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TRAIL

Iwanaga: If the court please, before we proceed with the case,

I I would like to change the plea in this case. In doing so, I would like to have the matter heard in the court chamber.

Graves: It is agreeable to the prosecution.

Iwanaga: We have placed trust in the court in administering justice to the people in our center and we know that the sentence will not be more than necessary. After going over this case with the defendant, there may be some extenuating circumstances in the charge but there are certain elements in the case which I believe the defendant may have been guilty of. For that reason I request a change in plea and request that the matter be discussed in chamber.

Iwasaki: Is this proposition suggested by the defendant's counsel agreeable with the prosecution?

Graves: It is quite agreeable as I discussed it with Mr. Iwanaga and it was agreed to at that time, that if the defendant wanted to change his plea he could, but may I suggest that the defendant be interviewed. I mean that with respect for the defense counsel.

Iwasaki: It appears to the court that it is agreeable with both parties concerned. It will be perfectly satisfactory with the court. I believe that as long as counsel for the defendant wishes to change the plea, I do not believe that any further indication need be given by him. I believe that this court will accept the change of plea. In that satisfactory with the prosecution?

Graves: Yes.

Iwasaki: Have you any further remarks you wish to make?

Iwanaga: There is another motion I would like to make. The case of Motonaga and Matsumoto which are to be heard on the second day of February, I would like to have their trial advanced to this day so that I can make a motion on that,

Iwasaki: Before I take that motion, has the defendant any remark to make before any sentence is pronounced?

Iwanaga: Will the sentence be announced in open court?

Iwasaki: The sentence will be announced in open court within twenty-four hours, according to the constitution.

Iwanaga: If the court will permit that the matter be heard in chambers, I would like the court to do so. There are certain facts I would like to mention so that the court and Internal Security may hear.

Iwasaki: Very well, this will be heard in chambers. Is it agreeable with the prosecution to hear the case in connection with maintaining a public nuisance that was to be held a week from today, today? Is it satisfactory with the prosecution?

Graves: Yes.

Iwasaki: Is this motion by the defendant agreeable with the prosecution. Is it agreeable?

Graves: Yes.

Iwasaki: The motion is granted. The first case will be heard in chambers immediately and in the meantime, we will, that is following the first hearing, we will proceed with the second hearing. The people concerned will go into chambers. In that case, the court will proceed accordingly and the session is for the time being adjourned until we have this matter heard. That is all.

2:22 P.M.

Masaichi Yamaguchi
Case #B-591, #B-592

IN CHAMBER

TIME: 2:23

Iwasaki: Will the prosecution read the facts.

Graves: With the court's agreement, I will present the facts. The defendant before you, Mr. Masaichi Yamaguchi, is charged with and has entered a plea of guilty to Assault and Battery on two counts. This offense occurred on December 31, 1943, or I might add that one of the offenses was right after midnight on January 1, 12:30 A.M. to be exact, at the home of Mrs. Mary Matsumoto. She, with two young ladies that stay there in her apartment, Miss Kayoko and Miss Yuri Hashigami with another friend, Mr. Harry Motonaga, were visiting in the home of Mrs. Matsumoto when about 10:30 P.M. or possibly later on that night, a knock was heard at the door and one of the young ladies went to the door. I think it was Kayoko and they found Mr. Yamaguchi, the defendant of the case who appeared to be quite intoxicated; he entered the house without invitation and after being there a few moments without receiving any greeting, the conversation seemed to make him angry and he brought up the question whether or not he was charged with notifying officers that he had furnished the information which resulted in the arrest of Mrs. Matsumoto. This was never thrashed out. However, Mr. Motonaga, to avoid trouble, left this apartment and proceeded to his home at 57-9-D. I think I possibly overlooked the address of Mrs. Matsumoto which is 57-2-C. The defendant, Mr. Yamaguchi, became quite angry with Mrs. Matsumoto in the presence of these two young ladies and without provocation, struck and kicked her and one of the young girls interfered and asked him to leave which he finally did. From there he went to the home of Mr. Harry Motonaga at 57-9-D and we are informed that he invited Mr. Motonaga to come outside. Possibly he didn't make any threats or show violence at that time, but Mr. Motonaga, knowing his temperament a few minutes previous, naturally thought that Mr. Yamaguchi had come there to continue the quarrel. However, a fight ensued in which Mr. Motonaga was seriously injured and sustained a fractured skull.

Subsequently, Mr. Yamaguchi admitted to Assistant Chief Nichol and members of the staff that this injury had been inflicted with a rock. We were never able to find the rock to present to this court as evidence. However, we do have this statement. I tried to make the facts brief. If there is anything that isn't clear, I would appreciate any questions.

Iwasaki: M Masaichi Yamaguchi struck Harry Motonaga. Is that correct?

Graves: Yes.

Iwasaki: Masaichi Yamaguchi also struck Mary Matsumoto. Is that correct?

Graves: Yes. Pardon me your Honor. He attempted to strike her and then he kicked her.

Iwasaki: The defense mentioned a preference to have a change in plea. Is that correct?

Iwanaga: Yes.

Iwasaki: Will the defendant please come forward.

Iwanaga: At this time, I would like to change the pleas of not guilty to the plea of guilty and by the way.

Iwasaki: To both counts?

Iwanaga: To one count the first count, that is the count of Assault against Mary. I would like to plead not guilty on the first case and guilty to the second count.

Graves: A Plea of guilty was entered on both counts.

Iwasaki: That is correct.

Iwanaga: I would like to change on one.

Iwasaki: The court understood it that you wanted to change both.

Iwanaga: I will change the plea on one and I asked the Internal Security, Mr. Graves, to dismiss if possible on the second.

Graves: In most cases where two counts are charged and the defendant pleads guilty, it is constitutional to dismiss one count. I so recommend in this case.

Iwasaki: Is that satisfactory with the counsel? Which count is being dismissed? Against Mary Matsumoto?

Iwanaga: Yes.

Graves: It is the first one.

Iwasaki: Is that against Mary Matsumoto?

Graves: Yes, Sir.

Iwasaki: You wish to have the count dismissed?

Graves: I would recommend it.

Iwasaki: You wish to plead guilty on Case #B-591?

Iwanaga: On the second count.

By way of standing circumstances, I would like to say a few words on behalf of the defendant. The defendant and Mr. Harry Motonaga have been friends for so long in the center and on that particular night, the defendant went to the home of Harry Motonaga to have certain things straightened out. I am giving the court the story of the defendant. There are certain misunderstandings between Harry Motonaga and Mr. Yamaguchi. When the defendant went to Harry Motonaga's home, there were a few men in Harry's quarters so the defendant desired to speak to him privately and he asked Harry Motonaga if he wouldn't come outside so that he would be able to talk to him privately. Harry Motonaga evidently took that as a threat and went outside and struck the defendant. He struck two blows. This is the story I got from the defendant and they had a scuffle there. In the meantime, Harry Motonaga fell and sustained his injury. That is the intimidating circumstances in the case that the defendant went there to explain a certain misunderstanding and Harry Motonaga took it as a threat and the fight followed. For that reason, I would like to ask the court to have that in consideration even though the defendant pleads guilty in that case. We, therefore, would like to have that matter considered before the sentence is pronounced.

Terry: I would like to ask Mr. Iwanaga a question just so that I understand. Do I understand that the condition is that the course of fight or struggle was initiated by Mr. Motonaga not by Mr. Yamaguchi. Montonaga fell and injured himself as a result of a fall and not by a blow by the defendant.

Iwanaga: It is.

Terry: I have no standing at all and I do not want to interfere.

Iwasaki: It is perfectly alright for you to talk, this is in chamber.

Terry: I can hardly see how the court can accept a plea of guilty if the defendant is not guilty of assault and battery.

Iwasaki: The court has not accepted the plea of guilty.

Iwanaga: I would like to say a word why I entered the plea of guilty.

Iwasaki: The counsel cannot enter the plea of guilty.

Iwanaga: I have spoken to the defendant and we both agree that this may be the story. There are certain incidents that this defendant may be guilty of and we were afraid to go to trial not knowing what he is charged guilty of.

Iwasaki: Before we proceed, have you any other remarks?

Graves: I would like to make a remark, your Honor. The counsel for the defendant entered a plea of guilty. We came here to prove just what I have told the court. Now the man, the defendant himself said, "I hit Harry, I don't remember if I picked up a rock or not on my way." Just prior to that we have supporting evidence that he went to the home of one of our police lieutenants who told him that he was drunk and should go home.

Iwasaki: The point is for the court to ask the defendant whether he pleads guilty or not guilty. The motion has been made that he wants to change his plea. Will the defendant please rise?

Iwasaki: You will want to have an interpreter?

Yamaguchi: I speak.

Iwasaki: Your counsel said that you wanted to change your plea from not guilty to guilty. Do you understand that?

Yamaguchi: I don't understand.

Iwasaki: He made a motion in open court that you wanted to change your plea from no guilty to guilty.

Yamaguchi: I can't understand.

Iwasaki: Mr. Tanaka, you will be the interpreter. Will you ask the defendant if he understood the motion of his counsel to change his plea from not guilty to guilty?

Yamaguchi: (No answer)

Iwasaki: That is on motion. That is on the second count because on the first count it was requested by the counsel that the prosecution be dismissed. The point is, does the defendant plead guilty to the second count of Assault and Battery against Harry Motonaga. Did he clearly understand the motion made by the counsel specifying his desire to change his plea of not guilty to guilty?

Yamaguchi: I understand.

Iwasaki: What is your plea as modified now?
Do you plead guilty to the second count?
There are two counts, one count, Assault and Battery against May Matsumoto, that is the first count. The second count for beating Harry Motonaga. The Court has not decided but the court wants to settle the second count. All the court wants to know if he wants to change from not guilty to guilty of Harry Motonaga.

Yamaguchi: Your Honor, I would like to hear what they say, the other party.

Iwasaki: It is not clear to the court. Will you further question the defendant on what he said.

Yamaguchi: I plead guilty.

Iwasaki: Very well, that is all we want to know.
Now have you any further remarks to make?

Yamaguchi: That is all.

Iwasaki: No further remarks.
Has the counsel for the defendant any remarks to make?

Iwanaga: No.

Iwasaki: Has the prosecution?

Graves: I would like to make a couple of remarks. This man has contradicted two of his statements. For evidence we are armed with professional testimony. I might bring to your attention that Harry Motonaga didn't go to this man's house; Harry Motonaga was minding his own business. This man followed Harry Motonaga home and he was advised by the policeman not to go. He used the excuse of looking for Mary Matsumoto. I think that is all the pertinent information.

Hikida: How many days was Mr. Motonaga confined in the Hospital?

Graves: I think it was a matter of ten days. For several days we couldn't even question him. We had for evidence, professional and medical people here to testify to that fact. They were present.

Iwasaki: The court would like to comment on this point that this testimony made by the counsel for the defendant is not acceptable to the court. The plea of guilty on the part of the defendant admits all charges alleged by the prosecution. Have you any further remarks to make?

Shimizu: I would like to ask if Harry Motonaga brought any charge or complaint against the defendant?

Graves: No, Your Honor, it was just a policeman's routine.

Nichol: The Police Captain and I questioned the victim. He had a feeling that he would like to get even. After the doctors took him away to X ray him, he called us in and he told us who the man was who assaulted him. He said that we would take it up

as a policeman's duty but he said that as far as his part was concerned, he would forget the incident and let the law take its course.

Iwasaki: May I have this chamber cleared for awhile? The Judicial Commission will have to make their decision.

3:00 P.M.

3:20 P.M.

Otani: The court will now pronounce sentence on the case of Masaichi Yamaguchi.

Iwasaki: Will the defendant, Masaichi Yamaguchi, come before the court? Are you ready for the sentence?

Yamaguchi: Yes.

Iwasaki: The first count, that of Assault and Battery against Mary Matsumoto, is dismissed. On the second count, that of Assault and Battery against Harry Motonaga, it is the sentence of the court that you spend ninety days in jail at Florence with suspension on good behavior; in addition, you are fined \$50 of which \$25 will be suspended pending good behavior for ninety days. This court takes into consideration the fact that Harry Motonaga provoked you and you defended yourself because you thought you were being attacked. Sentence is therefore pronounced accordingly. That is all.

Graves: Is there any period to raise his fine?

Iwasaki: The defendant is allowed thirty days to pay his fine.

The case of Mary Matsumoto for maintaining a public nuisance will be postponed until 10:00 tomorrow morning which will be held in the judge's chamber. Is that satisfactory with the counsel?

Iwanaga: Yes.

Iwasaki: Satisfactory with the prosecution?

Graves: Yes.

Masaichi Yamaguchi
Case #B-591, #B-592

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Iwasaki: Have you any further remarks?

Iwanaga: No.

Graves: No.

Iwasaki: The court session is therefore adjourned.

COURT ADJOURNED: 3:25 P.M.

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TRIAL

Graves: May I make a motion that the plea of guilty be accepted.

Iwasaki: Which case is first?

Graves: Your Honor, I believe that these two cases have been consolidated, Internal Security cases #B-591 and #B-592, and the court permitted the consolidation of the two cases.

Iwanaga: May I make a statement?

Iwasaki: Yes.

Iwanaga: After talking to Mr. Graves about the case, that is the instances constituting a nuisance, I have talked to the two defendants and we have agreed that we should change the plea of not guilty to guilty. The reason why we plead not guilty was because we did not know what the details of a public nuisance were, but after knowing what constitutes a public nuisance we therefore have agreed to plead guilty. Mr. Graves has told me the instances, that is the facts; my clients will admit that such things have happened during a period of a month.

Graves: Does the counsel have any doubt that these acts were not guilty.

Iwanaga: I mean that if the things that you mentioned to me as instances of a public nuisance were true. Of course, if it goes into other facts that would be different.

Iwasaki: Will the defendant, Mary Matsumoto, rise please? Will it be necessary for you to have an interpreter? at this time? Do you feel it necessary to have an interpreter?

Graves: I would like to suggest that I have questioned Mrs. Matsumoto and my assistant has questioned her and she did a fairly good job in talking English. Of course, it is to our advantage if she talks in English without an interpreter.

Iwasaki: It seems to the court that since the defendant wishes to enter a plea of guilty, she be permitted to have an interpreter.

Graves: Very well.

Iwasaki: Mrs. Matsumoto, you desire to change your plea from not guilty to guilty. Is that true?

Matsumoto: (No answer)

Iwasaki: How do you plead? Do you plead guilty?

Matsumoto: Yes.

Iwasaki: Is there any remark that you want to make at this time?

Iwanaga: May I talk?

Iwasaki: Yes.

Iwanaga: Before she makes her remarks, I would like to have the charges against her read. I have talked to her about then but she doesn't know what the details are.

Graves: We have no objections, your Honor.

Iwanaga: In other words, she has not heard the charges read.

Graves: Would it proper at this time for Mr. Motonaga to enter his plea?

Iwasaki: Very well, Mr. Motonaga, will you please rise? Do you wish to change your plea from not guilty to guilty at this time?

Motonaga: Yes, Sir.

Iwasaki: How do you plead?

Motonaga: Guilty.

Graves: We are charging that a public nuisance was maintained at the residence of 57-2-C. We charge that the creation of this public nuisance was due to drinking allowed there which was assisted by both the defendants before you. The creation of public nuisance was the fact that liquor was available there. Drinking was allowed there, and loud and boisterous language was allowed there for a period of time. The apartment in question is assigned to Mrs. Matsumoto and it was through the assistance of Mr. Motonaga that this public nuisance

was maintained. May I suggest that these are the facts in brief and unless I am ordered by the court to state more, I think they are sufficient.

Iwasaki: It is acceptable to the court. May I question the defendant if the charges made by the prosecution is sufficient? Will the defendant, Mary Matsumoto, rise please? Is the explanation of the charges against you clear to you?

Matsumoto: Your Honor, I understand that I am guilty, but I do not know the details.

Iwasaki: If you are guilty you admit all the charges?

Matsumoto: Yes, Your Honor.

Iwasaki: If she admits all the charges, how could she say the charges are not clear to her?

Iwanaga: May I interrupt again? What she means to say is she didn't understand clearly what the details of the charges were. I think that she should be told what Mr. Graves said if you would explain to her what Mr. Graves said.

Iwasaki: Will the interpreter explain the whole situation to her?

Tanaka: Will you please read the charges again?
(Charges read by reporter)

Iwasaki: Will you interpret the charges again?

Tanaka: (Interprets the charges in Japanese)

Iwanaga: No, that isn't right. Well, I don't know if it is out of order but I would like to interpret to her. I think that I can explain it to her better. These gentlemen are here, they can understand what I tell her.

Iwasaki: The court permits.

Graves: We will permit it.

Iwanaga: (Interprets)

Iwasaki: Is that clear to you?

Matsumoto: I never thought that I was disturbing the peace

and bothering the neighbors but I can't say anything else. I didn't know that.

Iwasaki: Is that all?

Matsumoto: Yes.

Iwasaki: Have you any other remarks to make? Has the counsel for the defense?

Iwanaga: What she thought was immaterial to the charge. Still it was what happened so she admits it.

Graves: I have a remark to make please. I suggest that she has heretofore entered a plea of guilty and she understood the charges. I assure you that we have no desire to prosecute these people, in fact, we prefer to be out of it. I don't think that her statement is consistent with her plea.

Iwanaga: I think that her remarks should be regarded since she is a layman in court and doesn't know the procedure of court. But now she said that it may have happened. She didn't think it was bothering people. It has no bearing on this case.

Iwasaki: The question whether it has no bearing here will be decided by the court. The court will give her the chance to make any remarks.
Have you any further remarks to make?

Graves: No..

Iwanaga: No.

Iwasaki: Will the defendant, Harry Motonaga, rise please? Having entered the pleas of guilty, have you any further remarks to make?

Motonaga: No, Sir.

Iwasaki: Has the prosecution?

Graves: No, your Honor.

Iwasaki: Has the counsel?

Iwanaga: No.
If the court please, before the court determine the sentence, I would like to ask the court if I may ask Mr. Graves, of course it is up to the court to accept the recommendation, to recommend whatever he can before the extent of sentence is decided, that is if possible. I know that Mr. Graves has looked into the case and instead of submitting any report in written form, I would like to have Mr. Graves recommend any report he has.

Iwasaki: Has the prosecution any remarks to make?

Graves: In behalf of the defendants, our records do not disclose any previous police record officially. Their records are clear prior to this occasion. I might add to the court that Mr. Motonaga has under-gone some suffering in the hospital. You heard that case yesterday and I would recommend that the sentence be similar to the verdict of the court in the previous case with the exception, I think possibly just for the court's consideration, that a smaller fine might be assessed. That is all the assistance I can offer the court.

Iwasaki: I think the Judicial Commission will like to deliberate on this matter.

10:25 A.M.

IN OPEN COURT

10:40 A.M.

Otani: The Judicial Commission has reached their decision and will now pronounce sentence.

Iwasaki: Will the defendant, Mary Matsumoto, please rise and face the court? After due consideration of all the evidence and of course your plea of guilty, it is the sentence of the court that you pay a fine of \$50; \$40 of which is hereby suspended pending good behavior for sixty days. The Internal Security has been requested to release you on your own recognizance until you have paid the fine within the next ten days. That is all

Will the defendant, Harry Motonaga, rise? It is the sentence of the court that you pay a fine of \$50; \$40 of which is hereby suspended pending good behavior for sixty days. The Internal Security has been requested to release you on your own recognizance until you have paid the fine within the next ten days. That is all.

Iwasaki: The court has taken into consideration that the matter of public nuisance is a new matter in this camp and the code has not definitely defined what public nuisance would mean in this camp. I believe I think it is Section 29, should be modified to include some other provision which would cover the real meaning of public nuisance as it is right now coded insufficiently. That is our reason why the court has arrived at the sentence announced. Have you any other remarks to make?

Graves: Your Honor, please in this particular instance, the violation was charged, your Honor, more or less as a complaint to dispose the case before this honorable court. That is one of the reasons why we didn't go into technicalities at this time.

Iwasaki: Are there any other remarks?

Iwanaga: Where will this money be paid?

Iwasaki: It will be paid to this court, to the Community Clerk.

If there are no further remarks, this session is adjourned.

COURT ADJOURNED: 10:45 A.M.

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BUTTE JUDICIAL COMMISSION

ARRAIGNMENT

DATE: Wednesday, January 19, 1944
TIME: 2:10 P. M.
LOCATION: Butte Courthouse, 69-6, Rivers, Arizona

JUDICIAL COMMISSIONERS: Earnest Iwasaki
Shotaro Hikida
Fred Shimizu

COMMUNITY CLERK: Izuto Otani

PROSECUTOR: John W. Nichol

Court called to order by Izuto Otani.

ROLL CALL: Masaichi Yamaguchi, Mary Matsumoto, Harry Motonaga.

It was explained by Mr. Iwasaki that this court was organized and established under the constitution of the Butte Community. All cases will be brought before this court and tried. There will be no smoking, no talking aloud, no reading of any material, and no hats may be worn except by women during the session. Other rules will be announced later.

TIME: 2:12 P. M.
CASE: Masaichi Yamaguchi, 45-13-A, Rivers, Arizona. Case #B-591.

Iwasaki: I should like to call upon the clerk to present the first defendant.

Otani: Mr. Nichol of the Internal Security will act as prosecutor and read the complaints.

Nichol: Your Honor, the first case we have to present to you today, is the charge of Assault and Battery against Masaichi Yamaguchi who is charged on Friday, December 31, 1943 with striking and beating one Harry Motonaga. It is proposed to accept the plea of Mr. Yamaguchi.

Iwasaki: Will the defendant, Masaichi Yamaguchi, come before the court.

Iwanaga: Your Honor, I am representing the defendant. Of course, as you know, there are no attorneys in the center but the constitution will permit any person charged with any offense to retain a counsel. I would like to have my name recorded as counsel for the defendant.

Iwasaki: For the record, Mr. Karl Iwanaga as counsel for the defendant.
Your name is Masaichi Yamaguchi?

Yamaguchi: Yes.

Iwasaki: You have heard the charge, haven't you? Was the charge clear to you?

Iwanaga: I have asked the commission to have an official interpreter present.

Iwasaki: Mr. Asami will be the interpreter.
Mr. Asami, will you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Asami: Yes.

Iwasaki: Please read the charge again.

Nichol: (Reads the charge).

Asami: (Interprets the charge).

Iwasaki: Is the charge clear to you?

Yamaguchi: Yes.

Iwasaki: What is your plea, Mr. Yamaguchi?

Yamaguchi: Not guilty.

Iwanaga: I would like to ask that the date of trial be set one week later in order to prepare the defense.

Nichol: I think, your Honor, that since we do not have a prosecuting attorney, the Internal Security should also have counsel.

Iwasaki: It is up to the Commission to set the date of trial.

Iwanaga: Has the Internal Security a reason for changing the date?

Iwasaki: The court will set the date of the trial. We have set the date of this case for January 26, 1944, 2:00 afternoon.
Is this satisfactory to the counsel, to the defendant, and to the Internal Security to have this date set?

Iwanaga: Yes.

Yamaguchi: Yes.

Nichol: Yes.

Iwasaki: This case will be set for trial a week from today, Wednesday, January 26, 1944, 2:00 P. M.

CONCLUDED: 2:18 P. M.

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BUTTE JUDICIAL COMMISSION

ARRAIGNMENT

DATE: Wednesday, February 2, 1944
TIME: 2:05 P.M.
LOCATION: Butte Courthouse, 69-6, Rivers Arizona

JUDICIAL COMMISSIONERS: Earnest Iwasaki
Shotaro Hikida
Fred Shimizu

COMMUNITY CLERK: Izuto Otani

PROSECUTION: Fred J. Graves

Court called to order by Izuto Otani.

Otani: The Butte Judicial Commission is now in session with Commissioners, Earnest Iwasaki, Shotaro Hikida, and Fred Shimizu presiding. I will read the names of the defendants, will they please come before the court and be seated. Riyokichi Morishita, Jimmy Yamashita, Masuichi Matsui, Yoshinobu Naruko, Toyotaro Hanaoka, Kiyoshi Yoshida, Shigeru Yukumura, Kakutaro Kaida, Torizo Kanaya, Hikotaro Oyabu, Soyomatsu Tsutsumida, Yoshimori Yamamoto, Yasuo Jack Okano.

TIME: 2:07 P.M.

CASE: #B-597

Riyokichi Morishita, 57-7-A
Jimmy Yamashita, 57-8-C
Masuichi Matsui, 40-7-A
Yoshinobu Naruko, 46-9-A
Toyotaro Hanaoka, 57-4-B
Kiyoshi Yoshida, 64-14-B

Iwasaki: Is the prosecution ready?

Graves: The prosecution is ready your Honor.

Iwasaki: Will you please read the prosecution.

Graves: May I suggest that the complaint be read in court.

Otani: Mr. Morishita, Mr. Yamashita, Mr. Matsui, Mr. Naruko, Mr. Hanaoka, and Mr. Yoshida are charged with the violation of Section 7 which reads as follows: "Any person who shall engage in any game

whatsoever played with cards, dice, or other device for money, checks, credits, or any other thing of value, shall be guilty of gambling.

Iwasaki: Will the following defendants please rise and face the court, Morishita, Yamashita, Matsui, Naruko, Hanoka, and Yoshida. Each and everyone of you have been charged with the violation of Section 7. Was the charge clear to you? Do you understand the charges? Do you understand the English language?

Yoshida: No, we cannot very much.

Iwasaki: Has the clerk provided an interpreter?

Otani: Yes, we have.

Iwasaki: Will you swear him in.

Otani: Mr. Tanaka, will you swear to interpret the truth, the whole truth and nothing but the truth, so help you God?

Tanaka: Yes.

Iwasaki: I will repeat what I just said. You have been charged with the violation of Section 7 of the Code of Offenses of this community. Is the charge clear to you, each and everyone of you?

Tanaka: (Interprets)

Iwasaki: Will the clerk read the charges once more.

Otani: (Reads the charges)

Iwasaki: Is the charge clear to you, each and everyone of you? The first one, Mr. Morishita?

Morishita: I never thought that it was against the law.

Iwasaki: Very well, was the charge clear to you?

Morishita: Yes.

Iwasaki: Very well. Mr. Yamashita, was the charge clear to you?

Yamashita: Yes.

Iwasaki: You understand English, don't you?

Yamashita: Yes.

Iwasaki: Mr. Matsui, is the charge clear to you?

Matsui: Yes.

Iwasaki: Mr. Nauko?

Naruko: Yes.

Iwasaki: Mr. Hanaoka?

Hanaoka: Yes.

Iwasaki: Mr. Yoshida?

Yoshida: Yes.

Iwasaki: Very well, have you any remarks to offer before the sentence is pronounced?

Graves: May I suggest you Honor, that a formal plea be entered.

Iwasaki: The charge was clear to you. What do you plead, each and everyone of you? How do you plead, guilty or not guilty? I want to ask this question, do you plead guilty or not guilty and I want an answer to that question.

Tanaka: Your Honor, Mr. Morishita would like to say that he was in a friendly game, not gambling.

Iwasaki: I can't accept that. The question put forward is, do you plead guilty or not guilty?

Morishita: Yes your Honor, I plead guilty.

Iwasaki: Have you any remarks to make?

Morishita: (Talks to Mr. Tanaka in Japanese)

Iwasaki: What did he say?

Tanaka: He said that he asked one of the wardens if a friendly game, not real gambling just a past time

for my friends together would be all right. The warden said that it was all right and that it wasn't against the rules, that is why we played, for the past time. He didn't mean to gamble.

Iwasaki: Have you any further remarks to make?

Morishita: No.

Iwasaki: Has the Internal Security department anything to say?

Graves: May I offer a suggestion, your Honor. May we get the formal plea from the defendants.

Iwasaki: Yes. Jimmy Yamashita, how do you plead?

Yamashita: Guilty.

Iwasaki: Masuichi Matsui?

Matsui: Plead Guilty.

Iwasaki: Mr. Naruko?

Naruko: Plead guilty.

Iwasaki: Mr. Hanaoka?

Hanaoka: Guilty.

Iwasaki: Mr. Yoshida?

Yoshida: Guilty.

Iwasaki: Now have you any remarks to offer?

Graves: Yes your Honor. If the court please, we are charging that on January 21, 1944, the defendants before this bar were apprehended in 57-7-A in a poker game, playing poker. 57-7-B I understand correctly. The evidence is your Honor, that this game had been in progress for some time. It had been reported to the police for several days and I might add that there was another game in progress at the same time. For your information, there were two games going on at that particular time when the officers arrived and this particular group were playing poker.

Now their statement to the arresting officer was that it was a small game, small stakes, and that it was an old mens' club in a club room used for old men. I think, to combat that statement you should review the defendants before you. I might add also that the ordinance passed by the council prohibits gambling of any form. It has been a policy of the Internal Security not to interfere family games or small party games and as policemen we do not have authority to say that the people can operate a game. Mr. Morishita has been warned to terminate this game. May I suggest that there is another complaint pending against Mr. Morishita.

Iwasaki: May I ask if you have any other offense against each of them?

Graves: None your Honor.

Iwasaki: Have you any further remarks to make?

Graves: I believe that is all.

Iwasaki: You may be seated, sentence will be pronounced shortly.

2:20 P.M.

TIME: 2:21 P.M.

CASE: #B-596

Shigeru Yukimura, 57-13-B
Kakutaro Kaida, 57-2-A
Torizo Kanaya, 64-12-A
Hikotaro Oyabu, 57-7-D
Soyomatsu Tsutsumida, 64-12-D
Yoshimori Yamamoto, 57-6-A
Yasuo Jack Okano, 34-4-B

Iwasaki: Will you state the second charge.

Otani: Mr. Shigeru Yukimura, Mr. Kakutaro Kaida, Mr. Torizo Kanaya, Mr. Hikotaro Oyabu Mr. Soyomatsu Tsutsumida, Mr. Yoshimori Yamamoto, Mr. Yasuo Jack Okano are charged of violating Section 7 of the Community Code of Offenses, similar to that of the first.

Iwasaki: Will the interpreter please come forward. I believe that these individuals are unable to speak the English language. You have heard the charge, is the charge clear to each one of you?

Mr.Yukimura, was the charge clear to you?

Ans.: Yes. (All)

Iwasaki: How do you plead, guilty or not guilty? Start with Mr.Yukimura.

Yukimura: Plead guilty.

Iwasaki: Mr. Kaida?

Kaida: Plead guilty.

Iwasaki: Mr. Kanaya?

Kanaya: Guilty.

Iwasaki: Mr. Oyabu?

Oyabu: Guilty.

Iwasaki: Mr. Tsutsumida?

Tsutsumida: Guilty.

Iwasaki: Mr. Yamamoto?

Yamamoto: Guilty.

Iwasaki: Mr. Okano?

Okano: Plead guilty.

Iwasaki: Have you any further remarks to offer?

Okano: I want to say. I think I had better speak in Japanese.

Iwasaki: You can have an interpreter.

Okano: (Speaks to Mr. Tanaka).

Iwasaki: Just a minute, you are capable of speaking English. I think it would be clear to us. If you are unable to speak the English language you are entitled to an interpreter but you are capable of speaking the English language well enough.

Okano: I want an interpreter, what if I make a mistake-
this is court. (Speaks in Japanese to Mr. Tanaka).

Iwasaki: Just a minute Mr. Okano, if you do not abide by the
laws of the court, you can be charged with contempt
of court. You started with the English Language
and I think you can continue. It is demanded by
the court that you speak in the English language.

Okano: Then I won't say anything.

Iwasaki: All right, you withdraw?

Okano: Yes.

Iwasaki: Have you any further remarks to make?

Oyabu: No.

Kaida: No.

Tsutsumida: No.

Yamamoto: No.

Iwasaki: None of you have any remarks to make? Has the
Internal Security?

Graves: Yes your Honor. If the court please, the preceding
case just stated to you was a relative game to this
one. However, in this game the defendants were
discovered in a rummy game played for money. The
statements of the players differ as to the amount
of money or stake, some of them claim that it was
for five cents, some say ten cents. They were also
in 57-7-B on the twenty-first of January and were
apprehended by the officer of the other case-
gambling for money. We have no previous record for
any of them.

Iwasaki: Any further remarks?

Graves: We have none. We do have some evidence to offer.
(Brings out three slips of paper.)

Iwasaki: All right. What do these represent in your opinion?

Graves: It represents the bookkeeping of the gambling.

Nichols: If I might add, those notes were taken out of a note book and one of the men attempted to eat the notes as we started to take them. I think those figures amount to four days playing.

Iwasaki: Very well, all the defendants may be seated. Sentence will be pronounced shortly.

2:32 P. M.

TIME: 2:33 P. M.

CASE: #B-598, Riyokichi Morishita, 57-7-A

Iwasaki: Have you another case?

Otani: Yes. Mr. Morishita is charged with the violation of Section 8, which reads as follows: "Any person who shall permit any building or structure of which he is in possession to be used for the purpose of conducting any game whatsoever played with cards dice, or other device for money, checks, credits, or other thing of value shall be deemed guilty of operating a gambling house."

Iwasaki: Was the charge clear to you, Mr. Morishita?

Morishita: Yes.

Iwasaki: What is your plea, guilty or not guilty?

Morishita: Not guilty.

Iwasaki: You plead not guilty. Very well, we shall set the date of trial for next week, Wednesday, February 9, at 2:00 P.M. That is all.

Graves: May I suggest your Honor, that the defendant be told that he may have witnesses at the trial.

Iwasaki: (To the interpreter). Will you tell him that he is entitled to a counsel or any witnesses he may have. Very well, If there is not another case the court will take a recess of ten minutes.

2:45 P.M.

Otani: The commission will now pronounce sentence.

Iwasaki: Will the following defendants please stand and face the court. Morishita, Yamashita, Matsui, Naruko, Hanaoka, and Yoshida. Are you ready for the sentence?

Ans.: Yes you Honor.

Iwasaki: Very well, it is the sentence of the court that each and everyone of you be fine \$20.00; \$18.00 of which is hereby suspended pending good behavior within the next sixty days. The fine of this instance will be paid within the next seven days. In pronouncing this sentence, the court has taken into consideration the fact that the defendants before this court have not any other offense on their records, therefore, the defendants are entitled to a leniency. That is all.

Tanaka: (Interprets).

Iwasaki: Just a minute, I think the interpreter made a wrong interpretation.

(Statement read).

Iwasaki: Will you explain that. The Police department is requested to release each and everyone of the defendants on his own recognizance until the fine is paid.

Graves: If the court please, just this your Honor, the defendants should be advised to pay their fine to the clerk of the court.

Iwasaki: The defendants, each and everyone of you, are instructed to pay the fine to Mr. Otani, the Community clerk. Will the following defendants face the court. Yukimura, Kaida, Kanaya, Oyabu, Tsutsumida, Yamamoto, Okano. Are you ready for the sentence, each and everyone of you? Will the interpreter explain that.

Ans.: Yes.

Iwasaki: Very well, it is the sentence of the court that each of you be fined \$20.00; \$18.00 of which is hereby suspended pending good behavior within the next sixty days. The fine of this instance will be paid in the next seven days. The Police department is instructed to release each of the defendants on his own recognizance until the fine is paid in full. Will you please explain that.

Tanaka: (Interprets).

Iwasaki: The fine should be paid to the Community Clerk within the next seven days. In pronouncing the sentence the court has taken into consideration that none of the defendants have a similar offense on their records, therefore, the court believes the defendants are entitled to a leniency. That is all.

Graves: If the court please, may I suggest that the court rule as to the alternative if the defendants fail to pay their fine within the specified time.

Iwasaki: If the fine pronounced in each of these sentences is not paid within the stated time, each of the defendants shall serve a period of not less than forty-eight hours in the County Jail. Have you any further remarks to offer? If there are no further remarks, the court is adjourned.

COURT ADJOURNED: 2:57 P.M.

BUTTE JUDICIAL COMMISSION

TRIAL

People }
vs. }
Riyokichi Morishita) Case No. #B-597

DATE: Wednesday, February 16, 1944
TIME: 1:58 P. M.
LOCATION Butte Courthouse, 69-6, Rivers, Arizona

JUDICIAL COMMISSIONERS: Ernest Iwasaki
 Shotaro Hikida
 Fred Shimizu

COMMUNITY CLERK: Izuto Otani

PROSECUTION: Fred J. Graves

COUNSEL: Karl Iwanaga

Court called to order by the Community Clerk, Izuto Otani.

Otani: This trial is, "The People vs. Riyokichi Morishita"
 who has pleaded not guilty for maintaining a gambling
 house.

Iwasaki: Is the prosecution ready?

Graves: The prosecution is ready, your Honor. If the court
 please, I make a motion that the court decide whether
 the defendant may have an interpreter. In the first
 case, we would like to hear whatever the defense
 may have to say.

Iwanaga: If the court please, of the witnesses who are not
 able to speak, I would ask that an interpreter be
 permitted, otherwise, the person can give his testi-
 mony in English.

Graves: That is quite agreeable to me.

Iwasaki: The prosecution may commence.

Graves: The prosecution calls on John W. Nichol.

Iwanaga: If the court please, may I have the charge read?

Otani: Mr. Riyokichi Morishita is charged with maintaining
 a gambling house.

BUTTE JUDICIAL COMMISSION

TRIAL

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COUNSEL: Karl Iwanaga

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 who has pleaded not guilty for maintaining a gambling
 house.

Iwasaki: Is the prosecution ready?

Graves: The prosecution is ready, your Honor. If the court
 please, I make a motion that the court decide whether
 the defendant may have an interpreter. In the first
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BUTTE JUDICIAL COMMISSION

TRIAL

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vs. }
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Otani: This trial is, "The People vs. Riyokichi Morishita"
 who has pleaded not guilty for maintaining a gambling
 house.

Iwasaki: Is the prosecution ready?

Graves: The prosecution is ready, your Honor. If the court
 please, I make a motion that the court decide whether
 the defendant may have an interpreter. In the first
 case, we would like to hear whatever the defense
 may have to say.

Iwanaga: If the court please, of the witnesses who are not
 able to speak, I would ask that an interpreter be
 permitted, otherwise, the person can give his testi-
 mony in English.

Graves: That is quite agreeable to me.

Iwasaki: The prosecution may commence.

Graves: The prosecution calls on John W. Nichol.

Iwanaga: If the court please, may I have the charge read?

Otani: Mr. Riyokichi Morishita is charged with maintaining
 a gambling house.

Iwasaki: Where?

Otani: In the apartment 57-7B.

Iwanaga: I interrupt the court, that is in the coding of the law of our camp, the conducting of a gambling house...

Iwasaki: I think the charge is not sufficiently worded.

Iwanaga: I would like to say that the wording of the code of the camp, that conducting a gambling house whould be a rather bread interpretation. We are able to refer to Section 8.

Iwasaki: I think that the prosecution should have included to say that it was a violation of the Section 8 of the code of Offenses of this community. That would completely cover the charges. However, it is the opinion of this court that the charge is sufficient.

Iwanaga: In the motion I made, whether coding of the section...

Graves: With the permission of the court, I think the court realizes that up to this time we do not have regular forms. We are prosecuting under this instance under Section 8.

Iwasaki: Very well, I think it is clear to the defendants and the prosecution, so will the prosecution proceed with the trial.

Graves: The prosectiön calls Mr. John W. Nichol.

Otani: Do you solemnly swear that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Nichol: I will.

Graves: Will you state your name?

Nishol: John W. Nichol.

Graves: What is your official title and position?

Nichol: Assistant Chief of Internal Security.

Graves: You are in charge of the police, areyou acquainted with the defendant, Mr. Nichol?

Nichol: No sir, I have seen him only on two or three different occasions.

Graves: Will you indicate the defendant.

Nichol: (Points him out).

Graves: Mr. Nichol, on or about January 21, 1944, you had an occasion to see this defendant?

Nichol: Yes, Sir.

Graves: Will you please explain to the court just what that occasion was?

Nichol: On January 21, 1944, we made a raid on the house that was conducting a gambling game. When we entered the house, there were two games, one a poker and the other, rummy. This defendant was playing poker. That was the first time I had seen the defendant.

Graves: Did you know where the defendant lived?

Nichol: Yes, Sir.

Graves: Where?

Nichol: 57-7A.

Graves: Is that the next apartment?

Nichol: There is a door cut in between the two rooms.

Graves: Was that door open?

Nichol: Yes, Sir.

Graves: Will you tell us about the participants of that gambling game?

Nichol: They were brought to our police station and statements were taken from them all and we also talked to them in the apartment.

Graves: After your investigation, Mr. Nichol, did you determine who was in charge of Apartment 57-7A.

Nichol: Yes, Sir.

Graves: Who was in charge?

Nichol: Mr. Morishita, the defendant.

Graves: Did Mr. Morishita, the defendant, make a statement?

Nichol: Yes, Sir. He told me that Doctor Koyama had left this apartment in his care because he wanted him to watch some things and that his wife cleaned the apartment.

Graves: Were you present in court when the twelve men who you charged with gambling, were arraigned?

Nichol: Yes, Sir.

Graves: Will you state the instance?

Nichol: They all plead guilty and they were fined \$20.00 of which \$18.00 was suspended pending good behavior.

Graves: Was Mr. Morishita among the defendants?

Nichol: Yes, Sir.

Graves: What did he plead?

Nichol: Guilty.

Graves: That is all.

Iwasaki: The counsel may cross-examine.

Iwanaga: Mr. Nichol, have you checked up with the Housing Department who was the regular owner of 57-7-B?

Nichol: No, Sir.

Iwanaga: You said that there was a door between the two places. Will you explain the kind of door.

Nichol: Yes, Sir. It was a plastic door about three feet in height and about two and a half feet wide and Mr. Morishita told me that it was a big door until Mr. Matsumoto, his brother-in-law fixed it.

Iwanaga: Was the door closed?

Nichol: No Sir, it was open.

Iwanaga: The defendant stated to you that previously Dr. Koyama occupied that room, did he not?

Nichol: Yes, Sir.

Riyokichi Morishita
Case #B-597

-5-

Iwanaga: That room is not used for living purposes at the time. At the time of the raid the room was not fit for living purposes?

Nichol: Yes, Sir.

Iwanaga: Did you find furniture?

Nichol: There were two tables and two chairs where they were playing cards and there were crates and things in a corner that belonged to Mr. Koyama.

Iwanaga: That's all.

Graves: Mr. Nichol, relative to the statement of the defense's whether or not the apartment was fit for living, was the apartment arranged for gambling?

Nichol: Yes, Sir.

Graves: And the equipment you spoke of was used for gambling?

Nichol: Yes, Sir.

Graves: I would like to call on Mr. Sparks.

Otani: Do you swear that the testimony you are about to give is the truth, the whole truth, and nothing but the truth so help you God?

Sparks: I do.

Graves: Will you state your name?

Sparks: James L. Sparks.

Graves: What is your official title?

Sparks: Internal Security Officer.

Graves: Do you know the defendant?

Sparks: I do, Sir.

Graves: Will you indicate the defendant by pointing.

Sparks: (Points to Mr. Morishita).

BUTTE JUDICIAL COMMISSION

TRIAL

People)
vs) Case No. B-600
Tatsuo Miyamoto)

DATE: Friday, March 3, 1944
TIME: 2:50 P.M.
LOCATION: Butte Courthouse, 69-6, Rivers, Arizona

JUDICIAL COMMISSIONERS: Earnest Iwasaki
 Shotaro Hikida
 Fred Shimizu

COMMUNITY CLERK: Izuto Otani

PROSECUTOR: Fred J. Graves

COUNSEL: Karl Iwanaga

Iwasaki: Proceed with the next case.

Otani: Your Honor, Tatsuo Miyamoto is charged with will-
 fully and unlawfully and without cause and justification
 hit and strike with fist one Mr. John W. Nichol,
 Assistant Chief of Internal Security, causing the
 escape of George Kagawa who was in lawful custody of
 the said Mr. Nichol. This is in violation of Section
 #33 of the Code of Offenses of the Butte Community.

Iwanaga: Court, please, is this the original charge?

Iwasaki: Yes.

Iwanaga: Proceed with the trial.

Iwasaki: Is the prosecution ready?

Graves: Prosecution is ready, your Honor.

Iwasaki: Is the counsel ready?

Iwanaga: Yes.

Iwasaki: Prosecution may commence.

Graves: The prosecution calls on John W. Nichol.

Otani: Raise your right hand. Do you swear that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Nichol: I do.

Graves: Will you state your name?

Nichol: John W. Nichol.

Graves: What are your official duties and position?

Nichol: Assistant Chief of the Internal Security.

Graves: Were you employed on February 13, 1944?

Nichol: Yes, I was.

Graves: Will you please state where you were on duty about 8:00 P.M. that night?

Nichol: I was on duty at mess hall 43.

Graves: Are you acquainted with the defendant?

Nichol: No.

Graves: Do you know him by sight?

Nichol: Yes.

Graves: Will you indicate who he is?

Nichol: (Points to the defendant) That boy with the white T-shirt.

Graves: Did you have an occasion to see the defendant at the dance on February 13 at mess hall 43?

Nichol: Yes.

Graves: Inform the court what that occasion was.

Nichol: The first time I saw him, he was standing at the door of the dance hall.

Graves: What attracted your attention to him?

Nichol: He had a zoot-suit on.

Graves: Was he making any loud and boisterous remarks?

Nichol: Not at that time.

Graves: Later that evening, did you have an occasion to place an individual under arrest?

Nichol: Yes.

Graves: Who?

Nichol: George Kagawa.

Graves: When you placed Kagawa under arrest, what happened to the rest of Kagawa's gang?

Nichol: The defendant struck me from the back on my head which caused me to let go of Kagawa.

Graves: The what happened?

Nichol: He hit ground, jumped up and ran.

Graves: You were in pursuit of duty?

Nichol: Yes.

Graves: That's all.

Iwanaga: There were a great number of boys around you when you arrested Kagawa?

Nichol: Yes.

Iwanaga: Did you testify that the defendant struck you on the head?

Nichol: Yes.

Iwanaga: From the back?

Nichol: Yes.

Iwanaga: What part?

Nichol: (Points to the spot)

Iwanaga: Did you see the defendant strike you?

Nichol: No, sir.

Iwanaga: There were several boys in back of you?

Nichol: No, he was the only one.

Iwanaga: How far were the other boys?

Nichol: In the middle of the road.

Iwanaga: How far, approximately?

Nichol: About fifteen feet.

Graves: How close to the entrance of the mess hall?

Nichol: Clear across the street.

Iwanaga: Not at the entrance?

Nichol: No, across the street; right corner of the rec. hall.

Iwanaga: The commotion that took place that night--did it happen in front of the entrance?

Nichol: o It started there.

Iwanaga: You say fifteen feet away from entrance this incident happened?

Nichol: Clear across the street from the mess hall.

Iwanaga: Isn't it a fact that this happened around a lot of boys?

Nichol: No.

Iwanaga: Is it a fact that when Kagawa got away from you, someone interfered in your performance of act?

Nichol: Yes, t is gentleman right here is the one who interfered and Kagawa got away.

Iwa naga: Just because you were struck?

Nichol: Yes, sir.

Iwanaga: Didn't you testify at the last trial of George Kagawa that all this happened in front entrance of the dance hall?

Nichol: No, sir, The arrest was made there.

Iwanaga: Arrest of whom?

Nichol: George Kagawa. It was about ten to fifteen away from the dance hall where he was arrested.

Iwanaga: That's all.

Graves: Mr. Nichol, did you have an occasion on the following day to interview the defendant?

Nichol: Yes.

Graves: Did he, in the presence of Captain Takasugawa, make a statement to you?

Nichol: Yes.

Graves: Did he, sign that statement?

Nichol: No.

Graves: Why?

Nichol: Because he was told by some members of the community council that he didn't have to sign.

Graves: Did you advise him that when making a statement it might be used against him as evidence?

Nichol: Yes, and he was told that he would be prosecuted.

Graves: Do you recall just what was contained in that statement?

Nichol: I believe he told us where he lived and asked if he was trouble before, he said about a year ago he had been accused of causing a riot in camp. When asked if he was relocating, he said he didn't know at the time. I asked him why he struck, and he said he didn't strike.

Graves: What was his feeling at that time toward the Internal Security?

Iwanaga: I object. I don't see how the witness can testify according to his feeling toward the Internal Security. What attitude he had toward the Internal Security has no bearing of what he's done that night. It was nothing to do with the charge.

Iwasaki: It has some bearings. Proceed.

Graves: Did you state he had some trouble with the Internal Security.

Nichol: That trouble was where he was **picked** for charge of starting a riot.

Graves: That's all.

Iwanaga: Any record of offense in the past?

Nichol: Not that I know of.

Iwanaga: It was merely a statement.

Nichol: Yes, he told me that himself.

Iwanaga: He was immediately released?

Nichol: Yes.

Iwanaga: He wasn't taken before the Project Director?

Nichol: No.

Iwanaga: That's all.

Graves: Will call on Lieutenant Ono of the Police Department.

Otani:, (Swears him in)

Graves: Name?

Ono: Lieutenant Ono.

Graves: Official duty and title?

Ono: Lieutenant of the Butte Police Force.

Graves: Were you officially employed on the night of February 13?

Ono: Yes.

Graves: Were you on duty at 8:00 P.M. in mess hall 43?

Ono: Yes.

Graves: Are you acquainted with the defendant?

Ono: Yes.

Graves: How long?

Ono: We live in the same block--in block 36.

Graves: How you known him certain length of time?

Ono: About a year.

Graves: Did you have an occasion to see the defendant on the night of February 13, 1944?

Ono: Yes.

Graves: Did Mr. Nichol place Kagawa under arrest?

Ono: Yes.

Graves: Did you see Mr. Nichol walking across the street following Kagawa?

Ono: Yes.

Graves: Was he swinging his arms or was he attempting to hit Mr. Nichol?

Ono: Yes.

Graves: How many times did he swing his arms?

Ono: I can't judge how many times.

Graves: That's all.

Iwanaga: Where were you standing when the defendant was swinging his arms?

Ono: Outside the door; about ten feet away from the door.

Iwanaga: In back or front of Mr. Nichol?

Ono: Back.

Iwanaga: How far back?

Ono: About seven or eight feet, I guess.

Iwanaga: Was the defendant swinging arms and striking-- was he going after Mr. Nichol?

Ono: Yes, but I didn't see him strike.

Iwanaga: There were a lot of boys around there and you couldn't see?

Ono: Yes, I don't know if he struck.

Iwanaga: You didn't see the defendant actually strike, because there were a lot of boys?

Ono: I didn't see him strike but he was using his fist.

Iwanaga: You were a few feet away from the defendant?

Ono: About seven or eight feet, I guess.

Iwanaga: Did you see anyone else swinging arms?

Ono: Yes, two other boys.

Iwanaga: You saw them swinging their arms?

Ono: Yes.

Iwasaki: Did you see the defendant strike Mr. Nichol?

Ono: No, he was going after Mr. Nichol to strike.

Iwasaki: That's all.

Iwanaga: Where were the other boys?

Ono: They were scattered all over.

Iwanaga: Did you see Mr. Nichol arrest Kagawa?

Ono: Yes.

Iwanaga: Where did it happen in reference to the entrance?

Ono: By the doorway; across the street.

Iwanaga: Did you see him taking Kagawa away?

Ono: Yes.

Iwanaga: When Mr. Nichol took Kagawa away, there were lots of boys following?

Ono: About three.

Iwanaga: The three includes the defendant?

Ono: I recognized him since. They fell in the ditch.

Iwanaga: How did they fall in ditch?

Ono: Mr. Nichol was after them.

Iwanaga: In other words, he ran?

Ono: Yes.

Iwanaga: How about the other two boys?

Ono: I don't know where they went to.

Iwanaga: That's all.

Graves: May I ask another question? There were two or three boys after Mr. Nichol, and this young man is the only one you can identify. Was he close to Mr. Nichol and near enough to hit him?

Ono: They were scattered, so I couldn't see, but they were trying to pick on Mr. Nichol.

Graves: Mr. Nichol arrested Kagawa and Kagawa continued to pick away and went clear across the street in that manner?

Ono: Yes.

Graves: You saw this defendant trying to strike at Mr. Nichol?

Ono: That's right.

Graves: The prosecution rests. Next will be Tatsuo Miyamoto.

Otani: (Swears him in)

Iwanga: What's your full name?

Miyamoto: Tatsuo Miyamoto.

Iwanaga: Your age?

Miyamoto: 19.

Iwanaga: You heard the testimony of Mr. Nichol?

Iwanaga: The three includes the defendant?

Ono: I recognized him since. They fell in the ditch.

Iwanaga: How did they fall in ditch?

Ono: Mr. Nichol was after them.

Iwanaga: In other words, he ran?

Ono: Yes.

Iwanaga: How about the other two boys?

Ono: I don't know where they went to.

Iwanaga: That's all.

Graves: May I ask another question? There were two or three boys after Mr. Nichol, and this young man is the only one you can identify. Was he close to Mr. Nichol and near enough to hit him?

Ono: They were scattered, so I couldn't see, but they were trying to pick on Mr. Nichol.

Graves: Mr. Nichol arrested Kagawa and Kagawa continued to pick away and went clear across the street in that manner?

Ono: Yes.

Graves: You saw this defendant trying to strike at Mr. Nichol?

Ono: That's right.

Graves: The prosecution rests. Next will be Tatsuo Miyamoto.

Otani: (Swears him in)

Iwanga: What's your full name?

Miyamoto: Tatsuo Miyamoto.

Iwanaga: Your age?

Miyamoto: 19.

Iwanaga: You heard the testimony of Mr. Nichol?

Miyamoto: Yes.

Iwanaga: Did you strike Mr. Nichol that evening of February 13?

Miyamoto: No, I never.

Iwanaga: Did you attempt to strike?

Miyamoto: No.

Iwanaga: You saw Mr. Nichol arrest Kagawa that night?

Miyamoto: Yes.

Iwanaga: Was it outside the dance hall?

Miyamoto: Outside the entrance.

Iwanaga: Did you see Mr. Nichol take Kagawa away from that scene of arrest?

Miyamoto: No, I saw Mr. Nichol grab Kagawa, and at that moment I jumped in to break it up.

Iwanaga: Why did you do that?

Miyamoto: Because the size of Nichol and Kagawa. The match wasn't even, and I couldn't stand it so I wanted to break it up, and then two or three fellows naturally came from back.

Iwanaga: You saw someone hit Mr. Nichol?

Miyamoto: No, I didn't. Didn't know he got hit.

Iwanaga: Where were you standing in reference to Mr. Nichol when Kagawa was trying to break away?

Miyamoto: By the doorway; by the entrance.

Iwanaga: Were you in front or side of Mr. Nichol or back of him before he came out of door?

Miyamoto: He was on the side; after he came out he was on the side.

Iwanaga: How many boys at that time?

Miyamoto: Don't know. Any amount.

Iwanaga: How many boys were close to you when you tried to interfere with Mr. Nichol?

Miyamoto: About five.

Iwanaga: Did the other boys interfere with the arrest?

Miyamoto: I don't know.

Iwanaga: Did Mr. Nichol arrest you that night?

Miyamoto: No, he didn't.

Iwanaga: Did you run?

Miyamoto: Yes.

Iwanaga: Was he chasing you?

Miyamoto: No. Yes.

Iwanaga: Was he chasing you?

Miyamoto: Yes.

Iwanaga: Was he chasing the other boys?

Miyamoto: No, when I jumped in, he got hit and Kagawa got away. He started to chase Kagawa but didn't catch him. Then he came after me and caught me. He hit me and I fell in the ditch because I slipped.

Iwanaga: Did you see somebody hit Nichol?

Miyamoto: I didn't see anybody hit Mr. Nichol. I didn't know he was hit. The next day when he questioned me he said that I hit him.

Iwanaga: How did he question you about being struck?

Miyamoto: He asked me if I wanted to finish last night's round out.

Iwanaga: Did he ask you if you struck him?

Miyamoto: Yes, and I told him I didn't hit him.

Iwanaga: Were you in back of Mr. Nichol at any time about that evening?

Miyamoto: Not that I know of. Was on the side of him.

Iwanaga: That's all.

Graves: What is your position? Do you have one?

Miyamoto: What do you mean?

Graves: Are you working at the police department?

Miyamoto: No.

Graves: Were you justified to start to interfere with Mr. Nichol that night?

Miyamoto: Yes.

Graves: Have you authority to make a break-up?

Iwanaga: If he has no authority, we stipulate.....

Iwasaki: Objection overruled.

Graves: Did you attempt to break it up and retain release of Kagawa?

Miyamoto: No.

Graves: Did you see Kagawa hitting Mr. Nichol?

Miyamoto: No.

Graves: Are you a member of Mickey's zoot -suit bunch?

Miyamoto: No, we just go around together, that's all. We knew each other back home.

Graves: Did you tell the counsel that you wanted to see him?

Miyamoto: (No answer)

Graves: Did you make a statement to the counsel?

Miyamoto: I don't get it.

Graves: How much education have you had?

Miyamoto: As far as high school.

Iwasaki: Did you graduate?

Miyamoto: No.

Iwasaki: Up to what grade?

Miyamoto: To the 11th. grade.

Iwasaki: What school?

Miyamoto: In Los Angeles.

Iwasaki: You may proceed.

Graves: Did you make a statement the following day in the police office to Mr. Nichol?

Miyamoto: Yes.

Graves: Who was there?

Miyamoto: Captain Takasugawa.

Graves: Was that statement true?

Iwanaga: Court, please, technicality be not incross examination.

Iwasaki: Objection overruled.

Graves: Will you repeat the question?

Iwasaki: Was the statement that was made true?

Graves: That statement which you made to Mr. Nichol in the presence of Captain Takasugawa, was it true?

Miyamoto: Yes.

Graves: You were in trouble once before when you started a riot about two years ago. Did you make that statement?

Miyamoto: Yes.

Graves: Are you employed at the present time?

Miyamoto: Yes, at the warehouse.

Iwasaki: At the time of evacuation, where were you?

Miyamoto: In Los Angeles.

Iwasaki: Where were you before coming to this center?

Miyamoto: We stayed at Santa Anita Center.

Iwasaki: How long?

Miyamoto: I don't know. I guess about a year.

Iwasaki: What did you do when you came here?

Miyamoto: I got a job and worked.

Iwasaki: Where?

Miyamoto: As a swamper.

Iwasaki: You've been here approximately two years, then you were 17 years old then?

Miyamoto: Yes.

Iwasaki: You didn't attend school here?

Miyamoto: No.

Iwasaki: Why?

Miyamoto: Because I had a good job.

Iwasaki:, Who do you live with?

Miyamoto: My dad.

Iwasaki: Is he your true dad?

Miyamoto: No, he's my stepfather.

Iwasaki: Where is your mother?

Miyamoto: She passed away.

Iwasaki: How do you regard your father?

Miyamoto: I call him dad.

Iwasaki: Just like everybody else?

Miyamoto: Yes.

Graves: Did you testify that after Mr. Nichol was hit, Kagawa escaped and Mr. Nichol ran after him?

Miyamoto: Yes.

Graves: Couldn't catch him?

Miyamoto: No.

Graves: Did he run after you?

Miyamoto: Yes.

Graves: Did he hit you that night?

Miyamoto: Yes.

Graves: Were you knocked down?

Miyamoto: I slipped. We were by the ditch when my foot slipped.

Graves: Are you acquainted with Mr. Nichol?

Miyamoto: I don't know him very well. Just saw him a few times.

Graves: Did you know he was a member of the Internal Security?

Miyamoto: Yes.

Graves: Will now call next defendant's case.

Iwanaga: May I interrupt at this time? There are three defendants in other case, and I would like to have two of them change their pleas. May we have them change their pleas at this time before the court goes to chamber?

Graves: Court, please, we agree with the counsel's change of pleas; however, we would appreciate those pleas after the disposition of the case. I suggest that the case be called.

Iwanaga: I am not going into details of the matter, but it is very doubtful Mr. Nichol was hit in the head. Lieutenant Ono testified that there were three boys standing together when the hitting took place. Mr. Ono testified that he saw others swinging around, and if the three boys were in back of Mr. Nichol, naturally, Mr. Nichol didn't definitely identify who actually hit him. The defendant was never in back of Mr. Nichol but always on the side. He admitted he was trying to break the hold of Mr. Nichol over Kagawa, but I believe there's some doubt the defendant did actually strike.

Iwasaki: Has the defendant any criminal record?

Graves: Not outside of his own admission that he was involved in riot over a year ago.

Iwasaki: In this camp?

Graves: Yes.

Graves: The defendant himself testified he had interfered with this leg 1 arrest because of the unevenness in match, and this interference is willful violation. I would like to say to the court that we feel that interfering or striking a policeman and offering insults is one of the most serious offenses. This is not going to protect the police department in making legal arrests, and we should have some protection for the police department. I sincerely recommend in this case that this young man be given a substantial jail sentence. I would suggest about sixty days in the county jail; the same as the other case. I certainly don't believe it would be too much.

Iwasaki: The court will take a few minutes recess.

TIME: 3:25 P.M.

TIME: 3:45 P.M.

Iwasaki: Will the defendant, Tatsuo Miyamoto, please rise and face the court?

Iwasaki: After careful consideration of all the evidences admitted before this court, the court finds you guilty as charged. In arriving at this decision, the court believes you struck one Mr. John W. Nichol of the Internal Security causing the escape of George Kagawa. The evidences introduced are clear enough to the court to support this finding. It is the opinion of the court that no one should strike a police officer in performance of his duty.

Iwasaki: Are you ready for the sentence?

Miyamoto: Yes.

Iwasaki: It is the sentence of the court that you serve thirty days in the county jail, all of which is hereby suspended pending good behavior, and upon further consideration that you be placed on probation for a period of ninety days, during which time you will be required to report to the Internal Security once a week and observe all rules. You are to refrain from going to any public gatherings; dances, parties, without an invitation. If at any time, you fail to observe rules of the commission, you are hereby sentenced to serve thirty days in the county jail from and after commission of such offense. It appears to the court that problems of Youth Delinquency cannot be solved by this court alone; it can only assist.

Iwasaki: Sentence is so imposed. Are there any further remarks?

Graves: I believe that's all, your Honor.

Iwasaki: The court will continue with the next case.

TIME:, 4:00 P.M.

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BUTTE JUDICIAL COMMISSION

ARRAIGNMENT

People)
vs.)
Tatsuo Miyamoto) Case No. B-600

DATE: February 23, 1944

TIME: 1:45 P.M.

LOCATION: Butte Courthouse, 69-6, Rivers Arizona

JUDICIAL COMMISSIONERS: Ernest Iwasaki
 Shotaro Hikida
 Fred Shimizu

COMMUNITY CLERK: Izuto Otani

PROSECUTION: Fred J. Graves

Otani: Tatsuo Miyamoto is charged with the offense that he did willfully, unlawfully, and without cause or justification hit and strike with his fists, Mr. John W. Nichol, Assistant Chief of Internal Security, causing the escape of George Kagawa who was in lawful custody of the said John W. Nichol in violation of Section 33 of the Code of Offenses of Butte Community.

Iwasaki: Tatsuo Miyamoto, will you please face the court, you have heard the charge?

Miyamoto: Yes.

Iwasaki: Was the charge clear to you?

Miyamoto: Yes.

Iwasaki: How do you plead?

Miyamoto: Not guilty.

Iwasaki: The trial will be set for March 1, next wednesday, after the trial of George Kagawa. You are entitled to have a counsel to help you in your defense and witnesses if you have any. If any of them will not appear, the community clerk will issue a subpoena for their attendance in court.

CONCLUDED: 1:46 P.M.

BUTTE JUDICIAL COMMISSION

ARRAIGNMENT

People)
vs.) Case No. B-601
George Kagawa)

DATE: February 23, 1944
TIME: 1:42 P. M.
LOCATION: Butte Courthouse, 69-6, Rivers, Arizona

JUDICIAL COMMISSIONERS: Ernest Iwasaki
 Shotaro Hikida
 Fred Shimizu

COMMUNITY CLERK: Izuto Otani

PROSECUTION: Fred J. Graves

Otani: The Butte court is now in session with Mr. Ernest Iwasaki, Mr. Shotaro Hikida, and Mr. Fred Shimizu presiding.

Mr. George Kagawa, your Honor is charged with the offense that he did willfully and unlawfully resist lawful arrest by attempting to strike and break away from John W. Nichol, Assistant Chief of Internal Security, the arresting officer, in violation of Section #33 of the Code of Offenses of Butte Community.

Iwasaki: What was his name again?

Otani: George Kagawa.

Iwasaki: George Kagawa, you have heard the charge?

Kagawa: Yes.

Iwasaki: It is clear to you?

Kagawa: Yes.

Iwasaki: How do you plead, guilty or not guilty?

Kagawa: Not guilty.

Iwasaki: This case will be set for trial on March 1, at 2:00 next Wednesday afternoon. You are entitled to a counsel and you are also entitled to witnesses. Any time the witnesses will not appear, the community

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clerk will issue a subpoena for their attendance in court. If after the subpoena is issued and they do not appear, they are subject to contempt of court.

CONCLUDED: 1:45 P.M.

BUTTE JUDICIAL COMMISSION

TRIAL

People)
vs)
Kiichi Nakamura)

DATE: Monday, February 28, 1944
TIME: 2:35 P.M.
LOCATION: Butte Courthouse, 69-6, Rivers, Arizona

JUDICIAL COMMISSIONERS: Earnest Iwasaki
 Shotaro Hikida
 Fred Shimizu

COMMUNITY CLERK: Izuto Otani

PROSECUTION: John W. Nichol

COUNSEL: Karl Iwanaga

Court was called to order by the Community Clerk, Izuto Otani.

Otani: May I remind the people of a few of the rules.
 While the court is in session, there will be no
 smoking, gentlemen will not wear their hats, ladies
 may do so, there will be no reading of newspapers,
 not loud talking or disturbance of any kind, and it
 will be the duty of the bailiff to see that these
 rules are obeyed.

Iwasaki: Is the prosecution ready?

Nichol: Prosecution is ready, your Honor.

Iwasaki: The Prosecution may commence.

Otani: Your honor, today we have the trial of Kiichi
 Nakamura who is charged that without cause or just-
 ification that he did strike with his fists Harry
 Yonezawa causing the said Harry Yonezawa severe
 pains and injuries. This violation occurred in
 apartment 4-A in block 52.

Nichol: I would like at this time, your Honor, to call the
 witnesses to stand: K. Morita, T. Yamamoto, John
 Takeda, and Walter Jackson. Will Mr. Jackson step
 forward?

Otani: Will you swear that the testimony that you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Jackson: I do.

Nichol: What is your name?

Jackson: Walter Jackson.

Nichol: What is your official title and position?

Jackson: Internal Security Officer.

Nichol: What are your duties?

Jackson: Officer of the Day

Nichol: On January 27, 1944, were you in Officer of the Day that evening?

Jackson: I believe so.

Nichol: Did you have trouble of any kind reported to you on this day?

Jackson: Yes. One of the officers brought in the report that there had been a fight.

Nichol: Where did it take place?

Jackson: I believe it was block 57 but am not sure of the details.

Nichol: Did you make a report of this incident?

Jackson: Yes, I made an investigation and a report.

Nichol: Who did you interview during this investigation?

Jackson: In block 64, I interviewed a man by the name of Morita, another name of Yamamoto, another man Nakamura, and one other fellow. There were four people involved, and I saw three of them.

Nichol: I would like for you to say in your own words to the court just what took place in the interview.

Jackson: I got the report, read over the offense, and went to interview the report in block 64. There were three or four fellows in there but have forgotten the names. I asked what he knew about this rowe, and he said he knew nothing about it. His name was on the report, and he finally said that there had been an argument and one fellow hit another fellow. Then I went across the street to see another man by name of Yamamoto. He said they had been playing a hard game of card, and one fellow got hit in the mouth. As far as I could gather from him, Nakamura had hit this fellow in the mouth. Nakamura said that card game had been going on and when Yonezawa said he was having bad luck, Nakamura hit him in the mouth.

Nichol: Did you make a report of this trouble?

Jackson: I filled out the case report on the fight and made a report of investigation. Never did find that fourth fellow.

Nichol: Did anybody else in the room stop this fight or did he stop on his own accord?

Jackson: That broke up, and I believe they shook hands.

Nichol: I believe that's all.

Iwanaga: Mr. Jackson, as far as you know, there's no complaint filed of filed of the trouble?

Jackson: I don't know what you mean by a complaint. The defendant hit him in the mouth and he was mad about it. We got the information and interview, and they shook hands, but I don't think that Mr. Yonezawa forgot about it though.

Iwanaga: Isn't it a fact that Mr. Yonezawa asked for the dismissal of the case?

Jackson: I have no knowledge of it.

Iwanaga: That's all. Thank you.

Nichol: I would, your Honor, to call the next witness, John Takeda to the stand.

Otani: Will you swear that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Takeda: I do.

Takeda: I need an interpreter.

(Mr. George Nishimura as interpreter is sworn in)

Nichol: What is your name?

Takeda: John Takeda.

Nichol: Where are you working?

Takeda: Internal Security

Nichol: Were you working on January 27, 1944?

Takeda: I think so.

Nichol: What hours do you work?

Takeda: On the swing shift; from 3:30 to 11:30.

Nichol: Do you recall whether or not on January 27 anybody reporting any trouble on that day?

Takeda: Yes, a man was in.

Nichol: Who was this man and what did he say in the Internal Security Office?

Takeda: Mr. Yonezawa came in and said that they had been playing cards at 57-4-B and when he said something about bad luck was against him, Nakamura had hit him in the mouth.

Nichol: Did Mr. Yonezawa tell you that his glasses were broken in this case?

Takeda: Yes, he broke his glasses and they were broken.

Nichol: Did Mr. Yonezawa have any cuts on his face?

Takeda: Yes, he did.

Nichol: Where?

Takeda: On his lips.

Nichol: Did Mr. Yonezawa tell you many times he was hit?

Takeda: No, he didn't.

Takeda: I do.

Takeda: I need an interpreter.

(Mr. George Nishimura as interpreter is sworn in)

Nichol: What is your name?

Takeda: John Takeda/

Nichol: Where are you working?

Takeda: Internal Security

Nichol: Were you working on January 27, 1944?

Takeda: I think so.

Nichol: What hours do you work?

Takeda: On the swing shift; from 3:30 to 11:30.

Nichol: Do you recall whether or not on January 27 anybody reporting any trouble on that day?

Takeda: Yes, a man was in.

Nichol: Who was this man and what did he say in the Internal Security Office?

Takeda: Mr. Yonezawa came in and said that they had been playing cards at 57-4-B and when he said something about bad luck was against him, Nakamura had hit him in the mouth.

Nichol: Did Mr. Yonezawa tell you that his glasses were broken in this case?

Takeda: Yes, he broke his glasses and they were broken.

Nichol: Did Mr. Yonezawa have any cuts on his face?

Takeda: Yes, he did.

Nichol: Where?

Takeda: On his lips.

Nichol: Did Mr. Yonezawa tell you many times he was hit?

Takeda: No, he didn't.

Nichol: I believe that's all

Iwanaga: As far as you know, Mr. Yonezawa didn't go to the hospital?

Takeda: I don't believe so.

Iwanaga: In other words, it was just a slight bruise?

Takeda: Yes, I would say so.

Iwanaga: That's all.

Nichol: I would like to call Mr. Morita to the stand.

Otani: Will you swear that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Morita: I do.

Nichol: What is your name?

Morita: Hideo Morita.

Nichol: Where do you live?

Morita: 57-4-A.

Nichol: What's your work in the Center?

Morita: Night dispatcher at the Motor Pool.

Nichol: Did you have any trouble that evening? Tell in your own words just what happened.

Morita: Well, we were playing a card game of poker, about four or five of us and Yonezawa was one of them. It was around two P.M. when we started. When Nakamura came, he looked to be in a happy mood and started to kid some of the boys. I guess Yonezawa wasn't feeling so good and made remarks and Nakamura hit him.

Nichol: Did you say Nakamura hit Yonezawa?

Morita: Yes.

Nichol: How many times?

Morita: Once.

Nichol: Did you see Mr. Nakamura hit Mr. Yonezawa on the floor?

Morita: No.

Nichol: I would like to recall your statement which you made at the Internal Security on the day of January 28. You claimed that on the day following of the trouble that you did not know what purpose Mr. Nakamura had to hit Mr. Yonezawa at this time and that you saw Mr. Nakamura drag him up from the floor and hit him twice. How is that you remember so much now?

Morita: Well, in the first place, I didn't want to be involved in this thing. They are both my friends, as I didn't make a full statement.

Nichol: Has anyone talked to you since that occasion?

Morita: Yes, I talked to one of the witnesses.

Nichol: Who?

Morita: Yamamoto.

Nichol: What did you talk about?

Morita: About the fight.

Nichol: How many time did Nakamura hit Yonezawa?

Morita: I know when he hit him the first time.

Nichol: Did you say Mr. Nakamura hit Yonezawa the first time?

Morita: Yes.

Nichol: Then what was your reason for saying that you didn't see the first blow at the Internal Security Office?

Morita: I didn't want to be in this thing.

Nichol: When you were examined at the Internal Security Office you said you didn't remember who struck the first blow. Was that true?

Morita: I don't know what I said.

Iwanaga: Isn't it a fact that before Nakamura struck Yonezawa that Mr. Yonezawa stood up?

Morita: I saw his hands go up.

Iwanaga: Did you see him making a motion with his left hand and take his glasses off?

Morita: He could have; I saw his hand go this way (makes a motion). He could have taken his glasses off.

Iwanaga: In other words, you saw him make a motion with his left hand as if he was taking his glasses off.

Morita: Yes.

Iwanaga: Did you make a report to the Internal Security on what you had seen on that day?

Morita: No.

Iwanaga: Why didn't you?

Morita: Didn't want to be mixed in this thing.

Iwanaga: Do you remember what Nakamura said before he struck?

Morita: He said something like, "Don't say such things to me." or something like that.

Iwanaga: Isn't it a fact that Yonezawa made some attempt to strike or push Nakamura?

Morita: Yes, he stood up and his left hand went up as if to strike. I took it for granted that he was going to strike.

Iwanaga: In other words, he looked like he was in a position to strike?

Morita: Yes.

Iwanaga: Do you recall what Mr. Nakamura said when he came in?

Morita: Something about luck.

Iwanaga: You were in the game and you could tell if he were in a struck of losing or winning. How was his luck that day?

Morita: It wasn't so good.

Iwanaga: That's all. Thank you.

Nichol: Did you actually see Yonezawappush Nakamura.

Morita: No, I didn't.

Nichol: Did he cuss at Mr. Yonezawa?

Morita: Yes, he cussed, I think.

Nichol: That's all. I would like to call Mr. Yamamoto to the stand.

Otani: (Swears him in)

Nichol: What is your name?

Yamamoto: Toshiro Yamamoto.

Nichol: Where do you live?

Yamamoto: In block 64.

Nichol: What is your work?

Yamamoto: I am not working at present.

Nichol: How long have you been on the project?

Yamamoto: Ever since I came back the last time. I was out for six months.

Nichol; How long have you been here this last time?

Yamamoto: Two months.

Nichol: Were you in the Army?

Yamamoto: Yes.

Nichol: Were you discharged?

Yamamoto: Yes.

Nichol: Did you have an occasion to be in 57-4-A on January 27?

Yamamoto: I don't remember the date.

Nichol: Were you playing cards on that day?

Yamamoto: Yes.

Nichol: Do you remember any trouble that took place on that day?

Yamamoto: Yes.

Nichol: Who was the trouble between?

Yamamoto: Between Yonezawa and Nakamura.

Nichol: I would like to have you tell the court in your own words what took place.

Yamamoto: Well, we playing a poker game and then Mr. Nakamura came. He was in a happy mood. An argument began but I don't know what it was about, because I was concentrating on the poker game.

Nichol: What was said in the argument?

Yamamoto: Don't know 'cause I was concentrating on the poker game.

Nichol: Did you see Mr. Nakamura hit Mr. Yonezawa?

Yamamoto: I saw him stand up and take off his glasses.

Nichol: I wonder if the witness could be reminded to tell the whole truth.

Iwasaki: (Speaking to Yamamoto) You're under oath and you have to tell the truth; otherwise, you are subject to contempt of court.

Iwanaga: May I ask, your Honor, that the witness just answer those questions asked and proceed without going to other matters.

Iwasaki: May proceed.

Nichol: I would like to ask again if you saw Nakamura hit Yonezawa.

Yamamoto: No.

Nichol: Do you recall the statement which you made on January 28 at the Internal Security Office. Was it the truth?

Yamamoto: I didn't want to be involved.

Nichol: That's not the question. Did you tell the truth that day?

Yamamoto: No.

Nichol: Your Honor, it seems to me that the witness has talked to somebody and is lying. He's not testifying the truth, and I believe we have the facts given us that the defendant did strike and knock Mr. Yonezawa down. I believe this witness is deliberately lying.

Iwanaga: Please, your Honor, accusation is on the witness...

Iwasaki: I think in this instance that the witness is the prosecution's witness. As a matter of fact, he has brought out remarks for the status of case; so far sufficient evidence has been given for the offense. The prosecution is right to go ahead with the case.

Nichol: That's all with the witness. I would like to call Mr. Yonezawa to stand.

Otani: (Swears him in)

Nichol: What is your name?

Yonezawa: Harry Yonezawa.

Nichol: Where do you live?

Yonezawa: In block 57-4-A

Nichol: How long have you been living there?

Yonezawa: Ever since coming to camp.

Nichol: Were you living there on the 27th. of January?

Yonezawa: Yes.

Nichol: Who did you have this trouble with?

Yonezawa: Kiichi Nakamura.

Nichol: I would like to have you tell the court in your own words what happened.

Yonezawa: We were playing card game when Nakamura came and asked me if I win. I say that I lose like a man and can't win that day. He hit me hard with fist and I fell back and couldn't get up. When I woke up he was gone and I went to Internal Security to report it.

Nichol: That's all.

Iwanaga: Mr. Yonezawa, you were very mad at this time because you were losing the game?

Yonezawa: Yes, I was mad that day.

Iwanaga: Did you file any complaint to prosecute the defendant? If the court please, the plaintiff doesn't understand what I mean. I would like to have the matter explained to him.

Iwasaki: Did you file a formal complaint? Did you to the Internal Security Office and swear an affidavit that you wish to have Nakamura arrested for the offense made against you?

Yonezawa: Just went to report it.

Iwasaki: To report the fight?

Yonezawa: Yes.

Iwasaki: That's all.

Iwasaki: Mr. Yonezawa, isn't it true that you asked for dismissal of the whole thing?

Yonezawa: Yes, Mr. Tanaka came to apologize--came about three or four times, so I gave him a chance and went to the Internal Security to drop the case.

Iwanaga: This Nakamura didn't come to see you?

Yonezawa: No, another man.

Iwasaki: But you actually did to to Internal Security?

Yonezawa: Yes.

Iwasaki: You did report the incident to Internal Security after Nakamura struck you?

Yonezawa: Yes, after that I tried to drop the case and went to the Internal Security.

Iwasaki: Did you go freely and or did somebody tell you to?

Yonezawa: Mr. Tanaka went with me.

Iwasaki: Did you do it freely and voluntarily?

Iwanaga: The witness doesn't understand the question.

Iwasaki: Did you go on your own accord without this man Tanaka telling you to drop the case and without his asking you to go to Internal Security.

Yonezawa: He came to apologize, so I went to drop the case.

Iwasaki: Freely and voluntarily?

Iwanaga: Do you understand the question?

Yonezawa: Yes.

Iwanaga: That's all.

Nichol: ,Mr. Yonezawa, isn't it a fact that Mr. Tanaka came to Internal Security Office before you filed your statement, and then took you to Internal Security to drop the charge?

Yonezawa: I was there before Tanaka came. He came into the office of the Internal Security and wanted to talk to me outside.

Nichol: Isn't it a fact that Mr. Tanaka told you that it was foolish to have any trouble with your friends and should be friends?

Yonezawa: He didn't say about trouble and went to drop the case.

Nichol: Did Mr. Tanaka take you to Internal Security Office?

Yonezawa: I was there before he came.

Nichol: Didn't he take you to Mr. Grave's office from my office?

Yonezawa: He called me outside.

Nichol: What did he say to you?

Yonezawa: He didn't say anything--just to drop the case.

Nichol: That's all. Now Mr. Nakamura will be called to stand.

Otani: (Swears him in)

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Iwanaga: Mr. Nakamura, on January 27, 1944, you were at 57-4-A and had some trouble?

Nakamura: Yes.

Iwanaga: What time of day was it?

Nakamura: Around four o'clock.

Iwanaga: What did you intend to do around there?

Nakamura: Just poke around and talk with friends.

Iwanaga: Talk to whom?

Nakamura: Talking to everybody.

Iwanaga: Did you talk particularly to Mr. Yonezawa?

Nakamura: Mes

Iwanaga: ,Did you have an argument?

Nakamura: Yes, had an argument with Mr. Yonezawa and I hit him.

Iwanaga: Did he take his glasses off before you struck him?

Nakamura: Yes.

Iwanaga: Did he stand up?

Nakamura: Yes.

Iwanaga: What position was his left and right hand?

Nakamura: They were up like he was going to hit me.

Iwanaga: Which hand?

Nakamura: I don't remember because I was mad.

Iwasaki: You say you were mad?

Nakamura: Yes.

Iwasaki: None of the hands were raised, is that it?

Nakamura: Yes.

Iwanaga: How many times did you strike him?

Nakamura: Once.

Iwanaga: Did he have his glasses on dwhen you struck him?

Nakamura: No, he had them off.

Iwanaga: What did he say before you struck him--what's his last word before you struck?

Nakamura: He said he would throw me out of the room.

Iwanaga: That's all.

Nichol: Mr. Nakamura, did you have any official business in that room on that day?

Nakamura: I always go there. My friends live there.

Nichol: What business did you have to go there that day.

Nakamura: To be with my friends.

Nichol: No official business?

Nakamura: No business.

Nichol: Did you have any argument with him?

Nakamura: Just before the fight.

Nichol: What was the fight about.

Nakamura: Over the winning of the poker game.

Nichol: Did you and Mr. Yonezawa have any trouble up to this time?

Nakamura: No, no real trouble.

Nichol: Did Mr. Tanaka get this thing fixed up for you?

Nakamura: He knows Harry goodsso he say shake hand and be friends.

Nichol: Was it just a misunderstanding?

Nakamura: I believe it was.

Nichol: Do you rēmember the first remark that was said on this day?

Nakamura: I told him that he must be winning.

Nichol: Did you pick Harry off the floor after you hit him?

Nakamura: I picked him up after I hit him, but he seemed groggy so I laid him down again.

Iwanaga: Mr. Nakamura, you've been to his home several times before?

Nakamura: Yes.

Iwanaga: Is it a fact that the room is used as a club house for truck drivers?

Nakamura: It is.

Iwanaga: Is it a get-together for everyday?

Nakamura: Six days out of the week.

Iwanaga: Are you welcome there?

Nakamura: Yes.

Iwanaga: Does Mr. Morita live with Mr. Yonezawa?

Morita: Yes.

Nichol: Isn't it a fact that the room is used by young boys to get together for various purposes; that the truck drivers go there every day? Are they welcome there?

Morita: They are welcome any time they come around to chatter and play games.

Nichol: There is no special invitation?

Morita: Everybody is welcome with no special invitation.

Nichol: We have presented our case beyond doubt that Mr. Nakamura did strike Mr. Yonezawa without cause.

Iwasaki: May I ask if the defendant has any crime record?

Nichol: No record with us. This is the first time.

Iwasaki: Has the prosecution any recommendation to make?

Nichol: No recommendation to offer.

Iwanaga: If the court please, I think in this case the prosecution testified in behalf of the defendant. There's some doubt as to exactly whether the defendant Nakamura is the aggressor or if Yonezawa is the aggressor. Witnesses on the stand are presumed to tell the truth, and I believe that the witnesses have shown the prosecutor that Yonezawa had his glasses off and stood up and in a position to strike or do harm to the defendant. It is commonly known rule of the law that if there is any doubt, benefit should be for the defendant. I have much doubt in this case the defendant is the aggressor.

Nichol: I believe, your Honor, that Mr. Yonezawa did stand up but hasn't a man got a right to stand up in his own house? It is known evidence that Nakamura did strike Yonezawa. No evidence of Yonezawa pushing him. He raised his hands, but perhaps to wipe his glasses. He never struck a blow and wasn't fighting but was struck by Mr. Nakamura. There can't be any decision but guilty.

Iwasaki: The court will take a fifteen minutes recess at this time.

Otani: The court will now announce its decision.

Iwasaki: Will the defendant, Kiichi Nakamura, please rise and face the court.

Iwasaki: After careful consideration of all the evidence introduced before this court, the court finds you guilty as charged. The decision finds that you did strike one Harry Yonezawa without purpose or just cause. Decision is so rendered.

Iwanaga: May I ask the court that the defendant pay for the glasses?

Iwasaki: How much are the glasses?

Iwanaga: Is Harry Yonezawa here?

Yonezawa: Yes.

Iwanaga: How much are the glasses?

Yonezawa: Twelve dollars.

Iwanaga: It is my request to the court that the defendant be allowed to pay for the glasses if it is satisfactory to the prosecution.

Nichol: Very well.

Iwasaki: Mr. Nakamura, are you ready for the sentence now?

Nakamura: Yes.

Iwasaki: It is the sentence of the court that you pay a fine of \$50.00, \$45.00 of which is hereby suspended pending good behavior and upon further condition that you be placed on probation for a period of sixty days. You are also required to pay for the cost of damages of Harry Yonezawa's broken glasses.

Iwasaki: Sentence is so imposed. Are there any further remarks?

Iwasaki: If not, this court is adjourned.

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BUTTE JUDICIAL COMMISSION

TRIAL

People)
 vs)
George Kagawa) Case No. B-601

DATE: March 1, 1944, Wednesday
TIME: 2:10 P.M.
LOCATION: Butte Courthouse, 69-6, Rivers, Arizona

JUDICIAL COMMISSIONERS: Earnest Iwasaki
 Shotaro Hikida
 Fred Shimizu

COMMUNITY CLERK: Izuto Otani

PROSECUTION: Fred J. Graves

COUNCIL: Karl Iwanaga

Iwasaki: Will you present the first case?

Otani: The defendant, George Kagawa, is charged with willfully and unlawfully resist lawful arrest by attempting to strike and break away from one John W. Nichol, Assistant Chief of Internal Security, the arresting officer, in violation of Section #33 of the Code of Offenses of Butte Community.

Iwasaki: Is the prosecution ready?

Graves: The prosecution is ready, your Honor.

Iwasaki: The prosecution may commence.

Graves: The prosecution calls on John W. Nichol.

Otani: Raise your right hand. Do you solemnly swear that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Nichol: I do.

Graves: Will you state your name, please?

Nichol: John W. Nichol.

Graves: What are your official duties and title?

Nichol: Officer of Internal Security and Assistant Chief.

Graves: Were you employed on February 13, 1944?

Nichol: Yes, I was.

Graves: Have you, on any occasion, seen the defendant?

Nichol: No.

Graves: Are you acquainted with the defendant now?

Nichol: Yes.

Graves: Will you indicate the defendant?

Nichol: (Points to the defendant)

Graves: Upon that night, were you on duty at mess hall #43 at the Valentine Dance, and at that time did you have an occasion to see the defendant?

Nichol: Yes.

Graves: Will you state in your own words just what the occasion was?

Nichol: I went on duty to the Valentine Dance on February 13, 1944 around 8:30 P.M. The dance was for couples only, so I was trying to keep everyone out except couples. It was around 10:00 P.M. when the trouble started, and one George Kagawa was outside when the following remark was made to me: "Shit on those uniforms; they don't mean anything." I started to arrest him when other fellows interfered and made the break away of him and he ran home.

Graves: Did you pursue him that night?

Nichol: No.

Graves: Was he with other associates?

Nichol: Yes.

Graves: How many?

Nichol: About 25 or 30.

Graves: This group--are they known or are they the group commonly known as the zoot-suit gang?

Nichol: Yes.

Graves: They wear those drape pants with the long hair cuts?

Nichol: Yes.

Graves: Did you later question this defendant?

Nichol: Yes.

Graves: Will you tell the court in your own words.

Nichol: On the following day I asked him what he was trying to do and if he was trying to run the camp. He said no. I asked him if he knew the dance was sponsored for couples only, and he said he did know that but had gone to listen to the music played by the orchestra. I also asked him if he was the one who made the remark and he said he wasn't making it to me but to the other officers.

Graves: (Handing him a piece of paper) Is that the statement he made to you on the following day?

Nichol: Yes.

Graves: (To Iwanaga) We offer this as prosecution exhibit A.

Iwanaga: Unless the defendant has actually signed the statement, I don't think the material can be used as evidence.

Graves: Very well. We shall call on the witness for other questions. Is there anything to your knowledge about this group of zoot-suiters?

Nichol: Yes.

Graves: Will you state to the court just what happened?

Nichol: Along about fifteen minutes before the trouble started, there was a caucasian girl who came into the dance with an evacuee who also had a zoot-suit on --don't know his name. Everything was peaceful but when this caucasian girl came in, trouble started for Mikiyo Kawakami, who's the leader of this gang, would give anything to get into the dance.

Graves: Is that when the remarks were made?

Nichol: Yes.

Graves: They made insults to the officers?

Nichol: Yes, and that brought on everything.

Graves: Before he broke away, did you tell him that he was under arrest?

Nichol: Yes.

Graves: And that you would take him to county jail?

Nichol: Yes.

Graves: That's all.

Iwanaga: Did you lay your hands on him and grab hold of him?

Nichol: No, sir.

Iwanaga: Where was the defendant standing when he made the remark?

Nichol: In back of gang; close to me.

Iwanaga: Did you see this man?

Nichol: Yes.

Iwanaga: You say there were about twenty people?

Nichol: Yes.

Iwanaga: Have you ever seen the defendant before that night?

Nichol: No, it was the first time.

Iwanaga: It was dark out there; reasonably dark, wasn't it?

Nichol: Yes, but the lights from the car were on.

Iwanaga: Lights weren't shining on the defendant, was it?

Nichol: It was shining on all.

Iwanaga: When you speak of the zoot-suiters--did you see these boys wear these suits around there?

Nichol: Yes.

Iwanaga: Who did you see wearing them?

Nichol: Majority of the gang.

Iwanaga: You didn't see anyone there who didn't have a zoot-suit on?

Nichol: There was one, but the rest had those pants on.

Iwanaga: Isn't it a fact that you handled roughly when he broke away?

Nichol: No, sir.

Iwanaga: When you said these boys were going into the dance hall when couples only were permitted, they didn't try to force themselves in, did they?

Graves: I object, your Honor.

Iwasaki: Objection sustained.

Iwanaga: Did you see the defendant trying to force himself into the dance hall?

Nichol: No.

Iwanaga: When he made that remark, you were not facing the defendant?

Nichol: Yes.

Iwanaga: What made him make such a remark?

Nichol: That's what I don't know.

Iwanaga: You're not positive whether it was directed to you or others?

Graves: Court, please, he's answered that the first time.

Iwasaki: Objection sustained.

Iwanaga: Who was the remark directed to?

Nichol:, Made to a group of officers.

Iwasaki: Did he answer that question?

Iwanaga: Yes. That's all.

Graves: Mr. Nichol, after this defendant broke away, at that time did you have information as to where you can locate him later?

Nichol: Yes.

Graves: When you rough handled him--you didn't except for self defense?

Nichol: Yes.

Graves: When you were holding for self defense, did he make an attempt to strike you?

Nichol: Yes.

Graves: What did he do?

Nichol: When I was holding him, he tried to strike me.

Iwanaga: Did he strike you?

Nichol: Never hit me.

Iwanaga: Did he attempt to strike you?

Nichol: Yes, about four or five different times.

Iwanaga: Before the arrest?

Nichol: After the arrest.

Iwasaki: Mr. Nichol, did you say that when you made the arrest, he tried to break away from you?

Nichol: Yes.

Iwasaki: Very well.

Graves: The prosecution calls on Captain Norman Takasugawa to the stand.

Otani: (Swears him in)

Graves: What is your name?

Takasugawa: Norman Takasugawa?

Graves: What is your official position?

Takasugawa: Captain of the Butte Police Station.

Graves: Were you employed on February 13, 1944?

Takasugawa: Yes.

Graves: Did you have an occasion to be present on duty at the Valentine Dance on February 13, 1944, at mess hall #43?

Takasugawa: Yes.

Graves: On that occasion, did you see the defendant?

Takasugawa: Yes.

Graves: Are you acquainted with him?

Takasugawa: No.

Graves: Are you acquainted with him at this time by sight?

Takasugawa: Yes.

Graves: Indicate who he is.

Takasugawa: (Points to the defendant) That fellow in the green sweater.

Graves: Was the written statement made in your presence?

Takasugawa: Yes, it was.

Graves: Court, please, again we offer this statement in evidence.

Iwanaga: We object. Without introducing the statement, can't testify what was said by the boy.

Iwasaki: Objection sustained.

Graves: Will you state in your own words what the defendant told you or said in your presence?

Takasugawa: He gave his name and his address which I believe is 34-2-D. He told us he was member of the fencing crew--he works fixing the fences around camp. He said this was the first time he had been in trouble.

Graves: Did you ask him whether or not he had made the insulting remark?

Takasugawa: Yes, he said he didn't say anything.

Graves: Did you refer to the remark?

Takasugawa: Yes, we did.

Graves: Then he did make that remark--tell the court what he said.

Takasugawa: "Shit on those uniforms; they don't mean a thing."

Graves: Did he admit on the following day to you that he made that remark?

Takasugawa: He said he didn't say it to me or Mr. Nichol but to the police department.

Graves: Did he say who?

Takasugawa: No, he did not.

Graves: Captain, this remark--was it made in a loud and boisterous manner?

Takasugawa: Yes, it was.

Graves: You heard it?

Takasugawa: Yes.

Graves: Were you present that night when the remark was made?

Takasugawa: Yes, I was.

Graves: Do you know what caused that remark?

Takasugawa: That remark came after one fellow, George Kagawa, tried to enter the dance hall and started trouble. I think Mikiyo stayed out during that time.

Graves: Was the defendant involved in trouble with Mikiyo?

Takasugawa: No, he wasn't. He was in a group.

Graves: That's all.

Iwanaga: How far away were you when he made that remark?

Takasugawa: Standing in the doorway.

Iwanaga: Reference to the defendant, how far?

Takasugawa: About twelve feet.

Iwanaga: There were young men standing between you and defendant?

Takasugawa: There were about three or four fellows standing by the doorway.

Iwanaga: When he made that remark, were you looking at him?

Takasugawa: No, I was not.

Iwanaga: Then you couldn't say for sure that he made that remark?

Takasugawa: No, I couldn't.

Iwanaga: Could have been said to somebody else?

Takasugawa: It could have.

Iwanaga: Is it a fact that you struck a young man when someone made the unpleasant remark to you?

Takasugawa: Yes.

Iwanaga: Because of the remark?

Takasugawa: No.

Iwanaga: How many people did you strike?

Takasugawa: Two fellows.

Iwanaga: How? With your fists?

Takasugawa: No.

Iwanaga: Did you use a flashlight?

Takasugawa: No, I didn't.

Iwanaga: Are you sure you didn't use a flashlight?

Takasugawa: Not the first time.

Iwanaga: I ask you, as officer of Internal Security, are you permitted to use such a thing?

Takasugawa: In that case, yes.

Iwanaga: For self protection?

Takasugawa: That's right.

Iwanaga: That's all. Thank you.

Graves: Captain, did you see Mr. Nichol, your superior, approaching the defendant and take him by the arm?

Takasugawa: Yes.

Graves: What did the defendant do at this time?

Takasugawa: Made insults and with three or four others they moved to the middle of the road.

Graves: This fellow you hit--explain to the court why you hit him.

Takasugawa: I think it was Kagawa and others saying something which I could not hear, but the fellows started to get behind Mr. Nichol and they were about two steps away swinging at Mr. Nichol from behind. Mr. Nichol was holding Kagawa.

Graves: Did you see him offer any resistance?

Takasugawa: Yes, I did.

Graves: Did you see him attempt to hit and strike Mr. Nichol?

Takasugawa: Yes.

Iwanaga: Was he struggling?

Takasugawa: Yes, he was.

Iwanaga: Did you hear Mr. Nichol say he was under arrest?

Takasugawa: No, I did not.

Iwanaga: How late was it when this man made a remark to Mr. Nichol--when Mr. Nichol put his hands on Kagawa's arm?

Takasugawa: Right away. As soon as I could get there.

Iwanaga: Was Mr. Nichol standing close to you?

Takasugawa: No, behind me.

Iwanaga: That's all.

Graves: After some of this loud talk and boisterous language, did Mr. Nichol instruct you to come and leave them alone?

Takasugawa: Yes.

Graves: That's all. Would like to call Lieutenant Ono to stand.

Otani: (Swears him in)

Graves: State your name, please.

Ono: Lieutenant Ono.

Graves: Official position and title.

Ono: Lieutenant of the Butte Police Force.

Graves: As a worker of the police force, were you on duty on the day of February 13, 1944?

Ono: Yes.

Graves: At the Valentine Dance at mess 43?

Ono: Yes.

Graves: Will you please tell the court what happened?

Ono: There were a few of Kagawa's gang standing at the doorway--there was quite a crowd at the doorway. Around 8:30 or 9:00 P.M. Captain Takasugawa went over to clear the doorway, and those boys were making remarks back and forth and later Mr. Nichol came. Mr. Nichol told the Captain to come back and not pay any attention to them. Soom after that some boys made some language to Mr. Nichol, so he went after them and that was when the fight started. I don't remember who was swinging arms back and forth. Later I saw Mr. Nichol chasing them and they fell in the ditch, so I went after them. He was chasing Mikiyo quite a distance, I think.

Iwasaki: The defendant used a language?

Ono: I don't know who it was, for there were quite a few boys.

Graves: Were you present when Mr. Nichol made an attempt to hold the defendant?

Ono: Yes, I was there.

Graves: Were you able to identify the defendant at that time?

Ono: I don't know, for he was in back.

Graves: Can't remember who it was?

Ono: No.

Graves: But you did know that it was some of Kagawa's gang?

Ono: Yes, it was the zoot-suit gang wearing these pants?

Graves: How about the haircuts?

Ono: I don't know.

Graves: That's all.

Iwanaga: You didn't hear any remarks made by this defendant that night?

Ono: I don't know if it was him.

Iwanaga: Did you see Captain Takasugawa strike that night?

Ono: No.

Iwanaga: Where was Captain Takasugawa standing?

Ono: I think he was standing right side of me.

Iwanaga: All you three were close by?

Ono: Yes, close.

Iwanaga: Which way were you facing?

Ono: Toward the door.

Iwanaga: You didn't see the defendant strike?

Ono: No.

Iwanaga: Is it a fact that the defendant got away and that he struggled instead on striking?

Ono: What do you mean?

Iwanaga: When Mr. Nichol laid his hands to arrest, he just struggled?

Ono: They were struggling.. I don't know for there were four or more boys swing^{ing} arms at Mr. Nichol from the back.

Iwanaga: Then you couldn't see the defendant?

Ono: No, can't remember.

Iwanaga: When he got away from Mr. Nichol, did he run?

Ono: No.

Iwanaga: He didn't run?

Ono: I didn't see. There were about twenty to thirty boys, and it was dark so hard to see.

Iwanaga: It was pretty dark. Then you can't recognize from ten feet away?

Ono: If I know him.

Iwanaga: The defendant was around there?

Ono: Yes, he was.

Iwanaga: Do you know who made the remark?

Ono: I can't say exactly. There was a bunch of boys there.

Iwanaga: That's all.

Iwasaki: Just a minue, you saw this man and you were able to identify him?

Ono: Yes.

Iwasaki: He was arrested by Mr. Nichol and broke away from him?

Ono: I don't know. I didn't see, for there was a good many of boys around there.

Iwasaki: That's all.

Graves: Would like to call Officer Minoru Iwashika to the stand.

Otnai: (Swears him in)

Graves: State your name.

Iwashika: Minoru Iwashika.

Graves: What's your official position and title?

Iwashika: Officer of Internal Security.

Graves: Police Officer?

Iwashika: Yes.

Graves: Were you on duty at the Valentine Dance that was in progress here at mess hall 43?

Iwasaki: Yes.

Graves: Did you have an occasion to see this defendant on that night?

Iwashika: Yes, I did.

Graves: Are you acquainted with the defendant?

Iwashika: I have seen him a number of times.

Graves: Were you present when Mr. Nichol attempted to arrest this defendant?

Iwasaki: Yes.

Graves: Explain to the court what happened at the time of the arrest.

Iwashika: Everything was alright until a caucasian girl came to the dance and then Mikiyo tried desperately to get in. One fellow told some bad language to Mr. Nichol and Nichol slapped him. Then the boys started to say, "Take off those uniforms." Then somebody struck Mr. Nichol from behind but don't know who it was.

Graves: Did you see Mr. Nichol have a constant hold of the arm?

Iwashika: Yes.

Graves: Did you see the defendant attempt to strike Mr. Nichol and escape?

Iwashika: No, I don't think. I didn't see that.

Graves: That's all.

Iwasaki: You saw Mr. Nichol arrest this gentleman?

Iwashika: I don't know--was ten feet away.

Iwanaga: Officer, you saw him strike and made a remark?

Iwashika: Yes.

Iwanaga: In other words, there were a lot of young men around there who made a lot of noise?

Iwashika: Pretty lot.

Iwanaga: Is it true that someone said to the officer, "You don't have to be fresh." Was that remark after the strike?

Iwashika: Don't know if it was after.

Iwanaga: You didn't see Mr. Nichol arrest this man and tell him that he was under arrest?

Iwashika: Didn't quite see that; was by the door.

Iwanaga: Was it dark out there?

Iwashika: Yes, it was dark.

Iwasaki: Were there any lights around?

Iwashika: Around the corner.

Iwasaki: Could you recognize anyone five feet away from you that night?

Iwashika: If I knew him.

Iwasaki: That's all.

Graves: Just a minute, the distance from the door to the corner--have you any idea how far dance hall is from the corner?

Iwashika: About forty feet.

Graves: Was the street light burning on the corner?

Iwashika: Yes.

Graves: You testified that it was dark and that you can't see an object in front of you?

Iwashika: Yes.

Graves: Can you recognize the person?

Iwashika: Pretty hard--too many boys.

Graves: Did you testify that you could recognize the defendant?

Iwashika: The one I know; if I saw him before.

Graves: Now did you assist Mr. Nichol. Explain to the court the nature of the fight.

Iwanaga: Objection in that the information is immaterial.

Iwasaki: Proceed.

Graves: Did the defendant escape from Mr. Nichol?

Iwashika: I believe he did.

Graves: Did you have an occasion to protect Mr. Nichol by holding others away from him?

Iwashika: Yes.

Graves: That's all.

Iwanaga: You saw the defendant around there after he got loose from Mr. Nichol?

Iwashika: Yes.

Iwanaga: He was close by?

Iwashika: Yes.

Iwanaga: Mr. Nichol also present?

Iwashika: Yes.

Graves: Prosecution rests, your Honor. Will now call George Kagawa.

Iwanaga: Name?

Kagawa: George Kagawa:

Iwanaga: On that night of the Valentine Dance, do you know what happened that night--did you make some unpleasant remarks to the officers?

Kagawa: Well, everybody else was cussing at him.

Iwanaga: What did you say to him?

Kagawa: The one about the uniform.

Iwanaga: Say exactly what you said.

Kagawa: "Just because you got a uniform on, you don't have to get so fresh."

Iwanaga: Is that the only remark you made? Any others?

Kagawa: No, just that one.

Iwanaga: Did you make that remark that uniform doesn't mean anything?

Kagawa: No.

Iwanaga: Did Mr. Nichol say to you that night that you were under arrest?

Kagawa: No.

Iwanaga: What did he do?

Kagawa: He grabbed me and started to shake me and all that stuff. Then the rest of the guys jumped in.

Iwanaga: What did you do?

Kagawa: Get away, naturally.

Iwanaga: Did you strike your officer??

Kagawa: No, no chance.

Iwanaga: Did you attempt to strike him?

Kagawa: No.

Iwanaga: Did you get away from him?

Kagawa: No, I don't know. Everybody was hitting him or something and he let go of one arm.

Iwanaga: Let go of you?

Kagawa: Yes.

Iwanaga: Did you run?

Kagawa: Just a little distance; then I stopped and looked back.

Iwanaga: Go back again?

Kagawa: Later on.

Iwanaga: In other words, you ran after the officer let you go?

Kagawa: Just about twenty feet, that's all.

Iwanaga: You didn't tell officer to let you go?

Kagawa: No, didn't have a chance.

Iwanaga: There were about twenty boys out there that night?

Kagawa: Yes.

Iwanaga: Was it light or dark?

Kagawa: Pretty dark.

Iwasaki: What do you mean by pretty dark?

Kagawa: Don't know--can't recognize people.

Iwasaki: How far was the street light?

Kagawa: In the center; between the doorway and street light.

Iwanaga: Light half a block away?

Kagawa: Yes.

Iwanaga: Did you wear a zoot-suit?

Kagawa: Square pants.

Iwanaga: That's all.

Graves: Did you testify that you were present at the dance on Feb. 13?

Kagawa: Yes.

Graves: Why were you there?

Kagawa: To listen to the music.

Graves: You mentioned square pants. Explain to the court what that is.

Kagawa: They are those big, square pants that are small at the bottom.

Graves: You were in a gang of about 24 of your associates?

Kagawa: Yes.

Graves: You were in a gang hollering insults at the officers?

Kagawa: Yes.

Graves: Why: You had no right to do that, did you?

Kagawa: Everbody else was cussing at him.

Graves: What did you say to the officere?

Kagawa: I said they needn't getsso fresh.

Graves: Did uou cuss?

Kagawa: The whole group was cussing.

Graves: To Mr. Nichol?

Kagawa: Yes.

Graves: Were you hurt that night?

Kagawa: I still have some brown bruises on mu leg.

Graves: Did you get that when you were running to get away?

Kagawa: Yes.

Graves: What caused it?

Kagawa: Well, Mr. Nichol was rough, and we all fell in the ditch.

Graves: Where did he have a hold of you?

Kagawa: All around me; first in my stomach.

Graves: Do you know what position you were in?

Kagawa: Face to my stomach.

Graves: Was he trying to hold you?

Kagawa: He started to shake me.

Graves: Did you know that Mr. Nichol was an officer at that time?

Kagawa: No.

Graves: How long have you been in camp?

Kagawa: I've been on the outside.

Graves: After you broke loose from Mr. Nichol, why did you run?

Kagawa: I just ran a little distance; then turned around to see what was going on.

Graves: Did you go to the police station the following day?

Kagawa: Yes.

Graves: Did you make a statement to Mr. Nichol in the presence of Captain Takasugawa?

Kagawa: Yes.

Graves: What was that remark?

Kagawa: The one about uniform--just because you have a uniform on, you don't have to get so fresh.

Graves: Did Mr. Nichol advise you at the time that any statement made by you could be used as evidence against you?

Kagawa: Yes.

Graves: Did you know that Mr. Nichol was an officer in camp?

Kagawa: No.

Graves: Didn't you see he had a uniform on?

Kagawa: He just had a sport coat on.

Graves: Did he show you his badge?

Kagawa: No.

Graves: Did you see Mr. Nichol before with the uniform?

Kagawa: No.

Graves: Do you know Tatsuo Miyamoto?

Kagawa: Yes.

Graves: Did you see him that night?

Kagawa: Yes.

Graves: Was he mixed up in this rough handling that you said you were getting from Mr. Nichol?

Kagawa: He tried to break in and stop us.

Graves: By what means?

Kagawa: Couldn't see that.

Graves: Why?

Kagawa: Because he was down in the ditch most of the time.

Graves: How badly roughed up were you?

Kagawa: I still have blue marks on my leg.

Graves: Did you need any medical attention?

Kagawa: No, I just put some mercurochrome on.

Graves: Are your knees still bruised?

Kagawa: You can still see the marks.

Graves: That's all

Iwanaga: How far was Mr. Nichol when you made the remark--
was he watching you?

Kagawa: I don't know.

Graves: Where was the Captain at that time?

Kagawa: About ten feet away.

Graves: You said you fell in the ditch--how?

Kagawa: He was pushing me all over and we fell in.

Graves: Did those officers push you?

Kagawa: I don't know. He came towards me to the ditch
and he fell in too.

Iwanaga: In other words, he was handling you roughly and you
fell in?

Kagawa: I guess so; he was handling me back and forth.

Iwanaga: That's all. You were able to get up and run a short
distance?

Kagawa: Yes.

Iwanaga: Then what did you do?

Kagawa: Went home.

Iwanaga: That's all.

Iwanaga: You said you ran trying to escape--for what purpose?

Kagawa: For roughing me up.

Iwanaga: Did he arrest you?

Kagawa: He didn't arrest me.

Iwanaga: That's all.

Graves: Next will be Seiyo Nakashima.

Otani: (Swears him in)

Iwanaga: How old are you?

Nakashima: 18

Iwasaki: What is your full name?

Nakashima: Seiyo Nakashima:

Iwasaki: You're 18?

Nakashima: Yes.

Iwanaga: Do you remember what happened at the door of the dance held at mess hall 43?

Nakashima: I think I do.

Iwanaga: Did anybody strike you that night?

Nakashima: Yes, Captain Takasugawa did.

Iwanaga: Why did he strike?

Nakashima: I don't know.

Iwanaga: How did he strike?

Nakashima: He came up and slapped me.

Iwanaga: Did you say anything to him?

Nakashima: No.

Iwanaga: Did you use bad language that evening to him?

Nakashima: No.

Iwanaga: To who then?

Nakashima: To nobody.

Iwanaga: What did he say before he struck you?

Nakashima: He said I cussed at him.

Iwanaga: Did you cuss--what did you say that night? Do you remember what language you used?

Graves: Court, please, is the witness relation to this defendant?

Iwasaki: As a matter of fact, the questions are immaterial.

Iwanaga: I admit that, your Honor. You saw this defendant that evening, didn't you?

Nakashima: Yes.

Iwanaga: Did you see Officer Nichol, you know him?

Nakashima: I saw Mr. Nichol lay his hands on the defendant.

Iwanaga: What way did Mr. Nichol handle this defendant that night?

Nakashima: He came up and grabbed him, and I didn't know what they were doing.

Iwanaga: You didn't hear what Mr. Nichol said to him?

Nakashima: No.

Iwanaga: No bad language that night?

Nakashima: No.

Iwanaga: Did you hear the defendant use bad words that night?

Nakashima: Don't know.

Iwanaga: That's all.

Graves: Are you a zoot-suiter?

Nakashima: No.

Graves: What clothes did you have on at the dance?

Nakashima: Drape pants.

Graves: They were real tight at the bottom and flare out at top?

Nakashima: Yes.

Graves: You said that you saw Mr. Nichol shaking this George Kagawa?

Nakashima: Yes.

Graves: Was it light?

Nakashima: No.

Graves: Was it light enough to see out?

Nakashima: Just some figures.

Graves: Did you know it was Mr. Nichol?

Nakashima: Yes.

Graves: Could you see him?

Nakashima: Not very plain.

Graves: Could you see Mr. Nichol plain enough to identify him

Nakashima: Sure.

Graves: I wish you would demonstrate to the court how Mr. Nichol was shaking the defendant. With the court's permission, step out in front and show the court.

Nakashima: He was standing there with Nichol's back towards me and was doing like this (demonstrates) and he fell down.

Graves: Could you see Kagawa's shoulders?

Nakashima: Couldn't see that.

Graves: You could see Kagawa's shoulders but no head?

Nakashima: Couldn't see the head.

Graves: In a comparison to Mr. Nichol's head, was it over him or around him?

Nakashima: Around him.

Graves: You could see both of Mr. Nichol's shoulders?

Nakashima: Only one side.

Graves: Did you discuss this case with anybody before coming here today?

Nakashima: No.

Graves: Are you sure of that?

Nakashima: Yes.

Graves: You were attending the dance?

Nakashima: Yes.

Graves: Take you girlfriend?

Nakashima: Yes.

Graves: Did you stay with your girlfriend at dance until you went out?

Nakashima: Yes.

Graves: Did you deliver your ticket to anybody else?

Nakashima: Yes.

Graves: To whom?

Nakashima: Mickey.

Graves: Was he to relieve you and take your place?

Nakashima: Yes.

Graves: Did you know that the dance was sponsored for couples only?

Nakashima: Sure.

Graves: Why did you give Mickey your stub--were you going to turn your girl over to Mickey

Iwanaga: I object, the material in this case doesn't.....

Iwasaki: Objection sustained.

Graves: You did return to dance hall?

Nakashima: Yes.

Graves: Did you have an occasion to hear any of the remarks made by the boys standing outside?

Nakashima: Didn't know what was going on.

Graves: Now you're testifying for the record that you have not discussed with anybody about this case except on the stand?

Nakashima: No, not today.

Graves: I mean since this occurred. Whom did you talk to about it?

Nakashima: My friends

Graves: Did you talk to Kagawa?

Nakashima: No.

Graves: What other friends?

Nakashima: Friends in block?

Graves: Who? What's his name?

Nakashima: Tamago.

Iwanaga: Objection. The question is immaterial.

Iwasaki: Objection overruled. Proceed.

Graves: Have you discussed with Mr. Iwanaga, the counsel?

Nakashima: Didn't see him until today.

Graves: Who asked you to come to court to testify?

Nakashima: These guys. (Points to the judge and commissioners)

Graves: You mean your Honor?

Iwanaga: Court, please, this man has another case today.

Iwasaki: Objection sustained.

Graves: Are you a member of what is commonly known as Mickey Kawakami's zoot-suiter gang?

Nakashima: No.

Graves: Just dress the part?

Nakashima: Just show them.

Graves: Is Jimmie Iwamura here?

Otani: (Swears him in)

Iwanaga: How old are you?

Iwamura: 17

Iwanaga: Generally, do you remember what took place outside of the dance hall at mess hall 43 on February 13, 1944?

Iwamura: Yes.

Iwanaga: You saw this defendant that night?

Iwamura: Yes.

Iwanaga: Did you hear any bad language used by him that night?

Iwamura: No, sir. There were about twenty to twenty-five boys trying to get in. The officers stationed at the door didn't let us in.

Iwanaga: Who do you mean were at the door?

Iwamura: Captain Takasugawa, Mr. Nichol, and another old man.

Iwanaga: You heard some boys making remarks, didn't you?

Iwamura: Yes, I was one of them.

Iwanaga: Why did you make a remark?

Iwamura: Because I don't like Mr. Nichol; he used such violence.

Iwanaga: Tell the court your story.

Iwamura: Seiyō came out mad, because they didn't let us in. He gave his bid to Mickey to go in but they didn't let Mickey in. Seiyō wanted to go back, but at the doorway Mr. Nichol took the bid and didn't let him go back in. Seiyō got mad, and somebody behind Seiyō cussed at Mr. Nichol. Mr. Nichol accused Seiyō of cussing at him. Seiyō said, "I bet you anything that I didn't cuss," and he said that "I wouldn't take your filthy money." Mr. Nichol thought it was Seiyō and slapped him.

Iwanaga: Do you remember what words were used that evening? Remarks made by the group?

Iwamura: "Who in the hell does that dam Nichol think he is?"

Iwanaga: Did you see this man (points to defendant) say anything?

Iwamura: No, sir.

Graves: May I interrupt--did you see Mr. Nichol arrest the defendant?

Iwamura: He didn't arrest.

Iwasaki: You didn't see Mr. Nichol arrest the defendant?

Iwamura: No.

Iwanaga: Did you see Mr. Nichol lay hands on Kagawa that evening?

Iwamura: Actually I didn't see..

Iwanaga: Did you see Kagawa strike Mr. Nichol that night?

Iwamura: No.

Iwanaga: That's all.

Graves: Did you know the dance was for couples only?

Iwamura: Yes.

Graves: Were you familiar with the regulations?

Iwamura: Yes.

Graves: And yet you endeavored to go alone in violation of the regulations?

Iwamura: Yes.

Graves: You stated that you made several insulting remarks against the officers--have you had any trouble with them before?

Iwamura: No.

Graves: Did Mr. Nichol strike?

Iwamura: Yes.

Graves: Who did Mr. Nichol strike?

Iwamura: I think it was George Kagawa.

Graves: Where were you?

Iwamura: About $\frac{1}{4}$ foot away from the doorway.

Graves: Inside or outside?

Iwamura: Outside.

Graves: Where was Mr. Nichol when he struck Kagawa?

Iwamura: Halfway between the mess hall and the rec. hall.

Graves: Was it light enough to see?

Iwamura: It was just light enough to see the figures.

Graves: Do you know Mickey Kawakami?

Iwamura: Yes.

Graves: Do you run around with his gang?

Iwamura: Yes.

Graves: Why were you angry that night in order to make those remarks against the police officers?

Iwamura: Because they wouldn't let us in.

Graves: Well, didn't you know it was therregulations?

Iwamura: We made several attempts by just kidding.

Graves: But you knew it was against regulations?

Iwamura: Yes.

Graves: Did you talk about this case to anyone?

Iwamura: No.

Graves: Did you have a subpoena to come today?

Iwamura: No.

Graves: Who asked you to appear?

Iwamura: Nobody.

Graves: Just voluntarily

Iwamura: Yes, to defend.

Graves: Who are you defending?

Iwamura: Mickey.

Graves: Did you discuss the testimony with Mickey?

Iwamura: No, sir.

Graves: Did he ask you to appear today?

Iwamura: No.

Graves: Have you ever been arrested before?

Iwamura: No.

Graves: That's all.

Iwanaga: I believe the court is aware of all the evidences without going into further details on the matter, so I think I will submit without arguing.

Graves: Very well. We shall respond.

Graves: There is no previous record on this defendant.

Iwasaki: Has the prosecution any recommendations?

Graves: May I suggest that the court make their decision and after they have reached their decision, I will make our recommendation if that is permissible.

Iwasaki: Is the defendant working at the present time?

Graves: Yes.

Iwasaki: Where?

Graves: Fiving the Fences.

Iwasaki: Court will take about fifteen minutes recess.

TIME 4:12 P.M.

Otani: The judge will now announce the decision.

Iwasaki: Will the defendant, George Kagawa, come forward and face the court?

Iwasaki: After thorough evaluation of all the evidence admitted before this court, the court finds you guilty as charged. In arriving at this decision, the court believes that the defendant was about to be arrested by one John W. Nichol of the Internal Security, and

that the former used undue force with the aid of an accomplice to resist arrest. It is of the opinion of court that an officer of the law has authority to make arrest peacefully but he is also entitled to use such force as is necessary in making the arrest when the accused resists. No one, in the opinion of the court, should resist arrest. Compliance with the order for arrest is essential to an orderly form of government whether the arrest is justifiable or not, since the defendant has his day in court to prove his innocence, if the arrest proved unjust. The court believes, therefore, the defendant guilty as charged.

Iwasaki: Has the prosecution any recommendation to offer at this time?

Graves: Court, please, we agree with the decision rendered by court. We feel that the offense just tried before the court is a serious offense within the community, and we don't feel that any small fine or probation will have any effect. It is our recommendation that the defendant be sentenced to sixty days in the county jail. We feel that it should be up to the Internal Security to carry out this order.

Iwanaga: Court, please, there hasn't been any evidence that there was any violation at the time when this resistance took place; the offense itself wasn't a serious matter. It was probably disturbing of peace or using vulgar language. The offense itself is not a serious offense, and therefore, I wish to have the court reconsider the matter in arriving at a sentence. If the offense itself shows that the defendant about to be arrested is serious, then I believe the sentence will have to be according to the offense which was about to be committed at the time. The defendant being before the court for the first time without any previous record, being a man of young age--matter of nineteen years old, I ask the court that the sentence be not as much recommended by grievances.

Graves: Court, please, potential seriousness and the future of this community is our main objective in presenting this case. The evidences before you, I think, are beyond any reasonable doubt and proved this man to be a member of this gang who forced his disturbance on others regardless of law or regulations, and when they go so far as to attack an officer, I don't see why something shouldn't be done. Really and truly, I don't think our objectives are successful if our recommendations aren't carried out.

Iwanaga: I don't believe there was any evidence to show that there were any force.

Iwasaki: Immaterial at this time. Are you ready for the sentence?

Iwasaki: It is the sentence of the court that you serve thirty days in the county jail; all of which is hereby suspended pending good behavior, and upon the further condition that you be placed on probation for a period of sixty days during which you are required to report to the Internal Security once a week to show good behavior until the expiration of the period of probation. In the event of commission of any offense in this community by you, you shall serve thirty days in the county jail from and after the commission of such offense. In pronouncing this sentence, the court has taken into consideration your age, mentality and experience and absence of any prior criminal record. It is the opinion of the court that YOUTH deserves CORRECTION not PUNISHMENT, with a view toward assisting him to become a good citizen in this great nation of ours.

Iwasaki: Sentence is so imposed. Are there any objections? If not, the defendant is released on his own recognizance. Are there any further remarks? If not, this court is adjourned.

TIME: 4:20 P.M.

BUTTE JUDICIAL COMMISSION

ARRAIGNMENT

People

vs.

Mikio Kawakami, Pete Nishiyama
and Seiyō Nakashima

Case No. B-602

DATE: February 23, 1944

TIME: 1: 46 P.M.

LOCATION: Butte Courthouse, 69-6, Rivers, Arizona

JUDICIAL COMMISSIONERS: Ernest Iwasaki
Shotaro Hikida
Fred Shimizu

COMMUNITY CLERK: Izuto Otani

PROSECUTION: Fred J. Graves

Otani: Mikio Kawakami, Pete Nishiyama, and Seiyō Nakashima did commit a disorderly offense with loud profane and boisterous language resulting in a disturbance at a public dance at Mess Hall 43, in violation of Section 18 of the Code of Offense of Butte Community.

Iwasaki: Mikio Kawakami, Pete Nishiyama, and Seiyō Nakashima, will you please face the court? Each of you has heard the charge against you. Was the charge clear to you?

Ans.: Yes.

Iwasaki: How do you plead?

Nishiyama: Not guilty.

Iwasaki: Mikio Kawakami?

Kawakami: Not guilty.

Iwasaki: Seiyō Nakashima:

Nakashima: Not guilty.

Iwasaki: Each of you is entitled to a counsel to help in your defense. The trial will be set for next Wednesday, March 1, after the trial of Tatsuo Miyamoto. Each of you are entitled to witnesses. If the witnesses will not appear, the community clerk will issue a subpoena for their attendance

in court.

Graves: If the court please, these five defendants before you, what is the order of the court as to their release?

Iwasaki: In this case, each of these defendants will be released upon his own recognizance.

Graves: I would like to have some assurance while these five cases are pending that the defendants before this court will keep the peace of the community, otherwise they should be kept under the custody of the Internal Security until the date of trial which would mean that we take them to Florence.

Iwasaki: What is the seriousness of the offense?

Graves: If the court please, I am partially prejudiced. I feel that we would like to furnish them the same consideration as we do the other defendants. Again it is embarrassing to the Police Department to investigate these cases, we do not want to take any advantage of the defendants but we do want to keep the peace of the community.

Iwasaki: Do you believe that they will disturb the community?

Graves: I would like to have permission to call to your attention in the event that they do, that they will be turned over to the Internal Security.

Iwasaki; That recommendation can be accepted.

Each of you are released on your own recognizance.

CONCLUDED: 1:49 P.M.

BUTTE JUDICIAL COMMISSION

TRIAL

People)
vs)
Mikiyo Kawakami)
Peter Nishiyama)
Seiyo Nakashima)

Case No. B-602

DATE: Friday, March 3, 1944
TIME: 4:04 P.M.
LOCATION: Butte Courthouse, 69-6, Rivers, Arizona

JUDICIAL COMMISSIONERS: Earnest Iwasaki
 Shotaro Hikida
 Fred Shimizu

COMMUNITY CLERK: Izuto Otani

PROSECUTOR: Fred J. Graves

COUNSEL: Karl Iwanaga

Otani: Your Honor, Mikiyo Kawakami, Peter Nishiyama, and
 Seiyo Nakashima are charged with violation of Section
 18, Code of offenses of Butte Community.

Iwanaga: Court, please, At this time two defendants decided
 to change their pleas; defendant Peter Nishiyama
 and defendant Seiyo Nakashima.

Iwasaki: Will the two defendants stand up and face the court?

Iwasaki: Is it your desire to change your plea from not guilty
 to guilty?

Nakashima: What do you mean by that?

Iwasaki: Do you want to change your pleas?

Nakashima: Guilty.

Iwasaki: Peter Nishiyama, how do you plead?

Nishiyama: Guilty.

Iwasaki: Very well. Are there any remarks?

Graves: I would like to make a motion, your Honor, that the sentences be deferred until the other case is called. At that time we will make our recommendation.

Iwasaki: Motion is granted. Is the prosecution ready?

Graves: Court, please, are the spectators allowed to sit on back of their seats and stand in the court room?

Iwasaki: I would like to remind the audience that no one is allowed to stand in the court room. It is very essential that everybody have a seat. There will be no standing and if there are not enough seats, the court room will have to be asked to clear.

Graves: Shall we proceed, your Honor?

Iwasaki: You may proceed.

Graves: Prosecution calls on Captain Takasugawa.

Otani: Do you swear that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God

Takasugawa: I do.

Graves: What is your name?

Takasugawa: Norman Takasugawa.

Graves: What is your position and title?

Takasugawa: Captain of the Butte Police Force.

Graves: Were you employed on February 13, 1944?

Takasugawa: Yes, I was.

Graves: On about 8:00 P.M. on that date, were you on duty?

Takasugawa: Yes, I was.

Graves: Where?

Takasugawa: At mess hall 43 where the Valentine Dance was in progress.

Graves: Are you acquainted with the defendant?

Takasugawa: Yes, I am.

Graves: How long have you known him?

Takasugawa: About a year.

Graves: Did you have an occasion to see the defendant at the Valentine Dance?

Takasugawa: Yes.

Graves: Will you state to the court how his behavior was at that time as observed by you?

Takasugawa: Well, I arrived there shortly before 8:00 P.M. and there were about eight or nine fellows standing around the doorway, and Mickey was among the group. Then as the people started to come to the dance, the fellows with their girls went in to the dance. All the fellows tried to follow them in. Several other fellows with Mickey would hold some fellows back so they could try to get in with the girls. All this was in fun at the beginning and they were just trying to show off. When a caucasian girl entered the dance hall, Mickey came to the door with a stub for having been in the dance hall once before. I kept his portion of the stub and gave it to Mr. Goto of CAS, for he had no right to have this stub. Mickey said a few words to me and wanted to know why he wasn't let in the dance. I explained that it was for couples only and that boys with no partners can't go in. Then he used abused language towards me.

Graves: In your knowledge, you knew it was the rules and regulations that boys alone are not allowed to the dance?

Takasugawa: Yes.

Graves: It was your effort to help the CAS to enforce regulations?

Takasugawa: Yes.

Graves: Did the defendant question your authority?

Takasugawa: He used abusive language.

Graves: Can your repeat the language at this time?

Iwanaga: Court, please.....

Graves: I don't think the language will embarrass the court.

Iwasaki: Proceed.

Takasugawa: When I didn't let him in the dance hall, he said, "Who in the hell do you think you are?"

Graves: Following that, Captain, did he continue to hurl insults from the outside to the officers on duty?

Takasugawa: I believe so.

Graves: That's all.

Iwanaga: Did you arrest the defendant that night?

Takasugawa: No, I did not.

Iwanaga: Did any other officer arrest the defendant?

Takasugawa: No.

Iwanaga: When did you or any other officer make an arrest?

Takasugawa: I don't believe there was any arrest in his case.

Iwanaga: You were not collecting tickets that evening?

Takasugawa: No, I was not.

Iwanaga: When they came to the dance, did they hand their tickets over to you?

Takasugawa: They showed the stubs most of the time.

Iwanaga: Did you take other persons' stubs besides this defendant? Did you request them to show the tickers to you?

Takasugawa: The fellows who came in had them out already.

Iwanaga: They presented the stubs?

Takasugawa: If they have been in before.

Iwanaga:: Did you question all persons if they have been in before?

Takasugawa: No, we didn't..

Iwanaga: How did you know the defendant wasn't in before?

Takasugawa: Because he was trying to get in all the time.

Iwanaga: That's all.

Graves: Captain, you were acting under instructions of your superior officers?

Takasugawa: Yes.

Graves: When you demanded his ticket, it was because you knew he was violating regulations?

Takasugawa: Yes.

Grave: Later that evening did you have an occasion to hear the defendant make any statements?

Takasugawa: Yes.

Graves: Will you repeat the statment?

Takasugawa: He said, "We aren't as good looking as you are, so we can't get into the dance."

Graves; Were there any further remarks?

Takasugawa: He said, "You can't run us around."

Takasugawa: Has the defendant been in custody before?

Takasugawa: Yes.

Graves: How many occasions?

Takasugawa: I believe three times.

Graves: That's all.

Iwanaga: At this time I would like to put the defendant on the stand on conditions that we be able to stipulate cross examination and that the prosecution not go into his entire history or his character without my asking questions.

Iwasaki: The court can't accept stipulation.

Iwanaga: I believe I'll close the case without having the defendant testify. The prosecution has no rebuttal except to make an argument, and with the permission of the court, I'll not go into his character. If granted, I shall proceed.

Graves: I object. Arguments should be given.

Iwasaki: Objection overruled. Proceed.

Graves: I had hoped that the defendant would take the stand, and I am rather disappointed he didn't. On April 6, 1943, this defendant stole a bicycle in Canal Community; it was a police bicycle. When apprehended for stealing, he abused, insulted, and resisted the officers who caught him with the bicycle. He refused to give his name and eventually he wasn't punished for that offense to any extent except for guidance and promised that he would be rewarded if only he would be a good boy.

Iwanaga: May I interrupt? It's proper to go into those matters placed before the court. The prosecution may mention any facts which they presume to be evidence, but those things should not be brought to court which are not in evidence.

Graves: May I suggest, guilty or not guilty on this charge, give me an opportunity to inform the court of this defendant's character and reputation. Has the defendant any remarks to make?

Iwanaga: Those things should be brought in if the defendant is found guilty. We shouldn't convict him on his past record, so those things should be mentioned when found guilty.

Iwasaki: Proceed.

Graves: This offense which I have just advised you was on March 27, 1943. In May, 1943, two months later he was again brought before the Juvenile Guidance Council for disorderly conduct in raising disturbances at a carnival. He was again referred to the council for further guidance and no punishment was in effect. Again, gentlemen of the court, he was on May 22, charged with unlawful

use of a project equipment, a panel truck. He stole or helped steal it unlawfully, used this truck for many hours, and ended up by wrecking it and cost \$625 for repairs. For that offense, he served only three days in jail and was again guided. Then on February, 1943, he was brought forth again for stealing candy from the canteen. There was no doubt in this case, for we have statements of individuals who saw him steal the candy and helped eat it. There was no punishment for this offense. Then on October 30, 1943, as a member of the garbage crew, they were, I'm not testifying but am merely telling you, he was before me on previous date for throwing garbage from the truck into the streets and turning the truck over. On October 30, he with his confederates, threw garbage at the windshield of oncoming cars, barely averting serious accident. He may not have been guilty in this instance, for he was with a gang. I want to state in this case, your Honor, that it is my belief had it not been for this defendant before you, other boys would not be here, for Mikiyo Kawakami is the leader of this gang of zoot-suiters. They run around in a pack and you never see them alone. Whenever anybody displeases them, they attack in a pack and never alone. I can see that probation has failed to help or slow him up. In this particular case, if you're going to place him in our hands, it's going to be hard to handle.

Graves:

Iwanaga: The court has indicated the defendant will be found guilty?

Iwasaki: No, the court has not indicated that.

Iwanaga: The court has not? I would like to ask the court that this court not consider his sentence on past evidences. He may be the worst character in the whole camp, I ask that he be not tried on past record and convict him. His past record has no bearing on this present case against the defendant. This should always be taken into consideration, especially when the defendant is a minor.

Iwasaki: The court will make it as one of the rules from now on.

Iwasaki: If there are no further remarks, the court will take a recess at this time.

TIME: 4:30 P.M.

TIME: 5:17. P.M.

Otani: The judge will now announce his decision.

Iwasaki: Will the defendant, Mikiyo Kawakami, rise and face the court?

Iwasaki: After careful consideration of all the evidences admitted before the court, the court finds you guilty as charged. In arriving at this decision, the court believes the evidences introduced before the court are sufficient to support the finding of guilt on your part.

Iwasaki: Are you ready for the sentence?

Kawakami: Yes.

Iwasaki: It is the sentence of the court that you serve fifteen days in the county jail, all of which is hereby suspended pending good behavior and upon further condition that you be placed on probation for a period of ninety days during which you're required to observe rules on probation and to report once a week to the Internal Security. You are to refrain from going to public gatherings; dances or parties without an invitation. In the event you fail to observe these rules or commit any other offense in this community, it is the sentence of the court that you serve fifteen days in the county jail from and after the commission of such an offense. Sentence is so imposed.

Iwasaki: If no further remarks, the defendant is released from custody.

Iwasaki: Defendants Peter Nishiyama and Seiyo Nakashima, are you ready for the sentence?

Defendants: Yes.

Iwasaki: It is the sentence of the court that you be placed on probation for a period of thirty days during which you are required to report to the Internal Security once a week for the period of your probation. In addition there are orders that you are to refrain from going to any public gathering; dances or parties, without an invitation. In the event you fail to observe these rules or in the

Iwasaki: event you commit any other offense in the community, it is the sentence of the court that you serve ten days in the county jail. The defendants are both released from custody. In pronouncing these sentences, it is the opinion of the court that problems of the court that problems of Youth Delinquency is a community problem. We can aid but we cannot solve it alone. Sentence is so imposed.

Iwasaki: If there are no further remarks, this court is adjourned.

TIME: 5:30 P.M.

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BUTTE JUDICIAL COMMISSION

ARRAIGNMENT

DATE: Wednesday, March 1, 1944
TIME: 2:00 P.M.
LOCATION: Butte Courthouse, 69-6, Rivers, Arizona

JUDICIAL COMMISSIONER: Earnest Iwasaki
Shotaro Hikida
Fred Shimizu

COMMUNITY CLERK: Izuto Otani

PROSECUTOR: Fred J. Graves

Court was called to order by the Community Clerk, Izuto Otani.

Otani: The Butte Judicial Commission is now in session with Commissioners Earnest Iwasaki, Shotaro Hikida, and Fred Shimizu presiding. May I remind the people of a few of the rules, While the court is in session, there will be no smoking, hats will not be worn by the males, there will be no loud talking, no noise of newspapers, and it will be the duty of the bailiff to see that these rules are observed.

ROLL CALL: Mikiyo Kawakami, Peter Nishiyama, Seiyo Nakashima, and Tatsuo Miyamoto.

Otani: Your Honor, March 1, 1944 is the date for the arraignment of Mikiyo Kawakami, Peter Nishiyama, Seiyo Nakashima, and Tatsuo Miyamoto.

Graves: The prosecution would like to make a motion that the arraignment be continued on Friday next, March 3, 1944, due to the inavailability of some witnesses that are quite necessary.

Iwasaki: Motion is granted. Arraignment is set for Friday, February 5, at 2:00 P.M.

Graves: Correction, your Honor, It's March 5.

Iwasaki: Thank you. Excuse me. It will be March 5.

Graves: March 3, your Honor.

Iwasaki: Thank you very much. I'm looking at the wrong calender.

CONCLUDED: 2:09 P.M.

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BUTTE JUDICIAL COMMISSION

ARRAIGNMENT

DATE: Friday, March 3, 1944
TIME: 2:12 P.M.
LOCATION: Butte Courthouse, 69-6, Rivers, Arizona

JUDICIAL COMMISSIONERS: Earnest Iwasaki
Shotaro Hikida
Fred Shimizu

COMMUNITY CLERK; Izuto Otani

PROSECUTOR: Fred J. Graves

Defendant, Roy Mayeda, Case No. B-604

Court was called to order by the Community Clerk, Izuto Otani.

Otani: The Butte Judicial Commission is now in session with the Commissioners Earnest Iwasaki, Shotaro Hikida, and Fred Shimizu presiding. May I remind the people that rules of court will have to be observed. There will be no noise, no reading of newspapers, gentlemen are not allowed to wear hats, there will be no peeking in through the windows, no smoking, and it will be the duty of the bailiff to see that these rules are observed.

Otani: Your Honor, today we have an arraignment for Roy Mayeda who is charged with two counts. The first count is in violation of Section #63 of the Code of Offenses of Butte Community; did unlawfully and willfully and without justification attack, strike, and severely punish one Joe Nakade causing serious injuries and severe pains. This violation occurred in mess hall #55.

Iwasaki: Your heard the charge?

Mayeda: Yes.

Iwasaki: What's your plea?

Mayeda: (No answer)

Iwasaki: How is your plea?

Mayeda: (Starts to say something)

Iwasaki: Don't answer anything but the question. Do you plead guilty or not guilty?

Mayeda: Guilty.

Iwasaki: Do you plead guilty?

Mayeda: Yes.

Iwasaki: Very well. Now, have you any remarks to offer?

Mayeda: I want to explain.

Iwasaki: Do you want to tell what happened--tell in your own words the story.

Mayeda: Well, you see that morning at 7:15 on Monday, February 21, they came to eat and after they eat, his wife came and wanted some raw eggs.

Iwasaki: Who do you mean by "they"?

Mayeda: Joe and his wife.

Iwasaki: Proceed.

Mayeda: She asked me for some raw eggs, and I told her she can't have any because it's order from the office. She continued to argue, and I told her I like her to have the raw eggs so she should go to the office and get a permit. But she just talk and talk and argue with me, and pretty soon Joe came up to me and wanted to know why I don't give his wife the eggs. I told him that order is order, and I can't let her have them. I told him if he got a permit, there would be nothing to argue about. Then he said he was going to the office and find out about it. He was still cussing, so I told him to get away and make no trouble. Pretty soon he tear up his meal ticket and said the ticket was no good. When he break the ticket, it burned me up so I told him that I was going to hit him. He was trying to make a momkey out of me. As soon as I told him that, he said, "try and hit me", so I hit him. That's a all.

Iwasaki: How many times?

Mayeda: Just once.

Graves: Court, please, we don't agree with the statements made by the defendant. Evidence we have to offer is that Mr. Nakade, after his wife was unsuccessful in getting the food requested for ailing people in her home, which I understand has been a practice in most of the mess halls to carry out their portion of food and prepare it at home for the interned, sick, or small children, went to the mess hall in inquiry of the defendant why his wife wasn't allowed to bring the required eggs to their apartment, and the defendant became very angry and said he was running the mess hall. The victim did tear up his meal ticket, and this made the defendant very angry. He told Mr. Nakade that he would strike him if he didn't get out of the kitchen. Mr. Nakade was standing by the table with his hands in his pockets, and he is much smaller in size than the defendant. When Mr. Nakade told him to go ahead and hit, the defendant wanted to and did hit him causing very painful injuries; a broken nose and concussion which resulted in being in the hospital for some several days. That in substance, gentlemen of the court, is facts in this case. Now we'll make our recommendation when the defendant is arraigned in the next count.

Iwasaki: Proceed with the next count.

Otani: Did unlawfully and willfully assault policeman Henry Nishioka with a dangerous and deadly weapon; a butcher knife, while the said policeman Henry Nishioka was in pursuant of an official duty as an officer of this community. This offense occurred in mess hall #55.

Iwasaki: Will the defendant please rise and face the court? You heard the charge?

Mayeda: Yes.

Iwasaki: How do you plead--guilty or not guilty?

Mayeda: Guilty.

Iwasaki: Very well.

Mayeda: But I want to explain.

Iwasaki: You want to explain? Go ahead and proceed.

Mayeda: That morning when I hit Joe Nakade, he run in back of me and hit me. That made me made, so I got a butcher

knife to cut. He started to run and I chased him. He said it was his mistake, so I gave the knife to the waiter. I sat down and talk with him and told him that he got a right to stop anybody but he got no right to hit nobody from the back. I told him I didn't do anything to make him mad and he said well, it was his fault, and in that way, we fell okay. We shake hands and no hard feeling. That's all.

Iwasaki: Why did you pull out a butcher knife?

Mayeda: Because I was mad.

Iwasaki: But what made you do that?

Mayeda: When he hit me from back, I got so God damn mad. nothing would happen if he was facing me, but he hit me from the back. I lost my temper, that's all.

Graves: Court, please. This defendant before the court, a few days following this offense appeared and I think he had a blackeye. Now I ask you, how could he obtain a black eye if he was hit from behind? The defendant has advised the court that he has a temper, and this has caused many abuses on others and in this particular instant, he grabbed a butcher knife and endeavored to cut on officer who was legally and officially attempting to do his duty. The defendant cut the cost twice. How if this case was tried on the outside, this defendant could be sentenced to ten years in jail if this was tried in the county court. It is a very serious offense in resisting an officer and attempting to do bodily harm with a deadly weapon. Now our records indicate that this defendant had been a troublesome factor for quite some time, and his temper is in no better control. When he was at the Turlock Assembly Center he also had fights. Nothing was ever reported to the police until this came up. Something must be done for the benefit of this community. The people in block #55 are all deathly afraid of the defendant. We would have proved, had he come to trial, that he made a statement that he would kill two or three of them if necessary. When he was mad, he threw the knife intending to do further harm. The victim had no weapon to combat the defendant. I would like to recommend this court that I don't think our court allows sufficient sentence to deal with this defendant. Penalty given can be ninety days in the county jail on each count. It is my sincere recommendation that the defendant be given ninety days in the county jail on each count or turned loose.

Iwasaki: The court will take about fifteen minutes recess.

TIME: 2:30 P.M.

TIME: 2:40 P.M.

Otani: The judge will now announce the sentence.

Iwasaki: Will the defendant, Roy Mayeda, stand and face the court?

Mayeda: Yes.

Iwasaki: It is the sentence of the court that on count one that showed attack on Joe Nakade, it is the sentence of this court that you serve sixty days in the county jail. On count two that showed attack on Policeman Henry Nishioka with a butcher knife, it is the sentence of the court that you serve ninety days in the county jail; sentences which are to run consecutively.

CONCLUDED: 2:45 P.M.

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BUTTE JUDICIAL COMMISSION

TRIAL

People)
 vs
Tatsuo Miyamoto) Case No.
 and
Peter Nishiyama)

DATE: Wednesday, March 15, 1944
TIME: 2:25 P.M.
LOCATION: Butte Courthouse, 69-6, Rivers, Arizona

JUDICIAL COMMISSIONERS: Earnest Iwasaki
 Shotaro Hikida
 Fred Shimizu

COMMUNITY CLERK: Izuto Otani

PROSECUTORS: Fred J. Graves
 John W. Nichol

Iwasaki: Will you present the next case?

Otani: Your Honor, Tatsuo Miyamoto, is charged with knowingly and willfully violating probation order of the Butte Judicial Commission by attending a dance sponsored by the Nurses' Aide Staff of the Butte Hospital on March 12, 1944 without being invited by the sponsor.

Nichol: Your Honor, we have two cases pertaining to the same thing, and although these defendants were prosecuted on different charges, they are both in violation of the same thing. I would like to ask at this time that they be emerged and tried at the same time.

Iwasaki: Very well. Will you present the other case?

Otani: Your Honor, Peter Nishiyama, is charged with knowingly and willfully violating probation order of the Butte Judicial Commission by attending a dance sponsored by the Nurses' Aide Staff of the Butte Hospital on March 12, 1944 without being invited by the sponsor.

Iwasaki: The question involved in these cases is whether or not the defendants violated the rule imposed upon them by the results of the prosecution; and therefore, it is proper that this court have a hearing to determine whether or not these defendants violated

the rule. It is within jurisdiction of this court to change probation six weeks in warrant, but I don't think in situation here it's necessary. But under the circumstances, the court will allow a hearing on both the defendants. Before proceeding, may I ask the defendants if they would like a counsel to help them?

Iwasaki: Tatsuo Miyamoto, do you want the help of a counsel?

Miyamoto: No. no help.

Iwasaki: Peter Nishiyama, do you want the help of a counsel?

Nishiyama: No.

Iwasaki: If you do not need the help of a counsel, the court is now open for hearing. Has the prosecution any remarks to offer?

Nichol: None, your Honor.

Iwasaki: What's your names?

Defendants: Tatuso Miyamoto and Peter Nishiyama.

Iwasaki: You heard the charges?

Defendants: Yes.

Iwasaki: Have you any statement to offer?

Miyamoto: Yes, that we have not violated the law.

Iwasaki: Have you any proof to show that?

Miyamoto: Yes, I have this note. (Hands it to the judge)

Nichol: Your Honor, I would like, with ther permission of the court, to see the note that was just presented.

Iwasaki: Yes, that's quite proper that you see it.

Iwasaki: Before we proceed, who is the acting chairman of this affair?

Miyamoto: Her name is Miss Ruth Saika

Iwasaki: Is she in the court room?

Miyamoto: No.

Iwasaki: Was this note personally signed?

Nichol: Court, please, the best evidence is having the witness here, and this witness in this case was available, but the defendants failed to have her here although they knew, for they were notified of the arraignment.

Iwasaki: A note for an invitation to the party is significant. Where did you get the note?

Miyamoto: She wrote it. (Meaning Ruth Saika)

Nichol: Witness is always the best evidence. Your statement is not permissible unless it is qualified. Another thing, your Honor, we are provided with proof at this time that through our information this note was not received by the boys but was asked for by another party through them. Also, the sponsor of the dance had no invitations or issued any notes with the understanding until the dance was over.

Iwasaki: Is that true, Mr. Miyamoto: You heard the prosecution make that statement?

Miyamoto: No answer.

Iwasaki: Was that note given to you before the party or after the party?

Miyamoto: After the party.

Iwasaki: How do you know that you were invited?

Miyamoto: They said so.

Iwasaki: That you were invited to the party?

Miyamoto: Yes.

Nichol: Your Honor, I would like to ask Mr. Miyamoto if he didn't send a friend of his to ask to go to the party instead of going themselves.

Iwasaki: I think that matter is immaterial. If they were invited to the party, that is sufficient to the court.

Nichol: I would like at this time, your Honor, to have the interpretation of the word "invitation" as defined by this Judicial Commission. I have it right here. May I read it, your Honor?

Iwasaki: You may proceed.

Nichol: The term "invitation" should be the defendant must be invited by the sponsor of the particular gathering, dance, or party. General invitation is not an invitation. Specified invitation must be given by the sponsor. The court, however, deserves the right to determine whether he is invited or not. The sponsor in this instance did not issue this invitation and issued no invitation whatsoever to the "Casis Dance" on Sunday night.

Iwasaki: You maintained that you received the note after the party?

Miyamoto: Yes.

Iwasaki: How did you get this invitation?

Miyamoto: They told us we were invited.

Iwasaki: You were invited?

Miyamoto: When you pronounced the sentence, it didn't say we had to get an invitation to go to the party. It didn't explain.

Iwasaki: The purpose of the sentence was that someone was responsible for your conduct during the evening. It's sufficient to the court when you said you were invited, but the facts don't support it. The invitation should be given before the party. Were you orally invited?

Miyamoto: Naturally, because we're just ordinary public.

Iwasaki: Public dance is not invitation in the language used by this court.

Miyamoto: We didn't understand it. It wasn't clear.

Iwasaki: Why didn't you ask for it? You had a counsel representing you at that time. The court doesn't have to explain anything. The point is, were you invited? If you have proof, show it to the court.

Nichol: Your Honor, I believe both these gentlemen were served someone to appear in this court to contact and find out the interpretation from members of the court or anybody else. I don't think there is a point for argument at any time that they didn't understand.

Iwasaki: It's clear that these people were invited and that this invitation was granted to them afterward. If this was given to them before the party began, we will accept.

Hikida: Who was the sponsor of the dance?

Nichol: The man is here at the present time.

Iwasaki: Are you the sponsor of the dance?

Witness: I was helping the other person.

Iwasaki: Who is this person?

Witness: Miss Ruth Saika of the hospital. She is the real sponsor.

Iwasaki: Are you familiar with Miss Saika's handwriting?

Witness: No, I'm not. She was the sponsor and I was under her.

Iwasaki: She was your superior?

Witness: Yes.

Iwasaki: Well, this concludes the facts of the evidence.

Nichol: How can a man be invited to something that is over?

Iwasaki: The invitation doesn't have to be in writing. Any person can be invited orally. Proof has shown that these boys had been invited.

Nichol: I make a motion at this time that Miss Ruth Saika be brought in here as a witness for these two defendants.

Iwasaki: Motion is granted that Miss Ruth Saika be brought forth this court immediately providing she is available.

Nichol: I have one question to ask the defendants before Miss Saika is brought to trial. I would like to ask if Miss Saika invited them orally to this dance or if somebody else did.

Iwasaki: Miss Saika is the acting chairman and therefore is the sponsor, as I see it. Did she invite you before the dance?

Miyamoto: She said if we have our ticket at the door, it's alright.

Nichol: I object. They didn't answer your question as to whether or not they were invited to the dance.

Iwasaki: Is that your only answer?

Miyamoto: Yes.

Graves: Court, please, the police captain has gone after Miss Saika.

Iwasaki: The court will take a few minutes recess.

TIME: 2:35 P.M.

TIME: 2:50 P.M.

Otani: The hearing will now proceed.

Iwasaki: It is the opinion of this court that this hearing be conducted in a special manner to show that it has been carrying on in the manner same as though it was a trial. We feel that the defendant is entitled to a counsel to help in the situation. If they do not want a counsel we shall continue, otherwise, we shall postpone until later.

Miyamoto: Continue with the hearing.

Iwasaki: Very well. Then we shall proceed. Is Miss Saika here?

Nichol: Yes, your Honor.

Iwasaki: May I ask you a question, Miss Saika? The party which was given under your sponsorship--we want to know if you issued this invitation to these boys. Will you please step forward and see this paper? Do you recognize your handwriting?

Saida: Yes.

Iwasaki: Were they invited before the party began?

Saida: Yes, I knew it, because they were all invited to the dance.

Iwasaki: Do you know both of these boys?

Saida: Yes, I do.

Iwasaki: These two boys were invited?

Saida: Yes.

Iwasaki: Very well.

Nichol: I would like to cross examine the witness. Also would like to make a motion that the witnesses be placed under oath when they take the stand.

Iwasaki: Motion is granted. Will Miss Saika take the stand?

Otani: Raise your right hand. Do you swear that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Saika: I do.

Nichol: What's your name?

Saika: Ruth Saika.

Nichol: What's your occupation?

Saika: Nurses' Aide.

Nichol: On March 12, 1944, did you attend the dance sponsored by the Nurses' Aide?

Saika: Yes, I was responsible for it.

Nichol: How?

Saika: I was the social chairman.

Nichol: Did you invite anybody?

Saika: The public.

Nichol: Specifically, were there any invitation to anybody?

Saika: To these two boys and two others.

Nichol: Do you know these two boys?

Saika: Slightly.

Nichol: Have you seen them before?

Saika: Yes.

Nichol: When was the last time you saw them?

Saika: I see them every day. He stays at the hospital.

Nichol: Did you specifically invite them to the dance?

Saika: No.

Nichol: That's all.

Iwasaki: Just a minute, you mentioned to the court before the cross examination that they were invited.

Saika: They asked for it. We had bids for stags also, and we invited them.

Iwasaki: They were invited?

Saika: Yes.

Iwasaki: I would like to call your attention to this doctine. It is dated March 11. When was the party?

Saika: On March 12.

Iwasaki: When did you write this?

Saika: What's the date on there?

Iwasaki: It's dated March 11.

Saika: Then that must be the date.

Iwasaki: March 12 was the night of the party. Did you sign it on March 11?

Saika: No.

Iwasaki: When did you sign it?, On March 11?

Saika: The date I wrote it.

Iwasaki: Then the evidence is that you invited them before the party began?

Saika: It was a verbal invitation.

Iwasaki: They were invited?

Saika: Yes.

Iwasaki: These two boys?

Saika: There were four boys.

Iwasaki: We're not interested in the other two boys--just these two.

Iwasaki: Miss Saika, the note was written before the dance and signed after the dance, Then you specifically invited them to party?

Saika: Yes, I saw the other boy.

Iwasaki: That's all.

Graves: May I ask a question? Miss Saika, where was the note delivered to the defendant?

Saika: At the hospital.

Graves: Did you deliver it?

Saika: Yes.

Graves: How did you know it was for these two boys?

Saika: Because I knew them, and I saw their names very clearly.

Graves: Did you sign a written invitation to anyone else--a written invitation similar to this one?

Saika: Our secretary wrote it.

Graves: Did you deliver it after the party?

Saika: Yes, they wanted a written verbal, so we gave it to them.

Graves: Who do you mean when you mention "we"?

Saika: The other persons who signed it. There's other signatures besides mine

Graves: Did you, by word of mouth, tell those boys that they were invited?

Saika: I didn't see these two.

Graves: Who did you see to invite these boys?

Saika: One of the others.

Graves: The court's question is in relative to the date. The note wasn't written until after the dance. Why was it dated March 11?

Saika: Because it was more convenient.

Graves: Why was it more convenient? Was it more convenient to make a 1 instead of a 2?

Saika: I guess it was my fault.

Graves: Did these defendants suggest to you that you date it March 11?

Saika: No, they told me they wanted to come to the dance, and we did not think anything was wrong with that.

Graves: You're not answering the question. We're getting a little confused here. They appeared at the dance and then asked you for a note as to their behavior?

Saika: Yes.

Graves: They wanted to know how they behaved before the dance?

Saika: I wrote it after.

Graves: After the dance? Then they weren't invited until after party?

Saika: That's wrong. They were invited before the party.

Graves: Have you discussed this with the defendants since the party?

Saika: No.

Graves: With any one else?

Saika: Yes.

Graves: What's his name?

Saika: He's right over there.

Graves: Do you know him?

Saika: I have seen him.

Graves: What was that conversation?

Saika: I understood that they needed an invitation to attend any socials.

Graves: Was that since the dance?

Saika: No, before.

Graves: You just discussed with him and nobody else?

Saika: Yes.

Iwasaka: As a matter of fact, that is immaterial, what happened after the dance. The point is whether permission was granted before the dance: in writing or oral. According to the testimony, it has shown satisfaction to the court that they were invited orally.

Graves: We don't feel, your Honor, that this witness has testified. She said the note was dated March 11 because it was more convenient. The boys themselves testified the note wasn't delivered until after the dance. This witness is in defense of the two defendants before you.

Saika: I wanted to see how they behaved.

Iwasaki: She was responsible and being the sponsor, she wanted to see that nothing went wrong

Nichol: You maintained, your Honor, that they were personally invited by the sponsor, and she's the sponsor.

Iwasaki: Didn't say she invited them personally.

Nichol: I believe it's in violation of your own order, and you are going against orders of this court.

Iwasaki: May I ask once more? Did you invite those two boys personally?

Saika: No, I haven't seen them.

Iwasaki: Did they approach you and you invited them?

Saika: I said the other one did. The names were all down and I knew them.

Iwasaki: Did you invite those two boys before the party began?

Saika: Yes, I remember very clearly there were four names.

Iwasaki: Did you invite them before the party began?

Saika: It was a verbal invitation to four boys.

Iwasaki: And it included these two boys?

Saika: Yes, it did.

Iwasaki: Who was the other one to whom you gave the invitation for these boys?

Saika: Yoshitaka Kuwahara.

Nichol: The interpretation of the word "invitation" is that an invitation has to be sent by the sponsor. In this case it wasn't sent by the sponsor and therefore, it's in violation of this court.

Iwasaki: Evidence has shown that they asked for it and were given permission to be invited. I think the definition covers that. It is the opinion of the court that these two boys were invited.

Graves: This is for the record. On March 3, 1944, both of these defendant before this court were charged with disorderly conduct and resisting lawful arrest. The same terms of probation were imposed on both instances, namely: (1) To require to report to the Internal Security for ninety days. (2) To refrain from attending any public gathering without an invitation. If at any time they fail to observe any of these rules, they are hereby sentenced to serve thirty days in the county jail. I want it stated that our efforts have been to enforce your orders. We were doubtful of the definition, so we asked for your interpretation before the court and had it read. Now I assure you, there is no personal satisfaction in bringing these boys before you.

Iwasaki: I think the prosecution misunderstands.

Graves: I make a motion that in both of these cases, that the sentences imposed on them be set aside and these boys released. That's all.

Iwasaki: I think the prosecution misunderstands me.

Nichol: I would like to say something. I don't believe there is any misunderstanding with the prosecution. We brought these two boys in today because they violated conditions of your sentence. We asked for the interpretation which said they should be invited by the sponsor. Proof has shown they were not invited by the sponsor but by somebody else. There was no invitation by the sponsor. The sponsor didn't invite the boys but they went to the dance. I have the same opinion as Mr. Graves--that the sentences be set aside and the boys released. The ruling said they should have been invited to the dance, so I don't see no alternative but to set the sentences aside and release the boys.

Iwasaki: Any further statement?

Miyamoto: Your Honor, I would like to present my witness who is here.

Iwasaki: You want to cross examine the witness?

Miyamoto: Yes, (Speaking to the witness) Tell the court exactly what you told me.

Iwasaki: Before you proceed, what is your name?

Kuwahara: Yoshitaka Kuwahara.

Iwasaki: Your age?

Kuwahara: Sixteen.

Iwasaki: Where do you reside?

Kuwahara: In block 29-9-D.

Iwasaki: You may proceed.

Kuwahara: A few days before the dance I asked Ray for an invitation for these boys to come to the dance, because Miss Saika said it was alright. She said if they behaved alright that she would give them a written invitation after the party.

Nichol: The witness on the stand has admitted that until the dance was over and on condition that they behaved themselves, they wouldn't be given an invitation.

Iwasaki: We'll confer before giving our decision. The court will take a few minutes recess.

TIME: 3:12 P .M.

TIME: 3:30 P.M.

Otani: The commission will now give their decision.

Iwasaki: Will the defendants, Tatsuo Miyamoto and Peter Nishiyama, please rise and face the court?

Iwasaki: After careful evaluation of the evidence admitted, the court finds that you did not violate the probation order imposed by this court. In arriving at this conclusion, it is the opinion of the court that both of you were invited by the sponsor, Miss Ruth Saika, to the party-dance held on the evening of March 12th. The court believes that at the time of the invitation Miss Saika did specifically invite the defendants involved. Specific invitation, in the opinion of the court, is that invitation where in names of the invitees are mentioned by the sponsor, and it matters not whether the invitor knew them at the time the invitation was given. It is further, the opinion of the court that any violation of the court's probation order must be definitely ascertained by the Internal Security before the matter is brought before this court. We think, further, that the Internal Security, should also investigate to determine that the breach is material warranting a hearing before this court. That's all, The defendants are released from custody.

Graves: Your Honor, I would like at this time to give a notice of appeal and would like to bring this case before the project director.

Iwasaki: Motion is granted.

Miyamoto: May I ask you a question, your Honor?

Iwasaki: Please state that question.

Miyamoto: I am planning to go tomorrow.

Iwasaki: Go tomorrow? Where are you going?

Miyamoto: To Cleveland. I have my clearance and everything already.

Graves: I believe that's something that cannot be decided by the Judicial Commission.

Iwasaki: You should take the matter to the leave office or the project director.

Graves: The Internal Security has the right to put a stop on anybody.

Iwasaki: As a matter of fact, I believe your application should be made to the leave office.

Miyamoto: Have already, and I have everything clear except for Internal Security.

Iwasaki: Then you should direct your application to the Internal Security. It is the opinion of the court that Judicial Commission can help you but you must show reasons that you have behaved. If you show this, the court will take into consideration your application.

Miyamoto: I think I have behaved.

Iwasaki: As a matter of fact, you haven't applied your application with the Community Clerk. You should file your application that you wish to relocate and show that you have behaved yourself well in this camp. Such matters as these have not been brought before this court.

Otani: Your Honor, this may be irregular, but Mr. Miyamoto asked me about it, and being unfamiliar with the procedures of court, I recommended that he ask the Judicial Commissioners. This is the first of this kind on record, and my knowledge is very poor on procedures, so I recommended that he ask you. He has approached me and asked me what he should do.

Iwasaki: The matter should have been referred earlier. The opinion rendered by this court has to be reviewed by the project director within forty-eight hours, so you should file your application for the hearing for the leave with the project director.

Graves: For the benefit of Mr. Miyamoto, I would like to say that we would hold him for the present. We have already told him that we're going to hold him until he gets rid of the zoot-suit, because I don't think that type of attire is representative of the Japanese people on the outside.

Iwasaki : Not socielly. The question involved is the probation order imposed by the Judicial Commission and anything beyond that is not within the jurisdiction of this court. If Mr. Graves believes he can hold you, then you should see him personally on the matter. Your application should have been filed earlier. You can file it now, because this is still subject to review by the project director until forty-eight hours.

Iwasaki: Are there any further remarks?

Iwasaki: If not, this court is adjourned.

CONCLUDED: 3:34 P.M.

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BUTTE JUDICIAL COMMISSION

ARRAIGNMENT

DATE: Wednesday, March 15, 1944
TIME: 2:13 P.M.
LOCATION: Butte Courthouse, 69-6, Rivers, Arizona

JUDICIAL COMMISSIONERS: Earnest Iwasaki
Shotaro Hikida
Fred Shimizu

COMMUNITY CLERK: Izuto Otani Case No. B-605

PROSECUTORS: Fred J. Graves

Court was called to order by the Community Clerk, Izuto Otani.

Otani: The Butte Judicial Commission is now in session with the Commissioners Earnest Iwasaki, Shotaro Hikida, and Fred Shimizu presiding.

Otani: Your Honor, today we have the arraignment of Ray Ishii of 58-5-D who is charged with knowingly, wrongly, and unlawfully driving and operating a motor vehicle within the limits of the Butte Community about 11:00 A.M. on March 4, 1944, in violation of Section 4 of the Traffic Code of Butte Community.

Iwasaki: Will the defendant, Ray Ishii, face the court please?

Iwasaki: You heard the charge?

Ishii: Yes.

Iwasaki: What is your plea?

Ishii: Guilty.

Iwasaki: Do you plead guilty?

Ishii: Yes.

Iwasaki: Why did you drive without a license?

Ishii: Well, I just drove from block 58 to the warehouse.

Iwasaki: Did anyone give you permission to drive the car?

Ishii: No.

Iwasaki: Has the prosecution any statement to make at this time?

Nichol: No, your Honor.

Iwasaki: Has the defendant any criminal record?

Nichol: No, no record.

Iwasaki: Will you please rise and face the court? Are you ready for the sentence?

Ishii: Yes.

Iwasaki: It is the sentence of the court that you be fined the sum of five dollars (\$5.00) all of which is hereby suspended pending good behavior within the next thirty days. Sentence is so imposed. The defendant is released from custody.

Iwasaki: Are there any further remarks?

Nichol: None, your Honor.

Iwasaki: That's all.

CONCLUDED: 2:20 P.M.

BUTTE JUDICIAL COMMISSION

The Butte Judicial Commission held its first hearings on Wednesday, January 19, 1944. There was a marked interest in the proceedings, over 50 spectators being present. Among the spectators were the Canal Judicial Commission.

The hearings were conducted with order and dignity. Mr. Iwasaki, who acted as chairman of the commission, was self-possessed and alert and kept the matters well in hand. Mr. Nichols, of Internal Security, who acted as prosecutor, showed due respect to the court and presented his case clearly and well. Mr. Iwanaga acted as representative for all the defendants and his knowledge of legal procedure contributed to the effectiveness of the hearings. In brief, the commission got off to a good start.

A copy of the official transcription is appended.

BUTTE JUDICIAL COMMISSION

ARRAIGNMENT

DATE: Wednesday, January 19, 1944
TIME: 2:10 P. M.
LOCATION: Butte Courthouse, 69-6, Rivers, Arizona

JUDICIAL COMMISSIONERS: Earnest Iwasaki
Shotaro Hikida
Fred Shimizu

COMMUNITY CLERK: Izuto Otani

PROSECUTOR: John W. Nichol

Court called to order by Izuto Otani.

ROLL CALL: Masaichi Yamaguchi, Mary Matsumoto, Harry Motonaga.

It was explained by Mr. Iwasaki that this court was organized and established under the constitution of the Butte Community. All cases will be brought before this court and tried. There will be no smoking, no talking aloud, no reading of any material, and no hats may be worn except by women during the session. Other rules will be announced later.

TIME: 2:12 P. M.
CASE: Masaichi Yamaguchi, 45-13-A, Rivers, Arizona. Case #B-591.

Iwasaki: I should like to call upon the clerk to present the first defendant.

Otani: Mr. Nichol of the Internal Security will act as prosecutor and read the complaints.

Nichol: Your Honor, the first case we have to present to you today, is the charge of Assault and Battery against Masaichi Yamaguchi who is charged on Friday, December 31, 1943 with striking and beating one Harry Motonaga. It is proposed to accept the plea of Mr. Yamaguchi.

Iwasaki: Will the defendant, Masaichi Yamaguchi, come before the court.

Iwanaga: Your Honor, I am representing the defendant. Of

course, as you know, there are no attorneys in the center but the constitution will permit any person charged with any offense to retain a counsel. I would like to have my name recorded as counsel for the defendant.

Iwasaki: For the record, Mr. Karl Iwanaga as counsel for defendant.
Your name is Masaichi Yamaguchi?

Yamaguchi: Yes.

Iwasaki: You have heard the charge, haven't you? Was the charge clear to you?

Iwanaga: I have asked the commission to have an official interpreter present.

Iwasaki: Mr. Asami will be the interpreter.
Mr. Asami will you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Asami: Yes.

Iwasaki: Please read the charge again.

Nichol: (Reads the charge).

Asami: (Interprets the charge).

Iwasaki: Is the charge clear to you?

Yamaguchi: Yes.

Iwasaki: What is your plea, Mr. Yamaguchi?

Yamaguchi: Not guilty.

Iwanaga: I would like to ask that the date of trial be set one week later in order to prepare the defense.

Nichol: I think, your Honor, that since we do not have a prosecuting attorney, the Internal Security should also have counsel.

Iwasaki: It is up to the Commission to set the date of trial.

Iwanaga: Has the Internal Security a reason for changing the date?

Masaichi Yamaguchi
Case #B-591

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Iwasaki: The court will set the date of the trial. We have set the date of this case for January 26, 1944, 2:00 afternoon. Is this satisfactory to the counsel, to the defendant, and to the Internal Security to have this date set?

Iwanaga: Yes.

Yamaguchi: Yes.

Nichol: Yes.

Iwasaki: This case will be set for trial a week from today, Wednesday, January 26, 1944, 2:00 P. M.

CONCLUDED: 2:18 P. M.

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BUTTE JUDICIAL COMMISSION

ARRAIGNMENT

DATE: Wednesday, January 19, 1944
TIME: 2:20 P.M.
LOCATION: Butte Courthouse, 69-6, Rivers, Arizona

JUDICIAL COMMISSIONERS: Earnest Iwasaki
Shotaro Hikida
Fred Shimizu

COMMUNITY CLERK: Izuto Otani

PROSECUTOR: John W. Nichol

CASE: Massaichi Yamaguchi, 45-13-A, Rivers,
Arizona Case #B-592.

Nichol: The second complaint that we have today is the charge of Assault against Masaichi Yamaguchi, who on December 31, 1943, did willfully and unlawfully, kick and attempt to strike one Mary Matsumoto. I think, your Honor, that you should have the interpreter state this against the defendant.

Asami: (Interprets the charge).

Iwasaki: Is the charge clear to you?

Yamaguchi: Yes.

Iwasaki: What is your plea?

Yamaguchi: Not guilty.

Iwanaga: May we have the date set on the same date as the first?

Iwasaki: This case will be set for trial on January 26, next Wednesday at the time of the other case. Is this satisfactory?

Nichol: Yes.

Concluded: 2:23 P.M.

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BUTTE JUDICIAL COMMISSION

ARRAIGNMENT

DATE: Wednesday, January 19, 1944
TIME: 2:24 P. M.
LOCATION: Butte Courthouse, 69-6, Rivers, Arizona

JUDICIAL COMMISSIONERS: Earnest Iwasaki
Shotaro Hikida
Fred Shimizu

COMMUNITY CLERK: Izuto Otani

PROSECUTOR: John W. Nichol

CASE: Mary Matsumoto, 57-2-C, Rivers,
Arizona Case #B-593.

Nichol: The next case, your Honor, is maintaining a public nuisance which is charged against one Mary Matsumoto. It is maintained that for a period of thirty days or longer, Mary Matsumoto has maintained a public nuisance at her apartment, 57-2-C. I think that she should be given a chance to make her plea.

Iwasaki: Will the defendant, Mary Matsumoto come before the court.

Iwanaga: I have been asked by the defendant to act as counsel. Although she is opposed to the defendants in the other two cases, and though I represent them also, I represent as a friend, and have been asked by all three to represent them.

Iwasaki: Mr. Karl Iwanaga will represent Mary Matsumoto.

Iwanaga: Could we have an official interpreter to state the charge?

Nichol: Your Honor, I think that Mary Matsumoto understands English as well as you or I do. I do not think it is necessary for her to have an interpreter in this case. She has appeared before Mr. Graves and was able to speak English.

Iwasaki: Mrs. Matsumoto, did you understand the charge against you? If you are unable to speak the

English language, you are entitled to an interpreter. However, if you feel that your testimony in court cannot be reported in English, the court will allow you an interpreter. Do you feel, in your opinion, that you cannot understand English well enough to represent yourself?

Matsumoto: I don't understand.

Iwanaga: At her trial, she will be expected to speak all the English she can.

Nichol: The Internal Security will at this time allow that she can have an interpreter with the provision that she will speak all the English she can at her trial.

Iwasaki: Will the interpreter explain the charge to her in Japanese.

Asami: (Interprets the charge).

Iwasaki: Is the charge clear to you?

Matsumoto: Yes.

Iwasaki: What is your plea, guilty or not guilty?

Matsumoto: I am not guilty.

Iwanaga: Your Honor, May I have the date of trial set a week after the Yamaguchi trial?

Iwasaki: Is that satisfactory to the Internal Security?

Nichol: I would like to ask the counsel why he wants to wait so long. We have been waiting to present this case, we have all the evidence. We would like a reason for postponement.

Iwanaga: The reason is that we do not know why the charges were made against them. In fact I came here with no facts in my mind.

Nichol: The counsel was in Mr. Graves' office and at that time he had an opportunity to find out what the charges were against them.

Mary Matsumoto
Case #B-593

-3-

Iwasaki: Do you say that the counsel has seen you right after the charges were made?

Nichol: I think he had time to find out about the charges.

Iwasaki: (To Iwanaga). Have you been to Mr. Graves' office to talk it over?

Iwanaga: No.

Nichol: But he has seen Mr. Graves of Internal Security. He could have found out.

Iwasaki: However, under the circumstances, the defendant is allowed a certain amount of time to prepare for the trial. The date shall be set for the second day of February, 1944. Is that satisfactory to the Internal Security, 2:00 P. M. February 2, this year? The defendant is entitled to witnesses and representation. Any time the witnesses will not appear we can issue a subpoena for their attendance in court.

Nichol: I would like to ask if Mary Matsumoto understood what you have just said.

Asami: (Interprets Iwasaki's statement).

Iwasaki: You do clearly understand the explanation?

Matsumoto: Yes.

CONCLUDED: 2:31 P. M.

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BUTTE JUDICIAL COMMISSION

ARRAIGNMENT

DATE: Wednesday, January 19, 1943
TIME: 2:32 P.M.
LOCATION: Butte Courthouse, 69-6, Rivers, Arizona

JUDICIAL COMMISSIONERS: Earnest Iwasaki
Shotaro Hikida
Fred Shimizu

COMMUNITY CLERK: Izuto Otani

PROSECUTOR: John W. Nichol

CASE: Harry Motonaga, 56-9-D, Rivers,
Arizona Case #B-594.

Nichol: Case #B-594, Aiding and Abetting a Public Nuisance, charged against Harry Motonaga, 57-9-B. There are claims that Harry Motonaga did aid and abet a public nuisance which was run by Mary Matsumoto. I think that it is perfectly right for us to ask Harry Motonaga to appear.

Iwasaki: Carl Iwanaga will act as counsel in this case.

Nichol: Your Honor, I would like to have the court tell him what the charges are against him in English. I feel that this man understands English.

Iwanaga: I agree with the officer, he understands English.

Iwasaki: You understand the charges that are against you?

Motonaga: Yes.

Iwasaki: What is your plea, guilty or not guilty?

Motonaga: Not guilty.

Counsel: Couldn't the previous case be tried with this case here?

Iwasaki: If it is satisfactory with the counsel and the defendant to have the date set on the same day, February 2, 1944, at 2:00 P.M., after the first trial of that day.

Nichol: We are ready to present the evidence on this case any time.

Harry Motonaga
Case #B-594

- 2 -

Iwasaki: This case will be set for trial February 2, next Wednesday after the completion of the first trial set for that day.
Is that satisfactory to the Internal Security and counsel for the defendant?

Nichol: Yes.

Iwanaga: I should like to ask what acts constitute a public nuisance? We have heard no facts. When the case is tried, would only those facts necessary to establish the existence of a public nuisance be presented as evidence?

Nichol: We have no prosecuting attorney, we have to use whatever evidence there is against the person. We are going to bring up all the charges we have no matter what they are.

Iwasaki; For that matter, the Internal Security chief has been given the authority as Prosecuting Attorney.

Nichol; We have no Prosecuting Attorney, we have to prosecute ourselves.

Iwasaki: Are there any other remarks to be made?

COURT ADJOURNED: 2:40 P.M.

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