



TOPIC: Constitutional Violations During the Japanese American Incarceration

GRADES: 7-12

BACKGROUND ESSAY

Two months after the U.S. naval base at Pearl Harbor in Hawaii was bombed by Japan, ushering the U.S. into World War II, President Roosevelt issued *Executive Order No. 9066*, which forcibly incarcerated approximately 120,000 Japanese Americans. The ensuing war between the U.S. and its allies against the Axis forces of Germany, Italy, and Japan increased anti-Japanese sentiment, causing distrust of the large Japanese population on the West Coast of the United States. Despite the fact that many of them were U.S. citizens, Japanese Americans were suspected of being loyal to America's wartime enemy, Japan.

After Executive Order No. 9066 was issued, the U.S. government only allowed Japanese Americans to bring whatever they could carry to the camps and gave them only one week to dispose of the rest of their personal belongings. They did not receive any due process, or fair procedures that ensure a person's rights are protected. Anyone with at least 1/16th of Japanese blood was incarcerated, including infants. In other words, the incarceration of Japanese Americans was based on race, not security.

During incarceration, Japanese Americans faced mistreatment inside the camps. The food was often barely edible; they lived in military-style barracks that did not offer proper heating during the cold winters. Uprisings broke out because of these conditions. Several incarcerated were shot and killed by military police and the suicide rate was high inside the camps. Incarcerated Japanese Americans were also forced to answer a "loyalty questionnaire" that asked them to serve the United States military and swear loyalty to the U.S. If they responded "no" to certain

questions, they were transferred to Tule Lake, a maximum-security segregation camp in northern California, where they faced even harsher conditions.

In September 1943, President Roosevelt promised a return to the West Coast for some Japanese Americans, and the U.S. Army agreed later that there was no longer any reason for the incarceration. Partly because of election-year politics, Roosevelt delayed the return to three days after his reelection, on Nov. 10, 1944. Tule Lake was the last camp to close on March 20, 1946. The only assistance the released incarcerated received from the federal government was \$25 and a train ticket. Few had homes or jobs they could return to.

For decades after the war, the experience of incarceration remained so painful that many never spoke about their treatment, not even to their own families. Despite trauma from the camps, former incarcerated and their families organized a campaign to demand redress. These demands included an official apology from the U.S. government, funds to educate future generations about this history, and financial compensation for lost property. After a decade-long movement, President Ronald Reagan signed a bill on August 10, 1988, apologizing for the incarceration and giving payments to all living incarcerated Japanese Americans.

VOCABULARY

- **Due process:** Fair procedures that ensure a person's rights are protected
- **Incarceration:** The state of being in prison so someone cannot escape
- **Internment:** Detention of enemy aliens in time of war
- **Redress:** To remedy or set a wrong right
- **Relocation:** The act of moving or leaving one's home

DISCUSSION QUESTIONS

- During the forced removal, Japanese Americans had to make tough decisions about bringing only what they could carry. What do you think they decided to bring, especially given that they had little to no information about where they were going?
- When you hear the word, "incarceration," what does it mean to you?
- What caused the American government to force Japanese Americans into incarceration camps during World War II?
- What constitutional rights of Japanese Americans were violated during World War II?
- To "leave a legacy" means contributing to the future generation. What do you think is the legacy of incarceration for Japanese Americans?

ACTIVITIES

Activity 1: Incarceration of Japanese Americans

Students will be researching the incarceration of Japanese Americans during World War II. Helpful resources may include [Densho](#) and [The National Archives](#). You may scaffold their research process by instructing them to create the following categories and research questions. Teachers may also wish to group students and assign each group member a different area for research.

Research Topic	Notes
<p>Pre-Incarceration</p> <ul style="list-style-type: none"> ● What events led to this community's incarceration? ● What was the process of forced removal? ● What was the community's response to the order? ● How did Japanese Americans prepare for the incarceration camps? 	
<p>Incarceration</p> <ul style="list-style-type: none"> ● What conditions were Japanese Americans subjected to in the camps? ● How did incarceration affect their family lives? Their personal lives? Their education and careers? 	
<p>Post-Incarceration</p> <ul style="list-style-type: none"> ● When did incarceration end for this community and why? ● How were the community members able to return to their old lives, if at all? ● What legal challenges did Japanese Americans and others make to the incarceration? ● What did Japanese Americans demand from the U.S. government in the aftermath of the camps? 	

After completing their research, ask students to split into small groups or pairs. They can share their findings with each other and supplement their notes with any new information from their group members.

Ask each group to report back and lead a classroom discussion on their research findings. End with the following reflection questions:

- What processes did the American government use to force these communities into the incarceration camps?
- Do you think any constitutional rights were violated during these processes? Why or why not?
- What did you discover about the conditions inside the camps?
- What long term impact did the camps have on Japanese Americans?

Activity 2: What Constitutes Due Process?

Ask students to read aloud the following quote from Satsuki Ina in the film clip:

“There was no due process. The government framed it as an issue of loyalty. But there had never been a question of loyalty to the Japanese American community. Nobody asked about loyalty before they were incarcerated.”

Facilitate a discussion based on the quote using the following questions:

- What is due process?
- What does Satsuki mean when she says that there was no due process?
- How did the U.S. government use “loyalty” to justify the incarceration?

Instruct students to research due process in the criminal system in America. Due process has many different forms, but generally, an individual’s right to liberty is so fundamental that it can only be taken away by a criminal conviction. In their research, they should answer this question: *What constitutional due process requirements exist in the criminal system?*

Students will report back their findings, which should include, at a minimum: no searches of private property without a warrant, declaration of formal charges before prolonged imprisonment, and an opportunity to defend oneself in front of a jury of one’s peers before being sentenced.

Come back together as a class and revisit the prior discussion:

- What should due process have looked like for Japanese Americans in World War II?
- Why do you think the U.S. government ignored these due process requirements at the time?
- What lessons can we take from this history and apply to today?

Activity 3: Violation of Constitutional Rights

Constitutional rights provide protections that the government cannot violate. Many of the protections come from the 27 amendments to the Constitution.

Break students into small groups and assign each group two constitutional amendments from the following list below. These are the amendments most applicable to the incarceration of Japanese Americans during World War II.

Ask students to:

- Research the definition of their two assigned constitutional rights
- Provide an example of how the right is applied. A good resource is the [National Constitution Center’s Interactive Constitution](#).
- Research and provide an example of how the right was violated during the Japanese American incarceration period. Direct students to [Densho](#) for more information.

Constitutional Amendments to assign and a “cheat sheet” for teachers follows:

Rights Protected or Guaranteed under the Amendment	Examples of Violations from Japanese Americans Incarceration
1st - Freedom of speech, the press, religion, assembly, and petition	<ul style="list-style-type: none"> ● Newspapers were censored in the camps, and public meetings were required to use English. ● Those who expressed and demanded redress in the camps were sent to isolation camps with harsher conditions. ● Shintoism was banned and Buddhism was significantly restricted; Christianity was instead promoted.
4th - Freedom from unreasonable and unlawful search and seizure of property	<ul style="list-style-type: none"> ● Japanese Americans' homes were searched without warrants and their property confiscated. ● Japanese Americans were incarcerated based on their ethnicity rather than legitimate suspicion of criminal activity.
5th – Prohibits a person from answering for a crime, without legal procedure. Persons cannot be denied due process of law	<ul style="list-style-type: none"> ● Incarceration: They were not given trials prior to incarceration, and once incarcerated, they were not provided a legal process or legal remedy to end their incarceration. ● Loss of Property: They were also not given any legal protections or mechanisms to prevent their loss of property, which was taken away or claimed by other individuals when they were rounded up and sent to camps.
6th - Right to a lawyer	<ul style="list-style-type: none"> ● They were denied the ability to get lawyers and challenge their incarceration.
8th - Right to reasonable bail and freedom from cruel and unusual punishment	<ul style="list-style-type: none"> ● The conditions of the camps were extremely poor. For example, they had inadequate food, no heating during the winter, and little access to medical care. ● Young children were incarcerated.
13th - Freedom from slavery and involuntary servitude	<ul style="list-style-type: none"> ● Many Japanese Americans were coerced into providing agricultural labor at the camps and even threatened with \$20/month fines if they did not comply.
14th - Right to equal protection	<ul style="list-style-type: none"> ● They were not given equal protection and were singled out based on race and ethnicity and deprived of their liberty.
15th - Right to vote	<ul style="list-style-type: none"> ● Those who were U.S. citizens were not able to participate in voting because they were incarcerated and were not provided the opportunity for absentee voting.

After the activity, facilitate a whole group discussion by asking the following questions:

- In what ways were the constitutional rights of Japanese Americans violated by Executive Order 9066?
- Why are constitutional rights and freedoms important, and how do we ensure that they are protected for everyone?

FURTHER INFORMATION

- [Densho Encyclopedia](#)
- [“WWII Internment Timeline.”](#) *The Children of the Camps Project.*



[PBSLearningMedia.org/collection/asian-americans-pbs](https://www.pbslearningmedia.org/collection/asian-americans-pbs)

Major funding for Asian Americans is provided by Wallace H. Coulter Foundation; Corporation for Public Broadcasting (CPB); Public Broadcasting Service (PBS); Ford Foundation/JustFilms; National Endowment for the Humanities; The Freeman Foundation; The Arthur Vining Davis Foundations; Carnegie Corporation of New York; Kay Family Foundation; Long Family Foundation; Spring Wang; and California Humanities.