

Japanese American Experience: Constitutional Issues and Connections Today

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Time

4 class periods (90 minutes per period)

Objectives

- Students will understand the causes and effects of Executive Order 9066.
- Students will examine the Supreme Court cases *Korematsu v. United States* and *Ex Parte Mitsuye Endo*.
- Students will consider the complicated relationship between safety and liberty in American democracy.
- Students will learn about the redress and reparations granted by the U.S. government to Japanese Americans.
- Students will consider the connections between the Japanese American World War II experience and the Arab American experience following the terrorist attacks on September 11, 2001.

Enduring Understanding

- Diversity in the United States helps democracy to function.

Essential Questions

- Who is the “We” in “We, the People”?
- Is it more important to have safety or liberty?
- What is the process of social justice?

Materials

- Primary source documents from the Our Documents Web site to be downloaded, printed, and distributed to students:
 - Fourteenth Amendment to the United States Constitution from <http://www.ourdocuments.gov/doc.php?doc=43> (accessed August 4, 2009)
 - President Franklin D. Roosevelt’s Executive Order 9066 (transcript) from <http://www.ourdocuments.gov/doc.php?doc=74&page=transcript> (accessed August 4, 2009)
- U.S. Supreme Court case summaries from the Facing History and Ourselves Web site to be downloaded, printed, and distributed to students:

- *Korematsu v. United States* Case Summary from <http://www.facinghistory.org/resources/facingtoday/identity-religion-violence-c> (accessed August 9, 2009)
- *Ex Parte Mitsuye Endo* Case Summary from <http://www.facinghistory.org/resources/facingtoday/identity-religion-violence-c> (accessed August 9, 2009)
- *Handout 2-1: Supreme Court Case Study Worksheet*
- Visual media (bibliographic information is available in the “References” section, and many resources are available from Davis School District)
 - *Topaz* (DVD)
 - *9066 to 9/11: America’s Concentration Camps, Then . . . and Now?* (DVD)
- Documents related to U.S. Presidents
 - *Handout 3-1: Proclamation from President Gerald R. Ford*
 - *Handout 3-2: Remarks from President Ronald Reagan*
 - *Handout 3-3: Letter from President George H. W. Bush*
 - Optional: Download and print the *New York Times* account from August 10, 1988, of the official redress and reparations legislation presented by President Ronald Reagan
- Optional Readings (bibliographic information is available in the “References” section, and many resources are available from Davis School District)
 - “A Teacher at Topaz” by Eleanor Gerard Sekerak, in Lawson Inada, *Only What We Could Carry: The Japanese American Internment Experience*
 - “Beyond Loyalty” by Minoru Kiyota, in Lawson Inada, *Only What We Could Carry: The Japanese American Internment Experience*
 - *Desert Exile: The Uprooting of a Japanese-American Family* by Yoshiko Uchida (pages 130, 134, 148)

Assessments

- Informal assessment will take place throughout the lesson. The teacher should ensure that all students are participating in discussions and class activities. Students will complete daily responses to questions. At the conclusion of the lesson, students will create an



editorial cartoon or editorial column expressing their opinions about the issues presented.

Background

The teacher should become familiar with the video and media, books, and optional readings used in this unit. Historical overviews, timelines, and maps about the Japanese American experience are included in this unit's introductory materials.

Instructional Strategies/Skills

Day 1:

- Ask students to respond to this Essential Question: *Who is the "We" in "We the people"?* Give students time to answer the question and then lead a discussion asking for volunteer responses.
- Distribute the downloaded and printed copies of the Fourteenth Amendment with students, discussing the concept of citizenship and asking whether only United States citizens are included in the United States Constitution's preamble, which begins with "We, the People."
- Introduce and distribute the downloaded and printed transcription of Executive Order 9066, first explaining the process and legality of an executive order. Direct students to read the sections that explain the order's purpose and effect.
- Show the first 20 minutes of the *Topaz* DVD, up to the point where the narrator states, "Utah was back in the picture," indicating that Utah was going to be the site of a camp. This excerpt gives some background information about events immediately after Pearl Harbor and discusses the impact of Executive Order 9066.
- Have students complete a quick write or exit slip listing three facts about Executive Order 9066, two events that led to its creation, and two effects that it had.

Day 2:

- Ask students to respond to this Essential Question: *Which is more important, safety or liberty?* Students should give specific examples to defend their points. Lead a discussion around these questions:
 - What would you be willing to give up in order to be safe?
 - Would you give up your right to due process?
 - Which rights guaranteed in the Bill of Rights would you be willing to give up?
- Briefly review the history of the Japanese American World War II concentration camps. This topic should have been discussed in U.S. Studies in the previous school year, so most students will be familiar with the issues. If desired and if time allows, the teacher could read selections from the Optional Readings recommended for this unit.
- Introduce two U.S. Supreme Court cases that challenged Executive Order 9066: *Korematsu v. United States* and *Ex Parte Mitsuye Endo*.
- Divide the class into two groups. Assign one group to the *Korematsu* case and the other group to the *Endo* case. Distribute the downloaded and printed case summaries. Have students read through their assigned cases and complete *Handout 2-1: Supreme Court Case Worksheet*. After students have completed the worksheet, they should pair up with a partner who was assigned the other case and share information.
- Lead the entire class in a discussion of the cases. This discussion should cover the dissensions in the *Korematsu* case, especially Justice Murphy's statements: "Such exclusion goes over 'the very brink of constitutional power' and falls into the ugly abyss of racism," and "I dissent, therefore, from this legalization of racism."
- Have students complete a quick write or exit slip responding to this quote from Benjamin Franklin: "Those who give up essential liberty to purchase a little temporary safety deserve neither liberty nor safety."



Day 3:

- Ask students to respond to this question: *If you had your rights taken away from you and later the government apologized, what would it take for you to accept the apology?*
- Lead a class discussion asking students to share their responses to these questions:
 - Would money make you feel the apology was sincere?
 - What if the president of the United States says he or she is sorry?
- Explain that after many years the U.S. government apologized to the Japanese Americans who were incarcerated during World War II.
- Lead the class in a discussion about the presidential documents related to the redress and reparations given to Japanese Americans:
 - Handout 3-1: Proclamation from President Gerald R. Ford
 - Handout 3-2: Remarks from President Ronald Reagan
 - Handout 3-3: Letter from President George H. W. Bush
 - Optional: Download and print copies of the *New York Times* account from August 10, 1988, of the official redress and reparations legislation presented by President Ronald Reagan
- Have students complete a quick write or exit slip responding to this statement: *Financial compensation and an official apology from the government is enough to repay the injustice of the camps.*

Day 4:

- Ask students to respond to this question: *Do you think something as drastic as the Japanese American World War II incarceration could happen today?* Lead a discussion around student responses.

- Show the DVD *9066 to 9/11: America's Concentration Camps, Then . . . and Now?*. Ask students to write down specific quotes, events, or ideas that stand out to them.
- Afterwards, lead a discussion of the ideas from the film, asking students to share their notes.
- For the final assessment, ask students to write a two-page editorial or create a political cartoon comparing the treatment of the Japanese Americans during World War II with the treatment of Arab Americans following the terrorist attacks on September 11, 2001.

References

- 9066 to 9/11: America's Concentration Camps, Then . . . and Now?*. DVD. Produced by Frank H. Watase Media Arts Center. Los Angeles: Japanese American National Museum, 2004.
- Cornell University Law School Supreme Court Collection. <http://www.law.cornell.edu/supct/index.html> (accessed August 9, 2009).
- Facing History and Ourselves. "Identity, Religion, and Violence: Civil Liberties." <http://www.facinghistory.org/resources/facingtoday/identity-religion-violence-c> (accessed August 9, 2009)
- Inada, Lawson F. *Only What We Could Carry: The Japanese American Internment Experience*. Berkeley, Calif.: Heyday Books; 2000.
- Topaz*. DVD. Produced and directed by Ken Verdoia. Salt Lake City: KUED, 1987.
- Uchida, Yoshiko. *Desert Exile: The Uprooting of a Japanese-American Family*. Seattle: University of Washington Press, 1982.

Supreme Court

Case Study Worksheet

Handout 2-1

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Name _____ Date _____

Name of case _____ Date of case _____

Facts and background _____

Constitutional issue(s) addressed _____

Arguments:

| Side A | Side B |
|--------|--------|
| | |

Decision of the Court

Majority opinion author _____

Other justices who supported this opinion _____

Summary of majority opinion _____

Dissenting opinion author (if any) _____

Summary of dissenting opinion _____

Impact of the court's ruling _____

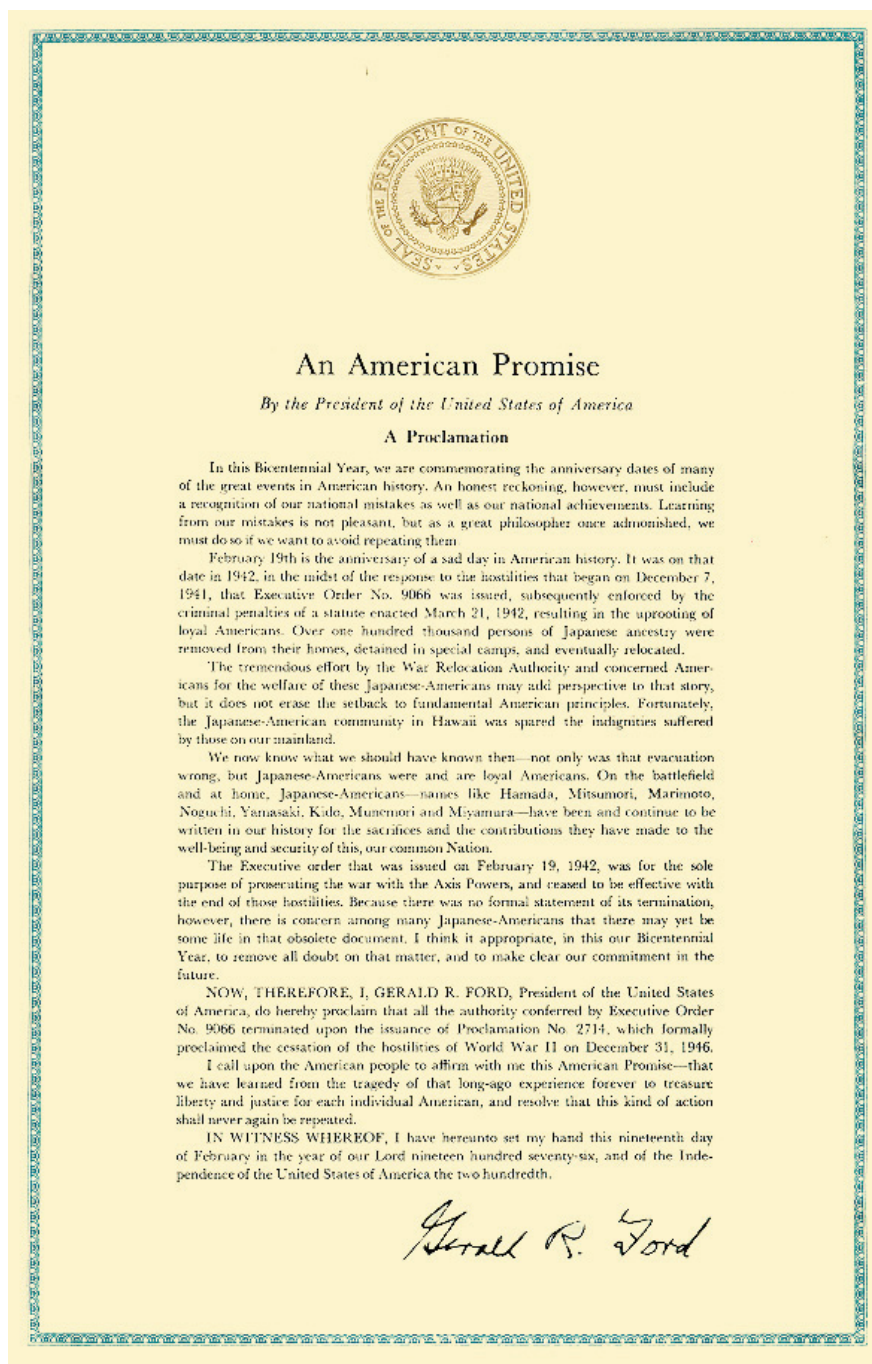
Your thoughts on the ruling _____



Proclamation from President Gerald R. Ford

Handout 3-1

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Courtesy of the Gerald R. Ford Presidential Library and Museum



Remarks from President Ronald Regan

Handout 3-2

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Remarks on Signing the Bill Providing Restitution for the Wartime Internment of Japanese-American Civilians

August 10, 1988

The Members of Congress and distinguished guests, my fellow Americans, we gather here today to right a grave wrong. More than 40 years ago, shortly after the bombing of Pearl Harbor, 120,000 persons of Japanese ancestry living in the United States were forcibly removed from their homes and placed in makeshift internment camps. This action was taken without trial, without jury. It was based solely on race, for these 120,000 were Americans of Japanese descent.

Yes, the Nation was then at war, struggling for its survival, and it's not for us today to pass judgment upon those who may have made mistakes while engaged in that great struggle. Yet we must recognize that the internment of Japanese-Americans was just that: a mistake. For throughout the war, Japanese-Americans in the tens of thousands remained utterly loyal to the United States. Indeed, scores of Japanese-Americans volunteered for our Armed Forces, many stepping forward in the internment camps themselves. The 442nd Regimental Combat Team, made up entirely of Japanese-Americans, served with immense distinction to defend this nation, their nation. Yet back at home, the soldiers' families were being denied the very freedom for which so many of the soldiers themselves were laying down their lives.

Congressman Norman Mineta, with us today, was 10 years old when his family was interned. In the Congressman's words: "My own family was sent first to Santa Anita Racetrack. We showered in the horse paddocks. Some families lived in converted stables, others in hastily thrown-together barracks. We were then moved to Heart Mountain, Wyoming, where our entire family lived in one small room of a rude tar paper barrack." Like so many tens of thousands of oth-

ers, the members of the Mineta family lived in those conditions not for a matter of weeks or months but for three long years.

The legislation that I am about to sign provides for a restitution payment to each of the 60,000 surviving Japanese-Americans of the 120,000 who were relocated or detained. Yet no payment can make up for those lost years. So, what is most important in this bill has less to do with property than with honor. For here we admit a wrong; here we reaffirm our commitment as a nation to equal justice under the law.

I'd like to note that the bill I'm about to sign also provides funds for members of the Aleut community who were evacuated from the Aleutian and Pribilof Islands after a Japanese attack in 1942. This action was taken for the Aleuts' own protection, but property was lost or damaged that has never been replaced.

And now in closing, I wonder whether you'd permit me one personal reminiscence, one prompted by an old newspaper report sent to me by Rose Ochi, a former internee. The clipping comes from the *Pacific Citizen* and is dated December 1945.

"Arriving by plane from Washington," the article begins, "General Joseph W. Stilwell pinned the Distinguished Service Cross on Mary Masuda in a simple ceremony on the porch of her small frame shack near Talbert, Orange County. She was one of the first Americans of Japanese ancestry to return from relocation centers to California's farmlands." "Vinegar Joe" Stilwell was there that day to honor Kazuo Masuda, Mary's brother. You see, while Mary and her parents were in an internment camp, Kazuo served as staff sergeant to the 442nd Regimental Combat Team. In

one action, Kazuo ordered his men back and advanced through heavy fire, hauling a mortar. For 12 hours, he engaged in a single-handed barrage of Nazi positions. Several weeks later at Cassino, Kazuo staged another lone advance. This time it cost him his life.

The newspaper clipping notes that her two surviving brothers were with Mary and her parents on the little porch that morning. These two brothers, like the heroic Kazuo, had served in the United States Army. After General Stilwell made the award, the motion picture actress Louise Allbritton, a Texas girl, told how a Texas battalion had been saved by the 442nd. Other show business personalities paid tribute—Robert Young, Will Rogers Jr. And one young actor said: "Blood that has soaked into the sands of a beach is all of one color. America stands unique in the world: the only country not founded on race but on a way, an ideal. Not in spite of but because of our polyglot background, we have had all the strength in the world. That is the American way." The name of that young actor—I hope I pronounce this right—was Ronald Reagan. And, yes, the ideal of liberty and justice for all—that is still the American way.

Thank you, and God bless you. And now let me sign HR 442, so fittingly named in honor of the 442nd.

Thank you all again, and God bless you all. I think this is a fine day.

Note: The President spoke at 2:33 p.m. in Room 450 of the Old Executive Office Building. HR 442, approved August 10, was assigned Public Law No. 100-383.

Courtesy of the Ronald Reagan Presidential Library

Letter from President George H. W. Bush

Handout 3-3

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THE WHITE HOUSE
WASHINGTON

A monetary sum and words alone cannot restore lost years or erase painful memories; neither can they fully convey our Nation's resolve to rectify injustice and to uphold the rights of individuals. We can never fully right the wrongs of the past. But we can take a clear stand for justice and recognize that serious injustices were done to Japanese Americans during World War II.

In enacting a law calling for restitution and offering a sincere apology, your fellow Americans have, in a very real sense, renewed their traditional commitment to the ideals of freedom, equality, and justice. You and your family have our best wishes for the future.

Sincerely,

A handwritten signature in blue ink, reading "G. Bush".

GEORGE BUSH
PRESIDENT OF THE UNITED STATES

OCTOBER 1990

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More information is available at <http://www.janm.org/nrc/>.

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