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CHARTER DELEGATES MEETING

October 14, 1942
22-25, Recreation Hall
Heart Mountain, Wyoming

Meeting was called to order at 2:05 P.M. by Mr. Koide, representative from the Block Chairman.

Roll Call:

Block Chairman:	Mr. Ishikawa, Mr. Koide, Mr. Mineta
BAO:	Mr. Tomo, Mr. Mitarai, Mr. Hisatomi
Mess Hall:	Mr. Saida, Mr. Miura
Maintenance:	Mr. J. Kondo, Mr. Sonoda
Warehouse:	Mr. Iriye, Mr. Kinoshita
Internal Security:	Mr. Yokotake, Mr. Kurihara
Hospital:	Mrs. Tani, Mr. Hishiki
Community Service:	Mr. Uno, Mr. P. Nakadate
Industry:	Mr. Tateishi, Mr. Yamato
Housewife:	Mrs. Furuya, Mrs. Horikoshi
Outside Labor:	Mr. Yamamoto, Mr. Suto
Community Enterprise:	Mr. Ted Okumoto, Mr. K. Sato

In order to acquaint the delegates with the purpose of this gathering, Mr. Koide gave a brief explanation of the Charter System as prescribed by the W.R.A. Manual and also on the methods by which the Block Chairman and the Administrative Officers picked the various representatives to this meeting.

In view of the emergency chairman meeting called by Mr. Rachford, the three delegates from the chairman were excused from the meeting.

A nomination for a temporary chairman from the ten departments to conduct the meeting was made by Mr. Suto, seconded by Mr. Hishiki

and Mr. H. Yamamoto, representing the Outside Labor, was elected as temporary chairman.

The question of selecting the six (6) delegates to the Drafting committee was discussed. Various viewpoints were presented by Mr. Kiyo Yamato, Mr. Saida, Mr. Tateishi, Mr. Kurihara, Mr. Doi, Mr. Sonoda, and Mr. Yokotake on the question that six (6) from the group did not constitute enough members and also the authority of placing three (3) chairmen and three (3) BAO on the Drafting committee. In regards to the latter question, an explanation was made by both Mr. Mitarai and Mr. Tomo of the BAO to justify such action. A suggestion was made by Mrs. Tani that one delegate from each ten (10) departments be included in the Drafting committee. The said suggestion was made into a motion by Mr. Tateishi.

Motion: One delegate from the ten (10) departments representative be selected in the Charter Drafting committee instead of as originally recommended by the Chairman and BAO.

Seconded by Mr. Hoshiki.

Passed unanimously.

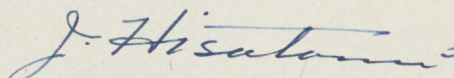
Thus the following delegates were named in the Charter Drafting committee:

Block Chairman:	Mr. Ishikawa, Mr. Koide, Mr. Hayashida
BAO:	Mr. Tomo, Mr. Mitarai, Mr. Hisatomi
Mess Hall:	Mr. Saida
Hospital:	Dr. Hanaoka
Industry:	Mr. K. Yamato
Community Enterprise:	Mr. Ted Okumoto
Outside Labor	Mr. H. Yamamoto
Housewife:	Mrs. Furuya
Community Service:	Mr. P. Nakadate

Maintenance:	Unnamed (Later)
Warehouse:	" "
Internal Security:	" "
Legal Dept.	" "

In regards to the last four unnamed departments, an assurance was given that by noon, October 15, 1942, an official name will be given.

Respectfully submitted,



J. Hisatomi
Temporary Secretary

7. Nominations for chairman opened with Mr. Doi and Mr. Bepp as nominees. With these two the nominations were closed. It was moved, seconded, and unanimously carried that voting be by written secret ballot.
8. Results of the ballot were 26 votes for Mr. Doi, 10 for Mr. Bepp, and one for a non-nominee. Mr. Doi then took over the Chair, as the duly elected chairman of the Charter Commission.
9. Chairman Mr. Doi then suggested that this delegation have one vice-chairman and one secretary, with a stenographer to be assigned to the secretary from among the block stenographers.
10. Mr. Hayashida made a motion that we have a vice-chairman and one secretary. This motion and one that voting be open were seconded and carried.
11. Nominees for vice-chairman were Mr. Bepp, Mr. Hayashida, and Mr. Koide, who left the room after presentation. Voting results were as follows: 21 for Mr. Bepp, 6 for Mr. Hayashida, and 6 for Mr. Koide, making Mr. Bepp the vice-chairman.
12. Nominees for secretary were Mr. Mark Tsunokai (who declined), Mr. Tomo and Mr. Koide. Mr. Tomo polled 20 votes, while Mr. Koide received 11, making Mr. Tomo the secretary.
13. An informal discussion and get-acquainted period was then announced by the Chairman, while he went into conference with Mr. Barber.
14. Meeting was called back to order. The Chairman set the next meeting for Saturday afternoon, November 14, at 25-25, at 2 p.m. Discussions on the selection of the executive and other committees took place. Clarification was made by Mr. Barber on the number of members to serve on the executive committee; that this committee of twelve was to be selected from the committee of 40, who were elected by the people of each of the twenty blocks -- two representatives from each block; that since this and no other provision was approved by Mr. Bachford, it did not seem possible to change.
15. Five committees were named: Council, Election, Judicial Commission, Arbitration Commission, and Issei participation in self-government.

Mr. Kodama suggested, after some discussion, that a committee be formed to decide what other committees there should be. Motion was made, seconded, and carried that a sixth committee to study on other commissions, other than that suggested by the Manual, be included.
16. It was moved, seconded, and carried that this body hold a meeting next Saturday afternoon, at which time Mr. Housel will be asked to attend, and at which time the committees can be formed.
17. Meeting moved for adjournment.

Respectfully submitted,

Secretary
CHARTER COMMISSION
HEART MOUNTAIN RELOCATION CENTER

MINUTES OF MEETING OF CHARTER COMMISSION

Date: November 12, 1942
Place: Administrative Recreation Hall
Chairman: Mr. Barber
Attendance: 38 members present

1. Roll was called. Mr. Yoshihashi from Block 9 and Mr. Kinoshita from Block 14 were absent. Mr. Kubose came but left early.

2. Administrative Instruction No. 34 was passed out.

3. Mr. Rachford addressed the meeting on the general responsibility of the Charter Commission and offered his assistance in all possible ways. He stressed the point that the people themselves are the ones that must decide their future, and that this body must ever keep in mind the fact that they represent the voice of the majority of them.

4. Next, Mr. Barber spoke on the question of the advisability participation in a self-government system, but explained that "in a deeper sense, this is not self-government but participation in the administration so that the administration can follow the expression of the will of the evacuees." He also suggested that three or four meetings of this group be held before the selection of an executive committee of 12, who will do the actual drawing up of the Charter, so that this group "as a whole can get better acquainted with each other and vote more wisely." His further suggestion was that discussions be carried on under an agenda, and as a possible agenda he read general headings from the "3 or 4 page form prepared in Washington."

Mr. Barber then presented Mr. Rachford's suggestion that the executive committee of 12 refer back to the basic committee as a whole; that there be some informal checking of the public's viewpoint on some of these matters before concretely putting them down; that there also be a checking with the administration from time to time. He stated that Mr. Housel will be available for consultation on legal matters.

He then added his opinion on the matter of a preamble to the Charter--which can be presented to the community as an introduction of the basis on which this body stands in presenting this Charter for welfare of the community.

Mr. Barber then opened the meeting to the floor for questions, nominations of a chairman, or discussion.

5. Motion was made, seconded and carried in favor of a roll call with a few words of introduction. Roll call and introductions were completed according to blocks.

6. Mr. Sashihara moved that a temporary chairman be selected instead of a permanent one. This motion was seconded and put up to a vote, but with 11 Ayes and 22 Opposed, the motion was not carried.

MINUTES OF MEETING OF CHARTER COMMISSION

Date: November 14, 1942
Time: 2:50 p.m. to 5:10 p.m.
Place: Courthouse, 25-25
Chairman: Mr. Kiyomichi Doi
Attendance: 35 members present

Meeting was called to order by Chairman Mr. Doi.

MR. DOI: The purpose of this meeting, primarily, is for general discussions. After the discussions are had, the necessary step would be on the election of the different committees. There is one other question, and that is for the selection of the executive or drafting committee, composed of six members from the Issei and six from the Nisei. The general agenda of the meeting is along that line. Mr. Housel is here to assist us in all of our proceedings. He will answer all legal aspects. I understand Mr. Housel will remain for the next ten days or two weeks. He is going to establish the project attorney's office. Is that right, Mr. Housel?

MR. HOUSEL: I intend to. I hope so.

MR. DOI: Regarding the provisions to be in that constitution, I think it would be very advisable that we get the legal end from Mr. Housel, himself. So far as the chair is concerned, his office is to see that the meeting is conducted in an orderly fashion. I have said what I intended to say and from now on, what the chair has to do is to sit down and listen to you gentlemen argue this out. By the way, before the arrangements for this meeting were made I had already made an appointment from which I could not get away this afternoon. It is an urgent matter which I have to take care of today. So, I am going to ask Mr. Bepp to preside."

MR. BEPP: At the conclusion of the last meeting we were trying to devise a means of selection of various committees. May we ask Mr. Housel to give us his phase and his connection with drafting of the Charter?

MR. HOUSEL: Gentlemen, Mr. Doi said that I would answer all the legal questions. I hope that I can answer a few of them. I was down to the Granada Relocation Center a few days ago and heard some speeches there. I think that the speech makers are here at Heart Mountain, according to what I heard about last night. I thought since you are all organized now to work out a system of permanent government here, it might be helpful to you if I were to give you the legal phases on which this system of local government would rest.

As a specific example: Suppose you provided for a Community Council, a Judicial Commission; suppose you pass ordinance or regulation that no one is to steal personal property belonging to another person in the Center, and after the ordinance is approved and on the books, some person sees a coat, or a wallet, and steals it; and the person who made the theft is brought before your Judicial Commission for violation of the Community Council ordinance; and suppose for a penalty he is sentenced for 30 days in the local jail. This individual may happen to be an attorney and comes back and says, "Well, you have no authority to arrest me. I'm going to sue you for false imprisonment." So he comes back and asks damages against his person. For good measure he

From now on, what the chair has to do is to sit down and listen to you gentlemen argue this out. By the way, before the arrangements for this meeting were made I had already made an appointment from which I could not get away this afternoon. It is an urgent matter.

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The Judicial Commission is the keystone in your system of evacuee government. It applies policies made by the Council to particular cases, renders a decision which is sent to the project director for review. If the project director approves the decision of the Commission that's where the final official approval comes in. It doesn't matter that the ordinance before then has not been presented to the project director.

The question has arisen whether or not by the participation of the evacuees in self-government, they thereby endorse the whole evacuation program. From a legal standpoint, I don't think there's anything to it at all. Hauling coal or eating in the mess halls, participating in the daily life of the Center, is just the same.

When your executive committee is selected all of us want to be of as much assistance as possible. However, it would be a better job if you worked it out as much on your own as you can. Mr. Barber has had mimeographed here "Drafting the Plan of Permanent Organization" from the manual from Washington. Three or four pertinent sections of the Model City Charter, I'm having mimeographed at my Denver office. I have copies of the Manzanar Charter and articles on the Judicial Commission and the Arbitration Commission which will be mimeographed. I am sending for copies of forms of government other centers are working out. I hope you here in this Center will be able to work out the best form of government.

PAUL NAKADATE: If the Community Council is set up, what check would it have on the project director, that is, with the understanding, if we should have a project director who is not fair to the people?

MR. HOUSEL: The Community Council, or anyone else, for that matter, can write to Washington or the Denver regional office.

RIKIO TOMO: Is there any Federal system of education?

MR. HOUSEL: Which would be applicable to these Centers?

RIKIO TOMO: Yes.

MR. HOUSEL: I do not know of any. The Department of Interior has a bureau of education but it doesn't have a separate system of education.

RIKIO TOMO: Or the payment of sales taxes, what reason is there for our enterprises being under the jurisdiction of the State of Wyoming?

MR. HOUSEL: Legally, community enterprises probably are subject to the state law. In 1939 the extension of the area under which sales taxes could be charged was broadened considerably. As a matter of policy I'm not qualified to answer that question. I don't know. However, there will be many benefits that you will derive from the State of Wyoming. Any one who commits felonies or misdemeanors is subject to Federal and State laws. Divorces, adoptions, probate proceedings are brought before and handled by the courts of the county and state. You will have a highway which runs by the Center.

RIKIO TOMO: I mean franchise. If you pay sales taxes to the State of Wyoming why can't we vote here, too.

MR. HOUSEL: I don't know. In a studied opinion on that point, our Solicitor states that while the evacuees reside within the Center they probably won't acquire the right to vote. In order to change your domicile, first, you have to move, second, you have to intend to remain, and third, you must intend not to return to the former home; that is, make your home and interests here. (Subject of sales taxes in army and navy canteens was brought up, but was dropped because of lack of information as to whether such taxes are or are not charged in those canteens.)

MASAO KUBOSE: I would like to know the status of the residents here, whether we are prisoners of war or ordinary citizens relocated from California. What about citizenship and what about aliens being in these centers together? And what distinction, if any, does the W.R.A. make between the two?

MR. HOUSEL: You are not prisoners of war, you are not detainees, you are not internees. You are evacuees. You are not prisoners of war because you're not taken under such conditions. As a matter of fact the United States government has indicated to the Japanese government that the principle of the Geneva Convention would be applicable to you people. Legally you are not prisoners of war. Second, what about citizenship and what about aliens? Why can citizens and non-citizens alike be detained in a relocation center? Well, for a long time the United States has had a statute which provides that any person, citizen, alien or otherwise can be detained or restricted to the extent reasonably necessary to the national safety. Now the whole constitutionality of the W.R.A. program, the relocation center, the evacuation, itself, depends on whether the measures taken were for necessity of national safety. That question will probably be decided after the war by the courts. Our Solicitor believes that the evacuation was reasonably necessary. I think your third question was whether W.R.A. meant to make differentiation between aliens and citizens. Administrative Instruction #34 states that only citizens can hold administrative office. I can only say briefly that our experience in the other relocation centers, coupled with the matter of public relations with the outside, that some recognition to the Nisei in the relocation centers was necessary.

At some centers many of the nisei were being taunted by the issei regarding their citizenship status. For that reason the Administration took that as one measure by which to recognize the citizenship of the nisei. I don't know that there is any particular legal basis for that except that outside the centers it is the same. A policy has been established and in response to petitions, it has been reaffirmed.

KOIDE: Regarding that act you mentioned, Mr. Housel, if it was the Sedition Act of 1798, it was not renewed.

MR. HOUSEL: Irrespective of whether that is or is not the case, Congress has appropriated funds for the W.R.A. to provide for supervision and maintenance of evacuees. You might rest it on the war powers of the President.

KODAMA: I wish to ask a question concerning the citizenship status of the so-called nisei here in the Center. Since the Council has been directed to be composed of citizens only, can the Community Council appeal to the W.R.A. director at Washington regarding citizenship status?

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MR. HOUSEL: Any question of that kind can be raised with the W.R.A. office.

KODAMA: For example, the fence; the psychological effect upon the people who are citizens; can we, as citizens, appeal to Washington office of the W.R.A. regarding it?

MR. HOUSEL: You can appeal to anyone at any time you please, even the Director. You can appeal to him at any time. You can send a petition to him direct.

KODAMA: Could this be put in the Charter?

MR. HOUSEL: There is no object in doing so, since any group or individual can get up a resolution and send it to anyone, to the President if he so wished.

NAKADATE: In view of the fact that citizens can be elected to the Community Council, can the Council have the power to have the alien members paid?

MR. HOUSEL: Community Council members will not be paid.

TOMO: It's like putting you on the spot. Question is this: Now that we are citizens and the alien Japanese are free people, regarding any thing that we provide for in our regulations, why is it that the project director has to pass over it? If somebody has to be above us, it seems to me rather ridiculous.

MR. HOUSEL: Under Executive Order #9102, Director of W.R.A. is directed by the President to provide for supervision and maintenance of the evacuees. The responsibility is his of administering these centers. Do you mean, irrespective of his responsibility?

TOMO: Then we are under the jurisdiction of the U. S., state of Wyoming, and under the jurisdiction of the military. Is that right?

MR. HOUSEL: You're right.

TOMO: I think we're not citizens.

MR. HOUSEL: You're just getting more governmental services than the other citizens, three times as much. Of course, you've got to assume that the director is the one who is responsible for administering the center. You're limited. Anybody is limited. There are all kinds of limitations imposed on all of us during a war. It's the same principle.

KOIDE:

MR. HOUSEL:

KOIDE:

MR. HOUSEL: The only condition is that you have to report your change of residence. The leave which is issued to you is revokable on two grounds, first, upon additional evidence becoming available second, when conditions are so far changed, that the original leave should not have been granted.

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For example, when evidence is brought before the director that the releasee is subversive, the leave can be revoked. Second, the releasee goes to a community, but because of the turn of events in the Far East, the community becomes so hostile that it endangers the life of the evacuee, then, too, can the leave be revoked.

KOIDE: Unnecessary restrictions, as erecting a fence--is that because of fear that there may be a disturbance here?

MR. HOUSEL: The disturbance will be restricted.

KOIDE: Is there any military necessity of our being detained in the centers now?

MR. HOUSEL: You're not being detained.

TOMO: Regarding the delay and red tape in getting releases for work outside--can't something be done about that?

MR. HOUSEL: They are going to get a list of people who want to work outside, but who do not have a job; then have a system worked out whereby a person on this list can get a release as soon as the job suited to him is available.

KODAMA: About the Charter--is there anything within the WRA code or regulations where the project director can delegate some power to the Community Council? Put some teeth into it? For instance, internal security.

MR. HOUSEL: When the Community Council is established, such powers may be provided for through the penal code.

KODAMA: When the project director does something wrong, then, is he held responsible, or the Community Council?

MR. HOUSEL: In case of emergency it would be necessary to call the Military Police in. They would be responsible to the Army while the project director would be responsible to the Director in Washington. Under permanent government the Council will pass the regulations and they will not be reviewed by the project director until it comes before the Judicial Commission.

HAYASHIDA: In your reply, Mr. House, you mentioned that the only reason why the WRA requires qualifications of citizenship for the Community Council is purely a matter of policy relative to the outside world. Is there any law that confines?

MR. HOUSEL: I said that was our reason. There is no rule that denies anyone here the right to hold appointive office.

HAYASHIDA: Is it permissible in the scope of the manual we have, that we can put in the Charter the system of two houses, as the United States Congress, one as an elective, and the other an appointive body? One group of citizens and the other, of Isseis?

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MR. HOUSEL: No. A board of elders to give advice, perhaps, but the final control must be in the Nisei group.

HAYASHIDA: Could the Charter provide in its advisory board the right of review or veto when they differ in the opinion?

CHAIRMAN MR. DOI: The question is irrelevant and uncalled for at this time!!

MR. HOUSEL: The final authority will have to be in the Nisei group.

HISATOMI: I have a solution to that. The Community Council has the power of appointing an advisory board.

NAKADATE: If the Community Council should set up a board of elders, would it be possible for that body of elders to ask for recall or reconsideration of any regulation that has been passed?

MR. HOUSEL: If it is set up, its functions would be only advisory. It would have no power to veto or recall.

HAYASHIDA: Can the Community Council provide that the final veto be in the power of the advisory board?

MR. HOUSEL: The final power is put in the Nisei group. The functions of the advisory board, if provided for, probably should not be provided for in the Charter.

TOMO: I am sure the Niseis would provide something that would be advisable.

CHAIRMAN MR. DOI: Selection of the six committees will be postponed until the next meeting. However, what shall constitute a quorum, gentlemen? (Mr. Hisatomi moved that two-thirds, or 27 members out of 40, constitute a quorum. Mr. Bepp seconded the motion and approved unanimously.)

(Mimeographed copies of "Drafting the Plan of Permanent Organization" were distributed.)

(Next meeting of the Charter Commission was set for Monday, November 16, at 2:00 p.m. sharp at the Courthouse.)

(Meeting then moved and seconded for adjournment.)

Respectfully submitted,

Secretary
Charter Commission
Heart Mountain Relocation Center

RT:srh

MINUTES OF FOURTH MEETING OF CHARTER COMMISSION

Date: November 23, 1942
Time: 2:30 p.m. to 4:50 p.m.
Place: Courthouse 25-25
Chairman: Mr. K. Doi
Attendance: 36 members

Meeting was called to order by the Chairman. Roll was called, at which time six members were absent--Mr. Mitarai (at Salt Lake City), Mr. Iseri, Mr. Yoshihashi, Mr. Okazaki, and two, who came in later during the meeting, Mr. Kodama and Mr. Imogawa. Thus, a total of 36 members were present.

Secretary Mr. Tomo read the minutes of the second meeting. Since there were no corrections or suggestions the minutes were adopted as read, as the official minutes of this body.

Chairman Mr. Doi appointed Mr. Koide to handle the mimeographing of all minutes and other important documents.

Minutes of the third meeting were read. Regarding Mr. Okazaki's position, Mr. Kubose of the same block will report after his block meeting November 23rd. Minutes were adopted without revision.

Minutes of the first meeting were then read and duly adopted. This was left till the last because of its length.

Since no unfinished business was pending, the Chairman presented to this body the issue of selecting the Executive Committee. He advised the selection of this group before committee reports were read.

By unanimous approval, voting for the Executive body was decided to be by closed ballot.

Mr. James Hisatomi moved that members all vote for everybody instead of/for Nisei only and Issei for Issei only. Mr. Koide seconded the motion which was approved and carried.

Mr. Sashihara asked for clarification on how many will compose a majority. Persons receiving most number of votes were to be judged elected, ie., the six Nisei and the six Issei receiving most votes.

Mr. Hisatomi asked what was the status of the Chairman, Vice-chairman, and Secretary, whether they were eligible to be on the Executive committee. The Chair replied that it is understood there are no ex-officio members.

Mr. Yoshio Kodama moved that the Executive Committee be formed of 12 members only, six Nisei and six Issei. Mr. Hisatomi seconded the motion which was approved unanimously.

Voting then took place by secret written ballot. Results were read by Mr. Doi, Mr. Tomo, Mr. Bepp, Mr. Koide, and tallied by Mr. Nakadate and the stenographer. Following Issei polled votes as follows:

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Mr. S. Fujimoto	26	
Mr. Mark Tsunokai	23	
Mr. J. T. Koide	19	
Mr. T. Sashihara	19	- these six were elected
Mr. M. Mitamura	17	
Mr. S. Umemoto	17	

Mr. S. Nagao, 16, Mr. T. Tokinasa, 15, Mr. T. Gorai, 12, Mr. M. Hayashida, 12, Mr. J. Fujioka, 11, Mr. K. Mineta, 8, Mr. Minokichi Tsunokai, 5, Mr. S. Naguno, 4, Mr. S. Sakai, 3, Mr. T. Oka, 2, Mr. Y. Matsuda, 1.

Following Nisei polled votes as follows:

Mr. R. Tomo	35	
Mr. Y. Bepp	35	
Mr. J. Hisatomi	28	
Mr. K. Doi	25	- these six were elected
Mr. M. Nagata	19	
Mr. H. Nakaki	19	

Mr. H. Mitarai, 11, Mr. P. Nakadate, 10, Mr. Y. Kodama, 8, Mr. S. Masunaga, 6, Mr. T. Chiba, 6, Mr. K. Iwanoto, 3, Mr. M. Kubose, 3, Mr. N. Zaiman, 3, Mr. F. Iseri, 1, Mr. G. Hamamura, 1.

Mr. Nakadate suggested that reports be presented according to committees.

The Council Committee's report was read by Mr. Nakadate, recommending the BCC Plan, incorporating the Block or Ward system, the Commission type, and the idea of a Coordinator of Commissions in a similar position as the city manager. A mimeographed copy of the report was promised for each member. Mr. Kodama added that the committee tried to make the plan as non-political as possible. Mr. Bepp added the suggestion that an executive committee be appointed from among the councilmen.

Mr. Chiba submitted the study made by the Election Committee, gist of which was that nomination and election of councilmen be by each block, instead of community at large, in view of the fact that we are located by blocks. The report recommended that petitions have signatures of 25 qualified voters of the blocks. Qualifications of holding office were also given, limiting them to U.S. citizens, 21 years of age or over.

The recommendation of the Judicial Commission Committee was presented by Mr. Umemoto. Failure to provide for juvenile delinquency was commented upon.

Mr. S. Fujimoto submitted the Arbitration Commission Committee's report to the members for approval. The plan provided for: name, membership, panel of arbitrators, disqualification of members, procedure, and agreement to be made by parties. Chairman Doi suggested that some system must be provided for the convenience of those persons who cannot write for themselves.

The Issei Participation Committee had not reached a definite conclusion, so this group's report was postponed until the next meeting. In the meantime, this committee was to have met once more and decided upon their recommendation.

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The recommendation of the Committee on other Commissions as presented by Mr. Hisatomi, was that an article be included in the Charter stating: The Community Council shall have power to establish any other Commissions or Boards necessary to carry out functions of the Center, other than those specified in the Charter. Suggestion was also made that ten commissions or boards be established, with members to be paid "C" rating wages. Mr. Hisatomi also stated that it was Mr. Housel's suggestion that committees be left out of the Charter.

Mr. Kodama moved that all mimeographed copies of the respective committee reports be available at the Courthouse as soon as possible. Motion was seconded and approved. Mr. Koide, as previously appointed by the Chair, will be responsible for the mimeographing.

Next meeting of the Charter Commission was set for Monday, November 30, at 1:30 p.m. sharp at 25-25.

The Executive Committee will meet after the next meeting, when all committee reports will have been submitted.

Motion was made, seconded, and carried for adjournment.

Respectfully submitted,

SECRETARY
CHARTER COMMISSION
HEART MOUNTAIN RELOCATION PROJECT

RT:srh

Clear - dated

DRAFTING THE PLAN OF PERMANENT ORGANIZATION

When the Commission has been organized and officers elected, it becomes its responsibility to draft a permanent plan of organization. Assistance and advice should be given by the administrative staff of the project when requested. The following suggestions and questions are presented for the assistance and direction of the Commission in carrying out its work.

B. The Council

1. Number of Members on the Council and Method of Selection

Administrative Instruction No. 34 provides that there must be a representative legislative body to be known as the Community Council. The Council should be of such size that it will adequately represent the people and yet not be so large that it cannot effectively carry on its work. A Council of not less than nine nor more than twenty-five members would appear to be the most satisfactory size. Among the methods which may be considered for its election are:

- a. Election at large
- b. Election by blocks
- c. Election by groups of blocks or wards
- d. Election by proportional representation

2. Tenure of Office of Councilmen

The permanent plan should provide the tenure of office of members of the Community Council. If the Commission considers it desirable to have overlapping terms for members of the Council, so that there will not be a complete change at any one time, this should be provided for in the permanent plan. It could be provided for by stating that at the first election one-half the members shall be elected for a given period (for example six months) and the others for another period (for example one year), and thereafter all shall be elected for the same period (in this case one year). In that way the term of one-half the members would expire each year.

3. Vacancies in Office

The permanent plan of organization should specify the method of filling vacancies in the office of councilman. Such vacancies might be filled by a special election, or by appointment by the Council or the presiding officer thereof. The question of filling vacancies where members of the Council leave the project to accept temporary work should be considered. This might be met by providing that a vacancy shall be deemed to exist when a member is absent from a stated number of consecutive Council meetings (for example, four, five, or six) and the chairman of the Council shall declare the office to be vacant.

4. Meetings of Community Council

The Commission's permanent plan may either specify the frequency and time of meeting or leave this to the Council. Provision should also be made for special meetings. Since it is difficult to determine accurately the amount of time which will be required by the Council to carry out its work, it would appear that the Commission's permanent plan should be flexible on this point and leave some discretion to the Council.

5. Council Procedure

The Commission's permanent plan of government may specify the rules of procedure to be followed by the Community Council or may merely provide its own rules of procedure. An alternate possibility would be to provide some rules in the permanent plan, with a general grant to the Council to establish others as may be needed.

Some fundamental rules of procedure for the Community Council which may be considered for inclusion in the permanent plan are:

a. Roll Call. Requiring ayes and nays to be entered on the journal or permanent record of the Council in certain cases, as on the final passage of regulations.

b. Quorum. Defining a quorum for the Community Council, as stating that a majority of all members elected to the Council shall constitute a quorum.

c. Vote Necessary to Enact Regulations. The plan should state the vote necessary to enact regulations, such as a majority vote of the members present (that is, if a quorum is present) or a majority of the total membership of the Council.

d. Open Meetings. Requiring meetings of the Community Council to be open to the public.

e. Time in which Regulations Become Effective. The permanent plan might state when regulations are to become effective, such as upon passage, one week after enactment, etc. In the case of regulations carrying penalties, it would appear desirable to delay the time at which they become effective. If possible, some publicity should be given to the regulations during this period, as by publication in the newspaper or posting in the dining halls. Provision should be made for meeting emergency situations where action is needed immediately. This might be met by providing that emergency regulations may become effective immediately, provided they receive a 2/3 affirmative vote of the total membership of the Council.

6. Presiding Officer of Council

The permanent plan of organization should provide for the selection and powers of the presiding officer of the Council. If he is given special appointing power, as of committees, or if his power of voting is limited to cases of tie votes, this should be stated.

7. Functions of Council

The functions of the Community Council are defined in Administrative Instruction No. 34. It would appear advisable for these to be incorporated in the permanent plan. It might be well for the permanent plan specifically to authorize the Council to exercise such other functions as may be conferred upon it subsequently by the War Relocation Authority.

8. Removal of Council Members

The Commission should consider the advisability of providing in the permanent plan for the removal of members of the Council for neglect of duty or for other causes. Two methods which may be considered are removal by the Council or recall by the voters.

C. Elections and Office Holding

1. Nomination and Election

The nomination and election of members of the Council should be provided for in the permanent plan of organization. The questions to be considered here are:

a. Methods of nomination

1. Caucus or mass meeting of all the voters in the election district
2. Petition
3. Primary election

b. Elections

The permanent plan of organization must either provide or give to the Council the power to provide for the preparation of ballots, the selection of election officers, etc.

c. Registration

Some provision should be made for the preparation of lists of qualified voters so that only those persons who are entitled to vote may do so. A system for the registration of voters might be provided for in the permanent plan of government, but it would seem advisable to authorize the Council to do this.

2. Determining Eligibility of Councilmen

While the qualifications of members of the Council are stated in Administrative Instruction No. 34, the method should be provided in the permanent plan for determining whether a particular individual meets these qualifications. This might be done by providing that:

The Community Council shall have the power to pass upon and determine whether any member elected has the qualifications stated in Administrative Instruction No. 34.

3. Qualifications for Voting and Holding Office

The Commission has no discretion relative to qualifications for voting and holding office. These are defined in Administrative Instruction No. 34. It would be desirable, however, to incorporate these provisions, without change, in the permanent plan.

D. Judicial Commission

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

1. Size and Composition

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

- a. How shall the members of the Judicial Commission be selected?
 1. Elected?
 2. Appointed by chairman of Council?
 3. Appointed by Council?
 4. Preparation of a list of qualified persons by a Committee of the Council with appointment from this list by the chairman of the Council, the Council, or the Project Director?
- b. Who shall be eligible for membership on the Judicial Commission?
 1. Only evacuees?
 2. Caucasian staff members?
 3. Members of Council?

The work of the Judicial Commission in the field of law enforcement is entirely different from that of the Community Council. The latter is charged with the responsibility of making law, or the determination of policies. The Judicial Commission, on the other hand,

does not make policies but applies policies to particular cases. In view of this distinction, the advisability of providing in the permanent plan that members of the Council shall be ineligible for membership on the Judicial Commission should be considered.

c. Tenure of Office of Members of Judicial Commission.

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

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

f. What provision shall be made for representing defendants before the Judicial Commission, as by a public defender, or private counsel.

g. Rules of Procedure. To what extent should rules of procedure for the Judicial Commission be provided in the permanent plan, by the Community Council, or left to determination by the Judicial Commission itself.

E. Arbitration Commission

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

1. Name of such Arbitration Commission

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

2. Number of Members and Selection

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

3. Panel of Arbitrators

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

4. Disqualification of Members of Arbitration Commission

What provision should be made to disqualify members

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

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

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

6. Agreement to be Made by Parties

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

F. Procedure For Approval

When the Commission on Permanent Organization has completed its work, the proposed plan must be submitted to the Project Director who should satisfy himself that none of its provisions violates any regulations or instructions of the War Relocation Authority. If approved by him it is then submitted to the voters and must be approved by a majority vote of the qualified voters voting at a special election. The permanent plan should provide for the nomination, election, and assumption of office by councilmen following approval of the plan by the residents. This provision should include the number of days that shall elapse before the election is held and how soon the Council shall meet and assume the duties of office following election.

G. Limitations

There are certain limitations which Administrative Instruction No. 34 places upon the Commission on Permanent Organization. Thus the legislative body must be known as a Community Council, elections must be by secret ballot, a definite procedure must be followed in making expenditures of community funds, and the method of amendment of the approved plan of government is specified. For purposes of clarity it is suggested that these and other limitations be included in the permanent plan of government proposed by the Commission.

PART III

OPERATIONS OF THE COMMUNITY COUNCIL

After the permanent plan of organization has been adopted a Community Council elected, the satisfactory functioning of community government in relocation projects will depend largely upon the manner on which the Council carries out its duties. The effectiveness of community government will depend upon the sincerity with which the Council assumes its responsibilities. The members of the Council must have a knowledge of the problems of the community, a desire to further the welfare of the residents, and must initiate procedures by which the Council can utilize its knowledge of community problems for the general welfare. The Council should seek to develop an interest on the part of the residents in community affairs, and secure not only participation in community government but a willingness on the part of all residents to assume responsibilities for community problems.

Members of the Council should be mindful that their office is not only an honor but a responsibility and a public trust. If they undertake their duties in that spirit, participation by the residents in the management of community affairs will be successful.

A. Use of Committees

It has been the experience of legislative bodies generally that their work is more orderly and effective when wide use is made of committees. The disadvantage of having matters discussed and debated before the Council without having adequate factual information is obvious. Previous study of a problem and the gathering of pertinent information by a committee, followed by a report and recommendation, tends to sounder action by the Council. For this reason it is suggested that the Council make extensive use of committees in carrying out its work, and that as a general practice matters be referred to committees for study, report, and recommendation. The final decision in all matters will remain with the Council; the use of committees merely enables the Council to be more effective and efficient in arriving at those decisions.

Both regular and special committees may be used. The designation of committees, both regular and special, will depend upon the subject matter brought before the Council. Among the regular committees which the Council might consider the desirability of establishing are: Committee on Committees, Rules and Procedure, Resolutions, Elections, Licensing, Law and Order, Judicial Commission, Arbitration Commission, Revenues and Expenditures (or a Committee on Finance to cover both revenues and expenditures).

There are many problems which are primarily administrative responsibilities of W.R.A. but which are of direct concern to the residents and the Council. They include health, education, housing, food, sanitation, employment, community enterprises, community activities, public welfare, library and public safety. The use of committees to secure information on these problems is a useful device. The committee members should become in the course of time specialists in their fields and be available to make special investigations for Council purposes.

A problem which has arisen in some legislative bodies is that committees in effect take final action by failure to report. The advisability of adopting a Council rule requiring committees to report within a stated time (for example, two weeks) after a matter has been referred to them should be considered. This may also be met by adopting a rule that the Council may at any time by majority vote discharge a committee from further consideration of a matter referred to it and proceed to Council consideration.

B. Use of Non-Council Members on Committees

A wide participation in public affairs is a desirable goal in any community. While voting and participation in community elections is an essential step in any democratic community, the Council should seek to carry popular interest and participation beyond the mere casting of a ballot at elections. One way in which this may be secured is for the Council to make use of non-Council members on its committees. This would offer an effective means of permitting participation in community affairs by those persons who are not eligible for election to the Council.

Another means by which the Council may secure wider direct participation in Council affairs is by the establishment of advisory boards and commissions made up entirely of non-Council members. Persons who have shown ability or interest in a particular field might be appointed to a board or commission. Such a plan can lead not only to an increased interest in community affairs by a large number of residents, but will enable the Council to utilize the special abilities of many persons in solving community problems.

C. Selection of Committee Members

The desirability of preparing a directory of the Council membership was touched on in Part I of this Manual. This would be of value to the Project Director and Council and especially useful in making the best selection of Council members for committees. The directory would show the age, educational background, previous public service and present and former occupation of each member of the Council. This would serve as a guide to the appointing authority in making committee assignments. (See p. 21 for suggested form to be filled out by each member.)

A similar plan may be used in selecting non-members of the Council for membership on committees. Each Council member might prepare a list of the persons in his voting district he considered well qualified for committee work. He would also submit pertinent data in support of his recommendation that these persons be appointed as non-Council members of committees. Such a list would enable the appointing authority to make assignments on a more intelligent basis.

D. Legislative Responsibilities

Administrative Instruction No. 34 authorizes the Community Council to prescribe regulations and penalties for their violation. The Council should proceed at an early date to establish a code for law and order on the project. Useful guides in determining the content of such a code may be obtained by reference to existing

INFORMATION FOR
COMMUNITY COUNCIL DIRECTORY

Name _____ Age _____ Sex _____

Present Address _____ City and State _____
Former Address _____ City and State _____

Educational Background:

High School _____

University _____

Degrees _____

Public Service _____
(Former participation in clubs, organiza-

tions, and offices held) _____

Former occupation _____

Present occupation _____

Interests: Check first and second preference.

Law and Order

Education

Public Relations

Public Health

Social Welfare

Food and Nutrition

Recreation

Work Projects

Community Enterprises

Labor Relations

Housing

Ground Improvements

Finance

Adult Education

municipal codes or by requesting the Project Attorney for such information. It would appear desirable also that there be incorporated with these community regulations at an early date regulations concerning safety, fire prevention, sanitation and health, and other matters which upon consultation with the Project Director are found to be essential to the successful operation of the project.

E. Resolutions

The Community Council is authorized by Administrative Instruction No. 34 to present to the Project Director resolutions on questions affecting the welfare of the residents. It is suggested that the Council can be most effective if it collects all facts relative to a particular question before making recommendations and that it make available to the administration the results of its study. Carefully considered suggestions based on a thorough analysis of a problem, with conclusions based on facts, will be more effective than mere expressions of opinion or complaint.

F. Public Hearings

Public interest in and discussion of questions affecting the general welfare of the community are desirable and should be encouraged. This can be secured in part by having Council meetings open to the public. A limited right of participation in the discussion may be granted by a Council rule. This might provide that non-Council members would be heard if request were made to the chairman of the Council prior to the meeting, and that any speaker be limited to five minutes. Council committees could also make use of public hearings to give non-Council members an opportunity to be heard on community problems.

A final method by which the Council could promote the discussion of community problems and determine the sentiment of the residents on public affairs might be through general meetings or forums sponsored by the Council. These might be held under the auspices and supervision of the committee in which the subject matter for discussion falls. If properly conducted, such meetings should serve as useful means of promoting the democratic process in relocation projects.

G. Financial Procedures

Administrative Instruction No. 34 provides a means by which the Community Council may secure money to be used by it to promote the general welfare. Expenditures for purposes other than to promote the general welfare of the residents will subject the Council to criticism and bring it into disrepute.

A problem in any legislative body is to provide procedures in the expenditure of public funds which will prevent irregularities, safeguard the funds, and assure expenditures only for purposes and in amounts approved by the popularly elected representatives. Administrative Instruction No. 34 provides some procedural checks on the expenditure of community funds. The Council may want to consider the desirability of adding others. Another problem to be considered by the Council is the custody of community funds.

Some of these questions may be provided for in the permanent plan of organization. Insofar as they are not covered in the permanent plan, the Council may want to adopt regulations on this subject. And it may want to supplement the limitations and procedures provided in Administrative Instruction No. 34, and in the permanent plan of organization.

H. Council Records and Publicity

Records of the proceedings of the Council should be kept by the secretary. These should be preserved as permanent records of the community government, along with committee reports and hearings. The details to be incorporated in these records must be left to the discretion of the secretary of the Council or of the committees. The record should be sufficiently detailed, however, to give a clear and accurate picture of what has transpired. Such records should always be open to public inspection.

It is desirable that as wide publicity as possible be given to the work of the Council. The members of the Council, and especially the chairman, should attempt to maintain such relations with the project newspaper that adequate publicity will be given to the Council work. Such publicity will be of value in increasing the interest of the residents in community affairs.

In the case of certain types of regulations enacted, an effort should be made to have the project newspaper report the action. Regulations carrying penalties should be fully reported; the advantage of informing the people of new regulations to guide their conduct and for the violation of which they are subject to penalties is obvious.

I. Distinction Between Block Managers or Administrative Agents and Councilmen

Several projects have established the position of Block Manager to assist and cooperate with the Project Director. The duties and responsibilities of Block Managers are different from those of Councilmen, and if these differences are kept in mind it will be useful in avoiding conflict and promoting the administration of community affairs. Both the Block Manager and the Councilmen should realize that they are interested in a common goal. This is the promotion of the general welfare. Each has a contribution to make in securing that goal, but it is made in an entirely different manner.

The Block Manager is an administrative employee, performing such administrative duties as are assigned to him by the Project Director. Among the duties which he performs in some of the projects are: Distributes information such as rules, regulations, and instructions issued by the Project Director to the residents in his block; collects and distributes mail; assists in housing problems including changes in residence, repairs, etc.; distributes supplies such as soap, brooms, and mops to the residents; assists residents in emergency cases such as serious illness.

The Councilman serves an entirely different function. As the representative of the residents he is interested in the determination of policies which affect the whole community. His selection is by the people and his responsibility is to them. Thus from the point of view of selection, duties, and responsibility, there is a clear line of demarcation between the Block Manager and the Councilman. If the Block Manager restricts his activities to serving as an agent of the administration, and the Councilman limits his activities to the determination of policies affecting the whole community, there can be no conflict of jurisdiction. Each should realize that he has a job to do and his aim should be to do it well. That is the greatest contribution he can make to successful community government and administration.

SUMMARY OF THE CHARTER COMMISSION WORK

Seven months have passed since the Charter Commission of forty members was elected by the residents of this Center last November. The attached draft of the Charter is the fruit of tireless efforts on the part of the Commission whose members met more than a score of times, each time giving serious thought to problems involved in writing a most suitable document for this Center. The draft has been officially approved both by the Project Director and the National Director of the War Relocation Authority at Washington, D.C. The draft Charter will be explained first in detail to the residents at the coming Monday evening, July 5th, block meetings, and then on Wednesday, July 7th, will be submitted for ratification by the center residents. For the benefit of those who desire to familiarize themselves with the Charter in advance, we are pointing out the following pertinent points that had been brought up at the various Commission sessions.

"Will this be a real self-government?"

The first question raised at the Charter Commission meeting was, whether or not the so-called self-government was really a self-government? "If it is going to be real self-government, then it is OK. If it is going to be a self-government in name only, then, we do not want it." Such opinion was fairly strongly expressed at the Commission meetings at one time. This opinion was especially strong among the Commission's citizen members (Nisei). The finished draft is based fundamentally upon WRA Administrative Instruction No. 34, and, for this reason, the Charter does not specify a true self-government. Rather, it sets up a form of evacuee government through which the residents may help WRA Center administration, and through which they are allowed to voice their opinion on Center management. Hence, in the text, the word Charter, rather than Constitution, was used throughout. It would be well to understand that it is more a sort of general Center rules.

"Why the concession to the Instruction No. 34?"

Why then did the Commission give up the demand for complete self-government and concede to WRA Administrative Instruction No. 34 and draw up such a Charter as we have here? In connection with this, the following considerations came into our discussions.

Firstly: Within a relocation center where freedom of the residents is restricted, IS IT POSSIBLE to ask for complete self-government?

Secondly: Perchance such complete self-government is granted, IS IT ADVISABLE for the evacuees to fully exercise such right?

Thirdly: The consideration that the Heart Mountain community consists of both the American citizen of Japanese ancestry and the alien Japanese had to be taken into account.

As we all know, question was raised as to the propriety and advisability of evacuees taking part in anything that may even remotely resemble self-government. Doesn't taking part in such a government mean acceptance of the justness of evacuation, and hence, that fact may in itself jeopardize evacuees' position in the post-war readjustment period? After thorough discussion, the Commission came to the conclusion that it is not only impossible to ask for complete self-government, but it is better not to ask for it. In other words, we concluded that it is far better

for the evacuees to leave the final responsibility of the Center management to the WRA staff, while specifying in written documents evacuees' right to have limited voice in the management. If this plan is adopted, neither the citizen nor the non-citizen residents need to fear about jeopardizing their rights. Recent examples of WRA administration receiving the main burden of criticism from certain daily papers directed against the project is ample proof that this conclusion was sound.

"Why not stick to status quo?"

"Why go to the trouble of adopting a Charter at this time? Isn't status quo good enough?" We hear such voices even now. This question, too, was thoroughly gone into. At one time this idea was quite strong among some of the non-citizen members of the Commission. This was due to the following circumstances. According to the original Administrative Instruction No. 34, it was specifically stated that non-citizens were not to be eligible for elective posts in the proposed self-government set-up. "If Issei are to be discriminated against even after coming to a relocation center, then, a Charter that specifically bars Issei from holding elective posts should not be ratified." Such, in fact, was the argument. This problem, however, was satisfactorily solved when WRA amended Instruction No. 34, and made it possible for Issei to enjoy equal rights within the relocation center boundary with the Nisei.

"What are the advantages of adopting a Charter?"

In connection with the question of status quo, another angle must be looked into. Even with written regulations, status quo is hard to maintain long. Without rules to go by, none can exactly state what really is the status quo in a given moment. If we talk about status quo, it is better to put it down in writing. The present draft Charter, as a matter of fact, embodies to a great extent the experiences since last September, and puts down in black and white the existing governmental set-up at Heart Mountain. It may even be said that by adopting the present draft Charter, we are better able to preserve the status quo, in the sense that there will be block representatives who would meet in a body and discuss policy matters with the WRA project staff.

Another advantage in adopting a Charter is that it is easier for the elected officers to work if their duties and functions were specifically defined, and it is easier also for the electors to check and control the actions of their elected representatives. Under certain circumstances it may turn out to be better off without a regulation to go by. But in the case of a community of the size of Heart Mountain, conditions of an Assembly Center period may return at any time, should there be no regulation to go by, and, the residents, formally and legally, are not allowed voice in the management of the center. On the other hand, if Charter is adopted, and thereby Community Council is duly elected, then, residents are legally guaranteed, however limited it may be, a voice in the management of the center.

Finally, our unique preamble to the draft Charter, is in the opinion of many, an attempt on our part to state as clearly as possible our position upon taking part in the proposed evacuee government for Heart Mountain.

Above are important points raised during the sittings of the Charter Commission. Please read carefully the attached text, and if there are any points which needs further clarification, please ask for explanation at your block meeting this coming Monday evening, July 5th.

Coordinating Committee for the Charter Election

June 30, 1943

COMMUNITY COUNCIL

November 1942

"Self-government will be practiced to the greatest possible extent Ample opportunity will be given residents to discuss policy as regards the governing of the camp. All residents are urged to take in interest in the camp's welfare and progress." -- Project Director C. E. Rachford at the first mass meeting of evacuees at the high school lot as reported in the General Information Bulletin, Series 2, dated August 26, 1942.

Even before relocation to Heart Mountain many evacuees had looked forward to the self-government program under which democratic ideals could be practiced. The fact that self-government was denied evacuees in the WCCA assembly centers increased the anticipation.

To many, of course, especially the Issei, this was to be the first experience in practical self-government, and this was true of the Nisei to the extent that some have not fully exercised their right of franchise. Consequently, there was discussion of the self-government system from the very day that the first evacuees arrived on August 12.

Under the provisions of Administrative Instruction No. 34, a temporary community council was set up in the early days of September. Many plans were considered and rejected by Phillip W. Barber, chief of community services, and evacuee advisers before an acceptable plan was submitted for the project director's approval. Chief among the problems considered in the setting up of the temporary council were true representation and Issei-Nisei cooperation.

With the understanding that the temporary community council would retain office only until November 3, by which date it was hoped the permanent machinery would be ready to function, block meetings were called to elect block chairmen. It was anticipated that the majority of these block chairmen would be Issei for various reasons, among them their greater interest in community government, the desire of the Nisei to stay out of politics carried over in many cases from pre-evacuation communities, and the greater voting power of the Issei group due to age composition of the population.

Partially to satisfy Nisei objection to this Issei predominance, and partially because of the need for aggressive young men and with a fluent command of English to check on the efficiency of administrative functions in the project, an all-Nisei group of block administrative officers was provided for at the same time. It was emphasized that the administrative officers would be concerned in no way with policy, but nonetheless they proved an effective voice for the Nisei in many matters, tending at times to balance the Issei influence in the temporary community council.

The manner in which first block meetings were conducted varied, due in some measure to lack of understanding as to what was required of them, but in general they were creditable demonstrations that the evacuees could understand and handle democratic principles.

The complete list of chairmen to date is:

<u>Block Chairmen</u>	<u>Address</u>
Genichiro Iwasaki	1 - 9 - B
Satoru Tsuneishi	2 - 7 - CD
Fred J. Fujioka	6 - 2 - A
Minejiro Hayashida, Chairman	8 - 2 - F
Sohei Yoshiyashi	9 - 24 - D
Shoji Nazumo	12 - 24 - AB
Kazuyoshi Okazaki	14 - 12 - E
Shinji Fujimoto	15 - 18 - B
Mark Tsunokai	17 - 17 - C
Tsunijiro Kaneko	20 - 10 - D
Shintaro Hara	21 - 16 - A
Choichiro Kakuuchi	22 - 13 - D
Charles T. Oka	23 - 9 - C
Kunisaku Mineta	24 - 7 - B
Takeyoshi G. Ishikawa	25 - 4 - D
Tomotsu Gorai	27 - 19 - D
T. Yokota	28 - 17 - D
Teiji Koide	29 - 13 - C
S. Nagamori	30 - 13 - F

This group of block chairmen met Tuesday, September 8, 1942 with the Project Director in a two-hour preliminary session. The block chairmen are representatives of the colonists and their function is to represent the people to the administrative officials. In fulfilling this function the block chairmen hold regular meetings each morning, except Tuesdays and Saturdays, at the recreation barrack in Block 17. On Tuesdays and Saturdays they meet at the Administration Building with administrative officials to present their problems and recommendations. To present more graphically the functioning of the block chairmen, several condensed minutes of their meetings are exhibited.

Minutes of the block chairmen meeting held September 18, 1942 at 8:30 A.M. with Mr. Barber:

1. Speedy distribution of coats (jackets). There are a number of men going from block to block without adequate protection from the cold weather.
(Those wishing jackets should have a requisition submitted by the department head of the department for which they are working.)
2. Efficient arrangement for speedy distribution of vital necessities (mattresses, blankets, and coal.) Above is particularly requested of Mr. Carroll on the day dated.

(This is being done just as rapidly as possible.)

3. To furnish soldiers who visit the camp with necessary bedding.

(This will be done.)

4. Establishment of a milk station in each mess hall. Mothers who are alone with the baby feel it is too far to walk as it is at the present. More variety of food for babies.

(There is now a milk station in one mess hall in every block.)

5. Placement of a dietitian at each mess hall for the sick.

Minutes of the block chairmen meeting held September 23, 1942 at 8:30 A. M.

A discussion took place on the following problems: (we are requesting that the administration please take into consideration) --

1. Establishment of a project bakery.
2. Building of a coal shed for each mess hall.
3. Unlimited effort to materialize the statement publicized on bulletin series 15, schools will be opened not later than October 1.
4. Establishment of "watchman system" which has been already under consideration by the mess division. Placing of a responsible person on each delivery truck.

Minutes of the block chairmen meeting held September 24, 1942 at 8:30 A. M.

A discussion took place on the following problems: (we are requesting that the administration please take into consideration) --

1. Construction of underground storage facilities for perishable food products.
2. Information about the winter clothing as requested on September 16, 1942.
3. Construction of a large safe of cement within this camp or an arrangement with a bank in Cody for free usage of a few deposit boxes to keep important possessions of the colonists.
4. Speedy appointment of a secretary to each block chairman.
5. Speedy supply of the winter clothing to the families termed needy.

(List of names already in hands of block chairmen.)

Minutes of block chairmen meeting held September 25, 1942, at 8:30 A. M.

A discussion took place on the following problems: (we are requesting that the administration please take into consideration) --

1. Proper construction of the entrance to women's latrine. Placement of a spring on the door or an additional screen to keep entrance closed.
2. Speedy realization of the diet kitchen as has been planned, also an establishment of the rest home. More varieties of baby food to be supplied at the mess hall and milk stations.
3. Establishment of better supply system of coal.

This exhibit gives one a picture of the heterogeneous nature of the problems confronted by the block chairmen. Some of these problems are being solved immediately, others are being delayed because of lack of labor and materials, or due to circumstances beyond the control of the administration. The block chairmen are aided in their work by the block administrators who are serving as representatives of the WRA staff in checking on the function and efficiency of the various administrative services for the people, but are not in any way concerned with policy. The block administrators are required to file a daily report to the WRA administration on sixteen specific subjects and on any of the matter requiring attention. Some of the subjects to be covered are: electrical, plumbing, housing, maintenance, sanitation, trash and garbage, mess, fire, police, sickness, employment, information, education, and recreation. The block administrators are appointed by an administrative official after extensive interview, and should not be confused with the Block Chairmen.

Administrative officials have expressed their gratification at the smooth functioning of the temporary community government. It must be remembered that this is only a temporary system awaiting a charter to be drawn up, approved by the people, and put into operation on a permanent basis.

One of the most important committees to be selected by the Block Chairmen is the Judicial Committee. On Friday, September 11, 1942 the General Information Bulletin, Series 9, published a statement that plans for a temporary court system to adjudicate cases of misdemeanor were announced on this day by the Project Director. It is desirable that the temporary plan be put into effect at an early date since a large number of cases are awaiting trial. The plan calls for the selection of nine colonists, seven to act as judges and two as alternates. The seven judges are to sit as a body to hear cases and return their verdict in the form of a recommendation to be affirmed or remanded by the Project Director. A public prosecutor will be named from among the colonists as well as a panel of counsel for the defendants. The defendant may retain counsel of his own choice or one will be appointed from the panel.

On September 13, seven prospective temporary judges and two alternates were selected by the block chairmen and their names submitted to Phillip W. Barber, community services chief. This list of judges and alternates as a body were subject to the approval of two-thirds of the blocks at their respective block meeting.

The list includes:

<u>Judges</u>	<u>Address</u>
Kiyochichi Doi	21 - 1 - A
Toyosuke Kimoto	9
Tadashi Kinoshita	14 - 7 - E
Ryunosuke Kumai	30 - 10 - A
Dr. Kiyohide Nakaki	29 - 7 - E
Goro Terui	27 - 14 - D
Minokichi Tsunokai	

<u>Alternates</u>	
Takema Kawakami	1 - 24 - E
Tokuji Tokimasa	21 - 16 - B

The approval of the blocks at their respective meetings was overwhelming as shown by the vote of 1,083 to 83. Result of the voting by blocks is shown below:

<u>Block</u>	<u>For</u>	<u>Against</u>
1	37	
2	31	9
6	35	
8	39	
9	37	
12	116	
14	51	11
15	15	
17	12	63
20	69	
21	95	
22	34	
25	150	
27	56	
28	71	
29	120	
30	115	
Total	1083	83

This group of judges and alternates, with the approval of the blocks and this administration, are now ready to hear cases as soon as the other appurtenance of a judiciary are available. In the latter days of September calls were being issued for court reporters and colonists with law training to help set up the court system. According to administrative officials, the official court opening is scheduled for October 12, 1942.

As this report is being finished, plans for a permanent self-government system are under way. General Information Bulletin, Series 24 dated October 10, reported as follows in its lead story:

MAKE PLANS FOR SELF-GOVERNMENT SYSTEM

Preparations were started this week for the naming of an organization commission which will draw up plans for the self-government system under which Heart Mountain colonists will live. Jerry Housel, WRA regional attorney, will assist in the organization of these plans.

Phillip W. Barber, chief of community services, declared it was desired to finish as much of the work as possible while Housel, who expects to remain about a week, is here.

Housel explained that the commission should be as representative as possible of the entire community, including representatives of block administrators, the temporary council, mess employees, workers out on temporary leave and any other group in the project.

Stressing the need for speed, Housel declared that it was desirable to see at least the plan of government submitted to the public for approval on November 3, the date of the Wyoming state general election. The election of public officers under the government plan will proceed as quickly as possible.

"In forming a permanent government the residents of the center should take into consideration the wisdom and counsel of the Issei group," Housel declared. "Although the Issei will not hold elective office under WRA regulations, they can serve on committees, commissions and boards and materially help the community government to function more effectively."

Both Housel and Barber asserted the need for cooperation and harmony in taking the first long step toward democratic government here. "It will be up to the residents themselves to evolve an efficient, harmonious government utilizing all the leadership ability they have among their number under the broad terms of the WRA administrative instructions," Housel declared.

WRA Administrative Instruction No. 34 provides for a community council which will prescribe regulations for the community and provide penalties for their violation. It will present to the project director resolutions on questions affecting the welfare of the residents.

The plan of government also calls for the formation of a judicial commission, and for orderly methods of arbitration for settling civil disputes between residents of the project. The project director may at any time set aside any regulations made by the council which he finds to be in excess of the functions of the council as defined in the administrative instruction.

Throughout the story, it will be noticed, there is emphasis on cooperation between the Issei and Nisei. There is strong criticism in some quarters at the WRA ruling which prevents Issei from holding office. Much of this was

brought out in a conference which the temporary community council had with Dillon Myer, national director, during his visit to Heart Mountain October 1. At the same time, many Nisei distrust the selfish motives of certain Issei desire for political power.

The Issei cite lack of Nisei interest in community government, their comparative inexperience, the fact that most families are still dominated by the Issei parents to justify Issei leadership of the self-government system.

The Nisei, on the other hand, point to the record of petty politics and selfish motives often found in pre-war Japanese communities among Japanese Associations and other organizations.

There is no indication, however, that a lack of Nisei leadership exists, nor is there reason to believe that an amicable working arrangement between the Issei and Nisei cannot be established. The Project is looking to an interesting campaign in the elections to come.

憲法起草の経過

昨年十一月に四十名の憲法起草委員が選出され、それから既に七月餘に及びます。別紙の憲法草案は起草委員が前後十数回の會合を待ち、協議に協議を重ね慎重に論議した結果出来上つたもので、ワシントン W. R. A 當局、ロバートソン當所長の承認を全たものであります。

右は来る七月五日(月)の國會に於て説明の上、七日(水)採擇の可否を居住民の一般投票に同じ事になるわけであり、ますが、尤に起草委員會に於て問題とされ、諸点を簡單に述べ、選挙民諸氏の御参考と供します。

眞の自治政府が出来来るのか？

第一に問題にされたのは、所謂自治政府が何處まで眞の自治政府であるか、といふ点でありました。「本當の自治政府からば O. K. だが、名前だけの自治政府からば御免蒙る」といふ意見が一時、委員の間に山たことがあります。これは二世の間に特に強硬でありました。出来上つた憲法草案は W. R. A 指令第三十四号に基いたもので、従つて、自治政府を規定してゐるといふより、寧ろ W. R. A 當局の轉住所管理を援助すると共に、住民の発言権を或る限度確保したといふに過ぎぬ程度のものであります。この故に憲法などといふ仰々しい言葉を使ひよりも、轉住所内規定といふ方が寧ろ正しい位のものであります。

何故の譲歩か？

しからは、何故 W. R. A 當局に對してそこまで譲歩し、大した力の無いものをあへて起草脱稿するに上つたかと申しますと、次の如き点が考慮に入つたのであります。

第一は、轉住所の如き自由を拘束された所にあつて、一体完全な自治を要求出来るか否かといふこと。

第二は、完全な自治を要求して万一許されたとしても、その自治権を最大限に行便することが果して住民の利益となるや否やといふこと。

第三は、轉住所内には米國市民だけでなく、市民権の無い一世も多数居住してゐるといふこと。

一体、かりそめにも自治政府と名のつくものに參加する事は立退きを承認したことも同然である。しからは、かくするとは戦後において立退者の立場を不利にするのでは無いか、といふ疑問が提起された位でありました。委員會で慎重討議の結果は、完全な自治は要求しても無理である、寧ろこれは要求し、か一方が宜しい言ひかへれば、センター管理の責任は W. R. A にもつて貰ひ、居住民の発言権を法文の上において適當に認め、て貰つた方が良策である。これからは一世にも二世にも差支障

りかゝるてよい、といふ結論に達したわけであります。最近、果
々日刊新聞紙の転住所攻撃の鋒光が直接には我々住民にで
ず、W. R. A 管理者當局に向つてゐることを考へれば、こ
の結論の正しさが理解出来ると考へます。

現状維持を何故主張せぬ？

ところで、今更憲法採擇でもあるまい、現状維持に行く
べしといふ意見が聞えます。この点も充分に検討されました。
一時、一世委員の間にはこの意見が相當強かつたのでありますが、
實質は、最初の指令では市参事会員には「一世はふれぬ」といふ
條件がついてゐた爲、斯る意見が出たわけです。転
住所にきてまで差別待遇されて何うある憲法を採擇し
た結果、一世が締め出しを喰ふ位ならば、憲法を採擇して
いた方が遙によい、といふのが、この議論の要旨でありました。
ところがこの点は、本年五月に於いて W. R. A の方針が改まり
「一世も二世も転住所内では同値とあつて解決しました。

憲法採擇の得失

右に開陳し今一つ考へねばならぬのは、規則があつてすら現
状維持といふことは永くつづけられぬ、況んや規則なしでは何を
指して現状とするか、といふことすら明白にきめられぬとい
ふことでもあります。紙の上でこれが現状であると明記しておいて
こそ、後に於いても、どの状態を以て現状と言つたか明白に
する。今同起草された憲法は、昨年九月以来の全職を取り
入れ、センター内現在の政治組織を大體において法文化した
ものであります。この故に、右憲法の採擇によつて、現状維
持が相當保證されるのだと考へて戴いて差支へないのであります。

仕事やり易い

もう一つの利益は、議員や役員にしても一定の規則があつた方が仕事
がやり易いし、一般住民の方も代議員の監督が容易であるといふことであ
ります。場合によっては何等規則のよい方がよいこともあります。一方以上の人口の
町村に規則があつては不都合であるし、また、規則をつくる権限が W. R. A 當局
にのみあつて住民の手には全然あつておれば、これはアッセンブリー・センター時代の再
現を意味し考へものです。今憲法を採擇し、これに基いて市政参事会員を
般投票によつて選出しておけば、居住民の發言權が法文によつて確保さ
れるのであります。最後に立退き者としての住民の権利について申しのべた序
文に注意されんことを願ひます。

以上、委員会において論議された諸点中の重要なものをかいつまんで説明
致しましたが、尚別紙憲法草案熟讀の上、疑義あるは區会席上にて説明を求
められんことを望みます。

一九四三年六月廿日

憲法採擇特別投票準備委員会

ハートマウンテン轉住所憲法

序 文

我々倭州ハートマウンテン轉住所居住者、即チ太平洋沿岸ヨリ強制的ニ立退ヲ餘義ナクサレタル日系米國市民、日系外人及び他ノ人種グループ等ハ當轉住所ノ所長ヲ補佐シ、自由人トシテ又各階級ノ人トシテ互ニ一個ノ協同体トシテ聯絡シ、公安ヲ樹立シ、此ノ協同体ノ福祉ヲ増進セシムルガ爲メ本憲法ヲ茲ニ採擇ス。本憲法ヲ全体的ニ又部分的ニ協賛受諾スルモ上記ノ諸グループハ米國合衆國憲法ニ依リテ保證サレタル權利及び特權ヲ返却シ又ハ放擲セザルモノトス。

第一條 投票者及び役員資格

ハートマウンテン轉住所ノ全居住者満十八才及びソレ以上ノ者テ、正規ノ登録ヲ爲セル者ハ有資格投票者タルベシ。満廿一才及びソレ以上ノ全居住者ハ市民、外人ニ拘ラズ選舉ニ依ル役員タル資格ヲ有シ、又任命ニ依ル委員、審査委員、部門委員、其他轉住者ノ團體的政治ヲ取扱フ行政部員タルヲ得。

- 但シ左記ノ條項ニ該当スル者ハ其ノ限リニ拘ラズ。
(一) 歸國又ハ米國々籍離脱ヲ請願ヲナセル者ニシテ該投票日ノ三ヶ月以前迄ニ其ノ申請ヲ取り消サリシ者。
(二) 轉住局登録書式修正百廿六号第廿八項或ハ徵募局書式參照四甲号第廿八項ニ無條件肯定ノ解答ヲセザリシ者。
(三) 一九四三年二月、三月ニ施行サレタル軍事登録ヲ拒絶シタル者ニシテ其ノ後外出許可ヲ許容サレザリシ者。
(四) 總テ出所許可ヲ拒絶サレタル者。

第二條 立法部

參事會

立法部ハハートマウンテン參事會(カミニニティ、カンシル)稱ス。參事員ハ各區ヨリ一名宛無記名投票ニ依リ選舉サルベキモノトス。

役員及び規則

參事會ハ役員ヲ選舉シ役員ノ職責ヲ規定シ、本憲法ニ齟齬セザル範圍ニ於テ議事進行ノ規則ヲ制定シ、且フ記録ヲ殘スモノトス。

書記

參事會ハ二名又ハ二名以上ノ常任書記一名ノ記録書記及び其ノ他事務員ヲ任命シ、其ノ任期及び職責ヲ規定ス。

第五項

定数人員

イ 参事員ノ三分ノ二ヲ以テ定数人員トシ委任投票ヲ認メズ。
ロ 欽席参事員ニ對シ参事會ハ會議出席ヲ督促狀ヲ以テ要求スルヲ得。

第六項

任期

参事員ノ任期ハ六ヶ月トス。

第七項

欽員

イ 参事員ニ欽員ヲ生ジタル場合ハ其ノ区ノ特別選舉ニ依リ参事員ヲ選出ス。前任参事員ノ任務期間ハ既ニ四分ノ三ヲ終了セル場合ハ参事會ニ於テ其ノ空席ヲ補充シ得。

ロ 参事員が選出区ヨリ移動シタル場合其ノ席ハ直ニ欽員ト認ム。

ハ 欽員ノ如何ハ参事會ニ於テ決定ス。

第八項

會議

イ 参事會ノ定期會議ハシクモ一週間ニ一回トシ其ノ時間及ビ場所参事會ニ於テ決定ス。

ロ 特別會議ハ参事會ノ議長ノ通告ニ依ルカ或ハシクモ五名以上ノ参事員ノ請求ニ依テ開催セラルモトス。

第九項

参事員ノ解任

イ 参事員ノ解任ハ其ノ参事員選出区内ノ有資格投票者ノ三割以上ノ請求アリタル場合其ノ区ノ有資格投票者ノ投票ニ附シ決定ス。

ロ 右ノ解任ニ関シテハ先ヅ参事會ヨリ事情ヲ所屬区ノ有資格投票者ニ發表シ一週間後参事員選舉年ト同様ノ方法ニテ特別選舉年ヲ施行ス。

第十項

役員ノ罷免

イ 参事員が重罪ニ処セラレタル場合ハ罷免セラレ而シテ選舉年又ハ指名ニ依ル如何ナル地位ヲモ保持スルヲ得ズ。

ロ 参事會、司法委員會及ビ本憲法ノ諸條項ノ規定ニ他ノ組織体ノ役員ハ選舉年ニ依ルモノト、指名ニ依ルモノトト同ハズ總テ職務上ノ違法行為、非行或ハ怠慢行為ル場合ハ譴責罷免サレ得ルモトス。役員ニ對スル同責ハ書面ニ依リ十名以上ノ参事員ノ署名ヲ以テ参事會ニ提出スモトス。参事會ハ右罪狀聴取ノ爲メ特別集會ヲ召集シ有罪如何ノ決定ニハ参事員總數ノ四分ノ三ノ投票ヲ必要トス。参事會ノ決定ハ最後のモノトス。

第三條 參事會ノ權限

第十二項 參事會ハ所内ニ適用スル法規ヲ制定シ且各衆國々法、後州々法、軍事的法令及び轉住局諸法規ニ抵触セザル範圍ニ於テ違反行爲ニ對スル罰則ヲ規定スル全權能ヲ有ス。

第十三項 法規ノ制定ハ全參事員三分ニ一投票ヲ以テス。

第十四項 緊急法規ヲ除キ法規ノ立案ハ總テ文書ニ依提案者署名ヲ得テ之ヲ制定一週間前參事會提出可キモノトス。

第十五項 總テ法規ハ緊急法規ヲ除キ參事會ニテ制定セラレ議長ノ署名ヲ得事務員ニ依リテ證言セラレ後十日ヲ經テ効力ヲ發生スルモス。

第十六項 緊急法規ハ緊急事態發生ト認定セラレタル場合參事會ニ依リテ制定セラレ即時効力ヲ有ス。

第十七項 參事會ハ其ノ權限下ニ在リ又ハソレニ委任サレタル轉住所内總テノ機能及活動ニ関スル記録ヲ調査シ檢閲シ、證言ヲ檢討シ且ツ所長ニ對シ住民ノ福祉ニ影響有アル諸問題ニ就テノ決議ヲ提出スル權限ヲ有ス。

第十八項 參事會ハ住民ノ及メ資金并ニ物品ヲ募集シ之ヲ受領シ專ら資金及財産ヲ管理スル權能ヲ有ス。

第十九項 參事會ハ轉住所内ノ營利事業ノ經營運用及營業方針ニ関シ拘束スル權能ヲ有セズ。

第二十項 參事會ハ隨時轉住局ヨリ委託サル職務及機能ヲ執行ス。

第四條 選舉

第二十一項 イ 參事員選舉ハ各區ノ指名請願書ヲ以テ始リ右請願書ハ各區ノ有權投票者ノ少ナク共二十名ノ署名ヲ要ス。ニ枚以上ノ請願書ニ署名セル場合ニハ最初ニ届出サレタル請願書白ノ署名以外ハ無効トス。

口 請願書ニヨリ指名サレタル候補者ニ受諾ハ文書ニヨリ
ハ 選舉委員會ニ提出ス可キモノトス。
行ハ、其選舉委員會ニ決定ス。

第廿一項

選舉委員會ト其任務

イ 各區有権者ニヨリ選定サレタル四名ヲ以テ其ノ區ノ選舉
委員會ヲ構成ス。立候補者ハ選舉委員會タルヲ得ス。
各區選舉委員會ハ其ノ區ノ全有資格投票者ノ登録ヲ
受附ケ、指名請願書ヲ受理シ、之ヲ以テ其選舉日十日
前ニ選舉委員會ニ提出シ、選舉委員會ニヨリ準備サレタル投票用
紙ヲ受取リタル上、之ヲ檢査シ、且ツ午交前ニ各投票者
名ト有権投票者登録名簿トヲ照會シ、又投票数ヲ計算
シタル後選舉結果ヲ選舉委員會ニ確證ス。
ハ 才一回選舉委員會選舉本憲法カ区民ノ協賛ヲ終ル後
一月以内ニ施行ス。 第一回選舉委員會選舉南スル選
舉委員會ノ組織方法ハ臨時區長會ノ責任ニシテ其後
ノ選舉委員會ノ組織方法ハ選舉委員會ノ責任タル可シ。

イ 投票者ハ選舉委員會制定ノ權限アル如何ナル法規ニシテモ
投票場ニ於テ採擇又ハ拒否スル權利ヲ有ス。斯ノ如キ權利ヲ
放棄權ト言ハ、但シ豫算ヲ計シ又ハ課税ノ認可關スルモハ
此ノ限リニ非ズ。
ハ 一般投票ニヨリ法案ハ有資格投票者ノ割以上ノ署名アル請
願書ニヨリテ選舉委員會ニ提出スル事ヲ得。
ハ 一般投票ニヨリ法案ハ原案ノマ、提出後十日以内ニ投票ニ付サル
可キモノトス。但シ選舉委員會ニヨリテ採用サレタルモハ此限リ非ズ。

第五條

第廿二項

一般投票權

イ 投票者ハ選舉委員會制定ノ權限アル如何ナル法規ニシテモ
投票場ニ於テ採擇又ハ拒否スル權利ヲ有ス。斯ノ如キ權利ヲ
放棄權ト言ハ、但シ豫算ヲ計シ又ハ課税ノ認可關スルモハ
此ノ限リニ非ズ。
ハ 一般投票ニヨリ法案ハ有資格投票者ノ割以上ノ署名アル請
願書ニヨリテ選舉委員會ニ提出スル事ヲ得。
ハ 一般投票ニヨリ法案ハ原案ノマ、提出後十日以内ニ投票ニ付サル
可キモノトス。但シ選舉委員會ニヨリテ採用サレタルモハ此限リ非ズ。

第廿三項

一般投票權

イ 投票者ハ選舉委員會ニ依リテ通過シタル法規又ハ選舉委員會ヨリ投票者
ノ投票ニ向ハシタル如何ナル法規ニシテモ投票ニ依リテ承認シ又ハ拒絶ス
ノ權利ヲ有ス。斯ノ如キ權利ヲ一般投票權ト言フ。
ハ 一般投票ニヨリ法案ハ有資格投票者ノ割以上ノ署名アル請
願書ニヨリテ選舉委員會ニ提出サレシ法規ハ修正ナシテ選舉委員會ヲ通
過シタル場合ト雖モ他ノ法規ト同様一般投票ニ向ハシ得ルモノトス。
ハ 選舉委員會ニテ制定サレシ一般投票ニテ決定サル可キ性質ノ如何ナル法
規ニシテ其制定後廿五日以内ニ於テハ有権投票者ノ割ノ署名
ヲ以テ選舉委員會書記ニ申請シ、其廢棄或ハ之ヲ有権者ノ
一般投票ニ付ス可キ事ヲ要求シ得。斯ル場合申請後十日
以内ニ投票ニ付サルベキモノトス。

第廿四項 一般投票及一般投票權ヨリ生ズル問題決定ニハ投票者ノ
過半数ノ賛成ヲ必要トス。

第五項 撤回
或要入。

第七條 失効

第廿六項 本憲法ノ或レ項目又ハ其ノ項目ノ一部分カ無効ト認メラレタル場合、無効ト認メラレタル部分ノ為メ其ノ全項又ハ項目ノ他ノ部分カ失効スル事非ラザル可シ。
但レ取初無効ト認メラレタル部分ニ同項目ノ他ノ部分カ其ノ運用上全ク依存セル事明白ナル場合ハ其ノ限ニ非ラズ。

第八條 公示

第廿七項 総テ制定セラレタル法規及投票ニ附セラル可キ諸提案、即チ修正、撤回、發案及一般投票ノ如キハ「センケネル」紙上ニ發表シ或ハ所内ニ於ケル他ノ印刷物又ハ指定サレタル公ノ場所ニ揭示サル可キモノトス。

第九條 委員、審査委員、部門委員、

第廿八項 參事會ハ事務ノ運用ニ對シテ必要ナル委員、審査委員及部門委員ノ如キモノヲ指名スルヲ得。

第廿九項 右規定ノ委員會、審査委員會、又ハ部門委員會會議長ハ參事員タル可シ、他ノ委員ハ參事員以外ノ住民ニテモ可ナリ。

第十條 司法部

第卅項 司法部ハハートマランテン轉住所司法委員ト稱ス。
司法委員ハ其管轄下ノ総テノ事件ヲ聽取審議ス。

第卅一項 司法部委員ノ組織ハ三名以上七名以下タル可シ。

司法部委員ノ選定及任期ハ參事會ニテ決定ス。

第卅二項 司法部委員會ノ諸規定ハ同委員會ニテ制定シ而シテ參事會承認ヲ得ベキモノトス。

第十條 仲裁

第卅三項 參事會ハ民事ノ係争問題ヲ仲裁スル秩序的な方法ヲ講ジ之ヲ運用スル機關ヲ設置ス。

第十條 修正

第卅四項 本憲法ハ記ノ方法ニ依リテ修正セラル事アル可シ。
修正ハ轉住所内ノ全有權投票者數ノ四分ノ一カ署名セル請

願書ニ依ルカ又ハ全参事員ノ三分ノ二以上ニヨリテ通過セル決議ニヨリ提案セラル可シ。

修正案ハ所長ノ承認ヲ得タル後一週間ヲ経テ特別投票ニ依リ参事員選舉ト同様ノ方法ニテ有権者投票ニ附ス可キモノトス。

ハ 本憲法ノ修正ニハ投票有権者ノ三分ノ二以上ノ賛成ヲ必要トス。

第拾参條 採 擇

第廿五項 本憲法ヲ採用スルニハ全投票ノ過半数以上ノ賛成ヲ必要トス。

千九百四十三年 六月二十二日

JUDICIAL COMMISSION

Section 1. Jurisdiction:

- a. Judicial Commission shall have jurisdiction to try all offenses committed within the Heart Mountain Relocation Center as defined by the laws of the State of Wyoming to be less than a felony, and in all case of criminal violation of the laws, ordinances, rules and regulations enacted by the community council.
- b. The Judicial Commission shall be empowered to make such rules of procedure for the conducting of hearings, from time to time as it shall deem necessary, which said rules shall be codified by the clerk of court and shall apply to all subsequent hearings before the Judicial Commission until superceded.

Section 2. Judicial Commission

- a. Body of seven commissioners shall constitute a Judicial Commission.
- b. One prospective commissioner from the electors shall be recommended from each block to constitute a Judicial Commission panel and the council shall select seven (7) commissioners from the said panel to sit as members of the Judicial Commission with two (2) alternates. In the event more than two (2) commissioners are disqualified then in that event other alternates shall be selected from the panel by the council to hear that particular case.
- c. The commissioner shall be a qualified elector over the age of twenty-five (25) years, with reasonable speaking knowledge of the English language and free from disqualification provided in the revised statutes of Wyoming.
- d. No members of the council shall act as Judicial Commissioner.
- e. The tenure of office of the Judicial Commissioner shall be continuous unless disqualified or impeached.
- f. In order to hold the accused guilty five (5) or more commissioners must cast their votes for his guilt. A case shall not be dismissed without the unanimous decision of the commissioners.
- g. The commissioner shall elect a chairman who shall preside in all hearings and trials and shall rule on admissibility of evidences precedent on the Wyoming code and common law wherever possible. The commission shall also select a secretary to record the minutes of the Judicial Commission.

Section 3.

- a. The prosecutor's office shall prepare the complaints and other necessary documents and shall prosecute the case. They shall at all times work together with, and assist the Internal Security and shall have the right to question the suspect and shall have the right to investigate all violation provided in Section 1.
- b. The public defender's office shall defend the accused unless the accused desires to have a private counsel who shall be an elector. They shall have the right to interview all suspects held by the Internal Security and shall advise him as to his rights.
- c. It shall be the duty of clerk of court to aid the Judicial Commission in conducting all hearings, administer oaths to all persons testifying before the Judicial Commission, to make and have custody of all records of hearings held before the Commission and to codify all rules passed by the Judicial Commission and to do all other duties as herein provided for in Section 4, sub-paragraph B and C and such other duties as may be prescribed by the Judicial Commission.
- d. There shall be two court reporters selected by the Judicial Commission who shall take in shorthand all the proceedings and testimony of the hearings before the Judicial Commission and shall transcribe into typewritten transcript for permanent record.

- e. The prosecutor's office, the public defender's office, and the court clerk shall be selected from persons with legal knowledge, profession, or education and/or court experience or from the Legal Aid Department by the council.
- f. The Internal Security shall appoint two members from their staff who shall act as Bailiffs at all hearings before the Judicial Commission.

Section 4. Criminal complaint:

- a. Upon receiving charges of criminal violations from the Department of Internal Security, the Prosecutor's office shall prepare a formal and concise complaint in the name of the people of Heart Mountain Project setting forth the charges against the accused. Said complaint shall be signed by the complaining witness, if any, or the Chief of the Internal Security, or one of his assistant or by the prosecutor.
- b. All summons and subpoenas shall be issued by Chief of Judicial Commission or by the clerk of court.
- c. The Internal Security shall make services of all summons, subpoenas, orders, notices, and other instrument issued by the Judicial Commission or the clerk of court.

Section 5. Judicial Commission hearing:

- a. The Judicial Commission shall convene at the courthouse to hear all cases presented for their decision.
- b. The Judicial Commission shall read the complaint to the accused and shall request the accused to enter his plea of innocence or guilt to the charge, or charges, made against him in the said complaint.
- c. At appointed time and place of hearing before the Judicial Commission, the accused and the People may require the attendance and examination of witnesses and records. In event any person refuses to attend or produce records, the Judicial Commission may issue a subpoena signed by the clerk of court, directing the wardens or other law-enforcement officers of the Heart Mountain Relocation Project to compel such attendance or production.

Section 6. Evidence:

- a. The evidence against the accused must show that he is guilty of the charges beyond a reasonable doubt and moral certainty.
- b. Strict rules of evidence against hearsay shall not be binding in hearings before the Judicial Commission, whenever such testimony be deemed pertinent in the discretion of the commissioners.
- c. Rules of the State of Wyoming pertaining to misdemeanors will govern in proceedings before the Judicial Commission whenever applicable.

Section 7. Decision:

- a. The decision of the Judicial Commission shall be in writing and it shall contain the following:
 - 1. Transcript of the testimony and proceedings, statement of accusations of charges, brief statement of facts, guilt or innocence of the accused and reason, or reasons, therefor, and in event of guilt, the sentence to be imposed. The clerk shall assist the Judicial Commission of the preparation thereof, and it shall be signed by all the commissioners so holding and attested to by the clerk of court. Minority opinions, if any, must also be set forth and made a part of the record to be used in any cases appealed therefrom. The said minority opinion shall be signed by the commissioners so holding.
- b. The decision of the Judicial Commission shall be forwarded to the office of Project Director without delay after it has been rendered. Necessary time for the preparation of the transcript shall be permitted. The Project Director shall approve or disapprove same within twenty-four (24) hours. If approved, he shall so certify on the

written decision of the Judicial Commission. If disapproved, he shall return same to the clerk of court together with his written request for rehearing or further hearing setting forth his reason therefor. In the event the Project Director requests for a rehearing or further hearing, the Judicial Commission shall further consider the case and enter such decision as may be appropriate. Such decision shall be subject to review by the Project Director in accordance with the provision of this paragraph. Failure of Project Director to act upon such decision within the time hereinabove set forth shall be equivalent to his approval thereof.

Section 8. Sentence:

- a. After the accused has been adjudged guilty and sentence imposed, Judicial Commission shall be empowered to suspend said sentence or place the defendant upon probation on such terms and conditions as it shall deem appropriate. No probation period shall be longer than one year or involve monetary penalty in the event of violation of the terms thereof.
- b. In the event the judgment is not suspended, or should probation be denied to the accused, the accused shall be committed into the custody of Chief of Internal Security for the execution of such judgment and sentence.

Section 9. Appeal:

- a. In the event the accused has been found guilty of the charges set forth in the complaint, the accused shall be entitled to an appeal to the Project Director, said appeal to be in writing within seven (7) days after he had been served with a copy of such decision, setting forth therein the grounds upon which he bases such an appeal.
- b. The Project Director shall certify in writing within two (2) days after the receipt of same whether said appeal be granted or denied. If the appeal be granted, the Project Director shall order a rehearing and make recommendation as he may deem fit. Failure of Project Director to act on such appeal shall be equivalent to denial thereof.

Section 10. Compensations:

- a. The compensations of the Judicial Commission and alternates, court reporters, prosecutor's office, public defender's office, and the court clerk shall be paid by the Project.

Section 11. Vacancies in office:

- a. The Community Council shall fill all vacancies of the Judicial Commission, prosecutor's office, public defender's office, and the office of court clerk arising from any cause whatsoever.