

# Extended Controversial Issue Discussion Lesson Plan

## *Structured Academic Controversy*

### Was the Internment of Japanese-Americans Constitutional?



Marcia E. Motter  
Clayton Middle School  
[mmotter@washoeschools.net](mailto:mmotter@washoeschools.net)

# Extended Controversial Issue Discussion Lesson Plan

**Lesson Title:** Was the internment of Japanese-Americans constitutional?

**Author Name:** Marcia Motter

**Contact Information:** [mmotter@washoeschools.net](mailto:mmotter@washoeschools.net)

**Appropriate for Grade Level:** 8-12

**US History Standard(s)/Applicable CCSS(s):**

**H1.[6-8].11** Explain the effects of WWI and WWII on social and cultural life in Nevada and the United States.

**H.4.[6-8].8** Discuss the effects of World War II on American economic and political policies.

**CCSS:**Cite specific textual evidence to support analysis of primary and secondary sources.

**CCSS:**Determine the central ideas or information of a primary or secondary source; provide an accurate summary of the source distinct from prior knowledge or opinions.

**CCSS:** Analyze the relationship between a primary and secondary source on the same topic.

**Discussion Questions:** Students will discuss the question: Was the internment of Japanese-Americans constitutional? The questions used for discussion are included with the primary and secondary readings.

**Lesson Grabber:** There are 2 grabbers for this lesson. The first one is a scenario that the students will write about. (Scenario page is included) The second grabber is a questionnaire about what students know about people of Japanese ancestry. (What Do You Know page is included)

**Engagement Strategy:** *Structured Academic Controversy.*

1. Students will read the primary and secondary source documents. Depending on their level, they can either read them individually, with a partner, or in groups. They will answer the guided questions and then complete the note taker that is provided.
2. Place the students into groups of 4. Then have 2 of the students be on Team A and 2 of the students be on Team B.  
Team A will argue that the internment of Japanese-Americans was constitutional.  
Team B will argue that the internment of Japanese-Americans was not constitutional.

*Teams will use the graphic organizer (Organizing Evidence) to collect data for their side.*

3. Team A will present their evidence to Team B. Team B will repeat arguments back to Team A, until Team A is satisfied with their responses.
4. Team B will present their evidence to Team A. Team A will repeat arguments back to Team B, until Team B is satisfied with their responses.
5. The team will reach a consensus.

6. The team will write their group consensus on the *Coming to Consensus* page. The team will need to include a claim, evidence and a counterclaim for their response.
7. If there is time, groups may share their responses to the class.

### Student Readings:

1. Historical Background on the internment of Japanese-Americans.
2. How Do We Protect Our Liberty? Supreme Court Rulings
3. The Crisis
4. Executive Order 9066
5. War Relocation Authority Confidential Office Memo
6. Due Process
7. The Fourteenth Amendment

**Total Time Needed:** 5 days; 50 minute class periods

### Lesson Outline:

Time Frame	What is the teacher doing?	What are the students doing?
Day 1: 15 min	Pass out the <i>Scenario</i> to students. Read the scenario to the class. The answer is: You are in the United States living on the west coast. You are a Japanese-American.	Answer the question on the <i>Scenario</i> . Have various students read their answers out loud to the class.
Day 1: 15 min	Pass out the second grabber, <i>What Do You Know?</i> to the class. Give students 5 minutes to answer the questions individually. When students are finished, review answers as a whole class. Tell the class that their answers will be verified throughout the lesson. Lead a classroom discussion of the following questions: In the guide, the word "Americans" is used. Define Americans. Do all Japanese-Americans have a single culture or identity? Do they appear to be grouped together in the <i>What Do You Know</i> handout?	Students will answer the true/false questions on the handout in 5 minutes. Students will participate in the class discussion of the answers. Students will participate in the discussion of questions.
Day 1: 20 min	Pass out the <i>Historical Background</i> reading. Have students read the background information on Japanese internment and write down what they know.	Students will read the background reading. When they are finished, they will write down what they have learned about Japanese internment.
Day 2: 50 min	Pass out the primary and secondary source readings to the class. Have students read and answer the questions for <i>Documents 1-3</i> . Depending on their level, students may read individually, work with a partner or be placed into group of 3 or 4.	Students will read the primary and secondary source documents. When they are finished reading the documents they will answer the guided questions to help them understand the document better.
Day 3: 50 min	Have students read and answer the questions for <i>Documents 4-6</i> . Depending on their level, students may read individually, work with a partner or be placed into group of 3 or 4. For homework tonight, students need to prepare for the group discussion tomorrow. They will need to fill out the graphic organizer <i>Was the Internment of Japanese-Americans constitutional</i> . They will fill out answers for both sides of the question.	Students will read the primary and secondary source documents. When they are finished reading the documents they will answer the guided questions to help them understand the document better. Students will complete the graphic organizer <i>Was the Internment of Japanese-Americans constitutional?</i> This will be preparation for the <b>Structured Academic Controversy</b> .

Day 4: 25 min	Place the students into groups of 4. Then have 2 students be on Team A and 2 students be on Team B. Team A will argue: The internment of Japanese-Americans was constitutional. Team B will argue: The internment of Japanese-Americans was not constitutional. Give the teams 20 minutes with their partner to find 4 pieces of evidence which will support their side.	Once students are in their groups, have them pick 2 members for Team A and 2 members for Team B. Students will read through the documents for their side of the argument. They will fill out the <i>Organizing Evidence</i> graphic organizer for their side.
Day 4: 10 min	Give the following directions to the class: Team A will now present their evidence to Team B. Team B will write down the evidence presented to them on the graphic organizer.	Team A will read their evidence to Team B. Team B will write down the evidence on the graphic organizer.
Day 4: 10 min	Give the following directions to the class: Team A will now present their evidence to Team B. Team B will write down the evidence presented to them on the graphic organizer.	Team B will read their evidence to Team A. Team A will write down the evidence on the graphic organizer.
Day 5: 10 min	Have the students get into their teams. Tell the teams that they will have 7 minutes to come to a consensus on the question: Was the internment of Japanese-Americans constitutional? All members of the group must come to an agreement.	Students will come to a consensus on the question. All students must come to an agreement.
Day 5: 30 min	As a group, students will answer the question. They will give a claim, 3 pieces of evidence and include a counterclaim to the argument.	As a group, students will answer the question. They will give a claim, 3 pieces of evidence and include a counterclaim to the argument.
Day 5: 5 min	Have students turn in their group writing. Discuss the process with the class.	Turn in group writing.

**Description of Lesson Assessment:** Students will turn in their group writing. The assessment will be their group consensus. If there is time at the end of class, groups can present their positions to the class.

**How will students reflect on the process and their learning?:** Students will write a paragraph for homework, on day 5, where they will reflect on what the process of the *Structured Academic Controversy* and what they learned about the topic.



*What Do You Know?*  
*America's Treatment of People of Japanese Ancestry*

**Directions:**

Read each statement below. If you think a statement is true, circle T. If you think it is false, circle F.

- T F 1. Japanese Americans were prohibited by law from marrying Caucasians in California during the early 20th Century.
- T F 2. It was illegal for Japanese and other Asian immigrants to become naturalized citizens during the first half of the 20th century.
- T F 3. During World War II, most Japanese Americans were loyal to Japan and were a threat to their fellow Americans.
- T F 4. Japanese Americans who were removed from their homes and sent to relocation centers were always treated by their government, the media and the public with great dignity and respect.
- T F 5. All Japanese Americans refused to join the U.S. Army to fight in World War II.
- T F 6. During World War II, some Chinese Americans wore buttons that read "I am Chinese" to distinguish themselves from Japanese Americans and to avoid discrimination.
- T F 7. No Japanese Americans were convicted of acts of espionage and sabotage against the United States government during World War II.
- T F 8. Japanese Americans who lost property while they were interned in relocation centers were repaid in full for all their losses as soon as the war was over.
- T F 9. After World War II was over, all Japanese Americans who had been in the relocation centers were welcomed back to their homes and communities.

## **Was the internment of Japanese Americans constitutional?**

### **Historical Background:**

The bombing of Pearl Harbor on Sunday, December 7, 1941 drastically changed the lives for Japanese Americans living in the United States, specifically for those living on the West Coast. After the attack on Pearl Harbor by Japan, some Americans became afraid and fearful of the Japanese. They worried that Japanese Americans already living in the United States might help Japan with future attacks or be saboteurs. The United States government slowly began to restrict the rights of Japanese Americans and eventually forced them to relocate from their homes and imprisoned them in internment camps between the years of 1942-1946.

Most of the Japanese American population lived on the west coast of the United States, with the majority living in the states of Washington, Oregon and California. There was also a large population of Japanese Americans living on the islands of Hawaii.

After the bombing of Pearl Harbor, President Roosevelt signed Executive Order 9066 on February 19, 1942. This order authorized the war department to designate military areas from which "any and all persons" may be excluded. Although this order never specifically named Japanese Americans, it soon became clear that they would be the only group targeted for mass removal. At first, the Japanese were moved to assembly centers, which were located at large public places, like fairgrounds and racetracks. From there, they were taken to internment camps.

There were 10 internment camps across the country. They were found in the states of California, Arizona, Idaho, Wyoming, Colorado, Utah, and Arkansas. Two of the biggest camps were Manzanar and Tule Lake, both found in California. All Japanese were taken to the camps, even Japanese-Americans. They could only bring what they could carry, including toiletry items, kitchen items, bedding, and clothing. Everything else was left behind including pets.

Most of the camps were located in remote, desolate areas. The land could vary from desert like conditions with very hot summers and cold winters, to swamp-like conditions with heat and humidity in Arkansas.

Facilities differed from camp to camp, but all were spartan. Internees were assigned to a block consisting of fourteen barracks subdivided into four or six rooms. There were communal bathrooms and showers and a common dining hall where the internees could eat. Standing in long lines to eat, shower, or to buy something at the camp store became a way of life. Eventually, each relocation center became a kind of American community, with many of the institutions that existed on the larger society. There were schools, libraries, hospitals, newspapers, and churches in the camps.

After World War II was over, the federal government started talking about redress, or a compensation for a wrong doing, for the discrimination and loss of civil rights that the Japanese





# Was the internment of Japanese Americans constitutional?

## How Do We Protect Our Liberty? Source 1: Supreme Court Rulings

On February 19, 1942, President Franklin Roosevelt issued Executive Order 9066 giving the United States military the authority to exclude Japanese Americans and others from living along the West Coast. While most complied without much protest, many Japanese Americans felt that internment was illegal and violated basic civil liberties that all Americans are guaranteed under the Constitution. Some, like Gordon Hirabayashi, Fred Korematsu, Minoru Yasui and Mitsuye Endo challenged the legality of Japanese American internment all the way to the U.S. Supreme Court. The Supreme Court cases touched off an intense debate. Which is more important during wartime; maintaining civil liberties or maintaining national security? Today there is still an intense debate between those who favor maintaining civil liberties and those who favor security measures that violate individual civil liberties in hopes of preventing threats to national security. As Americans can we have both liberty and security? Does the Constitution apply all the time or only when it is convenient?

There are four significant Supreme Court Cases that centered around Japanese American internment. You can find out more about these cases by visiting these websites: [www.janm.org](http://www.janm.org), [www.densho.org](http://www.densho.org), [www.landmarkcases.org](http://www.landmarkcases.org) or visit your local library.

***Hirabayashi v. United States*** Gordon Hirabayashi was a student at the University of Washington in Seattle when internment took effect. Hirabayashi intentionally violated the military curfew and turned himself in to the police in order to bring his case to court. Hirabayashi argued that since he had done nothing wrong, the military order was unconstitutional. In 1944, the Supreme Court upheld Hirabayashi's conviction for violating the military order and ruled that the military has the authority to set curfews and remove people from their homes during wartime. In 1987, Hirabayashi's conviction was overturned by U.S. District Court in Seattle and the Federal Appeals Court.

Why was Gordon Hirabayashi arrested? \_\_\_\_\_

What was the Supreme Court's decision? Why? \_\_\_\_\_

***Korematsu v. United States*** Fred Korematsu violated the order to report to an internment camp because he did not want to be separated from his Italian American girlfriend. Like Hirabayashi, Korematsu argued that since he was a loyal American citizen, the government had no right to put him in an internment camp. In 1944, the Supreme Court again ruled that the military did have the authority to remove all Japanese Americans from the West Coast regardless of loyalty. In 1983, the *Korematsu v. United States* decision was overturned by a writ of coram nobis by a federal district court of Northern California.

(A writ of coram nobis is an order by an appeals court to a lower court to consider facts not on the trial record which might have changed the outcome of the lower court case if known at the time of trial.)

Why was Fred Korematsu arrested? \_\_\_\_\_

## Was the internment of Japanese Americans constitutional?

What was the Supreme Court's decision? Why? \_\_\_\_\_

***Yasui v. United States*** Following the attack on Pearl Harbor, Minoru Yasui quit his job at the Japanese Consulate in Chicago, returned to his home in Oregon, and attempted to report for duty as a reserve Army officer. After being declared an "enemy alien" by the Army, Yasui was ordered to an internment camp along with his family.

Yasui refused to obey the order, arguing that racially based internment was illegal. After being convicted of disobeying the military order, Yasui appealed his case to the Supreme Court. In 1944 the Supreme Court ruled (as a companion case to *Hirabayashi*) that the military had the authority to intern people based on race. Yasui's conviction was overturned in 1986 by the Oregon Federal District Court.

Why was Minoru Yasui arrested? \_\_\_\_\_

What was the Supreme Court's decision? Why? \_\_\_\_\_

***Ex parte Endo*** Mitsuye Endo was removed from her home in Sacramento, California and taken to the Tule Lake War Relocation Center. She filed a petition of a *writ of habeas corpus* and her case went all the way to the Supreme Court. A *writ of habeas corpus* occurs when someone is put in jail without a trial. Endo argued that internment was illegal because no one was charged with a crime or given a trial. In 1944, the Supreme Court ruled that while the military had the authority to remove people during war, loyal American citizens could not be kept in internment camps. This decision forced the government to begin closing the camps in early 1945.

Why was Mitsuye Endo arrested? \_\_\_\_\_

What was the Supreme Court's decision? Why? \_\_\_\_\_

1  
2 **Was the internment of Japanese Americans constitutional?**  
3

4 **Source 2: The Crisis**

5  
6 **Vocabulary:**

- 7 • Ancestry: family descent; the members of one's family  
8 • Established: created  
9 • Concentration Camp: a place of confinement or prison for political enemies or members of minority  
10 ethnic groups  
11

12 **Document Note:** This is an editorial from the Crisis, founded in 1910. The Crisis is one of the oldest black  
13 periodicals in the United States. The publication is dedicated to promoting civil rights.  
14

15 Along the eastern coast of the United States, where the numbers of Americans of  
16 Japanese ancestry is comparatively small, no concentration camps have been  
17 established. From a military point of view, the only danger on this coast is from  
18 Germany and Italy...But the American government has not taken any such high-  
19 handed action against Germans and Italians – and their American-born descendants –  
20 on the East Coast, as has been taken against Japanese and their American-born  
21 descendants on the West Coast. Germans and Italians are “white.”

22 Color seems to be the only possible reason why thousands of American  
23 citizens of Japanese ancestry are in concentration camps. Anyway, there  
24 are no Italian-American, or German-American citizens in such camps.  
25  
26  
27

28 **Source:** Harry Paxton Howard, “Americans in Concentration Camps,” The Crisis, September, 1942. The  
29 excerpt above is from an editorial that appeared soon after the establishment of internment camps.  
30  
31  
32  
33  
34

## **Was the internment of Japanese Americans constitutional?**

PLEASE ANSWER THE FOLLOWING QUESTIONS ABOUT DOCUMENT #2.

1. According to the document, which ethnic groups living on the East Coast of the United States were dangerous?
2. What is a concentration camp?
3. Which statement supports the reason why American citizens of Japanese ancestry were placed in concentration camps?
4. What explanation do you have for there being no concentration camps on the East Coast?
5. According to the editorial from the Crisis, was the internment of Japanese-Americans constitutional?

# Was the internment of Japanese Americans constitutional?

## Source 3: Executive Order 9066

### Vocabulary:

- Espionage: the act or practice of spying
- Sabotage: The deliberate destruction of machines, railroads, roads and buildings by an enemy.
- Herein: in this writing

**Document Note:** The sudden and devastating attack by the Japanese Navy on Pearl Harbor in December, 1941, compounded by years of economic competition with Japanese immigrants and racial prejudice – particularly along the west coast of the United States – brought about a swift response from western military leaders and ultimately the President to whom they reported. Two months after the attack on Pearl Harbor President Roosevelt issued the following order authorizing “exclusion” from designated military areas.

Executive Order No. 9066

### *The President*

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,...

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... 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... 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.

Franklin D. Roosevelt  
The White House,  
February 19, 1942.

**Source:** Executive Order No. 9066, February 19, 1942.

## **Was the internment of Japanese Americans constitutional?**

PLEASE ANSWER THE FOLLOWING QUESTIONS ABOUT DOCUMENT #3.

1. Who wrote the document?
2. Who was responsible for carrying out the order?
3. What does the order state should be provided for people removed from military areas?
4. Was the order restricted to any one group of the American population?
5. According to Executive Order 9066, was the internment of Japanese-Americans constitutional?

## Was the internment of Japanese Americans constitutional?

### Source 4: War Relocation Authority Confidential Office Memo

#### Vocabulary:

- Distinguish: to show the difference between
- Infiltration: to get control from within
- Shintoism: a religion of Japan
- Hysteria: a wild, uncontrolled feeling or action
- Retaliatory: to do the same thing

**Document Note:** After some Japanese Americans attempted to challenge the internment policy in the courts, the War Relocation Authority included the following statements in a confidential memo on August 12, 1942.

The Action taken with respect to Japanese in this country is justifiable on the grounds of military necessity for several reasons.

1. All Japanese look very much alike to a white person-it is hard for us to distinguish between them. It would be hard to tell a Japanese soldier in disguise from a resident Japanese. The danger of infiltration by Japanese parachutists, soldiers, etc. is, therefore, reduced and the chances of detecting any attempt at infiltration are increased.
2. The Japanese Government has always tried to maintain close ties with and control over Japanese people in this country with the result that many of them have never really been absorbed into American life and culture. Many Japanese-Americans have been educated in Japan. Many, believers in Shintoism, worship the Emperor and regard his orders as superior to any loyalty they may owe the United States.
3. The action taken was reasonable and necessary for the protection of the Japanese themselves. It minimized the dangers of mob violence and local disorders growing out of war hysteria and racial discrimination. Through lessening the possibility of harsh treatment of Japanese in this country (incidents which would have exploited promptly by Axis propagandists who wish to make it appear to be a race war) it took away an excuse for even harsher retaliatory treatment of American prisoners by Japan.

**Source:** The War Relocation Authority Confidential Memo, prepared by the Office of the Solicitor and the Office of Reports for use of the War Relocation Authority Staff, August 12, 1942. The excerpt is from a 2-page document.

1

## **Was the internment of Japanese Americans constitutional?**

PLEASE ANSWER THE FOLLOWING QUESTIONS ABOUT DOCUMENT #4.

1. Who wrote the document?
2. Who is the intended audience for this document? What words in the document led you to this conclusion?
3. According to the document, the internment of the Japanese was justified for three reasons. List and explain these reasons.



# Was the internment of Japanese Americans constitutional?

## Source 5: Due Process

Attorney General Biddle, with Hoover's reports in hand, assured President Franklin Roosevelt on February 7 that Army officials had offered "no reasons for mass evacuation" as a military measure. Secretary of War Henry Stimson, a respected elder statesman in Roosevelt's wartime cabinet, shared Biddle's concerns: "We cannot discriminate among our citizens on the ground of racial origin," Stimson wrote in early February. Any forced removal of Japanese Americans, he noted, would tear "a tremendous hole in our constitutional system." Stimson felt that internment on racial grounds would conflict with the Due Process clause of the Fifth Amendment, which required formal charges and trial before any person could be deprived of "liberty" and confined by the government.

**Source:** Peter Irons, *Gordon Hirabayashi v. United States: "A Jap's a Jap,"* in *The Courage of Their Convictions*, ed. Peter Irons (New York: The Free Press, 1988), 37-62.

**Fifth Amendment/Due Process Clause:** ...nor be deprived of life, liberty, or property, without due process of law...

PLEASE ANSWER THE FOLLOWING QUESTIONS ABOUT DOCUMENT #5.

1. Who gave the opinion written above?
2. What was the reason against mass evacuation as a military measure?
3. Internment of Japanese Americans conflicted with what?

## Was the internment of Japanese Americans constitutional?

### Source 6: The Fourteenth Amendment

Vocabulary:

Jurisdiction: authority; the extent of authority or control

Reside: live

Abridge: take away

1 All persons born or naturalized in the United States, and subject to the jurisdiction  
2 thereof, are citizens of the United States and of the State wherein they reside. No  
3 State shall make or enforce any law which shall abridge the privileges or immunities of  
4 citizens of the United States; nor shall any State deprive any person of life, liberty, or  
5 property, without due process of law; nor deny to any person within its jurisdiction the  
6 equal protection of the laws.

PLEASE ANSWER THE FOLLOWING QUESTIONS ABOUT DOCUMENT #6.

1. Who, according to the document, is a citizen of the United States?
2. Does this amendment protect the rights of Japanese Americans? Why or why not?  
Provide evidence with a line number.

## Was the internment of Japanese Americans constitutional?

Prepare for our class discussion on the question: ***Was the internment of Japanese Americans constitutional?*** Fill out the graphic organizer with as many reasons as you can. Include the document and line number with the reason for class discussion.

The internment of Japanese Americans <b>was</b> constitutional.	The internment of Japanese Americans <b>was not</b> constitutional.

## **Structured Academic Controversy: Was the internment of Japanese-Americans constitutional?**

After the bombing of Pearl Harbor, the lives of Japanese-Americans living in the United States changed. The United States government slowly began to restrict their rights and eventually forced them to relocate from their homes and imprisoned them in internment camps between the years of 1942—1946.

During class today, you will work as part of a team. You will discuss whether or not the internment of Japanese-Americans was constitutional. Your goals for today should include looking at all of parts of the issue, seeing both sides, and finding a common ground.

**SAC Question:** Was the internment of Japanese-Americans constitutional?

**Team A will argue:** Yes, the internment of Japanese-Americans was constitutional.

**Team B will argue:** No, the internment of Japanese-Americans was not constitutional.

### **Procedure:**

#### **Day 1:**

**25 minutes:** With your teammate, read the documents in the packet. Find 3 pieces of evidence which support your side

**10 minutes:** Team A presents. BOTH PARTNERS MUST PRESENT! Team B writes down Team A's arguments and then repeats them back to Team A.

**10 minutes:** Team B presents. BOTH PARTNERS MUST PRESENT! Team A writes down Team B's arguments and then repeats them back to Team B.

#### **Day 2:**

**10 minutes:** Everyone can abandon their positions. As a group of four, you must come to an agreement on the question being discussed. Everyone in the group must agree!

**30 minutes:** The group will have 30 minutes to write an answer to the question: Was the internment of Japanese-Americans constitutional? The response must include a claim, evidence, reasoning and a counterclaim.

Name \_\_\_\_\_

Class \_\_\_\_\_ Date \_\_\_\_\_

## Organizing the Evidence

Use this graphic organizer to write your evidence (main points) and the evidence made by the other side.

***The internment of Japanese-Americans was constitutional:*** List the 3 main points/evidence that support this side.

1) From Document \_\_\_\_\_:

2) From Document \_\_\_\_\_:

3) From Document \_\_\_\_\_:

***The internment of Japanese-Americans was not constitutional:*** List the 3 main points/evidence that support this side.

1) From Document \_\_\_\_\_:

2) From Document \_\_\_\_\_:

3) From Document \_\_\_\_\_:



## Grading Rubric for SAC: Was the internment of Japanese-Americans constitutional?

Name of student: \_\_\_\_\_

	0	1	3	5
<p>Claim:</p> <p>Points: _____</p>	A claim was not written.	An attempt to write a claim was included in the paragraph.	A claim was included in the paragraph. The reader was confused about the side being argued.	The claim was written correctly, arguing one side of the question. The reader knew which side was being argued.
<p>Evidence:</p> <p>Points: _____</p>	Evidence that answered the questions was not provided. <b>Or</b> The evidence in the document was not cited.	The paragraph had only 1 piece of evidence. <b>Or</b> An attempt was made to cite evidence. It was not done correctly.	2 pieces of evidence were included in the paragraph. <b>Or</b> An attempt was made to cite evidence, it was somewhat correct.	3 pieces of evidence were included in the paragraph. The evidence was cited correctly, including who the source was and the document it came from.
<p>Reasoning:</p> <p>Points: _____</p>	There was not any reasoning included in the document linking the evidence back to the claim.	Minimal reasoning was included in the document linking the evidence back to the claim.	There was some reasoning linking the evidence back to the claim. Some of the reasoning made sense.	There was reasoning explaining all of the evidence. The reasoning made sense to the reader.
<p>Counterclaim:</p> <p>Points: _____</p>	A counterclaim was not included.	A counterclaim was included in the paragraph.	A counterclaim was included in the paragraph. It made an attempt to argue the other position with reasoning or evidence.	A counterclaim was included in the paragraph. It argued the other position with evidence and reasoning.
<p>Conventions:</p> <p>Points: _____</p>	The paragraph had excessive spelling, grammar, and mistakes in punctuation. It made the paragraph difficult to read.	The paragraph had many mistakes in spelling, grammar, or punctuation.	The paragraph has some mistakes in spelling, grammar, or punctuation.	The paragraph was well written with few mistakes in spelling, grammar or punctuation.

# The Internment of Japanese Americans: Was it Constitutional?

*Marcia Motter*

Sunday, December 7, 1941 was a day that will live in infamy not only for Americans, but also for Japanese Americans living on the West Coast of the United States. The surprise attack on Pearl Harbor by Japan brought the United States into World War II and forced the relocation of Japanese Americans into internment camps between the years of 1942-1946. There was a spreading fear throughout the country, especially in California, that any person of Japanese descent, American or not, might be saboteurs preparing for another attack. The answer to this growing fear was to relocate and intern any person of Japanese ancestry living on the West Coast of the United States, including American citizens. Was the internment of Japanese Americans constitutional?

Most of the Japanese American population lived on the west coast of the United States, with the majority living in the states of Washington, Oregon and California. There was also a large population of Japanese Americans living on the islands of Hawaii.

The Japanese worked a variety of jobs, including agriculture, forestry, and fishing. Many of the Japanese were farmers who owned small, family farms, a little over forty acres; most were family enterprises which specialized in growing fruits and vegetables.<sup>1</sup> They were prosperous and contributing members of American society.

Why then, was there anti-Japanese sentiment in this country? Historians now emphasize the role of a century-long campaign against Asian immigrants. Anti-Asian activists, who had first mobilized against Chinese immigrants when they began arriving in California in the 1840s, employed the same “yellow peril” imagery to attack Japanese immigrants in the late nineteenth century.<sup>2</sup> Many west coast farmers were jealous of the success of the Japanese farmers. All they needed was an event to rally behind to inflame the anti-Japanese feelings. That event was the bombing of Pearl Harbor.

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<sup>1</sup> Daniels, Roger. *Prisoners Without Trial: Japanese Americans in World War II*. Revised ed. New York City: Hill and Wang, 16.

<sup>2</sup> Yang Murray, Alice. *What Did the Internment of Japanese Americans Mean?*, Boston: Bedford/St. Martin's, 2000, 5.



After the bombing, Americans struggled to make sense of the tragic losses. News accounts of the attack on Pearl Harbor fanned the flames of hatred against Japanese Americans.<sup>3</sup> Many American politicians wanted Japanese immigrants and citizens to be removed from the West Coast. They feared invasion, sabotage, and espionage. On February 14, 1942, Lieutenant General John L. DeWitt sent a memo to Secretary of War, Henry Stimson, recommending the removal of all immigrants and citizens of Japanese ancestry from the West Coast. He declared, “The Japanese race is an enemy race,” and “racial affinities are not severed by migration.” Even second- and third-generation Japanese Americans who were citizens and “Americanized” could not be trusted, according to DeWitt, because “the racial strains are undiluted.” Taking for granted that all “Japs” were disloyal, DeWitt concluded that the “very fact that no sabotage has taken place to date” was a “disturbing and confirming indication that such action will be taken.”<sup>4</sup>

There were some arguments against the removal of Japanese Americans. Attorney General Francis Biddle said that the public hysteria was groundless. He also privately argued against mass exclusion based on constitutional grounds at a luncheon with President Roosevelt.<sup>5</sup> Curtis Munson, who gathered informal intelligence information for President Roosevelt also argued against the removal. He wrote, “For the most part the local Japanese are loyal to the United States, or at worst, hope that by remaining quiet they can avoid concentration camps or irresponsible mobs.” Japanese Americans, Munson concluded, were no more likely to be “disloyal than any other racial group in the United States with whom we went to war.”<sup>6</sup>

After looking at all of the information given to him, President Roosevelt signed Executive Order 9066 on February 19, 1942. This order authorized the war department to designate military areas from which “any and all persons” may be excluded. Although this order never specifically named Japanese Americans, it soon became clear that they would be the only group targeted for mass removal.<sup>7</sup> The Japanese were forced to leave their homes and belongings behind as they were moved to assembly centers and then to internment camps. They

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<sup>3</sup> Yang Murray, *What Did the Internment*, 6.

<sup>4</sup> Yang Murray, *What Did the Internment*, 7.

<sup>5</sup> Yang Murray, *What Did the Internment*, 7.

<sup>6</sup> Yang Murray, *What Did the Internment*, 7.

<sup>7</sup> Yang Murray, *What Did the Internment*, 8.

did not have a choice to stay behind. One could argue that this action interferes with an American citizen's 5<sup>th</sup> and 14<sup>th</sup> Amendment rights of due process.

In May 1942, Gordon Hirabayashi, a senior at the University of Washington, was convicted of violating a curfew and relocation order. He defied a military order that required "all persons of Japanese ancestry" to register for evacuation. Gordon stated, "This order for the mass evacuation of all persons of Japanese descent denies them the right to live." He also pointed out that native-born American citizens like himself constituted a majority of the evacuees, yet their rights "are denied on a wholesale scale without the due process of law and civil liberties."<sup>8</sup> During his trial, Hirabayashi defended his actions for violating the curfew and evacuation orders by saying, "I should be given the privileges of a citizen" under the Constitution, regardless of his race or ancestry.<sup>9</sup>

Hirabayashi's trial lawyer, Frank Walters, argued that the Constitution barred any form of racial discrimination. The Supreme Court found the President's orders and the implementation of the curfew to be constitutional. Chief Justice Stone argued that, "racial discrimination was justified since 'in time of war residents having ethnic affiliations with an invading enemy may be a greater source of danger than those of a different ancestry'."<sup>10</sup> The Court argued that "in a time of war" the rights of citizens may be infringed upon for the common good.

There were other court cases similar to Hirabayashi. Fred Korematsu and Minoru Yasui also refused to obey the evacuation orders. In both cases the Supreme Court ruled that the military had the right to intern people based on race, regardless of loyalty. In 1945, Mitsuye Endo was removed from her home and taken to the Tule Lake War Relocation Center. She filed a petition of a *writ of habeas corpus* because she was put in jail without a trial. She argued that her internment was illegal because she was not charged with a crime or given a trial. She argued that this violated her 6<sup>th</sup> Amendment right. The Supreme Court ruled that the military did have

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<sup>8</sup> Irons, Peter. "Gordon Hirabayashi v. United States: 'A Japs a Jap'" in Alice Yang Murray, ed. *What Did the Internment of Japanese Americans Mean?* Boston: Bedford/St. Martin's, 2000, 70.

<sup>9</sup> Irons, Peter. "Gordon Hirabayashi v. United States, 72.

<sup>10</sup> **HIRABAYASHI v. UNITED STATES**. The Oyez Project at IIT Chicago-Kent College of Law. 04 November 2011. [http://www.oyez.org/cases/1940-1949/1942/1942\\_870](http://www.oyez.org/cases/1940-1949/1942/1942_870).

the authority to remove people from their homes during a time of war; they could not detain loyal American citizens in internment camps. This ruling helped the government to decide to start closing the camps in 1945.

The internment of Japanese-Americans is a controversial issue. The civil liberties and rights guaranteed to them by the constitution were often denied because of race. The government argues that during a time of war, rights of certain groups can be denied for the good of the American people. As American citizens, we need to ask ourselves, “When is it acceptable for the government to violate the rights and freedoms guaranteed to us by the Constitution?”

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