

Tule Lake

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CHARTER

of

TULE LAKE RELOCATION PROJECT

PREAMBLE

WE, THE QUALIFIED ELECTORS OF TULE LAKE RELOCATION PROJECT, by virtue of the authority vested in us by the Proclamation of the President of the United States, War Relocation Authority, and Project Director of Tule Lake Relocation Project, for the purpose of establishing self-government and to promote the general welfare for ourselves and our posterity, do hereby ordain and establish this Charter for the Tule Lake Relocation Project.

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ARTICLE I

THE GOVERNING BODY OF TULE LAKE RELOCATION PROJECT

The governing body of Tule Lake Relocation Project shall be the Tule Lake Community Council.

ARTICLE II

QUALIFIED ELECTORS

Qualification: All residents of the Tule Lake Relocation Project over the age of 18 years are qualified electors; provided, however, that no office of any body, commission, agency, or committee shall be held by an elector under the age of 21 years, except as provided otherwise.

ARTICLE III

COMMUNITY COUNCIL AND COUNCILMEN

Section 1. Purpose and powers:

- a. The purpose of this Community Council shall be the creation of a government of the people, by the people, and for the people, with power to establish law and order in the Tule Lake Relocation Project, to create boards, commissions, and agencies in respect to municipal affairs, to enact laws, ordinances and regulations and do and make all other acts and things necessary for the general welfare of the residents at large, and to foster community activities in order to insure and maintain the highest morale for the duration of the evacuation of people of Japanese ancestry to Tule Lake Relocation Project.
- b. The Community Council shall have the power to investigate and review community functions and activities of all community bodies, agencies, boards and committees, and of individuals, and to examine witnesses and records and compel same by subpoena issued therefor.

Section 2. Councilmen:

- a. Duly elected representative to the Community Council shall be known as "Councilman."
- b. A councilman shall be a duly qualified elector who is over the age of twenty-one (21) years and a citizen of the United States.
- c. Four (4) councilmen shall be elected from each community ward in the manner prescribed in the By-laws.
- d. The office of any councilman, who is absent from four (4) meetings of the Community Council without reasons acceptable to the majority of councilmen at any meeting passing upon such question, shall be declared vacant and subject to re-election in the ward from which such person was elected.

- e. The general election of the councilmen shall be held immediately after the adoption of this Charter and at six (6) months' intervals thereafter.

#### ARTICLE IV

##### OFFICERS OF COMMUNITY COUNCIL, DUTIES AND VACANCIES

Section 1. The officers of the Community Council, as hereinafter provided, shall be elected by the councilmen from their own members, with the exception of the executive secretary who shall not be a councilman, at the first meeting following the general election.

Section 2. Elective officers of the Community Council shall be as follows: president, vice-president, recording secretary, and treasurer; and they shall be over the age of twenty-five (25) years.

##### Section 3. Duties of officers:

- a. President: Duties of the president shall be to preside at all meetings of the Community Council, to supervise the municipal affairs by and with the approval of the Community Council, and to represent the Community Council in all community functions or appoint a suitable person in his stead.
- b. Vice-president: Duties of the vice-president shall be to perform such tasks as may be assigned to him by the president or the Community Council, to preside at all meetings in event of absence of the president, and to assume the position and duties of the president for the remainder of the term should a vacancy occur in the office of the president.
- c. Recording secretary: Duties of the secretary shall be to keep a record of the minutes of all the Community Council meetings.
- d. Treasurer: Duties of the treasurer shall be to keep an accurate and correct account of all monies received or deposited by the Community Council and to make payments by and with the approval of the Council.

Section 4. Executive secretary: The administrative powers of the Tule Lake Community Council shall be vested in the executive secretary. The executive secretary shall be appointed by the Community Council. His term of office shall be continuous, but be subject to confirmation by succeeding councilmen. The duties of the executive secretary shall be to assist generally the Community Council and other officers thereof in the administration of community affairs and to perform such work under their direction and supervision; to perform those duties delegated to him in this Charter or By-laws thereof; to carry out the policies and program as outlined by the Community Council; to have custody of all records of the Community Council, Judicial Commission, and other departments or agencies, except those which are specifically entrusted to others; and to execute the orders and instructions of the Community Council. It shall be the duty of the executive secretary to codify the laws, ordinances, rules, and resolutions passed by the Community Council. It shall be his further duty to supervise posting of important notices and Community Council meeting minutes in each block, together with translation thereof in the Japanese language.

##### Section 5. Compensations:

- a. The compensation of the executive secretary shall be paid by the Project.
- b. All elective officers of the Community Council shall serve without compensation.

Section 6. Vacancies in office: The Community Council shall fill all offices of the said Community Council or other community branches in event of vacancies arising from any cause whatsoever to serve until the next general election or expiration of the term of office.

ARTICLE V

COMMUNITY COUNCIL MEETINGS

Section 1. General sessions: Community Council shall meet regularly in general session at its usual place of meeting on each Tuesday at 7:00 p.m., unless otherwise announced by the president or the executive secretary prior thereto.

Section 2. Special meetings:

- a. Special meeting shall be called by the president whenever he deems it necessary or upon written petition signed by not less than ten (10) councilmen stating the purpose or purposes of the said meeting.
- b. Notice of the time and place of all special meetings shall be given in writing to each councilman at least three (3) hours in advance of any such meeting.

Section 3. Quorum: Quorum of general or special meeting shall be the presence of two-thirds of the duly elected councilmen.

Section 4. Votes required: Majority vote of the councilmen present at any and all meetings of the Community Council shall be necessary to determine all issues including election of officers and the enactment of laws and ordinances; except as hereinafter provided.

Section 5. Proxy voting: There shall be no proxy voting.

Section 6. Public attendance: All meetings of the Community Council may be attended by the residents of Tule Lake Project; provided, however, that they shall have no voice on the floor without first securing the approval of the majority of the councilmen present; provided, further that two-thirds of councilmen present may require the meeting to be held in secret session.

Section 7. Rules of order: Unless otherwise provided, "Roberts' Rules of Order" shall govern all meetings.

ARTICLE VI

TAX AND LICENSE, GIFTS, AND LIMITATION TO USE

Section 1. The Community Council shall have the power to enact ordinances imposing taxes or license fees upon community enterprises, cooperatives for consumption or production, or other evacuee business enterprises operated for the purpose of profit.

Section 2. The Community Council shall be vested with the power of receiving title to gifts and donations of every kind and nature from the residents of the Tule Lake Project or any other source.

Section 3. All funds and property derived from taxes, licenses, gifts, donations, and other sources shall be expended and used to defray the expenses of the Community Council and its functions and for the general welfare of the residents of the Tule Lake Relocation Project.

ARTICLE VII

IMPEACHMENT OF OFFICERS

All elected or appointed officers of the Community Council, Judicial Commission, and other bodies organized under the provisions hereof, shall be subject to removal or impeachment 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 forwarded to the executive secretary or the president of the Community Council. A special meeting of the Community Council shall be called for the purpose of hearing the charges made, and three-fourths vote of the councilmen present 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 VIII

INITIATIVE, REFERENDUM, AND RECALL

Section 1. The qualified electors of the Tule Lake Relocation Project shall not be denied the privileges of initiative, referendum, and recall.

Section 2. The issues involved shall be submitted to the qualified electors upon petition of ten (10) per cent of the qualified electors or upon resolution of the majority of the councilmen; provided, however, that the recall of councilmen shall be prescribed in the By-laws hereof.

Section 3. The issues shall be given publication by the president or executive secretary in the "Tulean Dispatch," or any other newspaper of general circulation in Tule Lake Relocation Project, and after the expiration of one (1) week, a special election shall be held in the manner of election of councilmen.

Section 4. Majority vote of the qualified electors voting thereon shall be necessary to decide issues arising from initiative, referendum, and recall.

Section 5. The Community Council may call a special election for advisory secret ballots on major issues on request of three-fourths of the councilmen attending any meeting. Said election shall be held in the manner hereinabove set forth.

ARTICLE IX

JUDICIAL COMMISSION

Section 1. Jurisdiction: Judicial Commission shall have jurisdiction to try all offenses committed within the Tule Lake Relocation Project, as defined by the Penal Code of the State of California to be less than a felony, and in all cases of criminal violation of the laws, ordinances, rules and regulations enacted by the Community Council.

Section 2. Judicial Commission:

- a. A body of twelve (12) commissioners shall be drawn by lot to sit as the Judicial Commission as provided for in Section 4, subparagraph b hereof.
- b. One commissioner shall be selected by the block manager from each community block with the assistance of block advisory committee.
- 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 disqualifications provided in Section 1072 of the Penal Code of the State of California.
- d. Disqualifications and substitutions of commissioners as hereinafter provided shall not prejudice the authority and jurisdiction of the Judicial Commission hearing criminal complaints.
- e. The executive secretary shall act as clerk of the Judicial Commission. He may appoint one or more assistants to assume the duties of said office if he deems it necessary.

Section 3. Criminal complaint:

- a. Upon receiving charges of criminal violations from the office of Chief of Internal Security, the Legal Aid Department or the Project Attorney shall prepare a formal and concise complaint in the name of the People of Tule Lake Project setting forth the charges against the accused. Said complaint shall be signed by the complaining witness, if any, or the Chief of Internal Security, or his assistant.
- b. Complaint shall be filed in duplicate with the executive secretary who shall be responsible in serving a copy thereof on the accused.

Section 4. Judicial Commission hearing:

- a. It is the duty of the executive secretary to call the twenty-four (24) commissioners together not later than three (3) days after receiving the criminal complaint.
- b. Upon receipt of a criminal complaint the executive secretary shall draw by lot a list of twenty-four (24) commissioners, the first twelve (12) to sit as the original Judicial Commission, and notify each of them of the time and place of hearing.
- c. Any commissioner who is directly or indirectly related to the accused must automatically disqualify himself to sit in the hearing. In event of any disqualification, the commissioner next in order of selection shall immediately replace the commissioner so disqualified.
- d. It shall be the duty of the executive secretary to challenge each of the commissioners sitting in body of twelve (12) to disqualify them on the ground of personal bias against the accused or the people or for having decided upon the issue of guilt or innocence of the accused or for other disqualifying causes. The accused shall be privileged to six (6) peremptory challenges. Should insufficient number of commissioners remain to form the Judicial Commission of twelve (12) persons, the executive secretary shall draw by lot from time to time until the qualified number of commissioners has been secured.
- e. Immediately after said Judicial Commission has been completed, the executive secretary shall administer to them the following oath: "You do solemnly swear that you will well and truly try the issues between the people of Tule Lake Relocation Project and the accused, \_\_\_\_\_, render a true decision as to his guilt or innocence, and in event that he be guilty to impose a sentence appropriate to the nature of the crime committed and in the interest of maintaining law and order in the Tule Lake Relocation Project."
- f. The executive secretary shall read the complaint to the said commissioners so selected to sit as the Judicial Commission, and to the accused, shall inform said accused of his constitutional rights, 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.
- g. The Judicial Commission may adjourn and reconvene from time to time if the majority shall deem it necessary during the course of such hearing.
- h. 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 executive secretary, directing the wardens or other law-enforcement officers of the Tule Lake Relocation Project to compel such attendance or production.
- i. All persons testifying before the Judicial Commission shall be first administered the following oath by the executive secretary: "You do solemnly swear that the testimony to be given by you in the matter of People of Tule Lake Relocation Project and the accused, \_\_\_\_\_, shall be the truth, the whole truth, and nothing but the truth, so help you God."
- j. The testimony before the Judicial Commission hearings shall be taken by one or more shorthand reporters under the direction of the executive secretary and, if he deems it advisable, transposed into typewritten transcript for permanent records.
- k. The commissioners may interrupt the examination during the course of hearing to elicit further evidence, to clarify the issues involved or for such other purposes as they shall deem it pertinent and necessary.

Section 5. Decision:

- a. Upon conclusion of testimony before them, the Judicial Commission shall retire to chamber and vote for the guilt or innocence of the accused in the presence of the executive secretary. In order to hold the accused guilty, nine (9) or more commissioners must cast their votes for his guilt.
- b. The decision of the Judicial Commission shall be in writing as follows: statement of accusations or charges, a 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 executive secretary shall assist the Judicial Commission with the preparation thereof, and it shall be signed by all the commissioners so holding and attested to by the executive secretary. 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.
- c. The decision of the Judicial Commission shall be forwarded to the office of Project Director without delay after it has been rendered. 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 executive secretary together with his written request for rehearing or further hearing by the same Commission setting forth his reasons 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 provisions 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 6. Appeal:

- a. In event the accused has been held guilty of the charges as set forth in the complaint, the accused shall be entitled to an appeal to the Project Director in writing within seven (7) days after he had been served with a copy of such decision, setting forth therein the ground, or 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 may recommend rehearing before the same Judicial Commission or a new hearing before a new commission, original commissioners being disqualified to sit thereon. Failure of Project Director to act on such appeal shall be equivalent to denial thereof.

Section 7. 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 (1) year or involve monetary penalty in event of violation of the terms thereof.
- b. In event that 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 8. Examiners:

- a. It shall be the duty of the executive secretary to compile a list of six (6) or more persons with legal knowledge, profession or education and/or court experience who shall participate in

Judicial Commission hearings as examiners and otherwise assist the Judicial Commission in eliciting pertinent testimonies from the witnesses and accused before said Judicial Commission.

- b. The accused shall have the right to choose two (2) persons from said list to sit as examiners at such hearing and in event of his failure to do so, the executive secretary shall select the two (2) examiners by lot.

Section 9. 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 sitting therein.
- c. Penal Code of the State of California pertaining to misdemeanors will govern in proceedings before the Judicial Commission whenever applicable.

Section 10. Power to make rules of procedure: The Judicial Commission sitting in hearing shall be empowered to make such rules of procedure from time to time as it shall deem necessary, which said rules shall be codified by the executive secretary and shall apply to all subsequent hearings before the Judicial Commission until superseded.

ARTICLE X

BLOCK ADVISORY COMMITTEE

Section 1. Qualified electors of each community block shall establish block advisory committee, membership of which shall be composed of equal number of citizen and non-citizen Japanese whenever possible.

Section 2. The tenure of office of said advisors shall be concurrent with the term of office of the councilmen.

Section 3. The said block advisory committee shall convene in session as often as the members thereof shall deem it necessary to discuss problems of said block and to guide its activities and shall consult, advise, and render assistance to the councilmen elected from the ward in which said block is situated in matters and issues within the jurisdiction of the Community Council.

Section 4. Each block advisory committee shall select four (4) delegates, two (2) citizens and two (2) non-citizens, who shall convene with delegates from other community blocks to sit in session with the councilmen elected from said ward. They shall hear reports of Community Council activities and discuss such other matters or issues within the jurisdiction of the said Community Council. Such meetings shall be held bi-monthly at such time and place as the councilmen elected from said ward shall decide. Special meeting of said block delegates may be called by the councilmen from time to time, provided that due notice thereof shall be delivered to the block managers within a reasonable time preceding same.

ARTICLE XI

LAWS

Section 1. Effective date of laws enacted by the Community Council: All laws and ordinances enacted by the Tule Lake Community Council shall become effective three (3) days after submission and approval thereof by the Project Director; provided, however, that any law shall become effective immediately after approval of the Project Director if two-thirds of the councilmen present shall vote to consider same as an emergency measure.

Section 2. Enactment clause: The enacting clause of all laws and ordinances of the Tule Lake Community Council shall be substantially as follows: "The Community Council of the Tule Lake Relocation Project does hereby ordain and enact as follows:" Every law and ordinance upon enactment of the Community Council must be signed by the president thereof and attested to by the executive secretary.

Section 3. Publication: The executive secretary shall cause each law and ordinance and amendments thereto after approval of the Project Director to be published immediately at least once in the "Tulean Dispatch," or in any other newspaper of general circulation in the Tule Lake Relocation Project.

Section 4. Ordinance violation a misdemeanor: A violation of any law or ordinance of the Community Council shall be deemed a misdemeanor and may be prosecuted before the Judicial Commission in the name of the People of Tule Lake Relocation Project in accordance with the provisions of Article IX of this Charter.

#### ARTICLE XII

##### INVALIDITY

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 XIII

##### AMENDMENTS

Section 1. Charter: This Charter shall be subject to amendment only in the following manner:

- a. Upon petition signed by one-fourth of the qualified electors or upon resolution passed by two-thirds of councilmen present at any meeting, the proposed amendment or amendments shall be given publication in the "Tulean Dispatch," or in any other newspaper of general circulation in the Tule Lake Relocation Project.
- b. After one (1) week has expired, special election shall be held and the qualified electors shall cast their votes in the manner of election of councilmen.
- c. Majority of qualified electors voting on such issue shall be necessary to pass an amendment to this Charter.

Section 2. By-laws: The By-laws shall be subject to amendment only in the following manner: by three-fourths vote of the duly elected councilmen.

#### ARTICLE XIV

##### RATIFICATION

Section 1. Charter: The ratification of majority of the qualified electors of Tule Lake Relocation Project voting therefor shall be necessary for the adoption of this Charter and By-laws.

Section 2. Continuance of temporary Community Council in office until superseded: Temporary Community Council of the Tule Lake Relocation Project shall continue in office until the Tule Lake Community Council hereinabove set forth shall have been duly elected and organized.



BY-LAWS

OF

TULE LAKE RELOCATION PROJECT

ARTICLE I

ELECTION OF COUNCILMEN

Section 1. Register of duly qualified electors: The duly appointed block manager of the respective community block in the Tule Lake Relocation Project shall prepare and compile a register of qualified electors within his block immediately after the adoption of this Charter and By-laws and shall from time to time revise same for the purpose of keeping same up to date.

Section 2. The block manager of each community block shall call a meeting of qualified electors residing therein for the selection of five (5) representatives, who shall convene in session immediately thereafter by ward for the nomination of four (4) or more candidates to the office of councilmen and shall declare the date of general election of the four (4) councilmen in such ward, which said election must be held at least seven (7) days subsequent thereto.

Section 3. Each qualified elector shall be given a secret ballot at the election booth containing the names of the persons nominated for the office of councilman, and in addition thereto, said ballot shall contain lines upon which the elector may write in the name of any qualified person for the office of councilman. The four (4) persons receiving the highest number of votes as a result of the tabulation of same, including any write-in candidate or candidates, shall be elected to the office of councilman.

Section 4. That said block manager shall appoint three (3) election officers to supervise issuing and receiving of ballots, to compile the votes cast, and to make returns thereof.

Section 5. All ballots shall be cast into a closed box provided therefor by the block manager in the presence of said three (3) elected officers, one of whom shall draw a line across the names of qualified electors exercising such voting privilege of the register.

Section 6. All ballots shall be cast between the hours of 7:00 a.m. to 7:00 p.m. in the block mess hall on the day of election.

Section 7. Return of the votes cast shall be signed by the three (3) election officers and attested thereto by the block manager who in turn shall relay same to the chairman of the temporary Community Council or of the Community Council established hereunder, who shall announce and publicize the names of persons elected to the office of councilmen.

Section 8. Special election of councilman shall be held in the manner hereinabove provided in event of vacancy in the office of councilman arising from any cause whatsoever. Said newly-elected councilman shall serve until the next general election.

ARTICLE II

RECALL OF COUNCILMAN

Section 1. Recall of councilman shall be submitted to the qualified electors of the ward from which said councilman has been elected upon petition of ten (10) per cent of qualified electors of the said ward.

Section 2. Pertinent issues concerning said recall shall be circulated to the electors of said ward by the president or the executive secretary of the Community Council, and after the expiration of one (1) week, a special election shall be held in the said ward in the manner of election of councilmen.

Section 3. Majority vote of the qualified electors of the said ward voting thereon shall be necessary to recall a councilman from his said office.

Respectfully submitted,

CHARTER COMMISSION,  
TULE LAKE COMMUNITY COUNCIL

/s/ THOMAS M. YEGO  
Thomas M. Yego

/s/ HOSHIRO OSHIMA  
Hoshiro Oshina

/s/ ROY MIURA  
Roy Miura

/s/ YONEO SUZUKI  
Yoneo Suzuki

/s/ KIYOSHI UMIBE  
Kiyoshi Umibe

/s/ FRANK NAKAMURA  
Frank Nakamura

Advisors:

/s/ WALTER T. TSUKAMOTO  
Walter T. Tsukamoto

/s/ HENRY TAKETA  
Henry Taketa

/s/ KENJI ITO  
Kenji Ito

Dated this 13th day of October, 1942.

SC 12-16