

Note: The following document is adopted from the AP U.S. History College Board Examples

United States History
Section II
Total Time – 1 hour, 30 minutes

Question 1 (Document-Based Question)

Suggested reading period: 15 minutes

Suggested writing period: 40 minutes

This question is based on the accompanying documents. The documents have been edited for the purpose of this exercise.

In your response you should do the following:

- **Thesis:** Present a thesis that makes a historically defensible claim and responds to all parts of the question. The thesis must consist of one or more sentences located in one place, either in the introduction or in the conclusion.
 - **Argument Development:** Develop and support a cohesive argument that recognizes and accounts for historical complexity by explicitly illustrating relationships among historical evidence such as contradiction, corroboration, and/or qualification.
 - **Use of Documents:** Utilize the content of at least six documents to support the stated thesis or a relevant argument.
 - **Sourcing the Documents:** Explain the significance of the author's point of view, author's purpose, historical context, and/or audience for at least four documents.
 - **Contextualization:** Situate the argument by explaining the broader historical events, developments, or processes immediately relevant to the question.
 - **Outside Evidence:** Provide an example or additional piece of specific evidence beyond those found in the documents to support or qualify the argument.
 - **Synthesis:** Extend the argument by explaining the connections between the argument and one of the following
 - A development in a different historical period, situation, era, or geographical area.
 - A course theme and/or approach to history that is not the focus of the essay (such as political, economic, social, cultural, or intellectual history).
1. Prior to passage of the American Antiquities Act of 1906, designation of National Monuments required Congressional approval; is the President's power under the Act to circumvent Congress in declaring National Monuments consistent with the powers vested in the Executive Branch by the United States Constitution?
 2. Can the Legislative Branch, subsequent administrations, or State governments check Executive Orders made through this law?

Background Information

The summary below is for background information. Analysis of it is not required and will not count toward the required documents.

The Antiquities Act is the first law to establish that archeological sites on public lands are important public resources. It obligates federal agencies that manage the public lands to preserve for present and future generations the historic, scientific, commemorative, and cultural values of the archaeological and historic sites and structures on these lands. It also authorizes the President to protect landmarks, structures, and objects of historic or scientific interest by designating them as National Monuments.

The Act grew out of concerns that developed over the course of the last quarter of the 19th century for the preservation of America's archeological sites and the artifacts and information that they contained. National and regional educators and scientists, including those involved in the developing profession of archeology, joined together in a movement to safeguard sites on public lands being endangered by haphazard digging and purposeful, commercial artifact looting.

After a generation-long effort, on June 8, 1906, President Theodore Roosevelt signed the Antiquities Act into law, thus establishing the first general legal protection of cultural and natural resources in the United States. The Act set important precedents, including the assertion of a broad public interest in archeology on public lands, as well as support for the care and management of archeological sites, collections, and information. The act linked the protection of sites and their appropriate, scientific excavation with public programs to care for and provide public interpretation of artifact collections and information from the study of a site and its contents.

With few exceptions, nearly all U.S. Presidents since Teddy Roosevelt have invoked the Antiquities Act to declare new National Monuments, with many designations later elevated by an act of Congress. While this act empowers a President to create new federal public land units, Congress maintains the "power of the purse" and is not obligated to fund such designations. The broad language of the Act has led to varying degrees of interpretation and use, with its merits and constitutional validity still debated today.

Document 1

Source description: U.S. Constitution, Article II, Excerpt from Section 1, Section 3 in its entirety

Section 1

...Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation: -- "I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States.

Section 3

He shall from time to time give to the Congress information of the state of the union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Document 2

Source description: U.S. Constitution, Article I, Section 9, Clause 7

Appropriations Clause

No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

Document 3

Source description: American Antiquities Act of 1906, 8 June 1906

American Antiquities Act of 1906

16 USC 431-433

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who shall appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned or controlled by the Government of the United States, without the permission of the Secretary of the Department of the Government having jurisdiction over the lands on which said antiquities are situated, shall, upon conviction, be fined in a sum of not more than five hundred dollars or be imprisoned for a period of not more than ninety days, or shall suffer both fine and imprisonment, in the discretion of the court.

Sec. 2. That the President of the United States is hereby authorized, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with proper care and management of the objects to be protected: Provided, That when such objects are situated upon a tract covered by a bona fide unperfected claim or held in private ownership, the tract, or so much thereof as may be necessary for the proper care and management of the object, may be relinquished to the Government, and the Secretary of the Interior is hereby authorized to accept the relinquishment of such tracts in behalf of the Government of the United States.

Sec. 3. That permits for the examination of ruins, the excavation of archaeological sites, and the gathering of objects of antiquity upon the lands under their respective jurisdictions may be granted by the Secretaries of the Interior, Agriculture, and War to institutions which they may deem properly qualified to conduct such examination, excavation, or gathering, subject to such rules and regulation as they may prescribe: Provided, That the examinations, excavations, and gatherings are undertaken for the benefit of reputable museums, universities, colleges, or other recognized scientific or educational institutions, with a view to increasing the knowledge of such objects, and that the gatherings shall be made for permanent preservation in public museums.

Sec. 4. That the Secretaries of the Departments aforesaid shall make and publish from time to time uniform rules and regulations for the purpose of carrying out the provisions of this Act.

Approved, June 8, 1906

Document 4

Source description: Presidential Proclamation for Devils Tower National Monument, 24 Septe 1906; first invocation of the Antiquities Act of 1906 by a U.S. President

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.
A PROCLAMATION.

Whereas, It is provided by section two of the Act of Congress approved June 8, 1906. entitled, "An Act for the preservation of American Antiquities," "That the President of the United States is hereby authorized, in his discretion, to declare by public proclamation historic land marks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be National Monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the object to be protected; "

And, whereas, the lofty and isolated rock in the State of Wyoming, known as the "[Devils Tower](#)," situated upon the public lands owned and controlled by the United States is such an extraordinary example of the effect of erosion in the higher mountains to be a natural wonder and an object of historic and great scientific interest and it appears that the public good would be promoted by reserving this tower as a National monument with as much land as may be necessary for the proper protection thereof:

Now, therefore, I, THEODORE ROOSEVELT, President of the United States of America. by virtue of the power in me vested by section two of the aforesaid Act of Congress, do hereby set aside as the Devils Tower National Monument, the lofty and isolated rock situated in Crook County, Wyoming, more particularly located and described as follows, towit:

Section seven, and the north half of the northeast quarter, the northeast quarter of the northwest quarter and lot number one of section eighteen, in township fifty-three north, range sixty-five; the east half of section twelve and the north half of the northeast quarter of section thirteen in township fifty-three north, range sixty-six, all west of the Sixth Principal Meridian, as shown upon the map hereto attached and made a part of this proclamation.

Warning is hereby expressly given to all unauthorized persons not Land reserved to appropriate injure or destroy any feature of the natural tower hereby declared to be a National monument or to locate or settle upon any of the lands reserved and made a part of said monument by this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixt.

Done at the City of Washington, this 24th day of September, in the year of our Lord one thousand nine hundred and six [SEAL.] and of the Independence of the United States the one hundred and thirty-first.

THEODORE ROOSEVELT

By the President:

ALVEY A. ADEE

Acting Secretary of State.

Document 5

Source description: Enabling legislation to establish Grand Teton National Park, 14 September 1950

AN ACT TO ESTABLISH A NEW GRAND TETON NATIONAL PARK IN THE STATE OF WYOMING, AND FOR OTHER PURPOSES, Approved September 14, 1950 (64 Stat. 849)

Be it enacted by the State and House of Representatives of the United States of America in Congress assembled, That, for the purpose of including in one national park, for public benefit and enjoyment, the lands within the present Grand Teton National Park and a portion of the lands within the Jackson Hole National Monument, there is hereby established a new "Grand Teton National Park". The park shall comprise, subject to valid existing rights, all of the present Grand Teton National Park and all lands of the Jackson Hole National Monument that are not otherwise expressly provided for in this Act, and an order setting forth the boundaries of the park shall be prepared by the Secretary of the Interior and published in the Federal Register. The national park so established shall, so far as consistent with the provisions of this Act, be administered in accordance with the general statutes governing national parks, and shall supersede the present Grand Teton National Park and the Jackson Hole National Monument. The Act of February 26, 1929 (45 Stat. 1314), and any other provisions of law heretofore specifically applicable to such present park or monument, are hereby repealed: Provided, That no further extension or establishment of national parks or monuments in Wyoming may be undertaken except by express authorization of the Congress. (16 U.S.C. §§ 406d-1 and note, 431a, 451a.)

Document 6

Source description: Excerpt from National Public Radio article, “The Highs and Lows of the Antiquities Act” 23 May 2008

1978: Changing the Stakes

President Jimmy Carter set aside the largest amount of land of any president to date — 56 million acres in Alaska — but not everyone was thrilled about it. Like FDR, he sidestepped Congress, which up to that point had failed to pass an Alaskan lands protection bill because Alaskans opposed it. Alaskans in the area were incensed, and citizens in Fairbanks even burned President Carter in effigy.

But Carter's executive order succeeded in breaking congressional deadlock, bringing opponents to recognize the need for compromise on an acceptable bill rather than no bill at all. After years of debate, the Alaska National Interest Lands Conservation Act was passed in 1980, expanding protected land in Alaska. However, Carter would be the last president to date to make a national monument in Alaska. In the same act, Congress also said the Antiquities Act couldn't be used to designate huge monuments in Alaska without the approval of Congress.

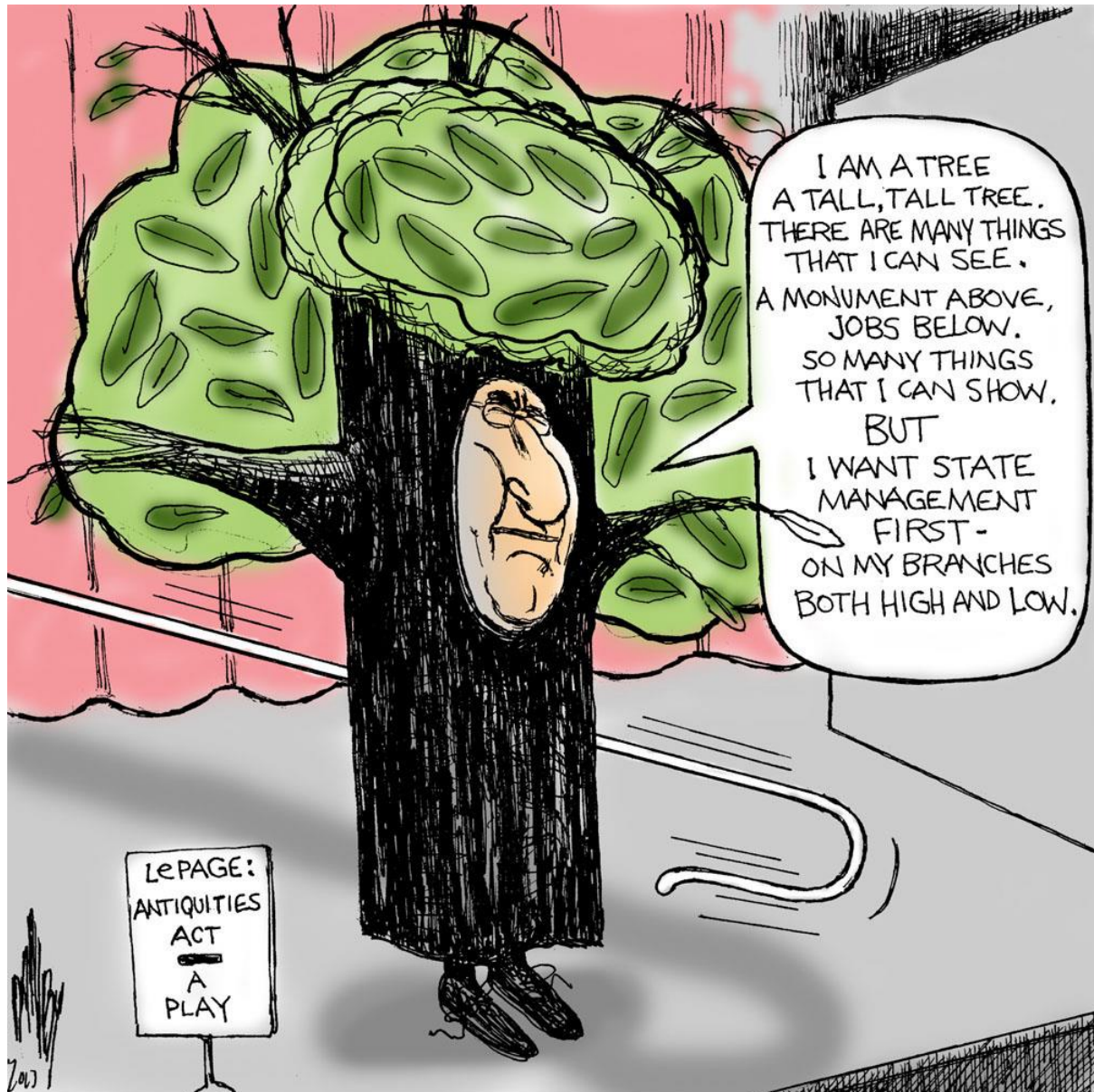
Document 7

Source description: Alaska Protestors burn President Carter in effigy, University of Alaska Fairbanks, Archives, circa 1978



Document 8

Source description: Political Cartoon, "LePage the Tree" by George Danby, published in Bangor Daily News, 27 April 2017; Paul LePage served as Governor of Maine 2011-2019; President Obama declared creation of Katahdin Woods and Waters National Monument in Maine, 24 August 2016.



Document 9

Source description: Excerpt from “National Monuments and the Antiquities Act” by the Congressional Research Service, 30 November 2018

Modification of Monuments

The Antiquities Act does not expressly authorize the President to modify or abolish national monuments established by earlier presidential proclamation. This has contributed to uncertainty and debate over the extent of the President’s authority in these areas, and scholars and others have reached different conclusions.

No President has abolished a national monument. In contrast, throughout the history of the Antiquities Act, Presidents have modified national monuments established by earlier presidential proclamation. Such modifications included enlargement and/or diminishment of monument boundaries, by different amounts and percentages of the original monument acreage. As examples, four Presidents enlarged the Muir Woods National Monument following its establishment in 1908, and three Presidents diminished Mount Olympus National Monument following its establishment in 1909.

Monuments have been modified in ways other than in size. Presidents have changed the terms and conditions of monument proclamations, although relatively infrequently. As an example, in 1936, President Franklin D. Roosevelt modified the Katmai National Monument to make the reservations in the earlier proclamations subject to valid existing “claims,” since maintained. More recently, President Trump modified provisions of two Utah monuments—the Bears Ears National Monument and the Grand Staircase-Escalante National Monument. In general, monument proclamations have become more detailed and specific over time, making the question of potential changes to terms and conditions possibly more relevant. For instance, President Obama’s 2016 proclamation establishing the Northeast Canyons and Seamounts Marine National Monument contained several paragraphs of management provisions and a number of prohibited and regulated activities.

Congress has authority to create, modify, and abolish national monuments on federal lands, and has done so on numerous occasions under its constitutional authority to enact legislation regarding federal lands. This authority is not defined or limited by the provisions of the Antiquities Act. For instance, Congress could enact legislation to establish a national monument with more land uses than are typical for national monuments created by the President, such as allowing new commercial development, or with additional protections than are customary in presidential monuments.

Congress has modified monuments, including those created by the President, for instance, by changing their boundaries. Congress has abolished some monuments outright and converted others into different protective designations, such as national parks. Approximately half of the current national parks were first designated as national monuments.