

*Manzanar*

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MANUAL ON JUDICIARY  
AND ARBITRATION

PART I. JUDICIARY

Article I. THE JUDICIAL COMMISSION

- Section 1. The judicial power of the Manzanar Relocation Center shall be vested in the Judicial Commission. It shall hear and try all cases, with the exception of felonies, civil cases that require hearing in regular, local and state courts, civil cases where parties refuse to arbitrate, probate cases and cases of adoption of children, etc. It shall hear all cases of violations of ordinances and laws which may be passed by the Community Council.
- Section 2. Judicial Commission shall be composed of twelve members, four of whom shall be personnel of the Manzanar Relocation Center, and eight of whom shall be Japanese residents of the Center.
- Section 3. Members of the Judicial Commission shall be appointed by the Council.
- Section 4. Any resident of the Manzanar Relocation Center except the members of the Community Council and employees of the Police Department, over twenty-one years of age, may be appointed Commissioner.
- Section 5. The Commissioner's term of office shall be six months, at the end of which time, he may be eligible for reappointment.
- Section 6. Commissioners and other appointed officials shall be subject to removal by the Council after a fair hearing before the Council.

Article II. OFFICERS OF THE JUDICIAL COMMISSION

- Section 1. The Chairman of the Judicial Commission shall be the Chief of the Community Service Division.
  - a. He shall conduct all hearings before the Judicial Commission.
  - b. In the absence of the Chairman the Project Director shall appoint a Chairman pro tem to conduct hearings.
  - c. The Chairman may not vote for a decision in any case tried by the Hearing Board.
- Section 2. The Factual Coordinator
  - a. The Factual Coordinator shall be a highly qualified Japanese resident of the Center.
  - b. He shall be appointed by the Judicial Commission.
  - c. His duties shall be to issue formal complaints on charges preferred by the Police Department, other agencies, or by the Commission itself; issue subpoenas, and send out notices of hearings.
  - d. He shall gather and coordinate the facts and evidence in each case and present them to the Hearing Board at the time of the hearing.
  - e. The Factual Coordinator shall set the date of the hearing.
  - f. He shall prepare the decisions and recommendations of the Hearing Board for the Project Director's consideration and approval.
  - g. The Judicial Commission may appoint assistants to the Factual Coordinator as it may deem necessary.

- h. The Factual Coordinator shall not be appointed for any definite term of office, but shall retain office according to the discretion of the Judicial Commission. He may be removed from office upon proof of gross negligence of duties, defection of character, malfeasance, or when the best interests of the Judicial Commission are jeopardized.
- i. The Factual Coordinator may be disqualified to work on any given case by the Judicial Commission when it is proved that his personal friends, relatives or interests are involved. He may, on his own volition, disqualify himself for any of these reasons. The Judicial Commission may then appoint a Factual Coordinator pro tem to handle the case in question.

Article III. THE HEARING BOARD

- Section 1. There shall be two panels, a panel of four Caucasian Commissioners and a panel of eight Japanese Commissioners. Prior to the hearing, two names shall be selected by drawing from the Caucasian panel and three names from the Japanese panel by the Factual Coordinator. The Commissioners whose names are drawn shall serve on the Hearing Board to hear a specified case or until such time when all cases on the docket for a given calendar date are completed.
- Section 2. Should a Commissioner selected to sit on a Hearing Board be unable to attend, due to illness or other legitimate reasons, another name shall be drawn from the panel.
- Section 3. A new Hearing Board shall be selected to hear the case or cases on each new docket.
- Section 4. It shall be the duty of the Commissioners to question the parties involved in the case and their witnesses; gather all the facts and evidence in order that the Hearing Board may render a fair decision.
- Section 5. If, during the course of the hearing the Hearing Board receives facts and evidence connecting the defendant or any other person with an offense not charged in the Complaint, the Hearing Board may, without the issuance of another formal complaint, prefer new charges consistent with the facts and evidence and, after giving the accused a fair opportunity to assemble and present evidence with respect to the new charges, continue with the hearing. The Hearing Board shall then render its decision on the new charges as well as on the original Complaint.
- Section 6. The Hearing Board, after proper hearing, shall render a decision finding the defendant either "guilty" or "not guilty" and state the penalty to be applied. The Factual Coordinator shall submit the decision at once to the Project Director for review. If the Project Director has taken no action at the expiration of forty-eight hours after the Hearing Board decision has been submitted to him, such decision shall become final. The Project Director may either confirm the decision and order the penalty executed, or may remand the case to the same Hearing Board with his recommendations. Where the Project Director has remanded the case within the required forty-eight hours he may submit his recommendation within two days time. Upon such remand the Hearing Board shall further consider the case and enter such judgment as is appropriate. Such judgment shall be subject to review by the Project Director in accordance to the provisions of this section.
- Section 7. ~~The defendants shall have the right of appeal to the Project Director and through him to higher WRA officials.~~
- Section 8. The majority vote of three out of five shall suffice for a decision.
- Section 9. All hearings shall be open to the public unless the Commission deems otherwise.
- Section 10. The Judicial Commission shall have the power to alter former sentences and to order parole or probation.

ARTICLE IV. RULES OF PROCEDURE

Section 1. Rules of procedure of Judicial Commission and the Hearing Board shall be established by the Commissioners.

ARTICLE V. CASES OUTSIDE THE JURISDICTION OF THE JUDICIAL COMMISSION

Section 1. In criminal cases involving felonies the Project Director shall deliver the defendant to the Federal, State or local officials for prosecution.

Section 2. In civil cases where parties refuse to arbitrate, probate cases, cases of adoption of children, arrangements should be made through proper channels to give the parties leave from the Center and other proper assistance to enable them to take advantage of the regular federal, state and local courts.

PART II: ARBITRATION

ARTICLE I. ARBITRATION COMMITTEE

Section 1. The Manzanar Community Council shall establish an Arbitration Committee to settle civil disputes between residents who voluntarily agree to submit their differences to the Commission. The body shall be called THE MANZANAR ARBITRATION COMMISSION.

Section 2. The Commission shall be composed of fifteen members all of whom shall be Japanese residents of Manzanar Relocation Center.

Section 3. Members shall be appointed by the Community Council.

Section 4. The term of office of each Commissioner shall be six months at the end of which he shall be eligible for reappointment.

Section 5. Any member of the Arbitration Commission may be removed from office by the Community Council or the Arbitration Commission upon proof of corruption, fraud, misconduct, or negligence of duty.

Section 6. The minimum age requirement for appointment to the Commission shall be twenty-five years of age.

Section 7. Members of the Commission shall serve without remuneration.

ARTICLE II. OFFICERS OF THE COMMISSION

Section 1. Officers of the Commission shall be Chairman and Vice-chairman.

ARTICLE III. PROCEDURES

Section 1. The Arbitration Commission and its hearing board shall establish their own rules of procedure, governed, wherever applicable, by the California Code of Civil Procedure.

Section 2. Each case must be filed with the Commission in writing.

Section 3. The parties involved shall be notified at least five days in advance of the time and place of the hearing by the Chairman of Arbitration Committee.

Section 4. No legal representatives shall be allowed before the hearing board.

Section 5. Each party may summon his own witness or witnesses.

ARTICLE IV. DUTIES OF THE COMMISSION

Section 1. The Chairman of the Commission shall appoint three members of the Commission to hear a given case. The members of the hearing board shall be subject to the approval of the parties involved.

Section 2. Members of the Commission shall be disqualified to sit on any given case by the Arbitration Commission when it is proved that his personal friends, relatives or interests are involved. He may, on his own volition, disqualify himself for any of these reasons. The Chairman may then appoint another member to sit and hear the case.

Section 3. The Commission shall make adequate provisions for the maintenance of complete records for all cases submitted for Arbitration.

Section 4. The Commission shall prepare all forms and papers necessary with the advice and assistance of the Project Attorney.

#### ARTICLE 7. HEARING BOARD

Section 1. The Hearing board of three members which has been appointed by the Chairman shall sit and hear all cases brought before it and render a decision.

Section 2. Decisions may be recorded with the County Recorder if desired by both parties.

Section 3. Cases may be heard in both English and Japanese whichever is more convenient to the parties involved.

Section 4. The Commission shall provide for an interpreter whenever necessary.

Section 5. All facts and evidence of the case shall be kept in confidence except where the hearing board deems otherwise.

Section 6. Should a member of the hearing board be unable to appear on the date set for the hearing, he shall notify the Chairman in writing at least twenty-four hours before the hearing.

Section 7. Any hearing on the calendar may be postponed for reasonable periods at the discretion of the hearing board upon the request of either party involved but in no case may the hearing be postponed more than twice.

Section 8. In case either party fails to appear at the hearing, the Commission shall continue the hearing to a new date. In the event that the party absent from the first hearing, is also absent from the continued hearing, judgment shall be rendered against such defaulting party.

Section 9. The decision of the Hearing Board shall be final as provided by the Laws of California.