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THE FORMAL ORGANIZATION OF THE CONSTITUTIONAL SELF-GOVERNMENT
AT GILA

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Upon the establishment of the War Relocation Authority by Executive Order No. 9102, signed by the President on March 18, 1942, it was contemplated that a certain degree of self-government should be given to the evacuee residents from the various areas from which they were expelled by the Army. Pursuant to such plans, the WRA through M. S. Eisenhower, Director of the WRA at that time, had on May 29, 1942 issued a tentative Policy Statement, incorporating a number of matters with reference to the administration and supervision of the various relocation centers.

Reference is made to page 11 and 12 of this Policy Statement with reference to the establishment of some formal self-government within the centers, the following excerpt indicating the plan which was then under consideration:

"B. Evacuee Responsibility for Community Matters

1. Project Self-Government

The residents of each relocation center will be responsible, within the limitations imposed by military necessity, for the organization and administration of their own local self-government. Steps will be taken to formulate a war duration governmental organization as soon as possible. Pending the organization of this more permanent structure, a temporary system of self-government will be instituted by the evacuees with the advice and help of the Project Director and his staff. In general, this temporary government should be representative and should provide for the election of a general council consisting of not more than thirty members for the 10,000 unit project and not more than fifteen members for the 5,000 unit. The council thus chosen would serve as an advisory body, representing the evacuees in the formulation of temporary regulations and ordinances until such time as the permanent self-government is established.

During the interim period, it will be the responsibility of the Project Director to provide for the maintenance of proper law and order. To meet this responsibility, the Director should generally arrange to have some member of his staff deputized as a law-enforcing officer by the County in which the relocation center is situated. This officer should be assisted by such evacuee personnel as are necessary for maintenance

of law and order. Evacuee patrolmen for such duty will not be permitted to carry firearms.

Election of members of the Temporary Community Council mentioned above will be conducted through a voting procedure to be established by the Project Director. All enlistees in the War Relocation Work Corp shall be entitled to vote for the members of the Community Council. Eligibility to hold office in the Temporary Council will be restricted to those who are citizens of the United States and who are twenty-years of age or over."

At the time that evacuee residents began to come into Gila in July and August of 1942, some considerations and general plans for a governmental set-up within the center had been announced and discussed. However, because of the necessity for attention to a number of immediate problems with reference to housing, mess operations, etc., it was not until September of 1942 that any certain steps were taken towards the organization of a Temporary Council. At that time, Dr. A. M. Smith, the wife of the then Project Director, was working as Project Aide and was generally in charge of all community services and welfare problems. She had been instrumental in setting up the machinery for the organization of the initial Temporary Community Council and, during that time, I have had occasions to assist her in this matter.

Among the problems that were considered was that of the age at which citizens were qualified to vote. The tentative Policy Statement just noted indicated that all enlistees in the WRA Work Corp shall be entitled to vote for members of the Council and that eligibility to hold office in the Council will be restricted to those who are citizens who are twenty-one years of age or over. This meant that since the age of sixteen was set as the minimum age for enlistees in the Work Corp, that would be the qualification as to age of voting; however, a subsequent memorandum was issued by the Director of the WRA on June 5, 1942 which provided that all persons eighteen years of age or over are eligible to vote and that only citizens of the United States are eligible to hold office. The situation thus arising meant that Japanese aliens would not be entitled to hold office. It was a definite fact that this restriction as to holding office

was a point which the evacuees in general could not regard with favor in view of the general feeling that the evacuation program in itself was one which had affected all persons of Japanese ancestry, regardless of citizenship and, thus, there should be no real cause to make such restrictions. As the result of the heated opposition to this matter, Dr. Smith was placed in a very uncomfortable position and she had contacted the District Office at San Francisco and the Director of the WRA regarding the possibility of dropping the citizenship restrictions. The answer to these requests were definitely in the negative and, thus, the only thing that she could do under the circumstances was to continue to set up a Temporary Council under the latest memorandum.

A spontaneous voluntary committee composed of some of the Block Managers and residents of Canal who were interested in the formulation of a form of local self-government had met on several occasions. The principal discussion of the committee consisted of a consideration of the possible effects of a Temporary Council composed of Nisei only. The sentiment was quite strong that Issei should be made eligible to become members of the Council. However, since the efforts of Dr. Smith in this regard were futile, the opinion was general that rather than to have no governmental body whatever, it would be preferable to have a Council composed of Nisei together with an Advisory Board composed of Issei. In this manner, it was thought that community sentiment in regard to Issei representation in the affairs of the Project would have some voice.

Thereafter, in the early part of September, 1942, this plan was presented to all interested residents and to the Block Managers; and, under the direction of Dr. Smith, the machinery was set up for the purpose of electing a Temporary Community Council. At this time also, announcement was made by her that the eligible age of voters would be sixteen years as initially stated in the Policy Statement of the WRA rather than eighteen years as indicated in the Director's memorandum of June 5, 1942. Pursuant to the plan outlined in the WRA Manual,

each block was to have one representative who was to serve until a permanent Council should be elected. The qualifications of such representatives were that he must be a citizen of the United States, over twenty-one years of age, and a resident of the block which he is to represent and that he shall ^{not} be eligible to hold an appointed office in the Project area although he will be eligible for assignment to the WRA work projects. At least two candidates were to be nominated from each block and such nominations were to be made with the assistance of the Block Managers. Each Block Manager was instructed to see that a committee was formed in his block who should contact at least two qualified residents to run for office.

Although it was specified in the Manual that nominations should be made in open meetings attended by all voters in each block, it was decided that such a step would not be wise or feasible in view of the fact that the residents were from various areas and were not familiar with each other. Although it was felt that selection of candidates by a committee would be somewhat biased, on the other hand, the probability that more capable candidates may be selected by this means would out-weigh the disadvantages in this regard. However, provision was made for nomination of candidates by petition signed by not less than ten eligible voters. Several blocks had made use of this means to name candidates other than those which were selected by committees in those blocks. After the names of the various candidates were submitted to Dr. Smith, she had each person checked as to their citizenship, age, and residence, in order that the WRA regulations would not be violated. It turned out that this function was merely perfunctory in that each of the candidates named had met the qualifications required.

Elections were held by blocks after notices had been posted in the respective blocks at the ^ainsistence of the Project Director three days in advance of the day of election. Ballots were prepared, naming the candidates who were nominated with a space for those who wished to vote for any eligible person who was

not named. The work of passing out these ballots to the eligible voters was left to the Block Manager and a ballot box was placed in his office. Although residents were notified to vote for a Councilman and submit the ballots to the Block Manager's Office, the lethargy and indifference on the part of most residents was such that almost all of the ballots had to be collected by the Block Managers. The counting of ballots was left to an "Election Board" composed of the Block Manager and a delegate from the Block committee. The results of the election in each block were tabulated by these two persons and submitted to Dr. Smith with a certification that the votes were properly cast and counted. Each ballot was submitted along with this certification. Although the Manual had provided that such a board be composed of the Block Manager and one person appointed by the Project Director, this suggestion was not carried out inasmuch as it was felt that this work was merely perfunctory in nature. Among other suggestions provided in the Manual, the provision that ballots should be checked against the list of eligible voters compiled for each block and that the votes should be placed in sealed envelopes were not carried out due to the necessity of the Block Manager going around from barrack to barrack to collect the ballots. In spite of the irregularities in the procedure followed, the Councilman from each block receiving the highest number of votes was declared elected and was sworn into office. The oath of office suggested in the Manual was signed at the initial meeting and about sixteen members of the Council were thus initiated into office toward the latter part of September, 1942.

The first business meeting of the Council was held on September 23, 1942. At this time, Mr. E. R. Fryer, acting Project Director succeeding Mr. Smith, was introduced and gave a general report as to the activities of the Project and the duties and responsibilities of the Council. Dr. Furuta was elected Chairman of the Council, and the group decided to have a full-time paid secretary. The conflict of Issei-Nisei relationships in reference to the functions of the Block

Council Chairman was discussed. This problem is one which has pervaded the entire scene of center activities as to practically every matter of importance. It was the opinion of the group that the Block Chairman was not an advisor to the Council except that as to problems affecting the block he may be called upon for advice. This opinion indicates reluctance on the part of the Nisei representative group to be subject to any undue influence by the Issei group.

At the second meeting of the Council on October 2, 1942, Dr. Solon T. Kimball, who was sent to this center from the District Office in San Francisco to direct the establishment of a constitution for the center, was introduced by Takeo Tada, the acting Chairman. Dr. Kimball gave a report on the duties and responsibilities of a Constitutional Commission and the advisability of such a commission formulating a constitution under which a permanent Community Council and system of self-government can be established. The following residents were elected for recommendation to the Project Director as members of the Constitutional Commission: K. Nobusada, T. Yahanda, K. Nakastuka, Frank C. Sasaki, and myself, with the addition of three alternates, H. Hatayama, M. Yashitsu, and Y. Hiraoka.

In this report, I shall not try to elaborate on the functions of the Temporary Council at Canal as this is a subject which is quite detailed and prolonged. It suffices to say that the problems under consideration by the Council since the time of their election had to do principally with various complaints of residents in regard to administrative matters. I plan to touch upon the functions of the Constitutional Commission and the problems involved in reference to formulating a permanent constitution for Gila. It is interesting to note in passing, however, that the original membership of the Canal Temporary Community Council, as indicated in Appendix A, included some very capable men. Dr. William J. Furuta, the Chairman, was a laboratory technician at the University of Illinois

where he had obtained his Ph.D. degree. Mr. Karl Iwanaga is one of the older Nisei attorneys who had been practicing in Los Angeles since about 1922 and was a man who could speak and understand both English and Japanese very well. Takeo Tada was formerly secretary of the Japanese Chamber of Commerce in Los Angeles which had been engaged in correlating much of the work of the various foreign trade concerns. Yoshimi Hiraoka was formerly an attorney in Fresno where he had been practicing law for a short time prior to evacuation. Goro Mayeda was formerly a University of California student for about three years and was engaged in the wholesale business in San Francisco. The membership of the Council was composed of those from practically all occupations and represented a pretty fair cross-section of the older Nisei group at Gila.

The Council had entered into their work with some enthusiasm during the first few months; however, in the course of time, difficulties were met with the problems of Issei-Nisei relationships particularly, being the source of dissension inasmuch as the Block Councils had been operating in each block and these Councils were composed of Issei members. There was a tendency on the part of the Chairman of these Councils to interpose themselves into practically every problem that was being considered by the Temporary Community Council. This pressure on the part of the Block Councils had become so severe that the members of the Temporary Council were placed in a position where they felt that any decisions that they should make would not represent the attitude of those in the center; therefore, the practice was followed of referring almost every question to the Block Councils for discussion and vote. After the decisions of the Block Councils had been tabulated, there was considerable friction within the Council itself as to whether the body should approve such decisions inasmuch as they represented, in many instances, a viewpoint which was that of the Issei and not that of the residents as a whole. It was because of this

situation that on November 24, 1942, Dr. Furuta had tendered his resignation in spite of requests that he continue. The reason that he gave was that he was too busy with his other duties in connection with the hospital. It was not long after this that the Tada assault case had seriously affected the morale of the members and practically every member of the Council had eventually resigned. It is interesting to note that of the original membership, there are only three persons who had continued on the Council until this time. They are Matsu Ando, present Chairman, George Nagamatsu, and Kelly Matsumura. Tashito Kono, representing Block 16, had only been in office for a short time as there was not sufficient residents in his block to warrant representation until recently, Block 16 being a service block.

It appears that the Temporary Community Council as a body has had very little prestige or effect in community affairs, especially during the past four months. The principal handicaps faced by the Council were those of lack of sufficient powers in determining policies concerning administrative affairs and the fact that the Issei in general had not given the body sufficient support. In reviewing the minutes of the Council, it is interesting to note that most of the subjects which were considered were more or less trivial in nature and were such that they could not have substantial bearing upon community life.

ORGANIZATION AND FUNCTIONS OF THE CONSTITUTIONAL COMMISSION

After the Canal Temporary Council had submitted their list of members for the Constitution Commission to the Project Director, the Project Director appointed the Commission members, incorporating the recommendations of the Canal Council. Since the Temporary Council at Butte was not as yet elected, the then Acting Project Director, E. R. Fryer, had appointed a group of persons on his own initiative taking into consideration suggestions made by some of the Block Managers and interested residents. The following persons were named on the Commission: Ken

Utsunomiya, Harry Miyake, Frank Sakamoto, Nisuke Mitsumori, Kiyoshi Nobusada, Teizo Yahanda, Shotaro Hikida, Howard Hatayama, Yotaro Okuno, Frank Sasaki, myself; and Morton J. Gaba, Assistant Chief of Community Services, and Luther T. Hoffman, Chief of Community Services, who acted in an advisory capacity. Further detail as to each member is incorporated in Appendix B. Dr. Solon T. Kimball, Chief of Community Developments from the WRA office, was sent to this center to direct the establishment of community government under a constitution which was to be adopted by the residents.

At the organization meeting held in Block 16 of Canal Community on October³, 1942, Mr. Fryer gave a short talk on the necessity of establishing some form of organized community self-government and stated that Dr. Kimball was sent here for that purpose. Dr. Kimball outlined the functions and work of the Constitutional Commission and stressed the importance of the group in formulating a plan of self-government for this center. He announced that Administrative Instruction No. 34, dated August 24, 1942, had been issued by the WRA, specifying the plans which were adopted by the WRA as to the self-government in all relocation centers. He pointed out that the policy of the WRA was to grant to the evacuees a degree of self-government consistent with the needs of the Project, limited, however, by regulations and memoranda that may be issued from time to time. He indicated, however, that whether the plan of government will be sufficiently brought ^{ad} in scope to cover the various phases of governmental matters required at this center would be dependent to a great degree upon the reactions, conduct and qualifications of the members of the Council. After Dr. Kimball's talk, election of officers was held. I was elected as Chairman and Ken Utsunomiya was elected as Vice-Chairman and Executive Secretary. It was decided that Administrative Instruction No. 34 should be typed up and made available for each member of the Commission in order that they could study its provisions and be prepared to continue with the work of the Commission at the next meeting.

On October 7, actual work on the preliminary phases of the work on the constitution was started. It was decided that the services of other capable and qualified residents should be requested. Mr. Hiraoka and Mr. Iwanaga, attorneys, and about seven other persons were suggested for this purpose. Much of the preliminary considerations had reference to the size of the Council. Dr. Kimball was of the view that the Council should be a fairly small group in order that the body could work together with the Project Director more easily. Some members felt that the members of the Council should be elected by blocks because the residents were not familiar as to the qualifications of persons residing in other blocks and, thus, were not able to judge as to whether a particular candidate would fill the requirements and needs of the community. The problem involved in this regard was complicated by the fact that Canal Community consisted of only sixteen residential blocks whereas Butte Community was composed of thirty-two blocks. It was felt that we should avoid as much as possible any block representation and favoritism as the representatives would tend to think and act in terms of block welfare rather than the welfare of the community as a whole. In order to give this matter thorough consideration, it was decided that it should be referred to a committee on Community Councils for a detailed analysis of advantages and disadvantages of both a small Council and a large Council.

Considerations were made as to the question of the Judicial Commission, which under the Administration Instruction No. 34 was to hear cases and to apply penalties for violations of regulations prescribed by the Council. The possibility of a jury trial and hearing for cases of more seriousness than others were also discussed. Questions of presentation of cases, appeals, qualifications of members, etc., were considered. These problems also were referred for future committee work. Similarly, question in regard to the Block Councils and to the Arbitration Commission were referred to committees.

The committee on the Community Council was composed of Okuno, Mitsumori, Hikida, and Hatayama. Hiraoka was later asked to serve on this committee also. The committee on the Block Councils was composed of the following members: Nobusada, Yahanda, Sakamoto, and Iwanaga. The committee on the Judicial and Arbitration consisted of Iwasaki, Miyake, Hiraoka, Iwanaga, Utsunomiya, and myself.

Although Administrative Instruction No. 34 did not provide for any plan as to the formulation of a Block Council, it was the opinion of the commission members expressed during the first two meetings that such a council should not only be established in each block, but also that reference should be made to the body within the constitution. The reasons for this were principally that the Community Council was to be composed only of citizens, and it was felt that such a body would not be representative of the views of the residents. It was felt that the Block Councils would be a natural and satisfactory source from which the residents may express their views. The consideration in mind pertained also to that of the necessity of having some form of an advisory council who can be called upon from time to time by the Community Council with respect to particular problems. As far as the details of working out such a plan was concerned, it was thought advisable that the Committee on Block Councils should study the problem thoroughly and present their recommendations.

Thus, the work of the commission itself was divided up into the three committees previously noted. Mr. Hatayama was chosen Chairman of the Committee on the Community Council. There were no officers chosen for the other committees although the principal work was undertaken by about two or three members from each committee. Except for a few members who were not too interested in this work, the members of each of the committees met from time to time and were quite diligent and earnest in their conduct of their activities.

In considering the foundation and legal concepts with reference to the organization of evacuee self-government in the various relocation centers, Opinion No. 32 issued on October 12, 1942 by Phillip W. Glick, soliciter of the WRA, indicates in considerable detail the various legal problems involved. This opinion upholds the constitutionality of this program upon the theory that the operation and functions of a system of self-government within the relocation centers is a delegation of the administrative authority of the Project Directors in each center. Executive Order No. 9102 of March 18, 1942 recognized by Public Law No. 678 of July 25, 1942, passed by Congress, had conferred upon the Director of the WRA authority to "(a) provide for the relocation of evacuees in appropriate places, provide for their needs in such manner as may be appropriate, and supervise their activities.(b) prescribe regulations necessary or desirable to promote effective execution of such program. (e) make such delegations of authority as he may deem necessary." Inasmuch as this authority is one which is delegated, the constitutionality of the program, so far as the plan of evacuee self-government is concerned, rested upon the fact that the final authority to pass upon every action of the governmental body must be passed upon by the Project Director and approved or rejected as in his discretion he may deem suitable. It can, therefore, be seen that the principle of self-government by the evacuees is one which is very limited and that any action that may be taken by any body created under such a plan would only be recommendatory in nature, the final decision in every instance being left with the Project Director, insofar as he is authorized. These were the points that the commission members had always been compelled to recognize and consider in their deliberations in the respective committees.

COMMUNITY COUNCIL

Under the plan mapped out by Administrative Instruction No. 34, many of

the most vital points with reference to the Community Council were ~~is~~ definitely specified, and there was no discretion or judgment that could be made in regard to them. A representative body to be known as the Community Council to which only citizens of the United States who are twenty-one years of age or over shall be eligible was thus provided. The function of this body was also outlined in detail. The method of amendment of the constitution was also provided. Discretion was only permitted as to some of the less important and perfunctory matters with reference to the number of members on the Council, method of election, tenure of office of the members and officers, filling vacancies, Council meetings and procedure, and removal of Council members.

The principal considerations of the committee concerned the question of how many members should be on the Council and how they should be elected. It was more or less agreed by the commission members as a whole that Canal and Butte should have a separate Council. Among the proposals indicated for a plan as to determining the number of members were the following: one member for every 1,000 residents, one member for every 700 residents, ten members for each camp, eight members for Canal and twelve members for Butte, block representation or one member per block, and representation by wards or groups of blocks. Regarding the advantages and disadvantages of block representation, the committee was of the view that the advantages consisted of: (a) elimination of dissatisfaction on the part of the residents in the event that a representative is not elected from their block. (b) closer contact between the Council members and the block residents. (c) representation would be closely proportionate to the number of residents per member as all blocks are composed of approximately the same number of residents. The disadvantages of such a block representation were thought to be as follows: (a) too much emphasis upon a block welfare and block consciousness with resultant competition between

blocks to gain favors. (b) the membership would be too large for the purpose of working efficiently. (c) each block would be called upon to provide a Councilman regardless of whether there is a capable man in that block. (d) possibility of election of the Councilmen by reason of small pressure groups or cliques within each block who may be politically inclined. In view of these considerations, the committee as a whole were of the opinion that the disadvantages out-weighed the advantages of representation by blocks and, therefore, recommended against it.

As to representation by wards, the committee had considered the possible advantages and disadvantages. They were of the opinion that wards would be a means of reducing the size of the Council, obtain better selection of candidates, and possibly increase the sense of responsibility with respect to governmental affairs both on the part of the Councilmen and by the residents. However, there would still be the problem of ward consciousness which would be similar in nature to block consciousness, with the added disadvantage that some blocks will be deprived of a Councilman residing in that block. In addition, the handicap of possible political cliques within the wards would be equally applicable. Ward representation was, therefore, thought to be undesirable.

Careful consideration was thereafter made with reference to the advantages and disadvantages of electing Council members at large. Although the committee was of the view that certain disadvantages such as lack of direct contact and relationships with block residents and the possibility of disinterested participation by reason of unfamiliarity with candidates from other blocks, the advantages were thought to be far greater. Among such advantages were thought to be the following: (a) elimination of block or ward consciousness and loyalty. (b) far better selection of capable candidates. (c) avoidance of pressure on the part of particular blocks or cliques. (d) Council

members would consider each problem in view of general community welfare rather than acting for the benefit of a particular block or section. (e) the membership of the Council can be reduced to a fairly small group thereby providing for efficiency. (f) it would facilitate emergency meetings and meetings with the Project Director. On the basis of these opinions and views, the committee was unanimously in favor of election of Councilmen at large.

Inasmuch as such a step would involve a representation in an arbitrary manner so far as the members were concerned, it was finally recommended by the committee that Canal should have ~~five~~^a Council of eight members and Butte, twelve members. The considerations which had given rise to this decision were as follows: to have one member for every 1,000 residents would mean, it was thought, that Canal would have five members and Butte, ten members; one member for every 700 residents would mean that Canal would have seven members and Butte, fourteen members. However, this figure would be a very rough estimate and would necessitate changes from time to time with the shift in population from one camp to the other, or in event of relocation of some of the residents from the center. The question of representation of fractional portions of 1,000 or 700 residents would also arise. On the other hand, to have a Council composed of ten members for Canal and ten for Butte would give rise to the problem of disproportionate representation in event of joint meetings and meetings with the Project Director. Therefore, a compromise figure of eight members for Canal and twelve for Butte was thought to be preferable in spite of the fact that this would still be arbitrary in nature.

The question next in importance was with reference to the method of nomination of the candidates for the Council. The methods suggested in the Manual were as follows: 1. nomination at a caucus or mass meeting of eligible voters. 2. nomination by petition. 3. nomination by a primary election. Each of these

methods was based upon the general outline of the plan of evacuee self-government proposed by Administrative Instruction No. 34. This plan did not contemplate the formal organization of the Block Council, and it seems that in proposing the plan, the WRA did not have a sufficient appreciation or concept of the problems involved with reference to Issei-Nisei discrepancies. Inasmuch as the Constitution Commission as a body had already tentatively determined that the Block Council was a necessary part of the government, it was decided by the committee that a plan of nomination be formulated, using this body as a means. Therefore, this problem was referred to a joint subsequently formed sub-committee composed of members of the Committee on the Community Council and the Committee on the Block Council.

The plan that was finally recommended consisted of nomination of candidates to the Community Council by a central board composed of the Chairmen of the various Block Councils. The considerations upon which this recommendation was arrived at were generally as follows: although the significance of a method of nomination by such a Block Chairman group was such that this group would have considerable authority and a very important and direct role in the affairs of community government, it was thought that some such authority should be granted to a body composed of Issei, since they were clamoring for participation in the plan of government. To deny them this privilege would only be the source of added friction and dissention. To grant them this authority would not necessarily, on the other hand, mean that this body would abuse the privilege, as it was thought that most of the interested Issei residents were deeply concerned with the welfare of the community and they would not arbitrarily nominate candidates who would be merely acting at their bequest or under their direction.

Some of the committee members, however, felt very strongly that this step would result in difficulties as the extent of control granted to the Issei

board members would be so extensive that they would be in a position to impose pressure upon the Nisei Council. On this theory, these committee members advocated that at least a compromise solution should be arrived at, such as nomination by a nomination committee composed of appointees from both the Block Chairmen group and the Nisei Council. The committee as a whole, however, were of the opinion that the Council would be in a peculiar and undesirable situation if they were required to appoint members to a nominating committee whose function was to nominate candidates for the Council itself. It was further thought that such a compromise measure would do more harm than good by reason of the possible attitude on the part of the Issei group that full confidence in their actions was not maintained. In view of these considerations, it was decided that it would be preferable to grant the power of nomination to the Issei group without any limitations or strings attached.

With regard to the other questions concerning the constitutional make-up of the Community Council, the discussions were not too involved. The tenure of office of the members of the Council was recommended as six months in view of the uncertainty as to the period of time which the residents would likely reside within the center. Provisions for removal of a Councilman for reasons of misconduct from office by a three-fourth's vote of the Council and for recall upon petition by ten per cent of the voters were agreed upon without much deliberation as such provisions were generally thought to be necessary in a constitution. Similarly, provisions with respect to the officers of the Council and their duties were matters which did not require great attention, and such problems were finally referred to the Committee on Phraseology. The only recommendations that were made in this regard were that the Chairman should not have a vote except in case of a tie, that he may appoint Council members to committees but should secure the approval of the Council for appointment of non-Council members on committees and boards that may be established by the

Council, and that in the event of vacancy in the office of the Chairman, the Vice-Chairman should take over the chairmanship and a new vice-chairman would be elected.

With reference to the provisions in regard to Council meetings and the procedure for enacting regulations, the following recommendations of some interest were made: 1. the time and place of regular meetings should be determined by the Council and that a schedule of such meetings should be given publicity. 2. special meetings may be called by the Chairman at his discretion or at the request of one-third of the members. 3. the quorum for the conduct of business should consist of three-fourths of the members as determined by roll call at the beginning of the meeting. 4. proceedings should be conducted and recorded in English. 5. regulations and ordinances should be enacted only upon the three-fourths roll call vote of the members and that they should be well publicized. There were some differences among the committee members as to whether the Council meetings should be opened to the public. In order to make the procedure as democratic as possible, their recommendation was that the Council meetings should be open except that a closed meeting can be held by majority vote of the Council.

As to the method of filling vacancies, the Committee on the Community Council recommended that the Chairman should appoint the candidate receiving the next highest vote in the last general election. These were in general the recommendations of the Committee on the Community Council. Further details and polishing work was left to the Constitutional Commission and to the Phraseology Committee, subsequently appointed by the commission.

BLOCK COUNCILS

The preliminary discussion with reference to the Block Councils on the part of the committee members dealt with the reasons for having such a body.

These reasons were set forth as follows: 1. to discuss and make recommendations with reference to problems within the block. 2. to provide a body or machinery by which the decisions, recommendations, and other matters may be disseminated from the Community Council. 3. to aid in the coordination and cooperation of block affairs between the members of the Community Council and the residents of the various blocks. 4. to provide the machinery by which to solicit block opinion on matters pertaining to the residents of the community. Although these reasons were pertinent insofar as they affected problems of interrelationship between block residents and the Council as a body, there was a general feeling that this would result in considerable block pressure and, furthermore, that this plan would weaken the Community Council as a body as there would be a tendency to refer important matters to the blocks for decision rather than to arrive at their own decision. However, in view of the general concept that the views of the residents and in particular those of the Issei should not be neglected, the committee had determined that this plan would be preferable although not satisfactory in every respect.

In regard to the problem of the make-up of such a Block Council, there was not any considerable discussion or difference of opinion. The general plan recommended was that there should be one Block Councilman from each ~~block~~ barrack, selected by the residents of family heads in such barrack. There would thus be fourteen barrack representatives. In addition, it was decided that the Block Manager and mess hall Supervisor should be ex-officio members of the Block Council. The term of office of barrack representatives was recommended to be six months. Eligibility was extended to any barrack resident who is twenty-one years of age or over, regardless of citizenship. Regular meetings were to be held each week and special meetings may be called by the Chairman at his discretion. Recommendation was made that officers should be

limited to the Chairman, Vice-Chairman, and Secretary. In view of the prevailing opinion that there should be no treasury or block fund within the various Block Councils as this might result in future difficulties in relationship to the Community Council, it was decided that the office of the Treasurer should be omitted.

The principal discussion by the committee members was with reference to the duties of the Block Council. Although it was fairly understood that regardless of how the constitution may read, the Block Councils will undoubtedly tend to overstep any limitations that may be imposed by the terms of the constitution. However, limitations were thought to be definitely necessary insofar as they may be of some value technically at least. Thus, these were outlined in general as follows: The duties of the Block Council shall be (a) to consider matters affecting the residents of the respective blocks, (b) to transmit recommendations of the block residents, (c) to keep the residents informed as to the proceedings and actions of the community government, (d) to perform such other duties and functions as may be provided by the Community Council. A general limiting clause was recommended to read as follows: "No provision of the constitution shall be construed or have the effect of empowering the Block Councils to pass or enact any regulation or ordinance affecting the residents of the block."

BLOCK CHAIRMAN BOARD

Under the plan proposed by the Committee on the Block Council, there was to be about sixteen separate councils at Canal and about thirty-two at Butte. Under such a set-up, the committee was of the view that some central body should be organized to correlate the work of the various Block Councils. Although the name that was suggested for such a group had been such names as Central Advisory Board or Advisory Commission, the opinion prevailed that the

word "advisory" should not be incorporated into the name as it would connote a function which was thought unwise. The function of the group was not to be that of an advisory group in the sense that the Community Council should look to the group for advice in arriving at their decisions and recommendations. It was felt that such a group should function merely for the purpose of getting together to correlate the opinion of the various Block Councils and thereupon transmit the recommendations of the Block Councils to the Community Council. In addition, the group should transmit such matters as may be passed upon and approved by the Community Council to the various Block Councils. Therefore, in view of such purposes and functions, the decision of the committee was that the name of the group should be the Block Chairman Board.

The committee further recommended that this board should hold regular meetings at least once every two weeks; that the term of office should be six months to correspond with the term of office of the members of the Block Councils; and that the officers of the board would consist of a Chairman, Vice-Chairman, and Secretary, elected from among its members. As ^{to} ~~far~~ as the duties of the officers, particularly that of the Chairman, it presented some problems, inasmuch as the tendency among Issei members has always been to recognize ^a ~~the~~ great ^{deal} ~~need~~ of control and voice in any matter brought up before such organization. Therefore, rather than to try to limit his powers, the committee was of the view that the Chairman should have power to present any motions at his own discretion, lead the discussion, and vote upon any business matters brought up before the board. As to the secretary, it was felt that in addition to his regular duties as to keeping records and minutes of all proceedings of the board, he should submit to the Community Council in English such recommendations as have been approved by the board. The language handicap between the Community Council group and the Block Chairman Board was felt to be such that

unless such recommendations are presented in writing and in the English language, there would be considerable misinterpretations and possible conflict.

As to the question of the duties of the Block Chairman Board, the purposes and functions previously noted were incorporated to read as follows: "to consider the recommendations presented by the Block Councils and to submit such recommendations in writing to the Community Council upon approval of a majority of its members; to transmit information received from the Community Council to the Block Councils; to cooperate with the Community Council whenever called upon to consider problems affecting community welfare; to nominate all candidates for the Community Council and the Judicial Commission; and to perform such other duties as may be prescribed by the Community Council.

These recommendations of the committee on the Block Council were arrived at after the various problems involved were presented to the Constitution Committee from time to time and referred back to the committee for further work on specific points. The final conclusions, as previously noted, was a conciliatory measure and was based upon the primary concept that the Community Council, being a Nisei organization, would be in a very precarious position and may not have the full support of all of the residents of the center as to actions which may be taken by the body of its own accord. It was, therefore, felt that rather than to suffer ridicule and derision from the Issei group, particularly those who have been clamoring for a share in the affairs of community government, the prevailing opinion was that an instrumentality should be set-up to give such groups a formal method whereby they would be ~~permitted~~^{per}mitted to voice their views and recommendations through the Block Councils and the Block Chairman Board.

JUDICIAL COMMISSION

Administrative Instruction No. 34 prescribed that a Judicial Commission or Committee of not less than three members shall be provided in the plan of

government and that the function of such body was to hear cases and apply penalties for violations of law and order regulations prescribed by the Community Council. Thus, as far as the number of members were concerned, the only restriction was that there should be at least three. Questions as to how such members were to be selected, who should be eligible for membership, tenure of office of the members, vote necessary for decision, method of presenting cases before the commission, provisions as to how defendants should be represented, and rules of procedure, were matters upon which the Committee on Judicial Commission were permitted to use their own discretion and judgment in working out a suitable plan that would be applicable to the conditions at Gila. Various suggestions were outlined in the WRA Manual on this topic, but such suggestions were far too incomplete and thus not very helpful.

Considerable discussion and thought was given to the question of the size of the commission. Points that were brought out in favor of a large commission were as follows: a. in the event that a member of the commission should be disqualified by reason of interest, ~~biased~~ prejudice, relationship to the defendant or to the prosecuting witness or other cause, a large commission would be able to function even though such a disqualified person should drop out from the particular case. b. in determining questions of fact as to guilt or innocence, there might be a possible advantage in a large commission, ^{as it might be} ~~being~~ in a position to consider the questions involved more thoroughly. Arguments in favor of a small commission, however, were thought to be as follows: a. as members of the commission should be persons who are well qualified in all respects for the position, it would be very difficult to obtain a large number of persons who might meet the required traits and qualifications. b. the question as to disqualification of a member of the commission can be taken care of by electing alternate commission^{ers} or by providing

that a commissioner from the other camp in the same center sit on the particular case. c. a smaller commission would be in a better position to become more fully conscious of their functions and responsibilities and, therefore, they would be more apt to do a good job. In view of these considerations, the committee felt that a Judicial Commission composed of three members for each camp would be satisfactory.

The problem as to whether to provide for selection ~~of~~^{of} commission members by election or by appointment presented a point which required much attention. The principal factor involved was the feeling that was quite prevalent that very few persons would want to assume the responsibilities of a Judicial commissioner unless he was given some assurance that the community as a whole has given him full support and backing. If he should be appointed by the Community Council, this assurance would be lacking. Furthermore, he would be open to criticisms that the Council might not have fully considered the views of the Issei group in making the appointment. In view of these considerations and the fact that the position of a judicial commissioner was quite important and involved heavy responsibilities, the committee recommended that the members of the commission should be elected at the general election. Nominations of candidates were to be made by the Block Chairman Board with the right on the part of the voters to submit other candidates by petition. By thus being elected into office by vote of the residents, it was felt that the Judicial Commission would be more fully conscious of their work and have the feeling of confidence of the community.

As to the qualification and eligibility of commission members, the ~~pre-~~^{pre-}
~~liminary~~^{pre-} recommendation of the committee was that such members should at least be thirty years of age, that he should be able to speak and understand the English language, that he should be a person of good character, and a resident of the camp in which the commission is to be located. Although some consideration

was given to the question of whether Caucasian staff members should be made eligible to the commission, the prevailing opinion was that nominations for the office was to be elective and not appointive; only evacuees should be made eligible. In the course of subsequent committee discussions, the question as to whether to impose the qualification that commission members should be persons of good character ~~were~~^{was} considered. This qualification would involve considerable work and investigation as to whether or not a candidate for the position has had any previous record as to crime and as to his general background. Such investigations would necessarily result in resentment on the part of persons who may be nominated as candidates. It was, therefore, felt that rather than to risk the possibility of such unpleasantness, the qualification as to character should be dropped.

The committee was generally of the opinion that the tenure of office of the Judicial commissioners should be set at one year in view of the fact that few persons would qualify for the position in any event, and rather than to provide for elections every six months, a longer term consistent with probable residence in the center would be preferable.

The problem as to whether the verdict of the Judicial Commission should be by unanimous vote of the members or by a majority or some other vote presented a somewhat serious problem. As cases in which the commission would have jurisdiction would be limited to misdemeanors, there was some argument in favor of a two-thirds vote in questions of fact. However, in view of the prevailing practice in California in jury cases where a unanimous verdict is required, the committee had recommended that questions of fact should be determined by a unanimous verdict of the commission. ~~About~~^{As to} questions of law, such as those concerning procedure and admissibility of evidence, a majority vote should be sufficient.

Matters concerning questions as to presentation of cases before the Judicial Commission presented several alternatives such as that of a prosecuting attorney or officer, or by having the Internal Security Department assume all responsibilities for presenting and prosecuting particular cases. However, rather than to set up a cumbersome formal structure in this regard, the recommendation of the committee was that no attorneys whether in their capacity as prosecuting attorneys or defense attorneys should have the right to appear before the commission. As an alternative, an Investigating Commission composed of two or more members appointed by the Judicial Commission should assume the duty of investigating all facts concerning any criminal matter which may be brought up before it. This Investigating Commission should report their findings as to the facts, evidence involved, and witnesses concerned, ^{and} in each particular ~~trial~~ case and assist in the trial as directed by the commission.

In view of the possibility that cases which may be considered by the Judicial Commission would involve not only cases which are ordinarily termed as misdemeanors but also cases of a more serious nature, involving felonies where the Project Director should see fit to refer them to the commission rather than to the proper State officials outside, the committee was of the view that the right to a jury trial should be granted in the more serious cases. The reason for this view was partly due to the anticipated probability that Judicial commissioners may not be willing to determine questions of guilt or innocence in such cases. It amounted in effect to the question of "passing the buck." However, it was felt that such a set-up for jury trials would be of benefit to the residents in giving them an opportunity to become more familiar with principles of American democracy and government.

The plan outlined by the WRA contemplated as a matter of constitutional necessity that all decisions of the Judicial Commission should be submitted to

the Project Director for review, and if he has taken no action within twenty-four hours, such decision would become final. However, if he should remand the case with his recommendations, the commission would have the responsibility of further considering the case and entering judgment which also would be subject to review. In such remanded cases, it was felt that the commission would be in a position where they would have to reverse themselves in order to follow the recommendations of the Project Director, thus resulting in possible criticisms. Therefore, it was recommended that the defendant should have the right to a jury trial in remanded cases, but that if he should waive this right, the commission should then reconsider the case and pass judgment.

The question of setting up a machinery for jury trials was one which required some deliberation. It was determined, however, that as this was a method of passing on responsibility, the Project Director or a Caucasian staff member appointed by him should sit as judge and conduct the proceedings. He would be the judge as to questions of law and procedure with the right to make such comments upon the evidence as might be proper, and it ~~should~~^{would} be his duty to give the necessary instructions to the jury after all of the evidence had been submitted. The jury should pass upon questions of guilt or innocence and may make such recommendations as to sentence and judgment that they might determine to be suitable. Thereafter, the judge should impose sentence.

Inasmuch as evacuees in general were not familiar with procedural matters in connection with criminal cases, and they have had no experience as jurors, there was considerable discussion as to whether or not to provide that the verdict of the jury should be unanimous. The close relationship and proximity of residents within the center was such that there would always be the possibility of influence on the part of family members and friends of defendants concerned in any case. Such influence may manifest themselves in the form of threats or bribes, and there would be a strong possibility that jurors may be

coerced during the course of trial. This would be so regardless of whether such coercion might be made a criminal offense. In view of these possibilities, the committee recommendation was that the verdict of the jury should be ^{by} a two-thirds vote of the jurors.

Under the WRA instructions, only citizens of the United States who are twenty-one years of age or over were to be eligible for elective office. The question of the application of this provision to the Judicial Commissioners was posted when Dr. Kimball had first announced the plan of government for relocation centers. This matter was also discussed with Mr. Fryer and Mr. Hoffman. The opinion was unanimous by them that the provision only affected members of the Community Council inasmuch as it was incorporated within the chapter on the Council. Therefore, the work of the committee was pursued on this premise. After the proposed draft of the constitution was prepared and submitted, however, the Soliciter of the WRA in Washington and Mr. Terry, the Project Attorney, voiced the opinion that the above provision applied to Judicial commissioners as well as to members of the Community Council. The opinions thus rendered were in conflict and has still remained so until this time.

In subsequent deliberations by the Constitutional Commission, the age limitation for members of the Judicial Commission was reduced to twenty-five years for the reason that the age of thirty would eliminate a number of qualified Nisei. Very few Nisei over the age of thirty would be able to qualify and the commission would thus be restricted to Issei membership if the older age limit were to prevail. As to other considerations in reference to the Judicial Commission, questions regarding regulations and rules as to complaints, search warrants, subpoenas, orders, warrants of arrest, etc., were to be left for the Community Council to prescribe by ordinance. Similarly, questions as to providing a list of eligible jurors, method of impanelling the jury, challenges for cause, peremptory charges, and other matters relating to the jury,

were to be prescribed by ordinance of the Community Council. For the complete proposed draft on this matter of the Judicial Commission, refer to the "Proposed Constitution."

ARBITRATION COMMISSION

Under the provisions of Administrative Instruction No. 34, the plan of government was to provide for an orderly method of arbitration for settling civil disputes between residents who voluntarily agree to submit their disputes for arbitration. It was contemplated that insofar as possible the methods outlined in the State laws should be followed in order that an award of the Arbitration Commission or Board should have the legal effect of judgment. The ~~court~~ ^{STATUTORY} provisions of the State of ~~California~~ ^{ARIZONA ON} of this subject, however, provides for a method of arbitration which presented difficulties on several points of law.

In the first place, the Arizona laws provide that the arbitrator named by the parties to a dispute shall not be related to either party, that he should possess the qualifications of a juror (male citizen of the State of Arizona and six months residence in the County), and that he should not be interested in the result of the matter to be submitted for his decision. Secondly, where the amount involved in the dispute is \$200.00 or less, the agreement to arbitrate should be filed with the Justice of the Peace in the County in which the defendant resides or in which the controversy arose; and if the sum involved exceeds \$200.00, such an agreement should be filed with the Clerk of the Superior Court of the County in which the controversy arose. Third, the arbitrators shall assemble on the day fixed for trial before the Justice or Clerk as the case may be, who shall administer ^{AN OATH TO} ~~of the two~~ such arbitrators that ~~they~~ will fairly and impartially decide the matter in dispute. Thus, the statutory requirements presented problems which necessitated ^{SOME} & clar-

ification. Evacuee residents did not possess the qualifications of a juror by reason of lack of legal residence in Arizona. The fact that the Gila Center was at that time within the restricted zone meant that parties and witnesses would not be allowed permits to go to the Justice Court or to the Clerk of the Superior Court for the conduct of the case. In view of these difficulties, these problems were referred to the Soliciter of the WRA by a memorandum dated October 8, 1942, which had been written to Mr. Hoffman to submit.

An alternative suggestion as to how to set up an Arbitration Commission was based upon the theory of common law arbitration without resorting to statutory procedure. This would take the form of the parties to each dispute voluntarily referring such disputes to a panel of arbitrators in the usual manner. One arbitrator would be appointed by each of the parties concerned and a third arbitrator would be appointed if the two persons first appointed are unable to arrive at a decision. This panel would render the decision in the particular case, which would at common law be valid as between parties concerned; however, such decision could not have the effect of an award or judgment as would be the case where the statutory procedure is followed. A judgment could be had only where the written agreement to arbitrate and the decision of the arbitration is filed in the proper courts, and a judgment is awarded thereon. But this method of resorting to court procedure would of necessity follow wherever the decision of the arbitrator should not be carried out and, therefore, the reason for arbitrating the case would, to that degree, be lessened.

About the early part of December 1942, an opinion was rendered by the WRA Soliciter in regard to the problems connected with the procedure on arbitration in Arizona. The opinion indicated that with the exception of the statutory procedure to file the agreement in the proper courts and the neces-

sity of filing the award of the arbitrators, it is probable that most of the other procedural requirements can be waived by agreement properly drawn and signed. However, it indicated that there is no certainty that such waiver would legally be binding to the extent that the judgment based upon such could have the enforceable effect of a judgment at law with right of execution. Mr. Terry, the Project Attorney, was of the opinion that some of the statutory requirements were necessarily substantive in nature and, therefore, could not be waived by agreement of the parties and, at any rate, it would be unwise to proceed under such an agreement. He felt that the requirement that the arbitrators must have the qualifications of a juror was such a substantive matter, although requirements that the conduct of the case must be before Justice or Clerk of a court and the ~~administrative representative~~ ^{ADMINISTRATION} ^{OF} at oath might conceivably be waived. In view of such considerations, the Constitution Commission decided that no formal arbitration commission should be provided under the constitution and that the power to provide for arbitration of civil disputes be included under powers of the Community Council.

PROPOSED DRAFT OF CONSTITUTION

After all of the recommendations of the various committees were submitted to the Constitutional Commission, the matter of drafting the entire document in its tentative form was referred to a Committee on Law and Phraseology. The members appointed for this committee were as follows: Iwanaga, Hiraoka, Nobusada, Utsunomiya, and myself. About five days of intensive work was spent by the committee in drafting a proposed constitution, incorporating those recommendations of the previous committees which were approved by the entire commission. The chapters on the Block Council, the Block Chairman Board, and the Judicial Commission, incorporated ~~particularly~~ ^{PRACTICALLY} all of the points which were recommended by the respective committees. However, the chapter on the ^{which} Community Council necessitated considerable work and some additions/were not.

heretofore discussed in the committees.

Among the more important additions which were determined to be necessary was that of some provision for a law enforcement body. The reasons for this were based upon the premise that although under the plan of government as contemplated by the WRA, all administrative matters were subjects in which community government could not have any direct voice or control, it was felt that provisions for some method under which regulations enacted by the Community Council could be enforced by a body under which the government could have some control was quite necessary. In every form of local government, the question of enforcement of regulations is entrusted to constables and police officers. At this center, the wardens office under the supervision of the Director of Internal Security has such a function. However, this organization is directly a part of the administration. It was, therefore, felt that some link between the office of the wardens and the Community Council should be established. A proper method of doing this was thought to be by a constitutional provision specifying that the Community Council should have the right to appoint a Chief Warden upon the approval of the Project Director and that the Chief Warden, thus appointed, should act under the direction of the Director of the Internal Security of the project in the enforcement of community ordinances and regulations.

A further question which came up in the course of drafting the constitution was that of other alternative positions in the law enforcement body. These were in particular a jailer and wardens working in the Department of Internal Security. The necessity of some form of a community jail in which offenders of community regulations could be incarcerated was felt to be important enough to warrant mention in the constitution; however, rather than to provide that a community jail should ^{be} established, it was felt that this was a matter of discretion on the part of the administration. Therefore, it

was decided that provision should be made that the Chief Warden may appoint a jailer who shall be the custodian of the community jail and perform such duties as may be imposed by the Department of Internal Security. Although the question of appointment of wardens presented a question of serious importance insofar as possible interference or infraction as to the policy that administrative matters are subject only to control by the Project Director and the administration, the committee had taken the liberty of providing in the proposed constitution that the Chief Warden may, upon the approval of the Director of Internal Security, appoint such deputies or wardens as might be necessary for the performance of his duties.

A proposed tentative draft was thereupon submitted to the Project Director after some minor changes were made at the suggestion of Mr. Hoffman. Mr. Cozzens was then Acting Project Director and he was submitted six copies of the proposed draft and was requested to go over the constitution with some of the administrative staff members and suggest such changes as he thought were desirable or necessary. Copies were forwarded to Washington to the Solicitor of the WRA for his consideration and opinion. It was more than a month before we were apprized of any definite reactions on the part of the WRA. Mr. Glick, the Solicitor, in the course of his correspondence with Mr. Terry had indicated that the constitution was very well drawn, but that there were some details that might have well been left out, and he was of the opinion that the constitution could have been greatly simplified. Specifically, he had indicated that the proposed constitution appeared to him as a clever method of granting Issei representation through the Block Councils and Block Chairman Board, where the WRA plan of government had not contemplated such organizations. He also indicated that there was some question as to whether the chapter on law enforcement officers should be incorporated into the constitution; however, he didn't definitely commit himself by direct correspond-

ence to the Constitution Commission or by correspondence through the Project Director or other sources that the constitution was in any way a violation of the WRA regulations. In fact, there was neither rejection nor approval of the proposed constitution.

In the course of time, Mr. Terry had received information from the WRA office in Washington that the plan of self-government would likely be drastically changed within a short time, so that Issei membership on the Community Council would be permitted. Therefore, although a committee had been appointed to work on the final draft of the constitution and this committee had met twice in December 1942 with Mr. Terry to draw up the final constitution under Administrative Instructions as they then stood, work along this line was discontinued in anticipation of the change in regulations. No further work was done on the constitution from the latter part of December until February 25, 1943. During this entire time, the commission members as well as the temporary Community Councils of both Canal and Butte were anxiously awaiting news from week to week as to the anticipated change. At that time, Mr. Terry had suggested that inasmuch as it is quite definite that Issei membership on the Council would be announced very shortly, it would be wise for the Constitution Commission to continue its work on the assumption that such a change is forthcoming. At the meeting which was held ^{ON 2/25/43} to discuss this problem, the members of the commission were of the opinion that if such change is to be permitted, it would be definitely advisable and proper that the commission should be composed of more Issei members. Also, the fact that some of the commission members had not taken any interest in the work of the commission would necessitate some reshuffling in order that only active members might participate; therefore, it was the unanimous opinion that the commission should tender their resignations in order that a new commission might be appointed. This was, therefore, done and the Community Councils of both camps were requested to consider reappointments of a new commission whose

membership would be composed of more Issei and that only such persons as may be definitely interested in the matter be appointed.

The notice of dissolution adopted by the Constitution Commission on February 25, 1943, was submitted to the Project Director, Mr. Bennett, and to the Temporary Community Councils at Canal and Butte. The immediate response of the Community Council at Canal was that although they fully appreciated the fact that the commission had done all it could do under the circumstances to draft a constitution for this center and that the suggestion to appoint more Issei members was significant, they still felt that the original commission members should continue until the constitution is fully completed and adopted. There was no written response from the Temporary Council at Butte or from the Project Director, and the matter thus stood for more than two months before any steps were taken.

About two weeks after the resignation was tendered, there was an official notification from the Washington office of the WRA that although considerable thought was given to the question of Issei eligibility for the Community Council, it would be very unlikely that such steps will be taken. This indication was quite disheartening to the interested residents of this center as they were led to believe that the change in regulations will be definitely forthcoming. In fact, Mr. Bennett, Mr. Hoffman, and Mr. Terry, had indicated that conferences were held in San Francisco some time in January that such change would be effected, and this reversal in policy was quite stunning. It appears that the reason for this policy was to a considerable degree based upon the outcome of the registration program carried out in the various centers in connection with the Selective Service. It indicates the wavering policies pursued by the WRA since it was originally created.

Inasmuch as the Constitutional Commission had already tendered its resignation, and there was no official body to take up the work of drafting

a constitution for this center, nothing was done about the matter although the Temporary Community Councils of both camps had urged that the original commission go ahead. In due time, the Chairman of each Council had approached the members of the former Constitutional Commission to determine whether or not each member was willing to continue work on the constitution. To supplant those persons who did not consent, new proposed members were approached and in this manner a list of recommendations for membership on the new commission was submitted to the Project Director. Thereafter, the Project Director sent out notices to these persons, appointing them to the commission. The members appointed on the new commission are set forth in Appendix C. The first meeting was called on April 28, 1943.

In the meantime, the Director of the WRA, Dillon S. Myer, issued Supplement 2 to Administrative Instruction No. 34. This was stated April 19, 1943 and was forwarded to all of the relocation centers with a caution that it should not be published until May 5, 1943. The first official announcement of the contents of this Supplement 2 was made at the commission meeting of April 29. It indicated that inasmuch as it is the policy of the WRA to encourage evacuees to relocate and that it is anticipated that most of the mature leaders among citizen evacuees will depart from the centers and the alien evacuees may soon constitute the majority of the mature population of the centers, the WRA has, therefore, determined to modify the policy of restricting eligibility to hold elective office to citizens. Therefore, provisions of Administrative Instruction No. 34 were amended to provide that all persons who are twenty-one years of age or over whether citizens or aliens shall be eligible to hold elective office and that this provision would be applicable to the Temporary Councils as well as to any permanent government that might have been adopted.

This announcement, therefore, had belatedly verified the actions pre-

viously taken by the Constitutional Commission and was a great relief to the parties concerned. Although it would seem that with this change in policy there would be a definite interest in establishing a permanent Council under a plan of constitutional self-government, this was not the case. It appears that the administrative staff members had met to discuss self-government in view of the latest administrative instructions and several of the members were strongly of the view that self-government would not be suitable or satisfactory. Mr. Terry was one of the members who had thus voiced his opinions. At the meeting of the commission on April 28, Mr. Bennett indicated that as far as he was concerned he preferred that a workable ^{PROGRAM}~~principle~~ of self-government ~~by~~ ^{be} adopted and that a Community Council ~~by~~ ^{be} elected which would really have the support of the residents of the center. He stated that unless the Council should have such support, it would probably be wiser not to have any organized form of self-government at all. Several of the members of the commission, including Mr. Miyake and Mr. Utsunomiya, indicated that there is serious doubt as to whether self-government would be suitable. However, it was finally decided by the commission that this question should be posted to representative groups of Butte and Canal before going ahead with further work on the constitution.

In accordance with this plan, ^{AT CANAL} a joint meeting of the Temporary Community Council, the Chairmen of the various Block Councils, and the Block Managers was held on April 29. At this time, announcement of the new regulations was made and the question as to whether to have self-government or not was discussed. Among the forty or more persons who were present, there was no one who voiced any opposition to a plan of self-government and they were unanimous in favor of adopting a form of constitutional self-government for Canal regardless of what attitude the Butte residents may have. Thereafter, the group was asked as to what their opinion was in reference to how many members

should be on the Council and how they should be elected. Several alternatives were suggested as basis for their consideration, and these were as follows: block representation, ward representation, and election at large. The two later proposals did not meet with the favor of any person present, and the principal discussion was with reference to how block representation should be incorporated in the plan of government. There were at least five persons who indicated that one Councilman from each block may not be satisfactory in view of the ^{fact} ~~probability~~ that the Council should be composed of as many Nisei as Issei members. Therefore, in the course of discussion several alternatives were suggested: 1. election of one Issei and one Nisei Councilman from each block; under this plan there would be thirty-four members on the Council and an executive committee was to be appointed to perform most of the duties. 2. One Issei and one Nisei Councilman to be elected from each block under an arrangement whereby a council of seventeen members composed of half Nisei and half Issei can be ^{CHOSEN BY LOT} ~~elected~~ at the first meeting. 3. One Issei Councilman from each alternate block and one Nisei Councilman from each of the other blocks under an arrangement whereby the blocks can rotate each six-months period so that in the course of one year, each block would have an Issei member to serve for six months and a Nisei member to serve for six months. After considerable discussion, the group was of the view that this question of Issei-Nisei representation should not be considered as a matter which should be arbitrary in nature merely for the sake of balancing the membership. The primary concern ~~that the commission felt~~ was to have a representative group which would meet the approval of the residents of the community at large regardless of composition. A vote was finally taken on the entire question and the group was overwhelmingly in favor of having one representative per block regardless of citizenship.

Thereafter, the question was raised as to whether or not to continue

with the Block Councils as they were then operating. Several of the Block Chairmen indicated that the Block Councils in their blocks have been disbanded some time ago because the representative to the Temporary Council from those blocks had refused to appear or to participate in their meetings due to language difficulties, and the function of the Block Council could not be carried out. There were a few Chairmen who also indicated that the interest and attendance at block meetings was lacking and, therefore, their Councils had gradually ceased to have any meetings. Suggestion was made that the problem as to whether or not to have a Block Council in each block should be left to the discretion of the residents so that depending upon the problem involved, the Councilman from each block can either call a mass meeting, or a meeting of barrack representatives, or a meeting of family heads, or take such other steps as he might deem suitable in order to obtain block expression and opinion. Finally, this suggestion was thought to be feasible and was approved.

Inasmuch as the change in regulations permitting Issei membership on the Community Council had been announced, the proposal to do away with the Block Chairman Board did not meet with any opposition. Since the proposed draft of the constitution under the previous regulations had been submitted back in December 1942, the Chairmen of the various Block Councils at Canal had gone ahead under the plan as submitted in the constitution and had been meeting every week to discuss and correlate the problems and affairs of the various blocks. This board had taken more and more interest in matters of community affairs and had gradually assumed the position of a generally recognized body even though the previously suggested constitution was not adopted. With the change in regulations, however, there was no opposition from any of the Block Chairmen to the question of eliminating the body entirely.

The principal question which was submitted at the meeting of the newly

appointed Constitutional Commission on April 28 as to whether or not to have self-government was brought up in Butte before a joint meeting of the Temporary Council and the Advisory Commission, the latter body being composed of the Central Block Manager, Harry Miyake, and four other appointed members, two Issei and two Nisei. This meeting was held on April 30. Some of the members present had expressed concern that a plan of self-government may not be satisfactory in dealing with the affairs of the community at Butte; however, after some discussion, most of the members were of the view that under the change in regulations, a Community Council functioning under a system of constitutional government would be of definite value and assistance, and this majority opinion was, therefore, adopted. As to the question as to how many members should be on the Council and other details of the constitution, the group as a whole decided that the Constitutional Commission should propose a plan of government incorporating their recommendations. After such plan is completed, the vote of the residents in adopting or rejecting the constitution would indicate whether or not there is substantial support for the plan. No suggestions were, therefore, made about these details.

At the second meeting of the Constitutional Commission held at Canal on May 5, the reactions of the joint meetings at Canal and at Butte were announced. Inasmuch as both camps through their representatives had indicated support for a plan of self-government, the commission had gone ahead with the assumption that a constitution incorporating those features which might be most suitable for the entire center should be worked out. Thereupon, considerable discussion followed as to the membership of the permanent Community Council. Although Canal had recommended that the Council should be composed of one representative from each resident block in the community, this recommendation was not binding insofar as Butte was concerned. Suggestions were made that since Butte Community consisted of 33 residential blocks, a serious consideration should be given

to the question of ward representation rather than block representation. One member pointed out that Butte could be divided up into five wards and that two or three representatives can be elected from each ward. Under this plan, the size of the Council would be materially reduced and their advantages and efficiency of operation can be gained. However, other members felt that ward representation would not be desirable because Councilmen who are elected will be residing in one or more of the blocks constituting the ward and there would be a natural tendency for him to favor his block more than the other blocks. The suggestion was also made that a Council composed of thirty-three members would not necessarily be too bulky if the body can appoint a smaller executive committee to perform most of its functions. It was pointed out that in any Council regardless of size, there would be only a handful of persons who would be actively engaged in community affairs and, therefore, such an executive committee would be a natural and satisfactory means of taking care of the problem. A further suggestion was made that inasmuch as Canal has approved the plan of block representation, there would be undue criticisms and possible dissention if a similar plan were not followed. On the basis of these arguments, the commission had finally decided for a Council at Butte composed of one representative from each resident block.

The question of how candidates to the Community Council should be nominated was then discussed. Under the formal plan of government set forth in the proposed draft of the constitution, the Block Chairman Board was to nominate twice the number of candidates as there were Council positions to fill. As it was decided that the Block Chairman Board was to be eliminated, this procedure could not follow. There were several alternatives that required consideration. These were nomination at a mass meeting in each block, or nomination by block committees appointed by the Temporary Community Council. It was generally agreed that whichever plan is adopted, the right of nomination

by petition should be added. Arguments in favor of nomination by block committees were that such committees, if wisely selected, can choose candidates who might be more qualified for the job as Councilman. The objection to this plan, however, was that the members of the block committees who might be appointed might include the very person who should be the Councilman from his block and the plan would eliminate him from nominating himself. This would be especially true if the block committee is opposed to those who are considered to be the most capable men in the block. Further objection was that regardless of who may be selected on the block committee, there would always be a tendency to nominate persons whom the committee members themselves had judged to be the most qualified. This would result in a disregard of others in the block who may feel differently about the candidates. In considering the question of nominations at a mass meeting of each block, some members had expressed the opinion that there would be a tendency for some residents to gather together before the meeting to nominate a particular candidate and thereafter immediately close the nomination with the idea that the person thus nominated would be unanimously elected without opposition. Also, it was felt that even if more than one candidate was nominated, there would be a feeling on the part of the defeated candidate that he had lost face, and there would be a strong possibility that unless a candidate was fairly certain of winning, he would refuse the nomination entirely. In either of these situations, the results would not be satisfactory. In order to avoid the possibility of only having one candidate nominated, the commission members were of the view that opportunity should be given to all qualified electors in the block to nominate as many persons as they might desire. Regardless of the possibility that there may be a number of declinations, those who are nominated should be placed on the list of candidates unless there was an overwhelming reason why the declination should be accepted. Also, in order to avoid the possibility of having only two candidates, one of whom must

suffer defeat, the commission members had approved the plan that nominations of at least three candidates should be made at a mass meeting of each block.

Serious consideration was next devoted to the problem of whether residence in the block should be imposed as a qualification. One member had brought up the point that it may be quite likely that in some blocks there might be so much friction among its residents that they would prefer to have a representative from some other block. The argument was further propounded that some blocks may not have any person who might be capable and qualified, and in such case, it might be desirable to eliminate block residence as a qualification. However, the commission members as a group voted in favor of retaining the principle of block representation which was thought to connote block residence as a prerequisite. There would always be the opportunity in blocks where there might be undue conflicts and dissention for desired candidates to be requested to move into the block in question if such steps were deemed necessary. However, the consensus of opinion was that if the residents of any particular block were so divided that they could not agree upon a particular Councilman, they would also not be able to agree upon any outside candidates and, therefore, regardless of how the vote is divided, the person receiving the highest vote should be considered elected.

The problem of vacancies in offices were next considered. It was generally agreed that in event of misconduct in office or behavior unbecoming a Councilman, the Community Council should have the power to remove the member in question by a three-fourth's vote of its membership. Also, since the qualification of block residence was agreed to, it was decided that continued residence within the block during the term of office should be required and that in event of his removal to another block or from the Project, his office should be declared vacant. It was further decided that unless there should be an ac-

ceptable excuse, a vacancy should be declared when a Councilman should be absent from Council meetings for four or more consecutive times. The main problem with reference to vacancies in office were thought to be in connection with possible resignations from office. This was the principal handicap incurred by the Temporary Community Council since the time that it was organized last year. The problem was complicated by the feeling on the part of Issei members in particular that in the event a particular issue of importance should be decided contrary to their wishes, they would be honor-bound to resign as the defeat on that point might indicate lack of confidence from the residents and the community at large. In view of these possible considerations, it was agreed that resignation should not be made to Issei, and it was decided that any Councilman that has decided to resign must tender his resignation in writing at least fifteen days in advance or until his successor is elected. In this manner, a special election can be called in his block to fill the vacancy.

As to the other detailed mechanics of the constitution, there was little discussion or difference of opinion. It was decided that regular meetings of the Council should be held at least twice a month and that special meetings can be called by the Chairmen at any time upon at least three hours personal notice to each member. Quorum for the conduct of business was to consist of three-fifths of the duly elected members. Although the formerly proposed constitution had set three-fourths as the quorum, it was decided that since the membership is considerably larger under the new set-up, a quorum of three-fifths of the members would probably be more satisfactory rather than a bare majority. The question of an executive committee within the Council had been decided as generally necessary, and instead of specifying how many members should be on the committee, who they should be, how long they should serve, etc., it was decided that the Council should have the privilege of deciding these points from time to time.