



THE NATIONAL WWII MUSEUM

**AMENDMENT
VIOLATION**

Japanese American Internment and the United States Constitution

A Lesson plan from
the Education Department

The National WWII Museum
945 Magazine Street
New Orleans, LA 70130
(504)-528-1944

www.nationalww2museum.org/learn/education

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Amendment Violation!

Japanese American Internment and the United States Constitution

The internment of Japanese and Japanese Americans in WWII is one of the darkest and most controversial chapters of American history. After the Japanese surprise attack on Pearl Harbor on December 7th, 1941, Japanese Americans were detained without trial and without committing a crime, solely based on the assumption that it was necessary for national security. In February 1942, President Roosevelt signed Executive Order 9066 allowing for the creation of military zones that could exclude certain civilians. In practice, this led to the forced relocation and internment of more than 110,000 Japanese and Japanese Americans who were placed in internment camps for the duration of the war. Wartime hysteria and racial prejudice pushed the country's leadership to violate rights guaranteed under the U.S. Constitution. Even when these injustices were brought to the country's highest court in the 1944 case *Korematsu v. United States*, the Supreme Court justices ruled that "military necessity" outweighed the civil rights of Japanese Americans.

OBJECTIVE: Students will be able to apply principles of the United States Constitution to the issue of Japanese American relocation and internment.

GRADE LEVEL: 9-12

COMMON CORE STANDARDS:

ELA Anchor Standards for Reading:

CCSS.ELA-Literacy.CCRA.R.1—Read closely to determine what the text says explicitly and to make logical inferences from it; cite specific textual evidence when writing or speaking to support conclusions drawn from the text.

ELA Reading Informational Text:

CCSS.ELA-Literacy.RI.11-12.9—the student will analyze 17th, 18th and 19th century foundational U.S. documents of historical and literary significance for their themes, purposes and rhetorical features

Literacy in History/Social Studies:

CCSS.ELA-Literacy.RST.11-12.2---Determine the central ideas or conclusions of a text; summarize complex concepts, processes, or information presented in a text by paraphrasing them in simpler but still accurate terms.

HISTORY STANDARDS:

Historical Thinking Standard 2—the student comprehends a variety of historical sources

Historical Thinking Standard 3—the student engages in historical analysis and interpretation

TIME REQUIREMENT: One class period, with a reading assignment the night before.

MATERIALS: Copies (paper or digital access) of the Japanese American Internment fact sheet, the Bill of Rights handout, Amendment Violation activity sheet and the student reflection questions sheet.

DIRECTIONS:

1. Have the students read the attached Bill of Rights handout the night before the lesson. Recommend to students that they read through the Bill of Rights several times, as the material is complex and they will need to understand it in order to complete the activities the next day in class.
2. As a class, read the fact sheet on Japanese American Internment.
3. Review the Bill of Rights, what they are, and what each amendment means. Have students write a short summary of what each amendment guarantees on the board or in their notes and discuss as a class.

4. Students complete the short Amendment Violation Activity individually or in pairs. Reconvene the class to discuss the answers for each action. Ask the students why they think the different actions violate the Constitution.

Amendment Violation Activity Teacher Answer Key:

Note: While the primary goal of this activity is to have students read and discuss which amendments they believe were violated by Japanese American Internment policy and why, here are some answers that

- A: IV
- B. V,VI,VII
- C. Arguably VIII. Extreme punishment for a non-existent crime
- D. V,VI,VII
- E. I

5. Have the students complete the worksheet of reflection questions for homework, or if time allows, during the class period.

ASSESSMENT: Assessment includes the class discussion and student completion of the Amendment Violation Activity and reflection questions which demonstrate students' understanding of how Japanese American internment violated the Constitution.

ENRICHMENT:

- For more in-depth background and perspective on Japanese Internment, book the Museum's [*AM an American! Japanese American Internment in WWII Virtual Field Trip*](#). Guided by a Museum Educator, this live videoconference explores the story of Eva Hashiguchi, who spent her high-school days as an internee in the Jerome Internment Camp in Arkansas.
- Have students conduct research on the *Korematsu v. United States* Supreme Court case, using the websites from the Fred T. Korematsu Institute for Civil Rights and Education (<http://korematsuinstitute.org/>) and the Densho: The Japanese American Legacy Project (<http://densho.org/>) as starting points for their investigation. Assign students roles and conduct a mock-trial of Mr. Korematsu to debate whether or not his civil rights were unjustly violated by the government's internment policy.
- After completing the attached Amendments Violation Activity, have students read and research the remaining Amendments of the Constitution (11-27) located at <http://constitutioncenter.org/constitution#amendment-list>. What other Amendments does the internment of Japanese Americans disregard? Have students prepare a list of these Amendments and reasons why they believe they were violated.
- Visit the Smithsonian Museum of American History's interactive exhibit *A More Perfect Union: Japanese Americans and the U.S. Constitution*: <http://amhistory.si.edu/perfectunion/experience/index.html>
- Visit The Remembrance Project from The Japanese American National Museum, an online "living museum" of personal stories of internees submitted by friends and loved ones: <http://www.remembrance-project.org/>

Japanese American Internment



The Mochida family awaits evacuation in Hayward, California, in 1942. Photograph by Dorothea Lange

On December 7, 1941, Japanese naval and air forces attacked the United States at Pearl Harbor, Hawaii, bringing the U.S. into World War II. In the weeks following the attack, fear and suspicion grew of the sizable Japanese American community in the U.S. Might these immigrants and first generation Americans side with Japan against the United States? Based on those fears, combined with a long history of anti-Japanese immigrant sentiment, the U.S. government forced more than 110,000 Japanese Americans living along the West Coast into Internment Camps for the duration of the war. In a war that the U.S. fought to preserve liberty around the world, this event stands out starkly as a violation of the civil and human rights of tens of thousands right here at home.

On February 19, 1942, President Franklin Roosevelt signed Executive Order 9066—an order that gave the War Department the authority to declare any part of the country a restricted military area “*from which any or all persons may be excluded.*” California, Oregon, Washington, and southern Arizona were soon designated as such. The persons to be excluded were Japanese Americans.

Beginning in March of 1942, Japanese Americans were ordered to register with the War Relocation Authority (WRA) for “evacuation.” Families were told they could only bring what they could carry. Businesses, homes, and possessions had to be sold or entrusted to neighbors or friends. Pets had to be left behind. Of the more than 110,000 people sent to Internment Camps, two-thirds were Nisei—first generation Americans—and the other third were Issei—born in Japan. A great many of the internees were children and teenagers.

By October 1942 nearly all internees were housed in ten hastily built camps run by the WRA. These camps were located in isolated, often desolate locations. Barbed wire and military police surrounded them. Along with loss of freedom, families shared a single room (often without plumbing and little heat), ate in communal dining halls, endured harsh weather, and suffered mental and physical stresses of being confined against their will. Nutrition, education, and health care were all inadequate. Despite these sub-standard conditions, people did their best to make life in the camps as “normal” as possible. They established schools and governing bodies, organized baseball teams, created music and art groups, planted vegetable gardens, and held religious services—anything they could do to make life in the camps bearable.

In 1943 the U.S. government reversed its exclusion of Japanese Americans from the draft (they had been considered enemy aliens) and asked for volunteers from the camps to serve in the military. More than 800 men volunteered and became part of the 442nd Infantry Regimental Combat team. The 442nd, which fought in Italy, Southern France, and Germany, became one of the most highly decorated units of WWII. While these men fought for America, their families were living behind barbed wire in their own country.

In challenging the constitutionality of Executive Order 9066, Fred Korematsu argued that his rights and those of other Americans of Japanese descent had been violated. In *Korematsu v. United States*, the Supreme Court ruled 6-3 in favor of the government, saying that military necessity overruled those civil rights. In his dissent, however, Justice Frank Murphy stated that the exclusion of Japanese Americans “*falls into the ugly abyss of racism.*”

By 1946 internees slowly began to return home to rebuild their lives. In 1988 the U.S. government issued a formal apology to all former internees and paid \$20,000 to each surviving internee. The government acknowledged that the internment had been based on “*race prejudice, war hysteria, and a failure of political leadership.*” To this day, Japanese American Internment during WWII is studied as a cautionary tale of the need for vigilance when maintaining the constitutional rights of all Americans.

The Bill of Rights

Amendment I

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

Amendment II

A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

Amendment III

No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V

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 offense 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.

Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Amendment VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

Amendment VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

AMENDMENT VIOLATION

Matching Activity

Directions: Match the event/action on the left side of the page with the Amendment it breaks on the right side of the page by drawing a line between the two. Some Amendments will be violated more than once and some none at all.

- A. Japanese who were suspected of spying, sabotage, or helping the enemy had their homes raided and had their things confiscated by the FBI.
- B. Before the signing of Executive Order 9066, Japanese suspected of helping the enemy were arrested and detained. They were never given a trial.
- C. Japanese were unwillingly removed from their homes and placed in internment camps.
- D. Although most Japanese were punished by being placed in internment camps, they never were put on trial and were treated as automatically guilty of disloyalty to the United States.
- E. Those who replied no to certain questions in a loyalty questionnaire administered to internees were taken to Tule Lake and considered disloyal. They were being punished for what they said.
- I. Freedom of speech, press, religion and petition—Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech.
- II. Right to keep and bear arms
- III. Conditions for quarters of soldiers- No soldier shall, in time of peace be quartered in any house, without consent of the Owner.
- IV. Right of search and seizure regulated- The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated.
- V. Provisions concerning prosecution- no person shall be held to answer for capital, or otherwise infamous crime, unless on a presentment of indictment of a Grand Jury.
- VI. Right to a speedy trial and witnesses- In all criminal prosecution, the accused shall enjoy the right to speedy and public trial by an impartial jury.
- VII. Right to a trial by jury
- VIII. Excessive bail, cruel punishment- Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted
- IX. Rule of construction of Constitution- The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.
- X. Rights of the states under Constitution

Reflection Questions

1. Based on your short reading, what was one way Japanese Americans resisted internment?
2. How did Executive Order 9066 bring about the internment of Japanese and Japanese Americans?
3. Provide one example of how Japanese internment violated the Bill of Rights.
4. Should non-citizens (aliens) be granted the same rights and protections as citizens? Explain your answer.
5. What are some modern day examples of how the rights of the Constitution are violated?
6. If you could add one amendment to the U.S. Constitution, what would it entail?