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October 10, 1942
2; P.M.
Adm. Bldg. Camp 1

MEMBERS OF JUDICIAL COMMITTEE:

1. Joe Omachi, Chairman
2. Ken Utsunomiya
3. Karl Iwanaga
4. Ernest Iwasaki
5. Harry Miyake
6. Y. R. Hiraoka

The matter of the Arbitration Commission was deferred pending the reply to legal questions presented to the W. R. A. Regional Attorney.

JUDICIAL COMMISSION:

The W. R. A. requires a minimum of three members on the Judicial Commission. The matter of having a panel of Commissioners was discussed but since the Commission would sit only two or three times weekly, it was proposed that three Commissioners be elected for each Camp. In event of illness or disqualifications of a Commissioner, a member of the other Camp Commission be called to sit in on a hearing. The Commissions of the two Camps to sit on alternate dates.

The requirements of a Judicial Commissioner shall be:

1. 30 years of age.
2. Evacuee resident of Camp.
3. Speak and understand English Language.

The Judicial Commissioners to be elected by the people at general elections to serve a term of one year. In event of a vacancy, the Community Council shall appoint a successor to serve until another Judicial Commissioner is elected at a special elec-

tion.

Methods of nomination for Judicial Commissioner.

1. Mass meeting of Camp.
2. By Advisory Board composed of Chairman of the various block councils.
3. Petition with required number of signatures.

Names of candidates to be given to election board of Community Council.

Simple plurality to decide election.

RECALL OF JUDICIAL COMMISSIONER:

A recall election of a Judicial Commissioner shall be held upon the presentation of a petition signed by at least fifteen per cent of the voters of the last previous general election.

DUTIES OF JUDICIAL COMMISSION:

To hear all cases of misdemeanors in violation of Camp regulations, County or State laws and ^{and} under decisions thereon. All decisions to be submitted to Project Director. In event a decision is remanded by the Project Director, the Judicial Commission shall re-hear the case. In all the re-hearing cases, the defendant shall have the option of having a jury trial.

The Judicial Commission shall appoint at least two investigators to gather all pertinent facts of each case.

The unanimous opinion of the Commission shall be necessary for a decision.

DISQUALIFICATION OF A JUDICIAL COMMISSIONER:

Any Judicial Commissioner may disqualify himself from a particular case for reasons of bias, prejudice, etc. All requests for disqualification must be discussed by the entire Commission previous to a case hearing.

MINUTES OF THE MEETING OF THE COMMITTEE ON THE JUDICIAL AND ARBITRATION
COMMISSIONS, OCTOBER 10, 1942

The meeting was called to order by Joseph Omachi, acting chairman,
at 1:30 P.M. The following members were present:

Ernest Iwasaki	64-6-C	Ken Utsunomiya	48-11-B
Y. R. Hiraoka	21-5-A	Dr. William Furuta	6-1-A
Karl Iwanaga	8-4-B	(arrived late)	
Harry Miyaki	52-3-D	Joseph Omachi	3-12-A

The committee considered first the question of the Arbitration Commission. A report was made by the chairman that as there were several factors in the Arizona codes requiring that the agreement to arbitrate must be filed in the proper Arizona courts, and that the trial must be held at such courts, these matters were submitted to the Regional Attorney in San Francisco for his investigation and recommendations. It was agreed that further discussions in reference to this matter should be conducted at a later date.

A prolonged discussion was had as to the Judicial Commission and as to the various matters connected therewith.

1. Membership--Much thought and consideration was given to the question of the size of this commission. Points that were brought out in favor of a large commission were as follows:

a. In event of possible disqualification of a member by reason of interest, relationship, prejudice, or other cause, it would be possible to have the Alternate Commissioner replace the person in question.

b. If the body is to determine questions of fact, the question of guilt or innocence might be viewed from various angles as the body is fairly large.

Arguments in favor of a small Judicial Commission were as follows:

a. The Commissioner should be especially well qualified for the job and there would be difficulty in obtaining a large commission composed of well qualified members.

b. The question as to disqualification of a Commissioner by reason of interest, etc. can be taken care of by having the Commission at Camp 1 sit on different days than the Commission at Camp 2, and in event of disqualification of any member a substitute commissioner can be called from the other camp.

c. A smaller Commission would be more fully conscious of their responsibilities and be more apt to do a good job.

After considerable discussion, the committee felt that a Judicial Commission composed of three members for each camp would be satisfactory.

2. Method of Selection--Because of the responsible and important functions of the Judicial Commission, the committee felt that the members should be elected by the qualified electors of the respective camps in the general election. In the event of vacancies, the Community Council of the respective camps should be empowered to appoint a member to the Commission, such member to serve until such vacancy is filled at special election.

3. Qualifications--The committee was generally agreed that the following qualifications should be imposed:

a. That any member of the committee should be at least 30 years of age.

b. That such member should be able to speak and understand the English language.

c. Such member should be a resident of the camp in which the Commission is to be located.

4. Tenure of Office--The committee was generally of the opinion that one year would be the proper term.

5. Vote necessary for Verdict--After much discussion on this point, it was agreed by the committee that a defendant brought before the Commission for hearing must be found guilty by a unanimous vote of the Commission. The reason for this is that the Commission is dealing with questions of fact in determining guilt or innocence. It was felt, however, that as to questions of law, such as points on procedure, admissibility of evidence, etc. a majority vote should be sufficient.

6. Presentation of Cases--As to this point, the committee carefully considered the advisability of a prosecuting attorney or officer and a public defender. The committee felt that because of the peculiar circumstances of the residents at this center, it would be cumbersome and unsatisfactory to set up an office for a prosecuting attorney and a public defender. As an alternative, the members were united in the view that an investigating commission be set up to be composed of two or more members appointed by the Judicial Commission. Such an investigating body would be entrusted with the duty of investigating all the facts concerning any criminal matter which may be brought to the proper authorities for attention. The advisability of this arrangement was ^{based} pressed on the need for thorough investigation of each particular case at the time of, or soon after, the Commission of any alleged offenses in order that as much of the facts of the case as possible may be obtained while the parties and witnesses have the matter fresh in their minds.

7. The Right to Jury Trial--After considerable discussion, the committee felt that the right to a jury trial should be preserved in certain cases. As it was generally thought that as most of the cases which will be heard by the Commission will be of a minor nature, the right to a jury trial in these cases may not be quite so important. However, it was felt that if the Project Director, upon complaints made by the defendant or his friends or representatives, that the verdict of the Judicial Commission was unfair or unjust, should remand the case to the Commission for a new trial, then the defendant should have the right to demand a jury trial. He may, however, waive the right to a jury, in which event the case would go to trial before the Commission. In such event it was felt that the hearing should be before the Commission from the other camp rather than before the Commission which originally heard the case.

The committee was of the opinion that in as much the Project Director might be too busy to make a thorough investigation of each case submitted by the Judicial Commission, these matters should be referred to the Project Attorney for his attention.

8. Nominations--Although the question of nominations of prospective members of the Judicial Commission should be considered in the light of the method of nomination proposed for members of the Community Council, it was felt by the committee that the following suggestions should be followed:

a. A nominating convention or meeting should be called prior to election at which time the right to nominate any member should be granted to all parties interested. However, in order that some organized plan be set up the committee felt that some nominating body or committee be selected by the Community Council and various chairmen of the Block Councils. This committee should present a panel of qualified members at the nominating convention or meeting. Each nominee can then be named on the ballot at the time of the election.

b. In addition to the above method of nomination the committee agreed that the right to nominate by petition of the qualified voters of each respective center should be extended.

9. Election Board--The details of taking the names of candidates, preparation of ballots, publication and posting of notices of election, setting up ballot boxes, appointment of persons to supervise the voting at each place set up for balloting, etc., should be directed to a committee of board on elections appointed by the Community Council.

10. Recall--The right of recall of any member of the Judicial Commission was felt to be necessary. It was agreed that such recall should be upon a petition signed by at least 15 per cent of the total number of those who voted at the last previous ~~General~~ election. Upon such petition a special election should be called to determine whether or not the member in question should retain his office.

Details as to the number, qualifications, method of selection, etc. of the jury were to be continued for further discussion at the next committee meeting. The meeting was adjourned at 4:45 P.M.

Respectfully submitted,

MEETING OF JUDICIAL AND ARBITRATION COMMITTEE
October 17, 1942

Meeting called to order by chairman Joe Omachi at 9:30 A.M. at 13-9-D. Committee members present were Karl Iwanaga, Harry Miyake, Yoshimi Hiraoka, Ken Utsunomiya and Joe Omachi. Non-members present at the invitation of Chairman Omachi was Teizo Yahanda.

Since the legal points reference to the Arbitration Commission were yet unanswered by the Regional Attorney, it was decided by the Committee to empower the Community Council through the Constitution to set up a procedure of arbitration of civil disputes.

Further discussion was held as to the number of members that should be on the Judicial Commission. Some of the members of the General Committee felt the burden of decisions should be spread among five Judicial Commissioners rather than three, but the Committee still felt that three Judicial Commissioners were sufficient for the reasons that:

1. The Judicial Commissioners would render a verdict based on the regulations and penalties already set forth by the Community Council.
2. All difficult or serious cases and remanded cases would be by a Jury Trial presided over by the Project Attorney and the Judicial Commissioners would not sit in on the case.

The Committee decided to reduce the age requirement of a Judicial Commissioner from 30 to 25 years for the reason that:

1. The higher age requirement would eliminate many capable young men between the ages of 25 and 30.
2. The higher age requirement might also give the impression to the Nisei that only a small percentage of their group were eligible for the office of Judicial Commissioner.
3. Even though a person of the minimum age requirement is a candidate, the final choice is left up to the electm as to his capability.

Further requirements of Judicial Commissioner shall be:

1. An Evacuee Resident of the community in which he is to regularly serve.
2. Must be of good moral character.

JURY TRIALS:

The Project Attorney shall preside over the court in all cases by Jury Trial. The Project Attorney shall select the Jury, pass upon questions of law, admissibility of evidence, procedure and shall question the witnesses. The Jury shall render the verdict.

The defendant shall have the right to a Jury Trial in all remanded cases.

Reasons:

1. Better satisfy the defendant.
2. Eliminate the possibility of forcing the Judicial Commissioners who may be prejudiced in their opinions.
3. Removes the pressure from the Judicial Commissioners in making a serious decision.

The defendant shall have the right to a Jury Trial in all cases of high misdemeanors as defined by the Community Council.

Reasons:

1. Removes pressure from the Judicial Commissioners.
2. The court being presided over ^{by} the Project Attorney would be conducted in a more regular procedure.

JURY:

Qualifications of a Juror shall be:

1. 21 years of age.
2. Evacuee resident of community where he is to serve.

A Jury list shall be prepared the first of every six months by a Jury Commissioner or Clerk appointed by the Judicial Commission.

The Committee felt that 12 members on the Jury were too many and that 9 members were sufficient. It was also mentioned in the committee meeting that the Indian Service has a six man Jury.

It was agreed that a two-thirds majority or 6 out of 9 votes would be sufficient for a Jury verdict. The reasons for a two-thirds majority rather than an unanimous decision were:

1. That the average layman was not familiar with the Jury system and might misunderstand the necessity of an unanimous decision.
2. That it would reduce the possibility of "hung Juries" due to the sympathetic attitude on the part of one or two jurors who might fail to base their decisions on the facts of the case.
3. Would also counteract outside influence upon Jurors during the course of a case.

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JUDICIAL COMMISSION

January 10, 1944

The two Judicial Commissions of Canal and Butte sat as auditors at a Judicial hearing conducted by Mr. Bennett, Project Director. The aim of this meeting was to show them how Judicial procedure has been conducted in the past so that in the future offences can be judged by the Judicial commissions of each community.

The court-room is part of a former store-house at 16-12-A, Canal.

Present:

Mr. Bennett

Mr. Terry, Advisory capacity

Judical Commission from Canal:

Mr. Sasaki

Mr. Seiki

Mr. Nagamatsu

Judical commission from Butte.

Mr. Hikida

Mr. Shimizu

(Dr. Iki had resigned)

Internal Security officials as prosecutor and witness

Mr. Graves

Mr. Offutt

Mr. Parsons

Mr. Fukuzawa

The court was called to order at a little after 2 P.M. Mr. Graves acted as prosecutor.

Groves: You are arraigned before the director charged with gambling on or about the December 21st, 1943 in the basement of 5-3-D. You are asked to plead "guilty" or "not guilty." if you plead "guilty" you will be sentenced now. If you are not guilty you are entitled to a later trial.

Mr. Mori: Says that he does not understand English. (Mr. Parson goes for interpreter)

Graves: Mr. Yoshihara you are charged permitting gambling to be carried on in quarters under your charge.

Mr. Yoshihara starts to defend in Japanese.

Mr. Terry reads the regulation on gambling. Fukuzawa translates.

Terry: You have been asked if you plead "Guilty" or "not guilty". If you plead "not guilty" you must produce evidence that you did not violate this regulation, that, of your knowledge you did not permit a gambling game. If you plead "not guilty" you are entitled to representation, and to produce witness. If you are guilty it is best to plead "guilty". If you are not guilty it is best to plead "not guilty"

Yoshihara: (in Japanese) Is the amount of money a consideration?

Terry? No.

Graves: You are charged with permitting gambling.

Yoshihara: (in Japanese) I knew they were playing a little game. Inasmuch as it was a small game I thought it was all right. It was not an open house, but some people just got together to play, therefore it is not a gambling house.

Bennett: He pleads "not guilty"?

Yoshihara: I plead "guilty."

Terry: Do you know they were gambling for money?

Yoshihara: Yes.

Terry: Do you know that you were operating a gambling house if money was taken?

Yoshihara: It was money taken to buy new cards and not a house cut.

Graves: As it is a matter of doubt I suggest that a plea of "not guilty" be entered.

Bennett: There is considerable doubt. There was money taken from the kitty and many decks of Hana cards (more that could not be taken down.) I must accept the plead of "guilty", I will hear the testimony of other people first. If it was a house cut I shall impose a sentence, a pretty stiff sentence. It should be explained also that the defendant can plead "guilty", at the same time making statements exonerating himself for lightening the charge. (To the Judicial Commission) As the general rule when the house takes part of the proceeds we call it a gambling house, giving stiff sentences, sometimes to the County Jail. If the house so operates it is considered detrimental to the community. If no one profits there is not a severe sentences. If he pleads "guilty" we then examine the evidence.

Graves: Are you ready to enter a plea?

Yoshihara: (in Japanese) I have not entered a plea yet. I stated that I know they were playing a small game for 4 or 5 days. On that particular day I don't know what amount was involved, I was not there. I know that in^{the} past, the old folks gathered for a small game.

Graves: We would like a plea "guilty" or "not guilty" for the record's sake.

Yoshihara: If there is such a law and if a small game is included, then "guilty".

(Fukuzawa: He doesn't make a definite plea)

Graves: the size of the game has nothing to do with it. You are not charged with participating, you are charged with permitting a game in quarters under your supervision.

Terry: Add one thing: If he is not willing to plead, the director must enter a plea of "not guilty" and hold him for trial.

Yoshihara: There is one thing I can't understand: if the charge against me is that I was keeping a gambling house making a profit and living on it, I am not guilty, I wasn't doing such a thing. If the charge is that there was a small game with no profit, I will plead "guilty."

Bennett: I will accept the plea of "guilty." If he permitted a collection for an unlawful purpose, he is guilty. There is nothing about profit in the charge. (To the Judicial Commission) He has also permitted a can with a fire in it in the basement under the house. He also permitted candles. This is not part of the charge, I just mentioned it to show the kind of thing we come up against.

Graves: I should like to state that you gentlemen are charged with gambling. Any game for money is against the regulations. You possibly have been confusing our policy with regulations. It has not been our policy to arrest people for a family or a party game. Where large numbers congregate we do make a charge (reads paragraph F. section 30 of W.R.A. regulations) I again ask you gentlemen for pleas.

Messrs. Mori, Iwanaga, Watanabe, Uyetatsu, Hatanaka and Hataguchi all plead "guilty."

Graves: I will ask Mr. Offutt to state the facts.

Offutt: On the date given Internal Security officers Parsons, Stringer, and I walked to the basement of 5-3-D and apprehended 17 people. There was one Hana game and only 6 can play Hana. We seized \$7.30 and six sets of Hana cards. According to Mr. Yoshihara he was lonely because his son was in the army so he dug a hole for old men to congregate to read the papers. Later they began to gamble. Often he was not there himself. He was frequently at the amphitheatre. His place had been watched for some time. At the time of our entry there was money on the table, but we were not fast enough to seize it.

Terry: Did you search the individuals?

Offutt: No. Mr. Yoshihara's statement that the take goes to buying Hana cards was borne out; there were 6 decks of Hana cards and they are very expensive.

Terry: Was there any evidence that any one was operating for profit.

Offutt: No. There was a kitty on the table.

Terry: Was there any statement by those arrested as to where the kitty went.

Offutt: No.

Terry: Was the game operating continuously for 4 or 5 days?

Offutt: We couldn't testify as to that. The place was watched in the afternoon and evenings only.

Terry: There was a statement that there was a limit of 25¢ a game. Was there any evidence of that?

Offutt: There was in excess of \$100. on the table.

Terry: How do you know?

Offutt: I counted it. It was spread out. I saw 20 and 10 dollar bills on the table. When I elbowed to the table it was gone.

Bennett: Was there any evidence as to whose it was? Did it all go to one man?

Offutt: There was no evidence that it belonged to one man. One man scooped it up.

Bennett: Only two of these people worked on the project.

Graves: Is there record of any previous arrests?

Offutt: No.

Graves: We will treat them as first offenders then.

Terry: Mr. Fukuzawa, I ask Mr. Hatanaka and Mr. Iwanaga if they are not now mess cooks.

Fukuzawa: Yes.

Terry: Mr. Mori was warden in Internal Security from August 1942 to September 1942 and has not worked since.

Fukuzawa: He was working for 22 mess, he recently changed to become a fireman.

Terry: Has he worked all the time?

Fukuzawa: Yes.

(Terry checks the employment record. Mr. Mori was laid off for one month only)

Terry: Is Mr. Yoshihara a block janitor?

Mr. Fukuzawa: Yes.

Terry: The other 3 were not employed, and never were employed?

Fukuzawa: Mr. Horiguchi has been working for No. 5 mess since October 1942.

Terry: The other two did not work?

Fukuzawa: Yes.

Bennett: Sentence is deferred until 2:30 P.M., Friday January the 14th. I want you men here (the commissioners) at 2 o'clock to discuss the case.

Terry: It would be a good thing for Mr. Offutt to find out

who took the money to buy the cards and to the evidences of stakes. Did this take place at night?

Offutt: No. In the afternoon.

Graves: These gentlemen and gentlemen charged with trespassing will return here at two p.m. on Friday.

Court adjourned.

At two P.M. on Friday, January 14, 1942 Mr. Bennett met with the commissioners.

Present:

Mr. Bennett

Commissioners from Canal	Commissioners from Butte
Mr. Sasaki	Mr. Hikida
Mr. Nagamatsu	Mr. Shimizu
Mr. Seiki	
Clerk of the Canal Council;	
Clerk of the Butte Council;	Mr. Otani
Others;	
Mr. Carl Iwanaga	
Mr. Graves	
Mr. Parsons	
Mr. Wolter	
Mr. Brown	

Bennett: The commissioners have been called earlier today to show them what has been done. They need not follow what has been done in the past. I just want to tell them. I never impose sentence without discussion with Terry, Graves, Wolter, or all three. We don't operate under a city code but we try to make our sentences as near as possible like those of city codes. Under this set-up we can do more but I have not tried to take advantages of the laxity of regulations.

This case is not very well proven. The following points were brought up; (1) Everyone admitted guilt but limited the admission; the man responsible for the premises

admits gambling but not for profits. Technically, I can sentence as I please up to \$300. or 90 days in Jail, or make as I often do a work sentence, or take a man's work away from him, the degree of sentence even after admission of guilt, is considered. This man who dug the hole let the other men use it. They began to gamble. He did not try to stop them he simply permitted it. He has given no trouble before, he is respected citizen, he did not play himself and there is no evidence of profit so there is a limit to the degree of guilt, therefore I will not impose a sentence like I would for taking a cut or for financing a game; for the latter I would impose a heavy sentence.

Usually in a case like this I would send a defendant to Jail or assess a heavy fine. The staff agree that such a heavy sentence is inapplicable here. But I must do something. I must assess a fine or impose some other sentence. They broke W.R.A. regulations and council ordinances. After discussion I impose the following sentence; either 90 days in Jail at Florence or a \$90. fine. Then I will suspend 80 days or \$80. provided he permits no more gambling or fires. What is your opinion? Is it too little or too much? Remember that he admitted guilt and admitted a take. We don't know how much money was involved even though Mr. Offutt saw over \$100. on the table.

(Mr. Hikida inquires the meaning of sentence.)

Bennett: (explains) This is a lot of money in here unless a man has other than his earnings. I try to bear this in mind. Is this approaching it from the right standpoint? This is not a very good case, I am sorry. These men all admitted guilt. \$7.25 and 6 decks of Hana cards were confiscated from the table. There was evidence that there was more money on the table. Also there were many people on the side probably playing side-bets; probably but not surely. But gamblers usually do that. We can't prove that the 25¢ ante went to any one or that there was anybody financing the game. We know that the financier of such a game often gets much from people who can't afford to lose it; he is playing suckers. But we can't prove any such thing; there is only evidence of gambling by admission of defendant, of money on the table, and admission of a 25¢ ante. Hence there is only a charge of gambling for money and they did contribute to a general pot; to that extent it was commercial and not like a party game.

The sentences suggested are 10 days in jail and \$5. fine, suspending the 10 days in jail, for the following

reason; (1) If they had no money they would not have been in the game; (2) all except two of them are working hence \$5. is a large fine; (3) But we must impose a minimum fine of \$5. to avoid losing face; (4) There is a constant attempt to hide the fact of the existence of a commercial game but next time there will not even be a kitty or any money on the table. But if there is any kind of a transaction they are gambling for profit and should be sentenced accordingly. What do you think of a \$5. fine? Is it too little or too much?

Nagamatsu: How long a probation is the jail sentence.

Bennett: 60 days period. 90 days sentence is the longest we can give although we can increase it by making two charges. I don't like sending people to jail. I don't like the Florence jail. You will have to do it; you may have to do it for theft, assault and battery etc. Also it is not good publicity for Rivers. When possible we assess a fine. That is usually effective.

Mr. Hikida: What sentences have you given for professional gamblers and bootleggers?

Bennett: All the way from 90 days down to 7. I have given only two 90-day sentences. This is not based on any experience of mine, you must just use your common sense. Lean on Terry and Joe Omachi for procedure. On your few first cases it would be good to have Terry, Omachi, Graves or Wolter sitting in, also in discussion, in that way you would have a fairer judgement more in accord with public opinion. A sentence which is too little is as bad as too much. The head of Internal Security at Tule Lake was a former social worker, he wouldn't sentence people. Things went wild. Manzanar was similar. We sometimes must give stiff sentences, but an offender must be pretty bad or we miss public support. At one time I made a statement that I would double sentences for assault in arithmetical progression. Now the W.R.A. limits sentences to 90 days. A sentence should hurt but not penalize. You will get some experience after hearing a few of these cases.

The defendants here called in. Five arrived, one had excused himself. Mr. Mori was absent. An officer was sent after Mr. Mori.

Graves: The court is now in session. On January the 10th these defendants entered a plea of "guilty" to the charge

of gambling except Mr. Yoshihara, who pled guilty to the charge of permitting gambling on his premises. Is there any reason why sentence should not now be imposed?

Mr. Yoshihara: We can not speak English (Mr. Yamamoto undertakes to interpret)

Graves: We had to know all of those pleading guilty on this date set for sentence if there is any reason why sentence be not imposed.

Yamamoto (for Yoshihara) Block 5 had its Recreation Hall occupied by the Canteen and there was no place for playing, so a basement was dug last summer in which to read and gossip. I thought a friendly 5 or 10¢ game was not against the law, I thought it was all right. If it is against the law they will not play again.

Bennett: Gentlemen, I don't consider that an adequate excuse; enough cases have been tried before so that all should understand that any one permitting his house to be used for gambling breaks the law. (Reads the clause from the regulations). Mr. Yoshihara had pled guilty. I have no alternative but to sentence him. A lot of extenuating circumstances were discussed before deciding the sentence. The sentence is as follows; (1) 90 days in the county jail at Florence, Arizona; (2) 90 days fine. Because of the extenuating circumstances, I will suspend the 90 days at Florence and also suspend 80 dollars of the fine, provided that Mr. Yoshihara does not permit any premises under his control to be used for gambling for a period of 90 days, and that he does not permit fires for light or heat under his house.

Graves: (calls the roll of defendants. Mr. Mori arrives.) You have pleaded guilty and were to be ready for sentence at this date. Are you ready?

Yamamoto: Yes.

Bennett: In these cases I again took the extenuating circumstances into consideration. There was no evidence that the kitty went to the profit of any one person. I considered that the large sum of money seen by Mr. Offutt, \$100., not proven to be part of the game. It was a plea of "guilty" to gambling. (Reads the regulations.) Where the game is entirely among friends, where there is no ante, where the stakes are small, and where there is no profit, it is not the intent of the administration to stop it. The adminis-

tration wants to stop the loss of large sums, to unscrupulous people, and to prevent people from gathering at a place where gambling takes place. I have no alternative but to sentence you all (except Mr. Mori) as follows: 10 days in the county jail at Florence and a fine of \$10. Because of extenuating circumstances I will suspend the 10 days in jail and \$5. of the fine, providing they are not in another gambling game for 60 days. Mr. Mori, I impose the same sentence on you plus \$1. cash for contempt of court, for being late. I will allow one week for paying the fine.

Graves: Court adjourned.

COMMENTS

1. The case was not a very good one for the instruction of the Judicial Commission. The police apparently thought they had discovered a commercial gambling house, but failed to secure any evidence which would prove their case.
2. The members of the Judicial commission sat merely as spectators, there was no attempt made to confer on the evidence or to reach a joint decision.
3. Interpretation was unsatisfactory. During the first session Inspector Ben Fukuzawa was adequate but it was hardly appropriate that an officer of Internal Security act in that capacity. In the second meeting Mr. Yamamoto just happened to be there accidentally and he gave very abbreviated interpretations both from Japanese into English and from English into Japanese. One of the commissioners observed afterwards that they did not understand more than a quarter of what Mr. Bennett said. Systematic arrangements for interpretation will be necessary before the court can operate satisfactorily.