

## CONSCIENCE AND THE CONSTITUTION: CLASSROOM GUIDE

The lessons in this section are meant to extend and reinforce the concepts presented in the ***Conscience and the Constitution*** video and Web site. Each lesson can be used in conjunction with the others, adapted as a stand-alone unit or blended into existing curricula. The lessons are written for middle and high school level instruction in United States history, civics, government, and other social sciences. Each lesson is aligned with the MCREL (Mid-Continent Research for Education and Learning, <http://www.mcrel.org/>) standards for Civics, Historical Understanding, US History and/or Working with Others.

Each lesson is tied to specific scenes and quotes from ***Conscience and the Constitution***. Tape counter numbers are given for start and stop points in the videocassette. Since individual VCRs differ, educators will want to preview the tape. Be sure the tape is rewound and the tape counter is set to zero. It is possible to store a series of tape counter start and stop points in the memory of newer remotes. It is also possible to view the entire program once through with your students, then go back to review specific spots and pause the tape for discussion.

***Conscience and the Constitution*** may be recorded off-air and used for a period of one year following broadcast or you can purchase the video through [www.resisters.com](http://www.resisters.com) or by calling 1-800-343-5540. For more information about PBS educational off-air recording rights, please visit <http://www.pbs.org/teachersource/>. We welcome your feedback on the lessons. Please give us your comments and ideas in of ***Conscience and the Constitution's*** Web site's Talkback area.

For more on the story, characters and timeline behind ***Conscience and the Constitution***, see [www.pbs.org/conscience/](http://www.pbs.org/conscience/).

### **Lesson One: Finding Your Opinion**

This introductory lesson is targeted for grades 8-11 and will familiarize students with the concepts of (1) making decisions as an individual and in a group; (2) open discussion/dissent/protest; (3) voting; and (4) majority rule/leadership voice.

### **Lesson Two: Rights of Citizens**

This introductory lesson is targeted for grades 6-11 and is designed to re-familiarize students with defining the rights of United States citizens and clarify what is a "right", as defined by law, and what are privileges or benefits. Students should already have knowledge of the Constitution and Bill of Rights. The **Extension Activity: Laws and "Rights"** students examine the Miranda Warning--is it a right? A law? Either? Neither?

### **Lesson Three: Compliance**

When does dissent take a back seat to the well-being of the community? Would you comply with what you feel are unjust acts of government in order to prove your loyalty? In this lesson, designed for grades 8-11, students will examine possible motives for complying with government actions, even if those actions seem unfair. In the **Extension Activity: "Benefits"?**, students can explore their reactions to complying with actions that seem unfair if there are direct benefits to them. Teachers will need a video copy of ***Conscience and the Constitution*** to fully utilize this lesson.

### **Lesson Four: Resistance**

When does an individual decide to resist--and what is the price of resistance? In this lesson, targeted for grades 8-11, students will examine their responses to actions they think are unfair. In the **Extension Activity: How Would You Answer?**, students will explore their answers to the questions resistance leaders Frank Emi was asked during his interrogation by the government in 1944. Teachers will need a video copy of ***Conscience and the Constitution*** to fully utilize this lesson.

### **Lesson Five: Who Writes History?**

Can our understanding of history change? Where there has been one dominant version or "master narrative," do new stories that emerge reshape that narrative? In this lesson, targeted for grades 10-12, students will examine the ways in which history is recorded and interpreted. In the **Extension Activity: Your History**, students can examine how their "history" might look if recorded by a variety of other people. Teachers will need a video copy of ***Conscience and the Constitution*** to fully utilize this lesson.

### **The MCREL Standards**

**LESSON ONE: FINDING YOUR OPINION**

This introductory lesson is targeted for grades 8-11 and will familiarize students with the concepts of (1) making decisions as an individual and in a group; (2) open discussion/dissent/protest; (3) voting; and (4) majority rule/leadership voice. This lesson is aligned with MCREL standards for Working with Others.

**Materials:** magazines/catalogs/newspapers with pictures of clothing, scissors, glue, tape.

**Procedure**

Several days before working with *Conscience and the Constitution*, ask students to split into groups--they have 15-30 minutes to pick photos to create the ensemble that they would NEVER wear and the ensemble they would wear. Students can create ensembles as a group, as a team, as individuals--whatever works for them to get the work done in the time allotted. (NOTE: Teachers may wish to sort through the print materials first to make sure that images are appropriate for their students. Teachers could also "pre-select" images and create packets.)

Put all the "I want to wear this..." images on one wall and all the "I would never wear this..." images on another wall. Take a few minutes to discuss each group of images and let students state their opinions on why one outfit is more desirable than another. After discussion, ask students to vote on which two or three outfits in each group are their "favorites".

Acknowledge each student's approach to the exercise (good large team worker, good partner, good at working independently) and ask them to name some of the skills they used in doing the exercise. (Decision making, compromise, voting, etc.)

If possible, keep all the outfits students have created up on the wall or otherwise in view while working on the viewing exercises. Students may take down their pictures or bring in others later--if this happens, make a note and add to future discussion as example of evolving opinion and thought.

**LESSON 2: RIGHTS OF CITIZENS**

This introductory lesson is targeted for grades 6-11 and is designed to re-familiarize students with defining the rights of United States citizens and clarify what is a "right", as defined by law, and what are privileges or benefits. Students should already have knowledge of the Constitution and Bill of Rights. The Extension Activity: Laws and "Rights" students examine the Miranda Warning--is it a right? A law? Either? Neither? This lesson is aligned with MCREL standards in Civics.

**Procedure**

What determines who and who is not a US citizen? (Fourteenth Amendment). Ask students to list what they feel are the rights of citizens--put all responses on the board. How are the rights of citizens determined?

After discussion, look over the list of "rights" on the board and ask students which of the items above are rights--as guaranteed by law--and which are privileges or benefits?

SAMPLE LIST

Healthcare  
Food  
Shelter  
Clothing  
Social Security  
School, job  
Say whatever you want  
Voting  
Protest, riot  
Gun possession  
Aryan Nation parade  
Trial, lawyer  
Income tax  
Voting and voting age

**Extension Activity: Laws and "Rights"**

The differences between a "law," and a "right" are not always clear. When many students hear the word "rights," they think of the Miranda Warning. Ask students if they can finish this statement--"You have the right..." (Most students can paraphrase the Miranda Warning.)

The Miranda Warning

*You have the right to remain silent.*

*Anything you say can and will be used against you in a court of law.*

*You have the right to speak to an attorney, and to have an attorney present during any questioning.*

*If you cannot afford a lawyer, one will be provided for you at government expense.*

Ask students: is the Miranda Warning a law? Is an arrest illegal if the police neglect to read the Miranda rights to the suspect?

Many people think the Miranda Warning is a law and is mandatory. However, police must recite Miranda rights only when they are about to interrogate a suspect. Miranda rights are protection against self-incrimination only, not against being arrested. You always have the right to refuse to answer any questions, as guaranteed by the Fifth Amendment. (<http://www.courtTV.com/legalhelp/lawguide/criminal/91.html>)

**LESSON THREE: COMPLIANCE**

When does dissent take a back seat to the well-being of the community? Would you comply with what you feel are unjust acts of government in order to prove your loyalty? In this lesson, designed for grades 8-11, students will examine possible motives for complying with government actions, even if those actions seem unfair. In the Extension Activity: "Benefits"? students can explore their reactions to complying with actions that seem unfair if there are direct benefits to them. This lesson is aligned with the MCREL Standards in Civics, Historical Understanding and US History. Teachers will need a video copy of **Conscience and the Constitution** to fully utilize this lesson.

It's been called the "dirty underside of loyalty" -- the actions of Japanese American leaders to inform on the Issei, urge creation of suicide battalions, advocate the segregation of "troublemakers," and more. For more on Compliance, see [www.pbs.org/conscience/compliance/](http://www.pbs.org/conscience/compliance/).

**Procedure**

*Start tape at **05:30, or 5 minutes and 30 seconds from the start of the tape.** You will see a family being handed numbered tags--you will hear, "First they were tagged with numbers, and held at temporary detention centers ... most no more than horse stalls at the local racetrack. (**07:20**)....they cooperated and now they were prisoners..." Clip ends at **08:24.** You will see a photo of people at a meeting saluting an American flag and hear "Why didn't they resist?"*

Ask students for their opinions on why most people didn't resist. Write their opinions on the board and save for review after doing the following exercise.

(1)

Ask students to return to the outfits they created in the pre-viewing exercise. Ask students to vote on the outfit that they would never wear. Then ask them to imagine that this will be the mandatory school uniform for the rest of the year. To NOT wear it means not only expulsion from school, but also a permanent mark as a "troublemaker", which will effectively bar them from getting a job or a line of credit. What would their actions be? Would they cooperate and wear the uniform?

Some possible responses:

- Wear the uniform with no complaints.
- Wear the uniform, but protest publicly.
- Not wear the uniform and find another way to complete their education.
- Not wear the uniform and drop out of school.

Review student responses--is there a clear majority for one or two responses? Compare and contrast with student opinions about why most Japanese Americans didn't resist going to the camps. Remind students that there is no one "right" answer, but that each decision they make has consequences. Which consequences are they willing to shoulder?

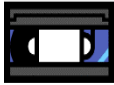
**Extension Activity: "Benefits"**

Would students consider wearing the uniform if there were additional benefits--for instance, a new car once they had their driver's license, or free tuition for the first year of college?

**LESSON FOUR: RESISTANCE**

When does an individual decide to resist--and what is the price of resistance? In this lesson, targeted for grades 8-11, students will examine their responses to actions they think are unfair. In the Extension Activity: How Would You Answer?, students will explore their answers to the questions resistance leaders Frank Emi was asked during his interrogation by the government in 1944. The lessons are aligned with the MCREL Standards in Civics, Historical Understanding, US History and Working with Others. Teachers will need a video copy of **Conscience and the Constitution** to fully utilize this lesson.

The government, the JACL, and even the ACLU joined to suppress the growing draft resistance at Heart Mountain. It took interrogations, public denunciations and finally arrests to break the movement. For more on resistance, see [www.pbs.org/conscience/resistance/](http://www.pbs.org/conscience/resistance/).

**Procedure**

*Start tape at beginning and play until you see a photo of a young Mits Koshiyama in a high school letterman's jacket (00:40) and you hear him say: "Somewhere down the line when you get pushed back so far, someplace down the line you have to take a stand someplace."*

Ask students to think about what their personal limits would be--how far could they be pushed before they felt the need to take a stand?

*Start tape and view until you see Yosh Kuromiya standing in the doorway of a Heart Mountain barrack (02:45) and hear him say: "This was a concentration camp. They wanted to draft me. I thought this was wrong."*

Ask students why Yosh felt a conflict between being incarcerated and being involuntarily drafted into in the US military. Do they think Yosh would have felt differently about serving if he had been a free man?

(1)

Ask students to return to the outfits they created in the pre-viewing exercise. Ask students to vote on the outfit that they would never wear. Then ask them to imagine two scenarios:

1. The students in school have voted to make this the mandatory school uniform for the rest of the year.
2. The school district has decided to make the uniforms mandatory, but haven't consulted the students, teachers, administrators or parents.

To NOT wear the uniform means not only expulsion from school, but a permanent mark as a "troublemaker", which will effectively bar them from getting a job or a line of credit. What would their actions be? Would they cooperate and wear the uniform?

Some possible responses:

- Wear the uniform with no complaints.
- Wear the uniform, but protest publicly. (To whom would students protest?)
- Not wear the uniform and find another way to complete their education.
- Not wear the uniform and drop out of school.

Review student responses--is there a clear majority for one or two responses? Compare and contrast with student opinions about why most Japanese Americans didn't resist going to the camps.

What are the student rights in this situation? Is there a formal review process? (i.e.: meeting with the principal, presenting to the school board, etc.) If they decide to march in protest, what do they need to do? (Do they need to get a permit? Will they need police escort?)

Ask students to discuss how they feel about themselves in group situations if they feel their principles have been compromised: do they tend to take stand immediately, regardless of what the people around them are doing? Do they look for others who feel the same way and band together to take a stand? Do they investigate the possible consequences first, then formulate a stand?

Remind students that there is no one "right" answer, but that each decision they make has consequences. Which consequences are they willing to shoulder?



To see the outcome of the actions of the resisters, fast forward the tape to the halfway point of the show where you see a sunrise over the Heart Mountain camp and hear, "The arrests began at dawn." (30:25) Play video until you see four people sitting at a restaurant table and hear, "And they did this because they really felt that what they were doing was correct." (49:05)

### Extension Activity: How Would You Answer ?

Following are questions resistance leader Frank Emi was asked during his interrogation in 1944. The interrogators were the camp director, Guy Robertson and Relocation Officer W.J Carroll. Ask students to formulate their answers to the questions. When they're done, compare student answers to those given by Frank Emi.

CARROLL: Is [an] interpretation of loyal American citizen mean that they should not answer their draft call?

EMI: No. I think every loyal American citizen should protect and uphold the Constitution and the Bill of Rights.

CARROLL: What if I handed you your draft notice right now...would you go or wouldn't you go?

EMI: I would go just as soon as my status and rights are clarified.

CARROLL: How can you declare you are a loyal American citizen, then?

EMI: Taking the stand I just told you, I believe that by doing that I am helping toward the rectification of the unconstitutional acts the government has committed.

ROBERTSON: Let me ask you a few straight questions, then as far as I am concerned this hearing is closed. Do you consider yourself a loyal American citizen?

EMI: Yes.

ROBERTSON: Are you willing to defend the United States against any foreign power?

EMI: Yes.

### LESSON FIVE: WHO WRITES HISTORY?

Can our understanding of history change? Where there has been one dominant version or "master narrative," do new stories that emerge reshape that narrative? In this lesson, targeted for grades 10-12, students will examine the ways in which history is recorded and interpreted. In the Extension Activity: Your History, students can examine how their "history" might look if recorded by a variety of other people. This lesson is aligned with the MCREL Standards in Civics, Historical Understanding and US History. Teachers will need a video copy of **Conscience and the Constitution** to fully utilize this lesson.

The rediscovery of wartime resistance changes the way we look at the Japanese American response to incarceration. For more on "Who Writes History," see [www.pbs.org/conscience/who\\_writes\\_history/](http://www.pbs.org/conscience/who_writes_history/).

### Procedure



Start tape at 49:18. You will hear Mike Masaoka, the wartime leader of the Japanese American Citizens League, say, "... and all the historians in their ivory towers who were never there! Or people who want to write scenarios for books and scripts for plays! They weren't there. We were.";

...immediately followed by historian Roger Daniels (49:40) who says, "It's very important who writes history. History is usually written by the winners, and in the short term the JACL people, or people who believe in that point of view, the people who wanted to improve the image of the Japanese American people, in the short run they controlled the history. That's obviously no longer the case." Stop tape.

(1)

Ask students:

- Do you need to witness an event in order to understand it?
- If you want to understand an event that you did not witness, how would you go about finding information and different points of view about the event? (i.e. from older people, younger people, men, women, children...)?
- How does the rediscovery of an organized resistance movement in the camps change the way we view the history of that period?
- Would you get a more "accurate" description of an event if many people were involved?



Start tape at about **49:05** when you see a portrait of Mike Masaoka and hear the narrator say: "To his death Mike Masaoka characterized the draft resisters as – quote – 'a relatively small number of dissidents' – and insisted the true heroes were the 26,000 Nisei soldiers."

(2)

There were about 315 resisters in all the camps compared to 26,000 Nisei soldiers. The actions of the resisters have been dismissed as the actions of a tiny minority. Do numbers matter? Would you take an unpopular stand if you thought you would be in the minority? Does an unpopular stand ever become popular?

(3)

A national protest emerged over the inclusion of a statement from Mike Masaoka on the national Japanese American Memorial to Patriotism in Washington, D.C., which was dedicated on November 9, 2000 (*for more on the Memorial see [www.njamf.org](http://www.njamf.org) and for more on the opposition to it see [www.javoice.com](http://www.javoice.com)*).

Inscription	Comment
<p>"I am proud that I am an American of Japanese ancestry. I believe in this nation's institutions, ideals and traditions; I glory in her heritage; I boast of her history; I trust in her future."</p> <p>Mike M. Masaoka Civil Rights Advocate, Staff Sergeant, 442nd Regimental Combat Team</p>	<p>"In my studies and teaching, Mike Masaoka does not emerge in history as a 'civil rights leader' during World War II. To the contrary, by the facts of his words and actions, he strikes students as being one who acted against civil rights."</p> <p>Stephen H. Sumida University of Washington, Professor of American Ethnic Studies</p>

Ask students:

- Does Masaoka's quote reflect the feelings of other Japanese Americans who lived through the war? Does it reflect the feelings of Frank Emi and the Heart Mountain resisters? If you had lived through that experience, would it reflect your feelings?
- Would you consider Masaoka a controversial figure even today?

### Extension: Your History

Ask students what they think their biography--their "history"--would look like if written by: (1) their parents; (2) their friends; (3) their teachers; or (4) themselves--autobiography. Would any one of the "histories" be accurate?

## MCREL STANDARDS

### CIVICS

<http://www.mcrel.org/compendium/Standard.asp?SubjectID=14>

*What is Government and What Should it Do?*

Standard 3: understands the sources, purposes, and functions of law, and the importance of the rule of law for the protection of individual rights and the common good

Level 3 (Grade 6-8)

1. Understands the difference between the "rule of law" and the "rule of men" (e.g., government decisions and actions made according to established laws vs. arbitrary action or decree)
2. Understands how and why the rule of law can be used to restrict the actions of private citizens and government officials

*What are the Roles of the Citizen in American Democracy?*

Standard 25: understands issues regarding personal, political, and economic rights

1. Knows what constitutes personal rights (e.g., freedom of conscience...to live where one chooses, to travel freely...)

Level 3 (Grade 6-8)

3. Knows what constitutes political rights (e.g., the right to vote, petition, assembly, freedom of press), and knows the major documentary sources of political rights...

4. Understands the importance to individuals and society of such political rights as... the freedom of speech, press, assembly, and petition

### **HISTORICAL UNDERSTANDING**

<http://www.mcrel.org/compendium/Standard.asp?SubjectID=3>

Standard 2: understands the historical perspective.

#### Level 3 (Grade 7-8)

1. Understands that specific individuals and the values those individuals held had an impact on history
2. Analyzes the influence specific ideas and beliefs had on a period of history
4. Analyzes the effects specific decisions had on history
5. Understands that historical accounts are subject to change based on newly uncovered records and interpretations

#### Level 4 (Grade 9-12)

The benchmarks above and:

5. Understands that the consequences of human intentions are influenced by the means of carrying them out.

### **US HISTORY**

<http://www.mcrel.org/compendium/Standard.asp?SubjectID=5>

*Era 8 - The Great Depression and World War II (1929-1945)*

Standard 25: understands the causes and course of World War II, the character of the war at home and abroad, and its reshaping of the U.S. role in world affairs.

#### Level 3 (Grade 7-8)

8. Understands how minority groups were affected by World War II (e.g., how minority groups organized to gain access to wartime jobs and discrimination they faced, factors that led to the internment of Japanese Americans)

#### Level 4 (Grade 9-12)

4. Understands how World War II influenced the home front (e.g., the impact on science, medicine, and technology; how Americans viewed their achievements and global responsibilities at the war's end; how minorities contributed to the war effort and the contradiction between their treatment at home and the goals that they were fighting for in Europe; the effects of the relocation centers on Japanese American families)

### **WORKING WITH OTHERS STANDARDS**

<http://www.mcrel.org/compendium/Standard.asp?SubjectID=22>

Standard 1: Contributes to the overall effort of a group

1. Challenges practices in a group that are not working
2. Demonstrates respect for others in the group
3. Identifies and uses the strengths of others
4. Takes initiative when needed
5. Identifies and deals with causes of conflict in a group
6. Helps the group establish goals
7. Engages in active listening
8. Takes the initiative in interacting with others
9. Evaluates the overall progress of a group toward a goal
10. Keeps requests simple
11. Contributes to the development of a supportive climate in groups

About the author:

**Ti Locke** is a certified teacher, served as outreach trainer for "Bill Nye the Science Guy" and has developed numerous curriculum guides for PBS-affiliated projects. She currently works with KCTS-TV, the PBS affiliate in Seattle, Washington.