

Which is more important, individual privacy or public safety?



Title: Civilian exclusion order #5, posted at First and Front streets, directing removal by April 7 of persons of Japanese ancestry, from the first San Francisco section to be affected by evacuation Date Created/Published: 1942 April. loc.gov <http://loc.gov/pictures/resource/cph.3a35053/>

Supporting Questions

1. What steps did President Roosevelt take in the aftermath of the Pearl Harbor attack?
2. Was the internment of Japanese Americans after Pearl Harbor necessary to protect national security.
3. How have American responses to internment shifted over time?

6-8 Grade Teaching with Primary Sources Hub World War II Japanese Internment
Inquiry by C3 Teachers Development

Which is more important, individual privacy or public safety?

Inquiry Standard	New York State Common Core State Standards. New York State Framework for the Social Studies Social Studies c3 Framework
Staging the Compelling Question	Which civil right is more important to protect: individual freedom or personal safety? Students should reflect on the ideas of safety and privacy, where these ideals appear in their personal lives. Ask students what privacies they would be willing to sacrifice if it meant they would remain safe. Provide examples of when Americans have appeared willing to make this sacrifice.

Supporting Question 1	Supporting Question 2	Supporting Question 3
What steps did President Roosevelt take in the aftermath of the Pearl Harbor attack?	Was the internment of Japanese Americans after Pearl Harbor necessary to protect national security.	How have American responses to internment shifted over time?
Formative Performance Task	Formative Performance Task	Formative Performance Task
Students will utilize the Library of Congress Observe, Question and Reflect process to describe the steps taken by FDR in the immediate aftermath of the Pearl Harbor attack.	Students will conduct an analysis of five primary source documents using the SCIM-C method to describe the reasons why FDR decided to issue Executive Order 9066 to intern Japanese Americans in the aftermath of Pearl Harbor.	Students will develop a claim with evidence that Americans either were willing to sacrifice personal liberties for safety or that Americans were not willing to sacrifice personal liberties during World War II.
Featured Sources	Featured Sources	Featured Sources
Source A: Exclusion Order	Source A: Civilian Exclusion Order Source B: Internment Camp Photographs Source C: Korematsu-Majority Opinion Source D: Korematsu- Dissenting Opinion	Source A: Korematsu v. United States Summary Source B: 20th Anniversary of the Civil Liberties Act / Japanese Internment During World War II Source C: Presidential Letter of Apology Source D: USA Patriot Act Source E: Civil Rights: Japanese Americans at Home

Summative Performance Task	ARGUMENT Did President Roosevelt provide effective leadership to the American people after the attack at Pearl Harbor?
	EXTENSION http://nhd.org/ Students will have the opportunity to utilize this inquiry as an approach to submitting a project for National History Day. This may provide an added incentive for students to take the next step with civic action following the inquiry.
Taking Informed Action	UNDERSTAND Is surveillance of American phone/internet/email records necessary and appropriate in order to protect national security in the 21st century? ASSESS Design a social media campaign to raise awareness about the problem you identified. ACTION Students will create a social media campaign to try to convince Americans of their point of view, in an effort to spread awareness for a cause they believe in.

Inquiry Description

The internment of Japanese Americans is a key part of our World War II curriculum in 8th grade. It is also a topic that has strong parallels with current event issues with video/internet/phone surveillance of American citizens in the post 9/11 world we live in today. The issues that were raised during WWII around national security and civil liberties are being questioned today, as well.

In the aftermath of the December 7, 1941 Pearl Harbor attack, the United States government, led by FDR's Executive Order 9066, made the decision in the name of national security to intern thousands of Japanese American citizens from the west coast in an attempt to protect the nation from espionage and further attack. Many Americans questioned the constitutionality of the internment, and the questions came to a head in the Supreme Court case of *Korematsu v United States*, in which the Supreme Court declared the internment of loyal citizens constitutional, despite wartime necessity.

It is important that students understand the context of the time, why the decision to intern Japanese Americans was made, and the effects of that decision both on the nation, as well as on individual civil liberties. In addition, similar action was taken by the United States government after the terrorist attacks of September 11, 2001, when the USA Patriot Act was signed into law. Recently, many questions have again been raised about national security and individual civil liberties, and how far the government can go to keep the nation and Americans safe from harm. As a result, an inquiry into the internment of Japanese Americans during WWII will provide context for students as they better understand the post 9/11 world we live in, and will provide for quality discussion and debate around the issues of national security and civil liberties, and how much (if any) sacrifice of civil liberties should be made in the name of safety.

Structure

The inquiry is designed utilizing the Inquiry Design Model for historical inquiry and analysis.

The summative task regarding National History Day references the 2015 National History Day theme of Leadership and Legacy, and looks closely at the decisions made and actions taken by our nation's leaders.

This inquiry would provide an opportunity for teachers to not only instruct on leadership and legacy, along with Japanese Internment, but would also allow for an opportunity to introduce students to the National History Day Project.

Staging the Compelling Question

Compelling
Question

Which is more important, individual privacy or public safety?

Staging the compelling question

At the heart of the issues surrounding Japanese Internment is the question of which civil liberty is more valuable, that of safety or that of freedom. This is a question that arises during any war that the United States has participated in, and is one that is extremely relevant in the current War on Terror. From controversies surrounding the USA Patriot Act to cell phone surveillance, students in today's society face this enduring question on a daily basis. A debate on this question will set the stage for the Japanese Internment inquiry.

Supporting Question 1

Supporting Question	What steps did President Roosevelt take in the aftermath of the Pearl Harbor attack?
Formative Performance Task	Students will utilize the Library of Congress Observe, Question and Reflect process to describe the steps taken by FDR in the immediate aftermath of the Pearl Harbor attack.
Featured Sources	<ul style="list-style-type: none">● Source A: Exclusion Order

In order for students to assess the actions taken by FDR, they first need to understand what steps he took as our Commander-in-Chief immediately after Pearl Harbor.

Formative Performance Task

The first task will allow students the opportunity to dissect key primary sources to gather evidence to answer the first supporting question

Supporting Question 1

Featured Source A

Exclusion Order



Title: Civilian exclusion order #5, posted at First and Front streets, directing removal by April 7 of persons of Japanese ancestry, from the first San Francisco section to be affected by evacuation Date Created/Published: 1942 April. loc.gov <http://loc.gov/pictures/resource/cph.3a35053/>

Supporting Question 2

Supporting Question	Was the internment of Japanese Americans after Pearl Harbor necessary to protect national security.
Formative Performance Task	Students will conduct an analysis of five primary source documents using the SCIM-C method to describe the reasons why FDR decided to issue Executive Order 9066 to intern Japanese Americans in the aftermath of Pearl Harbor.
Featured Sources	<ul style="list-style-type: none">● Source A: Civilian Exclusion Order● Source B: Internment Camp Photographs● Source C: Korematsu- Majority Opinion● Source D: Korematsu- Dissenting Opinion
Additional Materials	<ul style="list-style-type: none">● SCIM-C Worksheet (1).pdf (https://s3.amazonaws.com/idm-dev/u/b/8/e/b/560/b8ebcf9b7988d95c61988c10b0d2b9058b4e71d4.pdf)

The second supporting question builds upon the information gathered from the first supporting question. Students will need to analyze a series of primary source documents to assess the immediacy of the threat and whether or not the internment of Japanese Americans was justified. Key excerpts from *Korematsu v. United States* will serve as primary documents for this question.

Formative Performance Task

The SCIM-C method will encourage students to compare various historical perspectives on the decision to intern Japanese Americans on the West Coast and develop their own questions for further research and analysis.

Supporting Question 2

Featured Source A

Civilian Exclusion Order

Excerpt

Transcript: "To All Persons of Japanese Ancestry".

Western Defense Command and Fourth Army Wartime Civil Control Administration, Presidio of San Francisco, California

May 3, 1942

Instructions to All Persons of Japanese Ancestry Living in the Following Area: 920 "C" Street, 1. Give advice and instructions on the evacuation. 3. Provide temporary residence elsewhere for all Japanese in family groups. 1. A responsible member of each family, preferably the head of the family, or the person in whose name most of the property is held, and each individual living alone, will report to the Civil Control Station to receive further instructions. This must be done between 8:00 A. M. and 5:00 P. M. on Monday, May 4, 1942, or between 9:00 A. M. and 5:00 P. M. on Tuesday, May 5, 1942.

(a) Bedding and linens (no mattress) for each member of the family; (c) Extra clothing for each member of the family; (e) Essential personal effects for each member of the family.

All items carried will be securely packaged, tied and plainly marked with the name of the owner and numbered in accordance with instructions obtained at the Civil Control Station. The size and number of packages is limited to that which can be carried by the individual or family group. 4. No personal items and no household goods will be shipped to the Assembly Center. 6. Each family, and individual living alone, will be furnished transportation to the Assembly Center or will be authorized to travel by private automobile in a supervised group. All instructions pertaining to the movement will be obtained at the Civil Control Station.

J. L. DeWITT Commanding

Source:

<https://www.nps.gov/nr/twhp/wwwlps/lessons/89manza..>

Supporting Question 2

Featured Source B

Internment Camp Photographs



Title: Oakland, Calif., Feb. 1942 Date Created/Published: 1942 February. loc.gov

<http://www.loc.gov/teachers/classroommaterials/pri..>



Title: Japanese-American camp, war emergency evacuation, [Tule Lake Relocation Center, Newell, Calif.] Date Created/Published: 1942 or 1943. loc.gov <http://www.loc.gov/teachers/classroommaterials/pri..>



Title: San Francisco, Calif., Apr. 1942 - evacuees of Japanese descent being inoculated as they registered for evacuation, and assignment, later, to war relocation authority centers for the duration of the war Creator(s): Lange, Dorothea, photographer loc.gov <http://www.loc.gov/teachers/classroommaterials/pri..>

Supporting Question 2

Featured Source C

Korematsu- Majority Opinion

Excerpt

Korematsu v. The United States

Majority Opinion Delivered by Justice Hugo Black

It should be noted, to begin with, that all legal restrictions which curtail the civil rights of a single racial group are immediately suspect. That is not to say that all such restrictions are unconstitutional. It is to say that courts must subject them to the most rigid scrutiny. Pressing public necessity may sometimes justify the existence of such restrictions; racial antagonism never can...

It is said that we are dealing here with the case of imprisonment of a citizen in a concentration camp solely because of his ancestry, without evidence or inquiry concerning his loyalty and good disposition towards the United States. Our task would be simple, our duty clear, were this a case involving the imprisonment of a loyal citizen in a concentration camp because of racial prejudice. Regardless of the true nature of the assembly and relocation centers — and we deem it unjustifiable to call them concentration camps with all the ugly connotations that term implies — we are dealing specifically with nothing but an exclusion order. To cast this case into outlines of racial prejudice, without reference to the real military dangers which were presented, merely confuses the issue. 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, 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.

Source:

<http://www.streetlaw.org/en/home>

Supporting Question 2

Featured Source D

Korematsu- Dissenting Opinion

Excerpt

Korematsu vs. the United States

Dissenting Opinions

Excerpt from Justice Jackson

Korematsu was born on our soil, of parents born in Japan. The Constitution makes him a citizen of the United States by nativity and a citizen of California by residence. 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.

Excerpt from Justice Murphy

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 benefits of hearings, this order also deprives them of all their constitutional rights to procedural due process. Yet no reasonable relation to an "immediate, imminent, and impending" public danger is evident to support this racial restriction which is one of the most sweeping and complete deprivations of constitutional rights in the history of this nation in the absence of martial law.

Source:

<http://www.streetlaw.org/en/home>

Supporting Question 3

Supporting Question	How have American responses to internment shifted over time?
Formative Performance Task	Students will develop a claim with evidence that Americans either were willing to sacrifice personal liberties for safety or that Americans were not willing to sacrifice personal liberties during World War II.
Featured Sources	<ul style="list-style-type: none">● Source A: Korematsu v. United States Summary● Source B: 20th Anniversary of the Civil Liberties Act / Japanese Internment During World War II● Source C: Presidential Letter of Apology● Source D: USA Patriot Act● Source E: Civil Rights: Japanese Americans at Home

It is important for students to realize that opinions and beliefs about events in history do change over time, given new evidence, prevailing thought or current events. Time changes perception, and for this final supporting question students will view documents and assess if opinions of FDR or of Japanese Internment have remained static and unchanged, or if they have been modified over time.

Formative Performance Task

This task will circle back to the staging question regarding safety and privacy. Students will be asked to look at the evidence around FDR's actions, opinions of the actions, and ultimately decide for themselves on the necessity of the internment, as well as the importance to Americans past and present about our civil liberties of freedom and safety.

Supporting Question 3

Featured Source A

Korematsu v. United States Summary

Excerpt

Early in World War II, on February 19, 1942, President Franklin Roosevelt issued Executive Order 9066, granting the U.S. military the power to ban tens of thousands of American citizens of Japanese ancestry from areas deemed critical to domestic security. Promptly exercising the power so bestowed, the military then issued an order banning "all persons of Japanese ancestry, both alien and non-alien" from a designated coastal area stretching from Washington State to southern Arizona, and hastily set up internment camps to hold the Japanese Americans for the duration of the war. In defiance of the order, Fred Korematsu, an American-born citizen of Japanese descent, refused to leave his home in San Leandro, California. Duly convicted, he appealed, and in 1944 his case reached the Supreme Court. A 6-3 majority on the Court upheld Korematsu's conviction. Writing for the majority, [Justice Hugo Black](#) held that although "all legal restrictions which curtail the civil rights of a single racial group are immediately suspect" and subject to tests of "the most rigid scrutiny," not all such restrictions are inherently unconstitutional. "Pressing public necessity," he wrote, "may sometimes justify the existence of such restrictions; racial antagonism never can." In Korematsu's case, the Court accepted the U.S. military's argument that the loyalties of some Japanese Americans resided not with the United States but with their ancestral country, and that because separating "the disloyal from the loyal" was a logistical impossibility, the internment order had to apply to all Japanese Americans within the restricted area. Balancing the country's stake in the war and national security against the "suspect" curtailment of the rights of a particular racial group, the Court decided that the nation's security concerns outweighed the Constitution's promise of equal rights. Justice Robert Jackson issued a vociferous, yet nuanced, dissent. "Korematsu ... has been convicted of an act not commonly thought a crime," he wrote. "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." The nation's wartime security concerns, he contended, were not adequate to strip Korematsu and the other internees of their constitutionally protected civil rights. In the second half of his dissent, however, Jackson admitted that ultimately, in times of war, the military would likely maintain the power to arrest citizens -- and that, possessing no executive power, there was little the judicial branch could do to stop it. Nonetheless, he resisted the Court's compliance in lending the weight of its institutional authority to justify the military's actions, and contended that the majority decision struck a "far more subtle blow to liberty" than did the order itself: "A military order, however unconstitutional, is not apt to last longer than the military emergency. ... But once a judicial opinion rationalizes such an order to show that it conforms to the Constitution, or rather rationalizes the Constitution to show that the Constitution sanctions such an order, the Court for all of time has validated the principle of racial discrimination. ... The principle then lies about like a loaded weapon ready for the hand of any authority that can bring forward a plausible claim of urgent need." Justice Owen Roberts also dissented in the case, arguing that a relocation center "was a euphemism for prison," and that faced with this consequence Korematsu "did nothing." Also dissenting, Justice Frank Murphy harshly criticized both the majority and the military order, writing that the internment of the Japanese was based upon "the disinformation, half-truths and insinuations that for years have been directed against Japanese Americans by people with racial and economic prejudices." The Court's decision in Korematsu, loudly criticized by many civil libertarians at the time and generally condemned by historians ever since, has never been explicitly overturned. Indeed, it is frequently cited for its assertion that "all legal restrictions which curtail the civil rights of a single racial group are immediately suspect." However, a report issued by Congress in 1983 declared that the decision had been "overruled in the court of history," and the Civil Liberties Act of 1988 contained a formal apology -- as well as provisions for monetary reparations -- to the Japanese Americans interned during the war. In 1998, President Bill Clinton awarded Fred Korematsu the Presidential Medal of Freedom. Significantly, not until the 2003 case [Grutter v. Bollinger](#) (dealing with the affirmative action policy at the University of Michigan Law School) did the Court again approve an instance of racial discrimination against the application of Black's "rigid scrutiny" standard. Jackson's dissent, though, reminds us of the difficult position the Court finds itself in when it assesses claimed violations of constitutional rights in times of war.

Source:

<http://www.pbs.org/wnet/supremecourt/personality/1..>

Supporting Question 3

Featured Source B

20th Anniversary of the Civil Liberties Act / Japanese Internment During World War II

Excerpt

Nearly 120,000 Japanese Americans were interned (forcibly relocated and confined) by the U.S. military following Japan's attack on Pearl Harbor in 1941.

The U.S. government formally apologized for the internments with the Civil Liberties Act, signed into law twenty years ago on August 10, 1988. The law also granted reparations to surviving internees and their families.

Following the Pearl Harbor attack in December 1941, many Americans began to distrust anyone of Japanese decent, believing that even those who were American citizens were ultimately loyal to Japan, and were a threat to the nation's security.

In February 1942, President Franklin Roosevelt issued an executive order that allowed the relocation of all people of Japanese decent who lived in designated military zones, one of which covered the entire Pacific coast (most of California, Oregon, and Washington).

Nearly 120,000 Japanese Americans (of which nearly 70,000 were American citizens by birth) were ordered to "assembly centers" near their homes, and then moved to military-run "War Relocation Centers," also called internment camps, often in remote and desolate areas.

Women, men, and children were all interned, with no determination of whether any were actually disloyal to the United States. People with as little as 1/8 Japanese ancestry could be interned (e.g., one great-grandparent of Japanese decent). Many of the American-born internees had never even been to Japan.

Some people of Italian and German decent were interned as well, but not nearly on such a wide scale as Japanese Americans.

Most of the Japanese Americans who were forced to go to internment camps lost their homes and nearly all of their possessions. They lived in crowded conditions in crude barracks, surrounded by barbed wire and armed guard towers, but tried to make their lives seem as normal as possible by creating their own schools and churches within the camps.

Japanese Americans were initially not eligible to serve in the military; they were classified as enemy aliens even if they had American citizenship. But in 1943, military-aged men were given the opportunity to join the Military Intelligence Service or a special segregated Japanese-American unit of the U.S. Army, the 442nd Regimental Combat Team, which became the most decorated unit in U.S. military history. Despite this evidence of their patriotism, the families of these men remained in internment camps.

In December 1944, the Supreme Court ruled that it was unconstitutional to detain "loyal citizens," and the following month, internees began to leave the camps. Each person was given \$25 and a train ticket to his or her former hometown, but many internees no longer had homes to return to.

Even after the war ended, people of Japanese decent faced widespread discrimination for many years.

In 1980, Congress created the Commission on Wartime Relocation and Internment of Civilians to investigate the treatment of Japanese Americans during World War II. In an 1983 report, the commission concluded that the internment policies were not justified and recommended that Congress apologize and provide compensation to surviving internees and their families.

It was five more years before Congress passed the Civil Liberties Act. The act provided monetary reparations to surviving internees and their families, as well as created a fund to educate the public about the internment and "prevent the recurrence of any similar event." Around 60,000 surviving Japanese Americans received payments of \$20,000 each.

Rep. Robert Matsui and Rep. Norman Mineta, who later served as secretary of transportation and secretary of

commerce, co-sponsored the legislation in the House. Mineta and Matsui, the sons of Japanese immigrant parents, were interned with their family as children.

In the Senate, the effort was led by Sens. Spark Matsunaga and Daniel Inouye, both of whom were wounded in World War II while fighting in the segregated 442nd Regimental Combat Team.

"The passage of the Civil Liberties Act shows the greatness of a country that is willing to acknowledge its mistakes and make a meaningful apology and redress," said Karen Narasaki, president and executive director of the Asian American Justice Center. "The lessons learned from both the internment and the movement for redress continue to have meaning as we face similar challenges and choices today after 9/11."

Feature Story by Clarissa Peterson - 8/18/2008

Source:

<http://www.civilrights.org/resources/features/018-..>

Supporting Question 3

Featured Source C

Presidential Letter of 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.



<http://www.pbs.org/childofcamp/history/clinton.htm>

Supporting Question 3

Featured Source D

USA Patriot Act

Excerpt

The Department of Justice's first priority is to prevent future terrorist attacks. Since its passage following the September 11, 2001 attacks, the Patriot Act has played a key part - and often the leading role - in a number of successful operations to protect innocent Americans from the deadly plans of terrorists dedicated to destroying America and our way of life. While the results have been important, in passing the Patriot Act, Congress provided for only modest, incremental changes in the law. Congress simply took existing legal principles and retrofitted them to preserve the lives and liberty of the American people from the challenges posed by a global terrorist network.

(Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism)

- **Allows law enforcement to use surveillance against more crimes of terror.** Before the Patriot Act, courts could permit law enforcement to conduct electronic surveillance to investigate many ordinary, non-terrorism crimes, such as drug crimes, mail fraud, and passport fraud. Agents also could obtain wiretaps to investigate some, but not all, of the crimes that terrorists often commit. The Act enabled investigators to gather information when looking into the full range of terrorism-related crimes, including: chemical-weapons offenses, the use of weapons of mass destruction, killing Americans abroad, and terrorism financing.
- **Allows law enforcement to conduct investigations without tipping off terrorists.** In some cases if criminals are tipped off too early to an investigation, they might flee, destroy evidence, intimidate or kill witnesses, cut off contact with associates, or take other action to evade arrest. Therefore, federal courts in narrow circumstances long have allowed law enforcement to delay for a limited time when the subject is told that a judicially-approved search warrant has been executed. Notice is always provided, but the reasonable delay gives law enforcement time to identify the criminal's associates, eliminate immediate threats to our communities, and coordinate the arrests of multiple individuals without tipping them off beforehand. These delayed notification search warrants have been used for decades, have proven crucial in drug and organized crime cases, and have been upheld by courts as fully constitutional.
- **Allows federal agents to ask a court for an order to obtain business records in national security terrorism cases.** Examining business records often provides the key that investigators are looking for to solve a wide range of crimes. Investigators might seek select records from hardware stores or chemical plants, for example, to find out who bought materials to make a bomb, or bank records to see who's sending money to terrorists. Law enforcement authorities have always been able to obtain business records in criminal cases through grand jury subpoenas, and continue to do so in national security cases where appropriate. These records were sought in criminal cases such as the investigation of the Zodiac gunman, where police suspected the gunman was inspired by a Scottish occult poet, and wanted to learn who had checked the poet's books out of the library. In national security cases where use of the grand jury process was not appropriate, investigators previously had limited tools at their disposal to obtain certain business records. Under the Patriot Act, the government can now ask a federal court (the Foreign Intelligence Surveillance Court), if needed to aid an investigation, to order production of the same type of records available through grand jury subpoenas. This federal court, however, can issue these orders only after the government demonstrates the records concerned are sought for an authorized investigation to obtain foreign intelligence information not concerning a U.S. person or to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a U.S. person is not conducted solely on the basis of activities protected by the First Amendment.

3. The Patriot Act updated the law to reflect new technologies and new threats The Act brought the law up to date with current technology, so we no longer have to fight a digital-age battle with antique weapons-legal authorities leftover from the era of rotary telephones. When investigating the murder of Wall Street Journal reporter Daniel Pearl, for example, law enforcement used one of the Act's new authorities to use high-

tech means to identify and locate some of the killers.

- ***Prohibits the harboring of terrorists.*** *The Act created a new offense that prohibits knowingly harboring persons who have committed or are about to commit a variety of terrorist offenses, such as: destruction of aircraft; use of nuclear, chemical, or biological weapons; use of weapons of mass destruction; bombing of government property; sabotage of nuclear facilities; and aircraft piracy.*
- ***Enhanced the inadequate maximum penalties for various crimes likely to be committed by terrorists*** *including arson, destruction of energy facilities, material support to terrorists and terrorist organizations, and destruction of national-defense materials.*
- ***Enhanced a number of conspiracy penalties*** *including for arson, killings in federal facilities, attacking communications systems, material support to terrorists, sabotage of nuclear facilities, and interference with flight crew members. Under previous law, many terrorism statutes did not specifically prohibit engaging in conspiracies to commit the underlying offenses. In such cases, the government could only bring prosecutions under the general federal conspiracy provision, which carries a maximum penalty of only five years in prison.*
- ***Punishes terrorist attacks on mass transit systems.***
- ***Punishes bioterrorists.***
- ***Eliminates the statutes of limitations for certain terrorism crimes and lengthens them for other terrorist crimes.***

The government's success in preventing another catastrophic attack on the American homeland since September 11, 2001, would have been much more difficult, if not impossible, without the USA Patriot Act. The authorities Congress provided have substantially enhanced our ability to prevent, investigate, and prosecute acts of terror.

Source:

<https://www.justice.gov/archive/ll/highlights.htm>

Supporting Question 3

Featured Source E

Civil Rights: Japanese Americans at Home

Excerpt

At 7:55 AM on Sunday, December 7, 1941, hundreds of Japanese warplanes, launched from aircraft carriers far out at sea, attacked the American Pacific fleet anchored at Pearl Harbor, Hawaii. The attack took a terrible toll: eight battleships, including the *USS Arizona*, three light cruisers, three destroyers and four other naval vessels were either sunk or damaged. One hundred and sixty-four American aircraft were also destroyed. Most hadn't even gotten off the ground. And 2,403 Americans, servicemen and civilians, were dead. Nothing like this had ever happened to the United States of America before.

Seventeen-year-old [Daniel Inouye](#), the son of a Japanese immigrant, was a senior at William McKinley High School in Honolulu – and a Red Cross volunteer. “All of a sudden, three aircraft flew right overhead. They were pearl gray with red dots on the wing – Japanese,” Inouye said. “I knew what was happening. And I thought my world had just come to an end.”

That day altered the world for all Americans; for tens of thousands of Japanese Americans – particularly those living on the West Coast – life was about to change dramatically.

Library of Congress

110,000 Japanese Americans up and down the Pacific coast were assigned numbers and herded to ill-equipped, over-crowded assembly centers at stockyards, fairgrounds, and race tracks, from which they then would be reassigned to one of ten internment camps: Amache in Colorado, Heart Mountain in Wyoming, Gila River and Poston in Arizona, Minidoka in Idaho, Jerome and Rowher in Arkansas, Topaz in Utah and Manzanar and Tule Lake in California.

The camps were generally located in remote, desert areas. Internees lived in rickety barracks barely heated by wood stoves and ate in crowded mess halls; guards in gun towers watched the perimeter of the camps and shot those who tried to escape. But most adapted as best they could to life behind barbed wire. Camp residents organized newspapers, fire departments and baseball leagues, planted gardens and sent their children to school. They constructed tracks for exercise, opened shops and staged dances. Organizations were formed to advocate for the rights of the Japanese Americans in the camps and deep divisions sometimes arose between internees with different ideas of how to respond to their situation.

Civil liberties advocates brought lawsuits to try to challenge the constitutionality of Japanese relocation – but a timid Supreme Court refused to overturn the internment orders. By mid-1944, the government began to release some internees that they certified to be loyal Americans, but the majority remained locked up. Some of FDR's top advisors advocated for an end to the internment of innocent people, but worried that such a move would be politically dangerous during an election year. The internees were ultimately released in January 1945, and many returned to their homes and tried to rebuild their lives. Some found that their homes had become occupied by strangers and needed to evict them in order to move back in. For many others, the years behind barbed wire had resulted in financial calamity, and they faced the daunting task of starting over with nothing.

“The government made a mistake, and they apologized,” Asako Tokuno said. “Made redress. And tried to make things right. You can't eliminate all the feelings and the hurts that happened, but the fact that, what other country would do so ... do that? I kind of wonder. So, there are a lot of great things about our country. And I don't think I'd ever want to live anywhere else.”

Source:

http://www.pbs.org/thewar/at_home_civil_rights_jap..

Summative Performance Task

Compelling Question	Which is more important, individual privacy or public safety?
Argument	Did President Roosevelt provide effective leadership to the American people after the attack at Pearl Harbor?
Extension	http://nhd.org/ Students will have the opportunity to utilize this inquiry as an approach to submitting a project for National History Day. This may provide an added incentive for students to take the next step with civic action following the inquiry.

Argument

Students will select one of the National History Day Entry formats and create a project that presents an argument, with claim and evidence, supporting the argument.

Extension

The National History Day website will provide examples of mediums that may be utilized to present a claim using evidence from the inquiry to answer the compelling question.

Taking Informed Action

Understand	Is surveillance of American phone/internet/email records necessary and appropriate in order to protect national security in the 21st century?
Assess	Design a social media campaign to raise awareness about the problem you identified.
Action	Students will create a social media campaign to try to convince Americans of their point of view, in an effort to spread awareness for a cause they believe in.

This will allow students to utilize 21st century technology and social media in a positive way to spread a message they believe in. Students will learn how to not only construct an argument and try to persuade others to support their cause, but will learn how to utilize social media effectively for positive gains as opposed to using it to send negative messages.

