

# ***CA ETHNIC STUDIES MODEL CURRICULUM***

## ***Nationality, Ethnicity, Race, Constitutional Rights - Civil Liberties Act of 1988***

**Lesson Plan:** Nationality, Ethnicity, Race, Constitutional Rights - Civil Liberties Act of 1988

**Themes:**

- Identity
- History and Movement
- Systems of Power
- Social Movements and Equity

**Asian Americans Course Content:**

Unit 2: Asian American Immigration and Diaspora

Unit 3: Asian American Settlement and Exclusion

Unit 5: On Becoming an Asian American Community Prior to 1965

Unit 6: New Asian American Communities after 1965

Unit 7: Asian American Social Movements (ES)

**Disciplinary Area:** Asian American and Pacific Islander Studies

**Ethnic Studies Values and Principles Alignment:** 1, 2, 4, 5, 6, 7

**Standards Alignment:**

CA HSS Analysis Skills (9–12): Historical Research Evidence and Point of View 1–3

CA CCSS for ELA/Literacy: RI.9-12.2, RI.11-12.7, W.9-12.2.a, SL.9-10.5, SL.11-12.5, RH.9-12.4, RH.11-12.7

**Lesson Overview:**

This lesson explores the topics of Japanese American incarceration and redress, and its relation to the definition of an “American”, rights, and the census. Definitions of race, nationality, ethnicity, and rights are explained to define “American”. The lesson also explains how Constitutional rights are basic human rights granted to all people regardless of citizenship as well as the differences that benefit an American citizen. To further analyze Japanese incarceration camps, studying the census will explain its role in carrying out Executive Order 9066 as well as how the laws have changed to protect all Americans. Lastly, students will review the Civil Liberties Act of 1988 to understand how the American government apologized for the treatment of Japanese Americans.

**Lesson Objectives** (Students will):

- Students will explore what are nationality, ethnicity and race.
- Students will learn how the term American is not exclusive to American citizens.
- Students will learn the U.S. Constitution protects all people, not just American citizens.
- Students will learn that all persons of Japanese ancestry incarcerated during the war had their basic human rights violated.
- Students will learn the census is meant to be a tool for the government to empower the people though it was misused during World War II.
- Students will analyze provisions in the Civil Liberties Act of 1988 and summarize the importance of restitution and redress.

**Essential Questions:**

1. What rights do American citizens have?
2. What rights do non-citizens, including visitors to the United States, have?
3. What are nationality, ethnicity and race?
4. How were the rights of Japanese Americans violated during the World War II era?
5. How does learning about the Japanese Incarceration Camps help you understand your rights?
6. Why is it important to fight for restitution and redress?

## **Nationality, Ethnicity, Race, Constitutional Rights Essay:**

On February 19<sup>th</sup>, 1942, President Franklin Delano Roosevelt issued *Executive Order 9066* to initiate the mass removal of Japanese Americans into what developed into incarceration camps. Japanese Americans continuously had their rights violated throughout the World War II era and afterwards. The *Civil Liberties Act of 1988*, a formal apology by the U.S. government, acknowledged and made restitution for the treatment of Japanese Americans during World War II. Of the 120,000 people of Japanese ancestry who were incarcerated, two-thirds (over 70,000) were American-born citizens.

But what does it mean to be American?

Geographic identification of an American applies to anyone from North and South America as these two continents were named after the explorer Amerigo Vespucci.

However, the term “American” generally refers to someone from the United States of America. You may consider a person’s *nationality*, place of birth which makes the person a member of that nation.

The social identification of an American includes words such as race and ethnicity. National Geographic defines *race* as usually associated with biology and linked with physical characteristics such as skin color or hair texture. *Ethnicity* is linked with cultural expression and identification. These terms are *social constructs* – defined by the people who hold power and not by one’s genetic makeup.

Then, there’s the political definition of an American - *citizenship*. According to the U.S. Constitution, there are two paths to become a U.S. citizen: *birthright* and *naturalization*. Birthright citizenship refers to all persons born in the United States (or born to American parents), whereas naturalization refers to a person who completed the legal process to become a citizen. American citizenship entails specific rights, duties, and benefits. Ultimately, the definition of an American is complicated and varies dependent on if the question is regarding race, ethnicity, nationality, and citizenship.

Throughout American history until the Civil Rights era, the American government enacted policies to limit and restrict immigration and citizenship of many ethnic groups.

What does this have to do with Japanese incarceration? At the time of the United States’ entry to World War II in 1941, the *nissei* (the second generation or the American-born children of the *issei*) were citizens of the United States by birthright even though the *issei* (first generation of immigrants from Japan) were barred from citizenship. Although the U.S. government did not always protect all persons equally, the U.S. Constitution lists many rights for all people regardless of citizenship. In fact, non-citizens are also protected under all the rights listed in the Bill of Rights. Strictly speaking, the word “citizen” is not used in the Bill of Rights of the U.S. Constitution (Amendments 1-10) but rather the words “person”, “people” or the “accused”. Therefore, all people regardless of citizenship or residency are protected by Constitutional law including rights such as due process and freedom from unreasonable searches. All people of Japanese ancestry who were incarcerated had their rights violated.

It is important to remember the Japanese American incarceration camps to avoid repeating history. It is critical to exercise your rights and partake in civic engagement to hold elected representatives and their

actions accountable. It is through civic engagement in which activists such as Edison and Amy Uno fought to get the Civil Liberties Act of 1988 passed.

## **Vocabulary:**

- **72-Year Rule:** Created in 1978 to protect people's confidentiality on data collected by the census. The census is not allowed to share personal information with anyone or any other government agencies for 72 years<sup>1</sup>
- **Bill of Rights:** The first ten Amendments added to the U.S. Constitution which includes rights such as due process and freedom from unreasonable searches<sup>2</sup>
- **Birthright citizenship:** citizenship granted to persons born in the United States (or born to American parents)<sup>3</sup>
- **Civil Liberties Act of 1988:** President Ronald Reagan signed this into law to apologize and grant redress for the Japanese Incarceration Camps.<sup>4</sup>
- **Census:** also known as the decennial census, a survey taken every ten years to determine how much representation a state has in the House of Representatives and determine how to disburse federal financial aid to the states<sup>5</sup>
- **Census Bureau:** This government agency was created and tasked with collecting information such as age, marital status, education, income and other information used to study the nation's demographics.<sup>6</sup>
- **Ethnicity:** cultural expression and identification of a person<sup>7</sup>
- **Executive Order 9066:** Signed by President Franklin Delano Roosevelt to authorize the Japanese Incarceration Camps starting in 1942 and lasting until after the war in 1946<sup>8</sup>
- **House of Representatives:** The House of Representatives and Senate are the two houses in the U.S. Legislative Branch. The Legislative Branch, or Congress, makes the federal laws of the United States.<sup>9</sup>
- **Issei:** first generation of immigrants from Japan who were barred from American citizenship<sup>10</sup>
- **Nationality:** the state of belonging to a particular country or being a citizen of a particular nation.<sup>11</sup>
- **Naturalization:** the legal process a person completes to become a citizen<sup>12</sup>
- **Nissei:** second generation Japanese American or the American born children of the Issei<sup>13</sup>
- **Race:** usually associated with the biological makeup of a person and linked with physical characteristics such as skin color or hair texture<sup>14</sup>
- **Redress:** the attempt for an appropriate remedy for the Japanese Incarceration Camps<sup>15</sup>
- **Restitution:** remedy for something which has been taken or compensation for loss or injury done<sup>16</sup>
- **Social constructs** – defined by the people who hold political power and not by one's genetic makeup<sup>17</sup>
- **U.S. Constitution:** The document that is upheld as the supreme law of the land and established Americans' national government, laws, and guaranteed rights to its people<sup>18</sup>

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<sup>1</sup>Definition adopted from The Census Bureau

<sup>2</sup>Definition adopted from Bill of Rights Institute

<sup>3</sup>Definition adopted from the US Citizenship and Immigration Service (Department of Homeland Security)

<sup>4</sup>Definition adopted from Densho Encyclopedia

<sup>5</sup>Definition adopted from The Census Bureau

<sup>6</sup>Definition adopted from The Census Bureau

<sup>7</sup>Definition adopted from National Geographic

<sup>8</sup>Definition adopted from Densho Encyclopedia

<sup>9</sup>Definition adopted from WhiteHouse.gov

<sup>10</sup>Definition adopted from Densho Encyclopedia

<sup>11</sup>Definition adopted from Cambridge Dictionary

<sup>12</sup>Definition adopted from the US Citizenship and Immigration Service (Department of Homeland Security)

<sup>13</sup>Definition adopted from Densho Encyclopedia

<sup>14</sup>Definition adopted from National Geographic

<sup>15</sup>Definition adopted from the University of Denver

<sup>16</sup>Definition adopted from Cornell Law School

<sup>17</sup>Definition adopted from Irish Network Against Racism

<sup>18</sup>Definition adopted from History.com

## **Assessment, Application, Action, and Reflection: Lesson Steps/Activities:**

### **Activity 1: Civil Liberties Act of 1988, Constitutional rights**

1. Watch the video clip:  
<https://advancingjustice-la.org/what-we-do/curriculum-lesson-plans/asian-americans-k-12-education-curriculum/episode-2-lesson-4>
2. Discussion Questions:
  - You may choose to have students write their answers on an index card prior to sharing with a partner.
  - You may also have all the students stand up to find a partner from a different table to share the answer to one or all the questions.
  - After sharing, students swap index cards. Repeat until students do not know who the original author is (index cards are written anonymously). Upon returning to their seats, you may have a class discussion on student findings.
    - a) List how the rights of Japanese Americans were violated during World War II.
    - b) Why did people such as Edison and Amy Uno fight for redress of the Japanese Incarceration Camps?
    - c) Roberta Uno stressed “If we don’t participate in the present moment, the past will be recreated.” What do you think this means?

### **Activity 2: Race, Nationality, Ethnicity**

1. Ask students to read the *Nationality, Ethnicity, Race, Constitutional Rights Essay*.
2. Have a class discussion:
  - What does nationality mean?  
What was the nationality of the Japanese Americans who were incarcerated?
  - What does ethnicity mean?  
What was the nationality of the Japanese Americans who were incarcerated?
  - What does race mean?  
What was the race of the Japanese Americans who were incarcerated?
  - What do you think the incarceration was based on?

### **Activity 3: I Am an American**

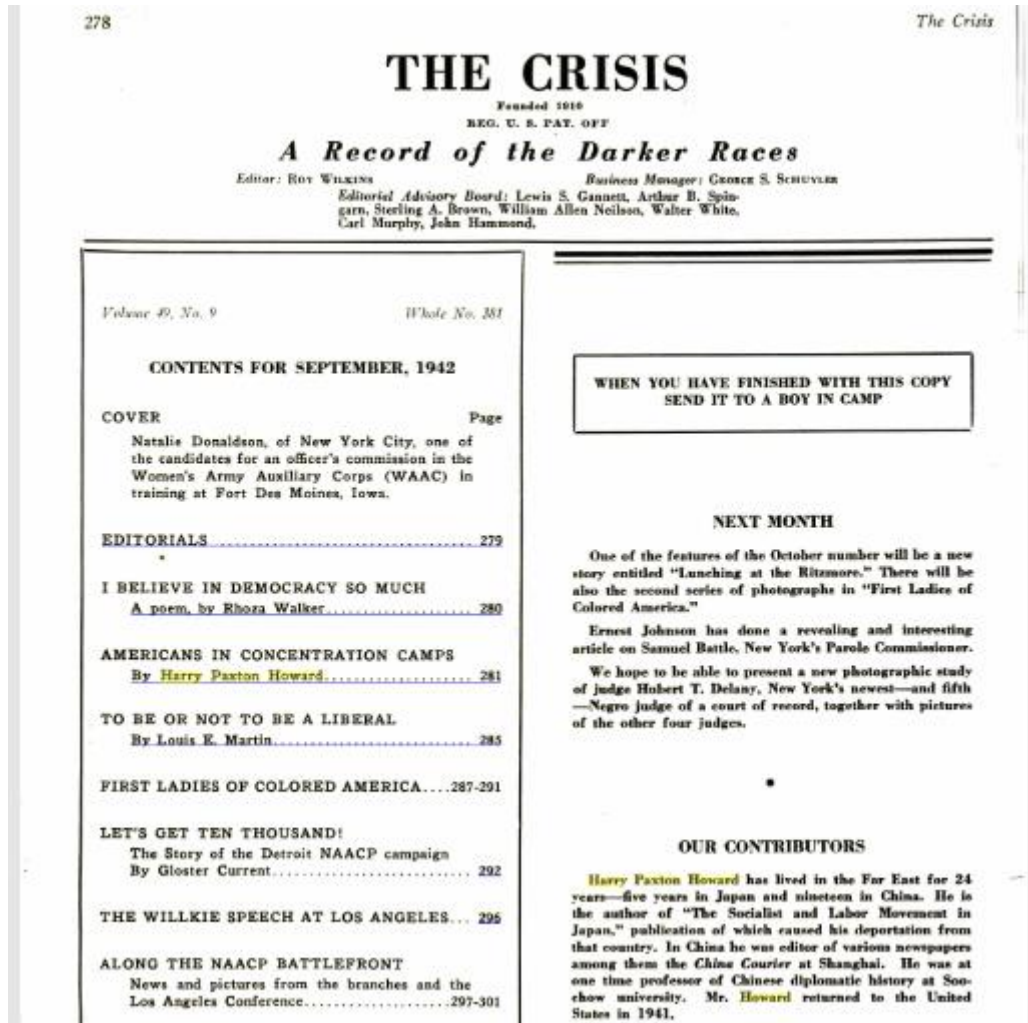
1. Show the *I Am an American* video  
<https://vimeo.com/59664228> or  
<https://www.youtube.com/watch?v=vPIXLUrIjXg>
2. Ask the students what they have learned from the video. Have a class discussion:
  - Does American mean white?
  - Does American mean you have to be U.S. citizen?

## **Activity 4: One of the few who spoke out against the incarceration**

1. Ask students to read the excerpts. It can be found at:

[https://advancingjustice-la.org/sites/default/files/WJIU%20Americans\\_in\\_Concentration\\_Camps\\_The\\_Crisis\\_excerpt.pdf](https://advancingjustice-la.org/sites/default/files/WJIU%20Americans_in_Concentration_Camps_The_Crisis_excerpt.pdf)

### **Harry Paxton Howard from the NAACP**



Screenshot from:

<https://books.google.com/books?id=QFsEAAAAMBAJ&dq=Harry+Paxton+Howard%2C+%E2%80%9CAmericans+in+Concentration+Camps%2C%E2%80%9D&q=harry+paxton+howard#v=snippet&q=harry%20paxton%20howard&f=false>

Excerpts from the Article “Americans in Concentration Camps” by Harry Paxton Howard. This article is from the September 1942 issue of the quarterly magazine *The Crisis*. The NAACP (National Association for the Advancement of Colored People) was founded in 1909. The following year, the NAACP started publishing their quarterly magazine *The Crisis*. Below are excerpts from the article compiled by Asian Americans Advancing Justice Los Angeles and UCLA Asian American Studies Center.

#### **Excerpt 1 - Filth and Squalor**

There was no direct torture. It was an American, not a Nazi, concentration camp. Some of the older inhabitants ... suffered from insufficiency of their customary rice.... lacking tubs, buckets, washing machines, or sufficient soap. Perpetually dusty and dirty eyes were painful and “troublesome.” Babies found unwashed diapers painful as well as odorous. ... children sickened and died, living in a filth and squalor.... But there was no “torture.” ...

### **Excerpt 2: It Concerns the Negro**

What has happened to these Americans in recent months is of direct concern to the American Negro. For the barbarous treatment of these Americans is the result of the color line. .... These men, women, and children have been taken from their pleasant homes and long- cultivated farms and businesses because their skins are yellow .... Americans of German or Italian descent ... are not being stuck into filthy and noisome shacks in vile concentration camps because they are of German and Italian ancestry; they are white....

Negros have been told again and again “Work quietly, be industrious, mind your own business, and you will get justice even in America.” That is what these yellow-skinned Americans believed. They worked, cheerfully and industriously. They turned deserts into beautiful and fertile farmland, grew vegetables and fruits for themselves and for others. They distinguished themselves at school, abstained from politics, had the lowest crime-rate of any group in the entire country. They earned the respect of all decent white persons ....

What has been their reward? They have been plundered of everything, and crowded in concentration camps fit only for pigs. ... And if native-born Americans of Asiatic descent can be denied all civil rights and civil liberties, what about Americans of African descent? ...

This is an integral part of the struggle for human and racial equality. It concerns every Negro. It concerns every believer in democracy and human equality, regardless of color.

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### Works Cited

Howard, Harry Paxton. “Americans in Concentration Camps.” *The Crisis* by the NAACP, Sept. 1942.

“Americans in Concentration Camps Excerpt *The Crisis*.” Asian Americans Advancing Justice Los Angeles. [https://advancingjustice-la.org/sites/default/files/WJIU%20Americans\\_in\\_Concentration\\_Camps\\_The\\_Crisis\\_excerpt.pdf](https://advancingjustice-la.org/sites/default/files/WJIU%20Americans_in_Concentration_Camps_The_Crisis_excerpt.pdf)

2. Have a class discussion:  
Is it important to speak out against those whose rights were violated? And why?

### **Materials and Resources:**

Asian Americans Advancing Justice Los Angeles – Lesson Resources:

<https://advancingjustice-la.org/what-we-do/curriculum-lesson-plans/asian-americans-k-12-education-curriculum/episode-2-lesson-4>

“Fairness for All - The Work of the Immigrants' Rights Project.” *American Civil Liberties Union*, 2020, [www.aclu.org/other/fairness-all-work-immigrants-rights-project](http://www.aclu.org/other/fairness-all-work-immigrants-rights-project).

“Know Your Rights.” *Know Your Rights* / *American Civil Liberties Union*, 2020, [www.aclu.org/know-your-rights/](http://www.aclu.org/know-your-rights/).

“The Bill of Rights: A Transcription.” National Archives and Records Administration, National Archives and Records Administration, [www.archives.gov/founding-docs/bill-of-rights-transcript](http://www.archives.gov/founding-docs/bill-of-rights-transcript).

“The Japanese American Incarceration: The Journey to Redress.” Japanese American Citizens League. <https://jacl.org/redress/>.

Wang, Hansi Lo. "Some Japanese-Americans Wrongfully Imprisoned During WWII Oppose Census Question." NPR, 26 Dec. 2018, [www.npr.org/2018/12/26/636107892/some-japanese-americans-wrongfully-imprisoned-during-wwii-oppose-census-question](http://www.npr.org/2018/12/26/636107892/some-japanese-americans-wrongfully-imprisoned-during-wwii-oppose-census-question).

"What Are the Benefits and Responsibilities of Citizenship?" *U.S. Citizen and Immigration Services*, 2020, [www.uscis.gov/sites/default/files/files/article/chapter2.pdf](http://www.uscis.gov/sites/default/files/files/article/chapter2.pdf).