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## LEGAL AND REGULATIONS COMMITTEE

This Committee consists of six members: H. Hirakawa, John Iwatsu, Frank Fukuda, Kay Nishida, Mike Maruyama, and James T. Nishimura, Chairman of the Committee. With the cooperation and good assistance by various other committees and chief of the various departments, the following regulations have been passed or accepted up to this minute by the Community Council with the understanding of words and phraseologies to be changed with the consultation with our Project Attorney, Mr. Ralph C. Barnhart. The fundamental regulations which have been enacted up to this minute are as follows:

1. Authority given to the Community Council to pass Regulations.
2. Regulations on Traffic.
3. Regulations on License.
4. Regulations on Health.
5. Regulations on Election Procedures.
6. Regulations on Solicitation of Funds.
7. Definitions of Nuisances.
8. Regulations on Misdemeanors.
9. Establishment of Judicial Commission and its Manual.
10. Establishment of Board of Arbitration and its Manual.
11. Establishment of the Juvenile Board.
12. Establishment of the Board of City Commissioners.

We wish to take this opportunity to recognize and appreciate the untired cooperation of the following members of the Community Council and others for making this work possible: Mr. Takeshi Yatabe, Mr. Paul Fujii, Mr. John Iwatsu, Mr. Masuji Fujii, and Mr. Ernest Takahashi.

James Nishimura, Chairman  
Legal and Regulations Committee

WAR RELOCATION AUTHORITY  
Central Utah Project  
COMMUNITY GOVERNMENT

H1.4915

September 20, 1943

Mr. Charles F. Ernst  
Project Director

My dear Mr. Ernst:

In the recent garage dispute it has occurred to me the origin of the trouble were words. The Isseis and Kibeis as you know are not familiar with our slangs and idioms. A literal translation of a slang occassionally carry with it serious implications in terms of the Japanese language.

As you are well aware the Japanese language has a formidable list of cuss words. But it may be of interest to you the word god is never mentioned. In some casis god is implied, to be sure. Neither is hell used as a cuss word in any way as far as I can say now.

Naturally, hell when literally translated in the minds of a Japanese carries with it a very repugnant meaning.

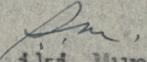
The Neseis, many of them I dare say, can equal your collection of slangs. So I doubt if any slang used would hurt them.

Another matter which should be understood among the appointive staff is that whenever a dispute arises such a person should inform the Council at once through the proper channels.

In this way I am of the opinion we shall be able to assist the Administration more effectively.

The above is merely a couple of ideas which occurred to me in thinking over our recent turmoil.

Most Sincerely yours,

  
Saiki Muneno  
Chairman, Legal Committee

SM:sm

WAR RELOCATION AUTHORITY  
Central Utah Project

H1.4915

COMMUNITY GOVERNMENT

April 26, 1943

TO: Mr. Tsune Baba, Chairman  
Community Council

FROM: Chairman of Legal and Regulations Committee

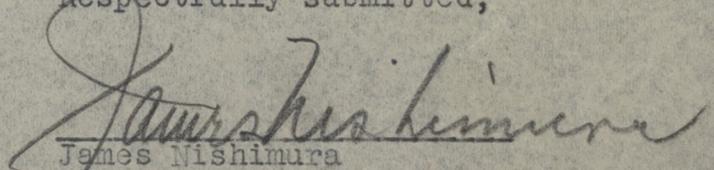
This will reply to yours of April 23 in regard to a certain request made by Dr. Solon T. Kimball through Mr. Ernst. This request is to make a report of the functions of this Committee as well as the work which this Committee has accomplished in the past and which we are contemplating to fulfill in the future.

This Committee consists of six members: Mr. H. Hirakawa, Mr. John Iwatsu, Mr. Frank Fukuda, Mr. Kay Nishida, Mr. Mike Maruyama, and Mr. James T. Nishimura, Chairman of the Committee. With the cooperation and good assistance by various other committees and chief of the various departments, the following regulations have been passed or accepted up to this minute by the Community Council with the understanding of words and phraseologies to be changed with the consultation with our Project Attorney, Mr. Ralph C. Barnhart. The fundamental regulations which have been enacted up to this minute are as follows:

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Respectfully submitted,

  
James T. Nishimura  
Chairman of Legal and  
Regulations Committee

JN:cf

WAR RELOCATION AUTHORITY  
Central Utah Project

COMMUNITY GOVERNMENT

H 1, 4930

January 16, 1943

TO: Members of the Arbitration Committee  
FROM: Chairman of the Arbitration Committee  
SUBJECT: Meeting

There will be a meeting of the Arbitration Committee on Sunday afternoon, January 17, 1943, from 2:30 p.m. at the office of the Block Manager in Block #26 (Dining Hall).

I urgently request your presence because a member of the office of the Project Attorney will be at the meeting to explain the proposed board.

---

John Iwatsu, Chairman

Jl:cf

WAR RELOCATION AUTHORITY  
Central Utah Project  
COMMUNITY GOVERNMENT

March 1, 1943

TO: Tsune Baba,  
Chairman of the Council

FROM: Ordinance & Legal Committee

SUBJECT: Matter of Judicial Commission; results of meeting which we  
have held recently.

- I. The following recommendations and suggestions made by the members of the Judicial Commission for the consideration of this Council:
- a. Pertaining to the procedure basing on the temporary manual of the Judicial Commission which has been approved by the provincial Council.
  - b. In order to constitute a court; at least three members of the commission must sit on the bench.
  - c. Judicial Commission; to appoint an Executive Secretary, and the member of their staff with pay. (Confirmed by Council).
  - d. Until such time as the condition justifies, the court of the community of Topaz, will be held on Tuesdays and Fridays afternoon from 2:30 to 5:00 P.M.
  - e. Since, the Constitution of Topaz allows the court to be opened to the public, with the exception of cases involving moral charges, the publication of all cases will be allowed.
  - f. It is the wish of the Judicial Commission to empower the Executive Secretary of that body to swear in all witnesses.
  - g. The Judicial Commission shall be empowered to issue subpoenas for the attendance of the witnesses, and or for the production of documentary evidence.
  - h. All decision of the court will be based on the majority of the commission casting the votes.
  - i. It is the unanimous wish of the members of the Judicial Commission to be on the pay roll.

II. Suggestions and the wishes of the Judicial Commission to have the following powers:

- a. In case of felony which will be tried by the court outside of this community, it is expressly understood that not less than two members of this Judicial Commission shall be given the opportunity to be present at all such hearings with expenses paid.
- b. In case of felony and tried by the court outside of this community, the full written analysis of the case and the report must be submitted to the Judicial Commission by the Project Director, immediately, after the termination of the case.

III. Additional suggestions:

Appointment of Prosecuting Attorney.

Respectfully submitted,

---

James Nishimura, Chairman  
Legal & Ordinance Committee

JN:e

WAR RELOCATION AUTHORITY  
Central Utah Project

COMMUNITY GOVERNMENT

March 8, 1943

TO: MEMBERS OF JUDICIAL COMMISSION  
FROM: Chairman  
SUBJECT: Powers of the Judicial Commission

It is with pleasure to report to you that after meeting with Mr. Charles F. Ernst, the powers which we have discussed with you to be granted to the Judicial Commission, has been accepted as follows:

1. All criminal cases regardless of its nature or degree of the crime will be heard first by the Judicial Commission.
2. In case of felony which will be tried by the court outside of this community, it is expressly understood that not less than two members of this Judicial Commission shall be given the opportunity to be present at all hearings with expenses paid.

In case of felony and tried by the court outside of this community, the full written analysis of the case and the report must be submitted to the Judicial Commission by the Project Director, immediately, after the termination of the case.

Very truly yours,

---

James Nishimura  
Chairman of the Ordinance  
& Legal Committee

MANUAL ON BOARD OF ARBITRATION

ARTICLE I

COMPOSITION

Section 1. The Board of Arbitration shall be composed of a panel of fifteen electors to be appointed by the Council for a term of six months.

Section 2. Qualification

A member of the Board of Arbitration shall be a resident who has reached the age of 25 years with good standing in the community, and <sup>may</sup> have received the approval to act as the member of the Board by the District Court of the County of Millard, State of Utah.

Section 3. Officers

There shall be an Executive Secretary of the Board.

ARTICLE II

DUTIES OF THE BOARD

Section 1. The Board shall hear all cases involving civil disputes, except question of title to real property in fee or life, which concern the people of the Community of Topaz.

ARTICLE III

PERSON WHO MAY ARBITRATE

Section 1. Person capable of entering into contract may arbitrate.

Section 2. Person or persons entering into such contract shall make a submission of a written agreement to arbitrate.

Section 3. The agreement must state the question or questions in controversy, name the Arbitrators, state the date of agreement, and the signatures of the parties must appear, with sufficient definiteness to present one or more issues or questions upon which an award may be based.

Section 4. Arbitration may be stipulated in the submission which is to be entered at a District Court to be filled with the clerk of the court of the County of Millard, where the parties to the arbitration reside.

a. When so entered, this submission cannot be revoked without the consent of both parties to the arbitration.

b. The Arbitrators may be compelled to make an award.

c. The award may be enforced by the said court in the same manner as the judgment of the court.

- d. In the event that the submission is not made in the order of the court, it may be revoked before the award of the Arbitration is made.

#### ARTICLE IV

##### Section 1. Hearing

The hearings shall be conducted by three or more members of the Board, and its decision shall be by an affirmative vote of the majority of the Arbitrators.

Section 2. The party to the arbitration may select one Arbitrator from the said panel, and Arbitrators so selected may choose the third member from the panel and these three Arbitrators chosen shall constitute a body of Arbitrators to hear each given case.

Section 3. All hearings shall not be opened to the public, except in cases where the parties to the arbitration shall expressly otherwise so desire.

Section 4. In each hearing the Arbitrators shall elect their chairman, who shall preside in such hearing.

Section 5. The Executive Secretary of the Board shall be responsible to keep all records and minutes of each and all hearings, but shall not have the power to vote.

Section 6. All awards of the Arbitrators shall be in writing.

Section 7. The award of the Arbitrators may be filed with the clerk of the District Court of the County of Millard, State of Utah, within reasonable time.

#### ARTICLE V

##### Section 1. Powers of the Arbitrators

1. To appoint time and place of hearings; and to adjourn from time to time.
2. To issue writs of subpoena to witnesses.
3. To administer oath to witnesses.
4. To hear the allegations and evidences of the parties to make the award therein.

##### Section 2.

- a. The award must be in writing signed by the Arbitrators and delivered to the parties to the arbitration.
- b. When the submission of the agreement is made with the provisions that it shall be entered as an order of the court, the note thereof shall be made in his register.

- Section 3. With the subject to the proper hearing procedure of the arbitration, the award of said Arbitrators, thereupon, shall have the effect of a judgment.
- Section 4. The Arbitrators must meet and act together during the investigation.
- Section 5. The Arbitrators shall be sworn before a Notary Public to the following statement:

I do solemnly swear to do my duty faithfully and fairly to hear and examine allegation and evidence of the parties in relation to the matters of controversy and to make a just award according to my understanding.

#### ARTICLE VI

##### ENTERING OF THE JUDGMENT OF THE AWARD

- Section 1. In order to obtain summary of enforcement of the award, it shall be filed with the clerk of the County of Millard with whom such submission of agreement has been filed previously.
- Section 2. The application for such summary judgment must be accompanied by an affidavit showing that notices of filing the award has been served on the adversed parties at least four days prior to the application and that no order staying entry of judgment has been served.
- Section 3. Such award must be filed with said clerk within reasonable time.
- Section 4. After the expiration of five days after filing, the parties desiring the judgment on the award may apply to the clerk for the entry of summary judgment of the said court.

#### ARTICLE VII

##### VACATING OF THE AWARD

- Section 1. The court, on motion, may vacate the award on the following grounds, and may order a new hearing:
- a. That award was procured by corruption or fraud.
  - b. That the Arbitrators were guilty of misconduct, or committed gross error in refusing, on causes shown, to postpone the hearing, or refusing to hear pertinent evidence or otherwise acted improperly, in a manner by which the rights of the parties were prejudiced.
  - c. When the Arbitrators exceeded their power in making the award.

#### ARTICLE VIII

##### THE MODIFICATION AND CORRECTION OF THE AWARD

- Section 1. The court may, on motion, modify or correct the award where it appears:

- a. Miscalculation of figures upon which it was made, or mistake in the description on some person or property therein.
- b. When a part of the award is upon matters not submitted.
- c. When the award, though in perfect form, could have been amended if it had been a verdict, or the imperfection disregarded.

#### ARTICLE IX

##### APPEAL

Section 1. The decision upon either motion is subject to appeal in the same manner as an order which is subject to appeal in a civil action: but the judgment, if entered before a motion made, cannot be subject to appeal.

TEMPORARY MANUAL OF THE JUDICIAL COMMISSION

ARTICLE I

COMPOSITION

SECTION 1.

✓

The Judicial Commission shall be composed of seven electors other than the members of the Council to be appointed by the Council for the term of six months.

SECTION 2. Qualification

✓

A member of the Judicial Commission shall be a resident who has reached the age of thirty years with good standing in the community.

SECTION 3. Officers

✓

There shall be a chairman and a secretary of the Commission to be elected by and among the members of the Commission.

ARTICLE II

DUTY OF THE COMMISSION

SECTION 1.

✓

The Judicial Commission shall hear all cases involving violations of any ordinances enacted by the Council.

SECTION 2.

✓

✓

The Judicial Commission shall apply all penalties for violation of ~~Law and~~ Ordinances, as prescribed by the powers vested in the ~~Constitution~~. *community Council*  
*in accordance with the W.R.A. Regulation.*

ARTICLE III

HEARINGS OF THE COMMISSION

SECTION 1.

✓

The ~~Court~~ of the Judicial Commission shall be ~~held~~ in the Judicial Chamber.

SECTION 2.

✓

The hearings shall be conducted by five or more members of the Commission; and its decisions shall be by an affirmative vote of the majority of the commissioners.

SECTION 3.

✓

All hearings shall be open to the public except in cases involving moral charges.

SECTION 4.

✓

The Chairman of the Commission shall preside at all hearings.

SECTION 5.

V All minutes and records of the Court shall be kept by the secretary of the Commission.

SECTION 6.

V All decisions of the Court shall be in writing.

SECTION 7.

The decision of the Commission shall be communicated to the Project Director for review.

SECTION 8.

If the Project Director has taken no action within twenty-four hours (excepting Sundays and holidays) after the Judicial Commission's decision has been ~~rendered~~ and submitted to him, such holding shall become final.

SECTION 9.

Based upon such decision of the Judicial Commission, the Project Director may affirm the holding and order the penalty prescribed by such holding to be carried out, or may remand the case to the Judicial Commission with his recommendation.

SECTION 10.

When the Project Director has remanded a case within the required twenty-four hours, he may submit his recommendations within a period of seven days.

SECTION 11.

*To the Commission*  
Upon such remand, the Commission shall further consider the case and enter such judgment as may seem appropriate.

SECTION 12.

*Such judgement consequent judgement shall also be subject to review by the project director*  
Ensuing decisions shall be subject to review by the Project Director in accordance with the provisions of this regulation.

SECTION 13.

When the decision has been rendered by the Judicial Commission and affirmed by the Project Director, such decision shall become final, *except for the right of appeal.*

SECTION 14.

Any and all decisions of the Judicial Commission when affirmed by the Project Director shall be executed immediately according to the Rules and Regulations prescribed in this Manual.

SECTION 15.

The Judicial Commission shall render judgment in accordance with the penalties prescribed in the existing ordinances:

- 1) Confinement.
- 2) Suspension of work.
- 3) Suspension of all or part of cash allowances.
- 4) Suspension of other privileges enjoyed by the residents.

SECTION 16. The Judicial Commission shall not impose pecuniary fine as penalties.

SECTION 17. All criminal cases which are held by the Judicial Commission to be felonies, the Project Director shall deliver the defendants to proper authorities outside the Community of Topaz for prosecution.

ARTICLE IV

LAWS AND ORDINANCES

SECTION 1. Laws and Ordinances of the Community of Topaz shall be applied to all hearings.

SECTION 2. When the ordinances of the Community of Topaz will not apply, the Laws of the County of Millard and the State Laws of Utah, and or the Federal Laws shall prevail in which case the particular court having jurisdiction shall hear the case.

ARTICLE V

COUNSEL

SECTION 1. The defendant shall be entitled to counsel.

SECTION 2. If a defendant is not represented by a counsel, the court may provide a counsel if he so requests.

ARTICLE VI

BOARD OF INVESTIGATION

SECTION 1. The Judicial Commission may establish a body to investigate the detail facts concerning the issues involved in the case before and during the period of the trial.

ARTICLE VII

APPEAL

SECTION 1. The defendant may appeal in accordance with War Relocation Authority regulations.

~~ARTICLE VIII~~

~~PROSECUTION DEPARTMENT~~

WAR RELOCATION AUTHORITY  
Central Utah Project

COMMUNITY GOVERNMENT

MANUAL OF THE JUDICIARY COMMISSION

ARTICLE I

Section 1. Composition

The Judicial Commission shall be composed of seven electors other than the members of the Community Council to be appointed by the Council for the term of six months.

Section 2. Qualification

A member of the Judicial Commission shall be resident who has reached the age of thirty years, with good standing in the community of Topaz.

Section 3. Officers

There shall be a chairman to be elected by and among the members of the commission in each meeting.

Section 4. There shall be an Executive Secretary of the commission.

ARTICLE II

Section 1. The Duties of the Commission

The Judicial Commission shall hear all cases involving violation of any ordinances enacted by the Council.

Section 2. The Judicial Commission shall apply all penalties for violations of ordinances as prescribed by the powers vested in the Community Council, in accordance with the War Relocation Authority regulations.

ARTICLE III

Section 1. Hearings of the Commission

The hearings of the Judicial Commission shall be held in the Judicial Chamber.

Section 2. The hearing shall be conducted by three or more members of the Commission; and its decisions shall be by an affirmative vote of the majority of the commissioners.

- Section 3. All hearings shall be opened to the public except in cases involving morale charges.
- Section 4. The chairman of the Commission shall preside at all hearings.
- Section 5. It shall be the responsibility of the Judicial Commission to decide upon the given case of the felony or other wise, based upon the statutes of the State of Utah.
- Section 6. The Executive Secretary shall keep all minutes and records of the hearings.
- Section 7. All decisions of the Judicial Commission shall be in writing.
- Section 8. The decisions of the commission shall be communicated twenty-four hours to the Project Director for review.
- Section 9. If the Project Director has taken no action within twenty-four hours (excepting on Sundays and holidays) after the Judicial Commission's decisions has been submitted to him, such holding shall become final except, in case of appeal.
- Section 10. Based upon such decisions of the Judicial Commission, the Project Director may affirm the holding and order the penalty prescribed by such holding to be carried out, or may remand the case to the Judicial Commission with his recommendation.
- Section 11. When the Project Director has remanded a case within the required twenty-four hours, he may submit his recommendation to the commission within a period of seven days.
- Section 12. Upon such remand, the commissions shall further consider the case and enter such judgment as they may seem appropriate, and consequent judgment shall also be subject to review by the Project Director.
- Section 13. When the decisions has been rendered by the Judicial Commission and affirmed by the Project Director, excepting for the right of appeal, such decision shall become final.
- Section 14. Any or all decisions of the Judicial Commission when affirmed by the Project Director shall be executed immediately according to the rules and regulations prescribed in this Manual.
- Section 15. The Judicial Commission shall render judgment in accordance with the penalties stated in the Community ordinances:

1. Confinement
2. Suspension of work
3. Suspension of all or part of cash allowances.
4. Suspension of other privileges

Section 16. The Judicial Commission shall not impose any pecuniary fine as penalties.

Section 17. All criminal cases which are held by the Judicial Commission to be felonies, the Project Director shall deliver the defendant to the proper authorities outside the community of Topaz, for prosecution.

#### ARTICLE IV

Section 1. Civil Rights in Trials for Crime Committed

No person shall be convicted without due process of hearing.

Section 2. In all criminal prosecution the accused shall enjoy the rights to speedy and public trial.

#### ARTICLE V

Section 1. Laws and Ordinances

Ordinances of the Community of Topaz shall apply to all hearings.

Section 2. When the Ordinances of the community of Topaz does not apply the Laws of the country of Millard, the State Laws of Utah, the Federal laws, and/or rules and regulations of War Relocation Authority, shall prevail.

Judicial Committee meeting was called on March 13, 1943, with Mr. Tsukamoto as a temporary chairman.

Presented at the meeting were Mr. Bankson, Topaz Times, Mr. Barnhart, Project Attorney and the members of the Commission.

BARNHART: To present this matter to the Judicial Committee, the Internal Security investigated, and the facts pretty well established.

Mr. Bankson was asked to give the report.

BANKSON: On March 9th, letter written in Japanese and unsigned was handed to the Victory Committee and then was brought up to the Times' office. We were permitting the Volunteering Committee to carry forward their volunteering campaign. The letter was written in Japanese and our translators transcribed it into English. I read it and presented it to Mr. Ernst and after discussion with the Victory Committee, there was a paragraph that should be eliminated, so the lines were cancelled out by red pencil and brought back to the Times office. The translators went ahead and translated the original copy and they ran it the night before anything was said. The disturbance came after everything was mimeographed.

There's no way of knowing where the letter came from -- we didn't question who the letter came from. It said at the bottom: this was written by an old Issei who fought in the last world war. I talked to the members of the translators and the Times Staff and they explained to me that they went ahead and translated the original letter.

Mr. James Nishimura read the Japanese version that appeared in the Topaz Times. The headline read: One Old Issei's words.

The translation of this letter in English was also read.

Mr. NISHIMURA: The Japanese version is much stronger than the English.

MR. KATASE: Translation in English is too mild.

MR. BARNHART: The letter was disturbing to many people. These are the facts developed. Toshio Murata, 39-7-B, 34 years old, whom I interviewed, was working as a storekeeper at #13 dining hall. Yesterday between the hours of 9:30 and 10 am, while in the kitchen, Mr. Tsuchida, 13-10-A, who also works in the kitchen #13 went up to Murata and asked him who wrote the letter in the Times. Tsuchida didn't get anything out of Murata so he went to Mr. Yano at the Times office and accused him of writing the letter. Mr. Yano formerly worked in Dining Hall #13. Then again, Tsuchida went back to the dining hall and called Murata "dog liar" and told him you wrote the letter. Murata was disturbed because Tsuchida called him those unkind names and asked him why. Tsuchida hit him and went around the corridor and took a can of condensed milk and threw it at him which Murata dodged. Murata decided then to avoid trouble, left the dining hall. Before he got out, Tsuchida kicked him. Meanwhile, the chiefcook, Hirata, and assistant cook, Hiraoka, were restraining Tsuchida from doing any more harm to Murata. Murata is 155 lbs and 5' 5" while Tsuchida is 165 lbs, 5' 6 or 7".

After Murata left the dining hall, Yano was on his way to work and Murata asked him, what was wrong with Tsuchida, and Yano told him it was the article that appeared in the Topaz Times. Then Tsuchida came up to both of them and picked up couple of rocks and threw one at Murata, hitting him on the thigh, still calling him a stooge and a liar. Murata again asked Tsuchida what's the idea and ~~and~~ Tsuchida hit him with his hand which the rock was in and broke Murata's glasses. Murata's nose started to bleed. Murata was then taken to a place of his friend. When I interviewed Murata, he said, "the reason why he assaulted me was because he thought I was Yano's stooge and knew everything that was going on."

Number of people standing about ~~that~~ at the time of the scene where the assault took place, made the report to the internal security. Murata and Tsuchida are not working in the dining hall now.

Mr. Lewis of the Internal Security was called out and another assault was ready to take place for Yano -- if Mr. Lewis did not interfere.

Mr. Iyeki: Mr. Murata was attacked and not Yano?

MR. BARNHART: Mr. Lewis interferred so Yano wasn't attacked. Just Murata.

Mr. HIRANO: Anyone been arrested or charges brought up?

MR. BARNHART: It was suggested that I meet with you and see what action be taken against Tsuchida.

Question was asked whether Tsuchida was a Kibei or not.

BARNHART: He is a Kibei and is very pro-Japanese. Mr. Yano is a volunteer. I don't know about Murata. Mr. Yano is a Kibei, too.

Another question was asked: Any group behind Tsuchida?

BARHART: Yes, Tsuchida ~~and~~ his gang. It seems he has a gang--gives him moral support -- there were three men around Mr. Yano and Mr. Tsuchida wasn't among them.

Who was the original letter?

BANKSON: The original letter is in the Topaz Times office.

It was suggested that Topaz Times print some sort of explanation and an attempt be made to clarify this matter.

BANKSON: Explanation of that kind is all right. Chief cook, Hirata, is trying to get Tsuchida to pay for the glasses and apologize but it hasn't been done yet.

YAMATE: Mr. Hirata can do more than we can.

BARNHART: Project Director has the full power to administer the discipline. The assault was a minor one -- in the criminal court, it will be a heavy one. I interviewed Mr. Murata and got the source of information.

YAMATE: Did you have a chance to have conversation with Mr. Tsuchida?

BARNHART: I didn't attempt to see him or Mr. Yano.

NISHIMURA: Ordinance could be passed so this matter could be settled. I believe the Council is in the position to do so. I can present a recommendation to be formed to be an ordinance, that part could be rectified in another words, not particularly on this case but something on this line -- assault and battery. We should draw up an ordinance.

BARNHART: My function is project attorney and not a prosecutor. I don't consider myself a prosecuting attorney -- just to assist one way or another. This matter was first brought up to Mr. Ernst and he called me in a sense, he was busy, to present this matter to the Council, same way as he would present it -- I'm here more or less as a representative from Mr. Ernst -- He desired Mr. Bankson to come along and lay out the article and how the matter occurred.

IYEKI: Did you find out who the author of this letter was?

BANKSON: I asked the Victory Committee to find out.

BARNHART: I myself do not know but among the Victory Committee, they know who it is.

BANKSON: I'm certain that Mr. Yano did not have anything to do with the writing. It came from the Victory committee. Mr. Murata was an innocent victim.

Question: Who are the Japanese translators?

The members of the Japanese translators staff are Mr. Yano and Mr. Kawai. The content of the article is quite offensive.

BANKSON: Hereafter, they will not accept any more contributions without giving their names.

This campaign was left too much to the committee of enthusiastic people and never would have gotten by. We were giving them free hand development and neve

BARNHART: Between Mr. Murata and Tsuchida -- just a private conflict. This was a matter of personal affairs. They are single persons.

BANKSON: The usual procedure of translating is: usually the articles come in in English. We have the translators translate them into Japanese and again have it translated back into English.

TSUKAMOTO: Do you know the backgrounds of Kawai and Yano?  
of

BARNHART: Only question asked/them were their loyalties. The reports were good.

BANKSON: They both volunteered.

TSUKAMOTO: It seems to me that they were both volunteers, they were pushing it as it is -- it could have been intentionally or else they were rushed of their time which caused ~~they~~ to transcribe unto the mimeograph from the night before so that they will save the time. That procedure is quite regular.

HIRANO: Upon charges made by any party involved, it is the duties of Mr. Ernst to see the things like this be brought up to the attention and solved.

BARNHART: No charges made because no court in the center. Mr. Ernst would have done something but because we have the Community Council we brought it up here.

NISHIMURA: Based on Administrative Instruction #34, gave Judicial Committee certain authority, as far as court is concerned is has already passed. The court also exist and they have certain power granted under #34 based on temporary council and I think my interpretation is correct, they are in a position to hear all these particular matters. The citation has passed.

ICHISAKA: Now to prevent these further troubles, some adjustment in the Topaz Times be made.

BANKSON: Statement of explanation in both English and Japanese as to how the things happened. Similar to the line I explained to you. ..To come out in the Monday's issue.

VERNON: Personnel should be adjusted, too.

BANKSON: I shall draw up something that I could submit to Mr. Barnhart and he could submit it to you.

HIRANO: Who brought up this charge to Mr. Ernst?

BARNHART: Internal Security. They bring up the report everyday to him.

HIRANO: Does Mr. Murata want to bring charges?

BARNHART: He has no particular fear but will bring charges if Mr. Tsuchida doesn't pay for his glasses and apologize. If you find out who wrote the article, it will save Mr. Murata from any further assaults. No person should be fearful of expressing views.

Bankson excused himself from the meeting.

BARNHART: Ordinarily, Mr. Tsuchida would be in jail and would have to be coming out on a bail

BARNHART: After I have my reports completed, I will give you a copy, also one to Mr. Lewis, internal security, and Mr. Ernst.

YAMATE: If you could give what Mr. Tsuchida has to say and what Mr. Iano has to say.....

HIRANO: We will find that out ourselves.

BARNHART: In my position, I'll do anything to help you. I personally don't want to interview Mr. Tsuchida. It might have undesirable affect.

TSUKAMOTO: Any other questions, if not, I wish to thank Mr. Barnhart....

BARNHART: I appreciated your courtesy.

It was suggested by Mr. Barnhart that it isn't necessary to use citation, unless you desire.

From here on, the meeting was conducted informally and off the record.

WAR RELOCATION AUTHORITY  
Central Utah Project

COMMUNITY GOVERNMENT

SUBJECT: Excerpts from Community Government Manual

D. Judicial Commission

The Commission on permanent organization is authorized to provide for a Judicial Commission.

1. Size and Composition

The exact number of members of the Judicial Commission shall be fixed by the Commission on Permanent Organization; but the number must not be less than three. Other questions to be considered by the Commission on Permanent Organization are:

a. How shall the members of the Judicial Commission be selected?

1. Elected?
2. Appointed by chairman of Council?
3. Appointed by Council?
4. Preparation of a list of qualified persons by a Committee of the Council with appointment from this list by the chairman of the Council, the Council, or the Project Director?

b. Who shall be eligible for membership on the Judicial Commission?

1. Only evacuees?
2. Caucasian staff members?
3. Members of Council?

The work of the Judicial Commission in the field of law enforcement is entirely different from that of the Community Council. The latter is charged with the responsibility of making law, or the determination of policies. The Judicial Commission, on the other hand, does not make policies but applies policies to particular cases. In view of this distinction, the advisability of providing in the permanent plan that members of the Council shall be ineligible for membership on the Judicial Commission should be considered.

c. Tenure of Office of Members of Judicial Commission.

d. Vote necessary for a decision? Shall a defendant be acquitted or found guilty by a majority, unanimous vote or some other vote of the Judicial Commission.

e. What provision shall be made for the presentation of cases before the Commission, as by a prosecuting attorney or other officer.

- f. What provision shall be made for representing defendants before the Judicial Commission, as by a public defender, or private counsel.
- g. Rules of Procedure. To what extent should rules of procedure for the Judicial Commission be provided in the permanent plan, by the Community Council, or left to determination by the Judicial Commission itself.

#### E. Arbitration Commission

The permanent plan of government should provide a method of arbitration for settling civil disputes between residents who voluntarily agree to submit their disputes to a commission set up for this purpose. Among the questions to be considered by the Arbitration Commission are the following:

##### 1. Name of such Arbitration Commission

It is suggested that the name given such a commission be that used for this type of agency in the law of the state where the project is located.

##### 2. Number of Members and Selection

The permanent plan should provide the number of members, their tenure, and method of selection.

##### 3. Panel of Arbitrators

Should a panel of arbitrators be selected from which the arbitrators for a particular dispute are selected?

##### 4. Disqualification of Members of Arbitration Commission

What provision should be made to disqualify members of the Arbitration Commission who are interested in a particular case, so that a panel can be selected to which persons will be willing to submit their dispute?

##### 5. Provision should be made in the permanent plan as to:

- a. Procedure for bringing cases before the Arbitration Commission.
- b. Method of presenting cases to Arbitration Commission (whether attorneys may be used, etc.).
- c. Vote of Arbitration Commission necessary for an award; majority vote, unanimous vote, etc.

##### 6. Agreement to be made by Parties

An important question to be considered in providing a system of arbitration is the type of agreement to be made by the parties so that an award will be binding under state law. It would appear that the type of agreement should be left to determination by the Arbitration Commission rather than specified in the permanent plan. The permanent plan should specifically confer this power upon the Arbitration Commission. Assistance and advice will be given the Arbitration Commission by the Project Attorney in working out these details.

WAR RELOCATION AUTHORITY  
Central Utah Project

COMMUNITY GOVERNMENT

MANUAL OF THE JUDICIAL COMMISSION

ARTICLE I

Section 1. Composition

The Judicial Commission shall be composed of seven electors other than the members of the Community Council to be appointed by the Council for the term of six month.

Section 2. Qualification

A member of the Judicial Commission shall be a resident who has reached the age of thirty years, with good standing in the community.

Section 3. Officers

There shall be a chairman to be elected by and among the members of the commission in each meeting.

Section 4.

There shall be an Executive Secretary of the commission.

ARTICLE II

Section 1. Civil Rights in Trials for Crime Committed

No person shall be convicted without due process of hearing.

Section 2.

In all criminal prosecution the accused shall enjoy the rights to speedy and public trial.

ARTICLE III

Section 1. The Duties of the Commission

The Judicial Commission shall hear all cases involving violations of any ordinances enacted by the Council.

Section 2.

The Judicial Commission shall apply all penalties for violations of ordinances as prescribed by the powers vested in the Community Council, in accordance with the War Relocation Authority regulations.

- Section 3. All hearings shall be opened to the public except in cases involving morale charges.
- Section 4. The chairman of the commission shall preside at all hearings.
- Section 5. It shall be the responsibility of the Judicial Commission to decide upon given case whether it shall fall within the category of the felony or otherwise, based upon the statutes of the State of Utah.
- Section 6. The Executive Secretary shall keep all minutes and records of the hearings.
- Section 7. All decisions of the Judicial Commission shall be in writing.
- Section 8. The decisions of the commission shall be communicated within twenty-four hours to the Project Director for review.
- Section 9. If the Project Director has taken no action within twenty-four hours (excepting on Sundays & holidays) after the Judicial Commission's decision has been submitted to him, such holding shall be ~~come final except, in case of appeal.~~
- Section 10. Based upon such decisions of the Judicial Commission the Project Director may affirm the holding and order the penalty prescribed by such holding to be carried out, or may remand the case to the Judicial Commission with his recommendation.
- Section 11. When the Project Director has remanded a case within the required twenty-four hours, he may submit his recommendation to the commission within a period of seven days.
- Section 12. Upon such remand, the commissions shall further consider the case and enter such judgment as they may seem appropriate, and consequent judgment shall also be subject to review by the Project Director.
- Section 13. When the decision has been rendered by the Judicial Commission and affirmed by the Project Director, excepting for the right of appeal, such decision shall become final.
- Section 14. Any or all decisions of the Judicial Commission when affirmed by the Project Director shall be executed immediately according to the rules and regulations prescribed in this Manual.
- Section 15. The Judicial Commission shall render judgment in accordance with the penalties stated in the Community ordinances:
1. Confinement
  2. Suspension of work
  3. Suspension of all or part of cash allowance
  4. Suspension of other privileges.

See Rec  
See Rec

Section 16. The Judicial Commission shall not impose any pecuniary fines as penalties.

*see note*  
Section 17. All criminal cases which are held by the Judicial Commission to be felonies, the Project Director shall deliver the defendant to the proper authorities. Outside the community of Topaz, for presecution.

ARTICLE V

Section 1. Laws and Ordinances

Ordinances of the Community of Topaz shall apply to all hearings.

Section 2. When the Ordinances of the Community of Topaz does not apply the Laws of the county of Millard, the State Law of Utah, the Federal laws and or rules and regulations of War Relocation Authority, shall prevail.

ARTICLE VI

Section 1. Board of Investigation

Judicial Commission may establish a body to investigate the detail facts concerning the issues involved in the given case before and during at the period of trial.

ARTICLE VII

Section 1. Appeal

*see note*  
The defendant may appeal in accordance with the War Relocation Authority regulations.

*Probation*

*Rules + Regulations not determined herein*

Suggestions:

- ① In case of felony & to be tried by outside ~~of~~ <sup>not less than two</sup> ~~member or members~~ of the Comm — shall be ~~be~~ given the right to be present at such hearings with the Goner — pay.
- ② At all cases tried outside ~~all~~ <sup>Full</sup> written report must be submitted to the Comm — by the Project Director at the termination of the case.
- ③ ~~J. C. shall have~~

MEETING OF THE JUDICIAL COMMISSION

March 12, 1943

2:45 p.m.

The meeting was called to order by James Nishimura, Chairman of the Ordinance and Legal Committee.

Members present were:

Mr. Barnhart--Project Attorney

James Hirano--Member of the Judicial Commission  
Vernon Ichisaka--Member of the Judicial Commission  
Kay Tsukamoto--Member of the Judicial Commission  
Tamon Katase--Member of the Judicial Commission  
H. Iyeki--Member of the Judicial Commission  
D. T. Uchida--Member of the Judicial Commission  
Sasato Yamato--Member of the Judicial Commission

Tsune Baba--Chairman of the Community Council  
Mike Maruyama--Vice-Chairman of the Community Council

JAMES NISHIMURA:

There is a certain thing that the Administrative Instruction No. 34 gives to the Judicial Commission. One was the question involving whether the Judicial Commission should have authority to decide in all cases whether it is a felony or otherwise. The wish of the Judicial Commission at the last meeting is to hear all cases which occur in this camp, and if it is a felony after their hearing and decided upon that fact, this case will go to Mr. Ernst and so forth, but there is some point that Mr. Barnhart has given us and the point is well taken. The Judicial Commission would like to have a hearing of all cases regardless of the nature of the crime before the accused will be sent out of this camp.

TSUNE BABA:

We may be able to use the prison quarters so designated by the Military Police, but we felt that it is not wise to put any one of us in there. Also, should we establish a prison here, there are advantages and disadvantages. Suppose a crime should be committed--from the legal standpoint, it is really a crime, but because of the sentiment of the people, the sympathy would be for the one who committed the crime. We want to avoid this so as far as the establishment of a prison here is concerned, some of us thought that it may not be a wise policy.

At least two members of a Judicial Commission should be given the authority to go out to any court on the outside and expenses paid to be at the hearing.

MIKE MARUYAMA:

The main thing is--during the trial, the members of the Judicial Commission will get to be in the audience to sit in--have this body see to it that all cases are handled in a just way. There will be an ordinance in which felony will be distinguished from

misdemeanor. Even after the case is tried, keep the complete record of the court proceedings in the file in the proper place so that the members of the Judicial Commission will have access to the file.

TSUNE BABA:

Members of the Judicial Commission should be paid full time, and whatever other activities that they are doing are to be secondary choice.

JAMES NISHIMURA:

The main issue is the difference of opinion after seeing Mr. Ernst. Mr. Ernst gave us a blanket understanding that the Judicial Commission has the authority to hear all cases of crime. However, after discussing with Mr. Barnhart from a legal standpoint, his opinion is a little different. After the discussion with Mr. Barnhart, we thought a limitation should be placed on this particular point. The Judicial Commission shall have privilege to hear all cases, but as to the clear-cut case of felony, they have no decision to make. The solicitor's opinion of October 12, 1942 (Opinion No. 32) states exactly what to do about a felony in case of felony that should occur in camp. I would like to ask this much of a privilege at least that in all cases, the Judicial Commission shall have power to hear felony cases or otherwise. As to the decision, it is another matter.

JAMES HIRANO:

A felony was committed, and after the man was placed in the temporary confinement at the Military Police because of the fact that we didn't have the place of incarceration. Charges were made after papers were drawn up, and then the members of the Judicial Commission were called into the case. Such being the case, it was beyond our jurisdiction. We didn't even know that a felony was committed. We did know afterwards that a felony was committed, and the handling of the case was justified. If we are to protect the interest of the people and protect the welfare of the people, we should be given a leeway. I explained fully to Mr. Lewis at that time. In order to have the respect of the residents, it would be very necessary to have the confidence of the people. I am sure that if such procedures were carried, they will have the confidence and the psychology attached to it. If we lose that psychology, the Judicial Commission is useless. The Judicial Commission was called in two times after the papers were drawn up.

KAY TSUKAMOTO:

The people of Topaz want to know whether this body that was made is functioning the right way. The main function is to avoid trouble and have just here, but to do this, we may have to do things that are not according to the law, but is in the spirit of law. We should fill in obligations as far as possible to do things that the public wants us to do. The public is jealous of how one is treated when he commits a crime. We had a difficult experience in the first experience where it was taken out of our hands and done already. The case wasn't handled the way the residents thought it should be handled. No one was there to represent the people of Topaz at court. We want to show the people of what they want to know because that also will prevent crime.

TAMON KATASE:

I am in the same opinion as Mr. Kay Tsukamoto.

VERNON ICHISAKA:

As one of the new members of the Judicial Commission not fully acquainted with the procedures up to now, it seems to me that we should know what the case is. I would like to know who is going to decide whether it is a felony or not; and if the Commission is to decide--whether we will be able to make the recommendations.

H. IYEKI:

If any question comes up, we should know everything that happens. It doesn't make any difference whether it is a felony case or not. The Judicial Commission should know all about it. My opinion is that the Judicial Commission should have the authority to hear.

MIKE MARUYAMA:

I believe that all cases should be published completely in the Topaz Times, regardless of whether it is a felony case or not.

COMMUNICATION FROM MR. ERNST REGARDING COMPENSATION TO JUDICIAL COMMISSIONERS:

"March 11, 1943

Memorandum To: Mr. Tsune Baba, Chairman  
City Council

From: Charles F. Ernst, Project Director

Subject: Compensation to Judicial Commissioners

I have your letter of March 11 having to do with the subject of compensation to Judicial Commissioners.

It was my understanding when you were in to see me on March 8, that the matter of the Judicial Committee, both with respect to the functions of that committee and the matter of compensation were to be put down in writing and presented formally to the Project Director.

I remember that Mr. Nishimura had several points which we agreed on principles, such as the Judicial Commission should

- (a) pass on all cases,
- (b) that two members should be present at trials,
- (c) transfer of transcript of decision,
- (d) that this committee meet twice a week,
- (e) that the Judicial Commissioners be paid,
- (f) question of juvenile court.

There were so many significant matters of policy procedure with respect to this whole matter that it was understood that we could not let it rest on a verbal conversation, but that we would plan

for a definite proposal in detail so that the proper committee from the Council and representatives from the Project Attorney's office, etc., could work on it.

Would you be good enough to submit such a proposal at your earliest convenience, and I will be glad to give it priority attention.

Signed  
Charles F. Ernst  
Project Director

CFE:ys"

MR. BARNHART:

I would like to know if the people as a whole clearly understand the facts. I think it should be made clear. The City Council passes ordinances with respect to the matter of Administrative Instruction which constitutes misdemeanors under the law of Utah. Do the people understand that the State of Utah has jurisdiction over this territory as any other territory on the outside? If the Council passes ordinances with respect to these matters which concern the people of Topaz, they are less inclined, I believe, to feel as though they are let down. If they clearly get the setup of the picture, they are less inclined to think the wrong way.

No one can decide whether felony is committed or not because it is the power of the state law. My opinion is that the Judicial Commission should be informed as to what crime has taken place and the report concerning this. No one has the power to decide but the state law.

JAMES HIRANO:

My proposal is to have in black and white that the Judicial Commission has nothing to do with felony cases.

TSUNE BABA:

Suppose the Council puts in the ordinance that whatever the case may be, the Judicial Commission has the right of having a hearing in regard to this?

MR. BARNHART:

If the Judicial Commission tries to assume authority which it cannot have, it seems to me that they will be in a position that they will be embarrassed.

Most of the felony cases are committed at night. Consequently, most arrests will be made here at night.

JAMES NISHIMURA:

Before decision is made, is it possible in line to have the Judicial Commission to put themselves in such a position to assist Mr. Ernst--that they listen to the facts, and then I believe that most of them will agree that if it is a felony, it is a felony. Perhaps, they could sit in together with Mr. Ernst and Mr. Barnhart.

TAMON KATASE:

The members of the Judicial Commission understand that law is law, but to have the consultation or some opinion to give a person is not only for the benefit of the people here, but to assist Mr. Ernst to form an opinion--more or less assist Mr. Ernst.

JAMES NISHIMURA:

My suggestion is: Can we have a representative from this body here with us to discuss this matter in front of Mr. Ernst and see what the reaction toward this opinion would be? If we can have some compromising point between these differences, it may solve the problem.

We could see Judge Hoyt of the District Court, County of Millard.

Mr. Melville stated that all cases which are decided by the Judicial Commission to be felony should come to the court for jurisdiction under the District Court. It might be possible that Mr. Melville might agree with the proposition that we have made, or rather, presented today.

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In our case, if the sheriff comes and puts the person accused in the County jail, does it automatically become that this person will be entirely out of our hands?

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I believe that it is a matter of judgment.

Essentially, the Project Director is the one who makes the decision.

I recommend that the Judicial Commission report facts--do not make recommendations in cases of felony.

JAMES NISHIMURA:

I believe we should form a Committee and present some of the recommendations to Mr. Ernst.

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The Judicial Commission is in part of the Community Government so I believe that Mr. Nishimura has the power of negotiating with Mr. Ernst as a Committee of the City Council.

Note: It is optional that the members of the Judicial Commission could either be on the payroll of the Judicial Commission or in the department that he is working in--choice of either.

JAMES NISHIMURA:

I would like to see some of the members of the Judicial Commission, Mr. Barnhart, and maybe I can see Mr. Ernst on Monday morning.

FINAL DECISION:

James Nishimura and the Committee are to make a proposal and consult with a representative from the Project Attorney's office--then to present a concrete proposal to Mr. Ernst.

Meeting Adjourned.  
5:45 p.m.

Respectfully submitted,  
Chiyo Fujino

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JAMES NISHIMURA:

I would like to see some of the members of the Judicial Commission, Mr. Barnhart, and maybe I can see Mr. Ernst on Monday morning.

FINAL DECISION:

James Nishimura and the Committee are to make a proposal and consult with a representative from the Project Attorney's office--then to present a concrete proposal to Mr. Ernst.

Meeting Adjourned.  
5:45 p.m.

Respectfully submitted,  
Chiyo Fujino