

CHAPTER I

THE EARLY HISTORY OF POLICY FOR COMMUNITY GOVERNMENT

Concepts of community government for relocation centers were broad and liberal in the period when they were related to a theory of self-supporting and self-administered communities and when the centers had not yet materialized. It has been pointed out that certain practical considerations stood in the way of carrying out the plans first devised for the operation of the centers. It was perhaps inevitable that the concept of evacuee-administered communities should give way to the fact of communities administered by civil-service personnel.

Dictating the rather narrow framework in which community government was actually set up were such factors as the need for establishing effective controls over the expenditure of Government funds, the importance of maintaining satisfactory relations with Congress, and the general confusion and disorganization of the evacuee population in the period when the centers were being occupied.

It has been said repeatedly that there was no pattern, no guidance, for the War Relocation Authority to follow. Certainly there was no precedent for establishing center government. There were two American communities operating under Federal jurisdiction—the TVA town of Norris and Boulder City in Nevada—but these communities offered no parallel to war-time relocation centers nor did they have comprehensive legal or political statements of policy to provide guidance to the WRA.

A. Legal Limitations and the First Policy Statement

Legal considerations were dominating factors, not only to community government policy, but in the whole area of action possible to the Authority itself. The following paraphrase of a statement made by the Solicitor of the Authority in San Francisco on April 27, 1942, sets forth the legal basis upon which policy would be formulated.

"The Legal Framework of Project Self-Government

"It is obviously impracticable to use existing state laws for the creation of local governmental units in the relocation centers, primarily because if cities were organized under state laws, the elected officers would have complete control over city government and would have powers inconsistent with the administration of the project by the Federal Government. It is nevertheless possible to set up a procedure under which a 'mayor,' a 'city council,' and 'courts' can be established within the relocation centers with much the same functions as they would have under the regular city

form of government. In legal theory the project manager would merely delegate certain of his administrative functions to persons designated by election or otherwise by the Japanese. He would retain in that manner such degree of control or veto power as might be necessary for him to discharge his responsibility."

During May the Solicitor's office was busy on a document entitled "Regulations Concerning Organization of Self-Government within Assembly Centers and Relocation Centers." This was in essence a plan for the organization of a municipal council, the election of a mayor, and a statement of their functions together with plans for the procedures of governments, the establishment of a municipal court, the operation of the court and a list of punishable offenses. It provided for the appointment of an evacuee chief of police by the mayor and for the organization of a police department under the supervision of the chief of police. Although this document was prepared for the signature of the Director, after its review by a number of persons in and out of the Authority, it was pronounced over-elaborate, prejudging the problem and precluding evacuee self-determination as to the form their "government" should take. It was never issued.

The earliest official statement on community government was made in the Director's policy statement of May 29. This statement was elaborated in the memorandum of June 5, providing for the election of a temporary council to advise the project director. It also provided for the selection of a chairman and other officers and the appointment of an executive and a judicial committee. Voting was extended to everyone 18 years of age or older, but only citizens of the United States 21 years of age or over were eligible to hold office.

The decision limiting elective office to citizens provoked much discussion among both the officials of the Authority and the evacuees. Since the limitation clause was retained in the later policy statement of August 24, it is useful to examine the official thinking behind this limitation. The position taken by the Solicitor's office and several other staff members in Washington, was that since the objective of WRA was to create a community as nearly American in its outlook and organization as possible, policy should conform with American practice, and only citizens should vote and hold office. Those concerned with the problem of public relations and possible criticism of the program maintained that it would be unwise to establish communities in which there was a likelihood that the governing council would be controlled by aliens. They pointed out that control might pass to those who were not in sympathy with the objectives of the Authority or with the war effort.

It was further pointed out that the evacuation of citizens from the West Coast was of doubtful constitutionality and had certainly created grave doubts in the minds of many Nisei as to their rights under the

Constitution of the United States. Those taking this position argued that it was desirable to give some added recognition to the citizens beyond that extended to aliens to indicate to them that the Federal Government was cognizant of their status. It was thought that a policy which provided that only citizens were eligible for voting and holding office would accomplish this. This point of view was advanced by the representatives of the Japanese American Citizens League who were at that time in consultation with officials of the War Relocation Authority.

There were, however, some who maintained that there should be no distinction made between citizens and aliens in participation in self-government. The proponents of this view stated that it would be practically impossible and certainly undesirable to make any distinction in the residents of the community if we were to achieve an organized and integrated society with full participation of its adult members. It was also pointed out that the wisdom and experience of the older evacuees, almost all of whom were aliens, would be denied not only to the project manager but also to the community itself. The precedent cited was of local elections for school board members and other minor officials where it was the practice to permit persons who were aliens to participate as electors. From these opposing viewpoints came the compromise which provided that all adults would be eligible to vote, but that only citizens could hold office.

The period between June 5 and August 24, when a final statement of policy on community government was signed by the Director, provided an opportunity for further consideration of the role of community government and an examination of the functioning of the recently established temporary councils at three centers. It was a period in which interest in self-government was overshadowed by concern with policies of immediate concern in the fields of operation, maintenance, and supply.

B. Washington and San Francisco Proposals

In July 1942, there was added to the Washington staff, Dr. Charles M. Kneier, a recognized consultant on municipal organization. His approach included the definition of legal limitations, the relation to other policy consideration, and the application of his extensive knowledge of the mechanics of the organization and functioning of municipal government to the problem at hand. The extent to which the Authority could or would confer power upon an evacuee self-government was basic as he expressed it in a memorandum of July 22.

"The degree of power to be conferred upon the evacuees living in relocation centers is at the heart of the self-government problem and presents many difficulties. The advantages of self-government in the centers must, it is assumed, be balanced with the responsibility of the Authority in their efficient and effective administration. Some

limits must be placed upon the power of the centers to determine policies. In the actual administration of the centers, it would appear to be desirable and necessary to limit the degree of self-government. Illustrative of this field where self-government would not be feasible would be control over the non-evacuee administrative personnel, purchasing of materials, and type of streets and methods of construction."

Dr. Kneier offered two alternative proposals defining the scope of authority conferred upon a self-governing body. The first provided for the enactment of regulations and penalties, the settling of disputes, passing resolutions, and for assessments on residents, "but only for the purpose of raising revenue for the support of education, recreation, health, and such purposes as will directly promote the welfare of the residents of the centers." Veto authority for regulations was retained by the Director and all assessments required the approval of the project director. The second proposal included all of the powers enumerated in the first, but was stated in more general terms.

Consideration was recommended for a plan to provide for participation of the evacuees in selecting personnel who would be employed to administer the policies established by the governing body. Excepting that WRA would make the decision for certain positions filled by evacuees, participation by the Council was suggested in selection of candidates for the remainder of the positions. This recommendation was to be accomplished by the creation of a Civil Service Commission made up of representatives of both staff and evacuees. The commission would classify positions or recommend their classification to the council together with an examination to determine qualifications of applicants. The commission would also certify eligibility lists to fill vacant positions, with the proviso that final power remain with the Authority. Dr. Kneier also recognized the need for a court system, to apply penalties for violation of Council regulations and to provide machinery for the adjudication of civil cases not falling under the jurisdiction of state laws.

A final point, carefully indicated to be used as a basis for discussion and not as a recommendation, was to provide machinery by which the community council would work with the project director on the preparation of an operating budget. Under such provision, if adopted, the council would hold public hearings and submit written suggestions to the project director, with the understanding that council action was to be advisory only and that final decision rested with the Authority.

Another expression of thinking on community government policy was found in a "Supplemental Policy Statement on Project Government" prepared in the San Francisco office and transmitted to the Washington office on July 20. This statement defined the broad objectives and general principles which were absent from the June 5 policy. It was prepared in response to the need for immediate clarification of policy at the centers.

This need was expressed by project directors who were striving to bring some order into the confused conditions existing at the centers. Two paragraphs of this statement are indicative of the continuing movement for a broad definition of the functions and responsibilities of self-government, including the measurement of the success of project administration as a corollary of delegation of responsibility.

"A community government shall have as its objectives the training of residents of the community in the democratic principles of civic participation and responsibility; it shall assume the responsibility for the regulation of community life; it shall assume much of the responsibility for the formulation of policy and administrative direction of services and supply.

"During the initial stages of settlement and community organization, it is recognized that the inexperience of the colonists and the exigencies of the administrative situation prohibit any broad delegation of authority. However, the success of project administration should be considered a direct expression of the delegation by the project director and the assumption by the community of the responsibilities of self-government."

Action by the Washington office on this recommendation was deferred because of the decision to hold a general policy meeting in San Francisco in early August, at which time policy on community government would be considered. It was also decided that interested members of the Washington staff would visit the centers to gain first-hand knowledge to aid in policy determination.

Previous to the August policy conferences in San Francisco a tentative policy statement offers further illumination of early thinking. It recognized the complete authority of the project director for problems of project management and operation, which included authority to delegate responsibilities to an evacuee governing body. It set as its objective the delegation of power to a center government commensurate with that exercised by an American municipality of approximately the same size. The objective of community government would be to secure, under democratic methods, civic participation and responsibility in community life. It would have an advisory responsibility for the formulation of policy and administrative direction of services and supplies. A permanent group would be preceded by a temporary council and the preparation of a "constitution" describing the organization and function of community government.

"The constitution shall contain the procedures for the organization of a permanent council, the powers and duties of the council, the procedures for the establishment of associated administrative and planning groups; and the powers, duties, and relationships of these associated groups." The only limitations were that it should be democratic in form,

should not place restrictions on civil liberties with the exception of the prohibition of the publication or distribution of materials in the Japanese language and of the use of the Japanese language at the discretion of the project director.

These functions delegated to the council would include the enactment of ordinances together with punishments, assessment of consumer enterprises, the expending of monies, the regulation of property and buildings constructed from community funds, regulation of activities of religious groups, the appointment of a permanent staff for the council and administrative responsibility upon delegation by the project director for block administration, police department, fire department, maintenance and repair, streets and parks, courts, legal aid council, public welfare, libraries and housing. The council would also act in an advisory capacity in the preparation of the annual budget and in the development of policy and administration in the programs of education, health, employment, community enterprises, and in other ways as the project director might indicate. Other portions of this policy statement included plans for the establishment of commissions, boards, and committees and an over-all civic planning commission with details governing the establishing of a temporary community council.

C. The Policy Evolved at San Francisco

Policy problems to be considered at the San Francisco conference included education, procurement, welfare, furloughs, health, employment, compensation, consumer enterprises, religion, segregation, food, fiscal, personnel, internal security, public relations, housing, and others in addition to community government. Staff members from Washington, San Francisco and the centers faced knotty questions affecting organization and procedures. Preliminary discussions revealed widely divergent attitudes toward basic policy. As issues were clarified and decisions made, the earlier objectives of self-contained and self-supporting communities became subordinated to the point of view that the relocation centers were to be primarily temporary havens until it was possible for their residents to establish themselves in new communities or to return to their West Coast homes. There were to be created no incentives or symbols that would deter the outward movement.

It was perhaps inevitable that any hopes that community government could be a significant and important segment of total policy become an impossibility in this newly defined direction of Authority policy. It is not, therefore, surprising to find that the final policy on community government was cast in a mould of limitations much greater than had been anticipated in policy or public statements made earlier. A Solicitor's opinion issued some two months later summarized official thinking in the statement: ". . . the basic legal concept underlying the contemplated government of relocation centers is that of administrative authority exercised by responsible officials of the War Relocation Authority aided and assisted by the evacuees themselves." Later, in the same document,

it was stated:

"Community self-government among the evacuees is not being instituted as an end in itself, even though it is rich in intrinsic values, but is rather a means to the larger end of effective administration of the whole program of the War Relocation Authority. The best way to achieve discipline and order in relocation centers—an admittedly unique and possibly difficult task—what is being sought, and the program offered by Administrative Instruction No. 34 constitutes no Utopian's dream of an ideal government, but rather a practical administrator's attempt to preserve order in a somewhat special type of community. The acts which the Director, by the Instruction, empowers the Community Council to do, are all acts which the Director, under the controlling Executive Order, is himself empowered to do."

The policy on community government was issued August 24 as Administrative Instruction No. 34. It provided that the essential points of the June 5 memorandum for the establishment of temporary community councils should continue in operation. It also provided for the establishment of a permanent community council. This permanent organization would become effective after the preparation of a plan of government by the evacuees which was then to be approved by a majority of the evacuees. It stipulated that the plan of government should include provisions for the election of a community council and the organization of a judicial commission. The council would have authority to prescribe regulations and penalties for offenses of a minor nature. It could pass resolutions, receive and administer funds and property, license business enterprises to an amount not to exceed \$1,000 for any one year, and to exercise such other duties and responsibilities as might be delegated to it.

The judicial commission was empowered to hear cases and apply penalties for violation of the regulations of the community council. Felonies and civil cases except those subject to arbitration were to be handled by the State or Federal courts. The Project director was given the right to set aside any regulation of the council which he found to be in excess of its functions and to remand to the judicial commission for reconsideration any decision which he felt to be inappropriate. The project director was also given authority to establish such organization and to promulgate such regulations as he found necessary pending the organization of a formal community council under an approved plan of government. The last paragraph of this policy clearly stated that the functions delegated were in addition to and not in substitution for the functions and responsibilities of the project director.

Conspicuously absent was the delegation of administrative responsibilities. Earlier tentative considerations to assign responsibility to community government for internal security, fire protection, maintenance,

and other services and operations were dropped as possible functions. It is a matter of history that the Authority never relinquished any of its managerial responsibilities in these phases of project life.

The controversial provision that council membership be limited to citizens remained unchanged although non-citizens were eligible for membership on appointed committees, commissions, boards, and for other administrative positions. The project directors of Poston and Tule Lake had expressed satisfaction with the working of the temporary citizen councils. Furthermore, they held no strong beliefs that the exclusion of aliens would seriously hamper the work of community government. At Manzanar, there had been a number of minor disturbances in which Nisei, Kibei and Issei had been involved. The decision by the WCCA to limit membership on assembly center councils to citizens was another influence. The WCCA liaison officer attending the policy meetings on community government favored limiting voting privileges as well as office holding to include only citizens.

The policy on community government had one unique distinction. It was the only major policy issued by the Authority which was permissive in character. If, for example, the residents of any particular center should decide either by the rejection of a submitted plan of government or in any other way that they were not desirous of establishing formal community government, there was no direct or implied coercion to force acceptance. Conversely, it was the only policy which required the assent of a majority of the residents before it became operative.