

WAR RELOCATION AUTHORITY

WASHINGTON

February 26, 1943

ADMINISTRATIVE INSTRUCTION NO. 88

Subject: Trial and Punishment of Offenses against Law and Order
in Relocation Centers

I. Purpose

The purpose of this Instruction is (a) to define offenses against law and order in a relocation center that may be punished by disciplinary action of the Project Director and to indicate the maximum penalties that he may impose; (b) to prescribe the procedures to be followed by the Project Director when taking disciplinary action; (c) to indicate the offenses against law and order that may be punished by the Judicial Commission, when formally organized, and to indicate the maximum penalties that it may impose; and (d) to indicate when an offense against law and order may be punished by administrative action of the Project Director or the Judicial Commission, and when the offender shall be referred to local, state or federal officials for prosecution in the courts.

II. Offenses punishable by the Project Director; penalties

- A. The offenses defined in this paragraph A of section II shall be deemed to be offenses against the peace and security of the relocation center when committed by any evacuee in the center, and the offender may be punished by disciplinary action of the Project Director in accordance with the provisions of this Instruction.
1. Assault. Any person who shall attempt or threaten bodily harm to another person through unlawful force or violence shall be deemed guilty of assault.
 2. Assault and battery. Any person who shall wilfully strike another person or otherwise inflict bodily injury, or who shall by offering violence cause another to harm himself, shall be deemed guilty of assault and battery.

3. Aggravated assault and battery. Any person who goes into the private quarters of another and is there guilty of assault and battery; any person of robust health or strength who commits an assault and battery upon one who is desecrpit; any adult male who commits an assault and battery upon the person of a child or a female; any person who commits an assault and battery upon another by using an instrument or means that will inflict disgrace upon the person assaulted, as an assault or battery with a whip; any person who assaults another and inflicts serious bodily injury; any person who assaults another with a premeditated design, and with means calculated to inflict great bodily injury, shall be deemed guilty of aggravated assault and battery.
4. Riot. Any two or more persons acting together without authority of law who use any force or violence, who disturb the public peace, or who threaten to use such force or violence or to disturb the public peace, if their conduct be accompanied by immediate power of execution, shall be deemed guilty of riot.
5. Unlawful assembly. Any two or more persons who assemble together to do an unlawful act, and separate without doing or advancing toward it, or who assemble together and do a lawful act in a violent, boisterous, or tumultuous manner, shall be deemed guilty of unlawful assembly.
6. Gambling. Any person who shall engage in any game whatsoever played with cards, dice, or other device for money, checks, credits, or any other thing of value, shall be deemed guilty of gambling.
7. Gambling house. Any person who shall permit any building or structure of which he is in possession to be used for the purpose of conducting any game whatsoever played with cards, dice, or other device for money, checks, credits, or other thing of value shall be deemed guilty of operating a gambling house.
8. Operating a confidence game. Any person who, with intent to cheat and defraud, shall obtain or attempt to obtain from any other person any money, property,

or valuable thing whatever, by means or by use of any trick or deception, or false or fraudulent representation or statement or pretense, or by any other means, instrument, or device, or by means or by use of any false or bogus check, or by any other printed, written or engraved instrument, or spurious coin or metal shall be deemed guilty of operating a confidence game.

9. Carrying concealed weapons. Any person who shall go about in a public place armed with a dangerous weapon concealed upon his person, unless he shall have a permit signed by the Project Director, shall be deemed guilty of carrying a concealed weapon.
10. Abduction. Any person who shall wilfully take away or detain another person against his will or without the consent of the parent of other person having lawful care or charge of him, shall be deemed guilty of abduction.
11. Theft. Any person who shall take the property of another person, with intent to steal, shall be deemed guilty of theft.
12. Embezzlement. Any person who shall, having lawful custody of property not his own, appropriate the same to his own use with intent to deprive the owner thereof, shall be deemed guilty of embezzlement.
13. Fraud. Any person who shall be wilful misrepresentation or deceit, or by false interpreting, or by the use of false weights or measures, obtain any money or other property with intent to deprive the owner thereof, shall be deemed guilty of fraud.
14. Forgery. Any person who shall, with intent to defraud, falsely sign, execute or alter any written instrument, shall be deemed guilty of forgery.
15. Receiving stolen property. Any person who shall receive or conceal or aid in concealing or receiving any property, knowing the same to be stolen, embezzled, or obtained by fraud or false pretense, robbery or burglary, shall be deemed guilty of receiving stolen property.

16. Extortion. Any person who shall wilfully, by making false charges against another person or by any other means whatsoever, extort or attempt to extort any moneys, goods, property, or anything else of any value, shall be deemed guilty of extortion.
17. Disorderly conduct. Any person who shall engage in fighting in a public place, disturb or annoy any public or religious assembly, or appear in a public or private place in an intoxicated and disorderly condition, or who shall engage in any other act of public indecency or immorality, shall be deemed guilty of disorderly conduct.
18. Reckless driving. Any person who shall drive or operate any automobile, wagon, or any other vehicle in a manner dangerous to the public safety, shall be deemed guilty of reckless driving.
19. Malicious mischief. Any person who shall maliciously disturb, injure or destroy and livestock or other domestic animal or other property, shall be deemed guilty of malicious mischief.
20. Trespass. Any person who shall go upon, into, or pass over any apartment, room, building, or lands of another person and shall refuse to go immediately therefrom on the request of the owner or lawful occupant thereof shall be deemed guilty of trespass.
21. Injury to public property. Any person who shall without proper authority, use or injure any public property of the Center, shall be deemed guilty of an offense.
22. Maintaining a public nuisance. Any person who shall act in such manner, or permit his property to fall into such condition as to injure or endanger the safety, health, comfort, or property of his neighbors, shall be deemed guilty of maintaining a public nuisance.
23. Cruelty to animals. Any person who shall torture or cruelly mistreat any animal, shall be deemed guilty of cruelty to animals.

24. Prostitution. Any person who shall practice prostitution or who shall knowingly keep, maintain, rent or lease, any house, room, or other place for the purpose of prostitution shall be deemed guilty of prostitution.
25. Giving venereal disease to another. Any person who shall infect another person with a venereal disease shall be deemed guilty of an offense.
26. Failure to send children to school. Any person who shall, without good cause, neglect or refuse to send his children or any children under his care to school during such time as the schools are open and receiving children, shall be deemed guilty of an offense.
27. Contributing to the delinquency of a minor. Any person who shall wilfully contribute to the delinquency of any minor shall be deemed guilty of an offense.
28. Bribery. Any person who shall give or offer to give any money, property or service, or anything else of value to another person with corrupt intent to influence another in the discharge of his public duties or conduct, and any person who shall accept, solicit or attempt to solicit any bribe, as above defined, shall be deemed guilty of bribery.
29. Perjury. Any person who shall wilfully and deliberately, in any proceeding before the Project Director or the Judicial Commission falsely swear or interpret, or shall make a sworn statement or affidavit knowing the same to be untrue, or shall induce or procure another person so to do, shall be deemed guilty of perjury.
30. False arrest. Any person who shall wilfully and knowingly make, or cause to be made, an unlawful arrest, detention or imprisonment of another person, shall be deemed guilty of false arrest.
31. Resisting lawful arrest. Any person who shall wilfully and knowingly, by force or violence, resist or assist another person to resist a lawful arrest shall be deemed guilty of resisting lawful arrest.
32. Refusing to aid officers. Any person who shall neglect or refuse, when called upon by any police officer,

to assist in the arrest of any person charged with or convicted of any offense or in securing such offender when apprehended, or in conveying such offender to the nearest place of confinement shall be deemed guilty of refusing to aid an officer.

33. Escape. Any person, who, being in lawful custody for any offense, shall escape or attempt to escape or who shall permit or assist or attempt to permit or assist another person to escape from lawful custody shall be deemed guilty of an offense.
34. Disobedience to lawful orders of Project Director. Any person who shall wilfully disobey any subpoena, warrant or written order duly issued by the Project Director shall be deemed guilty of an offense.

- B. Since the list of offenses defined in paragraph A of this section II is not an exhaustive one, and since the Project Director is responsible for maintaining law and order in the relocation center, he may punish by disciplinary action in accordance with the provisions of this Instruction any other act of an evacuee that he considers inimical to the orderly administration of the center or that violates any regulation applicable to the center. All such cases shall be reported immediately to the Director.
- C. The maximum penalty that may be imposed by the Project Director, in the exercise of his disciplinary powers, for commission of an offense, shall be imprisonment in jail for not more than three months, or suspension for not more than three months of work privileges, wages, clothing allowances, unemployment compensation, welfare grants, or other pay privileges to which the offender may be entitled under instructions and regulations of the Authority, or any combination of these penalties.

III. Procedure for taking disciplinary action by Project Director

- A. The Project Director shall exercise his disciplinary power personally after granting to the person charged with an offense a hearing at which the Project Director shall preside. He may, if he wishes, ask representatives of his staff or a representative committee of evacuees to attend the hearing and advise him before a penalty is imposed.

- B. The Project Director shall designate some person to keep a calendar of pending cases, a record of decisions, and a complete file of each case. The records shall be maintained as a part of the official files of the project. A bailiff shall be appointed to keep order during the hearing and to take charge of witnesses. A stenographer shall be appointed to make a transcript of all proceedings. The transcript shall be corrected and approved in writing by the Project Director.
- C. The Project Director may issue subpoenas over his own signature to subpoena witnesses needed at a hearing. He may punish for contempt witnesses who refuse to appear or to testify. The maximum punishment shall not exceed that stated in section II, paragraph C of this Instruction.
- D. The Project Director may assign an advisor to the defendant to help him present his case if he does not choose one for himself.
- E. The Project Director may assign some person to present the case against the defendant at the hearing. This person may be either an evicuee or a member of the administrative staff and need not be the same person at all hearings.
- F. The Project Director shall himself be responsible for seeing that a complete case is fairly presented. The defendant's advisor and the person assigned to present the case against the defendant are intended to help in this process, but the responsibility shall rest with the Project Director. He may freely question the defendant and the witnesses, supplementing the questions asked by the defendant's advisor and the person presenting the case against the defendant.
- G. The following procedure to be followed at the hearing is suggested. It may, of course, be varied and modified to fit the circumstances:
 1. The presiding officer should state clearly to the defendant the nature of the charge against him.
 2. The defendant should be asked to plead guilty or not guilty.
 3. The substance of the case against the defendant should be stated by the person assigned for that purpose.

4. The substance of the case for the defendant should be stated by the defendant or his advisor.
5. The evidence and testimony against the defendant should be fully presented. The defendant and his advisor should be permitted to cross-examine the witnesses.
6. The evidence and testimony on behalf of the defendant should then be presented with a similar right of cross-examination by the person assigned to present the case against the defendant.
7. The hearing may be adjourned, when necessary, to secure more information.
8. Any evidence that is relevant should be heard.
9. The Project Director may announce his decision immediately or take the case under advisement.
- H. The decision of the Project Director shall be based only on the evidence presented at the hearing.
- I. Hearings before the Project Director should ordinarily be open to the public unless the nature of the testimony or other circumstances make that procedure inappropriate. Attendance may, of course, be limited to the capacity of the room.

IV. Offenses punishable by Judicial Commission; penalties; procedure

- A. Offenses against law and order defined by regulations enacted by the Community Council of a relocation center in accordance with the provisions of Administrative Instruction No. 34, and only those offenses, may be tried and punished by the Judicial Commission of the Center.
- B. The Judicial Commission shall determine its own procedures to the extent that they are not fixed by the permanent plan of government for the project.
- C. The maximum penalties that may be imposed by the Judicial Commission shall be the same as those that may be imposed by the Project Director when exercising his disciplinary powers. These penalties are stated in section II, paragraph C of this Instruction.
- D. The presiding officer of the Judicial Commission may issue subpoenas over his own signature to subpoena

witnesses needed at a hearing before the Judicial Commission. He may punish for contempt witnesses who refuse to appear or to testify. The maximum punishment shall not exceed that stated in section II, paragraph C, of this Instruction.

V. Reference of cases to Project Director for disciplinary action, to the Judicial Commission, and to state or federal prosecuting officials.

- A. In the case of an offense that is a felony under federal law, the offender shall be turned over by the Project Director to the United States Attorney for prosecution in the federal courts, unless it is improbable that a prosecution of the felony would result in a conviction, or it is not certain whether the offense is a felony or a misdemeanor, or the offense is a felony under federal law but is only a misdemeanor under state law, or the Project Director and the United States Attorney agree that the case is one that can be better handled on the project. In any of these events, the Project Director may elect to treat the offense either as a misdemeanor or as a violation of a regulation of the Community Council, if it is one.
- B. In the case of an offense that is a felony under state law, the offender shall be turned over by the Project Director to the local prosecuting official for prosecution in the state courts, unless it is improbable that a prosecution of the felony would result in a conviction, or it is not certain whether the offense is a felony or a misdemeanor, or the offense is a felony under state law but is only a misdemeanor under federal law, or the Project Director and the local prosecuting official agree that the case is one that can be better handled on the project. In any of these events, the Project Director may elect to treat the offense either as a misdemeanor or as a violation of a regulation of the Community Council, if it is one.
- C. In the case of an offense that is a violation of a regulation of the Community Council, the offender shall be tried before the Judicial Commission, and the Project Director shall not hold a hearing or impose punishment in any such case, except that -
 1. If the offense charged is aggravated assault and battery, or
 2. If the offense charged is punishable under State or

federal law by a more severe penalty than the maximum permissible under this Instruction, and the Project Director believes that the penalty available under this Instruction will not be an appropriate punishment under the circumstances,

then, in either such event, the Project Director may issue an order removing the case from the docket of the Judicial Commission and may set it down for hearing before himself or may refer the case to the state or federal courts, as may be appropriate in the particular case.

D. In the case of an offense that is a misdemeanor under federal or state law but is not a violation of a regulation of the Community Council, the Project Director may either turn the offender over to the local authorities for prosecution in the state or federal courts or punish the offender by the exercise of his disciplinary power.

E. In the case of an action that is an offense under section II, paragraphs A, or B of this Instruction, but is not defined as an offense in any regulation of the Community Council or by state or federal law, the offender, may be punished by the exercise of the disciplinary power of the Project Director as provided in this Instruction.

VI. The Project Jail. As soon as practicable, the Project Director shall arrange to lease or hire the use of space in a suitable jail in a conveniently located city or town, and shall thereupon use such jail for imprisoning evanees sentenced to jail either by himself or the Judicial Commission, in lieu of maintaining a jail within the boundaries of the relocation center. If such arrangements cannot be made, the Director shall be promptly informed, so that alternative provision shall be made.

Director