

Lesson 2: Promises Denied

OVERVIEW

When the Constitution was written in 1787, many Americans were not ready to live up to the idea from the Declaration of Independence, “that all men are created equal...” An important part of the story of United States history is the struggle that all Americans have had to live up to the idea “that all men are created equal.” Native Americans, African Americans, immigrants from around the world, and women have fought to be considered “equals” in fact, as well as by law. Despite the struggles and successes of the past, groups of Americans continue to struggle to be recognized as equals.

This lesson is designed for one 90-minute period or two 45-minute periods.

OBJECTIVES

- Students will compare content of United States legislation and other primary source documents, such as photographs and drawings, to the rights guaranteed by the Constitution.
- Students will think critically about pieces of legislation enacted throughout United States history that have denied or limited Constitutional rights.

GUIDING QUESTIONS

How have rights been denied to groups (citizens, legal aliens, and illegal aliens) throughout U.S. History?

What conditions have led to these rights violations?

STANDARDS/Frameworks

TCC 1.1, 2.4

PAG 1.2, 1.3, 1.4

SSPS 1.1, 1.3

MATERIALS

Textbooks containing the Constitution and amendments

Copies of documents found on the CD-ROM as well as on the following websites (one copy for each student group) - **note that excerpted, shorter versions of these documents are reproduced following this lesson plan.** Each student should have one document set to read.

Document Set 1: Indian Removal Act of 1830, Andrew Jackson speech on Indian Removal, and Baillie print on the Second Seminole War

http://www.civics-online.org/library/formatted/texts/indian_act.html

<http://www.pbs.org/weta/thewest/resources/archives/two/removal.html>

Document Set 2: Chinese Exclusion Act of 1882 & *Harper's Weekly* cartoon

<http://www.ourdocuments.gov/doc.php?flash=true&doc=47&page=transcript>

Document Set 3: Jim Crow Laws from Ohio and Arkansas, *Harper's Weekly* cartoon, and Russell Lee photograph

[http://memory.loc.gov/cgi-bin/query/r?ammem/murray:@field\(DOCID+@lit\(lcrbmrpt0d06div26\)\)](http://memory.loc.gov/cgi-bin/query/r?ammem/murray:@field(DOCID+@lit(lcrbmrpt0d06div26)))

Document Set 4: Alien Labor Act and photograph

Executive Order 9066 (1 copy per student or copy on overhead transparency)

<http://www.ourdocuments.gov/doc.php?doc=74&page=transcript>

Franklin Delano Roosevelt's "Day of Infamy" Speech (1 copy per student or copy on overhead transparency)

<http://www.ukans.edu/carrie/docs/texts/fdr81241.htm>

Textbooks with information on the Japanese attack on Pearl Harbor and the reaction of Americans and the United States government and/or documentary film *Time of Fear*

Student Activity Sheets (1 per student):

Constitutional Rights and United States Legislation

Constitutional Rights and Executive Order 9066

BACKGROUND

The first part of this lesson is based around state and national legislation that has denied the promises of the Constitution to various groups in U.S. history. The four document sets focus on different groups: Native Americans, Chinese immigrants, African Americans, and Hispanic immigrants and Hispanic Americans. The second part of the lesson compares these pieces of legislation and the discrimination faced by these groups to Executive Order 9066 and the treatment of Japanese Americans during World War II.

The Indian Removal Act, passed in 1830 during Andrew Jackson's presidency. It authorized the president to transfer remaining Eastern Indian tribes to the western territories promised (falsely) "in perpetuity". Some tribes, such as the Seminole, fought government troops which were brought in to force their removal. Others, such as the Cherokee, fought the action in the court system. The actual relocation culminated in the 1838 "Trail of Tears" forced march, one of the most shameful occurrences in the history of federal domestic policy.

Opposition to Chinese immigrants and their children grew in the second half of the nineteenth century. Chinese workers had immigrated to the United States to find better paying jobs, and many worked on the transcontinental railroad and in industrial jobs, where they were often paid two-thirds the salary of their white counterparts. The U.S. Congress passed the Chinese Exclusion Act in 1882. It excluded any additional Chinese laborers from entering the United States for ten years, but did allow some students, merchants, and government officials into the country under strict guidelines. Chinese immigrants were not allowed to naturalize and apply for citizenship. The provisions of the Chinese Exclusion Act were renewed again in 1892 (Geary Act), and it remained the law of the land until World War II.

Many states in the northern and southern United States enacted Jim Crow laws in the late 19th century. These pieces of legislation were actions that deprived African Americans of their constitutional civil rights by defining them as a separate and inferior class of people. More background on these laws is presented at a helpful website, <http://www.jimcrowhistory.org>. African Americans were also routinely discriminated against by a failure to uphold the promises of the Constitution in Supreme Court cases like *Plessy v. Ferguson*, which set the precedent that “separate but equal” facilities were acceptable.

Mexican immigrants, Mexican Americans, and other Americans and immigrants of Hispanic descent have also been discriminated against, in both legislation and judicial interpretation of the Constitution, throughout U.S. history. After the conclusion of the Mexican American War in 1848, the Treaty of Guadalupe Hidalgo gave citizens of the territory lost to the United States (in present day Texas, Arizona, New Mexico, Utah, Colorado, and California) a choice of whether to move south to Mexico or to become citizens of the United States. Those who could show clear title to their land could keep it, but many were forced off their property during the period of westward expansion in the late 19th century. The California Anti-Vagrancy Act of 1855 is an example of racist attitudes towards Mexican Americans and Mexican immigrants in the period following U.S. conquest of California. Lynchings of Mexicans and Mexican Americans were very common in the southwest during the period from 1880-1920. The California Alien Labor Law of 1931 is an example of legislation that prohibited immigrants (in this case, the target was specifically Mexican immigrants who moved north in large numbers during the Mexican Revolution of 1910-1920) from working in government-funded jobs, even those completed by private companies. Repatriation drives to force Mexican immigrants and Mexican Americans to return to Mexico during the Great Depression were also common in the Southwest.

TIMELINE: CIVIL RIGHTS IN THE UNITED STATES

Year:	Event:	Group Helped or Harmed:
1795	Alien and Sedition Acts	Anti-Federalists
1830	Indian Removal Act of 1830	American Indians
1870-1900s	Jim Crow Laws	African Americans
1882	Chinese Exclusion Act	Chinese Americans
1886	Dawes Act	American Indians
1870	14 th and 15 th Amendments	African Americans
1920	19 th Amendment	Women
1921	Immigration Quota Act	Immigrants
1924	Quota Act of 1924	Immigrants
1942	Executive Order 9066	Japanese Americans
1952	Walter-McCarran Act	Asian Americans
1954	Army-McCarthy Hearings	Communists, socialists
1964	Civil Rights Act of 1964	African Americans

OPENING

Ask students to brainstorm times in U.S. history in which groups of citizens and non-citizens have been denied their constitutional rights (reviewed in lesson 1 of this unit). Prompt them, if necessary, by listing some of the groups on the timeline of civil rights from the teacher background information. Bring the discussion into the present by brainstorming with students about the reactions of Americans to the terrorist attacks in New York, Washington, D.C., and Pennsylvania on September 11, 2001. How did students react? How did their families react? Were any Americans denied their constitutional rights as a result of the September 11 attacks? Then, continue to ask them about the reactions of the larger American public as well as that of the U.S. government.

ACTIVITIES

(Day 1 for 45-minute class periods)

1. Divide students into groups and explain that each group will be responsible for analyzing one of four document sets: Indian Removal Act of 1830, Chinese Exclusion Act of 1882, Jim Crow Laws, and the Alien Labor Act. Distribute copies of the document sets to each group. (Alternately, this activity could be completed individually by students and discussed as a large class).

2. Students should read the primary source documents and discuss the questions at the end of each set. Note: the legislation, even in excerpted form, is challenging reading. Teachers may help students by reading (or having students read) a section aloud, then having students paraphrase it.

3. Have groups complete the student activity sheet entitled, “Constitutional Rights and United States Legislation” to determine which specific rights, guaranteed by the Constitution and amendments, were denied or limited by one of these laws. Have student groups report back to class their findings about the constitutional rights that were denied or limited by these laws. Discuss the questions at the bottom of the activity sheet as a class.

4. Ask students to consider the widely varying time span over which rights have been denied to groups and speculate as to what conditions led to the denial of rights by state or national governments

(Day 2 for 45-minute class periods)

1. Have students use their textbooks to look up information about the attack on Pearl Harbor or view the documentary film, *Time of Fear* from 5:30 to 17:05 (set counter to 0:00 at the opening screen). Write the question, “How did the United States government and population react to the attack on Pearl Harbor?” on the chalkboard or overhead projector. After students collect information, have them write responses on their paper or on the board.

2. Distribute copies of Executive Order 9066 or copy the order on to an overhead transparency. Read the document together with students. As you read, have students underline or highlight statements in the document that they think might be violations of the rights

guaranteed in the Constitution, its amendments, and the Declaration of Independence. After reading through Executive Order 9066, have students search through the documents to find evidence that these rights denied by Executive Order 9066 are, indeed, guaranteed by our founding documents.

3. Have students, in groups, pairs, or individually, or as an entire class, complete the Student Activity Sheet entitled “Constitutional Rights and Executive Order 9066” to determine which specific rights, guaranteed by the Constitution, the Bill of Rights, or additional amendments, were denied or limited by E.O. 9066. Discuss answers as a class, and then discuss the questions at the bottom of the student activity sheet and the constitutional issues brought out by student analysis. Add any needed information not brought out in student discussion groups.

4. If time permits, read the “Day of Infamy” speech (excerpts reproduced following this lesson; entire speech available on CD-ROM) and discuss the tone and feeling of the speech. Ask students how it relates to Executive Order 9066. Compare this with President Bush’s remarks on September 20, 2001, following the 9/11 attacks.

“I ask you to uphold the values of America, and remember why so many have come here. We are in a fight for our principles, and our first responsibility is to live by them. No one should be singled out for unfair treatment or unkind words because of their ethnic background or religious faith.” (full text of the speech is available at <http://www.whitehouse.gov/news/releases/2001/09/20010920-8.html>)

Ask students why they think Franklin Roosevelt said, “The people of the United States have already formed their opinions and well understand the implications to the very life and safety of our nation.” Why did he not want open debate or discussion about his response in Executive Order 9066? Teachers may want to explain to students that the Federal Commission on Wartime Relocation and Internment of Civilians (CWRIC) concluded in 1983 that the reasons for the WWII incarceration of Japanese Americans were race prejudice, war hysteria, and a failure of political leadership. Compare these reasons to the conditions that led to denial of rights in the legislation studied in the first part of this lesson.

CONCLUSION

Conclude the lesson by returning to the opening question about the effects of September 11, 2001 on the United States. Compare and contrast with the effects of WWII on the United States, particularly with respect to civil liberties.

EXTENSIONS AND/OR HOMEWORK

Students can complete a writing assignment for homework on the lesson’s guiding questions, “How have rights been denied to individuals or groups throughout U.S. History?” and “What conditions led to these rights violations?” Alternately, students can discuss these questions and come to a consensus about these issues.

LESSON 2: PROMISES DENIED

DOCUMENT SET 1: THE INDIAN REMOVAL ACT OF 1830 (EXCERPTS)

CHAP. CXLVIII.—An Act to provide for an exchange of lands with the Indians residing in any of the states or territories, and for their removal west of the river Mississippi.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That it shall...be lawful for the President of the United States to cause...any territory belonging to the United States, west of the river Mississippi, not included in any state or organized territory...to be divided into a suitable number of districts, for the...nations of Indians as may choose to exchange the lands where they now reside, and remove there...

SEC. 2. And be it further enacted, That it shall...be lawful for the President to exchange any or all of such districts...with any tribe or nation within the limits of any of the states or territories, and with which the United States have existing treaties...

SEC. 3. And be it further enacted, That in the making of any such exchange or exchanges, it shall and may be lawful for the President solemnly to assure the tribe or nation with which the exchange is made, that the United States will forever secure and guaranty to them, and their heirs or successors... Provided always, That such lands shall revert to the United States, if the Indians become extinct, or abandon the same...

SEC. 5. And be it further enacted, That upon the making of any such exchange as is contemplated by this act, it shall and may be lawful for the President to cause such aid and assistance to be furnished to the emigrants as may be necessary and proper to enable them to remove to, and settle in, the country for which they may have exchanged; and also, to give them such aid and assistance...for the first year after their removal.

SEC. 6. And be it further enacted, That it shall and may be lawful for the President to cause such tribe or nation to be protected, at their new residence, against all interruption or disturbance from any other tribe or nation of Indians, or from any other person or persons whatever.

SEC. 7. And be it further enacted, That it shall and may be lawful for the President to have the same superintendence and care over any tribe or nation in the country to which they may remove...that he is now authorized to have over them at their present places of residence.

Full text of document available at http://www.civics-online.org/library/formatted/texts/indian_act.html

LESSON 2: PROMISES DENIED

DOCUMENT SET 1: ANDREW JACKSON'S SPEECH TO CONGRESS (EXCERPTS)

DECEMBER 7, 1835

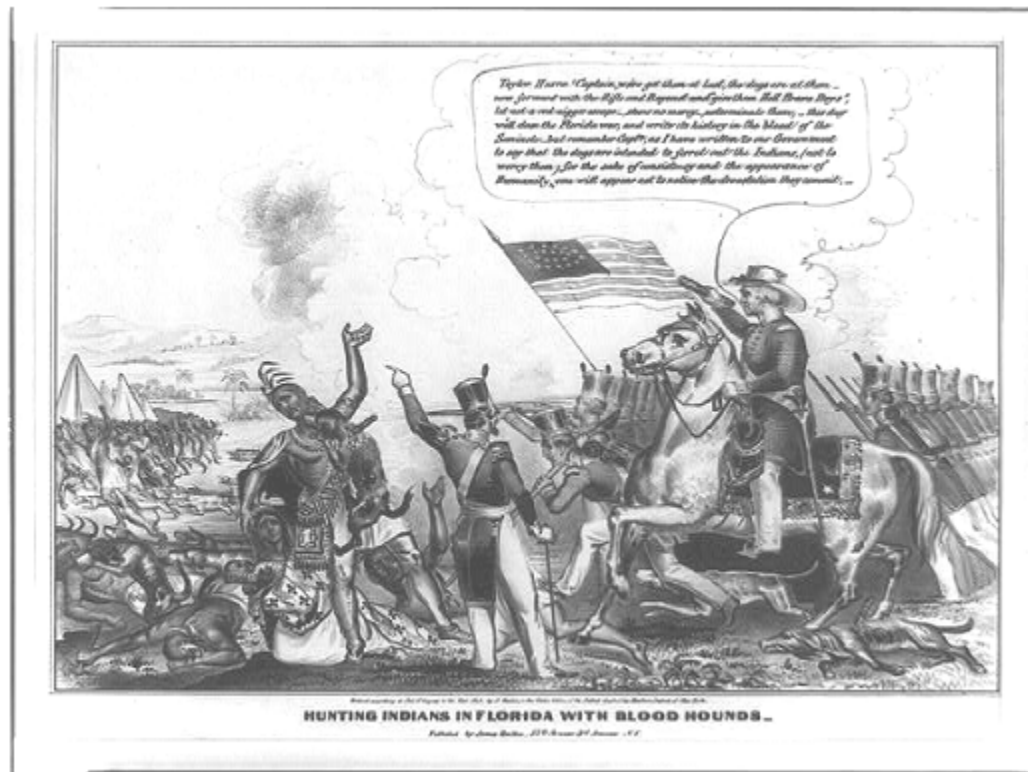
The plan of removing the aboriginal people who yet remain within the settled parts of the United States to the country west of the Mississippi River approaches its consummation. It was adopted on the most mature consideration of the conditions of this race, and ought to be persisted in till the object is accomplished, and prosecuted with as much vigor as a just regard to their circumstances will permit...All preceding experiments for the improvement of the Indians have failed. It seems now to be an established fact that they cannot live in contact with a civilized community and prosper...

The plan for their removal and reestablishment is founded upon the knowledge we have gained of their character and habits, and has been dictated by a spirit of liberality....

The necessary measures for their political advancement and for their separation from our citizens have not been neglected. The pledge of the United States has been given by Congress that the country destined for the residence of this people shall be forever "secured and guaranteed to them." A country west of Missouri and Arkansas has been assigned to them, into which the white settlements are not pushed...A barrier has thus been raised for their protection against encroachment of our citizens, and guarding the Indians as far as possible from evils which have brought them to their present condition...

(A more lengthy text of this speech is available online at <http://www.pbs.org/weta/thewest/resources/archives/two/removal.html>)

LESSON 2: PROMISES DENIED
DOCUMENT SET 1: INDIAN REMOVAL



*Hunting Indians in Florida with blood hounds, 1848, published by James Baillie
Library of Congress Prints and Photographs Division, LC-USZ62-89725*

Above: A tableau dramatizing the brutal tactics employed by Zachary Taylor as commander of U.S. forces against the Seminole Indians during the Second Seminole War (1835-42). Most Seminoles refused to give up their lands and move west as required by the Indian Removal Act, and the U.S. government under President Andrew Jackson responded by sending the military to force the Seminoles to surrender.

Questions to think about:

1. Why did Congress pass a law to forcibly remove Native Americans who were living east of the Mississippi River?
2. How do you think Congress justified this action?
3. Why did President Jackson support the removal of Native Americans from their lands?
4. How does the drawing differ from the legislation and Andrew Jackson's speech?

You may want to look in your textbook, other books, or on the Internet to find a map showing the lands that were taken away from Native Americans with the Indian Removal Act.

LESSON 2 : PROMISES DENIED

DOCUMENT SET 2: CHINESE EXCLUSION ACT, 1882 (EXCERPTS)

An Act to execute certain treaty stipulations relating to Chinese.

Whereas in the opinion of the Government of the United States the coming of Chinese laborers to this country endangers the good order of certain localities within the territory thereof: Therefore, *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That...until the expiration of ten years next after the passage of this act, the coming of Chinese laborers to the United States be...suspended; and during such suspension it shall not be lawful for any Chinese laborer to come, or having so come after the expiration of said ninety days to remain within the United States.

SEC. 2. That the master of any vessel who shall knowingly bring within the United States on such vessel, and land or permit to be landed, any Chinese laborer, from any foreign port or place, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than five hundred dollars for each and every such Chinese laborer so brought, and maybe also imprisoned for a term not exceeding one year....

SEC. 6. That in order to the faithful execution of articles one and two of the treaty in this act before mentioned, every Chinese person other than a laborer who may be entitled...to come within the United States...shall be identified as so entitled by the Chinese Government in each case...stating such right to come, and which certificate shall state the name, title or official rank, if any, the age, height, and all physical peculiarities, former and present occupation or profession, and place of residence in China of the person to whom the certificate is issued...

SEC.7. That any person who shall knowingly and falsely alter or substitute any name for the name written in such certificate or forge any such certificate, or knowingly utter any forged or fraudulent certificate, or falsely personate any person named in any such certificate, shall be deemed guilty of a misdemeanor; and upon conviction thereof shall be fined in a sum not exceeding one thousand dollars, and imprisoned in a penitentiary for a term of not more than five years....

SEC. 12. That no Chinese person shall be permitted to enter the United States by land without producing to the proper officer of customs the certificate in this act required of Chinese persons seeking to land from a vessel. And any Chinese person found unlawfully within the United States shall be caused to be removed therefrom to the country from whence he came...

SEC.13. That this act shall not apply to diplomatic and other officers of the Chinese Government traveling upon the business of that government, whose credentials shall be taken as equivalent to the certificate in this act mentioned, and shall exempt them and their body and household servants from the provisions of this act as to other Chinese persons.

SEC. 14. That hereafter no State court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed.

SEC.15. That the words "Chinese laborers", wherever used in this act shall be construed to mean both skilled and unskilled laborers and Chinese employed in mining.

Approved, May 6, 1882.

Full text of the Chinese Exclusion Act available at <http://www.ourdocuments.gov/doc.php?doc=47&page=transcript>