

**Reading Informational Texts: Book I  
Teacher's Edition**

**SAMPLE**



**Prestwick House**

The background features a dark grey gradient on the left and a white gradient on the right, separated by a vertical line. On the left side, there are several sets of concentric circles and wavy lines in a light grey color, creating a sense of motion and depth. A large, dark grey circle with a white border is positioned on the right side, overlapping the vertical line. Inside this circle, the text "INTRODUCTION to the Teacher's Edition" is written in white.

# **INTRODUCTION** to the Teacher's Edition

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## “READING INFORMATIONAL TEXTS” IN THE COMMON CORE STATE STANDARDS

This series is based on the Reading Informational Texts objectives of the Common Core State Standards (CCSS).

Reading: Literature

**Reading: Informational Texts**

Writing

Speaking and Listening

Language

In the English Language Arts category, “Reading: Informational Texts” is one of the five main subdivisions of the CCSS.

As the research published in the CCSS’s appendices explains, there has been a downward trend in the complexity of the texts students have been required to read in school over the past decades, and there are now, according to the Common Core Initiative, “too many students reading at too low a level.”

Meanwhile, texts required for success in business and in college have, in large part, increased in difficulty over the same time period. Hence, while students who excel at reading informational texts will have an advantage over their peers in applying to college and performing college coursework, even those students who find employment immediately after high school will likely benefit from this skill. Texts read in many professions have been found to significantly exceed a twelfth-grade reading level.<sup>1</sup> The CCSS describes research that indicates a growing disparity between what is being taught in schools and what is being read in the workplace:<sup>2</sup>

*Research indicates that the demands that college, careers, and citizenship place on readers have either held steady or increased over roughly the last fifty years. The difficulty of college textbooks, as measured by Lexile scores,<sup>3</sup> has not decreased in any block of time since 1962; it has, in fact, increased over that period (Stenner, Koons, & Swartz, in press).*

*The word difficulty of every scientific journal and magazine from 1930 to 1990 examined by Hayes and Ward (1992) had actually increased, which is important in part because, as a 2005 College Board study (Milewski, Johnson, Glazer, & Kubota, 2005) found, college professors assign more readings from periodicals than do high school teachers. Workplace reading, measured in Lexiles, exceeds grade 12 complexity significantly, although there is considerable variation (Stenner, Koons, & Swartz, in press). The vocabulary difficulty of newspapers remained stable over the 1963–1991 period Hayes and his colleagues (Hayes, Wolfer, & Wolfe, 1996) studied.*

*Furthermore, students in college are expected to read complex texts with substantially*

<sup>1</sup> “Common Core State Standards for English Language Arts & Literacy in History/Social Studies, Science, and Technical Subjects, Appendix A: Research Supporting Key Elements of the Standards,” 2.

<sup>2</sup> “Common Core State Standards, Appendix A,” 2–3.

<sup>3</sup> The Lexile® Framework for Reading is a text-complexity measure that is frequently referred to in the CCSS to express levels of reading difficulty.

*greater independence (i.e., much less scaffolding) than are students in typical K–12 programs. College students are held more accountable for what they read on their own than are most students in high school (Erickson & Strommer, 1991; Pritchard, Wilson, & Yamnitz, 2007). College instructors assign readings, not necessarily explicated in class, for which students might be held accountable through exams, papers, presentations, or class discussions. Students in high school, by contrast, are rarely held accountable for what they are able to read independently (Heller & Greenleaf, 2007). This discrepancy in task demand, coupled with what we see below is a vast gap in text complexity, may help explain why only about half of the students taking the ACT Test in the 2004–2005 academic year could meet the benchmark score in reading (which also was the case in 2008–2009, the most recent year for which data are available) and why so few students in general are prepared for postsecondary reading (ACT, Inc., 2006, 2009).*

Because of the increasing challenges students will face beyond high school, preparing them to successfully read and understand informational texts is important not just for the sake of fulfilling standards; it is truly a means of increasing a student's odds of success in life.

To prepare American high school students to meet the demands of an increasingly challenging job market, the Common Core State Standards challenge all students—even remedial readers—to read increasingly complex texts. The standards suggest that at every grade level, students should be reading more difficult texts than have typically been taught in recent decades. The solution to the problem of deficient reading skills, according to the CCSS, is to assign more difficult texts—not less difficult ones.

The goal of Prestwick House's *Reading Informational Texts* series is to introduce high school students to challenging nonfiction texts, many of which would not ordinarily be seen in a traditional English classroom, in a way that fulfills the objectives of the Common Core's "Reading Informational Texts" standards.



## SERIES OBJECTIVES

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The standards in the Reading Informational Texts category are not easy to fulfill. They require students to interact with complex works, many of which have not traditionally been taught in language-arts classrooms—from foundational government documents to Supreme Court opinions. We've created this series to simplify the process of teaching and studying these complex informational texts, making it possible to satisfy the standards in this category for a given high school grade through a single book and accompanying Power Presentation.

Each book in this series was designed to fulfill the Reading Informational Texts standards for a specific grade level. By working through this book and the corresponding

*Reading Informational Texts* Power Presentation, students should gain reading skills in each of the categories described in the CCSS's Informational Texts standards.

This series lays the groundwork for teaching the Reading Informational Texts standards. It includes the following:

- texts selected using the criteria established in the standards
- grade-appropriate exercises and assignments based on the Reading Informational Texts standards
- grade-appropriate scaffolding based on the level suggested by the CCSS.



## AN OVERVIEW OF THE CONTENTS OF THIS SERIES

Each book in the *Reading Informational Texts* series contains the following components:

1. Introduction
2. Reading Selections (each including an introduction to the text, the annotated text itself, vocabulary words and definitions, and a set of short-answer and essay questions)
3. Bibliography



### 1. Introduction

The teacher's editions of each book in this series contain extra introductory materials that are not found in the students' texts. Each teacher's edition contains a general overview of Prestwick House's *Reading Informational Texts* series, as well as an introduction to the specific volume in the series. Among other features, the introductory materials include information about the standards, the process of choosing reading selections, and explanations of the book's various components.



### 2. Reading Selections

Each book contains a variety of reading selections that represent the text types appropriate for the Reading Informational Texts standards, arranged in order of increasing difficulty. These texts were chosen based on criteria established in the CCSS, in consultation with a panel of experienced English Language Arts teachers from across the United States—Prestwick House's National Curriculum Advisory Board.

Each reading selection includes the following components:

## Introductions

Prefacing each reading passage is an introduction that explains the context in which the text was created and significant historical facts that may enhance a student's ability to analyze the passage. These introductions also include brief biographies of the texts' authors, to provide additional context for the passages.

For each reading selection, the introduction that appears in the teacher's edition begins with an analysis chart, like that in Figure 7, which was taken directly from Common Core's Appendix A.<sup>4</sup> These tables contain Prestwick House's evaluation of the text, based on the criteria established in the standards.

## Annotated Texts

Each of the reading selections in this book is annotated with margin notes. The margin notes provide scaffolding (e.g., explaining historical details or pointing out the use of a rhetorical technique) and pose questions. The questions can be useful to individual students as they read, guiding them in the process of analyzing the text; questions can also be used as prompts for class discussions. In the teacher's edition, the majority of questions contain sample responses.

Most of the questions posed in the margin notes are assigned a standard number, which appears in parentheses immediately following the question. The following example, taken from the margin notes on Patrick Henry's "Speech to the Second Virginia Convention," demonstrates what this looks like.

Henry uses a series of rhetorical questions in this paragraph. What is their intended effect on the audience? (6)

In this example, the question is related to standard number six for the ninth- and tenth-grade bracket:

**RI.9-10.6 Determine an author's point of view or purpose in a text and *analyze how an author has used rhetoric to advance that point of view or purpose.***

In this instance, the question about Henry's use of a rhetorical device relates to the second half of standard number six: "analyze how an author has used rhetoric to advance [a] point of view or purpose." A complete list of the standards appears in Figure 1. (Please note that the designation "RI.9-10" has been removed from our standard numbers for the sake of clarity and ease of reading.)

The kinds of comments and questions that appear in the margin notes will vary from one book in this series to the next, according to the level of scaffolding recommended by the CCSS for a given grade.

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<sup>4</sup> Figure 7, which appears in the chapter "An Overview of the Texts in Book I," is from page 12 of the appendix.

## Vocabulary

The Reading Informational Texts standards emphasize the importance of learning words in context. To facilitate the intuitive acquisition of new words by readers of this textbook, in accordance with the standards, we have included a list of vocabulary words and simple, context-specific definitions after each reading selection. We have selected words that may be challenging or unfamiliar to student readers, as well as words that may have an unfamiliar meaning in the context of the passage, or words that have a domain-specific meaning in the field of science or law, for example. The vocabulary terms appear in **boldface** on their first occurrence within the reading passage, to make readers aware that a definition is available in the vocabulary section that follows.

## Questions

In addition to the questions and supplemental information in the margin notes, a set of questions in the Exercises section follows each reading selection. These questions are designed to align with the Common Core State Standards' Reading Informational Texts objectives for grades nine and ten. Like the margin notes, questions and activities will vary from one volume in the series to another.

For each text, there are several short-answer questions and a single essay question, each of which is followed by an outline of a sample student response. As in the margin notes, each question is assigned a number, to indicate a related standard. As mentioned previously, a key to the standard numbers can be found in Figure 1.



## 3. Bibliography

The bibliography at the end of each book lists sources that were influential in the creation of this series and in the development of the CCSS.

### Figure 1: Reading Informational Texts Standards, Grades 9-10

1. Cite strong and thorough textual evidence to support analysis of what the text says explicitly as well as inferences drawn from the text.
2. Determine a central idea of a text and analyze its development over the course of the text, including how it emerges and is shaped and refined by specific details; provide an objective summary of the text.
3. Analyze how the author unfolds an analysis or series of ideas or events, including the order in which the points are made, how they are introduced and developed, and the connections that are drawn between them.
4. Determine the meaning of words and phrases as they are used in a text, including figurative, connotative, and technical meanings; analyze the cumulative impact of specific word choices on meaning and tone (e.g., how the language of a court opinion differs from that of a newspaper).



5. Analyze in detail how an author's ideas or claims are developed and refined by particular sentences, paragraphs, or larger portions of a text (e.g., a section or chapter).
6. Determine an author's point of view or purpose in a text and analyze how an author uses rhetoric to advance that point of view or purpose.
7. Analyze various accounts of a subject told in different mediums (e.g., a person's life story in both print and multimedia), determining which details are emphasized in each account.<sup>5</sup>
8. Delineate and evaluate the argument and specific claims in a text, assessing whether the reasoning is valid and the evidence is relevant and sufficient; identify false statements and fallacious reasoning.
9. Analyze seminal U.S. documents of historical and literary significance (e.g., Washington's Farewell Address, the Gettysburg Address, Roosevelt's Four Freedoms speech, King's "Letter from Birmingham Jail"), including how they address related themes and concepts.
10. By the end of grade 9, read and comprehend literary nonfiction in the grades 9–10 text complexity band proficiently, with scaffolding as needed at the high end of the range.<sup>6</sup>  
By the end of grade 10, read and comprehend literary nonfiction at the high end of the grades 9–10 text complexity band independently and proficiently.



## THE TEXT-SELECTION PROCESS

The following chapter is a general overview of how the texts in this series were chosen, using the selection criteria established in the standards.

### Selection Criteria

The texts in this series were chosen on the basis of the genres specified in the Reading Informational Texts standards, as well as the three indicators of text appropriateness specified in the CCSS: complexity, quality, and range.

Figure 2 briefly describes what the standards mean by complexity, quality, and range, as defined in Appendix B.<sup>7</sup> The section that follows Figure 2 provides a more detailed description of each of these three factors and the methods delineated in the standards for evaluating each.

<sup>5</sup> For multimedia activities related to standard number 7, please see our accompanying Power Presentation series.

<sup>6</sup> Note that standard 10 is fulfilled merely by successfully completing the reading assignments in this book.

<sup>7</sup> The general ideas and direct quotations in this figure are derived from "Common Core State Standards for English Language Arts & Literacy in History/Social Studies, Science, and Technical Subjects, Appendix B: Text Exemplars and Sample Performance Tasks," page 2.



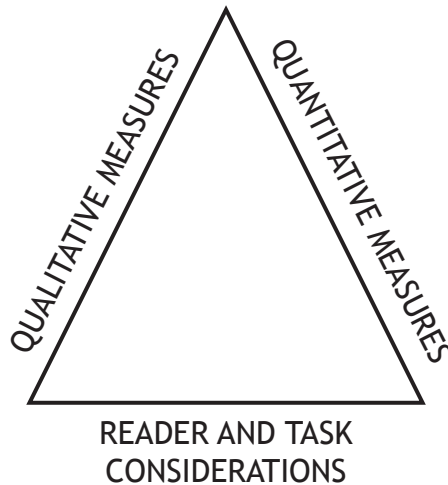
### Figure 2: Text-Selection Considerations in the CCSS

- **Complexity** – measured qualitatively, quantitatively, and in terms of reader and task considerations
- **Quality** – with a preference for “classic or historically significant texts as well as contemporary works of comparable literary merit, cultural significance, and rich content”
- **Range** – a broad range of text types that also vary in terms of “initial publication date, authorship, and subject matter”

## Determining Complexity

The CCSS establishes specific guidelines for determining the complexity of a given reading selection. According to Common Core, complexity is best determined by considering three equally important factors: **qualitative measures**, **quantitative measures**, and **reader and task considerations**.

Common Core State Standards Text Complexity Model:



## Qualitative Measures

The qualitative criteria for establishing a work's complexity are broken down in Figure 3, which has been adapted from Appendix A of the standards.<sup>8</sup>

As indicated in the chart, some of the factors in determining text complexity are more pertinent to technical texts than they are to literary texts, and vice versa. This series contains both technical texts, such as court opinions and scientific articles, and literary texts, such as memoirs and personal essays, so it is important to note that each text in the series must be evaluated by the set of qualitative complexity measures that best suits the type of text.

For more information about how this evaluation applies to the individual reading selections of this volume, see the individual texts' analysis charts, located in the introduction to each reading selection.

### Figure 3 Levels of Meaning (literary texts) or Purpose (informational texts)

- Single level of meaning → Multiple levels of meaning
- Explicitly stated purpose → Implicit purpose, may be hidden or obscure

#### Structure

- Simple → Complex
- Explicit → Implicit
- Conventional → Unconventional (chiefly literary texts)
- Events related in chronological order → Events related out of chronological order (chiefly literary texts)
- Traits of a common genre or subgenre → Traits specific to a particular discipline (chiefly informational texts)
- Simple graphics → Sophisticated graphics
- Graphics unnecessary or merely supplementary to understanding the text → Graphics essential to understanding the text and may provide information not otherwise conveyed in the text

#### Language Conventionality and Clarity

- Literal → Figurative or ironic
- Clear → Ambiguous or purposefully misleading
- Contemporary, familiar → Archaic or otherwise unfamiliar
- Conversational → General academic and domain-specific

<sup>8</sup> Figure 3 in this book is almost identical to Figure 2 in the CCSS's Appendix A. Minor modifications have been made to emphasize the factors the CCSS indicates are most pertinent to informational texts (as opposed to works of fiction, poetry, or drama, which are not addressed in this book). "Common Core State Standards, Appendix A," 6.

**Figure 3 (continued)****Knowledge Demands: Life Experiences (literary texts)**

- Simple theme → Complex or sophisticated themes
- Single themes → Multiple themes
- Common, everyday experiences or clearly fantastical situations → Experiences distinctly different from one's own
- Single perspective → Multiple perspectives
- Perspective(s) like one's own → Perspective(s) unlike or in opposition to one's own

**Knowledge Demands: Cultural/Literary Knowledge (chiefly literary texts)**

- Everyday knowledge and familiarity with genre conventions required → Cultural and literary knowledge useful
- Low intertextuality (few if any references/allusions to other texts) → High intertextuality (many references/allusions to other texts)

**Knowledge Demands: Content/Discipline Knowledge (chiefly informational texts)**

- Everyday knowledge and familiarity with genre conventions required → Extensive, perhaps specialized discipline-specific content knowledge required
- Low intertextuality (few if any references to/citations of other texts) → High intertextuality (many references to/citations of other texts)

**Quantitative Measures**

The Common Core standards list several of the best available quantitative methods of measuring text complexity. The standards suggest using at least two quantitative complexity measures when selecting texts. From the Common Core's list, we have employed the following methods in selecting texts for this series:

Flesch-Kincaid Grade Level Test

The Lexile Framework

**Flesch-Kincaid**

The Flesch-Kincaid complexity measure analyzes a text based on average word length and sentence length. This analysis is generally performed electronically, based on the following formula:

**Figure 4: The Flesch-Kincaid Formula**

**Flesch-Kincaid Grade Level =**

$$(0.39 \times \text{average sentence length}) + (11.8 \times \text{average syllables per word}) - 15.59$$

The resulting score corresponds roughly to a grade level. For example, a score of 9.75 would indicate that the text could probably be understood by most students who read at a tenth-grade level.

The following description, also found in the CCSS's English Language Arts Appendix A, describes the CCSS's view of the Flesch-Kincaid formula, including its strengths and weaknesses as an indicator of text complexity:

*Numerous formulas exist for measuring the readability of various types of texts. Such formulas, including the widely used Flesch-Kincaid Grade Level test, typically use word length and sentence length as proxies for semantic and syntactic complexity, respectively (roughly, the complexity of the meaning and sentence structure). The assumption behind these formulas is that longer words and longer sentences are more difficult to read than shorter ones; a text with many long words and/or sentences is thus rated by these formulas as harder to read than a text with many short words and/or sentences would be....their chief weakness is that longer words, less familiar words, and longer sentences are not inherently hard to read. In fact, series of short, choppy sentences can pose problems for readers precisely because these sentences lack the cohesive devices, such as transition words and phrases, that help establish logical links among ideas and thereby reduce the inference load on readers. While the Flesch-Kincaid Test and the Lexile Framework are among the best and most widely respected mathematical measures of text complexity that are currently available, such formulas have limitations and certainly cannot replace human judgment. For that reason, the CCSS recommends using multiple quantitative measures and giving preference to qualitative considerations as appropriate.<sup>9</sup>*

As mentioned in the CCSS, the Flesch-Kincaid scoring system's greatest flaw is that word length and sentence length are not always accurate indicators of a text's difficulty. Its uses are limited; however, it should help users gain a basic sense of how simple or complex a given text might be.

## The Lexile Framework

The CCSS uses the Lexile Framework to indicate the level of difficulty of the texts students should be reading in each grade band. Figure 5<sup>10</sup> lists the text complexity levels recommended for each grade level by the CCSS, expressed in Lexile measures.

<sup>9</sup> The CCSS indicates that for works of narrative fiction, preference should be given to qualitative measures for grades 6 and above, as quantitative measures often greatly underestimate the complexity of such texts. Quantitative measures are never appropriate for poetry, nor should they be applied to texts used in grades K-1. "Common Core State Standards, Appendix A," 7–8.

<sup>10</sup> Figure 5 is derived from a chart on page 8 of Appendix A.

**Figure 5: Common Core Grade Bands as Measured in Lexile Ranges**

Grade Bands	Lexile Ranges
K-1	N/A
2-3	450-790
4-5	770-980
6-8	955-1155
9-10	1080-1305
11-CCR	1215-1355

The CCSS's English Language Arts Appendix A<sup>11</sup> describes the Lexile Framework as follows:

*[T]he Lexile Framework for Reading, developed by MetaMetrics, Inc., uses word frequency and sentence length to produce a single measure, called a Lexile, of a text's complexity. The most important difference between the Lexile system and traditional readability formulas is that traditional formulas only assign a score to texts, whereas the Lexile Framework can place both readers and texts on the same scale. Certain reading assessments yield Lexile scores based on student performance on the instrument; some reading programs then use these scores to assign texts to students. Because it too relies on word familiarity and sentence length as proxies for semantic and syntactic complexity, the Lexile Framework, like traditional formulas, may underestimate the difficulty of texts that use simple, familiar language to convey sophisticated ideas, as is true of much high-quality fiction written for adults and appropriate for older students. For this reason and others, it is possible that factors other than word familiarity and sentence length contribute to text difficulty. In response to such concerns, MetaMetrics has indicated that it will release the qualitative ratings it assigns to some of the texts it rates and will actively seek to determine whether one or more additional factors can and should be added to its quantitative measure.*

As the standards explain, one of the Lexile Framework's greatest strengths is that it can be used to match individual students with texts of an appropriate difficulty level. Through standardized tests and other assessment tools, students can be assigned their own personal Lexile measures, which correspond with the Lexile measures assigned to texts. Thus, students can be matched with texts of appropriate complexity through the Lexile Framework. To make this facet of the Lexile Framework more useful to readers, the *Reading Informational Texts* series includes the Lexile measure for each reading selection in the introduction to the individual reading passage.

<sup>11</sup> "Common Core State Standards, Appendix A," 7.

## The Strengths and Limitations of Quantitative Complexity Measures

The Flesch-Kincaid and Lexile measures included in the *Reading Informational Texts* series provide instructors with a quick means of evaluating each text's potential level of difficulty, so that they can match a given classroom, group of students, or individual student with appropriate reading assignments. For teachers whose classes combine students of varying abilities, assigning different reading passages to different groups or individuals within the class may help ensure that each student is appropriately challenged. At the same time, this component of the *Reading Informational Texts* series also familiarizes teachers with the kinds of texts that receive a given quantitative score, so that they can more easily choose texts of appropriate difficulty on their own.

The Common Core standards recommend using quantitative complexity measures as part of the text-selection process, but they also encourage users to recognize the limitations of these instruments. The quantitative measures available—even the favored Lexile Framework—are all automated assessments that employ a given set of variables (e.g., syllables per word) and a mathematical formula. There is no component of human judgment involved in the scoring process, so the assessments do not take into account many of the factors a teacher would consider when assigning a level of difficulty to a text, such as the complexity of the ideas expressed, the subject matter at hand, or the life experience of the reader. These numerical scoring systems should not override or replace human judgment, but should be used only as a general guide.

In compiling the reading selections in this series, Prestwick House gave considerable weight to the suggestions of our National Curriculum Advisory Board (NCAB), a panel of experienced and accomplished teachers from across the United States who review our products and inform our product-development decisions. Flesch-Kincaid and Lexile measures were given secondary consideration.

It is worth noting that in some cases, the Lexile measures of the texts in this series do not fall within the recommended Lexile bands for the assigned grade. The same is true, however, of the exemplar texts mentioned in the CCSS. Several of the texts the standards assign to a specific grade bracket do not fall within the assigned Lexile band. It can reasonably be inferred from this fact and from statements in the CCSS's Appendix A that the Lexile bands are meant to serve not as hard and fast rules, but as guidelines, subordinate to subjective considerations.

Those texts that fall below the prescribed Lexile band for a particular grade are often texts that may be written in relatively simple syntax, but deal with unfamiliar subject matter (e.g., “Light Emitting Diodes Bring Relief to Young Cancer Patients”); are written in archaic language (e.g., Patrick Henry’s “Speech to the Second Virginia Convention”); or express ideas whose complexity is belied by the use of simple language (e.g., Ernie Pyle’s “The Death of Captain Waskow”). For texts that read like fiction (e.g., Harriet Jacobs’s memoir, *Incidents in the Life of a Slave Girl*), as with actual works of fiction, the CCSS suggests that quantitative scores tend to be inaccurate, underestimating the difficulty of the text, because they cannot account for multiple levels of meaning.

For those texts whose Lexile measures surpass the complexity level recommended by the standards, subjective considerations such as the reader's familiarity with the subject matter, the difficulty of the tasks assigned, and a given group of students' interest in the topic can all be taken into account in determining whether the level of complexity is suitable. These factors are discussed in greater detail in the following section.

### **Reader and Task Considerations**

According to the CCSS, the following factors related to the individual reader and the tasks he or she is required to perform should also be considered in determining which texts are appropriate for a given student or classroom situation.<sup>12</sup>

#### **Reader-specific factors:**

##### **1. Cognitive Capabilities**

- attention
- memory
- critical analytic ability
- inferencing
- visualization

##### **2. Motivation Level**

- purpose for reading
- interest in the content
- self-efficacy as a reader

##### **3. Knowledge**

- vocabulary and topic knowledge
- linguistic and discourse knowledge
- knowledge of comprehension strategies

##### **4. Experience**

#### **Task-specific factors:**

##### **1. reader's purpose (which might shift over the course of reading)**

##### **2. type of reading being done**

- skimming
- studying (for retention)

##### **3. intended outcome(s)**

- an increase in knowledge
- a solution to a real-world problem
- engagement with the text

In short, the standards indicate that a text may be easier or more difficult for a particular student based on his or her personal circumstances and based on the reading-related task assigned. For this reason, CCSS leaves room for educators to make professional judgments about the appropriateness of a given text or assignment based on specific classroom needs and uses.

<sup>12</sup> The reader and task considerations listed are quoted, with minor modifications to format and language, from the RAND Reading Study Group's 2002 report *Reading for Understanding*. The same information is quoted from the RAND report on pages 7–8 of the CCSS's Appendix A.



## Quality and Range

The Common Core standards leave quality and range considerations largely in the hands of teachers. Their quality guidelines simply state that works should be both modern and historic, and that they should be characterized by “literary merit, cultural significance, and rich content.”

Concerning the range of works students are exposed to, the standards state that there should be variety in the type or genre of text presented, as well as the “initial publication date, authorship, and subject matter”<sup>13</sup> of the readings assigned. Figure 6 quotes directly from the standards on the topics of quality and range.<sup>14</sup>

### Figure 6: Quality and Range Considerations as Defined in the CCSS

- **Quality.** While it is possible to have high-complexity texts of low inherent quality, the work group solicited only texts of recognized value. From the pool of submissions gathered from outside contributors, the work group selected **classic or historically significant texts as well as contemporary works of comparable literary merit, cultural significance, and rich content.**
- **Range.** After identifying texts of appropriate complexity and quality, the work group applied other criteria to ensure that the samples presented in each band represented as broad a range of sufficiently complex, high quality texts as possible. Among the factors considered were **initial publication date, authorship, and subject matter.**

<sup>13</sup> “Common Core State Standards, Appendix B,” 2.

<sup>14</sup> Ibid. The text in Figure 6 consists of direct quotations from a description of how the CCSS’s text exemplars were selected (**boldface added**).



## An Overview of the Texts in Book I

The texts compiled in this book were selected to fulfill the standards for the ninth- and tenth-grade bracket. Among them are two of the text exemplars mentioned by name in the CCSS for students at this grade level.

Exemplars:

Patrick Henry's "Speech to the Second Virginia Convention"

Margaret Chase Smith's "Remarks to the Senate in Support of a Declaration of Conscience"

The standards also specify that students should be exposed to court opinions. Despite the highly complex nature of the writing in court opinions, even students in the ninth and tenth grade are expected to begin reading and comprehending these difficult texts.

Standard RI.9-10.4<sup>15</sup> suggests contrasting the language of a court opinion with that of a newspaper article as an example of an appropriate activity for ninth- and tenth-grade students:

*RI.9-10.4. Determine the meaning of words and phrases as they are used in a text, including figurative, connotative, and technical meanings; analyze the cumulative impact of specific word choices on meaning and tone (e.g., how the language of a court opinion differs from that of a newspaper).*

Prestwick House has selected US Supreme Court Justice Frank Murphy's dissenting opinion in the case of *Korematsu v. United States* as an appropriate court opinion for Book I. Despite its linguistic complexity, this court opinion discusses a relatively straightforward legal dispute on a topic that should be somewhat familiar and interesting to most students, making it easier to understand.

In choosing the remaining reading selections in this book, Prestwick House used the CCSS's criteria as described in the chapter titled "The Text-Selection Process." As this chapter explains, the standards describe various factors that can be used to evaluate text complexity, quality, and range.

In addition to considering the assessment factors described in the standards, Prestwick House also gave considerable weight to the suggestions of our National Curriculum Advisory Board. The standards suggest that the subjective opinions of teachers are of great importance in determining the grade appropriateness of a given text, so we have given teachers' opinions significant consideration in our text-selection process.

<sup>15</sup> RI.9-10.4 stands for Reading Informational Texts (RI), ninth and tenth grade (9-10), standard number four (4). Please note that in the margin notes and exercises in this book, standards are identified by a single numeral only (i.e., rather than listing this standard as "RI.9-10.4" in our exercises, we have identified it as simply "4," enclosed in parentheses).

Prestwick House Selections:

Ernie Pyle's World War II article "The Death of Captain Waskow"

Harriet Jacobs's opening chapters from *Incidents in the Life of a Slave Girl*, titled "Childhood" and "The New Master and Mistress"

John Fitzgerald Kennedy's 1961 inaugural speech

The article "Light Emitting Diodes Bring Relief to Young Cancer Patients," from the National Aeronautics and Space Administration (NASA)

Each reading selection in this book is accompanied by a chart, like that in Figure 7,<sup>16</sup> which explains the unique qualities of the text that combine to determine its level of difficulty. These charts provide a convenient means of gauging the appropriateness of a given text for a given student or classroom scenario. They also provide a point of departure from which to gauge the difficulty of other texts, when attempting to match the CCSS's criteria.

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<sup>16</sup> Figure 7 has been duplicated directly from page 12 of the Standards' Appendix A. A minor change has been made to the chart's title.

**Figure 7:****An analysis of *Narrative of the Life of Frederick Douglass*****QUALITATIVE MEASURES****Levels of Meaning**

While the apparent aim of the text is to convince readers of the day of the evils of slavery, there are other aims as well; among the latter, not fully revealed in the excerpt, are Douglass's efforts to assert his own manhood (and that of other black men) and to create an extended analogy between his own literal rise to freedom and a spiritual awakening.

**Structure**

The *Narrative* uses a fairly simple, explicit, and conventional story structure, with events largely related chronologically by a narrator recounting his past. There are some philosophical discussions that may, to the reader just looking for a story, seem like digressions.

**Language Conventionality and Clarity**

Douglass's language is largely clear and meant to be accessible. He does, however, use some figurative language (e.g., juxtaposing literal *bread* with the metaphorical *bread of knowledge*) and literary devices (e.g., personifying *freedom*). There are also some now-archaic and unusual words and phrasings (e.g., *choice documents*).

**Knowledge Demands**

The *Narrative* discusses moderately sophisticated themes. The experiences of slavery Douglass describes are obviously outside students' own experiences, but Douglass renders them vivid. The text is bound by Douglass's authoritative perspective. General background knowledge about slavery and race in mid-nineteenth century America is helpful, as is knowledge of Christianity, to which Douglass makes frequent reference throughout the excerpt and the work as a whole.

**QUANTITATIVE MEASURES**

Various readability measures of the *Narrative* are largely in agreement that it is of appropriate complexity for grades 6–8. A Coh-Metrix analysis calls attention to this excerpt's complex syntax and the abstractness of some of the language (e.g., hard-to-define concepts such as *slavery* and *freedom*). Helping to balance out that challenge are the text's story-like structure and the way the text draws clear connections between words and sentences. Readers will still have to make many inferences to interpret and connect the text's central ideas, however.

**READER-TASK CONSIDERATIONS**

These are to be determined locally with reference to such variables as a student's motivation, knowledge, and experiences as well as purpose and the complexity of the task assigned and the questions posed.<sup>17</sup>

**RECOMMENDED PLACEMENT**

Both the qualitative and quantitative measures support the Standards' inclusion of the *Narrative* in the grades 6–8 text complexity band, with the understanding that the text sits at the high end of the range and that it can be reread profitably in later years by more mature students capable of appreciating the deeper messages embedded in the story.

<sup>17</sup> This is a direct quotation from the Standards' Appendix A, page 12, that appears, unaltered, in each text's analysis chart.



### Selecting a Text from this Series

The chart in Figure 8<sup>18</sup> represents the breakdown of grade brackets, recommended text complexity (expressed in Lexile measures), and the level of scaffolding suggested for each grade by the CCSS. On the right side of the chart, we have included the volume from Prestwick House’s *Reading Informational Texts* series that best corresponds to each grade level. As the chart shows, Book I is intended for a ninth-grade reading level, and Books II, III, and IV are intended for tenth, eleventh, and twelfth grades, respectively.

FIGURE 8: SELECTING A TEXT FROM THIS SERIES BY GRADE, LEXILE RANGE, AND SCAFFOLDING			
COMMON CORE STATE STANDARDS		PRESTWICK HOUSE: <i>READING INFORMATIONAL TEXTS</i>	
GRADE	RECOMMENDED LEXILE RANGE	RECOMMENDED LEVEL OF SCAFFOLDING	RECOMMENDED TEXT
9	1080–1305	HIGH → MODERATE	BOOK I
10		LOW → NONE	BOOK II
11	1215–1355	HIGH → MODERATE	BOOK III
12		LOW → NONE	BOOK IV

The standards group grades nine and ten together, with grades eleven and twelve grouped together in a second bracket. The standards recommend the same level of textual complexity for grades nine and ten, with more scaffolding at the ninth-grade level and a decreasing amount in tenth grade. Likewise, in grades eleven and twelve, texts of similar complexity should be read, but with more scaffolding provided to eleventh graders than to twelfth graders. In other words, the standards require students to read “increasingly complex texts with increasing independence”<sup>19</sup> over the course of their high school years.

<sup>18</sup> This table combines information derived from the Common Core State Standards for English Language Arts’s Appendix A; the Lexile ranges for each grade bracket are derived from Figure 3, page 8, and the scaffolding recommendations are based on Figure 4, page 10.

<sup>19</sup> David Coleman and Susan Pimentel, “Publishers’ Criteria for the Common Core State Standards in English Language Arts and Literacy, Grades 3–12,” 3.

Volume I of the *Reading Informational Texts* series was designed with the standards for the ninth- and tenth-grade bracket in mind. It differs from Book II in that it contains texts that are slightly less complex, on average, and it includes a somewhat higher degree of scaffolding. Similarly, the contents of Books III and IV are of a comparable complexity level, with eleventh-grade texts being slightly less complex and containing annotations with somewhat more scaffolding. While Books I and III (for ninth and eleventh grade, respectively) serve as an introduction to texts of a new level of complexity, Books II and IV (for tenth and twelfth) require students to demonstrate greater mastery of the complexity bracket.



## Sample Reading Selection

Justice Frank Murphy:

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*Dissenting Opinion in the Case of  
Korematsu v. United States*



**Figure 15:**

## An analysis of Justice Frank Murphy's Dissenting Opinion in the Case of *Korematsu v. United States*

### QUALITATIVE MEASURES

#### Levels of Meaning

This text records Justice Frank Murphy's disagreement with the majority ruling in the case of *Korematsu v. United States*. While Justice Murphy would have already expressed his views on the case to his fellow judges before the writing of this opinion, during their deliberations, his official dissenting opinion would become part of the case's record. As such, it would be viewed and considered seriously by attorneys and judges, including future Supreme Court Justices, as well as many in the general public of the United States.

#### Structure

Justice Murphy's opinion begins with a straightforward thesis statement that summarizes his main point: The evacuation of Japanese Americans was unconstitutional and racist. The argument's presentation is fairly straightforward in its structure, despite the use of sophisticated language. In numerous passages, Murphy refers to previous cases, and these references to previous cases may be a source of minor confusion in some instances. Students should be made aware of these references and should attempt to read through and understand the text to the best of their abilities by drawing inferences from the text of Murphy's opinion, rather than doing outside research on related cases.

#### Language Conventionality and Clarity

The language Murphy uses in this opinion is extremely scholarly and formal, as one would expect of a court opinion. Students should not be expected to understand all of the terminology in this opinion without referring to the vocabulary terms and definitions at the end of the passage. Despite its relatively difficult language, however, Murphy's dissent should be fairly easy to understand for readers with little knowledge of legal terminology, relative to the many court opinions that liberally use abstruse legal terminology. This text serves well as an introduction to courtroom texts in that it does include some of the domain-specific legal terminology the standards suggest students should be exposed to, but not to such a degree that it is unnecessarily difficult to read and understand.

#### Knowledge Demands

Understanding this text requires some general knowledge of the circumstances of the *Korematsu* case, which is provided in the introduction. Often, analyzing a court opinion requires in-depth knowledge of the case at hand, as well as detailed knowledge of specific constitutional amendments and precedents set for their interpretation in prior cases. This opinion, by contrast, is relatively easy to understand, even with little prior knowledge of the Bill of Rights or prior related court cases.

### QUANTITATIVE MEASURES

This text, being a court opinion, receives very high complexity scores from both the Flesch-Kincaid Grade Level test and the Lexile Framework. The complex language of this court opinion is balanced by the relative simplicity and probable familiarity of the subject matter it discusses. By the time they have reached the ninth- through tenth-grade bracket, most students will have heard of the World War II internment of Japanese Americans and will be able to understand most, if not all, of Murphy's argument without extensive scaffolding. While quantitative measures may assign this text a very high score, these measures do not take into account the relative familiarity of the subject matter discussed in this opinion and the comparative scarcity of legal terminology relative to many other court opinions.

Flesch-Kincaid: 17.6    Lexile Measure: 1560L

### READER-TASK CONSIDERATIONS

These are to be determined locally with reference to such variables as a student's motivation, knowledge, and experiences as well as purpose and the complexity of the task assigned and the questions posed.

### RECOMMENDED PLACEMENT

Qualitative and quantitative measures, along with the input of Prestwick House's curriculum advisory board, support the teaching of this article in the grades 9–10 complexity band, with the understanding that it can be read in later years, with less scaffolding, by average to advanced students.

## INTRODUCTION

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### **Justice Murphy's Dissenting Opinion in the Case of *Korematsu v. United States***

The United States entered World War II on December 7, 1941, following the attack on the naval base at Pearl Harbor, Hawaii, by Japanese forces. Fears of domestic spies and saboteurs working for the Japanese government against the United States became widespread, especially in California. In 1942, responding to these fears, President Franklin Roosevelt signed Executive Order 9066, which authorized military leaders to set up military zones from which they could choose to exclude people they considered security risks.

Exclusion Order No. 34, to which Judge Murphy refers in his argument, was one order that fell under Executive Order 9066. Military authorities issued an order excluding all persons of Japanese descent—whether American citizens or not—from areas along the Pacific coast. Citizens of Italian and German descent were also interned, since Germany and Italy were also enemies of the United States.

Fred Korematsu was an American citizen of Japanese descent who refused to report to a detention center in 1942 when General John L. DeWitt ordered all Japanese Americans to report to certain specified areas as a prelude to detention in camps.

In the case entitled *Korematsu v. United States*, the Supreme Court ruled 6-3 in favor of the government. This case was handed down in 1944.

Korematsu's conviction for not obeying the order was later overturned because of problems with the evidence submitted, but the Supreme Court has never reversed its decision in favor of the United States.

### **Frank Murphy**

Associate Supreme Court Justice Frank Murphy was born in 1890 in Michigan. Following his graduation from the University of Michigan Law School, he held a variety of positions, including US District Attorney in Michigan and Mayor of Detroit. As Mayor, he was an ally of President Roosevelt and helped put some of Roosevelt's reforms into motion. In the 1930s, in recompense for Murphy's support, the president appointed him to several different positions in the Philippines. He was Governor of Michigan from 1937 to 1939, then United States Attorney General from 1939 to 1940. Finally, in 1940, he was appointed by Roosevelt to the Supreme Court.

Murphy was known for being an early supporter of civil rights. As a trial judge, he presided over the trial of Ossian Sweet, a black doctor who had shot and killed one of a group of white men threatening his home. Murphy's dissenting argument in *Korematsu v. United States* reflects his view that the United States has a duty to treat all its citizens fairly.

## Dissenting Opinion in the Case of *Korematsu v. United States*

Mr. Justice Murphy, dissenting.

This exclusion of 'all persons of Japanese ancestry, both **alien** and non-alien,' from the Pacific Coast area on a plea of military necessity in the absence of **martial law** ought not to be approved. Such exclusion goes over 'the very brink of constitutional power' and falls into the ugly **abyss** of racism.

In dealing with matters relating to the prosecution and progress of a war, we must **accord** great respect and consideration to the judgments of the military authorities who are on the scene and who have full knowledge of the military facts. The scope of their **discretion** must, as a matter of necessity and common sense, be wide. And their judgments ought not to be overruled lightly by those whose training and duties ill-equip them to deal intelligently with matters so **vital** to the physical security of the nation.

At the same time, however, it is essential that there be definite limits to military discretion, especially where martial law has not been declared. Individuals must not be left impoverished of their constitutional rights on a plea of military necessity that has neither substance nor support. Thus, like other claims conflicting with the asserted constitutional rights of the individual, the military claim must subject itself to the judicial process of having its reasonableness determined and its conflicts with other interests reconciled. 'What are the allowable limits of military discretion, and whether or not they have been overstepped in a particular case, are **judicial** questions.'

The judicial test of whether the Government, on a plea of military necessity, can validly deprive an individual of any of his constitutional rights is whether the deprivation is reasonably related to a public danger that is so 'immediate, **imminent**, and **impending**' as not to admit of delay and not to permit the intervention of ordinary constitutional processes to alleviate the danger. Civilian Exclusion Order No. 34, banishing from a prescribed area of the Pacific Coast 'all persons of Japanese ancestry, both alien and non-alien,' clearly

What is the rhetorical purpose of this paragraph? (6)

ANSWER: This paragraph acknowledges the expertise of the military authorities and the special circumstances that come with a war. Here, Murphy demonstrates that he understands the opposing argument, but finds it faulty.

This brief statement encapsulates Murphy's main point. Rephrase the statement in your own words. (2)

ANSWER: Student responses should include the idea that the constitutional rights of individuals (e.g., the right to a fair trial) must not be taken away if there is no clear evidence that the military has a pressing reason to do so.

How does Murphy develop his main point? (2)

ANSWER: He develops his main point by introducing the idea of the judicial test that has to be met before someone's individual rights can be taken away. The argument is now framed as an explanation of why the exclusion order does not meet that test.

Why does the exclusion order not have “reasonable relation” to the removal of danger? (1)

ANSWER: The exclusion order’s weakness is that it relies upon an assumption about a large group of people. Murphy is suggesting that it is unreasonable to assume that all Japanese Americans pose a danger to the nation based solely on their ancestry.

does not meet that test. Being an obvious racial discrimination, the order deprives all those within its scope of the equal protection of the laws as guaranteed by the Fifth Amendment. It further deprives these individuals of their constitutional rights to live and work where they will, to establish a home where they choose and to move about freely. In **excommunicating** them without benefit of hearings, this order also deprives them of all their constitutional rights to procedural due process. Yet no reasonable relation to an ‘immediate, imminent, and impending’ public danger is evident to support this racial restriction which is one of the most sweeping and complete deprivations of constitutional rights in the history of this nation in the absence of martial law.

It must be conceded that the military and naval situation in the spring of 1942 was such as to generate a very real fear of invasion of the Pacific Coast, accompanied by fears of sabotage and **espionage** in that area. The military command was therefore justified in adopting all reasonable means necessary to combat these dangers. In **adjudging** the military action taken in light of the then apparent dangers, we must not erect too high or too **meticulous** standards; it is necessary only that the action have some reasonable relation to the removal of the dangers of invasion, sabotage and espionage. But the exclusion, either temporarily or permanently, of all persons with Japanese blood in their veins has no such reasonable relation. And that relation is lacking because the exclusion order necessarily must rely for its reasonableness upon the assumption that all persons of Japanese ancestry may have a dangerous tendency to commit sabotage and espionage and to aid our Japanese enemy in other ways. It is difficult to believe that reason, logic or experience could be **marshaled** in support of such an assumption.

That this forced exclusion was the result in good measure of this **erroneous** assumption of racial guilt rather than **bona fide** military necessity is evidenced by the Commanding General’s Final Report on the evacuation from the Pacific Coast area. In it he refers to all individuals of Japanese descent as ‘**subversive**,’ as

belonging to 'an enemy race' whose 'racial strains are **undiluted**,' and as constituting 'over 112,000 potential enemies ... at large today' along the Pacific Coast. In support of this blanket condemnation of all persons of Japanese descent, however, no reliable evidence is cited to show that such individuals were generally disloyal, or had generally so conducted themselves in this area as to constitute a special menace to defense installations or war industries, or had otherwise by their behavior furnished reasonable ground for their exclusion as a group.

Justification for the exclusion is sought, instead, mainly upon questionable racial and sociological grounds not ordinarily within the realm of expert military judgment, supplemented by certain semi-military conclusions drawn from an unwarranted use of circumstantial evidence. Individuals of Japanese ancestry are condemned because they are said to be 'a large, **unassimilated**, tightly knit racial group, bound to an enemy nation by strong ties of race, culture, custom and religion.' They are claimed to be given to 'emperor worshipping ceremonies' and to 'dual citizenship.' Japanese language schools and allegedly pro-Japanese organizations are cited as evidence of possible group disloyalty, together with facts as to certain persons being educated and residing at length in Japan. It is intimated that many of these individuals deliberately resided '**adjacent** to strategic points,' thus enabling them 'to carry into execution a tremendous program of sabotage on a mass scale should any considerable number of them have been inclined to do so.' The need for protective custody is also asserted. The report refers without identity to 'numerous incidents of violence' as well as to other admittedly unverified or cumulative incidents. From this, plus certain other events not shown to have been connected with the Japanese Americans, it is concluded that the 'situation was fraught with danger to the Japanese population itself' and that the general public 'was ready to take matters into its own hands.' Finally, it is intimated, though not directly charged or proved, that persons of Japanese ancestry were responsible for three minor isolated shellings and bombings of the Pacific Coast area, as well as for unidentified radio transmissions and night signaling.

What evidence does Murphy provide? How does it support his main argument? (2)

ANSWER: The evidence Murphy provides is actually the evidence the military authorities used to back up the exclusion order. He shows how vague and flimsy this evidence is (it's based on racial generalizations) and goes on to state that specific evidence linking Japanese Americans to terrorism and sabotage was not produced by the authorities.

How do Murphy's language and use of specific quotes contribute to his main point? (6)

ANSWER: Murphy uses words and phrases like "allegedly," "said to be," "claimed to be," "possible," and "it is intimated." The quotes he uses are chosen for their vagueness and hypothetical quality.

According to Murphy, the evacuation order is based on a logical error. Describe the error in your own words. (8)

ANSWER: Murphy asserts that the order is based on an assumption that all Japanese Americans pose a threat to national security simply because a few have aided the enemy. Categorizing a large group of people as dangerous simply because of the behavior of a few individuals is an example of the logical fallacy of stereotyping.

The main reasons relied upon by those responsible for the forced evacuation; therefore, do not prove a reasonable relation between the group characteristics of Japanese Americans and the dangers of invasion, sabotage and espionage. The reasons appear, instead, to be largely an accumulation of much of the misinformation, half-truths and insinuations that for years have been directed against Japanese Americans by people with racial and economic prejudices—the same people who have been among the foremost advocates of the evacuation. A military judgment based upon such racial and sociological considerations is not entitled to the great weight ordinarily given the judgments based upon strictly military considerations. Especially is this so when every charge relative to race, religion, culture, geographical location, and legal and economic status has been substantially discredited by independent studies made by experts in these matters.

The military necessity which is essential to the validity of the evacuation order thus resolves itself into a few intimations that certain individuals actively aided the enemy, from which it is inferred that the entire group of Japanese Americans could not be trusted to be or remain loyal to the United States. No one denies, of course, that there were some disloyal persons of Japanese descent on the Pacific Coast who did all in their power to aid their ancestral land. Similar disloyal activities have been engaged in by many persons of German, Italian and even more pioneer stock in our country. But to infer that examples of individual disloyalty prove group disloyalty and justify discriminatory action against the entire group is to deny that under our system of law individual guilt is the sole basis for **deprivation** of rights. Moreover, this inference, which is at the very heart of the evacuation orders, has been used in support of the **abhorrent** and despicable treatment of minority groups by the dictatorial tyrannies which this nation is now pledged to destroy. To give constitutional sanction to that inference in this case, however well—intentioned may have been the military command on the Pacific Coast, is to adopt one of the cruelest of the rationales used by our enemies to destroy the dignity



of the individual and to encourage and open the door to discriminatory actions against other minority groups in the passions of tomorrow. No adequate reason is given for the failure to treat these Japanese Americans on an individual basis by holding investigations and hearings to separate the loyal from the disloyal, as was done in the case of persons of German and Italian ancestry. It is asserted merely that the loyalties of this group 'were unknown and time was of the essence.' Yet nearly four months elapsed after Pearl Harbor before the first exclusion order was issued; nearly eight months went by until the last order was issued; and the last of these 'subversive' persons was not actually removed until almost eleven months had elapsed. Leisure and deliberation seem to have been more of the essence than speed. And the fact that conditions were not such as to warrant a declaration of martial law adds strength to the belief that the factors of time and military necessity were not as urgent as they have been represented to be.

Moreover, there was no adequate proof that the Federal Bureau of Investigation and the military and naval intelligence services did not have the espionage and sabotage situation well in hand during this long period. Nor is there any denial of the fact that not one person of Japanese ancestry was accused or convicted of espionage or sabotage after Pearl Harbor while they were still free, a fact which is some evidence of the loyalty of the vast majority of these individuals and of the effectiveness of the established methods of combatting these evils. It seems incredible that under these circumstances it would have been impossible to hold loyalty hearings for the mere 112,000 persons involved—or at least for the 70,000 American citizens—especially when a large part of this number represented children and elderly men and women. Any inconvenience that may have accompanied an attempt to conform to procedural due process cannot be said to justify violations of constitutional rights of individuals.

I dissent, therefore, from this legalization of racism. Racial discrimination in any form and in any degree has no justifiable part whatever in our democratic way of life.

What, according to Murphy, is the inevitable outcome of the exclusion order's logic? (8)

ANSWER: *The United States' enemies in the war are currently torturing and killing large numbers of people because of their ethnicity or nationality—Germany is exterminating Jews and others considered "undesirable," while Japan is occupying China. Murphy points out that denying a group of people their rights based on national origin or ethnicity puts the United States on the same moral footing as its enemies, the Axis powers, and paves the way for further discrimination and abuse in the future.*

How does Murphy frame this as a moral issue? (2)

ANSWER: *Now that he has pointed out the logical flaws in the argument, Murphy can follow up on his earlier statement that such acts go against the democratic principles governing the United States. Not only is the exclusion order hard to defend with reason, but it is also antithetical to the spirit of the Constitution.*



It is unattractive in any setting but it is utterly revolting among a free people who have embraced the principles set forth in the Constitution of the United States. All residents of this nation are **kin** in some way by blood or culture to a foreign land. Yet they are primarily and necessarily a part of the new and distinct civilization of the United States. They must accordingly be treated at all times as the heirs of the American experiment and as entitled to all the rights and freedoms guaranteed by the Constitution.



## VOCABULARY

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Note: All definitions are based on the context in which the term is used in this reading selection.

**abhorrent:** inspiring disgust or loathing

**abyss:** a deep and seemingly bottomless hole

**accord:** to grant or give as due

**adjacent:** next to or close to something else

**adjudging:** determining to be true through judicial power

**alien:** a person of foreign descent

**bona fide:** genuine or real

**deprivation:** the act of being deprived; being without something considered to be a necessity

**discretion:** freedom of choice

**erroneous:** wrong or incorrect

**espionage:** the act of spying to obtain information, usually from governmental operations

**excommunicating:** depriving the right of membership or inclusion

**imminent:** likely to occur in the near future

**impending:** threatening to happen or occur soon

**judicial:** related to the proper courts of law

**kin:** related by blood

**marshaled:** gathered; assembled

**martial law:** military governance over a civilian population during a time of unrest

**meticulous:** showing great attention to detail; precise

**subversive:** liable to undermine or overthrow a government; treasonous

**unassimilated:** not integrated or absorbed into a society

**undiluted:** free from extraneous elements; unmixed

**vital:** very important; pertinent



## EXERCISES



### Short-Answer Questions

Answer each of the following questions in a few sentences, based on the text you have just read. Briefly explain each of your answers.

*Student responses will vary, but should contain some of the basic ideas reflected in the sample responses.*

1. How, according to Murphy, does the battle between military and judicial authority play out in the exclusion order? (1)

*Because, as Murphy says in the first paragraph, the United States is not under martial law, military rulings should be subservient to the judicial system. He acknowledges that during a war, military decisions should not be overruled lightly. In no case, though, should the military be able to suspend someone's constitutional rights without itself being subject to the legal system.*

2. Explain Murphy's reasoning regarding individuals vs. groups. Cite specific passages that back up this argument. (3)

*Murphy stresses that constitutional rights are accorded to individual American citizens. Extraordinary circumstances are required for the government to deprive any individual citizen of his or her rights, and each case must be considered individually. Therefore, there can never be a justification for depriving a group of people of rights, no matter how extreme the circumstances. One way Murphy makes this point is by saying, in the tenth paragraph of his decision, that there should have been hearings for the "mere 112,000 persons involved." The large number of people incarcerated under the exclusion order is evidence that the order is based on discrimination and fear rather than solid evidence, especially considering the very small number of incidents involving Japanese Americans. He adds that "...to infer that examples of individual disloyalty prove group disloyalty and justify discriminatory action against the entire group is to deny that under our system of law individual guilt is the sole basis for deprivation of rights."*

3. Explain how the seventh paragraph refines the idea of the plea of necessity without support introduced in the third paragraph. (5)

*In the third paragraph, Murphy says that “individuals must not be left impoverished of their constitutional rights on a plea of military necessity that has neither substance nor support.” In the seventh paragraph, he lists the specific charges of the exclusion order and shows that they are not military, but racial and sociological. He removes the motivation for the charges from the realm of military expertise, which undermines the whole basis of the order.*

4. White farmers in California saw Japanese farmers as a danger to their business interests; they lobbied for restrictions on immigration. There is some evidence that these farmers were at least partly behind the effort to remove Japanese people from the area. How does Murphy suggest and support the idea that the motivation for the exclusion order was not really military, but political and economic? (1)

*Murphy says, “The reasons appear, instead, to be largely an accumulation of much of the misinformation, half-truths and insinuations that for years have been directed against Japanese Americans by people with racial and economic prejudices—the same people who have been among the foremost advocates of the evacuation.”*

*He supports this idea with the following evidence:*

- A) *Most of the people interned in the camps were unlikely to be terrorists. In addition to showing that there was not one act of sabotage committed by a Japanese American after Pearl Harbor, Murphy points out that many of the citizens detained were children and elderly people.*
- B) *The lack of speed with which the exclusion order was carried out calls into question the order's urgency. Murphy says, “Yet nearly four months elapsed after Pearl Harbor before the first exclusion order was issued; nearly eight months went by until the last order was issued; and the last of these ‘subversive’ persons was not actually removed until almost eleven months had elapsed. Leisure and deliberation seem to have been more of the essence than speed.”*

5. How does Murphy frame racism, and, by extension, the exclusion order, as a moral issue for the United States? (2)

*Murphy says that racism is antithetical to all that the United States stands for. The Constitution, according to him, is not merely a document that provides laws, but an encapsulation of the American spirit and an example of what makes America different from other countries. To bypass the constitutional rights of an individual puts America on the same moral ground as the countries it is fighting in the war: “...to adopt one of the cruelest of the rationales used by our enemies to destroy the dignity of the individual and to encourage and open the door to discriminatory actions against other minority groups in the passions of tomorrow.”*



## Essay Question

Compare the language of Justice Murphy's argument to that of "The Death of Captain Waskow." How is each typical of its respective genre? Cite specific details in your answer.

*Answers should include some of the following ideas:*

*The primary purpose of a court opinion is to argue a specific point.*

- *The Murphy opinion focuses on reason and argument. Murphy tests the soundness and rationality of the exclusion order and provides evidence to back up his own opinion: "The judicial test of whether the Government, on a plea of military necessity, can validly deprive an individual of any of his constitutional rights is..."; "The main reasons relied upon by those responsible for the forced evacuation; therefore, do not provide a reasonable relation..."*
- *Murphy's goal is to be objective, since he is appealing to the reason of his audience. Though he expresses an opinion, that opinion is based on evidence: "That this forced exclusion was the result in good measure of this erroneous assumption...is evidenced by..."*
- *The Murphy argument contains impersonal constructions ("It must be conceded..."; "it is essential that..."; "It is intimated that...").*
- *The Murphy piece has more complex sentences and more technical terminology: "judicial test," "ordinary constitutional processes," etc.*

*The primary purpose of a newspaper piece like Pyle's is to evoke certain emotions and impressions in the reader.*

- *Pyle's piece is in the first person. He appeals to the emotions of his readers. He wants to give them an impression of what he experienced: "You feel small in the presence of dead men, and ashamed at being alive, and you don't ask silly questions."*
- *Pyle's piece contains dialogue: "'After my own father, he came next,' a sergeant told me."*
- *Pyle's article is written mostly in short sentences and uses very simple language.*

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