

The Constitution During Wartime – Internment of Japanese Americans in WWII



Historical Background: On February 19, 1942, President Franklin D. Roosevelt signed Executive Order 9066, which authorized Lt. General John L. DeWitt of the Western Defense Command to designate certain parts of the West Coast military areas from which he could exclude any and all people deemed a threat to national security, and to take such steps as he may deem advisable to enforce compliance with the restrictions. On March 2, 1942, General John L. DeWitt issued Proclamation 1, identifying most of California, Washington, Oregon and Arizona as military areas. On March 21, 1942, President Roosevelt signed Public Law 503, making it a federal crime to disobey any of General DeWitt's orders.

On March 24, 1942, General DeWitt imposed a curfew for Americans of German, Italian and Japanese ancestry. Three days later, he ordered all people of Japanese ancestry not to leave the military area without permission. Soon after, he commenced evacuation of all Japanese, whether or not they were American citizens, to internment camps where they remained for the duration of the war.

Lesson Overview: This lesson consists of five parts:

1. A review of the history of discrimination against the Japanese in America;
2. The decision to intern Japanese Americans
3. The constitutionality of internment
4. Life in internment camps
5. Comparison of internment to other historical examples of the suspension of civil liberties during wartime

Objectives: This lesson is designed to require students to think critically about the potential conflict between civil liberties and national security, to compare and

contrast specific historic examples of the suspension of civil liberties in wartime, and consider the role racism has played in American history.

This lesson correlates to the National History Standards:

Chapter 2, Standard 5 – The student engages in historical issues-analysis and decision-making.

C. Identify relevant historical antecedents and differentiate from those that are inappropriate and irrelevant to contemporary issues

D. Evaluate alternative courses of action

Era 8 – the Great Depression and World War II

Standard 3C – The student understands the effects of World War II at home

This lesson correlates to the New York State History Standards:

Standard 1.4 – The skills of historical analysis include the ability to: explain the significance of historical evidence; weigh the importance, reliability, and validity of evidence; understand the concept of multiple causation.

Lesson Activities

Part 1 – This section of the lesson provides students with the opportunity to review what they already know about discrimination against the Japanese in America. Students’ prior knowledge will be critical to their assessment of the reasons for internment

1. Student groups brainstorm what they already know about discrimination faced by the Japanese in America. One group member is responsible for listing all ideas generated by the group
2. Teacher calls on groups to provide specific examples of past discrimination. Groups should add to their list examples missing from their list. Pertinent examples would include:
 - a. The “**Yellow Peril**” and **Nativism** – e.g. the Native Sons of the Golden West opposed Japanese immigration in the late 19th century, citing competition for jobs and incompatible lifestyles; violence against Japanese Americans; unions prohibit Japanese from becoming members
 - b. The **Gentlemen’s Agreement** (1907) – California was becoming increasingly hostile to an influx of Japanese immigrants (evidence includes an order of the San Francisco School Board requiring segregation of Japanese students). To quell the unrest, President Theodore Roosevelt negotiated a series of agreements with the Japanese Emperor limiting further immigration.
 - c. **Alien Land Law** (CA – 1913) – Issei were forbidden to own land, or to rent a piece of land for longer than three

years at a time. Helps explain why Japanese farmers worked the most undesirable land, sometimes near militarily sensitive areas.

- d. **Japanese Exclusion Act (1924)** –similar to the earlier Chinese Exclusion Act, it forbids further Japanese immigration, and provides that Japanese-born immigrants could never become American citizens. If not familiar with this particular law, students should still be aware of the **Quota Acts** limiting immigration.
 - e. **Local laws and ordinances** put additional restrictions on Japanese: could not marry Caucasians; could not use public swimming pools; could not live in certain neighborhoods, etc.
3. Teacher supplements student-derived information as needed. Most students will not have studied the Alien Land Law or local ordinances; the teacher should incorporate these laws into this part of the lesson to deepen students understanding of the history of racism faced by the Japanese.
 4. Finally, have student groups classify these examples of discrimination as public or private discrimination. Students should see overwhelming evidence of government-sponsored discrimination, as well as private discrimination based on fear of competition for jobs as well as racist beliefs.

Part 2 – In this section of the lesson, students examine documents relating to the government’s decision to intern Japanese-Americans, identify alternative courses of action available to the government, and evaluate the government’s decision as a matter of public policy.

1. Distribute miscellaneous quotes and General DeWitt’s report (Appendix A) to student groups.
2. Students answer questions about these documents to develop a thesis regarding the reasons for internment

Part 3 – In this section of the lesson, students identify constitutional issues raised by internment and the result of the decision in *Korematsu v. U.S.*.

1. Distribute “The Constitutionality of Internment” (Appendix B).
2. Prior to reading the Court’s decision in *Korematsu*, students identify the constitutional issues raised by internment.
3. Students read excerpts from the majority, concurring, and dissenting opinions in *Korematsu* and analyze the Justice’s arguments.

Part IV – In this section of the lesson, students examine photographs, internment camp regulations, and statements of internees (Appendix C) to appreciate the hardships endured by detainees.

1. Distribute Appendix C to students
2. Students review documents and answer questions to demonstrate understanding of the living conditions in internment camps

3. As an extension activity, students assume the role of detainees and write a letter to friends they left behind in which they describe their life in the internment camp.

Part V – In this section of the lesson, student teams investigate prior examples of deprivation of civil liberties during wartime, compare them to the circumstances surrounding internment, and further compare them to the U.S.’s current situation with the “War on Terror.”

1. Assign student teams to investigate the circumstances surrounding the following incidents:
 - a. The Alien and Sedition Acts
 - b. Lincoln’s suspension of the writ of *habeas corpus*
 - c. Lincoln’s use of military courts during the Civil War
 - d. Schenck v. United States
2. Depending upon the extent to which these events have already been covered in class, the teacher may wish to form teams composed of stronger students to investigate events which received less attention during class, and assign weaker students to investigate those events which were covered more thoroughly
3. Following their research, student teams report back to the class regarding their event, including a description of:
 - a. The specific threat facing the United States
 - b. The severity of that threat
 - c. The specific civil liberties which were restricted
 - d. The reasons advanced in support of those restrictions
 - e. Similarities and differences between the event they researched and the circumstances surrounding internment
4. Following the groups’ presentations, students develop a thesis in which they posit the conditions, if any, under which the deprivations of civil liberties is appropriate.

Extension Activity:

1. Students then apply their thesis to the current situation with the “War on Terror.” Students decide if the current situation meets the criteria they set down for the restriction of civil liberties.
2. “Should The Government Be Able To...” (Appendix D). Poll students on their answers, and call on students to defend their positions.

APPENDIX A

The Decision to Intern Japanese Americans

United States Industrial Commission, 1901

The Japanese “are more servile than the Chinese, but less obedient and far less desirable. They have most of the vices of the Chinese, with none of the virtues. They underbid the Chinese in everything, and are as a class tricky, unreliable, and dishonest.”

Los Angeles Examiner, May 10, 1943:

“TREACHERY, LOYALTY TO EMPEROR INHERENT JAPANESE TRAITS”

President Franklin D. Roosevelt, December 14, 1941

“We will not, under any threat, or in the face of any danger, surrender the guarantees of liberty our forefathers framed for us in the Bill of Rights.”

Newspaper editorial:

“Regardless of the United States’ anticipated...complete victory over the Japs in the struggle now raging, California, as well as the other Pacific Coast states, will in time be lost to the White race unless all Japs now here, alien and native-born, be permanently routed from these shores...Want to preserve California as a White man’s paradise? Speechifying and resolving will not do it. So, organize and prosecute a campaign...”

Mayor:

“The Constitution can go overboard, if necessary, as regards the Japs. I do not think it possible to crystal-gaze well enough to determine whether a local born Jap is loyal or not. Do it constitutionally if you can. If not possible, then we must win the war by dictatorship methods.”

District Attorney:

“Our State and Federal laws, supported by a bill of rights, are entirely inadequate to meet the situation. If we are not to run the risk of disaster we must forget such things as the writ of *habeas corpus*, and the prohibition against unreasonable searches and seizures. The right of self-defense, self-preservation on behalf of the people, is higher than the bill of rights.”

Deputy:

“You can’t draw a distinction between the alien enemy and a Nisei. They all look alike, act alike and think alike...We have got to make a drive to do something about the American-born Japs, not the alien Jap, but the American-born. He is the danger.

Journalist Henry McLemore:

“Herd ‘em up, pack ‘em off and give ‘em the inside room in the badlands. Let ‘em be pinched, hurt, hungry and dead up against it...Let us have no patience with the enemy or with anyone whose veins carry his blood...Personally, I hate the Japanese. And that goes for all of them.”

General DeWitt's Report

General John L. DeWitt, the Commanding General of the Western Defense Command, submitted a "Final Recommendation" calling for evacuation of Japanese Americans dated February 14, 1942. The subject was given as "Evacuation of Japanese and other Subversive Persons From the Pacific Coast," and it contained the following "Brief Estimate of the Situation."

(1) Any estimate of the situation indicates that the following are possible and probable enemy activities: (a) naval attack on shipping in coastal waters; (b) naval attack on coastal cities and vital installations; (c) air raids on vital installations, particularly within two hundred miles of the coast; (d) sabotage of vital installations throughout the Western Defense Command.

Hostile naval and air raids will be assisted by enemy agents signaling from the coastline and the vicinity thereof, by supplying and otherwise assisting enemy vessels, and by sabotage.

Sabotage, (for example, of airplane factories), may be effected not only by destruction within plants and establishments, but by destroying [transportation routes] in the immediate vicinity thereof, or at a distance. Serious damage or destruction in congested areas may readily be caused by incendiarism.

(2) The area lying to the west of the Cascade and Sierra Nevada Mountains in Washington, Oregon and California, is highly critical not only because the lines of communication and supply to the Pacific theater pass through it, but also because of the vital industrial production therein, particularly aircraft. In the war in which we are now engaged racial affinities are not severed by emigration. The Japanese race is an enemy race and while many second and third generation Japanese born on United States soil, possessed of United States citizenship, have become "Americanized," the racial strains are undiluted. To conclude otherwise is to expect that children born of white parents on Japanese soil sever all racial affinity and become loyal Japanese subjects, ready to fight and, if necessary, to die for Japan in a war against the nation of their parents. That Japan is allied with Germany and Italy in this struggle is no ground for assuming that any Japanese, barred from assimilation by convention as he is, though born and raised in the United States, will not turn against this nation when the final test of loyalty comes. It therefore follows that along the vital Pacific Coast over 112,000 potential enemies, of Japanese extraction, are at large today. There are indications that these are organized and ready for concerted action at a favorable opportunity. The very fact that no sabotage has taken place to date is a disturbing and confirming indication that such action will be taken.

Questions To Consider

1. What reasons does General DeWitt give to justify evacuation of Japanese Americans from the West Coast?

a. _____

b. _____

c. _____

2. What assumptions does General DeWitt make about Japanese Americans?

3. List three specific examples of discriminatory or racist statements from General DeWitt's report and the quotes:

a. _____

b. _____

c. _____

4. In the two month period between the bombing of Pearl Harbor and the date of this report, many rumors, all of which proved false, circulated regarding Japanese attempts at attacks on the U.S. mainland and of sabotage by Japanese Americans. What evidence does General DeWitt provide to support his assertion that acts of sabotage are imminent?

On February 19, 1942, President Franklin D. Roosevelt signed Executive Order 9066, which authorized Lt. General John L. DeWitt of the Western Defense Command to designate certain parts of the West Coast military areas from which he could exclude any and all people deemed a threat to national security, and to take such steps as he may deem advisable to enforce compliance with the restrictions.

On March 2, 1942, General John L. DeWitt issued Proclamation 1, identifying most of California, Washington, Oregon and Arizona as military areas.

On March 27, 1942, he ordered all people of Japanese ancestry not to leave the military area without permission. Soon after, he commenced evacuation of all Japanese, whether or not they were American citizens, to internment camps where they remained for the duration of the war. The internment camps were basically makeshift prisons. You will learn more about what the internment camps were like later in this lesson.

5. What alternatives to internment of all Japanese Americans were available to the United States? In what other ways could the government have addressed the fears expressed in these documents?

6. Compare your alternatives to the decision of the government to intern all Japanese Americans? Which alternative do you think is the best one, and why?

7. Consider President Roosevelt's statement made 1 week after the bombing of Pearl Harbor (quote #3). Why might he have changed his mind and supported internment? Remember that there were NO incidents of sabotage or spying by Japanese Americans between the date of his initial statement and the issuance of Executive Order 9066, which authorized internment.

8. Considering the evidence contained in these documents, formulate a thesis statement to explain why Japanese Americans were put in internment camps during World War II.

APPENDIX B

The Constitutionality of Internment

1. Using your knowledge of the United States Constitution, as well as information from the quotes you just read, identify three (3) constitutional provisions which may have been violated by the internment of Japanese Americans

a. _____

b. _____

c. _____

2. Fred Korematsu is a United States citizen born to Japanese parents. He was arrested for refusing to obey General DeWitt's evacuation order and for refusing to report to an internment camp. He appealed his conviction all the way to the United States Supreme Court.

Read the following excerpts from the majority opinion in the Supreme Court's decision in *Korematsu v. United States*, as well as excerpts from dissenting opinions (by Justices who disagreed with the decision). Answer the questions that follow each excerpt:

MAJORITY OPINION, by Justice Black:

“We cannot reject as unfounded the judgment of the military authorities and of Congress that there were disloyal members of that population, whose number and strength could not be precisely and quickly ascertained. We cannot say that the war-making branches of the Government did not have ground for believing that in a critical hour such persons could not readily be isolated and separately dealt with, and constituted a menace to the national defense and safety, which demanded that prompt and adequate measures be taken to guard against it...Approximately five thousand American citizens of Japanese ancestry refused to swear unqualified allegiance to the United States and to renounce allegiance to the Japanese Emperor, and several thousand evacuees requested repatriation to Japan...Korematsu was not excluded from the Military Area because of

hostility to him or his race. He was excluded because we are at war with the Japanese Empire, because the properly constituted military authorities feared an invasion of our West Coast and felt constrained to take proper security measures, because they decided that the military urgency of the situation demanded that all citizens of Japanese ancestry be segregated from the West Coast temporarily, and finally, because Congress, reposing its confidence in this time of war in our military leaders -- as inevitably it must -- determined that they should have the power to do just this. There was evidence of disloyalty on the part of some [*note: this evidence came from General DeWitt's report, which was subsequently determined to be unreliable*], the military authorities considered that the need for action was great, and time was short. We cannot -- by availing ourselves of the calm perspective of hindsight -- now say that at that time these actions were unjustified."

1. On what basis did the Court uphold the constitutionality on internment?

2. Do you think it was proper for the Court to rely in part on the refusal of some Japanese Americans to take the required loyalty oath? Why or why not?

3. What restrictions, if any, does the Court put on the actions of the military during wartime?

Justice Frankfurter, concurring (agreeing with the decision)

“The provisions of the Constitution which confer on the Congress and the President powers to enable this country to wage war are as much part of the Constitution as provisions looking to a nation at peace...Therefore, the validity of action under the war power must be judged wholly in the context of war. That action is not to be stigmatized as lawless because like action in times of peace would be lawless.”

1. What can you infer that Justice Frankfurter believes about Congressional and Presidential powers during wartime?

Justice Murphy, dissenting:

“It is essential that there be definite limits to military discretion, especially where martial law has not been declared. Individuals must not be left impoverished of their constitutional rights on a plea of military necessity that has neither substance nor support...Being an obvious racial discrimination, the order deprives all those within its scope of the equal protection of the laws as guaranteed by the Fifth Amendment. It further deprives these individuals of their constitutional rights to live and work where they will, to establish a home where they choose and to move about freely. In excommunicating them without benefit of hearings, this order also deprives them of all their constitutional rights to procedural due process...The main reasons relied upon by those responsible for the forced evacuation...do not prove a reasonable relation between the group characteristics of Japanese Americans and the dangers of invasion, sabotage and espionage. The reasons appear, instead, to be largely an accumulation of much of the misinformation, half-truths and insinuations that for years have been directed against Japanese Americans by people with racial and economic prejudices...”

1. According to Justice Murphy, what constitutional rights have been violated by internment?

2. According to Justice Murphy, why were Japanese Americans interned?

Justice Jackson, dissenting:

Korematsu was born on our soil, of parents born in Japan. The Constitution makes him a citizen of the United States...No claim is made that he is not loyal to this country. There is no suggestion that apart from the matter involved here he is not law-abiding and well disposed. Korematsu, however, has been convicted of an act not commonly a crime. It consists merely of being present in the state whereof he is a citizen, near the place where he was born, and where all his life he has lived.

A citizen's presence in the locality, however, was made a crime only if his parents were of Japanese birth. Had Korematsu been one of four -- the others being, say, a German alien enemy, an Italian alien enemy, and a citizen of American-born ancestors, convicted of treason but out on parole -- only Korematsu's presence would have violated the order. The difference between their innocence and his crime would result, not from anything he did, said, or thought, different than they, but only in that he was born of different racial stock.

1. Why does Justice Jackson believe that Korematsu's conviction was unconstitutional?

APPENDIX C

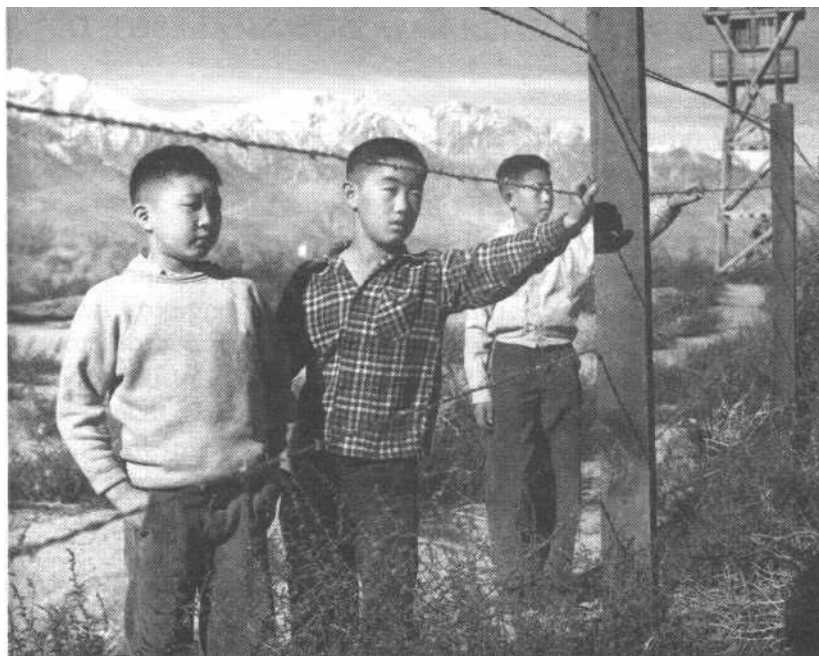
Life in an Internment Camp





Special Collections, University of Washington Libraries, Neg. 526





"The camp was surrounded by barbed wire. Guards with machine guns were posted at watchtowers, with orders to shoot anyone who tried to escape. Our own government put a yoke of disloyalty around our shoulders. But throughout our ordeal, we cooperated with the government because we felt that in the long run, we could prove our citizenship."

Be prepared for the Relocation Center, which is a pioneer community. So bring clothes suited to pioneer life and in keeping with the climate or climates likely to be involved. Bring warm clothing even if you are going to a southern area, because the temperatures may range from freezing in winter to 115 degrees during some periods of the summer.

-from a War Relocation Authority pamphlet

Down in our hearts we cried and cursed this government every time when we showered with sand. We slept in the dust; we breathed the dust; we ate the dust.

-Joseph Kurihara, an internee at the Manzanar internment camp in California

SELECTED INTERIOR SECURITY REGULATIONS (WCCA Oper. Man. Par. XXXV)

All radios and lights of every kind in all evacuees' quarters shall be turned off by the occupants not later than 10:30 P.M. Lights shall remain off throughout the hours of darkness

All evacuees shall be in their own living quarters between 10:00 P.M. and 6:00 A.M.

The Interior Police Officers are authorized, without warrant, to enter all buildings and evacuee quarters at any time of the day or night when considered necessary in the performance of their duties

Evacuees are prohibited from organizing, participating in or being members of any secret club, organization (excepting Boy Scout activities), association or combination of more than one individual. With the written permission of the Center Manager, evacuees may organize athletic and religious clubs, provided that all constitutions, by-laws and governing regulations of such organizations shall be submitted in writing to the Center Manager for approval before adoption thereof.

Songs of martial nature or in praise or worship of the Japanese nation, government, or Emperor shall not be played or sung in either English or Japanese in Assembly Centers (note: this regulation was interpreted as forbidding the practice of the Shinto religion)

Questions to Consider

1. Based on the photographs you have seen and the quotes you read, how would you characterize the conditions in an internment camp?
2. Consider the excerpts from the government regulations regarding life in an internment camp. What civil liberties of the internees were restricted?
3. Internment camp residents were asked to sign a statement in which they renounced their loyalty to the Emperor and to Japan. About 5,000 internees refused to sign these statements. Some were afraid that by signing a statement renouncing their allegiance to Japan, they could then be accused of having been loyal to Japan – how could they renounce their loyalty if they never felt it? Others refused to sign and requested to be repatriated to Japan because of anger over the way they were being treated by the United States government.

If you were in an internment camp and were asked to sign such a pledge, what would you do, and why?

4. Imagine that you are an American-born child of Japanese immigrants. You were forced to leave your home, friends, and belongings on just a few days notice, and were allowed to bring with you only what you could carry. You have arrived at an internment camp, and don't know how long you will be required to stay there.

Write a letter home to your friends in which you describe the conditions you are living under, and the feelings you have about your experience.

APPENDIX D

Should the government be able to...

- | | |
|--------|--|
| Yes/No | Require bookstores to disclose purchases made by customers? |
| Yes/No | Require libraries to disclose which materials have been checked out by patrons? |
| Yes/No | Listen in on conversations between an attorney and his client? |
| Yes/No | Imprison aliens for an unlimited period of time without charging them with a crime? |
| Yes/No | Read all of its citizens' e-mails? |
| Yes/No | Hold secret military trials? |
| Yes/No | Search homes without notifying (either before or after the fact) its residents? |
| Yes/No | Strip an American citizen of his constitutional rights without a trial by determining that he is an "enemy combatant"? |