (4) amendments included in the Bill of Rights

Base your answer to question 9 on the passage below and on your knowledge of social studies.

... Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate [connect] ourselves by artificial ties in the ordinary vicissitudes [changes] of her politics or the ordinary combinations and collisions of her friendships or enmities [antagonisms]....

— President George Washington, *Farewell Address*, 1796

- 9 According to the passage, President Washington believed that the United States should
- (1) seek financial aid from European nations
 - (2) end all existing European friendships
 - (3) avoid involvement in the political disputes of Europe
 - (4) discontinue commercial relations with Europe

- 10 Many critics of the electoral college system point out that it
- (1) penalizes the states with the smallest population
 - (2) encourages the formation of minor political parties
 - (3) grants too much influence to the United States Senate
 - (4) might not select the candidate with the largest number of popular votes

- 11 The establishment of judicial review in *Marbury v. Madison* (1803) gave federal courts the authority to
- (1) decide whether a law is constitutional
 - (2) create lower courts
 - (3) approve foreign treaties
 - (4) appoint judges to lifetime terms

- 12 A major reason for purchasing the Louisiana Territory (1803) was to
- (1) gain access to the Ohio Territory
 - (2) remove the British from the borders of the United States
 - (3) secure control of the port of New Orleans
 - (4) open the Rocky Mountains to miners

- 13 In the 1840s, President James K. Polk's belief in Manifest Destiny led to
- (1) a war with Mexico
 - (2) an alliance with several South American nations
 - (3) the establishment of new colonies in the Caribbean
 - (4) a ban on the activities of northern abolitionists

- 14 The principle of popular sovereignty was an important part of the
- (1) Indian Removal Act
 - (2) Kansas-Nebraska Act
 - (3) Homestead Act
 - (4) Dawes Act

Base your answer to question 15 on the table below and on your knowledge of social studies.

Total Enslaved Persons (1820–1860)

Selected States	1820	1840	1860
Alabama	47,449	253,532	435,080
Georgia	149,656	280,944	462,198
Kentucky	126,732	182,258	225,483
Louisiana	69,064	168,452	331,726
Mississippi	32,814	195,211	436,631
Missouri	10,222	58,240	114,931
North Carolina	205,017	245,817	331,059
South Carolina	251,783	327,038	402,406
Tennessee	80,107	183,059	275,719
Virginia	425,153	449,087	490,865

Source: Historical Census Browser, University of Virginia, Geospatial and Statistical Data Center (adapted)

- 15 Which inference is most clearly supported by the information in this table?
- (1) Slavery decreased throughout the South with the end of the African slave trade.
 - (2) The enslaved population began to decline after 1840.
 - (3) The transcontinental railroad spread slavery outside the South.
 - (4) Slavery would likely have continued to grow had there not been a civil war.
-
- 16 A primary reason for the passage of the 14th amendment in 1868 was to
- (1) prohibit the secession of states
 - (2) uphold the legality of the Black Codes
 - (3) continue the presidential plan for Reconstruction
 - (4) guarantee citizenship rights to the newly freed slaves
- 17 After the Civil War, white Southern landowners used sharecropping to
- (1) set up schools to educate formerly enslaved persons
 - (2) encourage freedmen to migrate north
 - (3) maintain a cheap labor supply
 - (4) sell their plantations to formerly enslaved persons

Base your answers to questions 18 and 19 on the speakers' statements below and on your knowledge of social studies.

Speaker A: Until the 1880s, most immigrants came from the same European countries where colonial immigrants originated.

Speaker B: "New" immigrants of the late 1800s often experienced discrimination.

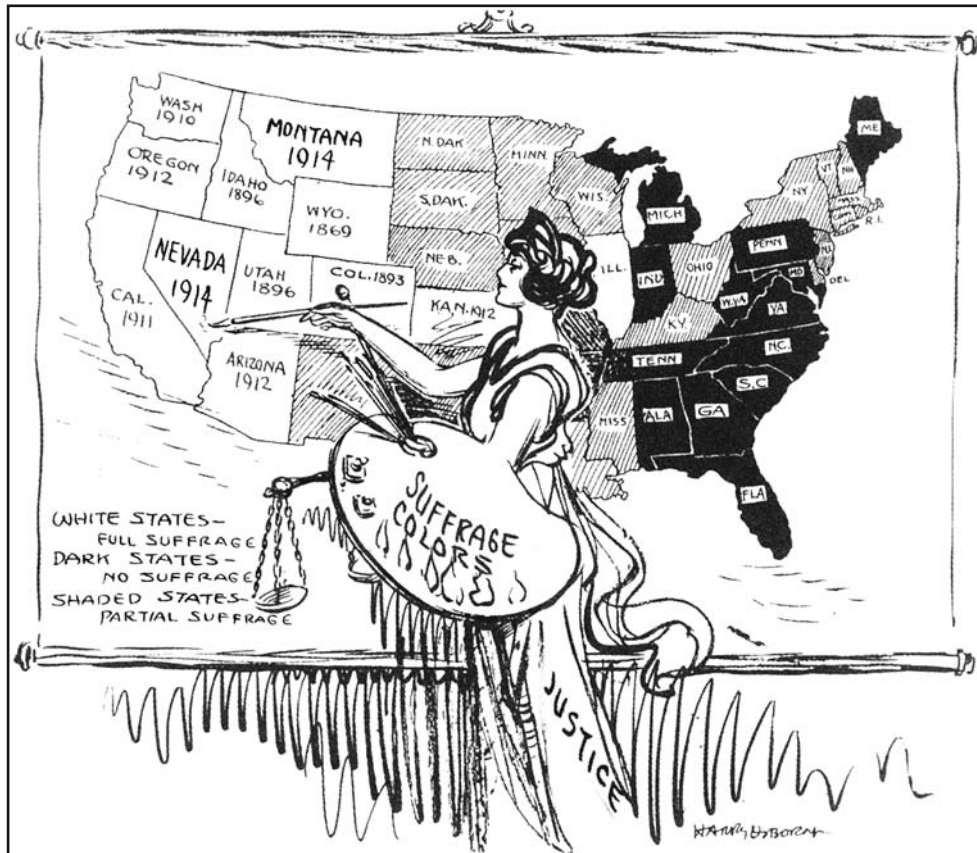
Speaker C: The use of a quota system is the best way to address the issues of immigration.

Speaker D: Today's immigrants take too many jobs away from those who were born in America.

- 18 Which two speakers are expressing an opinion related to United States immigration?
- (1) A and B
 - (2) A and C
 - (3) B and D
 - (4) C and D
- 19 The "new" immigrants referred to by *Speaker B* came mainly from
- (1) western and northern Europe
 - (2) southern and eastern Europe
 - (3) Africa and Asia
 - (4) Central America and South America
-
- 20 The Supreme Court decision in *Plessy v. Ferguson* (1896) affected African Americans by
- (1) granting voting rights
 - (2) expanding civil rights
 - (3) upholding racial segregation
 - (4) guaranteeing equal wages
- 21 The explosion of the USS *Maine* and the practice of yellow journalism played a significant role in the
- (1) public's support for the Spanish-American War
 - (2) creation of the Open Door policy
 - (3) acquisition of Florida
 - (4) purchase of Alaska
- 22 President Theodore Roosevelt's conservation efforts were influenced by a desire to
- (1) protect natural resources for the future
 - (2) increase revenues through land sales
 - (3) reduce the role of the federal government
 - (4) return tribal lands to Native American Indians

Base your answer to question 23 on the cartoon below and on your knowledge of social studies.

TWO MORE BRIGHT SPOTS ON THE MAP



Source: Harry Osborn, *Maryland Suffrage News*, November 14, 1914 (adapted)

23 Information in the cartoon most clearly supports the conclusion that by 1914

- (1) states along the East Coast had granted full voting rights to women
- (2) women could vote only in state elections
- (3) most states had approved at least some voting rights for women
- (4) complete national suffrage for women had been achieved

24 The actions of muckrakers in the late 19th century and early 20th century resulted in

- (1) Supreme Court decisions that expanded the right to vote
- (2) government regulation of unfair business practices
- (3) increases in the power of monopolies
- (4) reduction of the president's power to manage the economy

25 The United States Senate refused to ratify the Treaty of Versailles after World War I because many senators believed

- (1) President Woodrow Wilson was too ill to sign the treaty
- (2) most Americans had sympathized with Germany during the war
- (3) the treaty would not require reparations from Germany
- (4) the League of Nations could draw the United States into future wars

26 What was one feature of the United States economy during the 1920s that contributed to the Great Depression?

- (1) increase in federal regulation
- (2) expansion of easy credit
- (3) growth of the trade deficit
- (4) influence of foreign corporations

27 Duke Ellington, Langston Hughes, and Bessie Smith are most closely associated with efforts to

- (1) expand the Back to Africa movement
- (2) fight discrimination through the judicial system
- (3) promote the cultural identity of African Americans through the arts
- (4) establish the National Association for the Advancement of Colored People

Base your answers to questions 28 and 29 on the photograph below and on your knowledge of social studies.



Source: National Oceanic & Atmospheric Administration

28 In which geographic region of the nation was this 1935 photograph taken?

- (1) New England
- (2) Southeast
- (3) Pacific Northwest
- (4) Great Plains

29 The conditions shown in the photograph were mainly the result of

- (1) government subsidies to increase crop production
- (2) migrations from farms to cities
- (3) poor farming methods and sustained drought
- (4) reduced tariffs on farm machinery and crops

30 Which factor contributed most to the repeal of national Prohibition in 1933?

- (1) the inability of government to enforce the law
- (2) an improvement in the economy
- (3) a decline in organized crime
- (4) the start of World War II

- 31
- Banning loans to nations at war
 - Prohibiting the sale of armaments to nations at war
 - Limiting travel by United States citizens on ships of belligerent nations

These governmental actions of the 1930s were similar in that each was intended to

- (1) support efforts of the Munich Conference
- (2) protect United States colonies from foreign aggression
- (3) limit the influence of Japan in Asia
- (4) keep the United States out of international conflicts

Base your answer to question 32 on the chart below and on your knowledge of social studies.

Average American Family Income, Selected Cities, 1938 and 1942

City	1938	1942
Washington, DC	\$2,227	\$5,316
Hartford, CT	\$2,207	\$5,208
New York, NY	\$2,760	\$4,044

Source: Jennings and Brewster, *The Century*, Doubleday, 1998 (adapted)

32 What is the most likely explanation for the changes in income shown in the chart?

- (1) World War II veterans benefited from an economic boom following the war.
- (2) Conversion to a wartime economy created new jobs.
- (3) New laws were passed that permitted child labor in wartime.
- (4) Membership in labor unions was prohibited during wartime.

Base your answer to question 33 on the poster below and on your knowledge of social studies.



Source: J. Howard Miller, War Production Co-Ordinating Committee

- 33 This World War II poster recognizes the
- (1) return of women to the workforce after the war
 - (2) contributions of women to wartime defense
 - (3) role of women as military officers
 - (4) legal equality of women
-
- 34 The major reason for President Harry Truman's decision to use atomic bombs against Japan was the
- (1) potential loss of American lives from an invasion of Japan
 - (2) need to defeat Japan before defeating Germany
 - (3) plan to bring democratic government to Japan after the war
 - (4) failure of the island-hopping campaign against Japan

Base your answer to question 35 on the passage below and on your knowledge of social studies.

... War criminals and those who have participated in planning or carrying out Nazi enterprises involving or resulting in atrocities or war crimes shall be arrested and brought to judgment. Nazi leaders, influential Nazi supporters and high officials of Nazi organizations and institutions and any other persons dangerous to the occupation or its objectives shall be arrested and interned....

— Protocol of the Proceedings, Potsdam Conference, August 1945

- 35 This agreement made at the Potsdam Conference led directly to the
- (1) creation of the North Atlantic Treaty Organization (NATO)
 - (2) trials in Nuremberg, Germany
 - (3) announcement of the Truman Doctrine
 - (4) division of Germany into occupation zones
-
- 36 Which factor directly contributed to the growth of suburban communities after World War II?
- (1) Mass transit systems closed.
 - (2) Property taxes were eliminated in many towns.
 - (3) Returning veterans created a demand for housing.
 - (4) Widespread mortgage foreclosures caused farmers to leave rural areas.
- 37 Which event marked the beginning of the space race with the Soviet Union?
- (1) U-2 spy plane incident
 - (2) launch of *Sputnik*
 - (3) Berlin airlift
 - (4) creation of the space shuttle program

Base your answers to questions 38 and 39 on the letter to President Dwight D. Eisenhower below and on your knowledge of social studies.

May 13, 1958

The President
The White House
Washington, D. C.

My dear Mr. President:

I was sitting in the audience at the Summit Meeting of Negro [African-American] Leaders yesterday when you said we must have patience. On hearing you say this, I felt like standing up and saying, "Oh no! Not again." ...

17 million Negroes cannot do as you suggest and wait for the hearts of men to change. We want to enjoy now the rights that we feel we are entitled to as Americans. This we cannot do unless we pursue aggressively goals which all other Americans achieved over 150 years ago.

As the chief executive of our nation, I respectfully suggest that you unwittingly crush the spirit of freedom in Negroes by constantly urging forbearance [delay] and give hope to those pro-segregation leaders like Governor [Orval] Faubus who would take from us even those freedoms we now enjoy. Your own experience with Governor Faubus is proof enough that forbearance and not eventual integration is the goal the pro-segregation leaders seek....

Respectfully yours,

Jackie Robinson

Source: National Archives & Records Administration

- 38 Which action by the federal government would Jackie Robinson most likely have supported to achieve his stated goals?
- (1) federal assistance to expand segregated facilities
 - (2) creation of additional job training programs
 - (3) appointment of a commission to study the causes of urban race riots
 - (4) faster implementation of the decision in *Brown v. Board of Education of Topeka* (1954)
- 39 When Jackie Robinson mentions President Dwight D. Eisenhower's experience with Governor Faubus, he is referring to the action the president took in
- (1) hiring minority workers to build the interstate highway system
 - (2) sending federal troops to Central High School in Little Rock, Arkansas
 - (3) supporting the Montgomery bus boycott
 - (4) ordering that all military bases located in southern states be integrated
-

- 40 A major goal of the Great Society programs begun under President Lyndon B. Johnson was to
- (1) stimulate oil production in the United States
 - (2) provide tax concessions to manufacturers
 - (3) reduce poverty in the nation
 - (4) increase the size of the armed forces

Base your answer to question 41 on the quotation below and on your knowledge of social studies.

... Just over a month ago, General Secretary Gorbachev [of the Soviet Union] and I met for the first time in Geneva. Our purpose was to begin a fresh chapter in the relations between our two countries and to try to reduce the suspicions and mistrust between us. I think we made a good beginning. Mr. Gorbachev and I spent many hours together, speaking frankly and seriously about the most important issues of our time: reducing the massive nuclear arsenals on both sides, resolving regional conflicts, ensuring respect for human rights as guaranteed under international agreements, and other questions of mutual interest. As the elected representative of the American people, I told Mr. Gorbachev of our deep desire for peace and that the American people do not wish the Soviet people any harm....

— President Ronald Reagan, January 1, 1986

- 41 One major issue that dominated United States–Soviet relations at this time was the
- (1) war in Southeast Asia
 - (2) use of apartheid in South Africa
 - (3) danger of nuclear destruction
 - (4) threat from al Qaeda in the Middle East
-
- 42 Passage of the Americans with Disabilities Act (1990) improved conditions for the disabled by
- (1) making it illegal to criticize or fire handicapped persons
 - (2) mandating easier access to employment and public facilities
 - (3) sponsoring Olympic games for the handicapped
 - (4) requiring separate classrooms for disabled students

Base your answer to question 43 on the quotation below and on your knowledge of social studies.

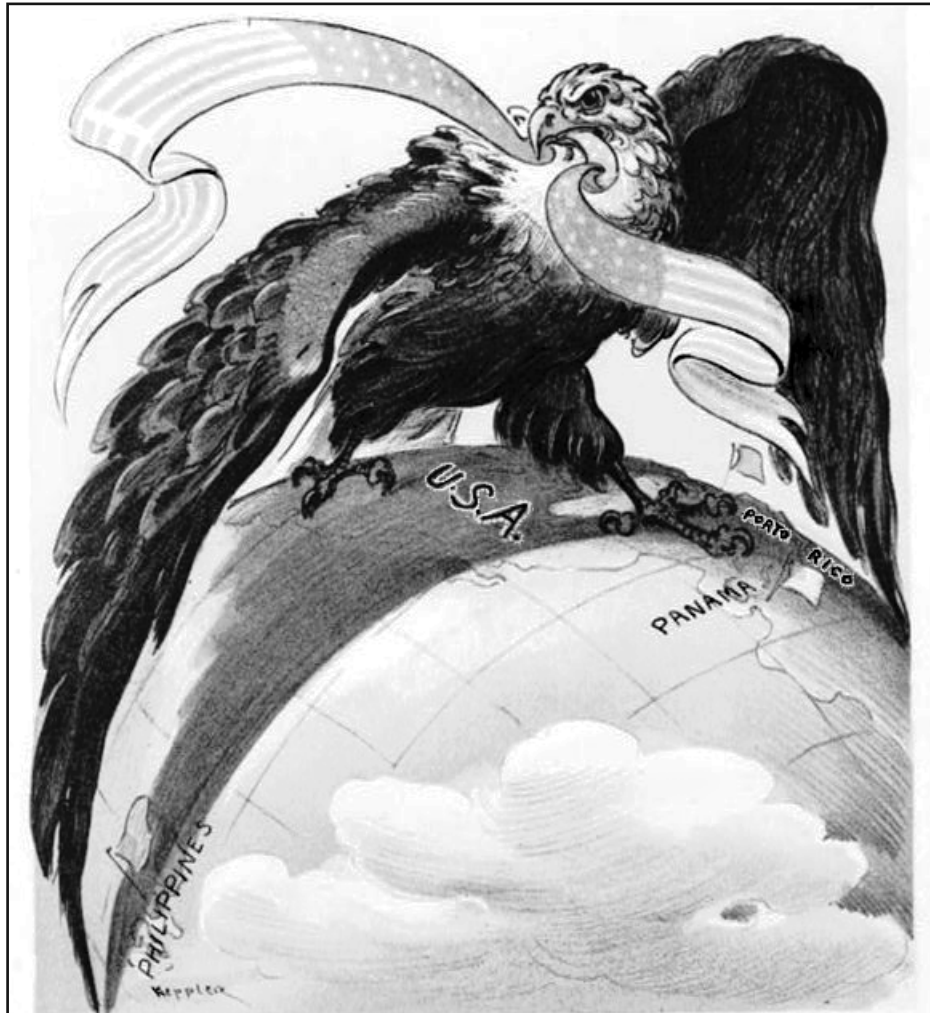
... After 20 months of negotiations, I ordered my Trade Representative, Ambassador Kantor, to impose sanctions on Japan unless they agreed to open these markets. Today Japan has agreed that it will begin to truly open its auto and auto parts markets to American companies....

— President Bill Clinton, Remarks on the Japan–United States Trade Agreement, June 28, 1995

- 43 President Clinton’s actions were a reaction to
- (1) an ongoing trade deficit with Japan
 - (2) a threat of war with Japan
 - (3) the refusal of Japan to import Alaskan oil
 - (4) tension over having to protect Japan from Chinese aggression
-
- 44 Which development led to the other three?
- (1) United States invasion of Afghanistan
 - (2) increased security at airports
 - (3) creation of the Department of Homeland Security
 - (4) September 11, 2001 attacks on the United States
- 45 • Battle of Saratoga (1777)
• Battle of Gettysburg (1863)
• Battle of Midway (1942)
- One way in which these battles are similar is that in each battle
- (1) American forces suffered serious defeats
 - (2) large numbers of civilian casualties led to renewed peace efforts
 - (3) a United States victory was a turning point in the war
 - (4) the general in command later became president

Base your answers to questions 46 and 47 on the cartoon below and on your knowledge of social studies.

**HIS 128TH BIRTHDAY.
“Gee, but this is an awful stretch!”**

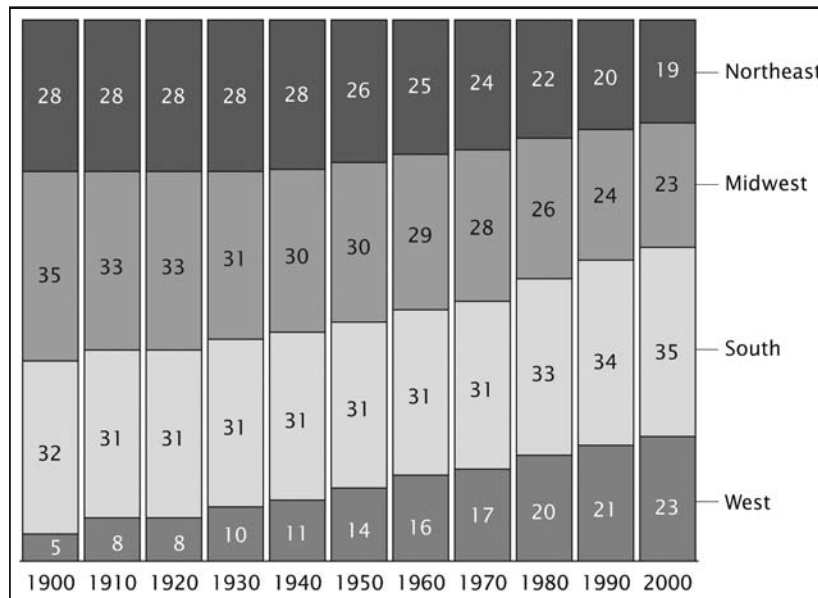


Source: Udo J. Keppler, *Puck*, June 29, 1904 (adapted)

- 46 Which United States foreign policy is the subject of this 1904 cartoon?
- (1) imperialism
 - (2) neutrality
 - (3) isolationism
 - (4) containment
- 47 The cartoonist is expressing concerns about the ability of the United States to
- (1) accept citizens from foreign countries
 - (2) control territories spread out over vast distances
 - (3) support human rights around the world
 - (4) maintain a trade surplus with new trading partners
-

Base your answer to question 48 on the graph below and on your knowledge of social studies.

Percentage Distribution of Seats in the U.S. House of Representatives by Region: 1900 to 2000



Source: U.S. Census Bureau (adapted)

48 What accounts for the changes that took place in the distribution of seats in the House of Representatives between 1900 and 2000?

- (1) The population in certain regions grew more quickly than in other regions.
- (2) Supreme Court decisions expanded the power of Congress.
- (3) The Democratic Party majority increased in strength during the 20th century.
- (4) Constitutional amendments gave large states more representation in the Senate than small states.

49 A valid generalization about presidential elections since 1960 is that

- (1) campaign finance laws have reduced spending by candidates
- (2) most of the winning candidates have come from New England
- (3) more than 90 percent of eligible voters have participated in each election
- (4) candidates have used new forms of mass media to reach voters

50 During the Great Depression of the 1930s and the economic crisis of 2008–2010, the federal government initiated reforms in the banking system to

- (1) strengthen federal control over the financial system
- (2) eliminate the flow of capital to foreign countries
- (3) promote laissez-faire business practices
- (4) provide for a more equitable distribution of wealth

Answers to the essay questions are to be written in the separate essay booklet.

Part II

THEMATIC ESSAY QUESTION

Directions: Write a well-organized essay that includes an introduction, several paragraphs addressing the task below, and a conclusion.

Theme: Reform Movements (Industrialization)

After the Civil War, the United States developed an increasingly industrialized economy. Industrialization provided many benefits for the nation; however, it also created serious problems that required action by the government, groups, or individuals.

Task:

Select **two** problems that resulted from industrialization in the United States and for **each**

- Explain how this problem resulted from industrialization
- Describe an attempt by the government, groups, or individuals to address the problem
- Discuss the extent to which this attempt was successful in addressing the problem

You may use any problem that was created by industrialization from your study of United States history. Some suggestions you might wish to consider include corruption in government, exploitation of workers, overcrowding of cities, establishment of trusts, production of unsafe consumer goods, destruction of the natural environment, and increase in anti-immigrant attitudes.

You are *not* limited to these suggestions.

Guidelines:

In your essay, be sure to

- Develop all aspects of the task
- Support the theme with relevant facts, examples, and details
- Use a logical and clear plan of organization, including an introduction and a conclusion that are beyond a restatement of the theme

In developing your answer to Part II, be sure to keep these general definitions in mind:

- explain means “to make plain or understandable; to give reasons for or causes of; to show the logical development or relationships of”**
- describe means “to illustrate something in words or tell about it”**
- discuss means “to make observations about something using facts, reasoning, and argument; to present in some detail”**

In developing your answers to Part III, be sure to keep these general definitions in mind:

- (a) **describe** means “to illustrate something in words or tell about it”
- (b) **discuss** means “to make observations about something using facts, reasoning, and argument; to present in some detail”

Part III

DOCUMENT-BASED QUESTION

This question is based on the accompanying documents. The question is designed to test your ability to work with historical documents. Some of these documents have been edited for the purposes of this question. As you analyze the documents, take into account the source of each document and any point of view that may be presented in the document.

Historical Context:

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

Task: Using the information from the documents and your knowledge of United States history, answer the questions that follow each document in Part A. Your answers to the questions will help you write the Part B essay in which you will be asked to

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

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

Part A

Short-Answer Questions

Directions: Analyze the documents and answer the short-answer questions that follow each document in the space provided.

Document 1

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

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

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

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

1 According to Harries and Harries, what were **two** reasons the Espionage and Sedition Acts were passed? [2]

(1) _____

Score

(2) _____

Score

Document 2

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

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

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

- 2 According to William H. Rehnquist, what was **one** argument used by the United States Supreme Court to uphold Charles T. Schenck's conviction under the Espionage Act? [1]

Score

Document 3a

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

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

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

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

3a What is **one** argument *against* restricting free speech during wartime, according to Senator Robert M. La Follette? [1]

Score

Document 3b

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

SWAT THE FLY, BUT USE COMMON SENSE.



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

3b What is the cartoonist's viewpoint of Uncle Sam's use of the Sedition legislation? [1]

Score

Document 4

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

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

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

- 4 According to William H. Rehnquist, what is **one** reason public officials in California called for the relocation of Japanese Americans? [1]

Score

Document 5a

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

Executive Order No. 9066

AUTHORIZING THE SECRETARY OF WAR TO PRESCRIBE MILITARY AREAS

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

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

5a According to President Roosevelt, what is **one** reason for the relocation of Japanese Americans? [1]

Score

Document 5b

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

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

5b According to Stanley Kutler, what was **one** motive behind the government's decision to intern Japanese Americans? [1]

Score

Document 6

MR. JUSTICE JACKSON, dissenting.

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

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

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

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

6 Based on this dissenting opinion in *Korematsu v. United States*, state **two** arguments made by Justice Robert Jackson against the conviction of Korematsu. [2]

(1) _____

Score

(2) _____

Score

Document 7

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

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

7 According to this document, what was **one** reason for the passage of the USA Patriot Act? [1]

Score

Document 8

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

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

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

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

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

8a According to President George W. Bush, what is **one** way the USA Patriot Act will help law enforcement officials? [1]

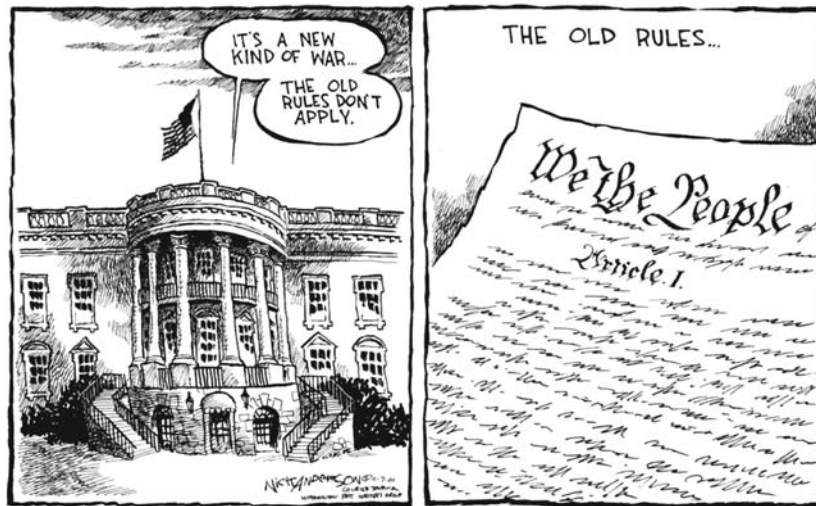
Score

b According to President George W. Bush, what is the *primary* goal of the USA Patriot Act? [1]

Score

Document 9a

War on Terrorism



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

Document 9b

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

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

9 Based on these documents, what is **one** criticism of measures taken to fight the war on terrorism? [1]

Score

Part B

Essay

Directions: Write a well-organized essay that includes an introduction, several paragraphs, and a conclusion. Use evidence from *at least four* documents in your essay. Support your response with relevant facts, examples, and details. Include additional outside information.

Historical Context:

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

Task: Using the information from the documents and your knowledge of United States history, write an essay in which you

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

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

Guidelines:

In your essay, be sure to

- Develop all aspects of the task
- Incorporate information from *at least four* documents
- Incorporate relevant outside information
- Support the theme with relevant facts, examples, and details
- Use a logical and clear plan of organization, including an introduction and a conclusion that are beyond a restatement of the theme

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