

FOR TEACHERS ONLY

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

UNITED STATES HISTORY AND GOVERNMENT

Friday, August 17, 2018 — 8:30 to 11:30 a.m., only

VOLUME
1 OF **2**
MC & THEMATIC

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

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 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
August 2018

Theme: Supreme Court Decisions

The United States Supreme Court has issued decisions that have defined the constitutional rights of individuals and groups of people. These decisions by the Court have had a great impact on the nation.

Task: Select *two* United States Supreme Court cases and for *each*

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

You may use any appropriate Supreme Court case 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), *Korematsu v. United States* (1944), *Brown v. Board of Education of Topeka* (1954), *Engel v. Vitale* (1962), *Miranda v. Arizona* (1966), *Roe v. Wade* (1973), and *New Jersey v. T.L.O.* (1985).

You are *not* limited to these suggestions.

Scoring Notes:

1. This thematic essay has a minimum of *six* components (for *each* of *two* Supreme Court cases, discussing the historical circumstances surrounding the case, the decision in the case, and the impact of the decision on the United States or on American society).
2. The historical circumstances surrounding each case may describe either the narrower facts of the particular case or the wider issues of the time period leading up to the case, or a combination of both.
3. The impact of the Court’s decision on the United States may be immediate or long term.
4. The response may discuss the impact of the Supreme Court’s decision from any perspective as long as the position taken is supported by accurate facts and examples.
5. If related cases such as *Plessy v. Ferguson* and *Brown v. Board of Education of Topeka* are chosen, one may be used to discuss the other as long as the response includes additional distinct and separate information for each.
6. If cases with similar issues are chosen, the discussion of their impact may share a general theme, but the discussion must include separate and distinct information for each, e.g., *Gideon v. Wainwright* and *Miranda v. Arizona* both expanded the rights of accused criminals but *Gideon* mandated that counsel be provided to indigent defendants and *Miranda* mandated that suspects be informed of their rights before interrogation.
7. If more than two Supreme Court decisions are discussed, only the first two decisions may 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** Supreme Court cases, the decision in **each** case, and the impact of **each** decision on the United States or on American society
- Is more analytical than descriptive (analyzes, evaluates, and/or creates* information), e.g., *Plessy v. Ferguson*: connects the end of Reconstruction, the triumph of Redeemers in the South, and the enactment of Jim Crow laws that ensured white supremacy to the Supreme Court’s decision that established the doctrine of “separate but equal” by ruling that segregated railway cars did not violate “equal protection of the law,” thus legitimizing segregation in public facilities, perpetuating racism, and affirming the second-class status of African Americans; *Brown v. Board of Education of Topeka*: connects “separate but equal” southern schools, the disparity in the education of African American students, and post–World War II activism to the Supreme Court’s decision that overturned “separate but equal” in public schools, citing their inherent inequality and energizing the civil rights movement by initiating federal action to force the integration of schools and other public facilities
- Richly supports the theme with many relevant facts, examples, and details, e.g., *Plessy v. Ferguson*: 14th amendment; withdrawal of federal troops; mixed race; Louisiana; “Colored Only” signs; inferior bathrooms, drinking fountains, schools; Ku Klux Klan; lynching; Booker T. Washington’s Atlanta Compromise; policy upheld until mid–20th century civil rights movement; *Brown v. Board of Education of Topeka*: Jim Crow laws; NAACP; Thurgood Marshall; Chief Justice Earl Warren; judicial activism; unanimous decision; 14th amendment; psychological effects of segregation; “with all deliberate speed”; President Eisenhower; troops to Little Rock, Arkansas; 1964 Civil Rights Act; *Heart of Atlanta Hotel v. United States*; busing to achieve racial balance; de facto vs. de jure segregation; President Barack Obama
- 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 case more thoroughly than the second Supreme Court case *or* by discussing one aspect of the task less thoroughly than the other aspects
- Is both descriptive and analytical (applies, analyzes, evaluates, and/or creates* information), e.g., *Plessy v. Ferguson*: discusses how the end of Reconstruction led Southern states to enact Jim Crow laws that segregated African Americans, how the Supreme Court decision upheld the constitutionality of segregated railway cars as “separate but equal,” and how the ruling relegated African Americans to inferior facilities and kept them as second-class citizens; *Brown v. Board of Education*: discusses how the “separate but equal” doctrine kept African American children in segregated and inferior schools throughout the South, how the Supreme Court ruled that racial separation in schools was unconstitutional and harmful to minority students, and how the decision led to further federal action to desegregate schools and to the civil rights movement
- Supports the theme with relevant facts, examples, and details
- Demonstrates a logical and clear plan of organization; includes an introduction and a conclusion that are beyond a restatement of the theme

Score of 3:

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

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

Score of 2:

- Minimally develops all aspects of the task *or* develops *at least three* aspects of the task in some depth
- Is primarily descriptive; may include faulty, weak, or isolated application or analysis
- 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.

The United States Supreme Court, the highest authority in our nation's judicial branch of government, has played a quiet but decisive role in the legal history of the republic. Ever since the affirmative expansion of the Supreme Court to render a judicial review of legislation in the groundbreaking *Marbury v Madison* case in 1803, the justices of the Supreme Court have issued significant decisions defining the rights of the individual or groups in society. This idea is exemplified by *Worcester v Georgia* in 1832 and *Plessy v Ferguson* in 1896, both concerning the rights of minority groups in American history.

Beginning in the early 1800s, the United States government began a policy of Indian resettlement. The government, after the acquisition of the Louisiana Territory from France, actively tried to remove the Native Americans that had originally inhabited what became the eastern United States. This led to conflict between the Native Americans and the fledgling American republic. Wars and insurrections were fought between these parties, such as in the War of 1812 and the Seminole War. However, the Cherokee tribe, a mostly modern Native American tribe dwelling in Georgia, was different. The Cherokee had adopted many European customs and manners, appearing much like "civilized" whites and had a society similar to American society. When the state of Georgia during Andrew Jackson's presidency, tried to pass laws controlling the Cherokees on their lands, the Cherokee responded by taking the issue to court. In the landmark case, *Worcester v Georgia*, Chief Justice John Marshall declared that states have no power to make laws interfering with treaties between the Cherokees and the United States. Georgia, with Jackson's

encouragement, had violated a treaty with Cherokee leaders. The court decided that the Native American tribes were independent nations in their own right and should be treated fairly with diplomacy. One of the primary reasons for Marshall's decision was that he, a pro Federalist, wanted to promote a strong federal government over the states. He therefore opposed Georgia's actions toward the Cherokee because the Cherokee were under federal, not state rule. This victory was significant for it had been the first time the Native Americans had "a man in the fight" against American citizens, recognizing the Native tribes as nations. However, Andrew Jackson responded to this decision by ignoring the Supreme Court and Jackson's successor sent soldiers to Georgia forcefully removing the Cherokee to Indian territory (Oklahoma). In this famous march known as the "trail of tears" thousands of Cherokee died of hunger or hypothermia. In the long term, despite ruling in favor of the Native Americans, the inability of the Court to stop the President, allowed the United States government to continue its expansion policy in the West, making it a de facto right for the government to order the Native Americans off tribal holdings, leading to the eventual placement of Native Americans to reservations.

In the aftermath of the American Civil War, the United States federal government, with the 13th, 14th and 15th amendment abolished slavery and gave African Americans the right to vote and United States citizenship. In the eyes of the law, they were equal in rights to a white man. However, the people in the South actively refuted the changes by instituting white supremacy laws targeting African Americans, like those limiting their ability to vote via tests. African

Americans were kept from integrating into white society by visits from the Ku Klux Klan and by laws segregating African American facilities from white facilities, known as Jim Crow laws. The issue arose over the practice of Jim Crow laws on railroad cars in *Plessy v Ferguson* in 1896. The ultimate decision of the case, ignited the racial tensions in the American South over the policy of segregation and the Constitution. The court ruled separate but equal did not violate the 14th amendment despite their being isolated from white society. The court decided that laws to segregate the races were a reasonable use of state power. This was negative in the long term for African Americans because it limited them to inferior facilities and made them second class citizens. Although the ruling in *Plessy v Ferguson* was overturned regarding public schools by the 1954 *Brown v Board of Education of Topeka, Kansas*, the damage to African Americans rights in the south left its mark on history by validating discrimination. The government has done little to address defacto segregation and the legacy of racism still troubles the country.

The Supreme Court plays a major role in influencing society through their decisions. *Worcester v Georgia* showed the inability of the court to stop President Jackson's policy on Native Americans while *Plessy v Ferguson* upheld racism in the South and delayed civil rights.

Anchor Level 5-A

The response:

- Thoroughly develops all aspects of the task evenly and in depth for *Worcester v. Georgia* and for *Plessy v. Ferguson*
- Is more analytical than descriptive (*Worcester*: in the early 1800s, the United States government began a policy of Indian resettlement; the Cherokee had adopted many European customs and manners, appearing much like “civilized” whites and had a society similar to American society; when the state of Georgia, during Andrew Jackson’s presidency, tried to pass laws controlling the Cherokees on their lands, the Cherokee responded by taking the issue to court; Chief Justice John Marshall declared that states have no power to make laws interfering with treaties between the Cherokees and the United States; Court decided that the Native American tribes were independent nations in their own right and should be treated fairly; Jackson responded to this decision by ignoring the Supreme Court and Jackson’s successor sent soldiers to Georgia, forcefully removing the Cherokee to Indian territory; in this famous march, known as the Trail of Tears, thousands of Cherokee died of hunger or hypothermia; allowed the United States government to continue its expansion policy in the West, making it a de facto right for the government to order the Native Americans off tribal holdings, leading to the eventual placement of Native Americans to reservations; *Plessy*: in the eyes of the law they were equal in rights to a white man; people in the South actively refuted the changes by instituting white supremacy laws targeting African Americans; kept from integrating into white society by visits from the Ku Klux Klan and by laws segregating African American facilities from white facilities; Court ruled “separate but equal” did not violate the 14th amendment despite their being isolated from white society; Court decided that laws to segregate the races were a reasonable use of state power; limited them to inferior facilities and made them second-class citizens; although the ruling in *Plessy v. Ferguson* was overturned regarding public schools by the 1954 *Brown v. Board of Education of Topeka, Kansas*, the damage to African American rights in the South left its mark on history by validating discrimination; government has done little to address de facto segregation and the legacy of racism still troubles the country)
- Richly supports the theme with many relevant facts, examples, and details (*Worcester*: Louisiana Territory; fledgling American republic; Seminole War; violated a treaty; pro-Federalist; “a man in the fight”; Oklahoma; *Plessy*: 13th, 14th, and 15th amendments; abolished slavery; right to vote; citizenship; Jim Crow laws; railroad cars)
- Demonstrates a logical and clear plan of organization; includes an introduction that connects the decisions to the precedent of judicial review in *Marbury v. Madison*, and a conclusion that reviews the negative effects of both decisions

Conclusion: Overall, the response fits the criteria for Level 5. The response is well developed and analytical, recognizing the complexities of federal and state relationships and the devastating impact of each decision on two specific minorities.

The decisions of the United States Supreme Court are not frequent, but are extremely influential when they occur. Often, the Supreme Court's decisions define the stance of the nation, and the direction the country is moving in. Two examples of Supreme Court decisions that changed the status of African Americans are *Plessy v. Ferguson* in 1896, and *Brown v. Board of Education of Topeka* in 1954.

Plessy v. Ferguson was a Supreme Court decision made shortly after the period of the Reconstruction of the South. After having lost the Civil War, the South was suffering economically, politically, and socially. Many Southerners blamed their troubles on the blacks, who were now free. "Redeemers" in the Southern states enacted various restrictions and laws to stop blacks from obtaining the civil rights promised to them in the 13th, 14th, and 15th amendments and to keep them in a state of continual suppression. *Plessy v. Ferguson* began with an attempt by a black man, Homer Plessy, to protest the segregation of public facilities, by boarding a whites only railroad car in Louisiana. However the court upheld the South's Jim Crow laws, stating that there could be segregated railroad cars because they were "seperate but equal". The justices claimed that equal protection in the 14th amendment did not mean that facilities must be the same for the races. This effectively set the standard for the next half a century in the south, perpetuating segregation and racial inferiority. Jim Crow laws gained power after the decision and black public facilities deteriorated.

As the black facilities degraded, so did the social power of African Americans. With a lack of education and dangers such as the KKK lynchings of politically active blacks, there was little chance for

improvement. A nearly unanimous Supreme Court had conferred second class citizenship on a whole race of Americans. One institution that suffered dire consequences of segregation was schools in the South. Black schools were severely underfunded, and did not have the same resources as their white counterparts. Eventually a case was brought to the Supreme Court by five black families. One family included Linda Brown, who was forced to walk five miles to a black school, when there was a good white school nearby. The NAACP and attorney Thurgood Marshall chose Linda Brown's case out of many to protest Jim Crow schools. The Supreme Court under Activist judge Earl Warren, ruled in favor of Brown, effectively overturning the Plessy v. Ferguson decision. Warren stated that "seperate but equal" was inherently unequal, and the other justices unanimously agreed that the 14th amendment was violated. This eliminated the legal use of segregated schools in the south, if not the defacto practice even though the justices had mandated that schools must be integrated "with all deliberate speed". The NAACP had won its greatest victory and the Brown decision became a catalyst for a new level of progress in the civil rights movement as segregation was outlawed and Jim Crow laws weakened. During the 1960s black political activists used a variety of methods to finally achieve the rights promised during Reconstruction. What the Brown decision did for public schools, the 1964 Civil Rights Act did for all public facilities in the nation. This was followed the next year by the Voting Rights Act, which finally restored the vote that had been promised by the 15th amendment.

These two decisions made by the Supreme Court on nearly similiar issues demonstrate just how powerful the decisions are. The decisions

changed the entire culture of the South and blacks' lives. These are just two examples of the way Supreme Court decisions influence society.

Anchor Level 5-B

The response:

- Thoroughly develops all aspects of the task evenly and in depth for *Plessy v. Ferguson* and for *Brown v. Board of Education of Topeka*
- Is more analytical than descriptive (*Plessy*: many Southerners blamed their troubles on blacks, who were now free; Redeemers in the Southern states enacted various restrictions and laws to stop blacks from obtaining the civil rights promised to them in the 13th, 14th, and 15th amendments; began with an attempt by a black man, Homer Plessy, to protest the segregation of public facilities by boarding a whites-only railroad car in Louisiana; Court upheld the South's Jim Crow laws, stating that there could be segregated railroad cars because they were "separate but equal"; the justices claimed that equal protection in the 14th amendment did not mean that facilities must be the same for the races; set the standard for the next half century in the South, perpetuating segregation and racial inferiority; Jim Crow laws gained power after the decision and black public facilities deteriorated; Court had conferred second-class citizenship on a whole race of Americans; *Brown*: one institution that suffered dire consequences of segregation was schools in the South; black schools were severely underfunded and did not have the same resources as their white counterparts; NAACP and attorney Thurgood Marshall chose Linda Brown's case out of many to protest Jim Crow schools; Court, under activist Justice Earl Warren, ruled in favor of Brown, effectively overturning the *Plessy v. Ferguson* decision; Warren stated that "separate but equal" was inherently unequal and the other justices unanimously agreed that the 14th amendment was violated; NAACP had won its greatest victory and the *Brown* decision became a catalyst for a new level of progress in the civil rights movement; during the 1960s black political activists used a variety of methods to finally achieve the rights promised during Reconstruction; what the *Brown* decision did for public schools, the 1964 Civil Rights Act did for all public facilities in the nation)
- Richly supports the theme with many relevant facts, examples, and details (*Plessy*: Reconstruction; lost the Civil War; South was suffering; lack of education; Ku Klux Klan; lynchings; politically active blacks; *Brown*: a black school; de facto practice; "all deliberate speed"; Jim Crow laws weakened; Voting Rights Act)
- Demonstrates a logical and clear plan of organization; includes an introduction that states while Supreme Court decisions are not frequent, they are influential, and a conclusion that emphasizes that the decisions changed the entire culture of the South and the lives of African Americans

Conclusion: Overall, the response fits the criteria for Level 5. The response uses strong analysis of Jim Crow legislation to discuss and connect the cases while including separate and distinct information for each.

The supreme court's rulings impact society, and the roles of it's members. Throughout time, rights have been taken away, or expanded as a result of their decisions. This limitation and expansion of the rights of individuals, in this case Black Americans, is made evident in "Plessy vs. Furgessen" and "Brown v. Board of Education of Topeka".

Post civil war, blacks were now free and equal, at least under law, to the white man, and the main goal of Blacks in the time period was to be assimilated into mainstream culture. However, harsh restrictions were quickly imposed on the lives of blacks including voting limitations and strict segregation.

Plessy vs. Fergessen coined the phrase "seperate but equal" after a Black man was prohibited from riding in a white-only train car. The majority ruled that legal separation did not violate the equal protection clause of the fourteenth amendment. This decision was detrimental to the already crumbling opportunities for blacks of the time. However, the "separate but equal" notion only filled one half of the bargain: separate. Blacks were seperate from whites in every aspect. For every white school there was a black school. For every white bathroom, there was a black bathroom, but the "colored" facility was always inferior in quality, funding and structure. This lead to the widespread belief that blacks were still inferior members of society and to the growing idea of "white supremacy" maintained by the KKK, resuscitated by "Birth of a Nation", and ensured by the practice of lynching.

The ruling in "Plessy vs. Fergessen" was heartbreaking to all the members of the black community, but there was light at the end of the

tunnel. In 1954, the decision was challenged by the Supreme Court decision in "Brown vs. Board of Education of Topeka" which established the concept that "seperate but equal" was not equal as proved by differentials in school funding for white and "colored" schools. The whole Court agreed that separate schools created a sense of inferiority and ordered an end to segregation with all deliberate speed. This decision was the hope blacks were waiting for, and sparked the beginning of a decade of civil rights activism. In 1957, the Little Rock nine were turned away from a school in Little Rock, Arkansas, and were only allowed admission by Eisenhower's use of the military to enforce the Brown decision. In the 1960's, groups such as the SCLC and the SNCC organized protests and sit-ins to preach civil equality, eventually achieved by the Civil Rights act of 1964 and the Voting Rights act of 1965.

Henceforth, supreme court decisions influence individual groups of society greatly. There is not a question about the fact that the decisions in Plessy vs. Fergessen and Brown vs. Board of Ed. influenced the lives of blacks forever.

Anchor Level 4-A

The response:

- Develops all aspects of the task but does so unevenly by discussing *Plessy v. Ferguson* more thoroughly than *Brown v. Board of Education of Topeka*
- Is both descriptive and analytical (*Plessy*: blacks were now free and equal, at least under law, to the white man; harsh restrictions were quickly imposed on the lives of blacks, including voting limitations and strict segregation; coined the phrase “separate but equal” after a black man was prohibited from riding in a whites-only train car; majority ruled that legal separation did not violate the equal protection clause of the 14th amendment; decision was detrimental to the already crumbling opportunities for blacks; “separate but equal” notion only filled one half of the bargain: separate; “colored” facility was always inferior in quality, funding, and structure; led to the widespread belief that blacks were still inferior members of society and to the growing idea of white supremacy; *Brown*: established the concept that “separate but equal” was not equal as proved by differentials in school funding for white and “colored” schools; whole Court agreed that separate schools created a sense of inferiority and ordered an end to segregation “with all deliberate speed”; decision was the hope blacks were waiting for and sparked the beginning of a decade of civil rights activism; Little Rock Nine were turned away from a school in Little Rock, Arkansas, and were only allowed admission by Eisenhower’s use of the military to enforce the *Brown* decision; in the 1960s, groups such as the Southern Christian Leadership Conference and the Student Nonviolent Coordinating Committee organized protests and sit-ins to preach civil equality)
- Supports the theme with relevant facts, examples, and details (*Plessy*: post–Civil War; Ku Klux Klan; *Birth of a Nation*; lynching; *Brown*: *Plessy v. Ferguson*; Civil Rights Act of 1964; Voting Rights Act of 1965)
- Demonstrates a logical and clear plan of organization; includes an introduction and a conclusion that observe both cases greatly affected black Americans

Conclusion: Overall, the response fits the criteria for Level 4. The response includes good analysis, especially about the impact of the decisions on American society; however, it fails to provide sufficient distinct and separate information in the discussion of the historical circumstances surrounding *Brown v. Board of Education of Topeka*.

The United States Supreme Court impacts many citizens when it makes decisions, as well as individuals. One group of the population that was greatly effected by court decisions through history was African Americans. Especially from the mid Nineteenth century to the mid twentieth century, during times of much racial tension, the court decisions regarding African Americans were very controversial. Dred Scott v. Sanford in 1857 and Brown v. Board of Education of Topeka in 1954 had a huge impact on not just blacks, but the entire nation, in a time of racial hostility and stress.

The Dred Scott case had to do with a slave, Dred Scott, who started as a slave in the south but then moved around with his owners. Scott's arguement was that because some of the places they moved around to were free states or free territory, he should be free. The Supreme Court's decision in this case is one of the most shameful decisions in American history. The Court ruled that because Dred Scott was black he was not a citizen and therefore, could not sue or go to the Supreme Court. Furthermore, the Court said that if a slave was moved to a free state or free territory, the slave was still property and the government cannot take away someone's property. The Court also said that Congress did not have the power to keep slavery out of a territory and that the Missouri Compromise was unconstitutional. This decision obviously effected Dred Scott negatively because he continued to be a slave, but it also greatly upset northerners. According to this decision every state could technically be a slave state. The decision was a major victory for the south and a severe loss for the North. Northerners were faced with the realization that there was no way to ban slavery. Sectional tension between the North and South drastically increased.

It was the biggest step in the march toward the Civil War, three years later.

Almost one hundred years after the Dred Scott decision, African Americans still did not have equal rights in America. Plessy v Furgison had established "seperate but equal" by upholding Jim Crow laws in the south that restricted black equality. Brown v. Board of Education of Topeka in 1954 can be seen as a turning point. Brown, as well as many other students, put up an arguement that segregated schools were not actually equal and that the black schools provided much worse education with inferior conditions. African American children got old textbooks, untrained teachers and crumbling school buildings. This was true for many of the seperate-but-equal establishments such as trains, restaurants and bathrooms too. The Court's decision was to order the desegregation of schools and say that seperate-but-equal was illegal. The integration of schools however, was easier said than done. Just a few years later, black students going to a white highschool for the first time were greeted with such violence that President Eisenhower sent the military in to escort and protect them. Many schools closed, and then reopened as private schools so blacks couldn't attend. Also, because of suburbanization the races in certain school district were not very diverse; Blacks in the inner city and whites in the suburbs. Because of this, the government established laws to bus children from both white and black familys to go to different schools and the reaction by white Americans was anger and violence. Brown v. Board of Education made segregation by law illegal but where people live usually determines how diverse their childrens' schools will be and so segregation continues today.

Dred Scott v. Sanford and Brown v. Board of Education show that Supreme Court decisions have had an impact on African Americans.

Anchor Level 4-B

The response:

- Develops all aspects of the task for *Dred Scott v. Sanford* and for *Brown v. Board of Education of Topeka*
- Is both descriptive and analytical (*Dred Scott*: Scott’s argument was that because some of the places they moved around to were free states or free territory, he should be free; decision in this case is one of the most shameful decisions in American history; ruled that because Dred Scott was black he was not a citizen and therefore could not sue; said that if a slave was moved to a free state or free territory, the slave was still property and the government cannot take away someone’s property; Court also said that Congress did not have the power to keep slavery out of a territory and that the Missouri Compromise was unconstitutional; according to this decision, every state could technically be a slave state; Northerners were faced with the realization that there was no way to ban slavery; biggest step in the march toward the Civil War; *Brown: Plessy v. Ferguson* had established “separate but equal” by upholding Jim Crow laws in the South that restricted black equality; Brown, as well as many other students, put up an argument that segregated schools were not actually equal and that the black schools provided much worse education with inferior conditions; African American children got old textbooks, untrained teachers, and crumbling school buildings; decision was to order the desegregation of schools and say that “separate but equal” was illegal; integration of schools, however, was easier said than done; just a few years later, black students going to a white high school for the first time were greeted with such violence that President Eisenhower sent the military in to escort and protect them; where people live usually determines how diverse their children’s schools will be and so segregation continues today)
- Supports the theme with relevant facts, examples, and details (*Dred Scott*: started as a slave; major victory for the South; severe loss for the North; sectional tension increased; *Brown*: almost 100 years after; trains, restaurants, and bathrooms; reopened as private schools; suburbanization; blacks in the inner city and whites in the suburbs; bus children; anger and violence)
- Demonstrates a logical and clear plan of organization; includes an introduction that states both decisions were controversial and a conclusion that restates the theme

Conclusion: Overall, the response fits the criteria for Level 4. The historical circumstances surrounding *Dred Scott v. Sanford* and *Brown v. Board of Education of Topeka* are not fully developed, but the remainder of the discussion is analytical and insightful.

The two Supreme Court cases of *Dred Scott vs. Sanford* and *Korematsu vs. United States* have historical roots that are tied to heightening political tension in each period. Though in separate time frames of American history both cases targeted individual races and resulted in verdicts of oppression.

The *Dred Scott vs. Sanford* case in 1857, was the culmination of bad blood between the pro-slavery south and the anti-slavery North that was evident during the Constitutional debates and had spiked as the nation expanded west. The case revolves around the slave Dred Scott who traveled to Northern territories with his owner and established his claim for emancipation and freedom under the notion that he was a free man because he had lived in an area designated as free by the Missouri Compromise. At this time, Southern judges outnumbered Northern judges on the Supreme Court. Therefore, the Supreme Court of the United States disagreed with Dred Scott's claim and argued that slaves were merely property of his/her owner. The Court also established that African Americans were not citizens and thus the basic rights and freedoms bestowed upon "American" citizens were unavailable to them. This decision by the Supreme Court in *Dred Scott vs. Sanford* was prominently pro-slavery. In this period in United States history, the antebellum era, the decision further pushed the nation towards the brink of Civil War by angering the abolitionists in the Northern States. However it is also to be noted that after the Union's victory over the Confederacy in the Civil War, the passage of the 14th amendment to the constitution basically overturned the Supreme Court decision in *Dred Scott vs. Sanford* by defining citizenship and providing for equal treatment.

Similar to the oppression of African Americans in *Dred Scott vs. Sanford* of 1857, the supreme court case of *Korematsu vs United States* 1944 was aimed at a particular race, except this time Japanese Americans. The difference however was that in the case of *Korematsu vs. United States*, the verdict was based on fear of espionage by Japanese Americans because Japan had become an axis power in World War II and had attacked our naval base at Pearl Harbor. *Korematsu* was a Japanese American, who appealed to the Supreme Court about Japanese American relocation to military camps. *Korematsu* claimed that this action by the National Government was in clear violation of his constitutionally protected right to due process. The Court, however, reached the decision that the government internment policy was constitutional because during times of war or crisis the government could limit civil rights amongst the people. This was similar to how Lincoln suspended habeas corpus during the Civil War, to prevent sabotage and resistance against the Union war effort. The verdict reached by the court was later criticized because of its racial targeting of Japanese Americans who were subjected to unfair government authority during the Second World War, but later they were even given money for their losses and discrimination. However, even today individual rights can be limited for national security.

Anchor Level 4-C

The response:

- Develops all aspects of the task for *Dred Scott v. Sanford* and for *Korematsu v. United States*
- Is both descriptive and analytical (*Dred Scott*: culmination of bad blood between the pro-slavery South and the anti-slavery North that was evident during the constitutional debates and had spiked as the nation expanded west; Scott who traveled to Northern territories with his owner and established his claim for emancipation and freedom under the notion that he was a free man because he had lived in an area designated as free by the Missouri Compromise; at this time, Southern judges outnumbered Northern judges on the Supreme Court; disagreed with Dred Scott's claim and argued that slaves were merely property; basic rights and freedoms bestowed upon American citizens were unavailable to them; decision further pushed the nation toward the brink of civil war; 14th amendment to the Constitution basically overturned the decision by defining citizenship and providing for equal treatment; *Korematsu*: was aimed at a particular race, except this time Japanese Americans; Japan had become an Axis power in World War II and had attacked our naval base at Pearl Harbor; Korematsu was a Japanese American who appealed to the Supreme Court about Japanese American relocation to military camps; claimed that this action by the national government was in clear violation of his constitutionally protected right to due process; reached the decision that the government internment policy was constitutional because during times of war or crisis the government could limit civil rights amongst the people; later criticized because of its racial targeting of Japanese Americans; were even given money for their losses and discrimination; even today individual rights can be limited for national security)
- Supports the theme with relevant facts, examples, and details (*Dred Scott*: slave; antebellum era; abolitionists; Union's victory; *Korematsu*: fear of espionage; Lincoln suspended habeas corpus, Civil War)
- Demonstrates a logical and clear plan of organization; includes an introduction that states both cases oppressed racial groups and lacks a conclusion

Conclusion: Overall, the response fits the criteria for Level 4. The response discusses important points for each case but lacks the analysis and detail of a higher level paper.

Throughout American history there have been many Supreme Court cases that were controversial and very significant to society. They have changed American laws and practices in many ways. Two very famous Supreme Court cases are Dred Scott vs. Sanford and Schenck v. United States. These judicial battles altered history and are still important to American Society.

Dred Scott was a slave for a majority of his life, however at one point his owner moved him to a free state. Eventually Dred Scott moved back to a slave state with his owner, however Scott believed that he should now be a free man since he had resided in a land where slavery did not exist. Scott took his case to court where they ruled he was still considered an enslaved man. He then appealed his case to the Supreme Court in hopes of getting a different ruling. At this point in history the debate over whether slavery should be abolished or not was gaining popularity, so the ruling of this case was going to be significant either way. Sadly, Dred Scott received the same verdict, that he was still a slave even though he once lived in a free land. Chief Justice Taney explained further that Dred Scott was a slave and therefore considered to be property. Taking him away from his owner would violate the fifth amendment, meaning abolishing slavery should not be permitted because it was a violation of citizens rights. Taney went on to say that Scott had no right to even bring a case to court since he was property and not technically a citizen. At the time the Supreme Court's ruling was very beneficial to pro-slavery states, and it did contribute to the continuation of slavery in the U.S. However, it made the Supreme court seem very pro-slavery, upsetting many and helping to lead to the Civil War. The case was later used as a

basis for many abolitionist movements and contributed to the passage of the 13th & 14th amendments which abolished slavery. Eventually the ruling was overturned.

Schenck v. United States was a court case that occurred during WWI. Schenck was spreading word of how the capitalist government was essentially evil and hurting America. He gave speeches and wrote about his lack of support for the current U.S. government and the war, all while promoting socialism as the answer to the troubles facing American society. He specifically targeted the draft, handing out pamphlets urging young men to oppose the draft. His actions about the draft were deemed a threat. Schenck was arrested for his actions against the United States. His trial was a very controversial one, because the first amendment which grants all citizens the right to freedom of speech was brought into question. Schenck argued that he had every right under the first amendment to say what he wanted. The court however, ruled against him. It was decided that during times such as war, rights of citizens may be suspended or limited in order to protect national security. Schenck's actions were viewed as a threat to the United States during a time of war. This ruling was used in support for other serious court cases, such as *Korematsu v. United States*, where it was again decided the rights of individuals may be suspended to protect national security.

All Supreme court cases are important, however some have a longer lasting impact than others. *Dred Scott v. Sanford* contributed to the passing of the 13th & 14th amendments, which abolished slavery. *Schenck v. United States* established a guideline that rights may be suspended to protect national security, this guideline is still in effect

today. Both cases altered American Society greatly and are important to this day.

Anchor Level 3-A

The response:

- Develops all aspects of the task for *Dred Scott v. Sanford* and for *Schenck v. United States*
- Is both descriptive and analytical (*Dred Scott*: Scott believed that he should now be a free man since he had resided in a land where slavery did not exist; debate over whether slavery should be abolished or not was gaining popularity, so the ruling of this case was going to be significant; Scott was a slave and therefore considered to be property; taking him away from his owner would violate the fifth amendment; Scott had no right to even bring a case to court since he was property and not technically a citizen; made the Supreme Court seem very pro-slavery, upsetting many and helping to lead to the Civil War; contributed to passage of the 13th and 14th amendments; *Schenck*: gave speeches and wrote about his lack of support for the current United States government and the war; promoting socialism as the answer to the troubles facing American society; targeted the draft, handing out pamphlets; his actions about the draft were deemed a threat; trial was a very controversial one because the first amendment, which grants all citizens the right to freedom of speech, was brought into question; Court, however, ruled against him; decided that during times such as war, rights of citizens may be suspended or limited in order to protect national security; used in support for other serious court cases, such as *Korematsu v. United States* when it was again decided the rights of individuals may be suspended to protect national security)
- Includes some relevant facts, examples, and details (*Dred Scott*: appealed his case; Chief Justice Taney; *Schenck*: World War I; capitalist government; arrested)
- Demonstrates a satisfactory plan of organization; includes an introduction that restates the theme and a conclusion that observes both cases altered American society

Conclusion: Overall, the response fits the criteria for Level 3. The response discusses important highlights of each decision with some good analytical statements but would have been strengthened by additional facts and explanations.

History has shown that the United States Supreme Court has made rulings that have changed the face of the nation. Different cases have dealt with trade, racism, slavery, freedom of speech, segregation, legal process, and personal rights. Perhaps two of the most important cases the Court has decided have been the Plessy vs. Ferguson case of 1896, and the Brown vs. Board of Education of Topeka case of 1954.

To begin discussion of the Plessy vs. Ferguson case, the circumstances and background of the issue must first be described. Every Southern state had passed Jim Crow laws to keep the races separate. Plessy was of African American descent and wished to sit in a front train car on a train journey. He was told to move away from the white passengers and to the back of the train. Plessy did not comply, and the case was brought before the Supreme Court. The decision that was made by the Court would deeply scar the face of the U.S. as a nation: The Court ruled in favor of Ferguson, citing that African Americans and whites could thus be treated as "separate but equal." Furthermore, the "one drop" policy was enacted. This stated that if an individual was $1/16^{\text{th}}$ African American or greater, they were to be treated as African Americans and segregated. The Court reasoned that as long as African Americans were treated "equally" but separately, it did not impose on their given rights. This case allowed for slavery by another name. Racism was kept alive and thriving through segregation laws that made sure whites were superior and got the best treatment. The segregation laws kept the African American race from advancing in the U.S. The white population feared the differences of this other race, and made sure they could not become a threat through advances. This Supreme Court case defined the nation

as officially racist. And it remained legally racist for over 50 years.

The segregation laws brought on by *Plessy vs. Ferguson* thrived and grew in the nation. Segregation came to a climactic “beginning of an end” with the Supreme Court case of *Brown vs. Board of Education of Topeka* of 1954. The background of the case is a simple one: schools were segregated and very unequal. Brown (a young African American girl) had to cross very dangerous train tracks on her journey to and from school. Her family worried for her safety, and wished for her to be allowed to attend the better white school that was far closer to her home. The question of her attendance was taken to the U.S. Supreme Court. Their decision was one to finally change the nation in a positive way: the Court saw the injustice in segregated schools and ruled in favor of Brown’s new attendance. The Court decided that “separate but equal” was not equal at all, and that it had to be changed. This monumental decision began the reversal of the segregating decision in *Plessy vs. Ferguson*. It opened the door for national change, and caused enormous headway in the Civil Rights Movement. This decision began the desegregation of the U.S. It meant that children of both white and African American descent would learn and grow together, and that these children would learn the wrongs of racism, and hopefully to love one another based on character, not skin tone.

In conclusion, it is clear that the decisions in *Plessy vs. Ferguson* and *Brown vs. Board of Education of Topeka* were polar opposites. They were alike in their subject matter, but opposite in their outcome. *Plessy vs. Ferguson* kept the nation as one of inequality and segregation. *Brown vs. Board of Education of Topeka* brought the nation to one of

Anchor Paper – Thematic Essay—Level 3 – B

change and hope. The cases decided the rights of African Americans as a people in different time periods. They changed the Constitutional rights and ways of the U.S. The nation would not be what it is today without their lasting impacts.

Anchor Level 3-B**The response:**

- Develops all aspects of the task in some depth for *Plessy v. Ferguson* and for *Brown v. Board of Education of Topeka*
- Is both descriptive and analytical (*Plessy*: every Southern state had passed Jim Crow laws to keep the races separate; *Plessy* was of African American descent and wished to sit in a front train car on a train journey; would deeply scar the face of the United States as a nation; ruled in favor of Ferguson, citing that African Americans and whites could thus be treated as “separate but equal”; racism was kept alive and thriving through segregation laws that made sure whites were superior and got the best treatment; white population feared the differences of this other race and made sure they could not become a threat through advances; remained legally racist for over 50 years; *Brown*: schools were segregated and very unequal; wished for her to be allowed to attend the better white school that was far closer to her home; Court saw the injustice in segregated schools and ruled in favor of Brown’s new attendance; Court decided that “separate but equal” was not equal at all and that it had to be changed; opened the door for national change and caused enormous headway in the civil rights movement; began the desegregation of the United States); includes faulty analysis (*Plessy*: the “one drop” policy was enacted)
- Includes some relevant facts, examples, and details (*Plessy*: segregated; defined the nation as officially racist; *Brown*: young African American girl; reversal of the segregating decision; laws brought on by *Plessy v. Ferguson*)
- Demonstrates a satisfactory plan of organization; includes an introduction that lists a variety of topics considered by the Supreme Court and a conclusion that notes the rulings decided the rights of African Americans in different time periods

Conclusion: Overall, the response fits the criteria for Level 3. The response shows an understanding of the problems facing African Americans during different time periods. The response includes some good analysis, but it would have been strengthened by additional facts and details.

The Supreme Court has always seemed like the “good guy” of the government, striking down unconstitutional laws and keeping citizens safe from a government that could easily get out of control. But not all of the Supreme Court’s decisions have had positive effects on the lives of citizens. Both *Schenck vs United States* and *Korematsu vs United States* are examples of decisions made by the Court that had negative consequences, arguably infringing on the rights of American citizens.

Schnck vs United States set the stage for many other Court decisions. Schnck was a Socialist, eventually arrested for his writings denouncing the government’s capitalist ways and its use of the draft. After appealing to the Court, on the grounds that he had been exercising his freedom of speech, Schnck was given a negative verdict. He was forced to remain in prison, as the government had the right to do whatever it had to in order to “protect the nation.” At the time, the US was involved in WWI, and Schnck’s writings were seen as detrimental to the war effort. “Desperate times called for desperate measures” because he had created a “clear and present danger.” The Court decision allowed the government to limit citizens rights during wartime. This same general result was upheld in *Korematsu vs United States* and other cases about civil liberties during times of crisis. *Korematsu* was a Japanese-American forced to leave his home & job to live in a Japanese internment camp during WWII. The bombing of Pearl Harbor had made Americans suspicious of Japanese-Americans on the west coast. When he appealed to the Supreme Court, claiming his right to a fair and speedy trial had been infringed upon, he was denied his freedom even though he was not convicted of a crime. The

Supreme Court showed the idea made in *Schnuck vs United States* when giving their verdict: it was a time of war, and personal liberties could be infringed upon in order to better protect national security. *Korematsu*, and thousands of others' only offense was their race, because it was believed they would turn against the United States.

Both decisions had a cyclopean impact on the lives of not just those involved in the cases, but upon American Society in general. By claiming the government could do whatever it had to in order to "protect" the nation from threats, whether real or imaginary, the Supreme Court gave the government the go-ahead to strike down all sorts of personal liberties. In the future, it is uncertain as to what the government will next decide to take away from citizens in a time of war. The past has shown they can take away freedom of speech and arrest whomever they so please. *Korematsu* and *Shneck* both show sides of the Supreme Court most are unaccustomed to, and teach valuable lessons we must learn from.

Anchor Level 3-C

The response:

- Develops most aspects of the task in little depth for *Schenck v. United States* and for *Korematsu v. United States*
- Is more descriptive than analytical (*Schenck*: arrested for his writings denouncing the government's capitalist ways and its use of the draft; after appealing to the Court on the grounds that he had been exercising his freedom of speech, Schenck was given a negative verdict; Schenck's writings were seen as detrimental to the war effort; he had created a "clear and present danger"; decision allowed the government to limit citizens' rights during wartime; same general result was upheld in *Korematsu v. United States* and other cases about civil liberties during times of crisis; *Korematsu*: bombing of Pearl Harbor had made Americans suspicious of Japanese Americans on the west coast; he was denied his freedom even though he was not convicted of a crime; personal liberties could be infringed upon in order to better protect national security; *Korematsu* and thousands of others' only offense was their race because it was believed they would turn against the United States)
- Includes some relevant facts, examples, and details (*Schenck*: socialist; remain in prison; World War I; *Korematsu*: internment camp; World War II; *Schenck v. United States*)
- Demonstrates a satisfactory plan of organization; includes an introduction that states both cases infringed on the rights of citizens and a conclusion that suggests in the future the government could continue to take away rights of citizens in time of war

Conclusion: Overall, the response fits the criteria for Level 3. The response provides limited historical circumstances for both cases and lacks a discussion of the impact of *Korematsu v. United States*. The overall response would have been strengthened by additional analysis.

Throughout American History, the Supreme Court has made many decisions that changed American History. Two of the most influential would be Plessy v. Ferguson in 1896, and Brown v. Board of Education of Topeka in 1954. Plessy upheld the constitutionality of “separate but equal” facilities in the South, and Brown desegregated schools.

The 14th amendment, since it’s passage in the Reconstruction era up until now, has been tested in the Supreme Court. Plessy v. Ferguson essentially nullified the 14th amendment in the South, because the segregation of the freedmen and other African Americans could continue as long as facilities were “separate but equal.” Prior to the case, the conditions for African Americans in the South were declining quickly. “Redeemer” democrat leaders passed Jim Crow laws, segregation, and just made it difficult for African Americans to make any political social or economic progress. They were disenfranchised by the poll taxes and individual acts of violence by racist white people. Also, the New Orleans slaughterhouse cases set the stage for Plessy by weakening the 14th amendment. When the 1/8 African American Plessy got on that train, he could not have realized what would actually happen. Segregation would continue for the better part of the 20th century.

Brown v. Board of Education was also a very influential case. It desegregated schools in America. In Arkansas, the “Little Rock 9” tried to attend what had previously been an all white school after the passage of Brown. They were met by angry white people who didn’t want them to go to school. President Eisenhower called in federal troops to stop these angry white people from killing the innocent black people.

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In the end, they went to school. Charles Hamilton Houston had been winning minor court cases in the 1930's-1940's before the passage of Brown, setting the stage for it. After Brown, MLK was able to work for more civil rights progress.

Brown v. BOE and Plessy v. Ferguson were two very influential court cases. They both had to do with civil rights and segregation. Thankfully after Brown segregation was ended in American schools.

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

- Develops some aspects of the task in some depth for *Plessy v. Ferguson* and for *Brown v. Board of Education of Topeka*
- Is primarily descriptive (*Plessy*: 14th amendment, since its passage in the Reconstruction era up until now, has been tested in the Supreme Court; segregation of the freedmen and other African Americans could continue as long as facilities were “separate but equal”; Redeemer Democrat leaders passed Jim Crow laws, segregation, and just made it difficult for African Americans to make any political, social, or economic progress; New Orleans Slaughterhouse cases set the stage for *Plessy* by weakening the 14th amendment; *Brown*: Little Rock Nine tried to attend what had previously been an all-white school; President Eisenhower called in federal troops to stop these angry white people from killing the innocent black people; Charles Hamilton Houston had been winning minor court cases in the 1930s–1940s; after *Brown*, Martin Luther King Jr. was able to work for more civil rights progress)
- Includes few relevant facts, examples, and details (*Plessy*: essentially nullified the 14th amendment in the South; disenfranchised; poll taxes; violence; train; *Brown*: desegregated schools); includes an inaccuracy (*Brown*: the passage of *Brown*)
- Demonstrates a general plan of organization; includes an introduction that mentions one aspect of each case and a conclusion that overstates the impact of the *Brown* decision

Conclusion: Overall, the response fits the criteria for Level 2. The response contains several good details but they are not well integrated and only two aspects of the task are fully developed: the historical circumstances surrounding *Plessy v. Ferguson* and the impact of *Brown v. Board of Education of Topeka*.

Throughout the history of the United States, Supreme Court cases have always played a major role. Two cases in particular, *Plessy v. Ferguson* and *Brown v. Board of Education of Topeka, Kansas*, are especially prominent. These two cases defined segregation, which means they defined how many minorities such as African-Americans were or were not to be discriminated against.

In 1896, *Plessy v. Ferguson* made it to the Supreme Court. Plessy was an African-American man who had purchased a first-class ticket to ride a train. However, the railroad company refused to allow him to be seated in first-class, and they moved him to a coach car. Infuriated, Plessy sued Ferguson on the grounds that he cannot be discriminated against from sitting in first-class if he had a first-class ticket. Chief Justice Tanney ruled that segregation was legal in “separate but equal” facilities. Ferguson had argued that first-class and coach cars were no different. This case allowed for the legislation of Jim Crow laws and other discriminatory actions by citizens, defining the racial differences in the South and trying to maintain them as they had been, as much as possible, before the Civil War.

It was 58 years later that the *Plessy v. Ferguson* ruling was reversed. In 1954, Brown sued the Board of Education of Topeka, Kansas for denying his daughter’s enrollment in their neighborhood school. Instead, she had to travel a great distance in order to attend a school that was not as strong as the one that denied her. The decision in *Plessy v. Ferguson* was now overturned when it was decided that “separate is inherently unequal.” It led to the integration of schools and the eventual end to segregation, with the passage of the Civil Rights Act of 1964, which outlawed discrimination in privately-

Anchor Paper – Thematic Essay—Level 2 – B

owned facilities that were open to the public.

In *Plessy v. Ferguson* and *Brown v. Board of Education of Topeka, Kansas*, the Supreme Court ruled on segregation. One established it, the other led to its demise. Thus Supreme Court cases have always been extremely important in United States history, but these two rise above the rest.

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

- Minimally develops all aspects of the task for *Plessy v. Ferguson* and for *Brown v. Board of Education of Topeka*
- Is primarily descriptive (*Plessy*: African American man who had purchased a first-class ticket to ride a train; railroad company refused to allow him to be seated in first class; ruled that segregation was legal in “separate but equal” facilities; case allowed for the legislation of Jim Crow laws and other discriminatory actions by citizens, defining the racial differences in the South; *Brown*: sued the Board of Education of Topeka, Kansas, for denying his daughter’s enrollment in their neighborhood school; had to travel a great distance in order to attend a school that was not as strong as the one that denied her; decision in *Plessy v. Ferguson* was now overturned when it was decided that separate is “inherently unequal”; led to the integration of schools and the eventual end to segregation with the passage of the Civil Rights Act of 1964, which outlawed discrimination in privately-owned facilities that were open to the public)
- Includes few relevant facts, examples, and details (*Plessy*: sued Ferguson; Civil War; *Brown*: 58 years later); includes an inaccuracy (*Plessy*: Chief Justice Taney)
- Demonstrates a satisfactory plan of organization; includes an introduction stating that the two cases defined segregation and a conclusion that notes one case established segregation and the other ended it

Conclusion: Overall, the response fits the criteria for Level 2. The response shows understanding of the tasks but limited information weakens the overall quality of the essay. The discussion of *Plessy* lacks historical circumstances, while the discussion of *Brown* assumes historical circumstances without elaborating beyond the *Plessy* ruling.

The Supreme Court has played a major role in the history of the United States. The Supreme Court has made decisions that have had an extraordinary impact on the history of the United States. Two of the most impacting Supreme Court cases are Dred Scott v. Sanford and Plessy v. Ferguson. The decisions made in these court cases had a lasting impact on the treatment of African Americans.

The Dred Scott versus Sanford case took place in 1857. At this time, an increasing number of states were becoming free states. These free states were mainly in the North and they allowed slaves to be free. Dred Scott was a slave whose owner moved from a slave state to a free state. With this migration Scott argued that he should be freed. Dred Scott believed in this so greatly that he took his argument to Court. With this, the Dred Scott versus Sanford case was born. The decision made by the Supreme Court in this case truly defined the rights of African Americans in the late 1800s. The ruling made by the Court stated that Dred Scott could not be freed. Scott and all other slaves were considered property. This decision became known as the Dred Scott decision. This ruling defined African American's rights and also labeled their place in society. Along with this, the Dred Scott decision made it more difficult for slaves to become free. It showed that just because a slave entered a free state, that did not mean that they were free.

Plessy versus Ferguson was another case that defined the rights of African Americans. Plessy was an African American that wanted to ride in a train car designated to whites only. Plessy was denied access to this train car. Though there was also a designated train car for blacks, Plessy wanted equality. This case was taken to the Supreme

Court and the decision defined the constitutional rights of African Americans. The Supreme Court decided that blacks were separate but equal and that this was completely constitutional. This truly defined the constitutional rights of African Americans. This decision also allowed restaurants, bathrooms, and even water fountains to be segregated. Under this Supreme Court ruling, any public place could be considered separate but equal. This decision also showed that even though African Americans were free of slavery, they were not free of racism.

The Supreme Court has made many impacting decisions that shaped American history. Two major cases were Dred Scott versus Sanford and Plessy versus Ferguson. The decisions made in these cases defined the constitutional rights of African Americans and also labeled their place in society.

Anchor Level 2-C

The response:

- Minimally develops all aspects of the task for *Dred Scott v. Sanford* and for *Plessy v. Ferguson*
- Is primarily descriptive (*Dred Scott*: slave whose owner moved from a slave state to a free state; with this migration Scott argued that he should be freed; Court stated that Dred Scott could not be freed; Scott and all other slaves were considered property; made it more difficult for slaves to become free; showed that just because a slave entered a free state, that did not mean that they were free; *Plessy*: African American that wanted to ride in a train car designated to whites only; there was also a designated train car for blacks; Court decided that blacks were separate but equal and that this was completely constitutional; decision also allowed restaurants, bathrooms, and even water fountains to be segregated; even though African Americans were free of slavery, they were not free of racism)
- Includes few relevant facts, examples, and details (*Dred Scott*: defined African American rights; *Plessy*: denied access; constitutional rights)
- Demonstrates a general plan of organization; includes an introduction that restates the theme and a conclusion that repeats the idea that both decisions defined the constitutional rights of African Americans

Conclusion: Overall, the response fits the criteria for Level 2. The response includes several important generalizations but lacks the detail and development usually found in a higher level paper.

The Supreme Court of the United States has made decisions that have had a great impact on the nation. They have defined the constitutional rights of individuals and groups of people. The Dred Scott v. Sanford (1857) and Plessy v. Ferguson (1896) cases have had an impact on American society.

In the Dred Scott v. Sanford (1857) case, the Supreme Court based its decision on African-Americans. The court ruled that African Americans were not and could not become citizens. Dred Scott was a slave & wanted some rights for himself and the rest of the African American people. However, the Supreme Court ruled against them. The decisions made by the Supreme Court lead to effects of the African Americans. African Americans didn't have much right & had to work as slaves almost their entire life. No one accepted them and no one would allow them to be citizens of the United States. We as Americans did not accept the slaves because the Supreme Court considered them property. This brought all the African Americans together, however. This turned around the Missouri Compromise.

On the flip side, the Plessy v Ferguson case of 1896 also had an impact on American society. This case was made because Homer Plessy did not agree with the blacks being different & separated from everyone else. This brought up the argument of "separate but equal". This means that blacks and whites can still be separated but they would all have equal rights. Plessy didn't like the idea that slaves were being treated as property. Therefore, the idea of "separate but equal". This would become the 14th Amendment. African Americans were in favor of this and so were most Americans. However, some Americans were not because they didn't like the idea that African Americans

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would be treated the same as them. This Supreme court case gave more civil rights to African Americans and then was overruled by Brown v. Board of Education.

The cases of Dred Scott v. Sanford (1857) and Plessy v. Ferguson (1896) have defined the constitutional rights of individuals and groups of people. These decisions by the court have had a great impact on the nation as a whole.

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

- Minimally develops some aspects of the task for *Dred Scott v. Sanford* and for *Plessy v. Ferguson*
- Is descriptive (*Dred Scott*: Court ruled that African Americans were not and could not become citizens; Court ruled against them; considered them property; *Plessy*: did not agree with blacks being different and separated; brought up the argument of “separate but equal”); includes faulty analysis (*Plessy*: Plessy did not like the idea that slaves were being treated like property; this would become the 14th amendment; this Supreme Court case gave more civil rights to African Americans)
- Includes few relevant facts, examples, or details (*Dred Scott*: Missouri Compromise)
- Demonstrates a general plan of organization; includes an introduction and a conclusion that restate the theme

Conclusion: Overall, the response fits the criteria for Level 1. The response briefly addresses each decision but fails to provide any accurate historical circumstances. Faulty analysis weakens the explanations.

Throughout our history there have been many court cases that have impacted our country. Some of these court cases have made it to be what it is today. *Brown v. Board of Education of Topeka* and *Dred Scott v. Sanford* are just two of them.

In *Brown v. Board of Education of Topeka*, the law that was in question was if segregation in schools should be constitutional. During this time many events were taking place in our country. Lots of racism was taking place. In schools there was segregation. A black person could not go to a white school. This caused an incident called the Little Rock Nine. The Little Rock nine were nine black students trying to enter a white school and were being stopped by the military. The students did get into the school with police escorts. This incident brought about the court case of *Brown v. Board of Education*. This case declared that segregation in schools was unconstitutional. This affected the United States in that segregation was abolished. *Brown v. Board of Education of Topeka* had an impact on the United States.

In *Dred Scott v. Sanford* the issue that was in question was if a slave moved out of state for 2 years when they came home were they still a slave. Dred Scott had this issue and he decided to take it to the court. He got all the way to the Supreme Court with this issue to find out that he couldn't even use the court system because he was a slave. This resulted in slavery being abolished. Many abolitionists like Frederick Douglass and Nat Turner did everything they could to abolish slavery. This court case impacted our country in a major way.

Brown v. Board of Education of Topeka and *Dred Scott v. Sanford* were just two of the many court cases that impacted our country.

Anchor Level 1-B

The response:

- Minimally develops some aspects of the task for *Brown v. Board of Education of Topeka* and for *Dred Scott v. Sanford*
- Is descriptive (*Brown*: law that was in question was if segregation in schools should be constitutional; black person could not go to a white school; case declared that segregation in schools was unconstitutional; *Dred Scott*: got all the way to the Supreme Court with this issue to find out that he could not even use the court system because he was a slave); includes faulty analysis (*Brown*: this incident brought about the court case of *Brown v. Board of Education*; *Dred Scott*: this resulted in slavery being abolished)
- Includes few relevant facts, examples, or details (*Brown*: racism; *Dred Scott*: Frederick Douglass; Nat Turner)
- Demonstrates a general plan of organization; includes a brief introduction and conclusion that restate the theme

Conclusion: Overall, the response fits the criteria for Level 1. The response minimally addresses the decision in each case. The discussion of the Little Rock Nine includes some correct information but is incorrectly mentioned as a cause of *Brown v. Board of Education*, rather than an impact.

Thematic Essay—Practice Paper – A

Throughout history there have been many circumstances in which people have had their rights violated. These circumstances have had a large impact on the nation.

Brown v. Board of Education was a situation where blacks were not allowed in white schools. These people revolted and had protests to change this problem. The Supreme Court finally came to the conclusion that blacks should be allowed in white schools.

Another circumstance where peoples rights were violated was when *Roe v. Wade* happened. This was when a woman was raped and couldn't get an abortion so she protested.

The Supreme Court came to the decision that people can have an abortion within 3 months of pregnancy with it being their choice. But after that only if its endangering the mother.

As you can see many circumstances have impacted peoples rights and Supreme court changed that for them.

The U.S. Supreme Court defines constitutional rights. They make the final call, the last decision on issues concerning, and sometimes questioning, the constitution. Sometimes the decision made by the Supreme Court can have a positive impact on America. But sometimes they made decisions that scarred and blemished the face of American History.

One such negative case is *Korematsu v. United States*. During World War II Japan made a surprise attack on Pearl Harbor and everyone was afraid of the Japanese in the U.S. Because of that fear the U.S. grossly overreacted. There were many Japanese Americans living peacefully on the West Coast of the United States. The government, being paranoid and fearing that the Japanese-Americans were secretly working for the Japanese and spilling American secrets, decided to contain them. And contain them they did, putting all the Japanese-Americans together in internment camps far from the coast and run by the military. These Japanese-American people had not been proven to do anything wrong, and yet their writ of habeas corpus was suspended, and they were carted off. They lost everything, without even a trial. *Korematsu* was a Japanese American sent to an internment camp. He challenged this, saying it was unconstitutional, and it got all the way to the Supreme Court. The Supreme Court ended up ruling against *Korematsu*. These camps are one of the biggest stains on American history. In our hysteria we would do something as horrid as locking up our own people, people who came here to be free and pursue the American Dream, not people who came here to be persecuted. And the vast majority were even citizens by birth. This shameful act and shameful decision made by the Supreme Court is a regret that will

Thematic Essay—Practice Paper – B

forever live on in American history because it ruled that the government can take away the rights of citizens during a national crisis.

On the other hand, the United States Supreme Court does make accurate and responsible rulings most of the time. One court case that had a positive effect was *Brown v Board of Ed. of Topeka Kansas*. This case was brought on by segregation, the concept of “separate but equal” as coined in *Plessy v. Ferguson*. Only, it didn’t turn out very equal, especially in the education system. Black children were undereducated. While white children got new textbooks and workbooks, clean classrooms, & government that actually cared about their education, black children had to use tablets and chalk, in dirty run down schools. *Brown v. Board of Ed* dismissed the “separate but equal” decision of the Supreme court in *Plessy v. Ferguson*. They said that if children are separated by race and are not educated the same, minority children will feel inferior. The Supreme Court ruled in favor of *Brown*, ending the “separate but equal” segregation, at least in schools. This was a huge upside in American history because it was the first big step in ending racial segregation in the U.S. This decision led to gradual changes, and although it took a lot of struggles and strife, the Civil Rights movement prevailed, and segregation allowed by laws was no more. This was a shining light on US history because even though integration did not happen overnight, the Civil Rights movement gave African Americans hope that their children could grow up to be President like Barack Obama.

The Supreme Court holds the fate of the country in its hands. One decision can impact the path of the nation, good or bad.

Under the decisions of the Supreme Court, various groups of people and individuals' constitutional rights have been defined. These decisions have a definite effect on the nation. Two United States Supreme Court cases that prove this are *Brown v. Board of Education of Topeka* 1954, and *Gideon v. Wainwright* 1963.

In *Brown v. Board of Education of Topeka*, Brown wanted to take his daughter to an all white school because it was closer to them than the all black schools. Eventually with the aid of the NAACP the case was taken up. American psychologist Kenneth Clark was able to prove that segregation caused psychological damage to African-American children. Those children felt inferior to white people. This proved that the 14th Amendment was violated and the court ruled in Brown's favor.

This case helped intergration take place between African-Americans and whites. The case also aided as a spark of the historic Civil Rights movement. American society was forever changed with the Civil Rights movement, backed up by Brown's case.

In 1963 *Gideon v. Wainwright* occurred. The Florida man Gideon was accused of breaking and entering. Gideon was too poor to find a lawyer. Capitol cases provided for lawyers but this wasn't his situation. The case ruled that the 6th Amendment was violated under the context that he wasn't provided assistance in defense. That decision has affected numerous individuals who have not been able to successfully seek a lawyer due to being lower class members.

In conclusion, the United States Supreme Court's decisions have a great impact on individual or groups of people's rights. *Brown v. Board of Education of Topeka* and *Gideon v. Wainwright* are just two of many cases that have affected our nation as a whole's expression of rights.

Thematic Essay—Practice Paper – D

The judicial branch of the United States, known as the Supreme Court, has the ability to check the powers of the other two branches of government. The Court does this by declaring certain laws as constitutional or unconstitutional. Many of the decisions made by the Supreme Court have greatly altered the constitutional rights of the people. Two landmark Supreme Court decisions were *Brown vs. Board of Ed* and *National Federation of Individual Businesses v. Sebelius*. Both of these decisions have dramatically changed the rights of Americans.

One of the most famous Supreme Court cases was *Brown vs. Board of Ed*. In the mid 20th century, segregation in the South was strictly enforced throughout public places such as schools, parks and even water fountains. When the Brown family attempted to enroll one of their children into a public school in Topeka, the school denied the child because the child was African American. The family brought a lawsuit against the Board of Ed of Topeka, a lawsuit which eventually made its way to the Supreme Court. The Court ruled that schools could not separate students based on race, stating that segregation in public schools was unconstitutional. The Court made this decision because it felt that separate schools could never be equal. Ever since the Brown decision was made by the Supreme Court, segregation based on race in schools essentially disappeared. Today, all children, regardless of race, are given an equal opportunity to attend the same school without legal discrimination. In addition, the Brown decision paved way for the end of segregation as a whole. After the Brown case, segregation by law was slowly wiped out in the United States. The Brown case profoundly affected the lives of all American children and proved to be the first domino to fall in the fight for Civil Rights.

Thematic Essay—Practice Paper – D

Another landmark case came from a recently passed law known as the Affordable Care Act. President Obama proposed the law to provide health care to over 30 million uninsured Americans. He believed that it was wrong that many families had no access to doctors or hospitals in such a wealthy nation. The ACA mandated that all individuals get healthcare insurance or pay a penalty. The constitutionality of the individual mandate was immediately questioned, and the case went to the Supreme Court known as *National Federation of Individual Businesses vs. Sebelius*. In the Court's opinion, Chief Justice John Roberts upheld the constitutionality of the ACA because the penalty was technically a tax, and Congress has the right to tax according to the Constitution. The Court's opinion allowed the ACA to continue, and as a result, the ACA became one of the most sweeping health reforms in US history since Lyndon Johnson's Great Society. The full effects of the Affordable Care Act have yet to be seen, however, this decision is guaranteed to be one of the most important decisions the Court has made in recent years.

Many Supreme Court cases have greatly affected the rights of Americans. Two prominent examples were the *Brown vs. Board of Ed* and *National Federation of Individual Businesses vs. Sebelius*. Both of these decisions have changed the structure of American society.

The United States Supreme Court has greatly impacted the rights of African Americans, through landmark cases. For instance, the case of *Dred Scott v. Sanford* ensured the existence of slavery in the U.S. and the belief that slaves were nothing more than property. In contrast, the case of *Brown v. Board of Education of Topeka* started the process of desegregation. These two cases show that the Supreme Court has the power to influence the nation through decisions affecting the rights of African Americans.

The decision of *Dred Scott v. Sanford* by Chief Justice Taney led to the perpetuation of slavery and the viewing of African Americans as a lesser race. This case took place during the Antebellum period, a time when slavery was a major social and political issue. Scott's white owner, Sanford, had moved into a free territory and brought his slaves with him. During this time, Scott had a child with another slave. Upon their return to the South, Scott sued Sanford for his family's freedom on the grounds that he was free when he entered the free territory and that his child was born free. The Supreme Court ruled against Scott on the grounds that he was property and would remain the property of Sanford regardless of where they moved. The same would be true for his family. Furthermore, as a slave, he had no right to sue and the case shouldn't have reached the Supreme Court. This decision guaranteed that slaves would remain slaves because they would be property no matter where they are in the U.S. They based the decision on the 5th amendment clause that no citizen can be deprived of property without due process. Additionally, it reinforced the idea that African Americans were not citizens and had no constitutional rights. This decision was followed within a decade by the Civil War, proving that this decision was extremely unpopular with Republicans.

who wanted to stop the spread of slavery. Anti-slavery northerners defiantly rejected this pro-slavery decision because it made slavery legal in all territories. Southerners celebrated the decision and only a bloody war could finally end slavery. Overall, the case is a good example of how a decision by the Supreme Court can have a huge impact on the U.S. and society.

A second Supreme Court case was significant to the rights of African Americans, especially in the South. The decision of *Brown v. Board of Education of Topeka* by chief Justice Warren initiated the process of desegregation. This case took place in the early post-WWII civil rights era in 1954. Brown wished for his daughter to attend the white school only a few blocks away rather than have to catch a bus to ride halfway across town to attend the Black school. This case was taken up by Thurgood Marshall and the NAACP in order to achieve a victory and start desegregation. The U.S. court ruled in favor of Brown and that schools can't be segregated. The main basis for this was that segregated schools were inherently unequal and had a profound psychological impact on students. This case showed how psychological evidence can be conclusive and that separate but equal facilities were by nature unequal and violated the equal protection clause of the 14th amendment. The decision was extremely unpopular with white southerners. It caused an ugly backlash in Little Rock, Arkansas, when enraged citizens fought to prevent nine African American students from entering the high school. Federal troops had to be sent to protect them from mob violence. The trend to desegregate public schools spread to major state universities in the South where students faced similar hatred. In other words, desegregation won its

Thematic Essay—Practice Paper – E

first major case when the court ordered the desegregation of public schools "with all deliberate speed." This case shows that the Supreme Court can change and match its decisions to public concern and alter the lives of others.

Overall, the U.S. Supreme Court has greatly changed the rights of African Americans and other minorities in different ways throughout time. The decision in the *Dred Scott v. Sanford* case reaffirmed traditional feelings of many southerners. The decision in the *Brown v. Board of Education* case initiated a change in society. The combination of these cases shows how one Supreme Court varies from another and that each set of justices affect society in different ways. Therefore, the Supreme Court is a dynamic force in shaping U.S. policy and American society.

Practice Paper A—Score Level 1**The response:**

- Minimally develops some aspects of the task for *Brown v. Board of Education of Topeka* and for *Roe v. Wade*
- Is descriptive (*Brown*: situation where blacks were not allowed in white schools; Court finally came to the conclusion that blacks should be allowed in white schools; *Roe*: Court came to the decision that people can have an abortion within three months of pregnancy, with it being their choice); includes faulty analysis (*Brown*: these people revolted and had protests to change this problem; *Roe*: this was when a woman was raped and could not get an abortion so she protested)
- Includes no relevant facts, examples, or details
- Demonstrates a general plan of organization; includes a brief introduction and conclusion

Conclusion: Overall, the response fits the criteria for Level 1. The response consists of only a few general statements that are correctly related to the tasks.

Practice Paper B—Score Level 3

The response:

- Develops most aspects of the task in some depth for *Korematsu v. United States* and for *Brown v. Board of Education of Topeka*
- Is more descriptive than analytical (*Korematsu*: during World War II, Japan made a surprise attack on Pearl Harbor and everyone was afraid of the Japanese in the United States; contain them they did, putting all the Japanese Americans together in internment camps far from the coast and run by the military; they lost everything without even a trial; Court ended up ruling against *Korematsu*; it ruled that the government can take away the rights of citizens during a national crisis; *Brown*: case was brought on by segregation; did not turn out very equal, especially in the education system; dismissed the “separate but equal” decision of the Supreme Court in *Plessy v. Ferguson*; said that if children are separated by race and are not educated the same, minority children will feel inferior; first big step in ending racial segregation in the United States; even though integration did not happen overnight, the civil rights movement gave African Americans hope)
- Includes some relevant facts, examples, and details (*Korematsu*: living peacefully; writ of habeas corpus was suspended; hysteria; citizens by birth; *Brown*: tablets and chalk; dirty, run-down schools; Barack Obama)
- Demonstrates a clear plan of organization; includes an introduction and a conclusion that state the Supreme Court can decide the fate of the country, for good or for bad

Conclusion: Overall, the response fits the criteria for Level 3. The response lacks a full discussion of the impact of each decision. It does, however, exhibit understanding of the historical circumstances, especially the inequality of African American schools before the *Brown* decision.

Practice Paper C—Score Level 2

The response:

- Minimally develops all aspects of the task for *Brown v. Board of Education of Topeka* and for *Gideon v. Wainwright*
- Is primarily descriptive (*Brown*: wanted to take his daughter to an all-white school; eventually, with the aid of the NAACP, the case was taken up; those children felt inferior to white people; proved that the 14th amendment was violated and the Court ruled in *Brown*’s favor; case helped integration take place between African Americans and whites; also aided as a spark of the historic civil rights movement; *Gideon*: accused of breaking and entering; too poor to find a lawyer; ruled that the sixth amendment was violated under the context that he was not provided assistance in defense)
- Includes few relevant facts, examples, and details (*Brown*: psychologist Kenneth Clark; segregation; psychological damage; *Gideon*: Florida man; capital cases; lower class)
- Demonstrates a general plan of organization; includes an introduction and a conclusion that are little more than a restatement of the theme

Conclusion: Overall, the response fits the criteria for Level 2. The response clearly identifies the constitutional basis of each case. However, the remainder of the task lacks development, especially the impact of *Gideon v. Wainwright*.

Practice Paper D—Score Level 3

The response:

- Develops all aspects of the task with little depth for *Brown v. Board of Education of Topeka* and for *National Federation of Independent Businesses v. Sebelius*
- Is more descriptive than analytical (*Brown*: in the mid–20th century, segregation in the South was strictly enforced throughout public places; when the Brown family attempted to enlist one of their children in a public school in Topeka, the school denied the child because the child was African American; Court ruled schools could not separate students based on race, stating that segregation in public schools was unconstitutional; felt that separate schools could never be equal; paved way for the end of segregation as a whole; segregation by law was slowly wiped out in the United States; proved to be the first domino to fall in the fight for civil rights; *National Federation*: President Obama proposed the law to provide health care to over 30 million uninsured Americans; American Care Act mandated that all individuals get health care insurance or pay a penalty; constitutionality of the individual mandate was immediately questioned; Chief Justice John Roberts upheld the constitutionality of the American Care Act because the penalty was technically a tax and Congress has the right to tax according to the Constitution; allowed the American Care Act to continue; became one of the most sweeping health reforms in United States history since Lyndon Johnson’s Great Society); includes faulty analysis (*Brown*: segregation based on race in schools essentially disappeared)
- Includes some relevant facts, examples, and details (*Brown*: schools, parks, and even water fountains; lawsuit; *National Federation*: no access to doctors; wealthy nation)
- Demonstrates a satisfactory plan of organization; includes an introduction that notes the Supreme Court can rule on the constitutionality of laws and labels the cases as landmarks, and adds a brief conclusion

Conclusion: Overall, the response fits the criteria for Level 3. Although all aspects of the task are addressed, the discussion of *Brown v. Board of Education* is more general than *National Federation of Independent Businesses v. Sebelius* and would be strengthened by additional facts and details.

Practice Paper E—Score Level 4

The response:

- Develops all aspects of the task for *Dred Scott v. Sanford* and for *Brown v. Board of Education of Topeka*
- Is both descriptive and analytical (*Dred Scott*: took place during the antebellum period, a time when slavery was a major social and political issue; Scott’s white owner, Sanford, had moved into a free territory and brought his slaves with him; sued Sanford for his family’s freedom on the grounds that he was free when he entered the free territory and that his child was born free; he was property and would remain the property of Sanford regardless of where they moved; as a slave, he had no right to sue and the case shouldn’t have reached the Supreme Court; based the decision on the fifth amendment clause that no citizen can be deprived of property without due process; reinforced the idea that African Americans were not citizens and had no constitutional rights; anti-slavery Northerners defiantly rejected this pro-slavery decision because it made slavery legal in all territories; Southerners celebrated the decision and only a bloody war could finally end slavery; *Brown*: case took place in the early post–World War II civil rights era; Brown wished for his daughter to attend the white school only a few blocks away; case was taken up by Thurgood Marshall and the NAACP in order to achieve a victory and start desegregation; “separate but equal” facilities were by nature unequal; decision was extremely unpopular with white Southerners; caused an ugly backlash in Little Rock, Arkansas, when enraged citizens fought to prevent nine African American students from entering the high school; trend to desegregate public schools spread to major state universities in the South where students faced similar hatred; desegregation won its first major case when the Court ordered the desegregation of schools “with all deliberate speed”); includes faulty analysis (*Brown*: rather than have to catch a bus to ride halfway across town)
- Supports the theme with relevant facts, examples, and details (*Dred Scott*: Chief Justice Taney; Civil War; Republicans; *Brown*: Chief Justice Warren; psychological impact; violated the equal protection clause; 14th amendment; federal troops; mob violence)
- Demonstrates a logical and clear plan of organization; includes an introduction that maintains the two cases included landmark decisions and a conclusion that says the Supreme Court is a dynamic force in shaping American society

Conclusion: Overall, the response fits the criteria for Level 4. The response shows understanding of relevant constitutional provisions and some important impacts of each decision. However, the historical circumstances surrounding each case are not fully developed, and additional facts concerning the *Dred Scott* decision would have strengthened the response.

United States History and Government Specifications August 2018

Part I Multiple-Choice Questions by Standard

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

Parts II and III by Theme and Standard

	Theme	Standards
Thematic Essay	Supreme Court Decisions; Constitutional Principles; Civic Values; Citizenship; Individuals, Groups, Institutions	Standards 1 and 5: United States and New York History; Civics, Citizenship, and Government
Document-based Essay	Presidential Decisions and Actions; Foreign Policy; Places and Regions; Constitutional Principles; Interdependence	Standards 1, 2, 3, and 5: United States and New York History; World History; Geography; 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 August 2018 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.