

## PART 3—CIVIC LITERACY ESSAY

This Civic Literacy essay is based on the accompanying documents. The question is designed to test your ability to work with historical documents. Some of these documents have been edited for the purpose of this question. As you analyze the documents, take into account the source of each document and any point of view that may be presented in the document. Keep in mind that the language and images used in a document may reflect the historical context of the time in which it was created.

### Historical Context: Freedom of Speech During Wartime

Throughout United States history, many constitutional and civic issues have been debated by Americans. These debates have resulted in efforts by individuals, groups, and governments to address these issues. These efforts have achieved varying degrees of success. One of these constitutional and civic issues is freedom of speech during wartime.

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

- Describe the historical circumstances surrounding this constitutional or civic issue
- Explain efforts to address this constitutional or civic issue by individuals, groups, and/or governments
- Discuss the impact of the efforts on the United States and/or American society

**Describe** means “to illustrate something in words or tell about it”

**Explain** means “to make plain or understandable; to give reasons for or causes of; to show the logical development or relationship of”

**Discuss** means “to make observations about something using facts, reasoning, and argument; to present in some detail”

**Document 1**

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Source: First Amendment to the Constitution of the United States, 1789

1. Based on this document, identify **one** freedom guaranteed by the First Amendment to the Constitution of the United States. [1]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Score

**Document 2a**

Section 3  
Whoever, when the United States is at war, shall wilfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States or... shall wilfully cause or attempt to cause insubordination [refusal to obey orders], disloyalty, mutiny, refusal of duty, in the military or naval forces of the United States, or shall wilfully obstruct the recruiting or enlistment service of the United States... shall be punished by a fine of not more than \$10,000 or imprisonment for not more than twenty years, or both.

Source: Espionage Act, 1917

**Document 2b**

Section 3  
Whoever, when the United States is at war, shall willfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States, or to promote the success of its enemies, or shall willfully make or convey false reports, or false statements, . . . or incite insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or shall willfully obstruct . . . the recruitment or enlistment service of the United States, or . . . shall willfully utter, print, write, or publish any disloyal, profane, scurrilous [with the intention to damage a reputation], or abusive language about the form of government of the United States, or the Constitution of the United States, or the military or naval forces of the United States . . . or shall willfully display the flag of any foreign enemy, or shall willfully . . . urge, incite, or advocate any curtailment of production . . . or advocate, teach, defend, or suggest the doing of any of the acts or things in this section enumerated and whoever shall by word or act support or favor the cause of any country with which the United States is at war or by word or act oppose the cause of the United States therein, shall be punished by a fine of not more than \$10,000 or imprisonment for not more than twenty years, or both....

Source: Sedition Act, 1918

2. Based on these documents, state **one** actions made illegal by the Espionage or Sedition Acts. [1]

---

---

---

Score

**Document 3**

In 1919, 15,000 leaflets urging resistance to the draft were sent to men who had been drafted by the US Army. The leaflets were traced to Socialist Party headquarters, specifically to Charles Schenck, the General Secretary of the Socialist Party, who publicly and vocally had opposed United States participation in World War I. This took place during a period known as the First Red Scare, during which concern over the spread of communism was high in the United States.

**LONG LIVE THE CONSTITUTION OF THE UNITED STATES**

**Wake up America! Your Liberties are in Danger!**

The 13th Amendment, Section 1 of the Constitution of the United States says: “Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to the jurisdiction”

The Constitution of the United States is one of the greatest bulwarks of political liberty. It was born after a long, stubborn battle between king-rule and democracy. In this battle the people of the United States established the principle that freedom of the individual and personal liberty are the most sacred things in life. Without them we become slaves... The Thirteenth amendment to the Constitution of the United States embodies this sacred idea of personal liberty...this idea is violated by the Conscription Act. When you conscript [force a person to join the military] a man and compel him to go abroad and fight against his will, you violate that most sacred right of personal liberty...A conscript is little better than a convict. He is deprived of his liberty and of his right to think and act as a free man. A conscripted citizen is forced to surrender his right as a citizen and become a subject. He is forced into involuntary servitude. He is deprived of the protection given to him by the Constitution of the United States. He is deprived of all freedom of conscience in being forced to kill against his will...Write to your congressman and tell him you want the law repealed. Do not submit to the intimidation. You have a right to demand the repeal of any law. Exercise your rights of free speech, peaceful assemblage and petitioning the government for a redress of grievances!

Source: Excerpt of the pamphlet created by the United States Socialist Party, 1919.

3. Based on this document, identify the point of view of the United States Socialist Party concerning the Conscription Act. [1]

---

---

---

Score

Document 4

... I think all men recognize that in time of war the citizen must surrender some rights for the common good which he is entitled to enjoy in time of peace. But, sir, the right to control their own Government according to constitutional forms is not one of the rights that the citizens of this country are called upon to surrender in time of war. Rather, in time of war, the citizen must be more alert to the preservation of his right to control his Government. He must be most watchful of the encroachment [intrusion] of the military upon the civil power. He must beware of those precedents in support of arbitrary action by administration officials which, excused on the pleas of necessity in war time, become the fixed rule when the necessity has passed and normal conditions have been restored. More than all, the citizen and his representative in Congress in time of war must maintain his right of free speech....

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

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

---

---

---

Score

Document 5

This is an indictment that charges a conspiracy to violate the Espionage Act of June 15, 1917, by causing and attempting to cause insubordination in the military and naval forces of the United States, and to obstruct the recruiting and enlistment service of the United States, when the United States was at war with the German Empire. The charges state that the defendant willfully conspired to have printed and circulated to men who had been called and accepted for military service, a document set forth and alleged to be calculated to cause such insubordination and obstruction...The defendants were found guilty on all the counts. They [the Constitution’s framers] set up the First Amendment to the Constitution forbidding Congress to make any law abridging the freedom of speech, or of the press...

.... We admit that in many places and in ordinary times the defendants in saying all that was said in the circular would have been within their constitutional rights. But the character of every act depends upon the circumstances in which it is done. The most stringent [strict] protection of free speech would not protect a man in falsely shouting fire in a crowded theatre and causing a panic. The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent. It is a question of proximity and degree. When a nation is at war many things that might be said in time of peace are such a[n] obstacle to its effort that their utterance will not be endured so long as our men are fighting at war and therefore no Court could regard them as protected by any constitutional right...

Source: Excerpts of the Supreme Court Decision in Schenck v. United States written by Justice Oliver Wendell Holmes, 1919

5. Based on this document, why did the Supreme Court decide that “no Court could regard” Charles Scheck’s language “as protected by any constitutional right?” [1]

---

---

---

Score

Document 6

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

SWAT THE FLY, BUT USE COMMON SENSE.



Uncl

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

6. What is the cartoonist's point of view of the US government's use of Sedition legislation? [1]

---

---

---

Score

Score of 5:

- Thoroughly develops **all** aspects of the task evenly and in depth by describing the historical circumstances surrounding freedom of speech during wartime, explaining *at least two* efforts to address this issue by individuals, groups, and/or governments, and discussing the extent to which these efforts were successful
- Is more analytical than descriptive (analyzes, evaluates, and/or creates information), e.g., explains how fear of subversion of government has been used to justify curtailing freedom of speech during periods of war
- Incorporates relevant information from *at least four* documents
- Incorporates substantial relevant outside information
- Richly supports the theme with many 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 4:**

- Develops **all** aspects of the task but may do so somewhat unevenly by discussing one aspect of the task less thoroughly than the other aspects of the task
- Is both descriptive and analytical (applies, analyzes, evaluates, and/or creates information), e.g., discusses the passage of anti-sedition laws and prosecution of Charles Schenck under these laws
- Incorporates relevant information from *at least four* documents
- Incorporates relevant outside information
- Supports the theme with relevant facts, examples, and details
- Demonstrates a logical and clear plan of organization; includes an introduction and a conclusion that are beyond a restatement of the theme

**Score of 3:**

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

**Score of 2:**

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

**Score of 1**

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

**Score of 0:**

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

