

# Fred Korematsu's Story

## Time

1 class period (block scheduling, 90 minutes per period) or 2 class periods (45 minutes per period)

## Overview

This lesson introduces the unit's essential question and the story of Fred Korematsu, a Nisei (second-generation American-born citizen) from California who defied Civilian Exclusion Order No. 34 issued by the government after the bombing of Pearl Harbor. Students will be encouraged to think about the constitutionality of Executive Order 9066, specifically as it relates to the United States Constitution's Fifth Amendment guarantee of due process and the Fourteenth Amendment's promise of equal protection.

At the conclusion of this lesson the mock trial is introduced, and students will submit their choices for their roles in the trial. The teacher must be prepared to assign and present the students' roles by Lesson 2.

## Essential Question

- In time of war, how should the government balance national security and individual liberties?

## Objectives

- Students will become familiar with Fred Korematsu's decision to defy the exclusion and assembly orders issued to people of Japanese descent on the West Coast in 1942.
- Students will discuss the implications of the Fifth Amendment's guarantee of due process.
- Students will discuss the implications of the Fourteenth Amendment's promise of equal protection.

## Guiding Question(s)

- Why and how were people of Japanese descent excluded and removed from the West Coast in 1942?
- Why did Fred Korematsu defy the exclusion and assembly orders?
- What are the guarantees of the Fifth and Fourteenth Amendments?

## Materials

- *Handout 1-1: Notes and Quotes*
- Brief biography of Fred Korematsu, written by Eric Yamamoto and May Lee, downloaded from the Asian American Bar Association of the Greater Bay Area's Web site: <http://www.aaba-bay.com/aaba/showpage.asp?code=yamamotoarticle> (accessed September 3, 2009). An excerpt of this biography will be read aloud by the teacher.
- *Teacher Worksheet A: Roles for the Mock Trial*
- *Teacher Worksheet B: Sample Class Breakdowns*
- *Teacher Worksheet C: Sample Class Assignments*

## Background

If necessary, review with students the historical content listed in the unit map.

Before teaching this lesson, the teacher should calculate how many students are needed to fill each role within the mock trial. For a list of roles and samples of how to assign student roles, please see *Teacher Worksheets A–B*. After the conclusion of this first lesson, the teacher will be responsible for assigning students to each of the roles. Please see *Teacher Worksheet C: Sample Class Assignment*. Try to match students' strengths and personalities to the roles.

Also, be sure to reserve the computer lab for Lessons 2 and 3.

## Activities

- Introduce the unit's essential question and ask students to jot down their initial thoughts using a few short sentences. Students should understand that what they will be working on for the next few periods will help them to answer the essential question.
- Distribute *Handout 1-1: Notes and Quotes*. Review the instructions and have students highlight or underline the assignment. Depending on the amount of time



available, they may complete this assignment in class or as homework. After reading aloud some of the quotes and answering any questions, have them put their papers aside.

- Make sure they are paying close attention and then read aloud the excerpt of Fred Korematsu's biography downloaded from the Asian American Bar Association of the Greater Bay Area's Web site. Read the first four paragraphs of the section entitled "Early Years."
- Pause to ask the students what should happen next in accordance with the Constitution, especially the Fifth and Fourteenth Amendments. Students might say he should be read his rights and get an attorney; eventually, students should be encouraged to come up with his right to a trial. That is the lead-in for the teacher to say, "A trial is exactly what we are going to do in class for the next few days. We will re-create Mr. Korematsu's original trial through a mock trial of our own. This will not be the U.S. Supreme Court trial, but the federal district court trial that took place in California in 1942."
- Ask students to brainstorm what is needed for a trial. Write their answers on the board. Because the teacher has calculated ahead of time how many students will be assigned to each role, when a student suggests "You need a defense lawyer," write down "defense attorney (3 people)" or however many people are necessary. Make sure that the class brainstorms all necessary parts. See *Teacher Worksheets A–B* for explanations of the roles and sample class breakdowns.
- After all roles are listed on the board, briefly explain the responsibilities of each so that students can make informed decisions on the part they may want. For example, tell students, "Being an attorney is fun, but also a lot of work. You need to be comfortable speaking in front of your peers and thinking on your feet. Those who are not as comfortable speaking in public might want to consider another role," or "People interested in being witnesses get to be on the hot seat and shouldn't be afraid of tough questions."

- After answering all questions, have the students write down their top three choices for roles. Tell them to be very specific. Do not let them pick the same types of roles: for example, they are not allowed to choose only to be various types of witnesses.
- Explain that the teacher will get final say as to who plays which role. Their assignments will be revealed at the end of Lesson 2.

## References

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# Notes and Quotes

Handout 1-1

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Name \_\_\_\_\_

Date \_\_\_\_\_ Period \_\_\_\_\_

Assignment: Read through all of the quotes and excerpts and make notes in the margins. Think about the following:

- What do the quotes have in common? Think about different angles and aspects of them. Argue for and argue against their points of view.
- What questions do you have about the quotes? Write them down in the margins. If you don't know a word, look it up.

A. From little towns in a far land we came,  
To save our honour and a world aflame.  
By little towns in a far land we sleep;  
And trust that world we won for you to keep.  
—Rudyard Kipling, “The Favour”

B. Wide open and unguarded stand our gates,  
Named of the four winds, North, South, East and West;  
Portals that lead to an enchanted land . . .  
Here it is written, Toil shall have its wage  
And Honor honor, and the humblest man  
Stand level with the highest in the law.  
—Thomas Bailey Aldrich, “Unguarded Gates”

C. They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.  
—Benjamin Franklin

Dissent is the highest form of patriotism.  
—Howard Zinn

E. Patriotism is fierce as a fever, pitiless as the grave, blind as a stone, and as irrational as a headless hen.  
—Ambrose Bierce

F. Men in authority will always think that criticism of their policies is dangerous. They will always equate their policies with patriotism, and find criticism subversive.  
—Henry Steele Commager



- G. When a whole nation is roaring Patriotism at the top of its voice, I am fain to explore the cleanness of its hands and the purity of its heart.  
—Ralph Waldo Emerson
- H. To announce that there must be no criticism of the president, or that we are to stand by the president right or wrong, is not only unpatriotic and servile, but is morally treasonable to the American public.  
—Theodore Roosevelt
- I. During times of war, hatred becomes quite respectable, even though it has to masquerade often under the guise of patriotism.  
—Howard Thurman
- J. The government is merely a servant—merely a temporary servant; it cannot be its prerogative to determine what is right and what is wrong, and decide who is a patriot and who isn't. Its function is to obey orders, not originate them.  
—Mark Twain
- K. Patriotism has become a mere national self-assertion, a sentimentality of flag-cheering with no constructive duties.  
—H. G. Wells
- L. Our true nationality is mankind.  
—H. G. Wells
- M. *Habeas Corpus*: A legal term meaning that an accused person must be presented physically before the court with a statement demonstrating sufficient cause for arrest. Thus, no accuser may imprison someone indefinitely without bringing that person and the charges against him or her into a courtroom. In Latin, *habeas corpus* literally means “you shall have the body.”  
—*American Heritage New Dictionary of Cultural Literacy* (3<sup>rd</sup> Ed.)
- N. The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.  
—Article 1, Section 9, Constitution of the United States
- O. . . . to hell with *habeas corpus* until the danger [of war] is over.  
—Westbrook Pegler



- P. True patriotism hates injustice in its own land more than anywhere else.  
—Clarence Darrow
- Q. There are two visions of America. One precedes our founding fathers and finds its roots in the harshness of our puritan past. It is very suspicious of freedom, uncomfortable with diversity, hostile to science, unfriendly to reason, contemptuous of personal autonomy. It sees America as a religious nation. It views patriotism as allegiance to God. It secretly adores coercion and conformity. Despite our constitution, despite the legacy of the Enlightenment, it appeals to millions of Americans and threatens our freedom.  
The other vision finds its roots in the spirit of our founding revolution and in the leaders of this nation who embraced the age of reason. It loves freedom, encourages diversity, embraces science and affirms the dignity and rights of every individual. It sees America as a moral nation, neither completely religious nor completely secular. It defines patriotism as love of country and of the people who make it strong. It defends all citizens against unjust coercion and irrational conformity.  
This second vision is our vision. It is the vision of a free society. We must be bold enough to proclaim it and strong enough to defend it against all its enemies.  
—Rabbi Sherwin Wine
- R. The inconvenient thing about the American system of justice is that we are usually challenged to protect it at the most inopportune moments.  
—*New York Times* editorial (December 2, 2001)
- S. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.  
—Fifth Amendment, Constitution of the United States
- T. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.  
—Fifth Amendment, Section 1, Constitution of the United States



# Roles for Mock Trial

Teacher Worksheet A

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The numbers below are only suggestions; the teacher must adjust them depending on how many students are in each class. (For example, increase or decrease the number of jury members, remove a witness from each side, reduce the number of attorneys, etc.)

Role	Description	No. of Students Needed (Suggested)
Judge	This is the most difficult role in the trial, as students must know how to rule on certain objections and how to run the trial efficiently. The teacher may want to consider acting as the judge or acting as judge to start the trial and then let a student take over.	1
Prosecuting Attorneys	The team of attorneys will prosecute Fred Korematsu on the criminal charge of violating Civilian Exclusion Order No. 34 and will also try to convince the jury of the constitutionality of Executive Order 9066.	2–3
Prosecution Witness #1 Mike Masaoka	Masaoka was a Nisei and the national spokesperson for the Japanese American Citizens League during World War II. To prove the loyalty of Japanese Americans to the U.S., he advocated for their removal and confinement.	1
Prosecution Witness #2 Lieutenant General John L. DeWitt	DeWitt carried out President Roosevelt's Executive Order, resulting in the removal of 110,000 Japanese Americans from the West Coast.	1
Prosecution Witness #3 Judy Smith	Smith is a fictional mother and outspoken American who has written letters to elected officials in favor of confining people of Japanese descent.	1
Defense Attorneys	The team of attorneys will defend Fred Korematsu on the criminal charges of violating Civilian Exclusion Order No. 34 and will also try to convince the jury that Executive Order 9066 was unconstitutional.	2–3
Defense Witness #1 Sarah Schwartz	Schwartz is a fictional American who is friends with the Korematsu family and thinks Japanese Americans pose no threat whatsoever to the safety of the nation.	1
Defense Witness #2 Ralph Lazo	During World War II Lazo was a high school student of Mexican and Irish descent who thought what was happening to his Japanese American friends was wrong. He voluntarily went to Manzanar Relocation Center.	1
Defense Witness #3 Curtis B. Munson	Munson, at the request of the Roosevelt administration and prior to the bombing of Pearl Harbor, investigated the loyalty of people of Japanese descent on the West Coast. His reports indicated that Japanese Americans were overwhelmingly loyal to the U.S.	1
Defendant Fred Korematsu	Korematsu was an American citizen on trial for violating Civilian Exclusion Order No. 34. His case eventually went to the U.S. Supreme Court, testing the constitutionality of Executive Order 9066.	1
Bailiff	The bailiff's main duty is to maintain order in the courtroom.	1
Court Recorder	The recorder is responsible for running a recording device.	1
Court Artists	The artists make sketches of what is happening in the courtroom.	1–2
Camera/Video Person(s)	The camera/video person(s) document the trial with the camera and/or video camera.	1–2
Members of the Jury	The jury will decide on Korematsu's guilt or innocence in defying Civilian Exclusion Order No. 34, as well as decide the constitutionality of Executive Order 9066. The teacher must select a jury foreperson.	9–14

# Sample Class Breakdowns

Teacher Worksheet B

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## 1st period—23 students

Judge (1)  
Prosecuting Attorney (2)  
Prosecution Witness (2)  
Defense Attorney (2)  
Defense Witness (2)  
Defendant (1)  
Bailiff (1)  
Court Artist (2)  
Camera/Video (1)  
Jury (9)

## 2nd period—29 students

Judge (1)  
Prosecuting Attorney (3)  
Prosecution Witness (3)  
Defense Attorney (3)  
Defense Witness (2)  
Defendant (1)  
Bailiff (1)  
Court Artist (2)  
Camera/Video (1)  
Jury (12)

## 4th period—27 students

Judge (1)  
Prosecuting Attorney (3)  
Prosecution Witness (3)  
Defense Attorney (3)  
Defense Witness (2)  
Defendant (1)  
Bailiff (1)  
Court Artist (2)  
Camera/Video (1)  
Jury (10)

## 6th period—25 students

Judge (1)  
Prosecuting Attorney (3)  
Prosecution Witness (3)  
Defense Attorney (3)  
Defense Witness (2)  
Defendant (1)  
Bailiff (1)  
Court Artist (2)  
Camera/Video (1)  
Jury (8)

## 7th period—30 +/- (2) (Britni? Andrea? Caroline?)

Judge (1)  
Prosecuting Attorney (3)  
Prosecution Witness (3)  
Defense Attorney (3)  
Defense Witness (3)  
Defendant (1)  
Bailiff (1)  
Court Artist (2)  
Camera/Video (1)  
Jury (12)

## 8th period—24 students

Judge (1)  
Prosecuting Attorney (2)  
Prosecution Witness (2)  
Defense Attorney (2)  
Defense Witness (2)  
Defendant (1)  
Bailiff (1)  
Court Artist (2)  
Camera/Video (1)  
Jury (10)



# Sample Class Assignments Seventh Period

Teacher Worksheet C

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**Judge**  
Kyle A.

**Prosecuting Attorneys**  
Kim D.  
Andrew H.  
Steven M.

**Prosecution Witnesses**  
Tom S. (Lt. Gen DeWitt)  
Morgan S. (Judy Smith)  
Alex G. (Mike Masoaka)

**Defense Attorneys**  
Jamise C.  
Kaity W.  
Jesse B.

**Defense Witnesses**  
Brittan G. (Sarah Schwartz)  
Justin T. (Curtis Munson)  
Jeremy D. (Ralph Lazo)

**Defendant**  
Lee U. (Fred Korematsu)

**Bailiff**  
Hatam M.

**Court Artist**  
Kristin D.

**Camera/Video**  
Raul Y./Sarah J.

**Members of the Jury**  
Anna W.  
Lindsay P.  
Jamison C.  
Desire K.  
Dorey J.  
Caroline K.  
Nathaniel P.  
Audri J.  
Rob L.

\*Gus P.

\*Denotes Jury Foreperson



# Who Is an American?

## Time

1 class period (block scheduling, 90 minutes per period) or 2 class periods (45 minutes per period)

## Overview

This lesson engages students in a dialogue (either via an online chat or in the format of a Socratic dialogue) about their views on American citizenship and the rights and liberties that the United States Constitution affords Americans. This lesson is intended to allow students to begin thinking about how America is shaped—and has always been shaped—by a diversity of cultures and opinions.

Towards the end of the lesson, the teacher will reveal the assigned student roles for the upcoming mock trial and students will begin their preparations.

## Essential Question

- In time of war, how should the government balance national security and individual liberties?

## Objectives

- Students will think and dialogue about the rights and responsibilities of citizens of this country.
- Students will discuss their definition of an “American.”
- Students will think and dialogue about the protections offered by the Constitution, especially the Fourteenth Amendment.

## Guiding Question(s)

- Who is an American?

## Materials

- Computer lab or library, if possible
- Option 1: Online Chat
  - If allowable, download and install a copy of the “InterCLASS 2.1 PC Lab” software program. This

program sets up a teacher-facilitated instant message forum for the classroom. It can be downloaded at <http://www.alsi-usa.com/support/IC25/> (accessed September 3, 2009).

- *Handout 2-1: Chatroom Etiquette (optional)*
- Option 2: Socratic Dialogue
  - If an online chat will not work, run a Socratic dialogue in the classroom. Background information and tips for facilitating this dialogue are available from Stanford University’s *Speaking of Teaching*, available for download: [http://ctl.stanford.edu/Newsletter/socratic\\_method.pdf](http://ctl.stanford.edu/Newsletter/socratic_method.pdf) (accessed September 3, 2009).
- A list of the students’ assigned roles for the mock trial, either on an overhead transparency or handouts. (See *Teacher Worksheet A: Roles for Mock Trial* from Lesson 1 for a sample.)
- Preprepared packets of information for the six witnesses and one defendant. It is helpful to color-code these packets (e.g., yellow folders for all prosecution-related roles) in order to keep students on track over the next few days.
  - *Packet 2-1: Prosecution Witness #1 (Mike Masaoka)*
  - *Packet 2-2: Prosecution Witness #2 (Lieutenant General John L. DeWitt)*
  - *Packet 2-3: Prosecution Witness #3 (Judy Smith)*
  - *Packet 2-4: Defense Witness #1 (Sarah Schwartz)*
  - *Packet 2-5: Defense Witness #2 (Ralph Lazo)*
  - *Packet 2-6: Defense Witness #3 (Curtis B. Munson)*
  - *Packet 2-7: Defendant (Fred Korematsu)*
- Copies of transcribed primary source documents for each of the witnesses and the defendant
  - *Primary Source Document #1: Transcript of Executive Order 9066*
  - *Primary Source Document #2: Transcript of Civilian Exclusion Order No. 34*

## Background

The teacher must determine whether to conduct an online chat or a Socratic dialogue. Either choice will require some preparation before class begins.



It is also important that the teacher prepares for the mock trial prior to teaching this lesson:

- Be familiar with the process of conducting a classroom mock trial. Learning Law and Democracy Foundation's Web site has a helpful "Mini-Mock Trial Manual" by the Minnesota Center for Community Legal Education: <http://www.civicallyspeaking.org/mock3.pdf> (accessed September 3, 2009). Other valuable resources about mock trials are included in the References section at the end of this lesson.
- Assign roles for students within the class and be prepared to share the roles with students at the end of Lesson 2. Lists of roles and sample assignments are found in *Teacher Worksheets A–C* in Lesson 1.
- Prepare the information packets for the witnesses (prosecution and defense) and the defendant.
- Begin gathering courtroom materials needed for the mock trial (judge's robe, gavel, video equipment, etc.)

### Activities

- Option 1: Online Chat
  - Lay out the ground rules for the online chat. Recommended rules are included in *Handout 2-1: Chatroom Etiquette (optional)*.
  - There are several variations on how the online chat might take place: Either the whole class can participate all at once, or alternately, the class can be broken into small groups; each small group will chat for two minutes while the others follow the discussion. In the classroom of this unit's author, the chat lasted about 45 minutes.
  - This setting might persuade some students who are not as vocal to have their voices heard.
  - If there is computer difficulty or the chat is not working for some reason, do not hesitate to switch to a verbal discussion.
- Option 2: Socratic Dialogue
  - Lay out the ground rules for the Socratic dialogue. Recommended rules are included in Stanford University's newsletter *Speaking of Teaching*.
  - If students have never participated in a Socratic dialogue, it will take some practice; however, as they become more familiar with this technique, the discussion will move along quickly.
- Once one of the two discussion methodologies has been introduced and reviewed, the teacher is responsible for introducing the topics to be discussed and then moderating the discussion. Ask students to refer to *Handout 1-1: Notes and Quotes*. Below are suggested questions to guide the discussion, but they are by no means a limit on the questions that could be used.
- Some introductory questions:
  - How do you define what an American is?
  - How does someone show patriotism and love for America?
  - Are some people "more American" than others?
- Some core questions:
  - What are some American customs? Do all Americans observe these customs?
  - If someone has recently become an American citizen, is he or she required to renounce their cultural identity and customs?
  - How have immigrants shaped America throughout its history?
- Some closing questions:
  - What would you say to someone who accused you or not being a "true" American?
  - How would you feel if you did everything you could to show your love for your country but no one believed you?
  - How do we, as Americans, ensure that citizens enjoy the rights guaranteed them, no matter how they look, talk, or act?
- Once the discussion has run its course and with about 20 minutes remaining in the period, have students put away their discussion papers and let them know that they will get their assignments for the mock trial of Fred Korematsu. Explain that the unconventional mock trial will allow students to consider issues



related to Mr. Korematsu's violation of Civilian Exclusion Order No. 34, as well as the constitutionality of the removal and confinement of the Japanese Americans during World War II.

- Either via overhead transparency or handouts, reveal their assignments. (See *Teacher Worksheet A* from Lesson 1 for a sample.) Ask students to write down the names of the people in their groups.
- Explain that before class is over, two groups will be briefed and given a packet of information and assignments.
- Call the prosecution witnesses into the hallway first. Explain that the trial cannot move forward without their testimony. It is important that they write their testimonies that night so the attorneys can begin going over them during the next class. It would be best if they could each email their testimonies to the teacher as well as bring hard copies first thing in the morning so that the teacher can review them and make any last-minute changes before they are photocopied and distributed to all the attorneys.
- Hand them each a packet of information that the teacher had prepared prior to class:
  - *Packet 2-1: Prosecution Witness (Mike Masaoka)*
  - *Packet 2-2: Prosecution Witness (Lieutenant General John L. DeWitt)*
  - *Packet 2-3: Prosecution Witness (Judy Smith)*
  - *Primary Source Document #1: Transcript of Executive Order 9066*
  - *Primary Source Document #2: Transcript of Civilian Exclusion Order No. 34*
- Next, bring the defense witnesses and the defendant out in the hall and give them the same instructions and their respective packets of information:
  - *Packet 2-4: Defense Witness (Sarah Schwartz)*
  - *Packet 2-5: Defense Witness (Ralph Lazo)*
  - *Packet 2-6: Defense Witness (Curtis B. Munson)*
  - *Packet 2-7: Defendant (Fred Korematsu)*
  - *Primary Source Document #1: Transcript of Executive Order 9066*

- *Primary Source Document #2: Transcript of Civilian Exclusion Order No. 34*
- Once the two groups have received their briefings and their packets of information, explain to the rest of the class that they will receive their packets and specific assignments the following day. Class can be dismissed.
- However, the teacher's work is not yet over. Prior to the next class, review each witness testimony to check for errors, length, and to make sure all of the information is included. Once everything looks good, make enough copies of the testimonies for the respective defense and prosecution attorneys, one copy for the teacher, and one copy for the witness. Once the copies have been made, no changes are allowed. If a witness has not prepared his or her testimony by the first prep day, make him/her sit down in a corner that period and write it out as soon as possible.
- You're ready to go!

## References

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# Chatroom Etiquette

Handout 2-1 (optional)

21

Name \_\_\_\_\_

Date \_\_\_\_\_ Period \_\_\_\_\_

1. We will have a good discussion.
2. This chat will be moderated by the teacher, who will block students not participating appropriately. The chat will be archived and a transcript will be printed out at the end. This will help the teacher check whether each person contributed to the discussion, made valid points, and asked thoughtful questions.
3. No cursing or spamming is allowed (for example, typing “Elmo” over and over is not allowed).
4. Stay on topic.
5. Type out entire words and thoughts. No texting abbreviations allowed.
6. For long thoughts (which are good), begin typing and then type, “. . .” to let everybody know that there is more so that the class can wait.
7. When responding to Johnnie’s point, please include Johnnie’s name in the response (“I agree with you, Johnnie.”) rather than simply, “I agree” so that everybody knows to whom the response is addressed.
8. The chat is online, so there is to be no talking aloud.
9. Have fun!



# Prosecution Witness #1: Mike Masaoka

Packet 2-1

22

Name \_\_\_\_\_

Date \_\_\_\_\_ Period \_\_\_\_\_

It is your job to be effective and convincing, so you must learn as much as possible about the character that you are portraying. By following these practical tips and doing adequate preparation before the trial begins, you can be effective!

## Research and Preparation Related to the Korematsu Case

1. The trial cannot move forward until you write your testimony. You must do this for *homework tonight* so that the attorneys can begin reviewing it during the next class. It is preferable that you email your completed testimony to the teacher tonight so that any necessary changes can be made and so it can be copied for the attorneys.
2. Carefully review all of the materials in this packet and prepare 1½ to 2 pages of written testimony. Email it to your teacher before the next class. Your testimony must include the following:
  - The name of your character
  - Age
  - Family background
  - Present job
  - How your character felt about the Japanese attack on Pearl Harbor
  - How your character feels about World War II
  - How your character felt when Executive Order 9066 was issued by President Roosevelt
  - How your character feels about the removal of people of Japanese descent from the West Coast
  - Whether your character feels that people of Japanese descent are a threat to national security
3. Here are some additional tips for writing the testimony:
  - Write in first person.
  - Include, as you see fit, facts and/or your character's opinions regarding Fred Korematsu, his family, Japanese Americans, and/or the general Japanese American World War II experience.
  - You may add and embellish where needed, including what you think might be your character's opinions about people, places, and things. Reading all of the information in this packet and visiting all of the Web site links will be helpful.
  - It might be difficult, but even if you disagree with your character's point of view and/or actions, you must try to get into your character's head and be as convincing as you can for the jury.
  - Think carefully about your testimony. Once you email your written testimony to the teacher, the teacher will check it and then make copies of it. Once these copies are made, you may not change your testimony.

## Research and Preparation Related to the Trial Procedure

1. Review the "Mini-Mock Trial Manual" compiled by the Minnesota Center for Community Legal Education, available at <http://www.civicallyspeaking.org/mock3.pdf> (accessed September 3, 2009). Pages 5 through 7 are especially helpful because they outline the trial procedure.
2. After you have turned in your testimony, the attorneys from your side will review it carefully. During the



preparation periods the attorneys will meet with their witnesses to practice questioning to ensure that each witness will present a clear, logical, and memorable testimony to the jury. Rehearse both the direct examination and also the cross-examination.

3. Before and after you practice with the attorneys, you should also practice giving your testimony with the other witnesses on your side. (You are not allowed to talk to the jury or the opposing attorneys and witnesses before the trial.)
4. You **will not** have your testimony in front of you during the trial, so you must memorize as much as you can about the testimony and your character.
5. When you and your attorneys feel comfortable with your testimony, you can go and work on other homework or assignments.

#### General Tips for Being an Effective Witness

1. Make sure you answer questions slowly, loudly, and with confidence. Practice in front of a mirror. Even though you should have rehearsed the questions many times, try to sound genuine, as if you're answering them for the first time.
2. Show respect for the judge, jury, and attorneys at all times. This is not a fight—it is a debate.
3. If you are asked a question that you don't know the answer to, say, "I don't know."
4. Try to watch a television show such as *Law and Order* to get a sense of how courtroom procedures flow and how attorneys' questions and objections might sound during a trial.
5. On the day of the trial, your team might come to school dressed a little bit nicer than usual in order to impress the jury.
6. If you need help or have any questions, ask the teacher.
7. Good luck, and have a good time with this!





# Biographical Information

## Mike Masaoka (1915–1991)

Packet 2-1

24



*Because I believe in America and I trust she believes in me, and because I have received innumerable benefits from her, I pledge myself to do honor to her at all times and in all places; to support her constitution; to obey her laws; to respect her flag; to defend her against all enemies, foreign and domestic; to actively assume my duties and obligations as a citizen, cheerfully and without any reservations whatsoever, in the hope that I may become a better American in a great America.*

—Mike Masaoka

Mike Masaoka, a Nisei (second-generation Japanese American), graduated from the University of Utah in 1937. After graduation he became the National Secretary and Field Executive for the Japanese American Citizens League, the nation's oldest and largest Asian American civil rights organization. The official history of the JACL is available on their Web site at <http://www.jacl.org/misc/documents/History.pdf> (accessed September 3, 2009).

When Japan bombed Pearl Harbor, Masaoka found himself in the difficult position of being the default spokesperson for all Japanese Americans. After considering the limited options available to him, he advocated for people of Japanese descent to cooperate with the U.S. government's mandate to exclude and remove them from the West Coast to concentration camps located in the interior of the United States. Support of this policy was very controversial then and remains controversial now; however, Masaoka was guided by his duty to be a loyal American and to comply with the U.S. government's wishes.

The U.S. government officially appointed Masaoka as the liaison for the entire Japanese American population being held in the concentration camps. Although he himself was never in camp, the government turned to Masaoka for advice on how to run the camps. He opposed any legal challenges from Japanese Americans, believing that loyal citizens did not challenge the government.

He also worked towards proving the loyalty of the Japanese Americans to the U.S., including advocating for the reinstatement of military service for Japanese Americans. Due in part to his efforts, the 442nd Regimental Combat Team was formed in 1943. Masaoka, along with his four brothers joined the 442nd, which became part of the most decorated unit for its size and length of service in U.S. military history.

Following the war, Masaoka lobbied to reform immigration and naturalization laws, resulting in the repeal of the Immigration Act of 1924 and the abolishment of the National Origins Quota Immigration System.

Masaoka's thoughts on patriotism are part of his "Japanese American Creed," downloadable from the Japanese American Voice Web site at <http://www.javoice.com/masaoka.html> (accessed September 3, 2009).

Gift of Carolyn Okada Freeman

Japanese American National Museum (96.118.5\_3F\_A)

All requests to publish or reproduce images in this collection must be submitted to the Hirasaki National Resource Center at the Japanese American National Museum. More information is available at <http://www.janm.org/nrc/>.





# Prosecution Witness #2: John L. DeWitt

Packet 2-2

25

Name \_\_\_\_\_

Date \_\_\_\_\_ Period \_\_\_\_\_

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## Research and Preparation Related to the Korematsu Case

1. The trial cannot move forward until you write your testimony. You must do this for *homework tonight* so that the attorneys can begin reviewing it during the next class. It is preferable that you email your completed testimony to the teacher tonight so that any necessary changes can be made and so it can be copied for the attorneys.
2. Carefully review all of the materials in this packet and prepare 1½ to 2 pages of written testimony. Email it to your teacher before the next class. Your testimony must include the following:
  - The name of your character
  - Age
  - Career history
  - Present job
  - How your character felt about the Japanese attack on Pearl Harbor
  - How your character feels about World War II
  - What your character was responsible for doing when Executive Order 9066 was issued by President Roosevelt
  - How your character feels about the removal of people of Japanese descent from the West Coast
  - Whether your character feels that people of Japanese descent are a threat to national security
3. Here are some additional tips for writing the testimony:
  - Write in first person.
  - Include, as you see fit, facts and/or your character's opinions regarding Fred Korematsu, his family, Japanese Americans, and/or the general Japanese American World War II experience.
  - You may add and embellish where needed, including what you think might be your character's opinions about people, places, and things.
  - Use the most important parts of "Final Report: Japanese Evacuation from the West Coast, 1942" (see following page) to help write your testimony. Do not take information word for word; instead, take general ideas and rephrase them into your own words that make sense to you and will make sense to the jury.
  - It might be difficult, but even if you disagree with your character's point of view and/or actions, you must try to get into your character's head and be as convincing as you can for the jury.
  - Think carefully about your testimony. Once you email your written testimony to the teacher, the teacher will check it and then make copies of it. Once these copies are made, you may not change your testimony.

## Research and Preparation Related to the Trial Procedure

1. Review the "Mini-Mock Trial Manual" compiled by the Minnesota Center for Community Legal Education, available at <http://www.civicallyspeaking.org/mock3.pdf> (accessed September 3, 2009). Pages 5 through 7 are especially helpful because they outline the trial procedure.
2. After you have turned in your testimony, the attorneys from your side will review it carefully. During the



preparation periods the attorneys will meet with their witnesses to practice questioning to ensure that each witness will present a clear, logical, and memorable testimony to the jury. Rehearse both the direct examination and also the cross-examination.

3. Before and after you practice with the attorneys, you should also practice giving your testimony with the other witnesses on your side. (You are not allowed to talk to the jury or the opposing attorneys and witnesses before the trial.)
4. You **will not** have your testimony in front of you during the trial, so you must memorize as much as you can about the testimony and your character.
5. When you and your attorneys feel comfortable with your testimony, you can go and work on other homework or assignments.

#### General Tips for Being an Effective Witness

1. Make sure you answer questions slowly, loudly, and with confidence. Practice in front of a mirror. Even though you should have rehearsed the questions many times, try to sound genuine, as if you're answering them for the first time.
2. Show respect for the judge, jury, and attorneys at all times. This is not a fight—it is a debate.
3. If you are asked a question that you don't know the answer to, say, "I don't know."
4. Try to watch a television show such as *Law and Order* to get a sense of how courtroom procedures flow and how attorneys' questions and objections might sound during a trial.
5. On the day of the trial, your team might come to school dressed a little bit nicer than usual in order to impress the jury.
6. If you need help or have any questions, ask the teacher.
7. Good luck, and have a good time with this!



# Biographical Information

## Lieutenant General John L. DeWitt (1880–1962)

Packet 2-2

27



Lieutenant General John Lesesne DeWitt attended Princeton University before he obtained a regular U.S. Army commission in 1898. After receiving a Distinguished Service Medal in World War I, he continued to rise in the Army ranks and in 1939 was promoted to Lieutenant General. He was in command of the West Coast's Western Defense Area when the Empire of Japan bombed Pearl Harbor on December 7, 1941.

In February 1942 DeWitt sent a memo to U.S. Secretary of War Henry L. Stimson recommending the removal of "Japanese and other subversive persons" from the West Coast. Secretary Stimson then designated DeWitt to carry out the removal from the West Coast of people of Japanese descent under the terms of Executive Order 9066, issued by President Franklin D. Roosevelt.

In March 1942 DeWitt designated as military areas the Western portions of Washington, Oregon, California, and the southern third of Arizona. By the end of October 1942 official Exclusion Orders were issued in these areas and all persons of Japanese descent were excluded and removed, the majority to ten remote camps run by the War

Relocation Authority. More than 110,000 people had been removed for the duration of World War II.

DeWitt issued a Final Report regarding the World War II military exclusion and removal of people of Japanese descent. Review this document issued by U.S. Army, "Final Report: Japanese Evacuation from the West Coast, 1942," available on the Virtual Museum of the City of San Francisco's Web site at <http://www.sfmuseum.org/war/dewitt.html> (accessed September 3, 2009.) See especially the second chapter entitled "Need for Military Control and for the Evacuation."

In 1943 DeWitt became the Commandant of the Army and Navy Staff College in Washington and retired from the Army in 1947. For his service in World War II, Congress appointed him to the rank of full General in 1954. He died of a heart attack in 1962 and is buried in Arlington National Cemetery.

# Prosecution Witness #3: Judy Smith

Packet 2-3

28

Name \_\_\_\_\_

Date \_\_\_\_\_ Period \_\_\_\_\_

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## Research and Preparation Related to the Korematsu Case

1. The trial cannot move forward until you write your testimony. You must do this for *homework tonight* so that the attorneys can begin reviewing it during the next class. It is preferable that you email your completed testimony to the teacher tonight so that any necessary changes can be made and so it can be copied for the attorneys.
2. Carefully review all of the materials in this packet and prepare 1½ to 2 pages of written testimony. Email it to your teacher before the next class. Your testimony must include the following:
  - The name of your character
  - Family background
  - Present job
  - Information about friends and neighbors
  - How your character felt about the Japanese attack on Pearl Harbor
  - How your character feels about World War II
  - How your character feels about the removal of people of Japanese descent from the West Coast
  - Whether your character feels that people of Japanese descent are a threat to national security
  - Whether you may have seen or incidents of spying, for example people with flashlights walking around at weird hours
3. Here are some additional tips for writing the testimony:
  - Write in first person.
  - Include, as you see fit, facts and/or your character's opinions regarding Fred Korematsu, his family, Japanese Americans, and/or the general Japanese American World War II experience.
  - You may add and embellish where needed, including what you think might be your character's opinions about people, places, and things. Reading all of the information in this packet and visiting all of the Web site links will be helpful.
  - It might be difficult, but even if you disagree with your character's point of view and/or actions, you must try to get into your character's head and be as convincing as you can for the jury.
  - Think carefully about your testimony. Once you email your written testimony to the teacher, the teacher will check it and then make copies of it. Once these copies are made, you may not change your testimony.

## Research and Preparation Related to the Trial Procedure

1. Review the "Mini-Mock Trial Manual" compiled by the Minnesota Center for Community Legal Education, available at <http://www.civicallyspeaking.org/mock3.pdf> (accessed September 3, 2009). Pages 5 through 7 are especially helpful because they outline the trial procedure.
2. After you have turned in your testimony, the attorneys from your side will review it carefully. During the



preparation periods the attorneys will meet with their witnesses to practice questioning to ensure that each witness will present a clear, logical, and memorable testimony to the jury. Rehearse both the direct examination and also the cross-examination.

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4. You **will not** have your testimony in front of you during the trial, so you must memorize as much as you can about the testimony and your character.
5. When you and your attorneys feel comfortable with your testimony, you can go and work on other homework or assignments.

#### **General Tips for Being an Effective Witness**

1. Make sure you answer questions slowly, loudly, and with confidence. Practice in front of a mirror. Even though you should have rehearsed the questions many times, try to sound genuine, as if you're answering them for the first time.
2. Show respect for the judge, jury, and attorneys at all times. This is not a fight—it is a debate.
3. If you are asked a question that you don't know the answer to, say, "I don't know."
4. Try to watch a television show such as *Law and Order* to get a sense of how courtroom procedures flow and how attorneys' questions and objections might sound during a trial.
5. On the day of the trial, your team might come to school dressed a little bit nicer than usual in order to impress the jury.
6. If you need help or have any questions, ask the teacher.
7. Good luck, and have a good time with this!

# Biographical Information

## Judy Smith (fictional)

Packet 2-3

30

### Fast Facts:

- Mrs. Judy Smith considers herself to be a patriotic American.
- She lives in California with her husband Frank and their two children.
- Her family emigrated from England in the 1700s with the original colonists to the United States.
- To help the war effort, she worked in factories during World War I.
- Smith and her husband own a nursery specializing in roses. They compete for business with the parents of Fred Korematsu, who also have a profitable rose nursery.
- She had a cousin in the U.S. Navy who was killed in the attack on Pearl Harbor.
- For the sake of national security, she believes that removing people of Japanese descent from the West Coast is the right thing to do while the U.S. is at war with the Japanese Empire. She and her husband have written letters to their Congressman about their concerns.
- She has been listening to wartime media reports and neighborhood gossip and is very worried that Japanese Americans are capable of sabotage and spying. Smith also saw cartoons by Dr. Seuss, which concerned her greatly:
  - “Honorable Fifth Column” can be downloaded from the Mandeville Special Collections Library at the University of California, San Diego <http://orpheus.ucsd.edu/speccoll/dspolitic/Frame.htm> (accessed August 3, 2009)
  - “This Is the Enemy” can be downloaded from the Spring Hill Unified School District <http://www.usd230.k12.ks.us/PICTT/publications/cartoons/1944/m.html> (accessed August 3, 2009)
  - “All Packed Up” can be downloaded from the Virtual Museum of the City of San Francisco <http://www.sfmuseum.org/hist8/editorial4.html> (accessed August 3, 2009)



# Defense Witness #1: Sarah Schwartz

Packet 2-4

31

Name \_\_\_\_\_

Date \_\_\_\_\_ Period \_\_\_\_\_

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## Research and Preparation Related to the Korematsu Case

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2. Carefully review all of the materials in this packet and prepare 1½ to 2 pages of written testimony. Email it to your teacher before the next class. Your testimony must include the following:
  - The name of your character
  - Family background
  - Present job
  - Information about friends and neighbors
  - How your character felt about the Japanese attack on Pearl Harbor
  - How your character feels about World War II
  - How your character feels about the removal of people of Japanese descent from the West Coast
  - Whether your character feels that people of Japanese descent are a threat to national security
  - Whether you may have seen or incidents of spying, for example people with flashlights walking around at weird hours
3. Here are some additional tips for writing the testimony:
  - Write in first person.
  - Include, as you see fit, facts and/or your character's opinions regarding Fred Korematsu, his family, Japanese Americans, and/or the general Japanese American World War II experience.
  - You may add and embellish where needed, including what you think might be your character's opinions about people, places, and things. Reading all of the information in this packet and visiting all of the Web site links will be helpful.
  - It might be difficult, but even if you disagree with your character's point of view and/or actions, you must try to get into your character's head and be as convincing as you can for the jury.
  - Think carefully about your testimony. Once you email your written testimony to the teacher, the teacher will check it and then make copies of it. Once these copies are made, you may not change your testimony.

## Research and Preparation Related to the Trial Procedure

1. Review the "Mini-Mock Trial Manual" compiled by the Minnesota Center for Community Legal Education, available at <http://www.civicallyspeaking.org/mock3.pdf> (accessed September 3, 2009). Pages 5 through 7 are especially helpful because they outline the trial procedure.
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preparation periods the attorneys will meet with their witnesses to practice questioning to ensure that each witness will present a clear, logical, and memorable testimony to the jury. Rehearse both the direct examination and also the cross-examination.

3. Before and after you practice with the attorneys, you should also practice giving your testimony with the other witnesses on your side. (You are not allowed to talk to the jury or the opposing attorneys and witnesses before the trial.)
4. You **will not** have your testimony in front of you during the trial, so you must memorize as much as you can about the testimony and your character.
5. When you and your attorneys feel comfortable with your testimony, you can go and work on other homework or assignments.

#### General Tips for Being an Effective Witness

1. Make sure you answer questions slowly, loudly, and with confidence. Practice in front of a mirror. Even though you should have rehearsed the questions many times, try to sound genuine, as if you're answering them for the first time.
2. Show respect for the judge, jury, and attorneys at all times. This is not a fight—it is a debate.
3. If you are asked a question that you don't know the answer to, say, "I don't know."
4. Try to watch a television show such as *Law and Order* to get a sense of how courtroom procedures flow and how attorneys' questions and objections might sound during a trial.
5. On the day of the trial, your team might come to school dressed a little bit nicer than usual in order to impress the jury.
6. If you need help or have any questions, ask the teacher.
7. Good luck, and have a good time with this!





# Biographical Information

## Sarah Schwartz (fictional) Packet 2-4

33



San Francisco, California. Flag of allegiance pledge at Raphael Weill Public School, Geary and Buchanan Streets. Children in families of Japanese ancestry were evacuated with their parents and will be housed for the duration in War Relocation Authority centers where facilities will be provided for them to continue their education.

### Fast Facts:

- Mrs. Sarah Schwartz considers herself to be a patriotic American.
- She was born in 1905 to a German family that originally immigrated to the United States in the 1870s.
- She is married to a German man she met in California and has three children who are roughly the same age as Fred Korematsu and his brothers.
- She and her family are neighbors of the Korematsu family. Schwartz has had the Korematsu family over to her house for dinner, and the families play cards together on occasion.
- She has watched the Korematsu children grow up as Americans.
- Even though she is of German descent, she and her family were never questioned by any authorities or forced to move from their homes.
- She does not believe Fred Korematsu or the Japanese Americans on the West Coast pose a threat of spying or committing sabotage.
- Helpful images that might support Mrs. Schwartz's testimony are available on "Teaching with Documents: Documents and Photographs Related to Japanese Relocation During World War II" on the National Archives and Records Administration Web site: <http://www.archives.gov/education/lessons/japanese-relocation/#documents> (accessed September 3, 2009).

Photographer: Dorothea Lange  
Courtesy of the National Archives and Records Administration  
ARC Identifier 536053 / Local Identifier 210-G-A78

# Defense Witness #2: Ralph Lazo

Packet 2-5

34

Name \_\_\_\_\_

Date \_\_\_\_\_ Period \_\_\_\_\_

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  - Age
  - Family background
  - Childhood background
  - Information about friends and neighbors
  - How your character felt about the Japanese attack on Pearl Harbor
  - How your character feels about World War II
  - How your character feels about the removal of people of Japanese descent from the West Coast
  - Whether your character feels that people of Japanese descent are a threat to national security
  - What living conditions in Manzanar were like, including the housing, the meals, and school life
3. Here are some additional tips for writing the testimony:
  - Write in first person.
  - Include, as you see fit, facts and/or your character's opinions regarding Fred Korematsu, his family, Japanese Americans, and/or the general Japanese American World War II experience.
  - You may add and embellish where needed, including what you think might be your character's opinions about people, places, and things. Reading all of the information in this packet and visiting all of the Web site links will be helpful.
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2. Show respect for the judge, jury, and attorneys at all times. This is not a fight—it is a debate.
3. If you are asked a question that you don't know the answer to, say, "I don't know."
4. Try to watch a television show such as *Law and Order* to get a sense of how courtroom procedures flow and how attorneys' questions and objections might sound during a trial.
5. On the day of the trial, your team might come to school dressed a little bit nicer than usual in order to impress the jury.
6. If you need help or have any questions, ask the teacher.
7. Good luck, and have a good time with this!

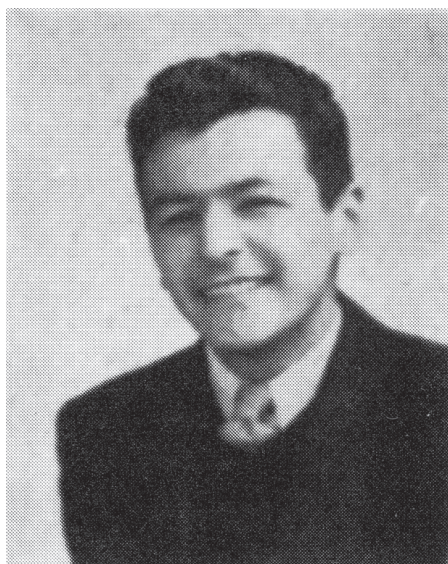


# Biographical Information

## Ralph Lazo (1924–1992)

Packet 2-5

36



*It was immoral. It was wrong and I couldn't accept it. These people hadn't done anything that I hadn't done, except to go to Japanese-language school. They were Americans, just like I am.*

—Ralph Lazo

Ralph Lazo, an American of Mexican and Irish descent, was born and raised in a multiethnic neighborhood in Los Angeles. He was a high school student when World War II broke out, and he anxiously watched as his Japanese American friends and their families received orders to be removed from Los Angeles to remote “relocation” camps where they would be confined for the duration of the war.

So Lazo insisted that he, too, go to camp. After telling his father that he was going to “camp”—vaguely implying that it was a Boy Scout-like camp—he took a train and then a bus to Central California to “camp” in Manzanar. It was not until his father read a newspaper article about his son that his

whereabouts were known.

Lazo is believed to have been the only person of non-Japanese descent without a Japanese American spouse to have voluntarily entered the camps during World War II. In Manzanar he continued his education alongside his Japanese American friends, and after graduating from Manzanar High School was drafted and eventually awarded a bronze star for heroism in combat.

After the war ended, Lazo attended UCLA and became a counselor at Los Angeles Valley College.

For additional information and photographs of life in Manzanar, read the National Park Service's Manzanar National Historic Site document entitled “Manzanar ID Card: Ralph Lazo,” located at <http://www.nps.gov/manz/forteachers/upload/Lazo%20R.pdf> (accessed September 3, 2009).

Gift of Helen Ely Brill  
Japanese American National Museum (95.93.2.14)

All requests to publish or reproduce images in this collection must be submitted to the Hirasaki National Resource Center at the Japanese American National Museum. More information is available at <http://www.janm.org/nrc/>.

# Defense Witness #3: Curtis B. Munson

Packet 2-6

37

Name \_\_\_\_\_

Date \_\_\_\_\_ Period \_\_\_\_\_

It is your job to be effective and convincing, so you must learn as much as possible about the character that you are portraying. By following these practical tips and doing adequate preparation before the trial begins, you can be effective!

## Research and Preparation Related to the Korematsu Case

1. The trial cannot move forward until you write your testimony. You must do this for *homework tonight* so that the attorneys can begin reviewing it during the next class. It is preferable that you email your completed testimony to the teacher tonight so that any necessary changes can be made and so it can be copied for the attorneys.
2. Carefully review all of the materials in this packet and prepare 1½ to 2 pages of written testimony. Email it to your teacher before the next class. Your testimony must include the following:
  - The name of your character
  - Present job
  - How your character felt about the Japanese attack on Pearl Harbor
  - How your character feels about World War II
  - How your character feels about the removal of people of Japanese descent from the West Coast
  - Whether your character feels that people of Japanese descent are a threat to national security
  - Whether you may have seen or incidents of spying, for example people with flashlights walking around at weird hours
3. Here are some additional tips for writing the testimony:
  - Write in first person.
  - Include, as you see fit, facts and/or your character's opinions regarding Fred Korematsu, his family, Japanese Americans, and/or the general Japanese American World War II experience.
  - You may add and embellish where needed, including what you think might be your character's opinions about people, places, and things. Reading all of the information in this packet and visiting all of the Web site links will be helpful.
  - It might be difficult, but even if you disagree with your character's point of view and/or actions, you must try to get into your character's head and be as convincing as you can for the jury.
  - Think carefully about your testimony. Once you email your written testimony to the teacher, the teacher will check it and then make copies of it. Once these copies are made, you may not change your testimony.

## Research and Preparation Related to the Trial Procedure

1. Review the "Mini-Mock Trial Manual" compiled by the Minnesota Center for Community Legal Education, available at <http://www.civicallyspeaking.org/mock3.pdf> (accessed September 3, 2009). Pages 5 through 7 are especially helpful because they outline the trial procedure.
2. After you have turned in your testimony, the attorneys from your side will review it carefully. During the



preparation periods the attorneys will meet with their witnesses to practice questioning to ensure that each witness will present a clear, logical, and memorable testimony to the jury. Rehearse both the direct examination and also the cross-examination.

3. Before and after you practice with the attorneys, you should also practice giving your testimony with the other witnesses on your side. (You are not allowed to talk to the jury or the opposing attorneys and witnesses before the trial.)
4. You **will not** have your testimony in front of you during the trial, so you must memorize as much as you can about the testimony and your character.
5. When you and your attorneys feel comfortable with your testimony, you can go and work on other homework or assignments.

#### **General Tips for Being an Effective Witness**

1. Make sure you answer questions slowly, loudly, and with confidence. Practice in front of a mirror. Even though you should have rehearsed the questions many times, try to sound genuine, as if you're answering them for the first time.
2. Show respect for the judge, jury, and attorneys at all times. This is not a fight—it is a debate.
3. If you are asked a question that you don't know the answer to, say, "I don't know."
4. Try to watch a television show such as *Law and Order* to get a sense of how courtroom procedures flow and how attorneys' questions and objections might sound during a trial.
5. On the day of the trial, your team might come to school dressed a little bit nicer than usual in order to impress the jury.
6. If you need help or have any questions, ask the teacher.
7. Good luck, and have a good time with this!



# Biographical Information

## Curtis B. Munson

Packet 2-6

39

*There is no Japanese “problem” on the Coast.*

—Curtis B. Munson

Curtis B. Munson was a Chicago businessman recruited by the Franklin D. Roosevelt administration to secretly investigate the loyalty of the Japanese Americans on the West Coast. In October and November 1941, Munson traveled up and down the West Coast quietly conducting his investigation and issuing a series of reports to President Roosevelt. In his reports, he found the Nisei (second-generation American-born citizens) to be overwhelmingly loyal to the United States. In what is now called the Munson Report, he estimated that the West Coast Nisei were 90 to 98 percent loyal to the United States.

After the bombing of Pearl Harbor, Munson continued to voice his assertion that the Nisei were not only loyal to the United States, but that they were “pathetically eager to show this loyalty” and should be asked to help with the war effort.

Excerpts from the Munson Report are available on the Digital History Web site at [http://www.digitalhistory.uh.edu/learning\\_history/japanese\\_internment/munson\\_report.cfm](http://www.digitalhistory.uh.edu/learning_history/japanese_internment/munson_report.cfm) (accessed September 3, 2009).

# Defendant: Fred Korematsu

Packet 2-7

40

Name \_\_\_\_\_

Date \_\_\_\_\_ Period \_\_\_\_\_

It is your job to be effective and convincing, so you must learn as much as possible about the character that you are portraying. By following these practical tips and doing adequate preparation before the trial begins, you can be effective!

## Research and Preparation Related to the Korematsu Case

1. The trial cannot move forward until you write your testimony. You must do this for homework tonight so that the attorneys can begin reviewing it during the next class. It is preferable that you email your completed testimony to the teacher tonight so that any necessary changes can be made and so it can be copied for the attorneys.
2. Carefully review all of the materials in this packet and prepare 1½ to 2 pages of written testimony. Email it to your teacher before the next class. Your testimony must include the following:
  - The name of your character
  - Age
  - Family background
  - Present job
  - Information about friends and neighbors
  - How your character felt about the Japanese attack on Pearl Harbor
  - How your character feels about World War II
  - What your character did when Executive Order 9066 was issued by President Roosevelt and why
  - The exact sequence of events leading up to your character's arrest
  - How your character feels about the removal of people of Japanese descent from the West Coast
  - Whether your character feels that people of Japanese descent are a threat to national security
  - What your rights are as an American-born citizen
3. Here are some additional tips for writing the testimony:
  - Write in first person.
  - Include, as you see fit, facts and/or your character's opinions regarding Japanese Americans, and/or the general Japanese American World War II experience.
  - You may add and embellish where needed, including what you think might be your character's opinions about people, places, and things.
  - Write your testimony so that you appear innocent on all counts.
  - It might be difficult, but even if you disagree with your character's point of view and/or actions, you must try to get into your character's head and be as convincing as you can for the jury.
  - Think carefully about your testimony. Once you email your written testimony to the teacher, the teacher will check it and then make copies of it. Once these copies are made, you may not change your testimony.

## Research and Preparation Related to the Trial Procedure

1. Review the "Mini-Mock Trial Manual" compiled by the Minnesota Center for Community Legal Education, available at <http://www.civicallyspeaking.org/mock3.pdf> (accessed September 3, 2009). Pages 5 through 7 are especially helpful because they outline the trial procedure.
2. After you have turned in your testimony, the attorneys from your side will review it carefully. During the





preparation periods the attorneys will meet with you and their witnesses to practice questioning to ensure that you and each witness will present a clear, logical, and memorable testimony to the jury. Rehearse both the direct examination and also the cross-examination.

3. Before and after you practice with the attorneys, you should also practice giving your testimony with the other witnesses on your side. (You are not allowed to talk to the jury or the opposing attorneys and witnesses before the trial.)
4. You **will not** have your testimony in front of you during the trial, so you must memorize as much as you can about the testimony and your character.
5. When you and your attorneys feel comfortable with your testimony, you can go and work on other homework or assignments.

#### **General Tips for Being an Effective Witness**

1. Make sure you answer questions slowly, loudly, and with confidence. Practice in front of a mirror. Even though you should have rehearsed the questions many times, try to sound genuine, as if you're answering them for the first time.
2. Show respect for the judge, jury, and attorneys at all times. This is not a fight—it is a debate.
3. If you are asked a question that you don't know the answer to, say, "I don't know."
4. Try to watch a television show such as *Law and Order* to get a sense of how courtroom procedures flow and how attorneys' questions and objections might sound during a trial.
5. On the day of the trial, your team might come to school dressed a little bit nicer than usual in order to impress the jury.
6. If you need help or have any questions, ask the teacher.
7. Good luck, and have a good time with this!

# Biographical Information

## Fred Korematsu (1919–2005)

Packet 2-7

42



*Being born in this country, I learned about American history, and this was my country. I just thought of myself as American.*

—Fred Korematsu

Mr. Fred Korematsu was a Nisei, the American-born son of Japanese immigrants. Until December 7, 1941, Korematsu was in Oakland, California, living the life of a typical American male: after graduating from high school he got a job as a welder in the San Francisco shipyards, owned a convertible, and was in love with his girlfriend.

However, Korematsu faced discrimination while growing up. He was refused service in restaurants, dropped from the Boilermakers Union, and was not allowed to join his Euro American friends in registering for the Coast Guard. Following the Japanese attack on Pearl Harbor on December 7, 1941, he was fired from his job.

On February 19, 1942, President Franklin D. Roosevelt issued Executive Order 9066, setting the stage for the exclusion and removal of people of Japanese ancestry from the West Coast. More than 100,000 Japanese Americans were required to report to temporary assembly centers before being removed to ten remote concentration camps. Fred Korematsu's parents and three brothers were first removed to Tanforan, a former racetrack south of San Francisco, and then eventually to Topaz, Utah.

Fred Korematsu chose to stay behind. Korematsu and his Italian American girlfriend planned to move inland to Nevada. To disguise himself, he changed his name and had plastic surgery. Nevertheless, the police stopped him on May 30, 1942, in San Leandro, California, and turned him over to the FBI. Korematsu was charged with violating Civilian Exclusion Order No. 34, which excluded people of Japanese descent from the West Coast. In newspaper reports he was called a spy.

Korematsu's arrest resulted in a federal district trial held in California in 1942. This is the case that the class mock trial is based upon. This case preceded the landmark U.S. Supreme Court case *Korematsu v. United States*, originally tried in 1944 and overturned in 1983.

To learn more, read the entire biography of Fred Korematsu, written by Eric Yamamoto and May Lee, downloaded from the Asian American Bar Association of the Greater Bay Area's Web site: <http://www.aaba-bay.com/aaba/showpage.asp?code=yamamotoarticle> (accessed September 3, 2009).

Gift of Tsuyako "Sox" Kitashima  
Japanese American National Museum (98.152.1)

All requests to publish or reproduce images in this collection must be submitted to the Hirasaki National Resource Center at the Japanese American National Museum. More information is available at <http://www.janm.org/nrc/>.

## Primary Source Document #1

# Transcript of Executive Order 9066

(Copies for Witnesses, Defendants, Judge, and Attorneys)

43

### Executive Order No. 9066

The President

Executive Order

#### Authorizing the Secretary of War to Prescribe Military Areas

Whereas the successful prosecution of the war requires every possible protection against espionage and against sabotage to national-defense material, national-defense premises, and national-defense utilities as defined in Section 4, Act of April 20, 1918, 40 Stat. 533, as amended by the Act of November 30, 1940, 54 Stat. 1220, and the Act of August 21, 1941, 55 Stat. 655 (U.S.C., Title 50, Sec. 104);

Now, therefore, by virtue of the authority vested in me as President of the United States, and Commander in Chief of the Army and Navy, I hereby authorize and direct the Secretary of War, and the Military Commanders whom he may from time to time designate, whenever he or any designated Commander deems such action necessary or desirable, to prescribe military areas in such places and of such extent as he or the appropriate Military Commander may determine, from which any or all persons may be excluded, and with respect to which, the right of any person to enter, remain in, or leave shall be subject to whatever restrictions the Secretary of War or the appropriate Military Commander may impose in his discretion. The Secretary of War is hereby authorized to provide for residents of any such area who are excluded therefrom, such transportation, food, shelter, and other accommodations as may be necessary, in the judgment of the Secretary of War or the said Military Commander, and until other arrangements are made, to accomplish the purpose of this order. The designation of military areas in any region or locality shall supersede designations of prohibited and restricted areas by the Attorney General under the Proclamations of December 7 and 8, 1941, and shall supersede the responsibility and authority of the Attorney General under the said Proclamations in respect of such prohibited and restricted areas.

I hereby further authorize and direct the Secretary of War and the said Military Commanders to take such other steps as he or the appropriate Military Commander may deem advisable to enforce compliance with the restrictions applicable to each Military area hereinabove authorized to be designated, including the use of Federal troops and other Federal Agencies, with authority to accept assistance of state and local agencies.

I hereby further authorize and direct all Executive Departments, independent establishments and other Federal Agencies, to assist the Secretary of War or the said Military Commanders in carrying out this Executive Order, including the furnishing of medical aid, hospitalization, food, clothing, transportation, use of land, shelter, and other supplies, equipment, utilities, facilities, and services.

This order shall not be construed as modifying or limiting in any way the authority heretofore granted under Executive Order No. 8972, dated December 12, 1941, nor shall it be construed as limiting or modifying the duty and responsibility of the Federal Bureau of Investigation, with respect to the investigation of alleged acts of sabotage or the duty and responsibility of the Attorney General and the Department of Justice under the Proclamations of December 7 and 8, 1941, prescribing regulations for the conduct and control of alien enemies, except as such duty and responsibility is superseded by the designation of military areas hereunder.

Franklin D. Roosevelt

The White House, February 19, 1942.

Transcription courtesy of the National Archives and Records Administration's History Matters project <http://www.ourdocuments.gov/doc.php?doc=74&page=transcript> (accessed September 3, 2009).



# Primary Source Document #2

## Transcript of Civilian Exclusion Order No. 34

(Copies for Witnesses, Defendants, Judge, and Attorneys)

44



San Francisco, California. On a brick wall beside air raid shelter poster, exclusion orders were posted at First and Front Streets directing removal of persons of Japanese ancestry from first San Francisco section to be affected by evacuation. The order was issued April 1, 1942, by Lieutenant General J. L. DeWitt, and directed evacuation from this section by noon on April 7, 1942.

Photographer: Dorothea Lange  
Courtesy of the National Archives and Records Administration  
ARC Identifier 536018 / Local Identifier 210-G-A40

WESTERN DEFENSE COMMAND AND FOURTH ARMY  
WARTIME CIVIL CONTROL ADMINISTRATION,  
Presidio of San Francisco, California  
May 3, 1942

INSTRUCTIONS  
TO ALL PERSONS OF  
JAPANESE  
ANCESTRY  
Living in the Following Area:

All of that portion of the County of Alameda, State of California, within the boundary beginning at the point where the southerly limits of the City of Oakland meet San Francisco Bay; thence easterly and following the southerly limits of said city to U.S. Highway No. 50; thence southerly and easterly on said Highway No. 50 to its intersection with California State Highway No. 21; thence southerly on said Highway No. 21 to its intersection, at or near Warm Springs, with California State Highway No. 17; thence southerly on said Highway No. 17 to the Alameda-Santa Clara County line; thence westerly and following said county line to San Francisco Bay; thence northerly, and following the shoreline of San Francisco Bay to the point of Beginning.

Pursuant to the provisions of Civilian Exclusion Order No. 34, this Headquarters, dated May 3, 1942, all persons of Japanese ancestry, both alien and non-alien, will be evacuated from the above area by 12 o'clock noon, P. W. T., Sunday, May 9, 1942.

No Japanese person living in the above area will be permitted to change residence after 12 o'clock noon, P. W. T., Sunday, May 3, 1942, without obtaining special permission from the representative of the Commanding General, Northern California Sector, at the Civil Control Station located at:

920 "C" Street,  
Hayward, California.



Such permits will only be granted for the purpose of uniting members of a family, or in cases of grave emergency.

The Civil Control Station is equipped to assist the Japanese population affected by this evacuation in the following ways:

1. Give advice and instructions on the evacuation.
2. Provide services with respect to the management, leasing, sale, storage or other disposition of most kinds of property, such as real estate, business and professional equipment, household goods, boats, automobiles and livestock.
3. Provide temporary residence elsewhere for all Japanese in family groups.
4. Transport persons and a limited amount of clothing and equipment to their new residence.

The Following Instructions Must Be Observed:

1. A responsible member of each family, preferably the head of the family, or the person in whose name most of the property is held, and each individual living alone, will report to the Civil Control Station to receive further instructions. This must be done between 8:00 A. M. and 5:00 P. M. on Monday, May 4, 1942, or between 9:00 A. M. and 5:00 P. M. on Tuesday, May 5, 1942.
2. Evacuees must carry with them on departure for the Assembly Center, the following property:
  - (a) Bedding and linens (no mattress) for each member of the family;
  - (b) Toilet articles for each member of the family;
  - (c) Extra clothing for each member of the family;
  - (d) Sufficient knives, forks, spoons, plates, bowls and cups for each member of the family;
  - (e) Essential personal effects for each member of the family.

All items carried will be securely packaged, tied and plainly marked with the name of the owner and numbered in accordance with instructions obtained at the Civil Control Station. The size and number of packages is limited to that which can be carried by the individual or family group.

3. No pets of any kind will be permitted.
4. No personal items and no household goods will be shipped to the Assembly Center.
5. The United States Government through its agencies will provide for the storage, at the sole risk of the owner, of the more substantial household items, such as iceboxes, washing machines, pianos and other heavy furniture. Cooking utensils and other small items will be accepted for storage if crated, packed and plainly marked with the name and address of the owner. Only one name and address will be used by a given family.
6. Each family, and individual living alone, will be furnished transportation to the Assembly Center or will be authorized to travel by private automobile in a supervised group. All instructions pertaining to the movement will be obtained at the Civil Control Station.

Go to the Civil Control Station between the hours of 8:00 A. M. and 5:00 P. M., Monday, May 4, 1942, or between the hours of 8:00 A.M. and 5:00 P. M., Tuesday, May 5, 1942, to receive further instructions.

J. L. DeWITT  
Lieutenant General, U.S. Army  
Commanding

Transcript courtesy of the National Park Service's Teaching with Historic Places <http://www.nps.gov/history/nr/twhp/wwwlps/lessons/89manzanar/89facts2a.htm>  
(accessed September 3, 2009)