VOLUME 2/3: H.D. WILSON, BRIEF OPPOSING ORIENTAL FRANCHISE IN B.C. (TOM REID, MP NEW WESTMINSTER).

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Hazen Wilson

# BRIEF

## Opposing Oriental Franchise in the Province of British Columbia

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Reasons why it would not be in the best interests of Canada for the Dominion Government to make any amendments to the Elections and Franchise Acts which would permit Canadian citizens of Oriental birth or parentage in British Columbia to vote in Dominion elections, contrary to the views of the majority of British Columbia citizens as expressed by Provincial Statute.

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Dated March 4th, 1937.

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In 1936 there appeared before the Special Committee on Elections and Franchise, appointed by the House of Commons, a delegation of four Japanese who presented a Brief asking that the Dominion Election and Franchise Acts be amended by deleting certain sections of the present Acts which by their provisions allows citizens of Oriental or Asiatic birth or origin to vote only in those provinces which by Provincial Statute do not preclude them from voting in Provincial elections. As the Province of British Columbia is one province which deems it advisable to preclude all citizens of Oriental or Asiatic birth or origin from voting, this Brief is presented with the view of placing before the Committee certain important facts in regard to this question which have not so far been presented. In view of the very strenuous efforts being put forth on behalf of the Japanese resident in British Columbia it is also felt some statement should be made by way of rebuttal.

### HISTORY OF ORIENTAL IMMIGRATION INTO CANADA

So that a proper and better understanding of the Oriental problem may be obtained, it is deemed advisable first of all to present a brief resume of Oriental immigration into Canada from Confederation days up to the present time. It should be noted,

however, that the Oriental or Asiatic question is primarily a British Columbia question and does not to any extent if at all effect any of the other provinces of the Dominion. According to a Provincial survey over a period of twenty years, eighty per cent of all Chinese immigration to Canada is resident in British Columbia, ninety-eight per cent of all the Japanese, and ninety per cent of the Hindus, resident within that Province. This is perhaps understandable when one considers that British Columbia faces the Pacific Ocean and is Canada's western gateway.

Practically all Oriental and Asiatic immigration is confined to British Columbia and those living east of the Rocky Mountains are wholly unaware of the seriousness of this Oriental penetration within the Province of British Columbia. It is safe to say that had the other provinces the same number of Orientals in proportion to their total population as has British Columbia, not only would this problem have been brought home to them, but something would have been done about it ere this time. For example, if the Provinces of Ontario and Quebec had the same number of Orientals in proportion to the balance of their population, there would be over 500,000 in those two provinces alone. Later on in the Brief I shall deal with the actual figures.

It should be noted by the Committee, that leaving out of the discussion the Hindus, there are two distinct classes of Orientals in B. C., namely: Chinese and Japanese, both being mostly Mongolian in their origin. In regard to those from India, who are mostly of the Aryan race, these are not at the moment, nor are they likely to become any great problem, the estimated total number being not over 1400, and of this number only about two per cent are females, so that no great increase is feared.

## CHINESE

The Chinese were the first of the Oriental peoples to settle in British Columbia, some having landed on the Pacific

Coast before Confederation. There was some fear even as far back as 1889 that Canada might be over-run by Orientals, for legislation governing the entry of persons of Chinese origin was first enacted in that year, at which time a head tax of $50 was placed as a barrier to their entry. This was later increased in 1901 to $100 and again in 1904 was raised to $500 for every Chinaman coming in, but so great was the number of Chinese immigrants entering, that in 1923 the legislation governing the entry of Chinese was repealed and a new Act passed. This enactment abolished the head tax entirely and provided only for the entry of three classes, designated in Section 5 of the Chinese Immigration Act as follows:

"The entry to or landing in Canada of persons of Chinese origin or descent irrespective of allegiance or citizenship, is confined to the following classes, that is to say:-

(a) The members of the diplomatic corps, or other government representatives, their suites and their servants, and consuls and consular agents;

(b) The children born in Canada ofparents of Chinese race or descent, who have left Canada for educational or other purposes, on substantiating their identity to the satisfaction of the controller at the port or place where they seek to enter on their return;

(c) (i) Merchants as defined by such regulations as the Minister may prescribe,

(ii) Students coming to Canada for the purpose of attendance, and while in actual attendance, at any Canadian university or college authorized by statute or charter to confer degrees."

This practically closed the door insofar as the Chinese were concerned, as since that enactment in 1923 only some seven Chinese have entered as immigrants.

The total number of Chinese immigrants entering Canada, according to the Department of Immigration records, since 1886 amounts to 90,326, and of this number 82,370 entered on payment of head tax. The total amount of head tax money paid by the Chinese for admission to this country between 1885 and 1923, when the doors were closed to immigration, amounted to the large sum of $21,223,150.

This fact should not be entirely lost sight of when considering the plea of the Japanese in this country, and there is

little doubt that the Chinese have been discriminated against as compared with the Japanese, who have been allowed to enter Canada without any such handicap and free of any head tax. Further there is a special Act on our Statute Books called the Chinese Immigration Act, which prohibits any Chinese entering Canada except, of course, certain prescribed classes such as members of the diplomatic corps, etc. Here again the Japanese have been given more favourable treatment in that there is no such Act or barrier in force against those of Japanese origin or birth.

It is difficult indeed to state accurately the precise number of Chinese in Canada and particularly in British Columbia, owing to certain well-known factors such as: the number of Chinese leaving Canada and returning, the number of deaths, the number who have entered surreptitiously, the difficulty of taking a census of the Chinese population, and the reluctance of the Chinese to register births. These and other reasons make it extremely difficult to enumerate the exact number, and here it might be said the same difficulties apply with equal force when dealing with figures of the Japanese population, and which will be dealt with later.

It would only be fair to state, however, that the number of Chinese is now somewhat less than a few years ago owing to the return of many Chinese to their native land. This coupled with the fact that the number of Chinese females is only ten per cent of the Chinese males, is quite an important factor in preventing the natural increase which would ensue were there more Chinese women.

The latest official figures given are those issued by the Economic Council of British Columbia and issued in September, 1935, the total Chinese in British Columbia at the end of 1931 being given as 27,139, of which 24,900 were males and only 2,239 females. This ratio of ten per cent is in distinct contrast to the Japanese where the Japanese females almost equal the number of Japanese males in the Province.

Before leaving the Chinese question it should be noted that no agitation to be given the franchise has come from the Chinese in British Columbia, nor has anything been said of the fact that in the Province of Saskatchewan it is the Chinese only who are not allowed to vote at Provincial Elections, and are the only Oriental race specifically mentioned. The present agitation for the franchise has been fostered entirely by the Japanese and by Japanese societies, and it is believed no momentous action such as this is ever undertaken without the full cognizance of the Japanese Imperial Government through its accredited mouthpiece in this country - The Japanese Consul. Such being the case it will perhaps be necessary to deal more particularly with the question in relation to the Japanese rather than the Chinese who, it would seem, are content to accept our laws without protest, and here again they differ from the Japanese who are much more assertive in Canada than are the Chinese.

JAPANESE

Immigration to Canada from Japan did not begin to be extensive until the years following 1900. Previous to that year the number of Japanese was estimated to be 1400. Due, however, to the great numbers entering in 1905, 1906, and 1907, in which latter year some 7,601 Japanese immigrants entered, the Government of that day negotiated with Japan what has been called a Gentlemen's Agreement, whereby Japanese immigrants were to be limited to only 400 per year. Unfortunately, however, it was later discovered that Japan was not observing the Agreement entered into, as far greater numbers of Japanese were coming to Canada than the 400 per year agreed upon, the number entering for one year alone, according to the Department's records, being given as 1,178. It was during those years that the so-called picture brides came to Canada in such large numbers. At this time Japanese resident in British Columbia could and did pick out wives for themselves from photographs, and those so chosen entered Canada as the wife of some Japanese.

After much negotiation between Canada and Japan a new Gentlemen's Agreement was finally concluded in 1928, when it was arranged that the number should be definitely fixed at not more than 150 yearly - 75 males and 75 females.

This number has more or less maintained since that time. According to the latest official figures issued by the Research Department of British Columbia, who made a complete and careful survey of the Oriental question on behalf of the Provincial Government in 1935, there was a total of 22,205 persons of Japanese birth or origin resident in British Columbia up to the end of the year 1931. Of this number 13,035 were male and 9,170 female, making the proportion of females to males forty per cent of the total Japanese population. To this number would have to be added the number who have come into the country since 1931, which according to Immigration statistics would amount to approximately 600, and to this must also be added the natural increase which in the years from 1928 to 1931 amounted to an average of 1400 per year. These, however, are only the births actually registered by the Japanese, for it is well known that great numbers of births take place amongst the Japanese which are not registered. This then brings the total up to approximately 30,000. It is here that strong exception must be taken to the figures presented by the Japanese delegates appearing before the Committee, who on page 4 of their Brief give a total of only 19,960 which number is far and away below even that of the immigration figures given in the report of the Department of Immigration and Colonization issued by the Dominion Government, and considerably below that issued in 1935 by the Research Department of British Columbia, who made a most careful study and survey of the matter.

Evidently the Japanese in presenting their case to the Committee wanted it to appear that there were fewer Japanese in the Province of British Columbia than careful analysis actually shows, for the statistical number of 30,000 now given was available for them to present to the Committee had they been willing to do so

and to give anything like the actual number of Japanese resident within that Province.

Mention should be made of the number of Japanese who have entered Canada surreptitiously and also of the great number of Japanese who are holders of naturalization certificates presumably issued in British Columbia, but who obtained these fake naturalization certificates before leaving Japan. A highly organized racket was exposed in 1931 before the Courts of British Columbia when one by the name of Yoshi, a Japanese, who held the position of Japanese interpreter for the Department of Immigration, was convicted as the leader of a group who had been practicing this nefarious game for upwards of ten years, and during which time it was estimated hundreds of Japanese had entered Canada with false naturalization papers.

It is also well known that many Japanese in British Columbia to-day are holders of birth certificates which show them as having been born at some place in British Columbia, but who were actually born in Japan.

It would be difficult to correctly estimate the number of Japanese who are thus claiming naturalization in this country or to having been born here, but who obtained the papers they have under the circumstances just described.

## ANSWERS TO JAPANESE SUBMISSIONS

It was submitted on behalf of the Japanese that the reason for the Provincial legislation denying the franchise to Orientals was due to the fact that at the time this was enacted there were large numbers of Chinese in British Columbia, most of whom were labourers, etc., and that these Chinese were uneducated and of low social order, and totally unfitted to discharge the duties of citizens. Such a statement is neither a fair one nor is it a correct one to make, and one wonders just what the Chinese themselves would have to say were they made fully aware of this

statement, and which to say the least, belittles those of the Chinese race, and pictures those of Japanese origin as being of a far superior race or class of people than the Chinese.

It can at least be said for British Columbia that in its legislation saying who shall be given the franchise and who shall not, no favoritism or discrimination has been shown, for the Act prohibiting the franchise to certain classes and races of Orientals, includes Chinese as well as Japanese, and including likewise British Subjects from India and also the native Indians of British Columbia.

On Page 9 of their Brief, the argument is used that the classification of Japanese along with Chinese, Hindus, and Indians, and in which all are included in the disqualification clause of the Provincial Franchise Act is, so they claim, a weapon of industrial expediency and an instrument of race suppression. Surely they are not serious in this contention, and they should be the very last in this country to make any complaint about weapons of industrial expediency, that is when one considers the almost strangle-hold the Orientals have obtained in British Columbia on many of the leading industries in that Province.

Note the effrontery of the statement made on Page 11 that the Japanese who have come to Canada for the past number of years have been of a higher class than usually is the vanguard of immigration to any country. This statement, I claim is an insult to the early pioneers who came to Canada in the early days and hewed out homes for themselves, and who suffered many and real hardships in the early years of the building up of this country. As a matter of fact the Japanese is not a pioneer at all, he usually waits until someone else does that and then follows along afterwards, and so reaping any benefits accruing from such pioneering. This, at least, has been the history of the Japanese in the Province of British Columbia.

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On Page 11 mention is made as to why the Dominion Parliament passed the legislation it did in the matter of disqualification. The legislation passed by the Dominion Parliament was passed in fairness to the wishes of the people of British Columbia, who in their wisdom deemed it advisable not to grant the franchise to the four classes, namely: Chinese, Japanese, Hindus, and Indians. The statement that the legislation passed was instituted largely by the trades labour unions should be seriously challenged, likewise the one made that at that time there was no true race question before the country. It should be emphasized that there has always been a race question in British Columbia ever since the advent of Orientals into that Province and as far back as 1886.

If any argument is required to show that this matter should have been taken up by the Japanese first of all in the Province of British Columbia and to the Provincial Government, it can I believe be found on Page 12 of their own Brief, wherein they quote the resolution passed by the Vancouver and Vicinity Camp and Mill Workers Federal Union No. 31, which resolution asks that full provincial franchise rights be granted to all, this being sent to the Provincial Government and where the question in the first place rightfully belongs.

To argue as they do on Page 13 that this state of affairs is a blow to the principles of Confederation is simply a begging of the whole question. If such a line of argument were pursued it could well be shown that at the time of Confederation, British Columbia being a Crown Colony retained certain rights and privileges of its very own, and at that time there were practically no Orientals in the Province except a handful of Chinese. How could the Fathers of Confederation have successfully dealt with something which had not then arisen and which was never even contemplated?

The argument advanced on behalf of the Japanese on Page 14 cannot be taken very seriously when they quote from a speech by the

late Hon. Thomas D'Arcy McGee; wherein he states, "God hath made of one blood all the nations that dwell on the face of the earth". They may be of one blood insofar as blood itself is concerned, but is it not a fact that the different races which exist on the earth to-day - white, yellow; black, and red - are, biologically speaking, distinct one from the other? We have a long way to go yet before the different races can be made into one homogenous race if indeed they ever can be, and the granting of the franchise to the Orientals will not overcome the evident physical difference and distinctive characteristics of race.

We entirely agree with them on Page 14 that the race disqualification in British Columbia is a purely provincial matter; with this we are in hearty accord. There is no gainsaying the fact that were the Dominion Government to act contrary to the wishes of the people of British Columbia as expressed by Provincial Statute, thereby removing the present sections in the Dominion Act, it would certainly be the thin end of the wedge in the drive by the Japanese to overcome the views held and expressed by the people of British Columbia. In that event it could very well be argued, and it certainly would be in British Columbia by the Japanese resident therein, "We are allowed to vote at Dominion elections in your Province, so why should we be debarred from voting in Provincial elections?" When that day comes, if it ever comes, we might as well pull up our stakes and seek pastures new, for they will then, by reason of numbers to a great extent be able to control affairs in the Province of British Columbia, political as well as economic. This point cannot be too strongly emphasized. The appeal now being made by the Japanese to Ottawa is to say the least of it, rather an astute move on their part. Knowing the strong sentiment which exists in the Province of British Columbia against the granting of the franchise to Orientals, they have ignored that Province and come some three thousand miles to the Capital city of Ottawa in the hope that by appealing to a Committee

comprising a majority of members from other provinces, who by reason of distance etc. from the Province are not quite aware of the serious influx into British Columbia of Orientals and the actual serious conditions existing there, they might possibly be influenced by sentimental appeal into giving some attention to the request now made on behalf of the Japanese.

The Japanese are ever prone, in this country at least, to speak frequently about British justice but they, it would seem, in regard to similar matters affecting nationals other than Japanese, in Japan act in accordance with Japanese standards of justice which according to the British or Canadian standpoint might be something entirely different.

The statement is made on Page 16 of the Brief that as the result of their being denied the right to be elected to public office, such as the Provincial legislature, Municipal Council, School Board, etc., the Japanese in British Columbia find it difficult to obtain employment with Canadian people. This is not only a gross exaggeration but is entirely misleading and untrue. One has only to visit British Columbia to see for himself the inroads made by Orientals in industry to realize just how untrue such a statement really is. Wherever one goes Japanese of all ages and both sexes will be seen at work either in pulp mills, logging operations, fish canneries, etc. and on the coastal steamers Japanese have been employed for many years past. A complete survey of the Oriental labour situation in British Columbia was instituted by the Provincial Government and according to the figures issued, in 1931 there was a total in the Province of 31,760 Orientals gainfully employed, and of which 23,192 were Chinese and 8,568 were Japanese. These Orientals are employed in practically all pursuits from labouring and farming to the professional and commercial occupations.

A very interesting statement is also shown in the Provincial official report mentioned. One of the tables submitted

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shows that British Columbia may expect in the years 1938 to 1940 inclusive a slight decrease of some 452 Chinese on the labour market, but an increase of some 3,504 males and 370 females of Japanese birth on the labour market; or a total increase of Japanese in the labour market of 3,874 in these years!

Further, with regard to the inroads which have been made by the Japanese in the economic life of British Columbia, consider for a moment the encroachments made by them and the hold they now have on our Canadian fishing grounds. Out of a total of some 12,325 licenses issued by the Department of Fisheries in 1935, 2,023 of these were issued to those of Japanese birth or origin as against 2,971 to Indians and 7,331 to Whites. In other words the Japanese are getting 16% or more of all fishing licenses issued and which, according to numbers, is equal to a total of 7% of the number of Japanese resident in that Province. The percentage of Whites and Indians combined is only approximately 1½% of the total population, and yet never an opportunity is lost by the Japanese to plead for more and yet more commercial fishing linceses for those of their own race.

Strong exception must be taken to the statements on Page 18 when in dealing with scholastic attainments it is asserted that the Japanese born in British Columbia do not speak the Japanese language neither, so it is stated, do they learn it in their own homes. This statement is far from the truth. Not only do they speak Japanese when conversing with those of Japanese origin and birth, but they see to it that the children, whose parents are unable to send them to Japan, learn not only the Japanese language but Japanese culture, etc. as well, and Japanese day schools are held almost everywhere throughout British Columbia where Japanese are to any extent congregated. The Japanese children have to attend school under Japanese instructors after regular school hours and on Saturdays, and also during the usual annual summer and winter recesses, at which times other children are free from school duties. It is

openly stated on fairly reliable authority that financial assistance is provided for the Japanese teachers and instructors from sources in Japan itself, through the medium of the resident Japanese Consul. This point is mentioned not as an argument that the Japanese have no actual right to do this if they so desire, but rather to refute the statement made, namely: that the Japanese children in British Columbia do not speak the Japanese language. The statement made is at complete variance with the actual facts of the situation as they exist to-day in British Columbia.

ASSIMILABILITY OF THE ORIENTAL

We now come to the question of assimilability of race and here it should be noted that very little is stated in their Brief about this matter, although it is one of the most important if not the most important, especially from the standpoint of our national life, economic and otherwise. Without dealing too exhaustively with the question of what is meant by non-assimilability, it perhaps can be stated to be when one race of people cannot, biologically speaking, be absorbed intoanother race of people by the union of the two races in marriage, and this is the case in regard to the Chinese and Japanese, whose blood stream is principally Mongolian or Polynesian, marrying into our own race. As a matter of fact the danger is that the Chinese or Japanese by inter-marriage would absorb our own race, and this is amply born out by the fact that in the few instances where a Chinese or a Japanese has married a Canadian woman or vice versa, the offspring born from the union of these two races have distinct physical characteristics and are unmistakably Oriental in features and appearance. It is not generally known, however, that the Japanese themselves do not encourage marriages with other races such as ours. Even the Japanese recognize in their Brief that Canadian-born Japanese retain Japanese characteristics, as on page 19 they state that children born of Japanese parents in Canada (and I quote the words used) "except for physical characteristics are indistinguishable from Canadian children". Is that not a sufficient difference, for

well could the same be said also of children born of coloured parents. This statement is repeated on Page 20 where it is stated of the Japanese children born in Canada that all the other racial characteristics with the exception of the different racial physical characteristics, in a short time will be gone, and in which statement we concur, for the children now born in British Columbia are as distinctly Japanese as their parents or grandparents.

The granting of the franchise will not, and indeed could not break down the peculiar racial characteristics which the Oriental has, and which it is admitted still exists. It would, however, as they themselves readily suggest, further economic assimilation, but are we in Canada prepared to allow an unassimilable race of people to control the economic and political life, if not of Canada, then that of British Columbia, the dangers of which have become more apparent in that Province during the past number of years.

The Brief speaks of the Japanese race as being a proud one., etc., a fact with which we find no fault, although it is not generally known just to what extent this pride of theirs really goes and which is now becoming more apparent in British Columbia. We take no great exception to this, but it should be pointed out that national pride does not pertain to any one race or nation. When the question of good feeling is introduced by them as one being related to that of trade, the fact should not be lost sight of that Australia has gone a great deal farther in restrictive legislation against the Oriental than has Canada, in closing her gates entirely to them, yet Australia has been doing more trade with both China and Japan over the past number of years than has Canada.

One wonders at many of the arguments advanced on Page 22. For example, they state that the Japanese system of Government is like ours and one can only wonder just why such an argument would be made or if they really expect such a statement to be believed. And again, what the fact of their navy being modelled along lines

similar to that of Great Britain has to do with the granting of the franchise to the Japanese in British Columbia is somewhat difficult to understand, unless it is being used as some kind of threat or bogey.

On Page 21 they speak of a time to come when by force of numbers the franchise will have to be granted to them, and it is stated it will be then too late. Further they ask the question, "Does Canada want a blood purge similar to that of Hitler with regard to the Jews in Germany?" Statements such as these just quoted and as put forward on behalf of the Japanese ought not to be given much credance and should not be recognized as having any bearing whatsoever in any appeal for enfranchisement of Orientals at Dominion elections in any province in Canada.

RIGHTS OF DOMINION TO LEGISLATE

A considerable number of pages of the Japanese Brief, notably Pages 25 to 42, are devoted to somewhat lengthy arguments, legal and otherwise, which are advanced disputing the rights of the Dominion Parliament under the B.N.A. Act to legislate in regard to who shall or who shall not vote at elections. Surely no importance can be attached to those arguments. The fact that this matter was taken before our Courts by the Japanese themselves, even going as far as appealing to the Privy Council in 1905, at which time the decision was against them, is proof enough of our legal rights to legislate and settles the question without any shadow of doubt. It is the right of every country, including Canada, to say, if they deem desirable so to do, who shall and who shall not vote, and to argue as is done on Page 39 that our refusal to grant the franchise to the Japanese cannot be supported by law is, to say the least of it, ridiculous.

LAWS IN JAPAN

The conclusion of the Brief deals particularly with Japanese Acts and ordinances in effect in Japan, touching on nationality laws, land laws, and ordinances as affecting foreigners in that

country. No proper interpretation of the various Japanese statutes quoted can be obtained by a mere cursory examination or reading of sections extracted or quoted from these Statutes, and which have been translated into English for the purpose of the arguments submitted. Just for what purposes these extracts from Japanese Statutes have been submitted is difficult to understand, unless it be for the purpose of making some kind of comparison between Japanese and Canadian laws. In answer it should be pointed out that it is hardly possible to make anything like a fair comparison between two countries such as Japan and Canada as conditions are so vastly different and dissimilar in Japan to those in Canada. However, what we in Canada do is strictly speaking our very own business. Likewise what Japan does is strictly Japan's own business, but strong exception must be taken to any suggestion that Canada is less generous in her dealings or treatment of Oriental races within its borders, than is Japan itself towards those of foreign or alien birth living in Japan.

In Mr. W. J. Sebald's translation of "The Civil Code of Japan" he enumerates "private rights" as follows:

"Among other disabilities, aliens cannot hold shares in the Bank of Japan (B.J.R. Art.5), Yokohama Specie Bank (Y.S.B. Art.5), Bank of Korea (B.K.L. Art. 5, par.2), Korean Industrial Bank (K.I.B. Art. 4, par.2), Oriental Development Co. (O.D.C. Art.3), Japan Wireless Telegraph Co. (J.W.L. Art. 5), South Manchuria Railway Co. (S.M.R. Art. 2), They are not allowed to hold mining rights (Mining Law Art.5), or placer mining rights (Placer Mining Law, Art. 23), to own Japanese ships (Shipping Law, Art. 1), to become pilots (pilots' Law, Art. 2, par. 1). They cannot obtain navigation subsidies or ocean fishing subsidies (Ocean Navigation Subsidy Law, Art. 1, and Ocean Fishing Encouragement Law, Art. 2). They cannot be members or heads of Japanese houses (Civil Code, Art. 964 and Art. 990, par. 2). But aliens are debarred from owning land only in strategical areas specially designated by

"Imperial Ordinance (Alien land Law, Art. 4). As for public rights, they are excluded from all suffrage, national, prefectural and municipal. Nor can they enlist in the army or navy or be appointed officials (if aliens are taken into Government employment, it is merely as "employees" and not as regular officials.) They cannot even join political parties or be promoters of public political meetings (Peace Police Law, Art.6)".

As already pointed out, it is not possible in any Brief such as has been submitted to deal in any competent manner whatsoever with the laws and ordinances of a country like Japan, unless one if fully conversant not only with all the Statutes and ordinances of the country itself, but also with its customs and people. It should be pointed out, however, that while many of the Japanese Statutes read as being one thing, very often the effect of them is entirely changed or nullified by provisions contained in other laws or ordinances. It is difficult to understand just what significance such presentations in their Brief have in regard to the question, but some note should be taken of them and to refute any suggestion that Japan gives the same equal rights or privileges to those in Japan other than her own race and equal or similar to those enjoyed by the Japanese themselves in Canada. One has only to carefully read over the various sections quoted in the Japanese Brief to realize the truth of this.

## DUAL CITIZENSHIP

Mention should be made of the question of Japanese dual citizenship, which matter was discussed in 1936 during the time the four Japanese delegates appeared before the Elections and Franchise Committee and considerable attention should be given to this matter when considering any appeal for the granting of the franchise to those of Japanese birth or origin.

Up until 1924 all Japanese born inCanada were Japanese citizens and reckoned as such by the Japanese Government, and

according to the Japanese National Law all Japanese children, no matter where born, were Japanese subjects, unless at the time of their birth the parents renounced allegiance to Japan. It is extremely doubtful if many Japanese ever took steps to renounce allegiance to Japan. Under the new Law Japanese can and still do retain Japanese citizenship of their children born in Canada by simply having the births registered with the Japanese Consul. According to Professor Hayakawa, a British Columbia born Japanese and one of the chief witnesses, no figures could be given as to the number of Japanese born in Canada who would be thus registered at one and the same time as citizens of both countries and which he later declared gave them protection in Canada by the Japanese Government. It was admitted, however, that Japanese children born in Canada were still being registered with the Japanese Consul, and it is very doubtful if there are any appreciable numbers of Japanese children born in this country whose births are not registered with the Japanese Consul in this country. While the disinclination of the Japanese to relinquish Japanese citizenship is their own affair, why pretend they are out and out Canadians? It is doubted if in effect there is actually much difference in the new Japanese Law of 1924 from that of the Act previously in operation.

The disinclination of the Japanese to relinquish their citizenship is perhaps looked upon by them as being a virtue rather than a fault, and possibly furnishes one of the outstanding reasons for the great national solidarity of Japan, unique among the nations of the earth today. It does, however, furnish an equally good reason why the average Japanese cannot, in the strict sense of the word, make a good Canadian citizen. The further fact should be noted that China also makes claim to all Chinese living abroad, and even Chinese born in alien lands are not allowed by China to change their nationality.

What is particularly feared in British Columbia is the danger of Japan maintaining a separate state within Canada. What

has taken place in other countries, particularly Hawaii and California, should be a lesson to Canada. As late as the early 1920's Japan maintained in California a state within a state, in which every Japanese, whether alien or native-born American citizen, was under orders from Japan in peace or in war, and was forced to belong to a local association under the control of the Consul General of Japan at San Francisco.

In 1924 when the new Law regarding registry of births abroad was put into effect by Japan, the argument was advanced by the Japanese abroad, just as it is being advanced today by the Japanese in British Columbia, that dual citizenship would largely disappear. Such, however, has not been the case. Various factors, including the insistence of the first generation, the pull of heredity, the Japanese law of family, the teachings of Buddhist instructors in the Japanese language schools, and the encouraged study of Japanese culture, tend to nullify the purpose of the law. It was estimated by Governor Joseph Poindexter in February, 1936 that in Hawaii over two-thirds of the Hawaiian-born Japanese retain their Japanese citizenship with all obligations thereof. It has been estimated on fairly reliable authority that nearly fifty per cent of the voters in Hawaii are now of Japanese origin or birth.

That the same situation exists in regard to the registry of Japanese births with the Japanese Consul in Canada will not be either seriously or successfully refuted. The statement made to the Committee by Professor Hayakawa that he did not know the number of Japanese children born in British Columbia who would be registered by the Japanese Consul, on the face of it seems strange. The four Japanese delegates who appeared before the Committee were apparently fully conversant with all complete figures and data, and it hardly seems probable that they would have no knowledge or information as to the number of Japanese children registered with their own Consul since 1924, which registration makes them citizens of Japan, amenable to directions and instructions from the Japanese

Government and as was admitted by Professor Hayakawa before the Committee last year, in the event of serious trouble in Canada they would be given some kind of protection or other.

Once the Japanese secure the franchise in British Columbia the next objective contemplated is to obtain legislative positions, such as municipal, Provincial or Dominion, and this was readily admitted by one of the Japanese delegates. When that time comes, the Japanese Government will then have an active voice in Canada and so help to shape the policies of this country.

Practically all the arguments presented to the Committee on May 22nd, 1936, by the four Japanese delegates in person, were contained in the brief submitted by Mr. T. G. Norris, K. C. on behalf of the Japanese Canadian Citizens League, and their submissions were in most instances merely repetitions or extracts from the Brief itself. However, there were some statements made by them which it is perhaps just as well to take note of and not allow to remain unchallenged, lest it perhaps be said later that they either were not or could not be.

Dr. Banno in his evidence made the statement that out of possibly 2,000 Canadian-born Japanese over the age of eighteen, 500 are members of the Japanese League in the Lower Fraser Valley, New Westminster, and Vancouver districts, and then Professor Hayakawa in his evidence stated that the group of young Japanese who made the survey mentioned found only 1,210. Quite a disparity in numbers. This same group in their survey, according to Miss Hyodo, discovered only 19,960 Japanese in the entire Province, of which she stated 10,965 are Canadian born, which would leave only some 8,995 who are not Canadian-born and therefore must have entered Canada. According to official Japanese figures issued in the Japan-Manchoukuo Year Book of 1937 issued in Tokyo, at Page 46 of that report a total of 21,062 is given as the number of Japanese resident in Canada in 1934. How does this compare with Miss Hyodo's statement that there are only some 8,995 not Canadian-born, unless it be that

all Japanese, whether born in Canada or Japan, are looked upon as such by Japan itself, and which we contend is actually the case.

An important fact and one not generally known but which must not be overlooked, is that Japan grants financial assistance to Japanese emigrants to enable them to settle abroad. The official figures published in Tokyo for a period of ten years, 1925 to 1934, show a total of 197,325 Japanese, both male and female, as being given financial help to enable them to make a start abroad. The same table shows a total sum of 222,611,000 yen, approximately fifty million dollars, as money having been remitted by the 197,325 Japanese who left Japan to settle in other countries, (see Page 45, Japan-Manchoukuo Year Book, 1937).

The official records issued by the Department of Immigration of Canada show the number of Japanese coming into Canada from 1900 to 1936 as being a total of 25,014. This does not take into account the Japanese immigration for any of the years previous to 1900 and which amounted to some 1,500. One wonders if any figures presented by the Japanese in Canada can be relied upon and the question naturally arises as to the real reason for the Japanese not presenting the officially recorded figures issued and obtainable from the Department of Immigration and which figures cannot very well be disputed. They could even have presented the figures obtainable from Japan itself. It would appear to be a studied policy on their part to minimize the actual or potential numbers of their race not only in Canada, but also as was done in regard to Hawaii and the Pacific Coast States as well. It is fair to make the statement that the official figures as issued by the authority of the Provincial Government of British Columbia in 1935, are fairly conservative and if anything, rather under estimate the actual number of Japanese living in British Columbia, the total number being given as approximately 30,000 and not 19,960 as quoted by Miss Hyodo.

Dr. Hayakawa mentioned before the Committee that there

was danger of the situation in British Columbia ultimately becoming similar to the caste system of India. Surely this is a far-fetched argument to use, as there is no comparison between the matter of the caste system of India; which is maintained chiefly through different religious beliefs or doctrines, and the question of the Japanese enfranchisement in British Columbia, where the problem is chiefly a biological one.

Instances of the Japanese marrying outside of their own race are rare. How then, it should be asked, is it possible to absorb a race such as the Japanese without intermarriage? Canada, like the United States, must be built up of a homogenous race, although there are some who believe that admixture of blood of all races is beneficial to mankind, but usually those who advocate or believe this want it tried out by other people's sons or daughters rather than their own. Apart from all this, however, we should face the question that even if assimilation were possible, which of the two races would predominate?

Professor Hayakawa's statement in answer to a question that no restrictions are placed on foreigners voting in Japan, cannot be accepted as it is at complete variance with "The Civil Code of Japan" which has already been quoted. Professor Hayakawa failed to make mention of the numerous and varied prohibitions in effect in Japan which mitigate against aliens or foreigners, so-called, in matters such as ownership of land, restrictions in regard to private rights, etc. and as to "public rights", why they just haven't any in Japan (See "The Civil Code of Japan" W. J. Sebald's translation).

In answer to a question Professor Hayakawa stated he did not know just how many Canadian-born Japanese went back each year to Japan to comply with Japanese military regulations. It is not denied that numbers do go back each year to Japan for this purpose and to quote again from Japanese authorities, in

speaking about expatriation of Japanese, they have this to say:

> "It may be noted that those American or Canadian-born Japanese boys not yet expatriated are still technically liable to the Japanese conscription law, so that the crux of "double nationality" question remains unsolved, as is also the case with the Prussian or French boys born in America." (Japan-Manchoukuo Year Book, 1937).

In answer to statements made by Dr. Hayakawa in connection with economic difficulties which it is claimed are experienced by the Japanese resident in British Columbia, it is only fair to say that any such statement would not be taken seriously by the people of British Columbia, and it is extremely doubtful if any mention would have been made of this matter if the appeal were to the Province of British Columbia instead of to a Committee of the House of Commons, located at Ottawa. That they have prospered and done exceedingly well in this country cannot be denied. Their natural industry and aptitude in adapting themselves to new conditions (which qualities we all admire) coupled with the fact that owing to their lower standards of living, etc. they are able to more successfully compete against our own Canadian people, has enabled them to in large measure not only prosper, but also to supercede Canadians and gradually obtain control in many lines of economic endeavor.

The splendid opportunities and economic advantages which the Japanese have received and obtained in Canada are in striking contrast to the policy of Japan itself, which by Imperial ordinances precludes the entry to Japan of cheaper labour, such as the Chinese and Koreans. It is true perhaps that the exclusion of these two races of people was necessary to protect Japanese labour, as it is well known that they could not successfully compete against Chinese or Korean labour on account of the lower standard of living of the Chinese or Koreans. It is little use now, however, for Canada to regret that at the outset some such like action was not taken to protect own own people from the competition of the cheaper labour from Oriental countries, but the fact that Canada did not do so, is no reason now why we should repeat

VOLUME 2/3: H.D. WILSON, BRIEF OPPOSING ORIENTAL FRANCHISE IN B.C. (TOM REID, MP NEW WESTMINSTER).

3/1



what is now generally recognized was a grave mistake of economic policy on our part.

Provincial governments of all shades of political opinion have at various times endeavored to grapple with the problem of Oriental economic activities in that Province. One aspect of the Oriental problem in British Columbia has been recently brought to the attention of the public in that Province. At a largely attended representative gathering of farmers held on February 23rd in the town of Cloverdale, close to the city of New Westminster, a demand was made to the Provincial Government, asking that a Royal Commission be appointed to investigate the actions and activities of Chinese vegetable growers, wholesale, and commission houses who, it is authoritatively stated, are in complete control of the sale of all vegetables, and who seem to act at variance with control laws as to marketing, etc. and in open defiance of Provincial Statutes in effect in that Province.

A complete Provincial survey was made in British Columbia in 1927 and in that year disclosed to what extent economic Oriental penetration had then been reached in the Province. In view of the seriousness of the problem at that time, which has become more serious since then, the Provincial Government of that day caused a humble address to be presented to His Honour the Lieutenant Governor, praying that copies of the report be sent to the Governor General and to the Dominion Parliament at Ottawa. The following extracts are given from that report:

Page 4. The facts assembled by the Bureau of Provincial Information from official sources bring out the following, among other, phases of the situation.

(1) That at the beginning of 1927 the Oriental population of the Province is at least 46,500 or, in other words, 1 in every 12 persons.

(2) That the Japanese birth-rate is 40 per 1,000, as compared with a general birth-rate of all races, except native Indians, of 18 per 1,000.

(3) That the increase in the Japanese population through the excess of births over deaths is greater by more than 2 to 1 than the immigration of that race.

(4) That the arrivals of Japanese women have greatly outnumbered the arrivals of men for several years past, and that at the present time two women come in for every man that enters.

VOLUME 2/3: H.D. WILSON, BRIEF OPPOSING ORIENTAL FRANCHISE IN B.C. (TOM REID, MP NEW WESTMINSTER).

3/1



(5) That of the Oriental arrivals in Canada for the past twenty years British Columbia got 80 per cent of the Chinese, over 98 per cent of the Japanese, and nearly 99 per cent of the Hindus.

(6) That Orientals own land and improved property in British Columbia to an aggregate value of $10,491,250 and lease property valued at $1,099,500.

(7) That over 11,300 Orientals are employed in industries of the Province, and that, for instance, while the proportion employed in the lumbering industry generally has been reduced to 20 per cent, there are between 30 and 40 per cent employed in saw and planing mills and close on 50 per cent in shingle mills.

(8) That in 1925 there were 3,231 Asiatics carrying on in licensed trades and callings, and that in the cities they constitute an incredibly large percentage of the total number of licensees in some callings.

(9) That in three years the number of Japanese children in the public schools has increased by 74 per cent, while in the same time the number of white children has increased by 6 per cent.

(10) That in the fishing industry, upon which the Orientals appeared to have a strangle-hold a few years ago, the policy of a gradual reduction in the number of licences allowed to them is bringing the industry back into the hands of white and native Indian fishermen.

The statistical branch of the Department of Agriculture brings out the following facts regarding the Oriental in agriculture:

(1) That in the four years from 1921 to 1925 the acreage of land owned by Orientals increased by approximately 5,000 acres and the land leased by approximately 1,500 acres.

(2) That of the acreage in small fruits at the present time the proportion held by Oriental growers is 30.6 per cent, while in number they constitute but one-seventh of the growers, the holdings average 1½ acres to each white grower and 4 acres to each Oriental grower.

(3) That with the development of production under glass, which has been quite marked of late years, the Oriental is more and more increasing his hold on this branch of the industry; that where in 1923 he constituted 9 per cent of growers with 28 per cent of glass area, in 1925 he constituted 13 per cent of growers with 37 per cent of glass area.

(4) That while the total increase in glass area between the 1923 and 1925 greenhouse surveys was 22 per cent, the increase in white operation was but 8 per cent and the increase in Oriental operation 58 per cent.

(5) That the handling of produce and garden-truck by peddlers or hucksters is almost entirely in the hands of Chinese, and that the same applies to the sale of vegetables in stores, to the extent of 91 per cent in one city.

The following is also taken from the report:

"There has always been a certain amount of difficulty in securing registrations of Oriental births, and there is some ground for the suspicion that even yet, with the greatest vigilance on the part of officials of the Provincial Board of Health, there are births which are not reported. Comparison of a series of the reports by the Registrar of Vital Statistics will show that a number of births, chiefly of Orientals, are not registered until years after. The figures of actual births for the years given in the statement are subject to addition every year hereafter as further births in the several years are registered."

The following table is from the report of the Economic Council of British Columbia on the total number of Orientals employed in the labour market in 1931 and issued September, 1935 under authority of the Provincial Government of British Columbia:

ORIENTALS, 10 YEARS OF AGE AND OVER, GAINFULLY EMPLOYED IN BRITISH COLUMBIA, 1931.

| OCCUPATION | CHINESE | JAPANESE |
|---|---|---|
| Agriculture | 4,193 | 1,513 |
| Fishermen | 18 | 1,464 |
| Logging | 653 | 599 |
| Coal Mining | 307 | 62 |
| Other Mining | 84 | 39 |
| Vegetable Products | 25 | 14 |
| Animal Products | 400 | 76 |
| Textile Goods & Apparel | 203 | 128 |
| Wood Products | 150 | 230 |
| Pulp & Paper, Paper Prod. | 1 | 131 |
| Printing, Publishing and Bookbinding | 32 | 21 |
| Metals (not electroplate or Precious Metals) | 42 | 92 |
| Precious Metals & Electro-plate | 7 | 1 |
| Non-metallic Mineral Prod. | 18 | 6 |
| Chemical Processes and Paint Makers | 11 | 20 |
| Miscellaneous Products | 2 | 2 |
| Electric Light & Power Production | 45 | 49 |
| Building & Construction | 37 | 181 |
| Transportation & Commun'n. | 470 | 238 |
| Warehousing and Storage | 81 | 17 |
| Commercial | 1,841 | 419 |
| Finance, Insurance | 16 | 15 |
| Public Admin. & Defence | 4 | 3 |
| Professional | 78 | 88 |
| Entertainment and Sport | 22 | 19 |
| Personal | 5,182 | 839 |
| Laundry Workers, Cleaners, Dyers, Pressers | 749 | 50 |
| Clerical | 124 | 103 |
| Unspecified | | 2 |
| Labourers & Unskilled workers (not agricultural, Min., or Log.) | 8,203 | 1,441 |
| Hunting | 1 | |
| GRAND TOTAL - 30,851 | 22,999 | 7,852 |

It is interesting to compare the totals of Orientals employed in industry in British Columbia in the year 1927 with the greatly increased numbers employed, and as given, in 1935. This answers completely and effectively any statements made by the Japanese either personally or in their Brief regarding any economic disadvantage which they say exists to those of their race in British

Columbia and disproves entirely such contention that any discrimination exists. Orientals in the Province of British Columbia have to quite a remarkable extent displaced Canadian labour in many fields and have been able to do so largely on account of the fact that their lower standards of living enable them to work for less and which fact has given them considerable preference.

In conclusion it should be pointed out that the submissions contained are presented in rebuttal to the Brief presented to the Special Committee on Elections and Franchise in 1936 on behalf of the Japanese Canadian League, and are not in any way actuated by any personal animus to either those of Chinese or Japanese origin or birth.

It should again be reiterated that the granting of the franchise in Dominion elections to Japanese in British Columbia would be but the thin end of the wedge which would be used to compel the granting of the franchise in British Columbia to all unassimilable races at Provincial elections, and if the Japanese in British Columbia were granted this privilege, what about the Chinese and likewise the Hindus who are British subjects before coming to Canada. In that event could the franchise very well be denied the other Asiatic races in the Province and what particular reason is there to suppose that the Japanese alone should be specially favoured? When the time ever comes that the people of British Columbia themselves decide to grant the franchise to all those of Oriental birth or origin at Provincial elections it will be time enough for the Dominion Parliament to seriously consider the question of allowing the franchise to those of Oriental birth or origin at Dominion elections in British Columbia, and we trust that day is quite a long way off yet.

The Oriental question in Canada, being primarily a British Columbia question, it is respectfully requested that the Dominion Parliament would be well advised to continue to co-operate with the people of British Columbia, who by the statutes of that Province, preclude from voting all those of Oriental birth or origin.

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