

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 The question is designed to test your ability to work with historical documents.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]

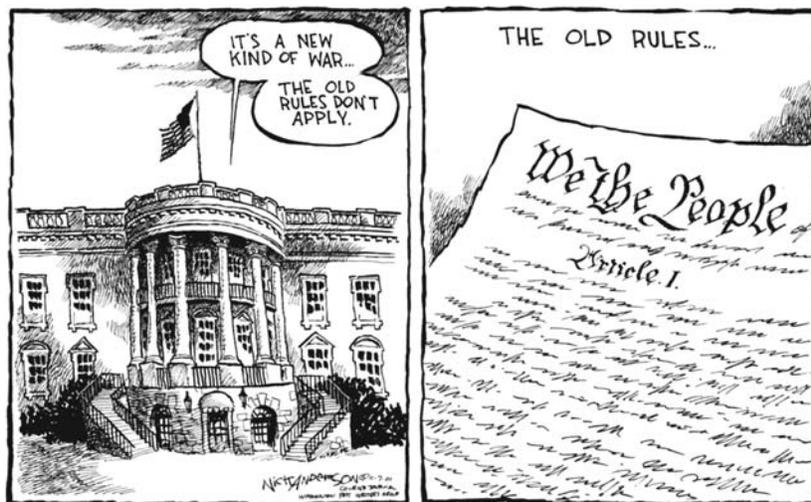
Score

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)**.

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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