

draft? #1

憲法草案

CHARTER  
OF  
HEART MOUNTAIN RELOCATION CENTER  
WYOMING  
Preamble

We, the residents of Heart Mountain Relocation Center, Wyoming, composed of alien Japanese, American citizens of Japanese ancestry, and other racial groups, involuntarily evacuated from the Pacific Coast, in the cooperative spirit of assisting the Project Director of this Center, as free persons, and, as classes of persons, associating ourselves as one common body, in order to form a more perfect union, establish justice, and promote the welfare of this community, do hereby adopt this Charter. The approval and the acceptance of this Charter, in its entirety or any part hereof do not in any manner whatsoever, relinquish nor surrender any of the rights and privileges of said above groups as guaranteed by the Constitution of the United States of America.

ARTICLE I  
GENERAL PROVISIONS

Section L. Definitions:

- a. The word "CHARTER" as used herein without qualifying words shall mean the "Charter and Laws of Heart Mountain Relocation Center, Wyoming," embracing the entire Project Area of approximately 47,000 acres, and shall extend to any other area, or areas, which may be hereafter acquired by the said Heart Mountain Relocation Center.
- b. The word "Center" as used herein without qualifying words shall mean "Heart Mountain Relocation Center."

Section 2. Qualified Voters:

- a. All residents of said Center, both citizens and non-citizens over the age of 18 years and duly registered are qualified voters.
- b. All residents ~~over~~ the age of 2<sup>5</sup> years or over, except as otherwise provided, whether citizens or non-citizens, shall be eligible for membership on Appointive Committees, Commissions, Boards, and other Appointive Administrative positions.

Section 3. Laws of the Center:

- a. The charter, except as otherwise provided, and all the laws of the United States, including licensing laws shall have the same force and effect within the said Center as elsewhere in the United States.
- b. All proceedings in the Center Courts shall be in the name of "Heart Mountain Relocation Center" and all prosecutions shall be in the name and by the authority of the Heart Mountain Relocation Center.

ARTICLE II

THE LEGISLATURE

Section 4. The Legislative Body: *Community Council*

- a. The Legislative Body of this Center shall be known as the Community Council. *of Heart mt.*
- b. Only citizens of the United States, who are 2<sup>5</sup> years of age or over, are eligible to become members of the Community Council.
- c. A Councilman shall be elected by secret vote, ~~one~~ from each block.

Section 5. Officers and Rules:

- a. The ~~Community~~ Council shall select its own officers, determine

the rules of its proceedings, not inconsistent with this Charter, and keep a record.

- b. The ayes and naves of the members on any question shall, at the request of one-fifth (1/5th) of the members present, be recorded.

Section 6.

*The Council may appoint*  
~~The~~ Executive Secretary or Secretaries, a recording Secretary and Clerks may be appointed ~~by the Council~~, and <sup>determine</sup> their term of office, duties and compensation shall be determined ~~by the Council~~.

Section 7. Quorum:

- a. Three-fourths (3/4ths) ~~of the members~~ of the Council shall constitute a quorum and there shall be no proxy voting.
- b. The Council shall have power to issue warrants for absentees ~~members of the Council~~.  
*Councilmen*
- ⑥ ~~Three-fourths (3/4th) vote of the entire Council shall be necessary for the enactment of regulations.~~

Section 8. Compensation of Councilmen:

Members of the Council shall be paid the highest rate of pay in the Center.

Section 9. Term of Office:

Each Councilman shall serve for a term of one year with the exception of the first Council, half of which shall serve for six months, the other half for the full term of one year.

The term of the first Council shall be determined by Council.

Section 10. Vacancies:

- a. A vacancy in the Council shall be filled by special election in the block in which such vacancy occurs. When the term of office

has three-fourths ( $3/4$ th) expired, the Council shall have power to fill such vacancy.

- b. Whenever a Councilman moves from his block, his office shall automatically be declared vacant.
- c. Vacancy shall be determined by the Council.

Section II. Sessions:

- a. A regular session of the Council shall be held at least once a week and such regular ~~meetings~~<sup>sessions</sup> shall be determined by the Council.
- b. Special ~~meetings~~<sup>sessions</sup> may be held upon notice by the Chairman of the Council or upon petition of at least five (5) Councilmen.

Section 12. Disqualifications:

- a. A Councilman may be removed from office by a three-fourths ( $3/4$ ) vote of the entire Council; provided, however, hearing in his defense shall first be granted.
- b. Any Councilman who has been convicted or found guilty of a felony shall be dismissed and barred from holding any elective or appointive office.

Section 13. Recall of Councilmen:

- a. Recall of Councilman shall be submitted to the qualified voters of the block from which said Councilman was elected, upon petition of thirty (30%) per cent of the qualified voters of said block.
- b. Pertinent issues concerning said recall shall be circulated among the voters of said block by the Council, and, after the expiration of one (1) week, a special election shall be held in the said block in the manner of election of Councilmen.

Section 14. Impeachment of Officers:

- a. All elected or appointed officers of the Community Council, Judicial Commission, and any other bodies organized under the provisions hereof, shall be subject to impeachment and removal for misfeasance, malfeasance, or non-feasance in office. Charges against any such officer or officers must be in writing and signed by not less than ten (10) councilmen and submitted to the Council.
- b. A special <sup>Session</sup> meeting of the Council shall be called ~~for the purpose of hearing~~ <sup>to</sup> the charges ~~made~~, and three-fourths (3/4) vote of the Council shall be necessary to hold the accused guilty of the charge or charges preferred against him. The decision of the Community Council shall be final.

ARTICLE III

~~THE LEGISLATIVE AND OTHER POWERS~~

*power of the Council*

Section 15. *Regulation*

- a. The Council shall have full power to enact any law locally applicable and not inconsistent with the Constitution and laws of the United States.
- b. The Council shall not grant to any corporation, association, or individual any special or exclusive privilege, immunity, or franchise without the approval of the majority voters of the Center.

Section 16. The laws or ordinances shall be enacted by three-fourths (3/4) vote of the entire Council.

Section 17. Any proposed bill must be ~~made~~ in writing, signed by the author or authors, and presented to each of the Councilmen,

at least one day prior to its introduction ~~to the Council.~~

Section 18. All laws enacted by the Council signed by the presiding officer and attested to by the Clerk ~~of the Council~~ shall become effective ten (10) days after enactment.

Section 19. Emergency laws enacted by the Council shall immediately ~~become~~ <sup>become</sup> effective.

Section 20. The enacting clause of all laws shall be, "be it enacted by the Council of Heart Mountain ~~Relocation Center,~~" and, each law shall embrace but one subject.

Section 21. The Community Council shall have the power to investigate, review, and examine witnesses and records of all ~~Community~~ <sup>Center</sup> Functions and activities; and to recommend or compel changes.

#### ARTICLE LV

#### AMENDMENTS

Section 22.

a. This Charter shall be subject to amendment ~~by~~ <sup>it</sup> in the following ~~manner:~~

1 ~~(X)~~ Upon petition signed by one-fourth (1/4) of the qualified voters or upon resolution passed by two-thirds (2/3) of the Council.

2 ~~(X)~~ After one (1) week has expired, a special election shall be held and the qualified voters shall cast their votes in the manner of election of Councilmen.

3 ~~(X)~~ A two-thirds (2/3) majority of qualified voters voting on such amendment shall be necessary to amend this Charter.

b. By-laws: The by-laws of the Council shall be amended by three-fourths (3/4) vote of the Council.

ARTICLE V

INITIATIVE AND REFERENDUM

Section 23. Initiative:

- a. The voters shall have power to propose any ordinance, except an ordinance appropriating money or authorizing the levy of taxes, and to adopt or reject the same at the polls, ~~such power being known as the initiative.~~ - 1A
- b. Any initiated ordinance may be submitted to the Council by a petition signed by at least ten per cent of the qualified voters.

Section 24. Referendum:

- a. The voters shall have power to approve or reject at the polls any ordinance passed by the Council, or submitted to the Council to a vote of the voters, such power being known as the referendum.
- b. Ordinances submitted to the Council by initiative petition and passed by the Council without change shall be subject to the referendum in the same manner as other ordinances.
- c. Within twenty <sup>two</sup> days after the ~~enactment~~ <sup>publication</sup> by the Council of any ordinance which is subject to a referendum, a petition signed by at least ten percent of the qualified voters may be filed with the Clerk of the Council requesting that any such ordinance be either repealed or submitted to a vote of the voters.

Section 25. Majority of the qualified voters voting thereon shall be necessary to decide the issues arising from initiative and referendum.

ARTICLE VI  
REPEAL

Section 26. Repeal of any enacted law or ordinance shall be by three-fourths (3/4) vote of the Council.

ARTICLE VII

INVALIDITY

Section 27. If any section or part of a section of this Charter proves to be invalid, it shall not be held to invalidate or impair the validity of any other section or part of a section, unless it clearly appears that such other section or part of a section is dependent for its operation upon the section or part of a section so held invalid.

ARTICLE VIII

PUBLICATIONS

Section 28. All enacted laws, regulations, and proposals submitted to the voters, including amendments, repeals, initiative and referendum, shall be given publication in the "Sentinel", or by means of any other publication of general circulation in the Center, or by posting at designated public places.

ARTICLE IX

GENERAL ELECTION

Section 29.

- a. All elections of Councilmen shall be preceded by nominating petitions of each block; and such nominating petition must contain at least twenty (20) names of qualified voters of each block. The signature of any voter signing more than one petition shall be void except the first filed petition.
- b. The acceptance by the candidates of the nominating petitions must be in writing and filed with the Election Board.
- c. General Election of Councilmen shall be held at such intervals as provided for in Article II Section 9, and the dates of such elections shall be determined by the Council.



Section 30. Election Board and Its Duties:

- a. Four persons selected by the voters of each block one month prior to election date shall constitute the Election Board of said block. No nominee shall serve on said Board.
- b. Each Election Board shall register all eligible voters of the Block; shall receive all nominating petitions three (3) weeks before the election date and submit the same to the Council; shall prepare the ballots, and properly check the same before distribution, ~~with the assistance of the Councilman of each block;~~ shall supervise the voting at a designated polling place in each block; shall check each voter against the registration list of eligible voters before a ballot is issued to the voter; and shall count the votes cast and certify the election result to the Council.
- c. The election for the first Council shall be held within one month of the ratification of this Charter and Article IX, Section 30 a and b shall not apply.

ARTICLE X

BLOCK ADVISORS

Section 31.

- a. There shall be one non-citizen advisor to each Councilman.
- b. The ~~Community~~ Council shall appoint one advisor from a list of at least two names submitted by the block.
- c. All non-citizen residents of the block are eligible to serve as an Advisor to the Councilman.
- d. The Advisor shall attend all Council meetings as an observer with the right of expression, but, shall have no voting power.
- e. His tenure of office shall be the same as his Councilman.

- f. Recall of an Advisor may be initiated in the same manner as provided for in Article II Section 14.
- g. Additional duty or duties of the Advisors shall be determined by the Council and his salary shall be the same as the Councilmen.

## ARTICLE XI

### EXECUTIVE BODY

#### Section 32. Commissioners

- a. A Coordinator of Commissions shall be appointed by the Council, from among its members, or, from qualified residents of the Center.
- b. The duties of said Coordinator, his tenure of office, his assistants, and salaries shall be determined by the Council.

Section 33. Divisions, Boards, or Commissions, which are existing in the Center at the time of adoption of this Charter, such as Fire, Police, Education, Recreation, City planning, Public Welfare, Public Works, Hospital, Fair Practice, Public Relations and others shall be under the jurisdiction of the Council.

- b. The ~~Community~~ Council shall have power to appoint a commissioner or commissioners for each of the aforementioned Divisions, Boards, or Commissions, and said Commissioner or Commissioners shall be empowered to make policies, supervise, employ or discharge any personnel under his or their jurisdiction.
- c. The ~~Community~~ Council shall have power to establish, consolidate, create, or abolish any division, board or commission to carry out the functions of the Center.
- d. All residents of this Center, who are twenty-five (25) years of age or over, with good moral character, shall be eligible as a commissioner.

e. Duties, tenure of office, and salaries of commissioners shall be determined by the Council.

ARTICLE XII

JUDICIAL <sup>Body</sup> ~~COMMISSION~~

Section 34. The Council shall appoint a Judicial Commission, consisting of nine (9) members, which shall hear all misdemeanor cases and shall also arbitrate all civil disputes between residents. The Judicial Commission is empowered to employ all necessary staff to properly conduct court trials.

Section 35. Members of the Judicial Commission shall be paid the highest rate of pay in the Center.

Section 36. Rules of procedure of the Judicial Commission shall be established by the said Commission.

[37] Ratification  
names of a daphin

[38] temporarily council continue (nonchalant)

Antonio R Martin vice consultant of Spain  
Giffen