

**Lesson Title:** The Bill of Rights and Japanese Internment  
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American Government  
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## **Teaching Traditional American History Program**

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Lesson Overview: After reviewing the Bill of Rights, students will interpret how the American Government violated these rights with regard to Japanese Americans during World War II.

Essential Question: How was the Bill of Rights violated by the American Government toward Japanese Americans during World War II?

Objectives: (GLE 1,A1 Principals of constitutional democracy in the United States, 3,A1 Principals and purposes of government, 6,B2 Changing roles of various groups)

- By ascertaining what violations of the Bill of Rights were committed in the internment of Japanese Americans, students will interpret the value of those rights.

Assessment:

- Students will write down the violations of the Bill of Rights during Japanese internment with stated reasons why they were violations.
- Scoring guide: Maximum 100 points for 10 violations with stated reasons. Each correct violation with a stated reason is worth 10 possible points.

Materials: (see Appendix)

- Copy of the Bill of Rights (Appendix I)
- Copy of Loyalty Questionnaire (Appendix II)
- Copy of Summary of Violations (Appendix III)
- President Clinton Apology (Appendix IV)

Class Time: One to Three 50-minute class periods.

Teacher Input:

- Background on the Loyalty Oath

In 1943, every resident in the internment camps was required to complete one of two questionnaires misleadingly entitled "Application for Leave Clearance" to distinguish whether they were "loyal" or

"disloyal". After Pearl Harbor, all citizens of Japanese ancestry had been classified 4-C: "enemy aliens." The first form was aimed at draft-age Nisei males, the second at all other residents. Many feared that even satisfactory completion of this second form might jeopardize them. If they were accepted as loyal, they might be forced to leave camp. Forbidden by law to return to their homes in the West Coast military zones, and with little or no money and virtually no hope of finding work, many internees chose to remain in camp. On both forms, Question 27 asked if an individual would be willing to serve as a combat soldier, nurse, or in the Women's Army Auxiliary Corps. This test of loyalty was by no means objective. For internees, military service would mean leaving parents and family behind in the harsh conditions of the camps. Japanese men had also been told they would serve in a segregated combat unit, a prospect many found distasteful. Finally, when the draft came to camp, many believed they should resist the draft as long as their constitutional rights were being violated. Question 28 was even more complex: "Will you swear unqualified allegiance to the United States... and forswear any form of allegiance or obedience to the Japanese emperor, to any other foreign government, power or organization?" Many internees feared this question was a trap. Would a "yes" answer indicate that they had once sworn allegiance to Japan? Some refused to answer, or answered "no" to both questions, as a matter of principle. For Issei, who had been denied U.S. citizenship on the basis of race, the issue was even more complex, because either response could conceivably make them stateless. Almost 75,000 people filled out the questionnaires. A total of 6,700 answered "no" to questions 27 and 28. For this defiance, these residents were nicknamed "no-nos."

*"Well if you want to know, I said 'no' and I'm going to stick to 'no'. If they want to segregate me they can do it. If they want to take my citizenship away, they can do it. If this country doesn't want me they can throw me out. What do they know about loyalty?"*  
—Internee, *Manzanar Community Analysis Report*, 1943

*"What kind of Americanism do you call that? That's not democracy. That's not the American way, taking everything away from people... Where are the Germans? Where are the Italians? Do they ask them questions about loyalty?"* —Morris E. Opler, *Manzanar Community Analysis Report*, 1943

The loyalty forms aggravated existing tensions among camp residents. Some trusted the government, while others suspected that trick questions would be used as a basis for segregation, family separation, or other forms of punishment. Many residents, dispossessed and locked away behind barbed wire, chose the loyalty questionnaires as the issue on which to take a stand.

#### Day One:

- Teacher will hand out a copy of the Bill of Rights to each student.
- Devote one class session to study and discuss each amendment.
- Use contemporary issues to illustrate each amendment for example: Amendment II is used by the National Rifle Association as justification for owning guns.

#### Day Two:

- Students should already be familiar with Japanese internment during World War II from the previous lesson titled "Evacuation Order"

- A brief review discussion of life in the internment camps.
- Handout to each student a copy of the Loyalty Questionnaire.
- Have the students fill out the Questionnaire as it relates to their own family.
- Have students write what violations of the Bill of Rights occurred in the internment camps and state reasons why these were violations.

### Day Three:

- Have students discuss and debate their answers.
- Go over the “Summary of Violations” only through the first 10 amendments so students may check their answers.

### Activities:

- Teacher/student discussion of Bill of Rights
- Teacher/student discussion of Japanese Internment Camps
- Student completion of Loyalty Questionnaire
- Student – written violations of Bill of Rights and reasons why during Japanese internment
- Student discussion and debate over Bill of Rights violations
- Teacher discussion of “Summary of Violations” only through the first 10 amendments

### Questions for review:

1. Which amendment was violated most often and how?
2. Which amendment that was violated do you think was the most important to the Japanese Americans and why?

### Closure:

- Besides the Bill of Rights other parts of the Constitution were violated as well. The teacher will finish the discussion of the “Summary of Violations” with Article I, sect. 9, #2 Habeas Corpus, #3 Expost Facto and Bill of Attainder, 13<sup>th</sup> Amendment (Slavery), 14<sup>th</sup> Amendment (Citizenship representation, 15<sup>th</sup> Amendment (Right to vote).
- Executive Order 9066 was finally rescinded by Gerald Ford on April 19, 1976. In 1980, Jimmy Carter signed legislation to create the Commission on Wartime Relocation and Internment of Civilians (CWRIC). The CWRIC was appointed to conduct an official governmental study of Executive Order 9066, related wartime orders and their impact on Japanese Americans in the West and Alaska Natives in the Pribilof Islands.
- In 1983, the CWRIC issued its findings in *Personal Justice Denied*, concluding that the incarceration of Japanese Americans had not

been justified by military necessity. Rather, the report determined that the decision to incarcerate was based on "race prejudice, war hysteria, and a failure of political leadership." Lastly, the Commission recommended legislative remedies consisting of an official Government apology; redress payments of \$20,000 to each of the survivors; and a public education fund to help ensure that this would not happen again (Public Law 100-383).

- On August 10, 1988, the Civil Liberties Act of 1988, based on the CWRIC recommendations, was signed into law by Ronald Reagan. On November 21, 1989, George H.W. Bush signed an appropriation bill authorizing payments to be paid out between 1990 and 1998. In 1990, surviving internees began to receive individual redress payments and a letter of apology.
- President Clinton Apology (Appendix IV)

#### Extension:

Class Study of the Supreme Court Case: Korematsu vs U.S.

<http://www.landmarkcases.org/korematsu/home.html>

#### References:

- <http://usinfo.state.gov/usa/infousa/facts/funddocs/billeng.htm> Bill of Rights
- [http://americanhistory.si.edu/PerfectUnion/non-flash/loyalty\\_questionnaire.html](http://americanhistory.si.edu/PerfectUnion/non-flash/loyalty_questionnaire.html) Loyalty Questionnaire information
- [http://www.landmarkcases.org/korematsu/questionnaire\\_loyalty.html](http://www.landmarkcases.org/korematsu/questionnaire_loyalty.html) Loyalty Questionnaire Form
- Japanese American Citizens League resource guide – “Summary of Constitutional Rights Violated”

## **Appendix I – Bill of Rights**

### **THE BILL OF RIGHTS** *Amendments 1-10 of the Constitution*

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The Conventions of a number of the States having, at the time of adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added, and as extending the ground of public confidence in the Government will best insure the beneficent ends of its institution;

Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, two-thirds of both Houses concurring, that the following articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States; all or any of which articles, when ratified by three-fourths of the said Legislatures, to be valid to all intents and purposes as part of the said Constitution, namely:

#### **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.

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**Appendix II –Loyalty Questionnaire**

**WAR RELOCATION AUTHORITY  
APPLICATION FOR LEAVE CLEARANCE**

Relocation Center \_\_\_\_\_

Family No. \_\_\_\_\_

Center Address \_\_\_\_\_

1. \_\_\_\_\_

Surname                      English given name                      Japanese given name

(a) Alias \_\_\_\_\_

2. Names and ages of dependents you propose to take with you \_\_\_\_\_

\_\_\_\_\_

3. Date of birth                      \_\_\_\_\_                      Place of birth                      \_\_\_\_\_

4. Citizenship \_\_\_\_\_

5. Last two addresses at which you lived 3 months or more (includes residence at relocation center and at assembly center):

\_\_\_\_\_ From: \_\_\_\_\_ To: \_\_\_\_\_

\_\_\_\_\_ From: \_\_\_\_\_ To: \_\_\_\_\_

6. Sex \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_

7. Are you a registered voter? \_\_\_\_\_ First year registered? \_\_\_\_\_

Where? \_\_\_\_\_ Party? \_\_\_\_\_

8. Marital status \_\_\_\_\_ Citizenship of spouse \_\_\_\_\_

Race of spouse \_\_\_\_\_

9. \_\_\_\_\_

Father's name    Birthplace: Town or City    State or Country    Occupation

10. \_\_\_\_\_

Mother's name    Birthplace: Town or City    State or Country    Occupation

In items 11 and 12, list relatives other than your parents, your children, your brothers and sisters. For each person, give name, relationship to you, citizenship, complete address, and occupation.

11. Relatives in the United States (if in military service, indicate whether a selectee or volunteer):

(a) \_\_\_\_\_

name                      relationship to you                      citizenship

complete address                      occupation                      selectee or volunteer

(b)

name                      relationship to you                      citizenship

complete address                      occupation                      selectee or volunteer

24. List magazines and newspapers to which you have subscribed or have customarily read:

25. To the best of your knowledge was your birth ever registered with any Japanese agency for the purpose of establishing a claim to Japanese citizenship?

(a) If so registered, have you applied for cancellation of such registration?

yes or no    If so: \_\_\_\_\_    When? \_\_\_\_\_    Where? \_\_\_\_\_

26. Have you ever applied for repatriation to Japan? \_\_\_\_\_

27. If the opportunity presents itself and you are found qualified, would you be willing to volunteer for the Army Auxiliary Corps or the WAAC \_\_\_\_\_

28. Will you swear unqualified allegiance to the United States of America and forswear any form of allegiance or obedience to the Japanese emperor, or any other foreign power, government, or organization?

29. Have you ever worked for or volunteered your services to the Japanese or Spanish government?

If so, indicate which and give dates:

30. Have you ever registered your children with a Japanese or Spanish consul?

yes or no    If so:

Names	Dates	Names	Dates
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31. Have you ever sent any of your children to Japan? \_\_\_\_\_ If so, give names and dates:

Names	Dates	Names	Dates
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32. State any type of leave previously applied for and indicate whether leave clearance has previously been applied for, giving date and place of application.

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33. If employment is desired, but no definite offer has been received, list the kinds of employment desired in order of preference:

First choice: \_\_\_\_\_

Second choice: \_\_\_\_\_

Third choice: \_\_\_\_\_

(a) Will you take employment in any part of the United States?

yes or no \_\_\_\_\_

(b) Location preferences \_\_\_\_\_

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date

signature

## Appendix V – Clinton Apology

THE WHITE HOUSE  
WASHINGTON

October 1, 1993

Over fifty years ago, the United States Government unjustly interned, evacuated, or relocated you and many other Japanese Americans. Today, on behalf of your fellow Americans, I offer a sincere apology to you for the actions that unfairly denied Japanese Americans and their families fundamental liberties during World War II.

In passing the Civil Liberties Act of 1988, we acknowledged the wrongs of the past and offered redress to those who endured such grave injustice. In retrospect, we understand that the nation's actions were rooted deeply in racial prejudice, wartime hysteria, and a lack of political leadership. We must learn from the past and dedicate ourselves as a nation to renewing the spirit of equality and our love of freedom. Together, we can guarantee a future with liberty and justice for all. You and your family have my best wishes for the future.



## Appendix III – Summary of Violations

Amendment I – Freedom of religion, speech, press and right to assemble (powers of congress)

Violations:

- Japanese Americans' religious freedoms were violated with respect to the practice of Eastern religious beliefs. The practice of the Shinto religion was prohibited in the camps. Christianity was officially encouraged by camp administrators. At the same time, Buddhism was severely restricted by the ban on written materials in Japanese and the placement of Buddhist clergy in separate Department of Justice internment camps.
- Japanese Americans were denied the guarantee of freedom of speech and press with the prohibition of using the Japanese language in public meetings and the censorship of camp newspapers.
- The right to assemble was abridged when mass meetings were prohibited.
- English was required to be the primary language used at all public gatherings.

- The guarantee of freedom to petition for redress was violated when a few Japanese Americans exercised their citizen rights and demanded redress of grievances from the government. The War Relocation Authority administration labeled them as “trouble-makers” and sent them to isolation camps.

#### **Amendment IV - Seizures, Searches, and Warrants**

##### **Violations:**

- The FBI searched homes of Japanese Americans often without search warrants, seeking any items identified as being Japanese. Items that appeared as contraband such as short-wave radios were confiscated.
- Personal belongings were searched before entering the internment camps.

#### **Amendment V – Criminal Proceedings and Condemnation of Property**

##### **Violations:**

- The forced removal and subsequent detention of Japanese Americans resulted in the denial of witnesses in their favor, and denial of assistance of counsel for their defense.
- Japanese Americans who were picked up in the FBI sweep were denied a speedy trial or access to any legal representative. They could not call upon witnesses nor confront accusatory witnesses.
- Japanese Americans were not told of their crime or the charges against them.

#### **Amendment VI – Mode of Trial in Criminal Proceedings (right to a speedy and public trial)**

##### **Violations:**

- These rights could not be taken away except upon evidence of a criminal act and conviction in a court of law. Yet, Japanese Americans were deprived of their liberty and property by being forcibly removed from their homes and locked up in detention camps without the required statement of charges and trial by jury.

#### **Amendment VIII – Bails, Fines, Punishments**

##### **Violations:**

- The treatment of the Japanese Americans in the “assembly centers” and detention camps were a form of cruel and unusual punishment on the basis that conditions were “grossly inadequate.” Hospitals were understaffed, medical care poor and food was dietetically deficient.

## **Other Violations of the Constitution:**

### **Amendment XV – Elective Franchise – Right to Vote**

#### **Violations:**

- The right to vote in public elections was essentially denied to Japanese Americans since they were prohibited from returning home to vote at their place of residence.
- No provisions were made to enable them to vote absentee.
- Although elections were held in the camps, the internee “self-government” had no power to regulate their own welfare or direct their own destiny.

### **Article I, Section 9. Limitations on Powers Granted to the United States (2) Habeas Corpus (Right to be brought before a court)**

#### **Violations:**

- Japanese Americans were denied the right as detainees to be brought before a court at a stated time and place to challenge the legality of their imprisonment.
- The government attempted to suspend habeas corpus through legislation in response to Mitsuye Endo’s petition for freedom under habeas corpus.
- U.S. intelligence reports showed no indication that Japanese Americans posed a threat to the U.S. defense or public safety.

### **Article I, Section 9, (3) Ex Post Facto and Bill of Attainder**

#### **Violations:**

- Presidential proclamations and orders, such as Executive Order 9066 together with the enforcement bill, Public Law 503, made it a crime with penalties to violate curfew and not to comply with the removal orders.
- Together, the orders and public laws constituted a Bill of Attainder which was unconstitutional enactments against Japanese Americans pronouncing them guilty without trial.

### **Amendment XIII – Right against involuntary servitude (Slavery)**

#### **Violations:**

- Payment for work was way below the monthly average outside the camps.
- Inmates in the highest profession received only \$19 a month.

## **Amendment XIV – Right to equal protection under the laws (Citizenship representation, and payment of public debt)**

### **Violations:**

- The equal protection of Japanese Americans was violated because the government acted “solely on the basis of race and national ancestry” when identifying persons to be excluded from designated “military areas” along the West Coast states.
- In addition, the government failed to compensate or provided grossly inadequate compensation to the internees for losses of property rights when they were forced to leave within 48 hours to a couple of weeks.
- Japanese Americans were deprived of their liberty and property by the state when forced from their jobs, homes and communities into barbed wire, guarded centers and camps.