Japanese in Canada
(576)

n.d., 1938,
1941-1948

1-12

AVR/CL
November 27th, 1944.

MEMORANDUM TO MR. R.G. ROBERTSON

Subject: Order in Council regarding Japanese.

A.H. Brown, Departmental Solicitor of the Department of Labour, telephoned me on Saturday morning, chiefly to ask if I had seen the draft Order in Council which had been sent to Mr. Robertson. I told him that we were wondering over here whether the Cabinet would consider the full Order in Council at this time, especially that part of it dealing with the assurances to the provinces against the indigence of re-settled Japanese and realization of land projects controls, and so on, and whether it might not be better to simply get a minute of Council on policy. He agreed with your idea that it might be difficult to get the whole Order in Council passed, but suggests that instead of simply securing the approval of Council, that a shorter Order in Council be drafted, dealing with the subjects under the six heads (a) to (f) of your memoranudm. In particular we would like an Order in Council covering (1) segregation, (2) preparation of lists of Japs for repatriation, (3) continuance to try to get agreement for repatriation during hostilities and (4) to guarantee that the Japanese to be repatriated either during or after the war would either be allowed to take their property with them or would be given assurance that they would get it or its value after the end of the war.

I don't see any harm that can come from such an Order in Council, even though it may not be necessary from the point of view of External Affairs, as it helps the Department of Labour. I think, however, that under the two heads, that ~~it~~ might be of use to us:

(1) The authorization to continue negotiations for exchanges with the Japanese would, I think, constitute approval of our negotiating a separate exchange which, as may occur, we cannot get a satisfactory exchange jointly with Washington or London. Indeed, some time ago we considered opening separate negotiations with Tokyo, and let the State Department at Washington know that this was in our mind. The result, Magann tells me, was that the State Department became more active with their own negotiations, which was all to our advantage.

(2) I think also that an Order in Council authorizing segregation would help this Division in dealing with the Japanese nationals and with the Spanish Consul General. If we have an Order in Council to back us up, we can probably keep the new Consul General from interfering in camps of Japanese Canadians.

I wonder if it would not be a good idea to call together the informal sub-committee which went over the Order in Council after it had been prepared by Labour Department, together with yourself, unless the Under Secretary wishes to be present. That sub-committee consisted of John Read, A.H. Brown, and me. For that matter, I don't see any particular reason why it would not be sufficient to get John Read and A.H. Brown together.

I should add that MacNamara called me about this same question a few days earlier, and that in his telephone conversation he repeated what he had said at that meeting of the larger committee - that the Labour Department wanted an Order in Council which would be as complete as possible, even though it might simply confirm that they already had power to do many of the things set forth therein.

A Rive

RGR/LF
7.11.44.

MEMORANDUM FOR MR. ROBERTSON:

1. The attached Recommendation to Council was left with us on Saturday morning by A.H. Brown of Labour. I am not clear whether he left it for our information or whether he wanted comments on it. I understood him to say that he had discussed it with Mr. Rive and Mr. Read at a meeting a short time previously, although I am not clear whether he meant that the exact recommendation had been reviewed or simply the principle involved.

2. The recommendation is rather an omnibus one and would have the following effect:

(a) To instruct External Affairs to continue negotiations for exchanges with Japan;

(b) To authorize the Minister of Labour to give assurances as to conditions for repatriation to Japan;

(c) To authorize the Custodian "on the advice of the Department of External Affairs" to give receipts for property left behind in Canada by Japanese sent to Japan as a result of exchanges;

(d) To authorize the Minister of Labour to give assurance to the provinces re indigent Japanese;

(e) To authorize the Minister of Labour to segregate in separate camps persons applying for repatriation;

(f) To authorize a recommendation to be brought in at a later date to vest in the Minister of Labour the control now exercised by the Minister of Justice over acquisition of land by Japanese.

3. I think that the recommendation covers too many subjects and that some of those which are included do not need to be dealt with at all and that others should perhaps be deferred. With regard to the operative sections in the order indicated above:

SECTION 1 is unnecessary. External Affairs can now negotiate exchanges with the Japanese Government and the proposed Order in Council would give no added power.

SECTION 2 gives the Minister of Labour power to prescribe conditions of return for Japanese persons. I do not know whether this is subject to the view Brown expressed on Saturday that more regard would be had by the Japanese for a declaration from the Prime Minister or in the name of the Government as a whole than for one issued by the Commission.

SECTION 3 seems superfluous. I think that the Custodian has full power to give "receipts" for property left behind if he wishes to do so without the necessity of a further Order in Council.

SECTION 4 deals with guarantees to the provinces and it had been felt that this would have to be deferred in view of present circumstances.

SECTION 5 would authorize segregation of declarants in separate camps. I think that the Minister has already full control over movement and if so, no order would be necessary. It seems rather dubious whether segregation should be begun in any case before the declarations have been received and before there is a reasonable prospect of exchange or repatriation.

SECTION 6 would have no effect whatever. It would simply authorize a later Order in Council and there is no necessity for this.

4. It might also be pointed out that the recommendation involves External Affairs, the Custodian and Justice, but has no provision for concurrence and is made simply by the Minister of Labour.

5. I can see no real advantage in proceeding with the recommendation at this time -- if ever --but I am not clear whether we should say anything to Labour to have it modified, held up or discarded.

Assent P.M. Nov. 4/44

DRAFT

RGR/EF
4.11.44.

Secret

TO HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

The Prime Minister has the honour to report:

That experience in the administration of Order in Council P.C. 946 of February 5, 1943, providing for the control of persons of the Japanese race in Canada during the present war, has indicated the advisability of making full inquiries and investigations into the reliability and loyalty of persons of the Japanese race with a view to aiding in the said administration and to the settlement of particular aspects of individual cases when the present measures for housing and settlement become no longer applicable:

That the appointment of commissioners to make the said investigation is advisable for the security, defence, peace, order and welfare of Canada by reason of the state of war now existing.

The undersigned has, therefore, the honour to recommend that Your Excellency in Council, under the authority of the War Measures Act, do order:

1. The following persons are hereby appointed Commissioners to inquire into and investigate the reliability and loyalty of persons of the Japanese race in Canada, other than those who have ~~voluntarily declared in writing~~ recorded ~~their desire to return~~ to Japan, and the extent of the cooperation of the said persons with the Government of Canada during the state of war now existing, and to make reports thereon together with recommendations as to the advisability of the deportation of the said persons from Canada or of otherwise making provision with respect thereto as they deem advisable; ~~(NAMES TO BE INSERTED)~~

hereafter repatriated

3. ~~Declarations~~ Records of desire to return to Japan which have ~~voluntarily~~ been made ~~in writing~~ by persons of Japanese race shall be deemed to be final unless the declarant can show to the satisfaction of the Commissioners that ~~special~~ exceptional circumstances justify the reopening of his case for further consideration, in which ~~case~~ event the Commissioners may investigate and make such recommendations as they deem advisable.

3. The Commissioners shall undertake such additional inquiries and investigations concerning persons of the Japanese race in Canada as they may be requested in writing to undertake by the Secretary of State for External Affairs, the Minister of Justice, the Secretaty of State or the Minister of Labour, and make reports and recommendations pursuant thereto.

4. The Commissioners shall report to the Governor in Council.

5. The Commissioners shall, for the purpose of all inquiries and investigations made pursuant to this Order, have all the powers and authority of commissioners appointed under Part One of the Inquiries Act.

6. The Minister in charge of any department or branch of the Government of Canada may, for the purpose of assisting the Commissioners in their inquiries and investigations pursuant to this Order, make available the services of members of the staff of such department or branch and the records or files relating to persons of the Japanese race in such department or branch.

7. The Commissioners are authorized to engage the services of such clerks, reporters, assistants and counsel as they deem advisable to aid and assist in the performance of their duties.

8. All expenses incurred in connection with the inquiries and investigations of the Commissioners pursuant to this Order shall be paid out of the moneys appropriated by Parliament for the carrying out of measures deemed advisable by the Governor in Council in consequence of the existence of a state of war.

All of which is respectfully submitted.

Prime Minister.

Ottawa, , 1944.

Space for (e.g.) "November 25"

DRAFT 2105/44

EXTERNAL AFFAIRS RECORDS
File No. 104(S)
Sub. S Chron. 5 Filed

TO HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

The Prime Minister has the honour to report:

That experience in the administration of Order in Council P.C. 946 of February 5, 1943, providing for the control of persons of the Japanese race in Canada during the present war has indicated the advisability of making full inquiries and investigations into the reliability and loyalty of persons of the Japanese race with a view to aiding in the said administration and to the settlement of particular aspects of individual cases when the present measures for housing and settlement become no longer applicable;

That the appointment of commissioners to make the said investigation is advisable for the security, defence, peace, order and welfare of Canada by reason of the state of war now existing.

The undersigned has, therefore, the honour to recommend that Your Excellency in Council, under the authority of the War Measures Act, do order:

1. The following persons are hereby appointed Commissioners to inquire into and investigate the reliability and loyalty of persons of the Japanese race in Canada and the extent of the cooperation of the said persons with the Government of Canada during the state of war now existing and to make reports thereon together with recommendations as to the advisability of the deportation of the said persons from Canada or otherwise ~~for~~ making provision with respect thereto as they deem advisable.

2. The Commissioners shall undertake such additional inquiries and investigations, and make reports and recommendations pursuant thereto, concerning persons of the Japanese race in Canada as they may be required in writing to undertake by the Secretary of State for External Affairs, the Minister of Justice, the Secretary of State or the Minister of Labour.

3. The Commissioners shall report to the Governor in Council.

4. The Commissioners shall, for the purpose of all inquiries and investigations made pursuant to this Order, have all the powers and authority of commissioners appointed under Part One of the Inquiries Act.

5. The minister in charge of any department or branch of the Government of Canada may make available the services of members of the staff of, and records or files relating to persons of the Japanese race in the department or branch for the purpose of assisting the Commissioners in their inquiries and investigations pursuant to this Order.

6. The Commissioners are authorized to engage the services of such clerks, reporters, assistants and counsel as they deem advisable to aid and assist in the performance of their duties.

7. All expenses incurred in connection with the inquiries and investigations of the Commissioners pursuant to this Order shall be paid out of the moneys appropriated by Parliament for the carrying out of measures deemed advisable by the Governor in Council in consequence of the existence of a state of war.

DRAFT

2105/44

TO HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

The Prime Minister has the honour to report:

That experience in the administration of Order in Council P.C. 946 of February 5, 1943, providing for the control of persons of the Japanese race in Canada during the present war has indicated the advisability of making full inquiries and investigations into the reliability and loyalty of persons of the Japanese race with a view to aiding in the said administration and to the settlement of particular aspects of individual cases when the present measures for housing and settlement become no longer applicable;

That the appointment of commissioners to make the said investigation is advisable for the security, defence, peace, order and welfare of Canada by reason of the state of war now existing.

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2. The Commissioners shall undertake such additional inquiries and investigations, and make reports and recommendations pursuant thereto, concerning persons of the Japanese race in Canada as they may be required in writing to undertake by the Secretary of State for External Affairs, the Minister of Justice, the Secretary of State or the Minister of Labour.

3. The Commissioners shall report to the Governor in Council.

4. The Commissioners shall, for the purpose of all inquiries and investigations made pursuant to this Order, have all the powers and authority of commissioners appointed under Part One of the Inquiries Act.

5. The minister in charge of any department or branch of the Government of Canada may make available the services of members of the staff of, and records or files relating to persons of the Japanese race in the department or branch for the purpose of assisting the Commissioners in their inquiries and investigations pursuant to this Order.

6. The Commissioners are authorized to engage the services of such clerks, reporters, assistants and counsel as they deem advisable to aid and assist in the performance of their duties.

7. All expenses incurred in connection with the inquiries and investigations of the Commissioners pursuant to this Order shall be paid out of the moneys appropriated by Parliament for the carrying out of measures deemed advisable by the Governor in Council in consequence of the existence of a state of war.

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The Prime Minister has the honour to report:

That experience in the administration of Order in Council P.C. 946 of February 5, 1943, providing for the control of persons of the Japanese race in Canada during the present war, has indicated the advisability of making full inquiries and investigations into the reliability and loyalty of persons of the Japanese race with a view to aiding in the said administration and to the settlement of particular aspects of individual cases when the present measures for housing and settlement become no longer applicable;

That the appointment of commissioners to make the said investigation is advisable for the security, defence, peace, order and welfare of Canada by reason of the state of war now existing.

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2. The Commissioners shall undertake such additional inquiries and investigations, and make reports and recommendations pursuant thereto, concerning persons of the Japanese race in Canada as they may be required in writing to undertake by the Secretary of State for External Affairs, the Minister of Justice, the Secretary of State or the Minister of Labour.

3. The Commissioners shall report to the Governor in Council.

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7. All expenses incurred in connection with the inquiries and investigations of the Commissioners pursuant to this Order shall be paid out of the moneys appropriated by Parliament for the carrying out of measures deemed advisable by the Governor in Council in consequence of the existence of a state of war.

All of which is respectfully submitted.

Prime Minister.

Ottawa, , 1944.

RGR/LF
24.10.44

NOTE FOR FILE:

The following is the text of an item appearing in the Vancouver Daily Province on October 10:

"414 Japanese Left B.C. Since Start of Year

Total of 414 Japanese has left British British Columbia since the start of this year for new homes in eastern Canada, according to George Collins, general superintendent of the British Columbia Security Commission:

Sixty-two Japanese left in September.

This reduces British Columbia's Japanese population at the first of this month to 15,643, of which 9887 Japanese men, women and children are living in the Security Commission's six housing centres in the interior.

STARTED WITH 16,103.

British Columbia started this year with 16,103 Japanese.

Some 7000 British Columbia Japanese, most of them living on the Pacific Coast prior to Pearl Harbor, have left the province and are now living and working across Canada.

Alberta at the start of October had 5577 of British Columbia's Japanese, Saskatchewan had 153, Manitoba 1149, Ontario 2724, Quebec 499 and the Yukon 28.

Approximately 1478 Japanese left the Security

P.T.O.

COPY

SECRET

JAPANESE

October 23, 1944

With reference to the attached personal and confidential letter from Mr. Atherton, it is suggested that you advise Mr. Atherton informally that the problem of the future treatment of alien Japanese and of American citizens of Japanese ancestry now in the United States has been a subject of discussion among interested divisions of the Department for some time past, and that it is hoped that a definite policy in regard to this problem can be evolved in the near future.

You might also inform Mr. Atherton that it can be said that our thoughts in regard to the subject follow along much the same lines as those of the program outlined for Mr. Mackenzie King in the House of Commons on August 4, 1944. It is hoped that we shall be able after the war to arrange to deport alien Japanese who are now known to be disloyal to the United States or who may in the future display such disloyalty, or who have expressed a desire for repatriation to Japan; to expatriate and deport Japanese-Americans who have or may in the future show that their loyalty is to Japan rather than to the United States; to give encouragement to all alien Japanese to return to their homeland; to induce by all practicable means the remaining alien Japanese and American citizens of Japanese descent to disperse throughout the United States; to discourage those peculiarly Japanese institutions, such as Japanese-language schools and State Shinto shrines, which tend to perpetuate Japanese nationalism in the United States; and to accord all alien Japanese and American citizens of Japanese ancestry remaining in the United States fair, just and non-discriminatory treatment throughout the country, in the hope that they will eventually become assimilated into our national life. The problems of revocation of naturalization and prohibition of immigration do not arise with us, as Japanese cannot normally be naturalized in the United States and immigration was effectively halted by the Act of 1924.

Our problem is complicated by the principle of "States' rights", operating under which some of the States of the United States consider it their privilege and function to legislate in regard to the treatment of Japanese and of Japanese-Americans within their borders (for example, Arkansas recently passed a law prohibiting the ownership of land in that State by Japanese

or persons of Japanese descent, and a group in California is endeavoring to introduce legislation prohibiting the ownership of land or watercraft in that State by Japanese-Americans who possess dual nationality). This factor renders it difficult to determine the extent to which the national government will be able to control the situation. The problem is further complicated by the fact that we have, in the continental United States and Hawaii, some 150,000 "nisei", many of whom are now serving in our armed forces and the majority of whom, it is believed, possess Japanese nationality as well as American citizenship. This factor has created many problems for us, especially since Pearl Harbor, and various departments of the Government are now seeking some simple and easy method by which we can determine and fix loyalties and nationalities and thus ascertain whether a person should be treated as a citizen or as an alien.

It is noted that neither Mr. Mackenzie King nor Mr. Robertson has referred to the two problems outlined above, i.e., (1) action by individual governmental subdivisions under the principle of "States' rights" which may not conform to the general policy of the central government, and (2) satisfactory means of terminating dual nationality and divided loyalty. We would appreciate the benefit of any experience which the Canadian Government may have had in regard to these two problems.

Commission's camps since the start of this year to become self-supporting."

DRAFT

RGR/LF
11.10.44.

TO: HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL:

The Prime Minister has the honour to report that

Whereas by Order in Council P.C.946 of February 5, 1943, provision was made for the administration and control of persons of the Japanese race in Canada through the agency of the Minister of Labour in accordance with the needs indicated by the existing state of war;

And whereas experience in the course of such administration and control has shown the desirability of having a thorough examination made by a commission appointed for the purpose in order to ascertain with greater certainty the reliability and loyalty of particular persons of Japanese race whose cases have come under consideration,

And whereas such examination is also desirable with a view to settlement of particular aspects of individual cases when the present methods of housing and settlement based on the war emergency are no longer applicable;

Therefore the undersigned has the honour to recommend that, under the authority of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, it be provided as follows:

(1) The following persons are hereby appointed to constitute a special commission with power to examine and report on the reliability and loyalty of persons of Japanese race in Canada and on the extent of their cooperation with the Government since the outbreak of the war, with a view to making recommendations as to the desirability of allowing them to remain in Canada or of arranging for their deportation from Canada, or for otherwise providing in any special manner for their position:

.....(Chairman).

.....

.....

(2) The Commission shall also undertake such related investigations concerning persons of Japanese race as it may be directed to undertake.

(3) The Commission shall have all the powers and authority of a commission appointed under Part I of the Inquiries Act.

(4) The Commission shall report to the Governor-in-Council.

(5) The Commission shall be given access to such records and files of the departments of government concerning persons of Japanese race in Canada and shall be assisted by such departmental staff as may be necessary for the purposes of its investigations.

All of which is respectfully submitted,

PRIME MINISTER.

Ottawa, ...,1944.

DRAFT

RGR/LF
11.10.44.

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And whereas experience in the course of such administration and control has shown the desirability of having a thorough examination made by a commission appointed for the purpose in order to ascertain with greater certainty the reliability and loyalty of particular persons of Japanese race whose cases have come under consideration,

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.....(Chairman).

.....

.....

(2) The Commission shall also undertake such related investigations concerning persons of Japanese race as it may be directed to undertake.

(3) The Commission shall have all the powers and authority of a commission appointed under Part I of the Inquiries Act.

(4) The Commission shall report to the Governor-in-Council.

(5) The Commission shall be given access to such records and files of the departments of government concerning persons of Japanese race in Canada and shall be assisted by such departmental staff as may be necessary for the purposes of its investigations.

All of which is respectfully submitted,

PRIME MINISTER.

Ottawa, ...,1944.

DRAFT

RGR/LF
28.6.44.

TO: HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

The ~~Secretary of State for External Affairs, with the concurrence of the Secretary of State, the Minister of Labour and the Minister of Justice~~ Prime Minister has the honour to report that

Whereas by Order in Council P.C.946 of February 5, 1942, provision was made for the administration and control of persons of the Japanese race in Canada through the agency of the Minister of Labour in accordance with the needs indicated by the existing state of war;

And whereas experience in the course of such administration and control has shown the desirability of having a thorough examination made by a commission appointed for the purpose in order to ascertain with greater certainty the reliability and loyalty of particular persons of Japanese race whose cases have come under consideration,

And whereas such examination is also desirable with a view to settlement of particular aspects of individual cases when the present methods of housing and settlement based on the war emergency are no longer applicable;

Therefore the undersigned, ~~with the concurrence aforesaid,~~ has the honour to recommend that, under the authority of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, it be provided as follows:

(1) The following persons are hereby appointed to constitute a special commission with power to examine and report on the reliability and loyalty of persons of Japanese race in Canada, ~~this~~ and on the extent of their cooperation with the Government since the outbreak of the war, with a view to making recommendations as to the desirability of allowing them to remain in Canada or of arranging for their deportation from Canada , or for otherwise providing in any special manner for their position:

.....(Chairman).
.....
.....

(2) The Commission shall also undertake such related investigations concerning persons of Japanese race as it may be directed to undertake ~~by the Cabinet War Committee or by the Secretary of State for External Affairs, the Secretary of State, the Minister of Labour or the Minister of Justice.~~

(3) The Commission shall have all the powers and authority of a commission appointed under Part I of the Inquiries Act.

(4) The Commission shall report to the ~~Secretary of State for External Affairs in general, and to the Secretary of State, the Minister of Labour or the Minister of Justice as the case may be, in connection with such cases as it may investigate on their instructions.~~ Governor-in-Council.

(5) The Commission shall be given access to such records and files of the departments of government concerning persons of Japanese race in Canada and shall be assisted by such departmental staff as may be necessary for the purposes of its investigations.

All of which is respectfully submitted,

Prime Minister.
~~Secretary of State for External Affairs.~~

Ottawa, ...,1944.

DRAFT

RGR/LF
24.4.44.

TO: HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

The Secretary of State, with the concurrence of the Minister of Labour and the Minister of Justice has the honour to report that

Whereas by Order in Council P.C. 946 of February 5, 1943, provision was made for the administration and control of persons of the Japanese race in Canada through the agency of the Minister of Labour in accordance with the needs indicated by the existing state of war;

And whereas experience in the course of such administration and control has shown the desirability of having a thorough examination made by a commissioner appointed for the purpose in order to ascertain with greater certainty the reliability and loyalty of particular persons of Japanese race whose cases have come under consideration,

And whereas such examination is also desirable with a view to settlement of particular aspects of individual cases when the present methods of housing and relocation based on the war emergency are no longer applicable;

And whereas it is desirable that a commissioner empowered to examine the cases of persons of Japanese race should also be empowered to investigate related aspects of the cases of enemy aliens other than Japanese, or of persons of enemy alien origin or descent other than Japanese, whose cases may come under consideration with regard to their reliability and loyalty after present provisions for internment or restriction under the Defence of Canada Regulations and other measures are removed;

Therefore the undersigned, with the concurrence aforesaid, has the honour to recommend that, under the authority of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, it be provided as follows:

(1) .....is hereby appointed a special commissioner with power to examine and report on the reliability and loyalty of persons who are enemy aliens or of persons of enemy alien origin or descent in Canada, concerning whom there may be doubt as to their loyalty or reliability, with a view to making recommendations for the disposition of their cases.

(2) The commissioner shall also undertake such related investigations concerning enemy aliens or persons of enemy alien origin or descent as he may be directed to undertake by the Cabinet War Committee or by the Secretary of State, the Minister of Labour, or the Minister of Justice and shall have all powers necessary for the conduct of such investigations and to make such recommendations as he thinks fit.

(3) The commissioner shall report to the Secretary of State in general, and to the Minister of Labour or the Minister of Justice, as the case may be, in connection with such cases as he may investigate on their instructions.

(4) The commissioner shall be given access to such records and files of the departments of government concerning enemy aliens and persons of enemy alien origin or descent in Canada and shall be assisted by such departmental staff as may be necessary for the purposes of his investigations.

All of which is respectfully submitted,

Secretary of State
~~for External Affairs~~.

Ottawa, ..., 1944.

COPY DRAFT RGR/LF
24.4.44

TO: HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

The Secretary of State, with the concurrence of the Minister of Labour and the Minister of Justice has the honour to report that

Whereas by Order in Council P.C.946 of February 5, 1943, provision was made for the administration and control of persons of the Japanese race in Canada through the agency of the Minister of Labour in accordance with the needs indicated by the existing state of war;

And whereas experience in the course of such administration and control has shown the desirability of having a thorough examination made by a commissioner appointed for the purpose in order to ascertain with greater certainty the reliability and loyalty of particular persons of Japanese race whose cases have come under consideration,

And whereas such examination is also desirable with a view to settlement of particular aspects of individual cases when the present methods of housing and relocation based on the war emergency are no longer applicable;

And whereas it is desirable that a commissioner empowered to examine the cases of persons of Japanese race should also be empowered to investigate related aspects of the cases of enemy aliens other than Japanese, or of persons of enemy alien origin or descent other than Japanese, whose cases may come under consideration with regard to their reliability and loyalty after present provisions for interment or restriction under the Defence of Canada Regulations and other measures are removed;

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(2) The commissioner shall also undertake such related investigations concerning enemy aliens or persons of enemy alien origin or descent as he may be directed to undertake by the Cabinet War Committee or by the Secretary of State, the Minister of Labour, or the Minister of Justice and shall have all powers necessary for the conduct of such investigations and to make such recommendations as he thinks fit.

(3) The commissioner shall report to the Secretary of State in general, and to the Minister of Labour or the Minister of Justice, as the case may be, in connection with such cases as he may investigate on their instructions.

(4) The commissioner shall be given access to such records and files of the departments of government concerning enemy aliens and persons of enemy alien origin or descent in Canada and shall be assisted by such departmental staff as may be necessary for the purposes of his investigations.

All of which is respectfully submitted,

Secretary of State.

Ottawa, ...,1944

HLK/ELB

MEMORANDUM

Department of External Affairs

Ottawa,.....October...18/44.....

Copy for: Mr. R. G. Robertson

DEPARTMENT OF EXTERNAL AFFAIRS

Subject War U.S. Japanese

Date October 3, 1944 *Publication* Vancouver Daily Province

U.S. Race-baiting Of Jap-Americans Rapidly Subsiding

LOS ANGELES, Oct. 3.—(AP)—The temper of opinion toward Japanese - Americans has changed "rapidly and unmistakably" during recent months, chiefly because of the "magnificent combat record of Japanese-American boys in the uniform of the United States Army," according to Director Dillon S. Myer of the United States war authority.

processes," he declared, "one processes," he declared, 'one could easily prove to them that their proposals to exclude the evacuees from the west coast permanently are not really based on suspicions of disloyalty but solely on racial prejudice."

RGR/LF
22.9.44.

MEMORANDUM FOR MR. ROBERTSON:

STEPS TO TAKE WITH REGARD TO HANDLING OF THE JAPANESE PROBLEM:

1. As things stand at present we have yet to receive comments from Justice, State and Immigration on the draft Recommendation to Council. When these are available, presumably a revised draft with an explanatory memorandum and suggested names for commission members should be circulated to all ministers for Cabinet consideration. In the meantime there are certain steps that might be taken to prepare matters somewhat.

2. A.H. Brown's letter of September 5 and MacNamara's letter of September 20 indicate that Labour is suspending re-settlement and other operations pending the establishment of a commission and guidance as to its policy. The tenor of our meeting with Brown and Pammett of August 28 was that resettlement should be pushed as rapidly as possible, selecting for movement and placement those Japanese whose history indicated that they would be likely to be allowed to remain in this country. Should I revise my letter of September 20 to Brown emphasizing the need to push resettlement plans even though the commission is not established and full details of policy cannot be settled yet? I think there is no reason why Labour could not go ahead with a large number of cases that seem fairly definite.

3. In Collin's memorandum forwarded by MacNamara he emphasizes the desirability of announcing as soon as possible the terms on which Japanese wishing to go to Japan will be assited to move. It might be helpful if terms could be suggested for approval by War Committee or the Cabinet. If these could be drawn up and published along with the suggestion that all Japanese persons wishing to return to Japan after the war should notify their local Camp authorities

or the Commissioner of Japanese placement, it might be helpful in securing a list of names. Terms might be somewhat as follows:

-- Free transportation to Japan for all members of families;
-- Permission to remove all funds from Canada;
-- Permission to take personal effects and other property up to a weight of e.g. - adults 500 lbs. and children 150 lbs;
-- Permission to realize on all land, furniture, heavy chattels and other property not removable and to take out of Canada the proceeds;
-- Resettlement grant to up to $150.00 per family and $100.00 for single men to be given in cases of need;
-- Arrangements for admission to Japan to be made by the Canadian Government and provided for under peace terms with Japan;
-- British subjects to be devested of such status before leaving and Japanese Government to be required to grant status as Japanese nationals to all persons not having it who wish to go there;
-- Persons desiring movement in Japan to be collected in special housing areas until transportation available.

If something of this sort seems feasible, draft terms might be worked on with Labour and prepared for submission to War Committee.

4. In his memorandum of September 5 Brown mentioned assistance that would be given to resettlement plans if the Federal Government were prepared to give assurance to the provinces that it would be prepared to protect them with respect to maintenance, hospitalization and old age pensions for Japanese moved into the provincial territories who might subsequently become indigent. He thought that such assurances might meet objections from civic authorities in some cities and would facilitate entry into the larger urban centers. I suppose some time limit would have to be placed on such an assurance, but it would probably be very helpful if it could be given. Would it be desirable to prepare draft terms for such a guarantee for settlement to the Prime Minister and War Committee?

5. There is certain work also that might be done preparatory to establishment of the commission. Some of it was outlined in a general way at the meetings last Spring, but I doubt if very much has been accomplished. It might be desirable to hold a further meeting to institute definite action on the following points:

(a) Establishment of a definite procedure for the preparation of dossiers regarding Japanese persons and families--

Mr. MacNamara indicated that Labour could make personnel available. To get something definitely under way I think it would be desirable to have Labour designate some person to be specifically in charge of this work. In addition other departments should begin at once assembly of material to send to such person to be added to the dossiers. The departments and agencies that would have useful information are: Labour, B.C.S.C., State, Justice, R.C.M.P., External Affairs, National Defence.

(b) Establishment of a committee to make recommendations concerning the operation of the commission--

Something could be done in advance to draw up recommendations as to where the commission should begin its investigations, what its itinerary should be, in what order it should examine various Japanese, in what cases dependents should be examined as well as heads of families, general rules with regard to handling family units, most important points to be ascertained in the course of investigation, etc. The Committee might also draw up plans for the provision of staff and the handling of administrative procedure etc. Such a committee should probably consist of representatives of Labour, R.C.M.P, Justice and External Affairs.

(c) Establishment of a committee to investigate administrative and legal measures to be taken to implement the policy following on the commission's investigations.--

Measures here would cover:

(1) Immigration and deportation measures;
-- Provisions will be necessary to cover the deportation of persons born in Canada and to explain the terms of the Immigration Act regarding Boards of Enquiry, manner of deportation etc.

(2) Naturalization provisions:

-- There is no way at present of depriving a British born person of his status. Other measures will have to be examined to provide for depriving all Japanese of British status before their deportation. Canadian Nationals Act should also be examined to see if anything is needed in regard to that.

(3) Property Questions:

-- The Custodian's regulations will have to be looked at and also problems regarding the restoration of property, compensation in loss of property and sale of property.

(4) Other related problems:

-- A committee of this type should probably have representatives of State, Immigration, Custodian, Justice, Labour and External Affairs.

It may be that two committees are not enitrely necessary. There is a clear division in the work, but if it seems preferable, only one committee might be established which would embrace all departments indicated in their aspect of the work.

6. There may be other measures that should be taken, but if the ones indicated could be begun there might be more rapid progress than is at present evident.

RGR/LF
22.9.44.

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RSR/mp
15.7.44

Policy with regard to Japanese persons in Canada

Section 5 of this Bill touches one aspect of a very ~~different~~ difficult problem - the future of persons of Japanese race in Canada. It is a question which has been debated a great deal in certain sections of the country. Its solution is of great importance not only to the persons of Japanese origin who are involved or to the people of British Columbia, but to the entire country. In considering this measure, I believe it would be helpful if I were, first of all, to give some indication of the plans which the Government has in mind for the general disposition of persons of Japanese race. In the context of that general policy, I think this section of the Bill has not the character of discrimination that it otherwise might appear to have. I had previously intended that this statement should be made during consideration of the estimates of the Department of External Affairs. However, the interest that has been aroused in the present measure makes it desirable, I think, that the general policy should now be presented.

On several occasions Honourable Members from British Columbia have expressed the view that the rest of Canada does not appreciate the Japanese problem and that it has been left as virtually the sole responsibility of their province. The fact that in 1942, 22,096 of the 23,149 persons of Japanese race in Canada lived in British Columbia, undoubtedly made the people of that province particularly aware of the problem. It will, I believe, be agreed that during the war the Government of Canada has not left the question on the doorstep of British Columbia. It has taken primary responsibility and I wish to say, at the outset, that the government recognizes that the problem is one to be faced and dealt with by the whole country and not merely by British Columbia. The provinces have their particular sphere of responsibility, but what I want to make clear is that the government does recognize that the problem is one to be faced by the whole of Canada as a Canadian problem. It is on this basis that the matter has been approached.

The government has had certain basic principles before it in formulating the policy which I wish to present today. In the first place, it recognizes the concern felt

by British Columbia at the possibility of once again having within its borders virtually the entire Japanese population of Canada. That situation has in the past led to acrimony and bitterness. That the feeling is general in British Columbia has been made evident not only by the remarks of Honourable Members from the province, but also through representations received from many west-coast organizations and individuals. In view of the concern, it is felt that it must be accepted as a basic factor that it would be unwise and undesirable, not only from the point of view of the people of British Columbia, but also from that of persons of Japanese origin themselves, to allow the Japanese population to be concentrated in that province after the war.

Secondly, the government has noted that for the most part the people of Japanese race in the country have remained loyal and have refrained from acts of sabotage and obstruction during the war. For the future protection of those who have remained loyal as well as to eliminate those who have shown that their true allegiance is not to Canada but to Japan, the government is of the view that persons of Japanese race, whether Japanese nationals or British subjects by naturalization or birth, who have shown disloyalty to Canada during the war should not have the privilege

of remaining here after the struggle is terminated. That is the second principle that is considered to be fundamental.

Thirdly, the government is of the view that, having regard to the strong feeling that has been aroused against the Japanese during the war and to the extreme difficulty of assimilating Japanese persons in Canada, no immigration of Japanese into this country should be allowed after the war. It is realized, of course, that no declaration of this type can or should be attempted which would be binding indefinitely into the future. Nevertheless, as a guiding principle in the years after the war, it is felt that the exclusion of Japanese immigrants is clearly indicated.

Finally, the government considers that while there are disloyal persons to be removed, and while immigration in future is undesirable, and while problems of assimilation undoubtedly do present themselves with respect even to the loyal Japanese in Canada, nevertheless they are persons who have been admitted here to settle and become citizens, or who have been born into this free country of ours, and, if we are true to the principles for which we are fighting, we cannot do less than treat them fairly and justly.

The interests of Canada must be paramount and they will be protected as the first duty of the government. It has not, however, been demonstrated at any stage of the war that the presence of a few thousand persons of Japanese race, who have been guilty of no act of sabotage and who have manifested no disloyalty, even during periods of utmost trial, constitute a menace to a nation of almost twelve million people. Those who are disloyal must be removed. That has been made clear. The rest are guilty of no crime, nor even of any ill intention, and the government is determined to deal justly with them. It would be an acceptance of the standards of our enemies and the negation of the purposes for which we are fighting to do otherwise.

These are the principles that have seemed worthy of acceptance as the basis for a reasonable and equitable policy in disposing of the vexatious problem. Obviously the exigencies of the future may dictate modifications or alterations. Moreover, we shall attempt, in so far as it seems desirable, to maintain a policy that can, in a sense, be considered as part of a "continental policy" in handling the Japanese problem. The situation in the

United States is in all essentials the same as our own and, to the extent that it seems desirable, we shall endeavour to ensure that our policy takes account of the policies which are being applied south of the border. There is no need for an identity of policy, but I believe there is merit in maintaining a substantial consistency of treatment in the two countries.

Perhaps I might now indicate the tentative measures which it is proposed to put into effect in order to carry out a policy based on the principles I have indicated.

The first and, in a sense, the fundamental task is to determine the loyal and the disloyal persons of Japanese race in Canada. The entire policy depends on this being done. To some extent, of course, the task has been carried out through the examination and internment of suspicious or dangerous persons. However, it cannot be assumed that all those who have been interned are disloyal. Some may merely have misunderstood their dispossession from their property in the protected zones, and may have striven to protest and retain what they considered to be rightfully theirs as peaceful and honest Canadian citizens. Undoubtedly some of these cases exist. Misunderstanding is not the same as traitorous intent, and a stubborn defence of one's own

property is not necessarily disloyalty. On the other hand, there may be persons who have committed no act to justify their internment but who are in fact disloyal. What is clearly indicated is the establishment of a quasi-judicial commission to examine the background, loyalties and attitudes of all persons of Japanese race in Canada to ascertain those who are not fit persons to be allowed to remain here.

The commission I have referred to should, I think, be established in the fairly near future in order that it may begin what will be a large and important task. The result of the Commission's work would be to establish a list of disloyal Japanese persons - some of whom will be Japanese nationals, some British subjects by naturalization, and some British subjects by birth. It would be our intention that these persons should be deported to Japan as soon as that is physically possible. Prior to deportation, British subjects falling within this class would be stripped of their status as such. By the terms of the peace, Japan can be compelled, whether she wishes or not, to accept these persons whose first loyalty is to her. There may also be some persons who will voluntarily indicate a desire to proceed to Japan. For these, no further examination would be necessary.

Whatever their national status, they would be allowed and encouraged to go as soon as they can.

Once the examination has been carried out, there will be established a list of Japanese persons who are loyal to Canada. Those persons, if they have been properly admitted to this country and wish to remain here, should be allowed to do so. However, as I have said, they should not be allowed once more to concentrate in British Columbia. To prevent such concentration, measures of two types can be taken - on the one hand, a maximum can be set on the number of persons of Japanese race to be allowed to return to British Columbia. On the other hand, persons of Japanese race can be given encouragement to move and remain elsewhere. It would be most undesirable, I believe, to establish a permanent barrier to the movement within Canada of persons who have been lawfully admitted to Canada or who are nationals of Canada. That would raise the possibility of discrimination and restrictions on movement to and from provinces which might have most unfortunate consequences in the future. Even the establishment of a temporary limitation would be undesirable in principle, but as a practical question of policy it may well be inescapable.

To encourage Japanese persons to settle elsewhere in Canada, it will have to be established that they can remain in such other provinces, acquire property, and have the prospect of achieving a settled and happy life. Discussion with the various provinces will probably be desirable. The desirability of removing present restrictions on the acquisition of real property, possibly on the basis of designated areas, will have to be examined. In any event, there is no doubt that, with co-operation, it can be made possible to settle the Japanese more or less evenly throughout Canada, in such a manner that, on the one hand, they are able to pursue the settled lives to which they are entitled, and, on the other hand, they do not present themselves as an unassimilable bloc or colony which might give rise again to distrust, fear and dislike. It is the fact of concentration that has given rise to the problem. In terms of numbers, the Japanese population of Canada is negligible, and it is something less than a credit to ourselves if we cannot absorb them among twelve million of us without harm to anyone.

Having outlined this tentative policy, perhaps I may now revert to the measure at present under discussion. While the denial of the franchise on the basis of race

The measure that was mostly under debate in this House with regard to the evacuation of the persons of Japanese race is, as honorable members will recall, a purely temporary measure which is designed to cover a period of transition, resettlement, and segregation of loyal from disloyal persons such as is contemplated in the policy shown outlined. When segregation and resettlement have been completed it is the hope of the government that the necessity will disappear for the application of restrictive measures to the population of Japanese race who remain. However, it is not my intention

is subject to objections in principle which have been noted by many persons, nevertheless I think the section assumes a different aspect when it is considered as a temporary measure designed to cover a period of transition, resettlement, and segregation of loyal from disloyal persons. Until those who are disloyal are known, there are grounds for taking a general preventative step of this type. Until resettlement has been achieved, the number of persons who will in fact be affected will be negligible. When the period contemplated in this measure has elapsed, and the restriction disappears, it may be expected that both segregation and resettlement will have been completed. On that basis, I think Honourable Members will agree that the measure is not unreasonable and does not in fact contravene the general principle of equality of treatment at which we should aim.

It is not my intention at this time to enlarge further on this matter. There are questions of detail which have not yet been and which must be considered. There may also be modifications of policy which further investigation will show to be necessary. However, in general, the lines of development to which the government

will endeavour to adhere will be those which I have outlined. Our aim will be to resolve a difficult problem which has given rise to some bitterness, in such a manner as to protect the interests of this country and the people of British Columbia, while at the same time preserving that measure of justice and fair dealing which is basic on the cause for which we are fighting today.

RGR/LF
12.6.44.

MEMORANDUM FOR MR. ROBERTSON:

Treatment of the Japanese in Canada:

(1) The Prime Minister has asked for a statement to be given by him in the House on our policy toward Japanese and we were committed by Colonel Ralston on May 5 to making such a statement. The proposed disfranchisement of the Japanese under the new Elections Act, the recent statement by Mr. MacKenzie on the return of Japanese to British Columbia and the constant activity of anti-Japanese persons and groups, all make it clear that it is essential to have a declaration of Government policy as soon as possible if anything short of an extreme position is to be maintained.

(2) Mr. Roosevelt quite some time ago made it clear publicly that the Federal Government had in mind allowing loyal Japanese to return to their homes in the evacuated area if they wished. There has, however, been no definite indication as yet of what the final United States policy will be. We do know that Mr. Ickes is in favour of a moderate policy, as is Dillon-Meyer of the W.R.A. It would probably strengthen their hand if a declaration of a moderate policy were to be made here. It seems clear at any rate that an effort will be made to have a moderate stand taken there and perhaps it will not be too difficult after the election fury has died down.

(3) With regard to a declaration of policy here, I was wondering if it might not be possible for the Prime Minister to preface his statement with a development of some such points as the following:

(a) The Government recognizes that the problem of the disposition of the Japanese in Canada is one that concerns the whole of Canada and not merely British Columbia. (The British Columbia members have constantly claimed that the rest of Canada does not understand the problem involved).

(b) The Government recognizes the concern felt by British Columbia at the possibility of having once again within its borders virtually the entire Japanese population of Canada and that in view of this concern and the feeling aroused by it, it would be unwise and undesirable from the point of view of the Japanese themselves to have all the pre-war Japanese population of British Columbia returned to that province.

(c) The Government is also of the view that any persons of Japanese race, whether Japanese nationals or British subjects by naturalization or birth who showed disloyalty to Canada during the war should not have the privilege of remaining here after the war.

(d) In view of the strong animosity that has been aroused against the Japanese because of the events of the war and in view of the extreme difficulty of assimilating Japanese persons of Canada, no immigration of Japanese into this country should be allowed after the war.

(e) While problems of assimilation exist and while further immigration should not be allowed, the Government is convinced that the principles involved in the stand we are taking in the present war against persecution and intolerance and in the British traditions of justice and fair play, require that unjust persecution should not be visited on innocent persons who have lived in peace in Canada and most of whom are citizens of Canada merely because they are of a particular race. The interests of Canada must be paramount, but the Government of Canada has noted that there has not been one single case of sabotage by persons of Japanese race in this country during the war and is of the opinion that the presence of a few thousand persons of Japanese race in a country of eleven and a half million cannot possibly constitute a menace to the interests of the country. Subject therefore to the interests of the country and to the strict elimination of all persons who have manifested disloyalty to Canada during the war, the Government is determined to deal justly with the remaining persons of Japanese race in Canada.

(4) Perhaps to a preamble of this type, a declaration of policy along the following lines might be made:

(a) Measures will be taken immediately to establish a Commission to examine the background, loyalties and attitudes of all persons of Japanese race in Canada to ascertain those who by reason of their conduct during the war or whose loyalties, as indicated by their words or actions, are not fitting persons to be allowed to remain in Canada.
(This would meet the point of members who have complained that no effort has been made to distinguish between loyal and disloyal Japanese).

(b) To ensure that the Japanese allowed to remain in Canada do not concentrate after the war in British Columbia, an effort will be made to establish a maximum number who will be allowed to return there within a fixed period of several years following the conclusion of hostilities.

(c) In order to encourage Japanese to disperse throughout the remainder of Canada, Federal restrictions will be removed shortly on the acquisition of land and real property in provinces other than British Columbia.

(d) Discussions will be entered into with the provinces in an effort to achieve satisfactory arrangements under which they will not prevent the acquisition of land by Japanese and will not place disabilities on them of other types.
(With regard to entry into the various provinces, Section 95 of the British North America Act is as follows:

> "In each Province the Legislature may make Laws in relation to Agriculture in the Province, and to Immigration into the Province; and it is hereby declared that the Parliament of Canada may from Time to Time make Laws in relation to Agriculture in all or any of the Provinces, and to Immigration into all or any of the Provinces, and any Law of the Legislature of a Province, relative to Agriculture or to Immigration, shall have effect in and for the Province as long and as far only as it is not repugnant to any Act of the Parliament of Canada."

By Federal legislation the Dominion could over-ride any provincial efforts to exclude Japanese, but agreement would clearly be preferable.)

(e) As soon as it is possible after the war all Japanese who have shown disloyalty to this country during the war will be removed to Japan and the British status of any who have British status will be revoked.

(5) I do not know whether you will think something of this sort is feasible, but it might be worthy of consideration as a possibility.

DRAFT

MEMORANDUM

COPY NO.

CABINET WAR COMMITTEE

Re: Policy with Regard to Japanese in Canada.

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1. Two interdepartmental meetings have been held in the past week to give consideration to recommendations which might be brought before War Committee with regard to steps to be taken toward the settlement of the problem of Japanese in Canada. The meetings were attended by the Under-Secretary of State for External Affairs, the Under Secretary of State, the Deputy Ministers of Justice and Labour, the Director of Immigration, and the Deputy Commissioner of the R.C.M.P., and other representatives of the Departments indicated.

2. The meetings agreed that the following appeared to be desirable basic principles for the formulation of recommendations on policy:

(a) Steps should be taken to achieve as soon as possible a segregation of undesirable and disloyal Japanese from those whose sympathies for this country are beyond doubt.

(b) The segregation should be on the following basis:

(i) All persons of Japanese race whose internment has proved necessary during the war should automatically be considered to come within the segregated group unless they can show cause why they should not.

(ii) All persons of Japanese race who have declared their loyalty to Japan or who have sought repatriation to Japan during the war should automatically be segregated unless they can show cause why they should not.

(iii) Other persons of Japanese race should be subject to investigation for failure to abide by the laws of Canada for non-compliance with Selective Service Regulations, or for other indications that their sympathies are with Japan in the war and, if

adequate cause is shown, should be segregated.

It was felt that those adjudged to fall within the segregated category should be subject to deportation after the war. In the case of those who were British subjects, a preliminary step would be necessary in the revocation of such status.

The meetings also agreed that any persons of Japanese race who expressed a desire to return to Japan should be given all possible assistance to do so as soon as practicable.

It was the view of the meeting that, in following the policy of segregation and deportation, regard should be had for the policy followed in the United States. The problem there is essentially the same and it was felt that it would be preferable if the measures taken could be kept in line with one another.

3. The underlying assumption in reaching the above conclusions was that it would be desirable at the end of the war to achieve a reduction in the Japanese population of Canada by removing all those who had shown in the war that their closest connection or loyalty was to Japan. It was felt that only by such selection and removal would it be possible to enable an elimination of the restrictions which at present apply on a purely racial basis to a section of persons of British status, as well as to aliens of the same race. It was also felt that if such selection could be made, it would be much easier to approach the provincial governments, which will have to be consulted at some stage, with a policy for re-settlement which would be just to the Japanese remaining in Canada, defensible in the interests of Canada, and at the same time acceptable to the provincial authorities.

4. Consideration was also given to the fact that it would be desirable to encourage, as far as possible, a re-settlement of loyal Japanese during the war on a basis which might achieve permanency. The wartime restrictions on entry into the protected area of British Columbia would ensure that such settlement would be outside the area of greatest controversy. If approved, Japanese would be allowed to purchase land in other parts of Canada. It was felt that this might encourage their dispersal throughout the country and thus reduce the problem

P.T.O.

arising out of their concentration in British Columbia.

Any decision on this matter, however, would have to have regard for the fact that, thus far, undertakings have been given to provinces in which Japanese have been resettled to remove them at the end of the war.

5. The meetings agreed that, if the principles outlined in paragraph (2) are approved, it would be desirable to begin at once with an examination of individual cases in order to have ready, at the conclusion of hostilities, a list of persons whose deportation or voluntary removal could be instituted. This would require examination and preparation of the files in all doubtful cases by the officials of the Department of Labour and R.C.M.P., and decision on the cases, on the basis of such files and any additional evidence that appeared desirable, by a commissioner to be appointed for the purpose. Such a commissioner should preferably be drawn from the bench, and the magnitude of the problem would require that he give his full time to it.

6. The meetings agreed that the following recommendations be placed before War Committee:

(a) That the general principles outlined in paragraph (2)(above) be approved as the basis for initiating consideration of the problem.

(b) That a commissioner be appointed to review all cases of persons of Japanese race whose loyalty is doubtful in order to determine those who should be deported in accordance with such principles, and with power to render final decisions in all cases.

(c) That consideration be given to the desirability of framing the powers of the commissioner in such a way as to enable him to review cases of enemy aliens other than Japanese, and persons of enemy origin or descent other than Japanese, on the same principles.

A.D.P. Heeney
Secretary

Privy Council Office
April 18th, 1944.

RGR/LF
27.3.44.

MEMORANDUM FOR THE PRIME MINISTER:

At Quebec last August I submitted to you a memorandum containing certain tentative suggestions as to the policy that should be adopted with regard to the treatment of Japanese in Canada. You agreed with the following preliminary suggestions:

"(a) That all possible assistance be given to any persons of Japanese race who wish to return to Japan (including free transportation and permission to transfer funds).

(b) That all Japanese nationals be deported whose internment was necessary during the war.

(c) That the British status be revoked of all Japanese Canadians who had to be interned or who put themselves under the protection of the Protecting Power. Such persons would then be liable to deportation in the same way as persons falling under (b).

(d) That immigration for permanent settlement be stopped."

I also suggested that, if the above principles were adopted, the remaining Japanese in Canada should be allowed to remain here without any special disabilities on a basis of non-discrimination. You were of the opinion that this would require consideration.

On the whole, I think our treatment of the Japanese in Canada has not been unduly harsh and can be defended as reasonable in the circumstances. Nevertheless many of the restrictions that have been placed on persons of Japanese race work hardship upon them. The people involved are in the great majority of cases British subjects and Canadian nationals who personally are guilty of no offence other than that of having Japanese ancestry. I think it would be very desirable if we could remove as far as possible the aspects of social discrimination that are involved. In order to do this, however, it is necessary I think to deal strictly, and perhaps more strictly than the individual cases would in themselves justify, with any and all cases in which there is adequate reason to believe that the person involved has

endeavoured to assist the Japanese war effort or hinder ours, or has manifested disloyalty toward this country or greater sympathy for Japan. If such persons could be identified and segregated (nominally, for the most part, but physically wherever necessary) it would be possible to reduce the restrictions on other persons of Japanese race. Such action would have a double advantage. It would strengthen the principle on which our treatment of Japanese is based, and it would prepare the way for a post-war acceptance of innocent Japanese as proper persons to remain in Canada. A recent Gallup Poll indicated that 59% of the people interviewed were in favour of allowing Japanese Canadians to remain in Canada after the war. If this is to be done, it is desirable to take whatever preparatory steps are possible now.

I have discussed the question with members of the Department who are particularly interested in the problem. Subject to your approval, it would, I think, be desirable now to have the matter considered interdepartmentally. For this purpose, I would suggest that the following general principles, which are essentially an elaboration of the original proposals with which you expressed agreement last August, should be made the basis of consideration:

(a) Steps should be taken to achieve as soon as possible a segregation of undesirable and disloyal Japanese from those whose sympathies for this country are beyond doubt.

(b) The segregation should be on the following basis:

(i) All persons of Japanese race whose internment has proved necessary during the war should automatically be considred to come within the segregated group unless they can show cause why they should not.

(ii) All persons of Japanese race who have declared their loyalty to Japan or who have sought repatriation to Japan during the war should automatically be segregated unless they can show cause why they should not.

(iii) ~~All~~ Other persons of Japanese race should be subject to investigation for failure to abide by the laws of Canada for non-compliance with Selective Service Regulations, or for other

indications that their sympathies are with Japan in the war and, if adequate cause is shown, should be segregated.

(c) All cases for segregation should be examined by a commission, or other special body to be established, with possibly a right of appeal to the Minister of Justice in the case of persons who are British subjects.

(d) The post-war consequences of segregation should be:

(i) for Japanese nationals -- deportation to Japan without further investigation or right of appeal.

(ii) for British subjects -- loss of British status and deportation as in the case of Japanese nationals.

(e) Any persons of Japanese race who express a desire to return to Japan should be given all possible assistance to do so as soon as it is practicable.

If the above principles should be found possible for adoption and segregation were instituted, it would, I think, be possible to relax some restrictions on innocent Japanese. It would probably not be possible to allow their return during the war to the protected area of British Columbia. However, if this restriction were maintained, but at the same time loyal Japanese were allowed to buy land elsewhere in Canada, it might encourage them to "take root" in other provinces. Such a dispersion would facilitate a post-war settlement on a reasonably just basis by helping to meet the otherwise adamant stand of British Columbia in the face of a probable return of almost all Japanese to that province.

It will probably be necessary to approach the provinces at some stage. However, there would be much less difficulty in reaching a sound basis of agreement with them if we could show that all doubtful cases had been carefully dealt with and only innocent persons of Canadian sympathies were involved. A carefully considered and definite program might be accepted without too great difficulty.

If it is possible, after consideration, to deal with the Japanese and persons of German, and possibly Italian origin at least formally on the same basis, it would probably be preferable. However, I think there is a real difference in

the nature of the problem, and this would have to be the major consideration.

If you approve the suggestions set forth above, I shall take steps to have the matter considered inter-departmentally in order that a complete report and plan of procedure can be submitted for the approval of Council.

POLICY WITH REGARD TO JAPANESE IN CANADA

Mr. R. G. Robertson's comprehensive survey of this subject appears to me to be both adequate and fair. The following observations are offered as amplification of some of the points already mooted:

(1) In consideration of Canada's long-term relations with the peoples of Asia it would seem desirable, if at all practicable, to draft enabling legislation in general terms so that for the record at least it will not appear to be discriminating against the Japanese as a race, but rather, against all persons in Canada of enemy nationality or origin who have been disloyal, etc., to Canada. The number of persons of German, Italian or other enemy nationality or origin whom we might wish to repatriate may be small, but if they were dealt with by the same legislation our future friendly relations with other Asiatic countries or even a reformed Japan would not be made more difficult by a charge of "racial discrimination".

(2) As suggested in paragraph (4) page 3. of Mr. R. G. Robertson's memorandum, among other reasons for trying to reach a wartime settlement of this matter is the consideration that for economic reasons large numbers of Japanese or Japanese Canadians, who might have declared their sympathy for Japan when she was winning victories, will not do so when they contemplate the economic chaos that is certain to result from the military defeat of Japan. For that reason it would seem to be urgent that segregation be proceeded with before Japanese in Canada become convinced of the defeat of their country, else those who for political reasons would declare their loyalty to Japan will refrain from doing so for economic reasons.

(3) In paragraph (16) page 8 it is suggested that all Japanese nationals not coming within the segregated categories should be subject to deportation, one year after the conclusion of hostilities who have not become naturalized or made a declaration of intention. This suggestion is very reasonable provided that unreasonable obstacles are not placed in the way of decent Japanese who wish to become naturalized. In this connection it would appear that the provision of Japanese law, noticed in P.C. 1760 of Aug. 13, 1934 and mentioned in paragraph (12), page 7., to the effect that persons who

2.....have

have not complied with military service requirements cannot divest themselves of Japanese nationality, would continue to be an obstacle to naturalization. Or would we make it a provision of the Peace Treaty that this Japanese statute be rescinded?

MEMORANDUM ON MR. R. G. ROBERTSON'S NOTE ON POLICY WITH REGARD TO JAPANESE IN CANADA.

1. This note while tough and even harsh in tone is in essence not ungenerous and the same solution could be worded, if we were trying to conciliate liberal opinion instead of illiberal opinion, in very different language.

2. The number of Japanese nationals in Canada, including men, women and children, is less than 6,000 and is approximately one-half of the number of army deserters of other races present in the country. Of these it is proposed to deport only those who have in one way or another shown that their sympathy lies with Japan. Most of these would be willing to go and there would be no serious objection to the proposal.

3. Those who have become Canadians by naturalization are sometimes open to the suspicion that they have done so in order to qualify for fishing licenses, or for other reasons of the same character. This is the more probable as far fewer Chinese have naturalized. There is no comparable category in the United States which has not permitted naturalization. There is a good deal to be said for picking over this group to weed out any whose naturalization was insincere.

4. The measures considered in the last two paragraphs would be easier to defend before world opinion if they applied to Germans as well as to Japanese. These two nations could be singled out for separate treatment because of their resort to atrocities. If aggressive national policy were the test we should have to include Italians as well.

5. The second class of Canadians of Japanese race consists of those who have acquired Canadian nationality in accordance with our law by birth in Canada. I think that we should hesitate a long time before depriving any one in this category, whatever his race may be, of his nationality, although he may appropriately be banished if his behaviour in the war has been bad. It is suggested, however, that few, if any, of this group have been as bad as the deserters from the army mentioned above.

(over)

6. An exception to this statement should be made in the case of Canadians of Japanese race who are also Japanese nationals for the purpose of the Japanese law because of the registration of their births by their parents at Japanese consulates. In this instance a man may well think of himself as having two nationalities and as being free to choose where his loyalty lies. I think this is true of people of other races who have both Canadian and United States nationality. If a choice has been indicated by overt conduct in favour of Japan, then I think we are quite free to treat the man concerned as not recognizing Canadian nationality.

7. A doubtful case is presented by Canadians of Japanese race who have been interned for resisting deportation, or some other measure of compulsion which they considered unjust. They may or may not have resisted in such a way as to indicate a preference for Japanese nationality. The presumption is that they did not indicate such a preference since the Japanese Government is more arbitrary than the Canadian. Unless they indicated such a preference, their conduct is distinctly less reprehensible than that of army deserters.

8. If, in spite of the undesirability of depriving Canadian born Japanese of the nationality which we have conferred upon them by statute, we do decide to ask them for a declaration of allegiance different in character from anything required of Canadians of other races, then we ought at the same time to indicate to them the extent to which Canada is prepared to receive them as citizens. Are they to have liberty of movement from one locality to another? Are ordinary careers to be open to them? Are they to have special rates of relief because of the lower standard of living which we sometimes reproach them with accepting. Are they to have voting rights at least in Dominion elections no matter where they reside? If we are not in a position to guarantee these things - and I assume that we are not - it is not fair or reasonable to ask a man at his peril to declare his allegiance to Canada.

9. If we look at the broad question of policy, in this as in so many other cases, what matters most is the way in which an action is taken. Except in detail, there is little to object to in the proposals contained in the note, but

(over)

9. the approach to these proposals is of a character to make them acceptable to certain elements of Canadian opinion not represented in the sixty per cent majorities which voted on a Gallup poll against deporting from Canada Canadian citizens of Japanese race. A more generous approach would be more congenial to this majority, more creditable to Canada and would do a great deal towards removing circumstances which tend to embitter racial relations not only in this country but throughout the world.

10. Canada would gain in international prestige by adopting this more liberal approach.

Vancouver, B.C.,

January 14, 1944.

The Honourable Humphrey Mitchell,
Minister of Labour,
OTTAWA, Ontario.

Sir:-

I have the honour to submit herewith, the Report of Your Royal Commission appointed pursuant to Order in Council P.C. 9498 to investigate the welfare of Japanese in the Interior Settlements of British Columbia.

I have the honour to be,
sir,
Your obedient servant,

(Sgd.) F.W. Jackson, M.D.,
Chairman.

FWJ/DS

REPORT OF THE ROYAL COMMISSION APPOINTED PURSUANT TO ORDER-IN-COUNCIL, P.C. # 9498, TO ENQUIRE INTO THE PROVISIONS MADE FOR THE WELFARE AND MAINTENANCE OF PERSONS OF THE JAPANESE RACE RESIDENT IN SETTLEMENTS IN THE PROVINCE OF BRITISH COLUMBIA

Pursuant to the provisions of P.C. Number 9498, of December 14th, 1943, which reads in part as follows:-

> " The Committee of the Privy Council have had before them a report, dated December 9th, 1943, from the Minister of Labour, representing with reference to Order-in-Council, P.C. 946 of February 5th, 1942, which empowers the Minister of Labour to make provision for the maintenance and welfare of the persons of the Japanese race evacuated from the protected areas of British Columbia, that it is deemed advisable that an inquiry be made into the present provision made for the maintenance and welfare of persons of the Japanese race resident in settlements in the interior of British Columbia under the administration of the Department of Labour, by the appointment of a Commission for an immediate inquiry into such matters and to report thereon to the Minister of Labour in respect thereto."
>
> " The Minister therefore recommends that Dr. F.W. Jackson, Deputy Minister of Health and Public Welfare, Province of Manitoba, Dr. G.F. Davidson, Executive Secretary, Canadian Welfare Council, Ottawa, W. R. Bone, Administrator of Social Services, City of Vancouver, and Mrs. Mary Sutherland, Revelstoke, B.C., be appointed Commissioners under Part I of the Inquiries Act, to inquire into the provision made for the welfare and maintenance of persons of the Japanese race resident in the settlements in the Province of British Columbia under the administration of the Department of Labour and to report thereon to the Minister of Labour, together with such recommendations as to further measures to be taken with regard thereto as the Commission deems advisable and that Dr. F.W. Jackson be the Chairman of such Commission; "

Your Commissioners so appointed met in Vancouver on December 20th and extended their investigations and hearings over the period to January 12th, 1944.

At the first meeting held in the offices of the British Columbia Security Commission, 360 Homer Street, Vancouver, the organization of Your Commission's activities and the method of procedure for Your Commission's inquiry were discussed and determined.

Mr. George Collins, Commissioner, B.C. Security Commission, was invited to be present to outline the administrative policy in respect to the care of the persons of the Japanese race resident in the Interior Settlements. It was decided to proceed to Tashme immediately to obtain a picture of the general conditions, and to become acquainted with the problems likely to be encountered. A letter was sent to all Settlements inviting their Japanese Camp Committees to appear before Your Commission and make representations in writing respecting matters of complaint. It was agreed that these meetings would be informal and would be held in camera, but that the written brief and the transcript of discussion at the time of presentation should be certified and signed for the Japanese Camp Committee. These form appendices B and C, 8 to 15 inclusive.

Based on the experience gained on the visit to Tashme, the following procedure for investigation of other camps was decided upon as generally applicable:-

1. Discussion on camp management with the camp supervisor,
2. Meeting with the Japanese Camp Committee,
3. Investigation of all situations alleged by the Japanese Camp Committee to be undesirable, and visits to all parts of the Settlement accompanied by members of the Japanese Camp Committees,
4. A final discussion with the Settlement executives.

Your Commission from the beginning was aware of the difficulty of finding an adequate "yardstick" by which to appraise the welfare and maintenance of the persons of the Japanese race resident in the Interior Settlements.

It was agreed that the following criteria should be applied:-

1. The physical condition of the people, including that of the children, and a comparison with their pre-evacuation condition as recorded in obtainable health records;

2. The adequacy of maintenance rates for indigent families to be determined by comparison with their pre-evacuation standard of living and with the standard of other persons receiving public aid;

3. The adequacy of housing conditions as determined by a comparison with their pre-evacuation dwellings, by their suitability for climatic conditions, and the availability of building materials;

4. The extent of opportunity for occupation on a self-supporting basis as compared with pre-evacuation opportunities;

5. The adequacy of the educational programme and school facilities for the children in the Interior Settlements;

6. Availability and use of Japanese assets.

The complaints most frequently encountered in Your Commission's investigation of the Settlements were:-

1. That the maintenance rates for indigent Japanese are insufficient to buy adequate food at prevailing prices;

2. That houses are overcrowded, unsafe during winter weather, and unsuited to severe climatic conditions;

3. That the supply of fuel is inefficiently distributed and of inferior quality;

4. That there is unreasonable delay in supplying needed clothing and shoes to families on maintenance;

5. That the health of the people is adversely affected by inadequate housing and insufficient food and that this has resulted in increased illness and malnutrition of children;

6. That there is a lack of facilities for indoor recreation during winter months, especially for children.

A D M I N I S T R A T I O N

Your Commission, as instructed, has made an extensive and thorough investigation of the welfare and maintenance of the people of the Japanese race in Interior Settlements. It records its admiration for the splendid piece of work executed by the original B.C. Security Commission in its task of evacuating twenty-three thousand persons from the Defence Area to temporary residence elsewhere. There was no precedent to follow. The construction problem alone, during the peak of war stringency of materials was a gigantic achievement. The evacuation of these people with, so far as Your Commission can find, a minimum of hardship is a matter for congratulation.

Your Commission is impressed with the generally adequate administration of the program in the Settlements by the Department of Labour of the Dominion Government through its instrument, the B.C. Security Commission. The B.C. Security Commission functions on the whole efficiently and would appear to be adequate for the carrying out of the policy established by the Government. The co-ordination of the various local administrative units is good. The office quarters from which the B.C. Security Commission operates, although originally sufficient are, at present, overcrowded. No provision is made for a rest room for the female staff.

The local administrations at the various Interior Settlements are located in suitable quarters and the administrative work, generally speaking, is efficient. A large percentage of the staffs at each local administration office is recruited from the residents of the Settlements.

In the following pages Your Commission has set forth its findings and recommendations in categorical fashion. In stating its findings, Your Commission draws attention to this fact, that the Interior Settlement projects are a temporary means of meeting an emergency. The Settlements are stated by

the Department of Labour to be, "A step in the evacuation process and a training ground for employment.... in the Prairies and the East." (1) It has never been the policy so far as Your Commission can learn, to develop the Settlements with any contemplation of permanency. With this your Commission is in entire accord. Consequently, in evaluating the welfare and maintenance of the people in the Interior Settlements, the temporary aspect of the provisions should be borne in mind at all times.

The appendices contain the details of the representations made to Your Commission and other supporting data.

M A I N T E N A N C E

F I N D I N G S

All indigents except certain groups of older persons in the Interior Settlements receive their maintenance in cash and purchase their food at Commission or local stores. Your Commission received no complaints in respect to food obtainable. Foods inspected in the stores were of average or better quality. There was a fair range of cheaper cuts of meat and fish, as well as of the more expensive varieties. In all the Settlements Japanese were encouraged to, and did, use all available land for garden purposes.

Every representation made by Japanese camp committees requested an increase in the present food maintenance rates, despite the fact that the rates of food maintenance of the B.C. Security Commission are slightly higher than the provincial social assistance rate, that of the City of Vancouver for Orientals and that given by the Department of Pensions and National Health for war pensioners requiring supplemental assistance.

In support of their argument some of the Japanese camp committees contended that the Occidental in receipt of food maintenance has more opportunity of supplementing his food

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(1) APPENDIX 2 PAGE 2 PARAGRAPH 8

allowance with money earned at casual labour than the Japanese. With this Your Commission does not agree having in mind that only unemployable Occidentals are on public assistance at the present time.

Your Commission has made no attempt to ascertain whether any of the food rates above-mentioned are adequate, but the evidence of the Health Examinations of school children together with the general improvement in health shows that the food obtained by the Japanese in the Interior Settlements is sufficient to maintain health, proper growth and development.(1)

Representations were also made in respect to clothing and fuel. In regard to clothing there was no complaint regarding quality. It was generally alleged that the interval between the issuance of the requisition and the delivery of the clothing was too long. The supply and quality of the wood was generally found satisfactory.

R E C O M M E N D A T I O N

Your Commission recommends that there be no increase in the present food maintenance rates for employable persons and their dependents. It believes it to be in the best interests of both the Japanese themselves and the public that the employable persons should accept proferred work instead of maintenance at public expense. Your Commission further recommends an increase of not more than 10% in the food maintenance rates in the case of the aged, infirm and unemployable persons and their dependents, to be granted at the discretion of the Welfare department. It is recognized that in the case of this entire group its food maintenance rates cannot be augmented by casual labour to cover necessities other than foodstuffs.

S H E L T E R

F I N D I N G S

Your Commission after an extensive investigation of all housing in the Settlements saw no evidence to substantiate

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(1) APPENDIX 6 PAGE 3 TABLES 2 & 3

the complaint that the new housing erected by the B.C. Security Commission was of unsafe construction. Although this housing is only of a temporary nature many houses have been winterized through the initiative of the occupants and with the assistance of the B.C. Security Commission in supplying materials.

Due to the urgency of the evacuation problem a number of unsuitable, unsafe vacant buildings in some Interior Settlements were made into multiple dwellings and are still being used for this purpose.

Your Commission inspected the former Japanese housing on Powell Street in Vancouver, at Steveston and several cannery settlements on the lower Fraser. The new housing as erected by the B.C. Security Commission is superior to that which Your Commission visited. The buildings in the Interior Settlements which are divided into apartments while in most cases unsafe and undesirable are, Your Commission believes, equal to the quarters previously occupied by those Japanese who formerly resided in the Powell Street area.

In respect to the complaint of overcrowding Your Commission finds that especially in remodelled buildings this applies. This, however, must be viewed in the light of pre-evacuation living standards of the Japanese of Canada and of existing conditions in many Occidental committees during war-time. This situation is being alleviated as the Japanese families co-operate with the B.C. Security Commission in moving to outside employment and rearranging the family groupings within the settlement. Much more can be done in this connection when the B.C. Security Commission has more co-operation from the Japanese.

R E C O M M E N D A T I O N

Your Commission recommends that the B.C. Security Commission continue the policy of winterizing houses for those unable to do the work themselves and of making available the necessary materials for the others. Your Commission further

recommends the continuation and expansion of the present programme of outside placement and the rearrangement of the families in the existing accommodation believing that the solution to the problem lies in this direction rather than in providing extra housing. In this connection particular attention should be given to the transfer of families from old remodelled buildings to Commission erected housing as space becomes available.

E M P L O Y M E N T

F I N D I N G S

Your Commission has examined the productive work and special industries provided by the B.C. Security Commission for the residents of the Settlements. These have been developed to a commendable degree of efficiency. It is the opinion of Your Commission that except in occasional circumstances not a great deal more can be done. This view is arrived at having due consideration to available raw materials, the location of the Settlements and the skill of the residents. Your Commission is impressed with the fact that those in remunerative occupation in the camps are the better-educated and trained, the more efficient and generally more personable individuals. It is the opinion of Your Commission that persons so occupied are those that could most readily fit into outside employment. Your Commission approves the policy of the Department of Labour in considering the Interior Settlements as Clearing-stations, and Training centres. (1) The policy of dispersing the Japanese across Canada in productive, self-supporting employment singly, in small groups or family units where they have the opportunity of being assimilated into local community life, Your Commission

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(1) APPENDIX 2 PAGE 3 PARAGRAPH 2

believes to be in the best interests of Canada and of the persons of the Japanese race themselves. Respecting the complaint of unfairness in withholding maintenance from single employable persons 18 years of age and over with Canadian citizenship who refuse to accept suitable remunerative employment offered, Your Commission accepts this policy as fair and sound and a necessary step in the re-establishment of the individual in self-supporting employment. Your Commission is of the opinion that this policy should also apply to Japanese Nationals. From all information available, Your Commission is assured that there is ample opportunity for employment outside the Settlements for all employable Japanese.

Representations were made by all Japanese camp committees requesting an increase in the scale of wages paid by the B.C. Security Commission. Your Commission found that the representations did not take into account the perquisites such as shelter, fuel, light and medical care supplied in addition to the wages received from the Commission for which only a token deduction is made.

R E C O M M E N D A T I O N

Your Commission recommends:

(a) That the policy of placement in self-supporting employment be accelerated by directing those persons at present employed by the B.C. Security Commission to such positions.

(b) That persons presently unemployed be placed in the positions thus vacated, even if this involves some loss in operating efficiency, in order that they be trained to be self-supporting outside.

(c) That the co-operative relationship of the B.C. Security Commission and the National Selective Service to this end be continued and extended.

(d) That Welfare Departments at the Settlements be strengthened so that more emphasis will be placed on interpreting the advantages to be derived from outside employment for those who are eligible.

(e) That consideration be given in those Settlements where it may be practicable, to an increased wage scale and that reasonable deductions be made for any services which may be supplied by the B.C. Security Commission.

E D U C A T I O N

F I N D I N G S

Your Commission finds that although education is and always has been a provincial right and obligation, the Department of Education of the Province of British Columbia has refused to take any responsibility for the education of the Japanese children in the Interior Settlements although before these same children were evacuated from the Defence area this responsibility was recognized and assumed. (1) The B.C. Security Commission is providing education for Japanese children in the Interior Settlements by making available instruction up to Grade VIII through teachers secured from the higher-educated Japanese personnel of the camp. In the case of individuals, High School education is given by means of correspondence courses supplied by the Department of Education of the Provincial Government, payment at cost being made direct by the students to the Department of Education. No kindergarten or high school education is being provided by the B.C. Security Commission but in some of the Settlements qualified teaching missionaries are giving instruction. Premises are arranged for by their respective churches. Natural lighting in improvised classrooms is inadequate although this in some instances is being rectified by the installation of artificial lighting. There is considerable overcrowding in some of the classrooms.

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(1) APPENDIX 7 - E.

RECOMMENDATION

Your Commission recommends that negotiations be re-opened with the Department of Education of the Province of British Columbia to the end that it reassume its obligation in respect to the education of the children of the Japanese race.

MEDICAL CARE

FINDINGS

At all Interior Settlements Your Commission found an excellent programme of medical care including hospitalization, medical and dental services. (1) Sufficient hospital beds are provided by the B.C. Security Commission or arranged for through local hospital facilities. Well-staffed medical clinics are established at each centre. Your Commission is gratified to note that the emphasis on the medical programme is on the prevention of disease. Accepted immunization procedures are carried out at each of the Settlements and practically all children have been protected against smallpox, diphtheria, scarlet fever, typhoid fever and whooping-cough. Pre-natal and baby Clinics are available at all Settlements and are well patronized by the Japanese people. School medical services are also provided. Both Occidental and Japanese Doctors are employed on a full-time basis, in centres where there are no local Doctors available or are used to augment the local Physicians.

The B.C. Security Commission's hospitals are well constructed and adequately staffed. Registered nurses are in charge at all points and are assisted by Japanese girls who have been trained at the hospitals as Nursing Aides.

Tuberculosis has always been a serious problem amongst the Japanese people. To combat this the B.C. Security Commission has established a Sanatorium at New Denver. The potential bed capacity of this Institution is, Your Commission

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(1) APPENDIX 6 TABLE 1

believes, adequate for the needs of the Japanese for the treatment of Tuberculosis. Your Commission finds the Japanese people exceptionally healthy. To evaluate the health of the Japanese people, Your Commission conducted a health survey. The examination of 1,319 Japanese children in the Interior Settlements proved them to be above the average in height and weight as compared to the Japanese children in the same age group in the pre-evacuation period as shown by the records of the Greater Vancouver Metropolitan Health Committee. (1) No epidemic disease of any consequence has been prevalent in any of the Settlements during the past year. In the opinion of Your Commission the medical care provided at the Interior Settlements for Japanese people exceeds that received by the average Canadian.

R E C O M M E N D A T I O N

Your Commission recommends that the Tuberculosis Case-finding programme be extended to all Settlements. Your Commission further recommends that the Japanese Nurse on the B.C. Security Commission staff at Kaslo, who has been specially trained in Public Health, be used to assist in the programme by carrying out health education amongst the Japanese throughout all the Settlements.

R E C R E A T I O N

F I N D I N G S

All Japanese camp committees drew attention to an alleged lack of recreation facilities for children and adults, especially during the winter season. Your Commission during its inspection of the Settlements visited premises which were used for recreational purposes. These consisted of accommodation set aside in most of the centres for the Japanese camp committees. At least one or more school rooms in all Settlements were available

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(1) APPENDIX 6 TABLE 2

for meetings, concerts and other entertainments after school hours. In many instances class room partitions were removable for this purpose. Picture-shows were available at nearly all Settlements, skating, skiing and sleighing were also part of the recreational facilities at all Settlements.

During the summer months tennis, basket-ball, baseball and swimming are available. Having in mind the temporary nature of the Settlements and the generally clement weather of the Interior of British Columbia Your Commission is of the opinion that a minimum of inconvenience and hardship exists under the present set-up.

R E C O M M E N D A T I O N

Your Commission recommends that no further capital expenditures be made for Recreational facilities.

J A P A N E S E

A S S E T S

F I N D I N G S

Your Commission received no complaint in respect to the policy of the B.C. Security Commission in retaining liquid assets of Japanese to the extent of $260.00 for each adult and $50.00 for each child as a rehabilitation fund.

Inquiries were made of the Japanese camp committees at several Settlements in reference to this policy, and the principle was approved although they did not care to state definitely that the amount being retained was sufficient for their re-establishment.

Your Commission discussed with the Custodian, Japanese Section, Department of the Secretary of State, and the Commissioner of the Japanese Placement, the question of the disposal of Japanese liquid assets. It was found that the procedure presently followed is to release such assets to the

Japanese when requested to do so, if in the opinion of the Custodian and the Commissioner of Japanese Placement such action is deemed desirable, the distribution being made in such manner and in such amounts as may be mutually arranged.

R E C O M M E N D A T I O N

Your Commission recommends:

(a) That when any Japanese person with his dependents becomes established outside of the Interior Settlements, that all his liquid assets be released to him on request.

(b) That the present policy of retaining liquid assets as a rehabilitation fund in the amounts already established for those persons who are resident in the Interior Settlements be continued.

(c) That where a Japanese resident in the Interior Settlements has liquid assets that these be distributed to the owner as and when the Commissioner of Japanese Placement may decide.

S U M M A R Y

YOUR COMMISSION IS OF THE UNANIMOUS OPINION THAT THE PROVISIONS MADE BY THE GOVERNMENT OF CANADA THROUGH THE DEPARTMENT OF LABOUR FOR THE WELFARE OF THE JAPANESE IN THE INTERIOR SETTLEMENTS IN BRITISH COLUMBIA ARE, AS A WAR-TIME MEASURE, REASONABLY FAIR AND ADEQUATE.

G E N E R A L O B S E R V A T I O N S

UNOFFICIAL PRESENTATIONS

Besides the representations made by the Japanese camp committees, Your Commission received many comments both written and oral in respect to the operation of the Interior Settlements. The majority of these were of a nature favourable to the present Government policy as related to the welfare and maintenance of the Japanese people.

An example of this is a quotation from a letter presented to Your Commission by a group of naturalized Japanese whose opinion the Japanese camp committee did not represent:-

> " We representing the Naturalized Canadians here respectfully express to you that we are quite satisfied with food and housing here. We must realize that we are under the conditions of wartime restrictive regulations and transportation. If we want to buy certain food materials at the stores here, we can get them all right. Sometimes they could not get them as much as we expect under the present war-time conditions, no one should be blamed. Regarding the housing, we have the Japanese Carpenter paid by the Supervisor. If there is anything wrong about the house, the Supervisor will instruct the Carpenter to fix it immediately.
>
> The Japanese Doctor here looks after the Sanitation and the Ventilation of houses, we presume he will report to the Supervisor who will attend to it immediately. The officials here who look after us are very kind-hearted and considerate. We must co-operate with the officials. "

JAPANESE WAR VETERANS

In two of the Settlements visited representations were made on behalf of Japanese Veterans of the Canadian Army, 1914-18, pointing out that no distinction is being made between ex-service men, despite their military service to Canada, and other Japanese. Your Commission is sympathetic to their request that they be given preferred treatment if this is possible.

POLICING

At all settlements visited, law enforcement was under the jurisdiction of small details of the Royal Canadian Mounted Police. No military control is exercised, the Royal

Canadian Mounted Police being responsible for all movement and discipline of the Japanese in the Interior Settlements. Your Commission found that the Japanese appreciate the fair manner in which the Royal Canadian Mounted Police carries out its duties.

ADMINISTRATIVE DETAIL

Both in the briefs presented by the camp committees and in the discussions following presentations, a number of minor matters of administrative detail were brought to the attention of Your Commission. These Your Commission has taken the liberty of referring directly to the B.C. Security Commission for its consideration.

In conclusion, Your Commission wishes to express its appreciation for the co-operation and assistance of the Advisory Committee, to the B.C. Security Commission and the Custodian who have given valuable information and advice. It thanks the Provincial Department of Health and the Greater Vancouver Health Committee for making available public health nurses and equipment for the health study. The co-operative manner in which the Japanese camp committees presented their briefs expedited Your Commission's investigations.

MEMORANDUM

RE TREATMENT OF JAPANESE PERSONS IN CANADA

The general policy of the government with regard to the treatment of Japanese persons in Canada was outlined by the Prime Minister in the House of Commons on August 4, 1944. In general it is to the effect that Japanese guilty of any disloyalty during the war will be deported to Japan; Japanese willing voluntarily to go to Japan will be sent there as soon as possible; the remainder of the Japanese will be allowed to stay in Canada, but an effort will be made to resettle them throughout the country rather than have them concentrated in one province as before the war; and in future no further immigration of Japanese people to Canada will be allowed. The Prime Minister said in his statement that a Commission would be established to examine the cases of Japanese persons to determine disloyalty.

The above policy is still the basis of governmental plan. As a first step in its execution, a questionnaire was circulated beginning in March of this year to ascertain what Japanese persons wished to go voluntarily to Japan. The completed results indicate that around 10,000 (including dependents under the age of 16 years) wished to go. A certain number of these have subsequently asked to have their applications for repatriation withdrawn.

With regard to the specific questions that are raised, the answers are as follows:

1. There has been no duress whatever in securing signature to the applications for repatriation. The notice of March 12, 1945 that was published in connection with the applications was perhaps unfortunately worded and has led to a certain amount of misunderstanding. Paragraphs two and three of the notice were as follows:-

> 2. Japanese Canadians who want to remain in Canada should now re-establish themselves East of the Rockies as the best evidence of their intentions to co-operate with the Government policy of dispersal.
>
> 3. Failure to accept employment east of the Rockies may be regarded at a later date as lack of co-operation with the Canadian Government in carrying out its policy of dispersal.

These were intended simply to encourage the general dispersal which was thought desirable in the long range government policy, since any voluntary wartime resettlement would greatly facilitate the solving of the post war problem. However, paragraph 3 was read by some as a threat by the government to the effect that Japanese persons could either go to Eastern Canada or get out of the country. This interpretation was at no time intended. With regard to this question, the best proof of the absence of duress is perhaps the report that was made by the delegate of the International Red Cross to his principals in Geneva about June 1945 concerning the position of Japanese in Canada. He specifically investigated this point and said that he could find no evidence whatever of duress or undue influence. He said that many probably signed out of a fear that there was little future for them in Canada, and this has undoubtedly been an important factor. However, the delegate said that this was an entirely different matter from the threats that had been suggested by some.

2. Final decisions have not yet been taken with regard to the withdrawal of applications for repatriation. (I think that nothing definite should be said on this - and probably the report of the delegate of the International Red Cross referred to above should be treated with some reservation)

There is no need to enlarge on the difficulty of putting into effect even the moderate policy advanced by the Prime Minister in 1944 in view of the very strong feelings held on this matter of Japanese by large and influential groups in British Columbia, many of whom are determined that the Japanese shall never be allowed to return to that province.

R. G. R.

October 9, 1945.

RGR/LF
3.3.44
Copy/MB March 20)44.

NOTE FOR MR. ROBERTSON

Policy with Regard to Japanese in Canada.

(1) On August 20th, 1943, you made the following suggestions to the Prime Minister as to future policy with regard to the Japanese in Canada:

(a) That all possible assistance be given to any persons of Japanese race who wish to return to Japan (including free transportation and permission to transfer funds).

(b) That all Japanese nationals be deported whose internment was necessary during the war.

(c) That the British status be revoked of all Japanese Canadians who had to be interned or who put themselves under the protection of the Protecting Power. Such persons would then be liable to deportation in the same way as persons falling under (b).

(d) That immigration for permanent settlement be stopped.

The Prime Minister approved the above recommendations. With regard to your further recommendation for allowing the residuum of persons of Japanese race now to reside in Canada on a basis of non-discrimination, the Prime Minister indicated that consideration of the matter would be necessary.

Copies of your memorandum were sent to Mr. McCarthy and Mr. Atherton with a view to getting information as to the contemplated U.S. policy. The most informative statement at present available on this is contained in the following extract from a message to the Senate by President Roosevelt on Sept. 14, 1943:

"With the segregation of the disloyal evacuees in a separate center, the War Relocation Authority proposes now to redouble its efforts to accomplish the relocation into normal homes and jobs in communities throughout the United States, but outside the evacuated areas, of those Americans of Japanese ancestry whose loyalty to this country has remained unshaken through the hardships of the evacuation which military necessity made unavoidable. We shall restore to the loyal evacuees the right to return to the evacuated areas as soon as the military situation will make such restoration feasible. Americans of Japanese ancestry, like those of many other ancestries, have shown that they can, and want to, accept our institutions and work loyally with the rest of us, making their own valuable contribution to the national wealth and well-being. In vindication of the very ideals for which we are fighting this war it is important to us to maintain a high standard of fair, considerate, and equal treatment for the people of this minority as of all other minorities.

(2) The desirability of attempting to reach some preliminary decisions as to post-war policy is indicated in the letter of Feb. 21 from the Deputy Minister of Labour, concerning travel restrictions on Japanese in Canada. There it is pointed out that :

(a) Undertakings have been given to officials in certain localities as to entry and removal of Japanese;

(b) After the war provincial and municipal governments, will want information as to the location, numbers, occupation, etc. of Japanese; and

(c) It is probable that numbers of Japanese who are naturalized or who were born here, and who are at liberty, would declare their loyalty for Japan rather than for Canada.

All of these are cited as factors which make it difficult, if not inadvisable, to allow a relaxation of restrictions in favour of Japanese Canadians in connection with travel and movement. It is generally recognized that the existing regulations and orders in council constitute a very great injustice to many Canadians of Japanese descent. For that reason it would be desirable to have them alleviated as soon as possible. Moreover, any relaxations that could be granted gradually during the war would render less difficult the adoption of a post-war policy not too flagrantly unjust to Japanese Canadians. However, the experience with the travel regulations indicates that the officials responsible for security and for administration of Japanese affairs are especially dubious of any relaxations that would benefit Japanese persons who, while not interned, nevertheless feel a primary loyalty to Japan. In the circumstances, it seems that it would be desirable to endeavour to segregate the loyal from the disloyal as a prerequisite step toward the elimination of unjust restrictions on the latter.

(3) In the United States the following categories of persons have been segregated at the Tule Lake Relocation Center:

(a) Persons who requested repatriation or expatriation to Japan and who did not withdraw such applications prior to July 1, 1943.

(b) American citizens evacuees who have refused to pledge loyalty to the U.S.

(c) Alien evacuees who have refused to swear that they will abide by the laws of the U.S. and refrain from interfering with the war effort.

(d) Persons denied leave clearance from camps because of an adverse report from a Federal intelligence agency, or some other information indicating loyalty to Japan.

The segregation center has no punitive purpose. Any person who shows "persistent troublemaking tendencies" is sent to the isolation center at Leupp, Arizona.

It is not definitely so stated, but presumably the intention is that persons in the segregation and isolation centers may be subject to deportation after the war. In any event, it is made clear in the President's statement quoted above that the undertakings as to restoration to evacuated areas, etc. apply only to "loyal" evacuees.

(4) I would suggest that the first step toward Canadian post-war policy should be a similar attempt at segregation undertaken as soon as possible. The reasons cited in paragraph 2 support the view that it would be desirable to have such segregation now rather than after the war. There is, moreover, the probability that this would give a more accurate indication of the actual loyalties of the persons involved than would a post-war declaration. A defeated, and perhaps harshly handled Japan, would probably not attract a declaration of loyalty from many persons in Canada even of strong sympathy for Japan if it would be likely to involve their deportation to that country.

(5) If segregation were undertaken in Canada, the following basis for procedure might be considered:

(a) All persons of Japanese race whose internment has proved necessary during the war should automatically be considered to come within the segregated group unless they can show cause why they should not.

(b) All persons of Japanese race who have declared their loyalty to Japan, or who have sought repatriation to Japan during the war should automatically be segregated unless they can show cause why they should not. (A group of Japanese evacuees held at Angler have already declared their loyalty to Japan in a letter to the Minister of Justice.)

(c) All Japanese nationals not in the above groups should be asked whether they will abide by the laws of Canada and refrain from interfering with the war effort. Those who reply in the negative should be segregated.

(d) All persons of Japanese race who are British subjects should be asked to give a declaration of loyalty to Canada and a statement denying loyalty to Japan. Those refusing should be segregated.

(e) Any persons of Japanese race not falling within one of the above groups suggested for segregation should be subject to investigation at any time, for failure to abide by the laws of Canada, for persuading persons not to co-operate with the Canadian authorities, etc. and, if adequate cause is shown, should be liable to segregation.

(6) Acceptance of the above principles (or others along the same line) would raise questions of procedure which would have to be carefully considered, such as the method of receiving declarations from persons in groups (c) and (d); the nature of the tribunal which should hear persons seeking to show cause against segregation in groups (a) and (b) or charges against persons in group (e); the nature of offences which

should involve liability for segregation under item (e); the extent to which appeal to the courts should be allowed in any case to (i) Japanese nationals and (ii) British subjects; the form which segregation should take - i.e. - actual physical segregation or merely classification; etc. All of these and other problems could be dealt with once the basic decision of policy was taken.

(7) In considering the policy of segregation, it is clear that a determining factor, not only as to its usefulness, but also as to the criteria which should be adopted in deciding cases for segregation, is the nature of the consequences which are to flow from segregation. It is suggested that, to provide a basis for operation the understanding should be that:

(a) segregated persons of Japanese nationality will be subject to deportation whenever it becomes practicable without any further investigation or right of appeal.

(b) segregated persons who are British subjects will be deprived of their naturalization or status as British subjects (if they acquired it other than by naturalization) and will then be subject to deportation as in the case of Japanese nationals.

Decision on deportation for the categories of persons mentioned would be in accordance with the views advanced by you and approved by the Prime Minister, although wider in scope. The justification for such action would be, as you have suggested, the necessity of dealing drastically with those who have been disloyal or of a doubtful character during the war in order that it may be possible to secure general agreement on a policy which would deal justly with those Japanese who have been blameless.

If the above principles were adopted, it would involve the necessity of providing machinery for careful consideration of the case of each person prior to segregation, including whatever scope for appeal from the decision of the board of review might seem desirable. After the necessary consideration had been given to each case, which could be done over a certain period of time, it would provide the advantage that all cases would be decided and a definite group of persons whose deportation was considered desirable would be segregated and ready for such deportation at the end of the war without further delay or investigation.

(8) Approval of a policy along the lines suggested above would go beyond the suggestions set forth in items (b) and (c) of your memorandum to the Prime Minister. The essential approach would, however, be the same.

(9) With regard to deportation, Mr. Howard Green recently raised in the House the desirability of having special consideration given to the law governing it by the committee set up to review the Defence of Canada Regulations. His amendment in this connection was accepted, and the Committee will consider both deportation and naturalization. In the course of his remarks Mr. Green stated that he believed it was virtually

impossible to deport a person who has been in Canada for more than 5 years. Any policy of deportation of Japanese, will require an examination of the present law governing deportation and consideration of necessary amendments. The position appears to be as follows:

(a) Persons born in Canada -

As the Immigration Act stands at present, it seems clear that it does not enable deportation under any circumstances of a person born in Canada who has not become an alien. "Deportation" is defined in S. 2(c) as the removal of a rejected immigrant or of a person already landed in Canada, or in Canada contrary to the provisions of the Act "to the place whence he came to Canada, or to the country of his birth or citizenship." If it is deemed desirable to enable the deportation of certain persons born in Canada (under group(d) supra) provision will be necessary, not only for depriving them of their British status, but also to enable deportation.

(b) Persons who have acquired the status of British subject in Canada otherwise than by birth -

Such persons will be persons naturalized here, or women who became British subjects by marriage. Such persons will have a "country of birth" outside of Canada, and there would not appear to be the same basic inability in respect of deportation that exists for persons born here. Provision could be made to render their status as British subjects null ab initio, in which case it would appear that deportation would be possible to the same extent as for aliens who have acquired domicile in Canada.

(c) Aliens -

(i) S.41 of the Immigration Act provides that "Whenever any person other than a Canadian citizen advocates in Canada the overthrow by force or violence of the Government of Great Britain or Canada, ---- or the overthrow by force or violence of constituted law and authority, ---- or shall by word or act create or attempt to create riot or public disorder in Canada----; such person for the purposes of this Act shall be considered and classed as an undesirable immigrant."

(ii) Persons whose internment has proved necessary in the present war could probably be brought within the scope of the above, and it might be interpreted widely enough to include persons who declare loyalty for Japan during the war as by implication advocating "the overthrow by force --- of the Government of Great Britain or Canada." The latter is doubtful. It seems clear that the section is not wide enough to cover persons who merely declared a desire to return to Japan.

(iii) If the above is correct an extension to the scope of S.41 of the Immigration Act (or a specific provision directed entirely at the problem under discussion) will be necessary before deportation is possible in the cases suggested in this memorandum.

(iv) If the procedure is adopted of extending the scope of S.41 to include additional categories of persons as "undesirable immigrants", it is necessary to consider the adequacy of existing provisions for the examination and deportation of such persons.

(v) By S.42 of the Act, persons charged with being undesirable immigrants are subject to examination by a Board of Inquiry set up by the Minister of Mines and Resources under S.13 of the Act. Persons charged have the right to be presented by counsel. Decisions of the Boards are by majority (S.17). An appeal may be made to the Minister of Mines and Resources (S.19), and the decision of the Board or Minister may be reviewed or reversed by a court if the person involved is a "Canadian citizen or has Canadian domicile." (S.23) (Presumably it is this possibility of judicial review in the case of a person having Canadian domicile that Mr. Green had in mind in his statement referred to above.) Persons held to be undesirable immigrants under the above procedure may be ordered deported.

(vi) It seems clear that the procedure and machinery established by the Immigration Act would not be satisfactory for determining cases for segregation with a view to alternate deportation or (if immediate segregation is not thought desirable) for dealing with deportation hearings involving the Japanese whose deportation seems desirable. The policy involved is not primarily an Immigration one, nor are the cases that will have to be heard of the type for which the Immigration Boards of Inquiry are designed. Appeals, if they are allowed, should probably not be to the Minister of Mines and Resources, but to the Minister of Justice or to a court.

(10) In the light of the above examination it is suggested that:

(a) The provisions of the Immigration Act are not adequate either as to scope or as to machinery to handle the deportation cases that will arise if the suggested policy is adopted.

(b) It would not be sufficient simply to extend the classification of "undesirable immigrants" or the definition of "deportation" under the act.

(c) The most satisfactory procedure would be to have a comprehensive order in council passed under the War Measures Act, or an act passed by Parliament, to provide special deportation measures to take care of the immediate post-war problem.

(11) A question distinct from deportation is that of depriving persons to be deported of their status as British subjects in cases in which non-aliens are involved. There seems to be no doubt but that such status should be removed before deportation is ordered.

(12) Under the Naturalization Act there is no method of depriving a British subject by birth of his status as a British subject. Persons who are British subjects by naturalization may have their naturalization revoked for:

(a) disaffection or disloyalty to His Majesty (S.9(1).)

(b) trading or communicating during war with the enemy or with the subject of an enemy state, or engaging in any business carried on so as to assist the enemy (S.9(2)(a));

(c) remaining, according to the law of a state at war with His Majesty, a subject of that state (S.9(2)(e)).

Naturalized Japanese refusing to give a declaration of loyalty could probably be handled under (a). A further group of naturalized Japanese in the segregated group could be handled under (c) since a large number of Japanese naturalized prior to August, 1934, did not cease to be Japanese nationals. (This was because Japanese law provides that a person who has not complied with military service requirements cannot divest himself of Japanese nationality. Since P.C. 1760 of August 13, 1934, no Japanese have been accepted for naturalization who did not have a certificate from the Japanese Minister indicating that they had complied with Japanese military service requirements.)

(13) A further provision at present in effect which enables persons who are British subjects by birth, as well as naturalized persons, to be deprived of their status as British subjects is P.C. 10773 of Nov. 26, 1942. This Order provides that any British subject (by birth, marriage, or naturalization in Canada, or by the birth or naturalization of his father in Canada) who seeks "repatriation" to a country at war with Canada "shall, as from the date of his departure from Canada for repatriation cease to be a British subject."

The Order also provides that any person of the above category who:

(a) Makes application for protection to the Protecting Power of a State at war with Canada, or
(b) asserts allegiance to such state, or
(c) makes application for repatriation to such a state but is not so repatriated,

may "in the discretion of the Secretary of State be deprived of his status as a British subject."

(14) Applying the provisions outlined above (paragraphs 12 and 13) to the categories suggested for segregation in paragraph 5, it appears that the following groups would not be covered:

(a) Canadian-born Japanese interned during the war.

(b) Possibly Canadian-born Japanese who refuse to give a declaration of loyalty to Canada and a statement denying loyalty to Japan. These would be covered if refusal to give a declaration of loyalty were deemed to constitute an assertion of allegiance to Japan under P.C. 10773. Naturalized Japanese might be covered in the same way, and almost certainly would be covered on the basis of "disaffection or disloyalty" to His Majesty.)

(c) Possibly naturalized persons who failed to abide by the law of Canada, etc.

(d) Canadian-born Japanese who failed to abide by the law of Canada, etc.

(15) From the above it would appear that provisions for depriving persons of their status as British subjects are much more adequate for the purpose in mind than are the provisions regarding deportation. Nevertheless, there are gaps. These could be filled either by an Order-in-Council to supplement P.C.10773, or by a new and comprehensive order consolidating all provisions necessary to deal with the whole problem. Some amendments in the Naturalization Act may be deemed desirable, but it is probable that for permanent purposes it would not be desirable to make these as broad in scope as the legal provisions which will be necessary to handle the immediate post-war problem.

(16) If the necessary legal provisions were made to enable segregation, revocation of status as British subjects, and deportation of persons in the categories suggested in paragraph 5, it is probable that several hundred and possibly some thousands of Japanese persons would be removed from Canada at the end of the war. It is to be noted that the suggested provisions would not eliminate all Japanese nationals from Canada. Deportation of persons merely because they have omitted to become naturalized would appear to be unjustified, especially when it is known that many persons took out naturalization papers, not because of loyalty to Canada, but simply to be enabled to engage in fishing, etc. A recent Gallup Poll, however, indicated that some 83% of people interviewed were in favour of deporting all Japanese nationals. In view of this, it might be desirable, and it would not seem unjust, to provide that all Japanese nationals not coming within the segregated categories, should be subject to deportation, one year after the conclusion of hostilities who have not

(a) become naturalized, or
(b) made a declaration of intention to become naturalized which declaration was accepted by the Secretary of State.

This would enable deportation of:

(a) Japanese nationals who do not wish to become British subjects; and
(b) Japanese nationals whose credentials and record do not justify their naturalization or the acceptance of their declaration of intention.

The result of the above measures would be to eliminate from Canada all persons who were disloyal or of doubtful loyalty and, in a short period after the war, all Japanese nationals.

(17) It is impossible to know in advance how large the residue would be in respect of whom the problem of resettlement in Canada would have to be dealt with. The Prime Minister indicated in reply to your memorandum of last August that consideration would have to be given to allowing them to reside in Canada subject to no "special or peculiar disabilities with respect to place of residence, employment, civil obligations, or educational opportunities." It was, however, somewhat of a surprise to note that the recent Gallup Poll showed 59% of the people interviewed to be in favour of allowing Japanese Canadians to remain in Canada, and particularly to note that the proportion was not noticeably less in British Columbia than elsewhere. A large

portion of the remaining 41% were "undecided". This suggests that most of the opposition to allowing continued residence in Canada and return to former places of residence may be coming from a vociferous minority who are loudly supporting a competely unjust policy. If the hard care of disloyal and alien elements, among the Japanese could be eliminated, there would seem to be good reason to expect that it would be possible to declare firmly and without general opposition that the remainder would be allowed to continue to live here without restriction.

(18) If the suggested policy were considered suitable as a basis on which to begin consideration of the problem there are a large number of matters that would have to be considered, such as:

(a) The detailed basis, provision for and machinery of segregation -

- The person to be segregated; the nature of the tribunal which should hear cases; the extent to which appeal from that tribunal should be allowed; the court to which or the person to whom appeal should be made; the nature of "segregation" in the physical sense; etc.

(b) Necessary provisions for deportation -

- Decision as to the nature of these provisions; whether they should be embodied in the Immigration Act or in a special Order or Act; etc. (It may be noted here that it would become necessary to impose as one of the peace terms on Japan the obligation to receive any persons of Japanese race deported from Canada, since otherwise there would be no obligation to receive persons who are not Japanese nationals.)

(c) Provisions for the revocation of British status:-

- Whether by amendment of the Naturalization Act, or by a special Order or Act; the possible necessity of securing the concurrence, in certain aspects of other countries of the Commonwealth; the desirability of requiring the Japanese to grant the status of Japanese national to any person of Japanese race deprived of the status of British subject. (Here it might be noted that consideration should also be given to requiring the Japanese Government to divest of the status of Japanese national any person in Canada having the status of British subject.)

(d) Wartime controls to be continued on non-segregated persons. -

(e) Problems of post-war resettlement -

- To deal with these fully, a thorough examination would have to be made of all orders and regulations that have been passed affecting Japanese; of the extent to which such orders have been carried out, especially in connection with sale of Japanese property, removal from homes, etc.; of the agreements made with various local governments which have agreed to accept Japanese for settlement during the war; of the aspects of the problem falling under provincial jurisdiction; etc.

(f) Correlation of Canadian policy with U.S. Policy.

(19) The above is by no means exhaustive, but it does indicate that many agencies of the government are involved, and that it would be desirable to have the matter discussed and as much as

possible done to prepare the ground during the war. Probably it would be desirable to set up an interdepartmental committee which could deal with the details that must be examined in order to implement whatever policy is decided on. The work of this committee on matters involving deportation and naturalization problems should be brought before the committee which has been set up in the House to consider the Defence of Canada Regulations, deportation, and naturalization. Department which will be interested in the problem appear to be:

External Affairs
Labour
Immigration
Justice
Custodian
Naturalization Branch
National Defence (possibly).

(NOTE - This memorandum has dealt only with the Japanese problem. Questions of deportation and post-war resettlement will arise, though not in so serious a form, in connection with other enemy aliens or persons of enemy descent. These groups would have to be kept in mind in considering the Japanese question. In part, some may be dealt with under P.C.10773 (see paragraph 13). It is probable, however, that amendments will be made in the Immigration Act and also in the Naturalization Act even if a special measure is passed to provide specifically for the Japanese. If so, possibly other groups can be handled under such amendments without special measures to cover them analogous to those which will be necessary to deal with the Japanese.)

APPENDIX A

WARTIME PROVISIONS AFFECTING THE LEGAL POSITION OF PERSONS OF JAPANESE RACE

(a) General Status -

1. Japanese nationals are subject to the general enemy alien provisions of the Defence of Canada Regulations and the Trading with the Enemy Regulations. (P.C.9591, Dec. 7/41).

2. Until Dec. 22/42 (P.C.11561) Japanese naturalized since Sept. 1/22 were also subject to Defence of Canada Regulations restrictions.

3. All persons of Japanese race over the age of 16 have to register (P.C. 9760, Dec. 16/41).

(b) Real Property -

1. No person of Japanese race nor any Japanese company can "acquire or hold land or growing crops" during the continuation of the war. This does not deprive any person or company of land or crops held before Feb. 24/42, nor does it prevent leasing of a building for a term not exceeding one year. (P.C.1457, Feb.24/42; P.C.9702, Dec. 20/43; Reg. 39E of Defence of Canada Regulations).

2. The Minister of Justice may grant a Japanese or Japanese company a licence to acquire land or growing crops.

3. The real property of persons of Japanese race evacuated from the protected areas of British Columbia vests in the Custodian (P.C.1665/Mar.4/42) and may be liquidated by him (P.C.469, Jan.19/43).

4. No person can buy or rent from or for a person of Japanese race "any agricultural land in a protected area of British Columbia". All such land is subject to appraisal by the Director of Soldier Settlement (P.C.5523, June 29/42), or by an officer acting for him. (P.C.6885, Aug. 4/42).

(c) Property other than Real Property -

1. Persons of Japanese race were forbidden to operate fishing vessels on the Pacific Coast (P.C.9761, Dec.16/41), or to serve on fishing vessels there (P.C.251, Jan.13/42). The effect of these Orders was in fact superseded by the evacuation order. By P.C.288, Jan.31/42 a committee was established to dispose of or to help Japanese dispose of fishing vessels owned by persons of Japanese race. (Lease of boats to non-Japanese was allowed under this, so presumably title to some boats still remains in Japanese owners). Under this Order, 1,027 vessels out of 1,265 were disposed of, and the rest were turned over to the Custodian. (P.C.6247, July 20/42). Under P.C.469, Jan.19/43, the Custodian received power to liquidate such vessels.

2. Property left behind by Japanese evacuated from the British Columbia areas vested in the Custodian and was made subject to liquidation (P.C.469).

(d) Evacuation from protected areas of British Columbia -

1. The British Columbia Security Commission was established by P.C.1665 of March 4/42 to "plan, supervise and direct the evacuation from the protected areas of British Columbia of all persons of Japanese race". The Commission was also given power to make orders respecting the "conduct, activities and discipline" of persons evacuated. (The "protected area" was as defined by the Minister of Justice under Regulation 4 of the Defence of Canada Regulations.)

2. Evacuated Japanese were, for the most part, removed to eight camps in the interior of British Columbia, and the commission was given power to enter into agreements with Provincial governments for the placement of such evacuees. (P.C.3213, April 21/42). The Order provided that "any such agreement may provide that any such persons shall be removed from such province upon the termination of the state of war."

3. By P.C. 1/11037, Dec. 3/42, George Collins was appointed General Supervisor of Japanese Evacuation and Maintenance, to take over the duties of the British Columbia Security Commission on a date to be set.

4. By P.C. 946 of Feb. 5/43 the British Columbia Security Commission was relieved of its duties, which were taken over by the Minister of Labour. The chief executive officer was to be George Collins as Commissioner of Japanese Placement. The Minister of Labour was given all the powers of the British Columbia Security Commission plus some additional ones. (See infra).

(e) Work, Activities, and Movement -

1. Notwithstanding any Orders in Council, persons of Japanese race are subject to the National Selective Service (civilian) Regulations, except insofar as they are inconsistent with an order of the Minister of Labour under P.C.946. (P.C. 9743, Dec. 24/43.)

2. The Minister of Labour has power (which apparently has not been used) to form a voluntary "Canadian Japanese Construction Corps" of male Japanese of Canadian nationality to be employed within or without Canada at $1.00 per day basic pay. (P.C.1271, Feb. 17/42, and P.C. 2542, March 31/42.)

3. The Commissioner of Japanese Placement can recruit Japanese from interior settlements for wood-cutting projects. (P.C.4365, May 28/43).

4. The Minister of Mines and Resources has power to establish work camps for males of Japanese race to employ, at 25¢ per hour, persons "who may be allocated to such camps by the Minister of Labour". (P.C.'s 1348, Feb. 19/42; 6758, July 31/42; 8173, Sept. 11/42.)

5. The Minister of Labour may make orders or regulations respecting "the conduct, activities or discipline" of persons of Japanese race anywhere in Canada, and may prohibit them "from engaging in any activities, employment or business -- in Canada, from moving or travelling anywhere in Canada, from residing in any place in Canada or from associating or communicating with any persons, except subject to a permit. (P.C. 946, Feb.5/43). No adequate information is available in the Department at present as to the extent to which use has been made of the power of the Minister of Labour to make orders respecting Japanese.

(f) Military Service -

1. Japanese aliens, like all enemy aliens, have no liability for military service.

2. Japanese Canadians are legally subject to compulsory military service, but in actual fact they are not called up, nor are they accepted for service in any of the forces on voluntary enlistment.

(g) Nationality -

1. Any Japanese Canadian (whether by birth, marriage or naturalization) who seeks repatriation to Japan ceases to be a British subject and Canadian national as from the date of his departure, and any such person who applies for protection of the Protecting Power or who asserts allegiance to Japan or seeks repatriation thereto but is not in fact repatriated "may, in the discretion of the Secretary of State, be deprived of his status as a British subject--" (P.C.10773, Nov. 26/42.) (The above applies to all enemy countries or Protecting Powers, and is not specifically re Japan.)

2. Section 9 of the Naturalization Act might also be made applicable to certain Japanese. It provides for revocation of naturalization by Order in Council for disaffection to His Majesty (ss9(1)), for trading with or assisting the enemy (ss9(2)), or where any person "remains according to the law of a state at war with His Majesty a subject of that state."

APPENDIX B

NUMBERS, LOCATION AND MOVEMENT OF JAPANESE IN CANADA

(a) Numbers of Japanese in Canada (Census, 1941):

Total number of Japanese racial origin	-	23,149
Born in Canada	-	14,073
" in other British countries	-	12
Japanese naturalized	-	3,135
Japanese nationals	-	5,911
Citizenship other than Canada or Japan"	-	51

(Details regarding 89 Japanese in Quebec, Yukon, and N.W.T. are not yet available.)

(Mr. MacKinnon - Feb. 24/44)

(b) Distribution of Japanese in Canada in 1941 -

British Columbia	-	22,096
Alberta	-	578
Ontario	-	234
Saskatchewan	-	105
Quebec	-	48
Manitoba	-	42
Yukon	-	40
New Brunswick	-	3
Nova Scotia	-	2
Northwest Territories	-	1
Prince Edward Island	-	0
		23,060
1 unclassified Japanese in Quebec, Yukon and Northwest Territories		89
		23,149

(Mr. MacKinnon - Feb. 24/44.)

(c) Number of Japanese removed from British Columbia to other Provinces

Total removed	-	6,480
Provinces to which moved:		
Alberta	-	2,880
Saskatchewan		57
Manitoba	-	1,011
Ontario	-	2,234
Quebec	-	298

(Mr. Mitchell - Feb. 14/44)

SECRET

RGR/LF
12.4.44.

POLICY WITH REGARD TO JAPANESE IN CANADA:

(1) A meeting was held at 2:30 p.m. on April 11 in room 123, East Block, to consider recommendations which might be made to Council on the policy to be adopted with regard to Japanese in Canada. The following were present:

Mr. A. MacNamara Mr. A.H. Brown Mr. H.T. Pommett	-	Department of Labour
Dr. E.H. Coleman	-	Under Secretary of State
Mr. F.P. Varcoe Mr. D.W. Mundell	-	Department of Justice
Mr. A.L. Jolliffe	-	Director of Immigration
Deputy Commissioner Mead Inspector Perlson		R.C.M.P.
Mr. N.A. Robertson Mr. J.E. Read Mr. A.V. Rive Mr. R.G. Robertson	-	Department of External Affairs

Mr. N.A. Robertson acted as chairman.

(2) Mr. Robertson stated that it was desirable to give consideration now to the formulation of policy for the handling of the Japanese problem, both for the remainder of the war and for the post-war period. Interdepartmental consideration was the first step. The policy would have to be kept more or less in line with United States policy in the same matter, the provincial governments would have to be consulted, and, ultimately, the matter would have to be related to peace terms in the Pacific.

As a basic assumption Mr. Robertson suggested that it might be accepted that it would be necessary to aim at a fairly substantial reduction in the Japanese population of Canada after the war. The difficult problem was to determine the basis on which reduction should take place. The first recommendation could probably be to have "assisted emigration" as soon and as extensively as possible -- assisting all persons of Japanese race to leave Canada who wished to do so. They might be given free transportation; release from exchange restrictions; permission to take furniture and other belongings; etc. The next step would be to select certain categories of the remainder for post-war deportation. A possible beginning might be to segregate (nominally, but not necessarily physically) for deportation:

(a) Persons of Japanese race whose internment was necessary during the war, and

(b) Persons of Japanese race who declared their loyalty for Japan or who sought repatriation to Japan during the war.

It would be necessary, on whatever basis, to tackle segregation vigorously in order to make it possible to give freedom from restriction to those who remained after the "winnowing" process. Ultimately we should aim at getting rid of restrictions which rest on a basis of racial discrimination.

With regard to "disloyal" Japanese, Mr. Robertson stated that he thought it would probably not be very helpful to require declarations of loyalty and condemn as disloyal those who refused. A sounder approach would be to judge on the basis of conduct during the war. Labour and Royal Canadian Mounted Police records would be helpful here. The term "disloyal" would probably have to be construed pretty widely for practical reasons, and in many cases motives behind uncooperative conduct might have to be ignored to an extent greater than abstract justice would warrant.

(3) Mr. MacNamara agreed that United States and Canadian policy should be kept in line, and also that the aim should be to reduce the Japanese population considerably. He was rather doubtful as to whether the approach suggested would achieve this object in sufficient measure. An alternative approach would be to decide what classes (on a nationality basis) we are forced to retain in Canada, and deport the rest. He agreed, however, that it would be difficult to proceed on a basis of a common degree of obligation in respect of all persons coming within a given category drawn on line of naturalization, birth, etc.

(4) Dr. Coleman was of the opinion that many Canadian-born Japanese were more undesirable than a large number of Japanese nationals here, and for this reason he thought there would have to be consideration of individual cases.

(5) Deputy Commissioner Mead thought that on the basis suggested by Mr. Robertson it would be possible to segregate a "disloyal" section of the Japanese population for future deportation. At Tashmi, out of a group of 3,000, about 700 had asked for repatriation. At the beginning of the war, some 40-odd had been picked up as "potentially dangerous". Several hundred had refused to obey the orders of the British Columbia Security Commission to leave the protected area of British Columbia and some hundreds were still interned. (Mr. MacNamara mentioned the figure of 700.) Many more have expressed disloyalty to Canada and loyalty to Japan. Some have asked to be repatriated.

(6) Mr. Jolliffe pointed out that families are normally treated as units for deportation, and when dependents here were added in probably a fairly large group would be involved in the total suggested by Deputy Commissioner Mead.

(7) Mr. Read suggested that a modification of the basis of segregation might be to have a "presumption of innocence" for naturalized and Canadian born Japanese, except where they come within groups (a) and (b) mentioned by Mr. Robertson (paragraph 2), and a "presumption of guilt" in the case of Japanese nationals. This would probably serve to increase the deportable group.

(8) With regard to military service for Japanese in Canada, the general view was that there would be little to be gained by reopening the matter. It was thought that we might have been remiss in not allowing selected cases to serve in the forces as the United States had done, but it was too late to remedy the defect now. Mr. Mead thought that most of those who might once have gone in were now "sour" on the whole idea.

(9) Mr.Varcoe raised the question of the desirability of having the Japanese policy questions brought up at the Dominion-Provincial conference. It was thought that the occasion might provide a useful opportunity for discussion, but that perhaps the matter should not be for the agenda of the conference itself.

Mr.MacNamara pointed out that some difficulty would arise with regard to the undertakings given to provinces for removal of Japanese at the end of the war.

(10) With regard to revocation of nationality thus far, Dr.Coleman said that the government had not taken any initiative. Cases of revocation were at the initiative of the parties concerned. No revocations had yet taken place under the terms of P.C.10773 of November 26,1942.

(11) It was agreed that copies of the External Affairs departmental memorandum on the Japanese problem should be sent to all departments represented at the meeting, and that a second meeting should be held at an early date in an effort to formulate recommendations and draw up plans for procedure in the light of the discussion that had been had.

SECRET

RGR/LF/DC.
11.4.44.

NOTE FOR MR. ROBERTSON

Policy with Regard to Japanese in Canada.

(1) On August 20th, 1943, you made the following suggestions to the Prime Minister as to future policy with regard to the Japanese in Canada:

(a) That all possible assistance be given to any persons of Japanese race who wish to return to Japan (including free transportation and permission to transfer funds).

(b) That all Japanese nationals be deported whose internment was necessary during the war.

(c) That the British status be revoked of all Japanese Canadians who had to be interned or who put themselves under the protection of the Protecting Power. Such persons would then be liable to deportation in the same way as persons falling under (b).

(d) That immigration for permanent settlement be stopped.

The Prime Minister approved the above recommendations. With regard to your further recommendation for allowing the residuum of persons of Japanese now to reside in Canada on a basis of non-discrimination, the Prime Minister indicated that consideration of the matter would be necessary.

Copies of your memorandum were sent to Mr. McCarthy and Mr. Atherton with a view to getting information as to the contemplated U.S. policy. The most informative statement at present available on this is contained in the following extract from a message to the Senate by President Roosevelt on Sept. 14, 1943:

" With the segregation of the disloyal evacuees in a separate center, the War Relocation Authority proposes now to redouble its efforts to accomplish the relocation into normal homes and jobs in communities throughout the United States, but outside the evacuated areas, of those Americans of Japanese ancestry whose loyalty to this country has remained unshaken through the hardships of the evacuation which military necessity made unavoidable. We shall restore to the loyal evacuees the right to return to the evacuated areas as soon as the military situation will make such restoration feasible. Americans of Japanese ancestry, like those of many other ancestries, have shown that they can, and want to, accept our institutions and work loyally with the rest of us, making their own valuable contribution to the national wealth and well-being. In vindication of the very ideals for which we are fighting this war it is important to us to maintain a high standard of fair, considerate, and equal treatment for the people of this minority as of all other minorities."

(2) The desirability of attempting to reach some preliminary decisions as to post-war policy is indicated in the letter of Feb. 21 from the Deputy Minister of Labour, concerning travel restrictions on Japanese in Canada. There it is pointed out that:

(a) Undertakings have been given to officials in certain localities as to entry and removal of Japanese;

(b) After the war provincial and municipal governments, will want information as to the location, numbers, occupation, etc. of Japanese; and

(c) It is probable that numbers of Japanese who are naturalized or who were born here, and who are at liberty, would declare their loyalty for Japan rather than for Canada.

All of these are cited as factors which make it difficult, if not inadvisable, to allow a relaxation of restrictions in favour of Japanese Canadians in connection with travel and movement. It is generally recognized that the existing regulations and orders in council constitute a very great injustice to many Canadians of Japanese descent. For that reason it would be desirable to have them alleviated as soon as possible. Moreover, any relaxations that could be granted gradually during the war would render less difficult the adoption of a post-war policy not too flagrantly unjust to Japanese Canadians. However, the experience with the travel regulations indicates that the officials responsible for security and for administration of Japanese affairs are especially dubious of any relaxations that would benefit Japanese persons, who, while not interned, nevertheless feel a primary loyalty to Japan. In the circumstances, it seems that it would be desirable to endeavour to segregate the loyal from the disloyal as a prerequisite step toward the elimination of unjust restrictions on the latter.

(3) In the United States the following categories of persons have been segregated at the Tule Lake Relocation Center:

(a) Persons who requested repatriation or expatriation to Japan and who did not withdraw such applications prior to July 1, 1943.

(b) American citizens evacuees who have refused to pledge loyalty to the U.S.

(c) Alien evacuees who have refused to swear that they will abide by the laws of the U.S. and refrain from interfering with the war effort.

(d) Persons denied leave clearance from camps because of an adverse report from a Federal intelligence agency, or some other information indicating loyalty to Japan.

The segregation center has no punitive purpose. Any person who shows "persistent troublemaking tendencies, is sent to the isolation center at Leupp, Arizona.

It is not definitely so stated, but presumably the intention is that persons in the segregation and isolation centers may be subject to deportation after the war. In any event, it is made clear in the President's statement quoted above that the undertakings as to restoration to evacuated areas, etc. apply only to "loyal" evacuees.

(4) I would suggest that the first step toward Canadian post-war policy should be an attempt at segregation undertaken as soon as possible. Such segregation need not be physical in all cases. It could in many involve merely the establishment of a list of undesirables. In some cases physical segregation is now a fact and could be continued, or extended where necessary. The reasons cited in paragraph 2 support the view that it would be desirable to have such segregation now rather than after the war. There is, moreover, the probability that this would give a more accurate indication of the actual loyalties of the persons involved than would a purely post-war investigation. A defeated, and perhaps harshly handled Japan, would probably not attract an attitude of loyalty from many persons in Canada even of strong sympathy for Japan if it would be likely to involve their deportation to that country.

(5) If segregation were undertaken in Canada, the following basis for procedure might be considered:

(a) All persons of Japanese race whose internment has proved necessary during the war should automatically be considered to come within the segregated group unless they can show cause why they should not.

(b) All persons of Japanese race who have declared their loyalty to Japan, or who have sought repatriation to Japan during the war should automatically be segregated unless they can show cause why they should not. (A group of Japanese evacuees held at Angler have already declared their loyalty to Japan in a letter to the Minister of Justice.)

(c) All other persons of Japanese race should be subjects to investigation for failure to abide by the laws of Canada, for non-compliance with Selective Service Regulations, or for other indications that their sympathies are with Japan in the war and, if adequate cause is shown, should be segregated.

(6) Acceptance of the above principles (or others along the same line) would raise questions of procedure which would have to be carefully considered, such as the nature of the tribunal which should hear persons seeking to show cause against segregation in groups (a) and (b) or charges against persons in group (c); the nature of offences which should involve liability for segregation under item (c); the extent to which appeal to the courts should be allowed in any case to (i) Japanese nationals and (ii) British subjects; the form which segregation should take - i.e. - actual physical

segregation or merely classification; etc. All of these and other problems could be dealt with once the basic decision of policy was taken.

(7) In considering the policy of segregation, it is clear that a determining factor, not only as to its usefulness, but also as to the criteria which should be adopted in deciding cases for segregation, is the nature of the consequences which are to flow from segregation. It is suggested that, to provide a basis for operation the understanding should be that:

(a) segregated persons of Japanese nationality will be subject to deportation whenever it becomes practicable without any further investigation or right of appeal.

(b) segregated persons who are British subjects will be deprived of their naturalization or status as British subjects (if they acquired it other than by naturalization) and will then be subject to deportation as in the case of Japanese nationals.

Decision on deportation for the categories of persons mentioned would be in accordance with the views advanced by you and approved by the Prime Minister, although wider in scope. The justification for such action would be, as you have suggested, the necessity of dealing severely with those who have been disloyal or of a doubtful character during the war in order that it may be possible to secure general agreement on a policy which would deal justly with those Japanese who have been blameless.

If the above principles were adopted, it would involve the necessity of providing machinery for careful consideration of the case of each person prior to segregation, including whatever scope for appeal from the decision of the board of review might seem desirable. After the necessary consideration had been given to each case, which could be done over a certain period of time, it would provide the advantage that all cases would be decided and a definite group of persons whose deportation was considered desirable would be segregated and ready for such deportation at the end of the war without further delay or investigation.

(8) Approval of a policy along the lines suggested above would go beyond the suggestions set forth in items (b) and (c) of your memorandum to the Prime Minister. The essential approach would, however, be the same. It would be desirable also to maintain the principle you suggested of "assisted emigration" for all who wish to go to Japan.

(9) With regard to deportation, Mr. Howard Green recently raised in the House the desirability of having special consideration given to the law governing it by the committee set up to review the Defence of Canada Regulations. His amendment in this connection was accepted, and the Committee will consider both deportation and naturalization. In the course of his remarks Mr. Green stated that he believed it was virtually impossible to deport a person who has been in Canada for more than 5 years. Any policy of deportation of Japanese, will require an examination of the present law governing deportation and consideration of necessary amendments. The position, from a preliminary examination, appears to be as follows:

(a) Persons born in Canada -

As the Immigration Act stands at present, it seems clear that it does not enable deportation under any circumstances of a person born in Canada who has not become an alien. "Deportation" is defined in S. 2(c) as the removal of a rejected immigrant or of a person already landed in Canada, or in Canada contrary to the provisions of the Act "to the place whence he came to Canada, or to the country of his birth or citizenship." If it is deemed desirable to enable the deportation of certain persons born in Canada (under group (d) supra) provision will be necessary, not only for depriving them of their British status, but also to enable deportation.

(b) Persons who have acquired the status of British subject in Canada otherwise than by birth -

Such persons will be persons naturalized here, or women who became British subjects by marriage. Such persons will have a "country of birth" outside of Canada, and there would not appear to be the same basic inability in respect of deportation that exists for persons born here. Provision could be made to render their status as British subjects null ab initio, in which case it would appear that deportation would be possible to the same extent as for aliens who have acquired domicile in Canada.

(c) Aliens -

(i) S.41 of the Immigration Act provides that "whenever any person other than a Canadian citizen advocates in Canada the overthrow by force or violence of the Government of Great Britain or Canada, ---- or the overthrow by force or violence of constituted law and authority, ---- or shall by word or act create or attempt to create riot or public disorder in Canada ----; such person for the purposes of this Act shall be considered and classed as an undesirable immigrant."

(ii) Persons whose internment has proved necessary in the present war could probably be brought within the scope of the above, and it might be interpreted widely enough to include persons who declare loyalty for Japan during the war as by implication advocating "the overthrow by force ---- of the Government of Great Britain or Canada." The latter is doubtful. It seems clear that the section is not wide enough to cover persons who merely declared a desire to return to Japan.

(iii) If the above is correct an extension to the scope of S.41 of the Immigration ACT (or a specific provision directed entirely at the problem under discussion) will be necessary before deportation is possible in the cases suggested in this memorandum.

(iv) If the procedure is adopted of extending the scope of S.41 to include additional categories of persons as "undesirable immigrants", it is necessary to consider the adequacy of existing provisions for the examination and deportation of such persons.

(v) By S.42 of the Act, persons charged with being undesirable immigrants are subject to examination by a Board of Inquiry set up by the Minister of Mines and Resources under S.13 of the Act. Persons charged have the right to be represented by counsel. Decisions of the Boards are by majority (S.17). An appeal may be made to the Minister of Mines and Resources (S.19), and the decision of the Board or Minister may

be reviewed or reversed by a court if the person involved is a "Canadian citizen or has Canadian domicile." (S.23) (Presumably it is this possibility of judicial review in the case of a person having Canadian domicile that Mr. Green had in mind in his statement referred to above.) Persons held to be undesirable immigrants under the above procedure may be ordered deported.

(vi) The procedure and machinery established by the Immigration Act were not designed for the handling of a problem such as this and would not be suited for the determination of cases for segregation with a view to ultimate deportation or (if immediate segregation is not thought desirable) for later dealing with deportation hearings involving the Japanese whose deportation seems desirable. The policy involved is not primarily an Immigration one, nor are the cases that will have to be heard of the type for which the Immigration Boards of Inquiry are designed. Appeals, if they are allowed, should probably not be to the Minister of Mines and Resources, but to the Minister of Justice or to a court.

(10) In the light of the above examination it is suggested that:

(a) The provisions of the Immigration Act are not suited either as to scope or as to machinery to handle the deportation cases that will arise if the suggested policy is adopted.

(b) It would not be sufficient simply to extend the classification of "undesirable immigrants" or the definition of "deportation" under the act.

(c) The most satisfactory procedure would be to have a comprehensive order in council passed under the War Measures Act, or an act passed by Parliament, to provide special deportation measures to take care of the immediate post-war problem.

(11) A question distinct from deportation is that of depriving persons to be deported of their status as British subjects in cases in which non-aliens are involved. There seems to be no doubt but that such status should be removed before deportation is ordered.

(12) Under the Naturalization Act there is no method of depriving a British subject by birth of his status as a British subject. Persons who are British subjects by naturalization may have their naturalization revoked for:

(a) disaffection or disloyalty to His Majesty (S.9(1).)

(b) trading or communicating during war with the enemy or with the subject of an enemy state, or engaging in any business carried on so as to assist the enemy (S.9(2)(a));

(c) remaining, according to the law of a state at war with His Majesty, a subject of that state (S.9(2)(c)).

Naturalized Japanese refusing to give a declaration of loyalty could probably be handled under (a) A further group of naturalized Japanese in the segregated group could be handled under (c) since a number of Japanese naturalized prior to August, 1934, did not cease to be Japanese nationals. (This

was because Japanese law provides that a person who has not complied with military service requirements cannot divest himself of Japanese nationality. Since P.C. 1760 of August 15, 1934, no Japanese have been accepted for naturalization who did not have a certificate from the Japanese Minister indicating that they had complied with Japanese military service requirements.)

(13) A further provision at present in effect which enables persons who are British subjects by birth, as well as naturalized persons, to be deprived of their status as British subjects is P.C.10773 of Nov. 26, 1942. This Order provides that any British subject (by birth, marriage, or naturalization in Canada, or by the birth or naturalization of his father in Canada) who seeks "repatriation" to a country at war with Canada "shall, as from the date of his departure from Canada for repatriation cease to be a British subject."

The Order also provides that any person of the above category who:

(a) Makes application for protection to the Protecting Power of a State at war with Canada, or
(b) asserts allegiance to such state, or
(c) makes application for repatriation to such a state but is not so repatriated,

may "in the discretion of the Secretary of State by deprived of his status as a British subject."

(14) Applying the provisions outlined above (paragraphs 12 and 13) to the categories suggested for segregation in paragraph 5, it appears that the following groups would not be covered:

(a) Canadian-born Japanese interned during the war.

(b) Possibly naturalized persons who failed to abide by the law of Canada, etc.

(c) Canadian-born Japanese who failed to abide by the law of Canada, etc.

(15) From the above it would appear that provisions for depriving persons of their status as British subjects are much more adequate for the purpose in mind than are the provisions regarding deportation. Nevertheless, there are gaps. These could be filled either by an Order-in-Council to supplement P.C.10773, or by a new and comprehensive order consolidating all provisions necessary to deal with the whole problem. Some amendments in the Naturalization Act may be deemed desirable, but it is probable that for permanent purposes it would not be desirable to make these as broad in scope as the legal provisions which will be necessary to handle the immediate post-war problem.

(16) If the necessary legal provisions were made to enable segregation, revocation of status as British subjects, and deportation of persons in the categories suggested in paragraph 5, it is probable that several hundred and possibly in the thousands of Japanese persons would be removed from Canada at the end of the war. It is to be noted that the suggested provisions would not eliminate all Japanese nationals from Canada. Deportation of persons merely because they have omitted to become naturalized would appear to be unjustified, especially when it is known that many persons took out naturalization papers,

not because of loyalty to Canada, but simply to be enabled to engage in fishing, etc. Neither this nor other considerations were, of course, before the public at the time of a recent Gallup Poll which indicated that some 85% of people interviewed were in favour of deporting all Japanese nationals.

(17) It is difficult to know in advance how large the residue would be in respect of whom the problem of resettlement in Canada would have to be dealt with. The Prime Minister indicated in reply to your memorandum of last August that consideration would have to be given to allowing them to reside in Canada subject to no "special or peculiar disabilities with respect to place of residence, employment, civil obligations, or educational opportunities." It was, however, somewhat of a surprise to note that the recent Gallup Poll showed 59% of the people interviewed to be in favour of allowing Japanese Canadians to remain in Canada, and particularly to note that the proportion was not noticeably less in British Columbia than elsewhere. A large portion of the remaining 41% were "undecided". This suggests that most of the opposition to allowing continued residence in Canada and return to former places of residence may be coming from a vociferous minority who are loudly supporting a completely unjust policy. If the hard core of disloyal elements, among the Japanese could be eliminated, there would seem to be good reason to expect that it would be possible to declare firmly and without general opposition that the remainder would be allowed to continue to live here without restriction.

(18) It is clear that the matter would have to be taken up with the provinces at some stage. This will be easier if the Government's proposals are clearly outlined. Moreover, if the scattering of the Japanese can be made more or less permanent by allowing eligible ones to purchase land outside of B.C., thus enabling them to "take root" during the war, the problem caused by the fear of concentration in British Columbia would be reduced.

(19) If the suggested policy were considered suitable as a basis on which to begin consideration of the problem there are a large number of matters that would have to be considered, such as:

(a) <u>The detailed basis, provision for and machinery of segregation</u> -

- The persons to be segregated; the nature of the tribunal which should hear cases; the extent to which appeal from that tribunal should be allowed; the court to which or the person to whom appeal should be made; the nature of "segregation" in the physical or nominal sense; etc.

(b) <u>Necessary provisions for deportation</u> -

- Decision as to the nature of these provisions; whether they should be embodied in the Immigration Act or in a special Order or Act; etc. (It may be noted here that it would become necessary to impose as one of the peace terms on Japan the obligation to receive any persons of Japanese race deported from Canada, since otherwise there would be no obligation to receive persons who are not Japanese nationals. The simplest way of doing this might be to require them to grant Japanese nationality automatically to persons of Japanese race who are deprived of any other nationality they may have acquired or been born to.)

(c) Provisions for the revocation of British status:-

- Whether by amendment of the Naturalization Act, or by a special Order or Act; the possible necessity of securing the concurrence, in certain aspects of other countries of the Commonwealth; the desirability of requiring the Japanese to grant the status of Japanese national to any person of Japanese race deprived of the status of British subject. (Here it might be noted that consideration should also be given to requiring the Japanese Government to divest of the status of Japanese national any person in Canada having the status of British subject.)

(d) Wartime controls that should be continued on non-segregated persons. -

(e) Problems of post-war resettlement -

- To deal with these fully, a thorough examination would have to be made of all orders and regulations that have been passed affecting Japanese; of the extent to which such orders have been carried out, especially in connection with sale of Japanese property, removal from homes, etc.; of the agreements made with various local governments which have agreed to accept Japanese for settlement during the war; of the aspects of the problem falling under provincial jurisdiction; etc.

(f) Correlation of Canadian policy with U.S. Policy.

(20) The above is by no means exhaustive, but it does indicate that many agencies of the government are involved, and that it would be desirable to have the matter discussed and as much as possible done to prepare the ground during the war. Probably it would be desirable to set up an interdepartmental committee which could deal with the details that must be examined in order to implement whatever policy is decided on. The work of this committee on matters involving deportation and naturalization problems should be brought before the committee which has been set up in the House to consider the Defence of Canada Regulations, deportation, and naturalization. Departments which will be interested in the problem appear to be:

External Affairs
Labour
Immigration
Justice
Secretary of States' Department.

(NOTE - This memorandum has dealt only with the Japanese problem. Questions of deportation and post-war resettlement will arise, though not in so serious a form, in connection with other enemy aliens or persons of enemy descent. These groups would have to be kept in mind in considering the Japanese question. In part, some may be dealt with under P.C.10773 (see paragraph 13). It is probable, however, that amendments will be made in the Immigration Act and also in the Naturalization Act even if a special measure is passed to provide specifically for the Japanese. If so, possibly other groups can be handled under such amendments without special measures to cover them analogous to those which will be necessary to deal with the Japanese.)