

# Literacy and the Law

## Lesson Title: Lesson 5: Investigators at Work



**Context of the lesson within the project:** The fifth lesson involves students in the investigative portion of their work. Either through written materials provided from you or recommended websites (below), students collect the fact and details necessary for them to be able to analyze and then create solid arguments in a future lesson. **PowerPoint slides 12 -14**

### History Social Science Content Standards (applicable grade level standards)

**5.7.5** Discuss the meaning of the American creed that calls on citizens to safeguard the liberty of individual Americans within a unified nation, to respect the **rule of law**, and to preserve the Constitution.  
**8.2.2** Students analyze the political principles underling the U.S. Constitution and compare the enumerated and implied powers of the federal government.  
**11.7.5** Students analyze American’s participation in World War II. Discuss the constitutional issues and impact of events on the U.S. home front, including the internment of Japanese Americans (e.g., Fred Korematsu v. United States of America).

### Suggested K-12 Pathway for College, Career, and Civic Readiness Dimension 2, Participation and Deliberation.

**By the end of Grade 5: D2.Civ.9.3.5.** Use deliberative processes when making decisions or reaching judgments as a group.

**D2.Civ.10.3-5.** Identify the beliefs, experiences, perspectives, and values that underlie their own and others’ points of view about civic issues.

**By the end of Grade 8: D2.Civ.10-68.** Explain the relevance of personal interests and perspectives, civic virtues, and democratic principles when people address issues and problems in government and civil society.

**By the end of Grade 12: D2.Civ.10.9-12.** Analyze the impact and the appropriate roles of personal interests and perspectives on the application of civic virtues, democratic principles, constitutional rights, and human rights.

### Suggested K-12 Pathway for College, Career, and Civic Readiness Dimension 2, Processes, Rules, and Laws

**By the end of Grade 5: D2.Civ.14.3-5.** Illustrate historical and contemporary means of changing society.

**By the end of grade 8: D2.Civ.12.6-8.** Assess specific rules and laws (both actual and proposed) as means of addressing public problems.

**By the end of Grade 12: D2.Civ.10.9-12.** Analyze the impact and the appropriate roles of personal interests and perspectives on the application of civic virtues, democratic principles, constitutional rights, and human rights.

**D2.Civ.14.9-12.** Analyze historical, contemporary, and emerging means of changing societies, promoting the common good, and protecting rights.

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## College and Career Readiness Anchor Standards for Speaking and Listening K-12 \*

\*(See specific grade level CCSS within these subtitles that provide developmentally appropriate details)

### Comprehension and Collaboration

1. Prepare for and participate effectively in a range of conversations and collaborations with diverse partners, building on others' ideas and expressing their own clearly and persuasively.
3. Evaluate a speaker's point of view, reasoning, and use of evidence and rhetoric.

## College and Career Readiness Anchor Standards for Reading K-12

### Key Ideas and Details

1. Read closely to determine what the text says explicitly and to make logical inferences from it; cite specific textual evidence when writing or speaking to support conclusions drawn from the text.
2. Determine central ideas or themes of a text and analyze their development; summarize the key supporting details and ideas.
3. Analyze how and why individuals, events, and ideas develop and interact over the course of a text.

### Craft and Structure

4. Interpret words and phrases as they are used in a text, including determining technical, connotative, and figurative meanings, and analyze how specific word choices shape meaning or tone.

### Integration of Knowledge and Ideas

8. Delineate and evaluate the argument and specific claims in a text, including the validity of the reasoning as well as the relevance and sufficiency of the evidence.

### Theatre, Creative Expression

#### Creative Expression, Development of Theatrical Skills

- 2.1 Participate in improvisational activities to explore complex ideas and universal themes in literature and life.

### Essential Questions:

- What is justice?
- Is civil disobedience ever justified? Explain.
- Are the processes in place in democracy designed to "level" individual bias in the court system effective? Why or why not?
- In what ways do people react to race and differences between one another?
- Do citizens have responsibilities as well as rights? If so, do they have a responsibility to speak up about injustice? Explain.

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**Objective(s):**

Through research and reading (materials provided from Korematsu Institute or the websites mentioned), students will understand the history of the internment and understand the decision made by Fred Korematsu and the tension presented due to his decision and the actions of the U.S. Government.

Students will analyze and categorize and evaluate their findings from research, and organize these facts and details and concepts on a handout

**Assessment:** These objectives will be assessed through teacher observation of small and large group discussion, notes showing analysis and evaluation, interpretation of the investigation, and ability to see the tension between two sides of the case. Students will be assessed by their ability to verbalize and categorize abstract and concrete thoughts on paper.

<b>Quality Criteria:</b>	<b>Absolutely!</b>	<b>Almost</b>	<b>Not Yet</b>
<p><b>Through research and reading (materials provided from Korematsu Institute or the websites mentioned), students will write notes demonstrating their understanding of the history of the internment.</b></p> <p><b>Details will include facts about the decision made by Fred Korematsu and the tension presented due to his decision and the actions of the U.S. Government.</b></p> <p><b>Dialogue and written notes will reflect this understanding of reading and research.</b></p>			
<p><b>Student uses analysis and evaluation from their research findings, synthesizing with facts from the case and <u>seeing connection between the government's actions and this part of the 5<sup>th</sup> Amendment.</u></b></p>			

**Materials and Resources Needed:** PowerPoint slides 12-14, Handout: Investigation Guide, Handout: The 5<sup>th</sup> Amendment and Korematsu Case

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\*\*\*\* Download curriculum (free) Reading from Korematsu Institute, pages specifically recommended for these questions 34-38. There are materials for all grade levels that address the issues.

<http://korematsuinstitute.org/fredkorematuesday/curriculum/>

**Additional online resources:**

[http://www.oyez.org/cases/1940-1949/1944/1944\\_22](http://www.oyez.org/cases/1940-1949/1944/1944_22)

[http://www.pbs.org/wnet/supremecourt/personality/landmark\\_korematsu.html](http://www.pbs.org/wnet/supremecourt/personality/landmark_korematsu.html)

[http://www.streetlaw.org/en/landmark/cases/korematsu\\_v\\_united\\_states](http://www.streetlaw.org/en/landmark/cases/korematsu_v_united_states)

**Recommended books:** Fred Korematsu All American Hero, Chandler and Sunder, ISBN 978-1-61163-00-8, Carolina Academic Press, Durham, North Carolina [www.cap-press.com](http://www.cap-press.com), 919-489-7486

**Learning Activities:** (One to two 40 to 50 minute sessions)

(5-10 minutes)

**Hook: Review question: What is the 5<sup>th</sup> Amendment – at least the part of it that relates to the Korematsu case? Turn to a partner and discuss it. Share out. Prize: one of the accurate sharing out “teams” gets to wear the “founders wig”, “Patriots hat” and/or “Kings Crown” during this lesson.**

**Slide 12 and 13:**

(20 minutes or more if necessary)

Handout the Investigation Questions that begin on slide 12 and continue to slide 13 Together you have already answered the first question.

Have students read the questions in pairs, and then research using reading materials you have given them, and/or recommended websites above. Be sure they take notes with details for each question. Give them plenty of research and note-taking time for this. Hold a class discussion following the completion of these questions.

(20 minutes)

**Slide 14:** Following this research, discuss the questions on this slide:

*What would Korematsu’s lawyers argue based on the Fifth Amendment?*

*What would the government argue based on the Fifth Amendment?*

Have them turn to their “In Your Own Words” completed handout, to remind themselves of their understanding of this part of the 5<sup>th</sup> Amendment. After this analysis discuss the answers in small groups. And then share out with entire group and fill in a T-Chart, or use the *Analysis Handout* with students that look at both sides of the issue. Have students write notes in preparation for their argument writing.

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**Some examples of arguments in support of the legality and need for Executive Order 9066:** 5<sup>th</sup> Amendment: Exception in “time of war”, “military necessity”, “public danger”, claim of espionage and sabotage, government claimed there had been acts of espionage ...some even argued public danger to the Japanese due to the fear and hysteria. Other facts not dealing with the amendment: Public pressure, General DeWitt’s insistence.

**Some examples of arguments against the need for Executive Order 9066:** 5<sup>th</sup> amendment: the right of “life, liberty, and property”, due process not observed. Others found arguments in the 4<sup>th</sup> amendment, illegal search and seizure, right to a trial by jury. Korematsu was never questioned regarding his loyalty to the US. Claim that this is an over reaction and has to do with racial prejudice. Korematsu was an American citizen, born on American soil.

(1 minute)

**Closure:** They will be assigned clients soon, either representing the defendants, the government, or Fred Korematsu, the plaintiff; they must have strong facts and details to write their arguments to present in “court”.