J-25-1 1950-51

JAPAN

Japanese in Canada

TOP SECRET

FILE No. J-25-1

1950-51

PRIVY COUNCIL OFFICE
CANADA

SUBJECT

JAPAN

Japanese in Canada

PUBLIC ARCHIVES RECORDS CENTRE
DEPOT DES ARCHIVES PUBLIQUES
OTTAWA

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CROSS REFERENCE SHEET

Name or Subject
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File No.
J-25-1

Regarding
Cabinet conclusion March 22nd including financial commitments of interest to Treasury Board, including

Date
March 31, 1951

Administration of evacuated Japanese in British Columbia; termination of federal responsibility

Cabinet approved recommendation of the Minister of Labour & agreed that: (a) approval be given to payment to the government of British Columbia of $40,000 out of the Department of Labour appropriation for Japanese welfare & administration for the fiscal year ending March 31st, 1951, on account of expenditures incurred for the maintenance & welfare of Japanese persons evacuated from the coastal area & resident at New Denver, B.C.; & (b) land, buildings, & equipment at New Denver, B.C., owned by the fed. govt. & presently utilized for accommodation & welfare of Japanese, be turned over to the govt. of B.C.; the grant & the transfer of buildings to be on the understanding that all federal responsibility in respect of Japanese maintenance & welfare had terminated.

SEE
Name or Subject
Mr. Bryce from NAR

File No.
C-20-2
V.2

REQ. 38
5M—10-50

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DEPUTY MINISTER OF LABOUR
CANADA

Ottawa, March 21, 1951.

Mr. Norman Robertson,
Secretary to the Cabinet,
Privy Council Office,
East Block, Parliament Buildings,
Ottawa.

Attention Mr. R.G. Robertson

Dear Mr. Robertson:

Re: Japanese Administration in British Columbia

I am enclosing a memorandum to Cabinet submitted by my Minister, asking for approval for the payment of a grant of $40,000. out of the current year's Department of Labour appropriation for Japanese welfare and administration, to the Province of British Columbia on account of costs incurred in the current year by the province for the maintenance and welfare of evacuated Japanese in the province now resident at New Denver, B.C.

Approval is also asked for the transfer of the remaining properties and equipment owned by the Federal Government at New Denver, B.C., acquired originally for the accommodation and welfare of the evacuated Japanese and now in use by the province for the same purpose.

This proposal was submitted to Treasury Board for consideration, but after consultation with Mr. R.B. Bryce it was agreed that the proposals should be placed before Cabinet for decision since these proposals did not purport to discharge financial or legal commitments which have been made by the Federal Government, but are simply proposals for the final closing out of the Federal Government's administration of Japanese, and at the same time dispose of a request from the province for additional consideration, having regard for the difficulties encountered by the province in this matter.

Yours truly,

A. MacNamara

Deputy Minister.

Enc.

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C O P Y

Department of Finance

Office of the
Assistant Deputy Minister

Ottawa, March 20, 1951.

Mr. A. MacNamara,
Deputy Minister,
Department of Labour,
Confederation Building,
Ottawa.

Re Welfare of Japanese in
British Columbia.

Dear Mr. MacNamara:

We have been giving very careful consideration to your letter of March 7, 1951, in which you suggest that the Federal Government might grant the Government of British Columbia $40,000 from this year's vote and turn over the federal property on the New Denver project to provincial ownership to mark the end of federal interest in that problem.

While there is no obligation to make such a payment as a result of the agreement with the provinces, which expired on March 31, 1950, yet there appears to be some cause for making such a payment gratuitously because of the fact that the previous agreement, as far as British Columbia was concerned, was very favourable to the Federal Government. I feel that a matter of this nature should be put up by your Minister for Cabinet consideration.

I also think that it would be fair under the circumstances to give the federal property on the New Denver project to the B.C. Government and I shall advise you later as to the most appropriate way in which I think this should be done.

Yours very truly,

"R.B. Bryce".

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Regarding
RECORD OF CABINET DECISIONS NO. 43,
Meeting, Mar. 22nd, 1951 including:

Date
March 22, 1951

Item 7

Administration of evacuated Japanese in British Columbia; termination of federal responsibility

---

Memorandum, Minister of Labour, March 21st, 1951, circulated as Cab. Doc. 87-51

The Cabinet approved the recommendation of the Minister of Labour and agreed that:

(a) approval be given to payment to the government of British Columbia of $40,000 out of the Department of Labour appropriation for Japanese welfare and administration for the fiscal year ending March 31st, 1951, on account of expenditures incurred for the maintenance and welfare of Japanese persons evacuated from the coastal area and resident at New Denver, B.C.; and,

SEE

Name or Subject

File No.

(b) land, buildings and equipment at New Denver, B.C.; owned by the federal government and presently utilized for accommodation and welfare of Japanese, be turned over to the government of British Columbia;

the grant and the transfer of buildings to be on the understanding that all federal responsibility in respect of Japanese maintenance and welfare had terminated.

C-20-9

Reg. 61
5M—6-52

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Doc87-51
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MEMORANDUM TO CABINET

Re: Japanese Administration in British Columbia Japanese Welfare

1. In winding up the Federal Government's administration of Japanese evacuated from the coastal area of British Columbia, the Minister of Labour made agreements with the provinces of British Columbia, Alberta and Manitoba effective for a two-year period from April 1, 1948, whereby the province agreed to take over the administrative responsibility for welfare and maintenance of indigent Japanese in the province from that date. The Federal Government agreed to reimburse the province for one-half the expenditures incurred by the province for welfare and maintenance of this group for the period of the agreement ending March 31, 1950. The Federal Government did not accept any financial responsibility in respect of Japanese in the province extending beyond March 31, 1950.

2. The agreement with British Columbia was a particularly favourable one from the point of view of the Federal Government.

At the time the province took over administration, the Federal Department of Labour was operating a housing centre for evacuated Japanese at New Denver, B.C., filled chiefly with aged persons and families without a breadwinner, and a T.B. sanatorium for Japanese at the same point. In fact, therefore, the province assumed responsibility for the welfare and maintenance of 543 indigent invalid or aged Japanese at this housing centre who were incapable of relocation.

3. The provincial expenditures for each of the two years of the agreement were around $250,000 per annum, for welfare, maintenance and administration costs of which the Federal Government contributed one-half.

4. Shortly before the agreement expired on March 31, 1950, the province wrote the Minister of Labour, Mr. Mitchell, pointing out that the province still had 417 persons in the housing project, who represented a hard core of aged and invalid persons for whom continuing financial provision for maintenance and welfare would be required, estimated at $220,000 for the next fiscal year. The province asked the Federal Government to continue federal financial assistance for this group at a suggested rate of 25% Federal Government, 75% Provincial Government contribution.

Mr. Mitchell replied under date of April 4, 1950, declining to participate as proposed on the ground that this would involve opening up the agreements with other provinces, and because the Department of Labour appropriation for the year had been fixed and it would be difficult to obtain additional funds.

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He stated, however, that if at the end of the fiscal year there remained an unexpended balance in the departmental appropriation for Japanese welfare and administration, there would be a good opportunity of gaining government approval for a special grant for the New Denver project.

5. The province in the light of this letter has renewed its request for financial assistance in March of this year.

The Department of Labour has an unexpended balance in the appropriation for Japanese welfare and administration for 1950-51 of slightly over $40,000.

Recommendation

6. While the Federal Government is under no legal obligation to make a further financial contribution in this matter, it is recommended that, having regard for all the circumstances, approval be given to the payment to the province of British Columbia of the sum of $40,000, out of the Department of Labour appropriation for Japanese welfare and administration for the fiscal year ended March 31, 1951, on account of expenditures incurred for the maintenance and welfare of persons of the Japanese race in British Columbia evacuated from the coastal areas and resident at the New Denver centre.

B. Federal Government Property at New Denver, B.C.

7. The Federal Government Government owns several small parcels of land at New Denver, B.C., upon which were erected a T.B. sanatorium for Japanese and a number of small housing units for Japanese. The original cost of the land and buildings, equipment and furnishings was in the neighborhood of $200,000. These properties are at present of little value to the Federal Government, and the equipment after depreciation has little if any resale value.

The continued use of the property and equipment for present purposes will be required by the province for several years to come. The Federal Government will not, therefore, be in a position to realize on the property in the near future, and in the meantime expenditures by the province for maintenance are necessary. It seems apparent that the realizable value of the property and equipment will, in the circumstances, be very limited in relation to the original investment.

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The province has requested that the Federal Government turn over the property, buildings thereon, and equipment to the province.

Recommendation

8. It is recommended as a final settlement of a difficult matter that, additional to the financial grant recommended in para. 6 above, the Federal Government agree to turn over to the province the land, buildings and equipment at New Denver, B.C., owned by it and presently utilized for accommodation and welfare of Japanese.

M.F. Gregg,
Minister of Labour.

March 21, 1951

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THE CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS

TORONTO, ONT.

11 Carlton Street,
Toronto, Ontario,
October 24th, 1950.

The Right Honourable Louis St.Laurent, K.C.,
Prime Minister,
Ottawa, Canada.

Dear Mr. St. Laurent:

I thank you for your letter of August 3rd in reply to our letter of July 14th, with reference to claims by Japanese Canadians for property losses. I have neglected acknowledging the receipt of your letter sooner, as I wished to discuss it with my colleagues on the Committee. Having now communicated the contents to them, I have been requested by the Committee to express grave disappointment at the tenour of your letter regarding the claim that interest should be paid on awards.

As you will be aware, the Committee has always made it clear that the terms of reference to Mr. Justice Bird were unduly narrow. With great respect, the suggestion in your letter that the Government is doing all that could be reasonably required of it by the terms of Mr. Justice Bird's report, will not bear analysis. Mr. Justice Bird was asked, by the terms of reference, to inquire into the difference between the amounts realized by the sale of Japanese properties, and their fair market value at the date of sale- in most cases in 1943 and 1944. He was in no way concerned with the question of payment of interest.

After having deprived the claimants of the fair market price for several years, your Government now proposes to pay, in 1950, the fair market price of 1943 or 1944 without interest. This decision of the Government is, as you know, entirely inconsistent with the universal practice in compensation cases. We feel that this action on the part of the Government falls short of the promise made by your predecessor, Mr. Mackenzie King, that where it should be found that the Japanese Canadians property was sold at less than fair market price, full and fair compensation would be made. It cannot be fair compensation when the claimants are denied the rights afforded to all other claimants in similar cases. The amount involved is not large, and the persons directly affected are not very many, However, it will be a matter of regret, we believe, to very many Canadians, that the dealings of the Canadian Government with this minority should be closed with what is manifestly less than full and fair treatment.

As your letter appears to hold out no hope of further reconsideration, and the matter is now closed, we propose to publish the correspondence with you on this matter.

Yours respectfully,

Jas. M. Finlay

Rev. James M. Finlay,
CHAIRMAN.

JMF/MKB.

OCT 30 1950

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MEMORANDUM

Office of the Prime Minister

Ottawa, √ – x – 50

Prime Minister

Draft reply substantially identical with yr letter 7 Aug 3 to the Cooperative Commonwealth on Japanese Canadians

√ WLM

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MEMORANDUM

Office of the Prime Minister

Ottawa,.....

Prime Minister

Does this letter require an ack. I think not. No further answer

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PCO

File

J-25-1

O t t a w a,
October 5,
1 9 5 0.

George Tanka, Esq.,
National Executive Secretary,
Japanese Canadian Citizens Association,
National Headquarters,
61 College Street,
Toronto 2, Ontario.

Dear Mr. Tanka:

Your letter of September 23, with the accompanying brief on behalf of the Japanese Canadian Citizens Association, was brought to my attention on my return to Ottawa.

The government appointed a Royal Commission to enquire into the claims of the Japanese Canadians and to ascertain what would be fair and just under all the circumstances to the Japanese Canadians and to the Canadian public generally. The Commission recommended that a certain sum of money be paid to the claimants. The government has concurred in the recommendations and money has been made available to meet the claims. In carrying out the recommendations of Mr. Justice Bird we feel we have discharged our obligations both to the Japanese Canadians and to the general public.

Yours sincerely,

Louis S. St-Laurent.

EAP/RDC

J-25-1
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PCO

B & to MJD on P.M's return.

J-25-1

Ottawa, September 26, 1950.

George Tanaka, Esq.,
National Executive Secretary,
Japanese Canadian Citizens Association,
National Headquarters,
61 College Street,
Toronto 2, Ontario.

Dear Mr. Tanaka:

In the absence from Ottawa of the Prime Minister, I wish to acknowledge your letter of the 23rd of September, and the brief submitted on behalf of the Japanese Canadian Citizens Association.

Filed in Room 211

I will bring your communication to Mr. St-Laurent's attention after his return.

Yours sincerely,

W. R. Martin,
Secretary.

MJD/RDC

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Japanese Canadian

TELEPHONE: PLAZA 1253

JCCA

CITIZENS ASSOCIATION

NATIONAL HEADQUARTERS:
~~84 GERRARD ST. E.~~, TORONTO 2, ONTARIO
61 College Street

Iwami
Inuma
Stats
NAR

September 23rd, 1950.

The Right Honourable Louis St. Laurent,
Prime Minister,
Parliament Buildings,
OTTAWA, Canada.

Dear Mr. Prime Minister:

The National Japanese Canadian Citizens Association which fully represents Canadian citizens of Japanese ancestry, wishes, in the first place, to express its gratitude to your Government for the granting of awards to Japanese Canadian claimants as recommended by the Royal Commission Enquiry.

The Association, which has on several occasions in the past brought to the attention of the Government matters which were of grave concern to its members in respect to Federal restrictive measures, desires to bring to the attention of the Government, the reasons upon which it is felt there still remains many injustices and hardship against Japanese Canadians arising from their forceful removal from British Columbia in 1942.

The attached submission is therefore respectfully tendered with due regard to the basic confidence the people of Canada have in their Government to remedy any injustices.

May we receive your consideration to our submission.

Respectfully yours,

George Tanaka.

George Tanaka,
National Executive Secretary.

GT:yo
Enc.

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Referred to Minister of Finance,
Minister of Justice,
Secretary of State,
Mr. N.A. Robertson.

file
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Ottawa,
August 3, 1950.

Reverend James M. Finlay,
Chairman,
The Co-operative Committee on
Japanese Canadians,
11 Carlton Street,
Toronto, Ontario.

Dear Mr. Finlay:-

I duly received your letter of July 14, with further reference to claims by Japanese Canadians for property losses.

The government appointed a Royal Commission to enquire into claims of these persons and to ascertain what would be fair and just under all the circumstances to these persons and to the Canadian public generally. The Commission recommended that a certain sum of money be paid to the claimants. The government has concurred in the recommendations and money has been made available to meet the claims. In carrying out the recommendations of Mr. Justice Bird we feel we have discharged our obligations both to those most directly affected and to the general public.

Yours sincerely,

Louis S. St-Laurent.

MJD/WRM/RDC/AP

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THE CO-OPERATIVE COMMITTEE
ON
JAPANESE CANADIANS
TORONTO, ONT.

11 Carlton Street,
Toronto, Ontario.

July 14, 1950.

The Right Honourable Louis St. Laurent,
Prime Minister,
Parliament Buildings,
OTTAWA, Ontario.

Dear Mr. Prime Minister:-

Subsequent to our submission to you under recent date in respect to our appeal that the Government make payment of interest on the awards it has granted to Japanese Canadian Claimants for their property losses, we lately received a brief letter from the Secretary of State Department informing that no concession could be made to the payment of interest.

In the light of the reasons set forth in our letter to you as to why the appeal for the payment of interest should be made and because of the unfavourable reply received from the Secretary of State Department, we eagerly await your answer to our request. We do not wish to unduly press but your personal views on the matter would be appreciated at your earliest convenience.

The widespread interest and sincere concern of a thoughtful and representative section of Canadian life embodied in our Committee obligates us to publish our letter to you and your reply when we have received it. I trust such action would meet with your approval in the interest of creating informed public opinion.

Respectfully yours,
The Co-operative Committee on Japanese Canadians

per: Rev. James M. Finlay,
Chairman.

JMF-yh

JUL 20 1950

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Copy for N.A. Robertson, Clerk of the Privy Council

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Memorandum
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KH.

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3. 392485

Ottawa, July 14, 1950.

Charles Stein, Esq., K.C.,
Under Secretary of State,
Secretary of State Department,
West Block,
O t t a w a.

Dear Mr. Stein,

As you know, we have been giving consideration to the implementation of the rather general terms of the Order in Council passed on June 20, dealing with the recommendation of the Bird report.

After discussing the question with representatives of the Department of Justice, and informally with the Treasury Board, having regard for your own views on it, I feel that the intention was that this matter should be entirely the responsibility of the Custodian, and it need not come before Treasury Board for consideration in detail.

You will be familiar, I presume, with the representations regarding the payment of interest on some or all of these claims. This is a matter of substantial importance and if you wish to consult this Department or the Treasury Board in regard to it I shall be glad to take it up on returning to Ottawa at the end of the month.

Yours very truly,

ORIGINAL SIGNED BY
R. B. BRYCE

pc.

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CANADA
DEPARTMENT OF THE SECRETARY OF STATE
OFFICE OF THE CUSTODIAN

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE
PLEASE REFER TO
FILE No.....

file

J-25-1

Victoria Building,
7 O'Connor Street,
Ottawa, Ontario.

July 12th, 1950.

W. R. Martin, Esq.,
Secretary to the Prime Minister,
East Block,
Ottawa, Ontario.

Dear Mr. Martin:

The Secretary of State has forwarded a copy of letter addressed to the Prime Minister by the Co-Operative Committee on Japanese Canadians, under date of June 30th, together with a copy of your letter of the 7th instant acknowledging receipt thereof

For your information I am enclosing copy of a communication addressed to Mr. F. A. Brewin, K.C., Barrister, Toronto, under date of July 3rd, which is self-explanatory.

As you are aware, Mr. Brewin was General Counsel for the Co-Operative Committee for Japanese Canadians.

Yours very truly,

K. W. Wright,
Chief Counsel.

KWW/G
Encl.

JUL 13 1950

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COPY/G

Victoria Building,
7 O'Connor Street,
Ottawa, Ontario,
July 3rd, 1950.

F. A. Brewin, Esq., K.C.,
Cameron, Weldon, Brewin & McCallum,
Barristers & Solicitors,
Sterling Tower,
Toronto 1, Ontario.

Dear Mr. Brewin:

Re: Japanese Property Claims Commission

Reference is made to your letter of the 19th ultimo, addressed to the Honourable Mr. Garson, which, as you are aware, was transferred to the Honourable Mr. Bradley.

I am directed by my Minister to inform you that the matter of payment of interest on awards recommended by Mr. Justice Bird has been carefully considered and that it has been decided not to allow interest.

Yours very truly,

K. W. Wright,
Chief Counsel.

KWW/G

JUL 13 1950

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Referred by direction of The Prime Minister

To ~~The Minister of~~ Mr. N. A. Robertson,
Clerk of Privy Council.

FOR INFORMATION AND ANY NECESSARY ACTION

Also referred to: Minister of Finance,
" " Justice,
Secretary of State.

Ottawa July 10, 19 50

W. R. Martin,
~~Private~~ Secretary.

11.7.1 pw

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Referred to: Minister of Finance,
" Justice,
Secretary of State,
Mr. N. A. Robertson.

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Ottawa, July 7, 1950.

James M. Finlay, Esq.,
Chairman,
Co-operative Committee
on Japanese Canadians,
126 Eastbourne Avenue,
Toronto, Ontario.

Dear Mr. Finlay:

The Prime Minister has directed me to acknowledge the letter you addressed to him on the 30th of June on behalf of the Co-operative Committee on Japanese Canadians with respect to claims by Japanese Canadians.

Yours sincerely,

W. R. Martin,
Secretary.

Spoke to R.B. Bryce re. He was going to discuss with Treasury Board
R&R
14/VIII/50

McK:IM

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THE CO-OPERATIVE COMMITTEE
ON
JAPANESE CANADIANS

TORONTO, ONT.

June 30th, 1950.

The Prime Minister,
The Right Honourable Louis St.Laurent, K.C., M.P.,
OTTAWA, Ontario.

Dear Mr. Prime Minister:

As you are probably aware, the Co-operative Committee on Japanese Canadians has for some years been active in defending the interests of Japanese Canadians who, by the exigencies of war, were compelled to leave their homes in the Coastal areas of British Columbia, and who have been dispersed across Canada. Our Committee was particularly active in connection with the proposed proceedings for deportation of certain of these Canadians.

When the question arose as to losses sustained through the sale of properties formerly owned by the Japanese Canadians who had been compelled to leave the Coast, our Committee made representations to the Cabinet and in particular to your predecessor, the Right Honourable W. L. Mackenzie King. We asked that compensation should be made for losses sustained by this group of Canadian citizens through no fault of their own. In a statement issued to the Press on the 24th January, 1947, Mr. Mackenzie King said as follows: "To insure, however, the fair treatment promised in 1944, the Government is prepared in cases, where it can be shown that the sale was made at less than fair market value, to remedy the injustice".

In pursuance of this promise the Honourable Mr. Justice Bird was appointed a Commissioner under the Public Inquiries Act and his terms of reference were to enquire whether the properties vested in the Custodian had been sold at less than a fair market price <u>at the date of sale</u>.

As you will be aware, the Commissioner has now made his report and has found that the amount realized by the Custodian fell short of a fair market value to the extent of $1,222,829.26.

The Government has now indicated its intention to implement the recommendations made by the Commissioner and our Committee welcome this announcement as a partial fulfillment of the promise implicit in the words of the former Prime Minister.

There is, however, one matter in respect to which the Government has made no announcement and which, in our respectful submission, still remains, if the

fair treatment promised in 1944 is to be truly fair and if the injustice is to be remedied.

We refer to the matter of an allowance of interest on the amounts found to be due from the date of sale to the date of distribution.

Our General Counsel, Mr. F. A. Brewin, K.C., of the firm of Cameron, Weldon, Brewin and McCallum, has already addressed a letter under date of 19th June, 1950 to the Minister of Justice, setting out in detail the arguments which support our position.

Mr. Garson has replied that the matter is one which has now been referred to the Secretary of State.

It is, however, our opinion that the question which we now raise, as it concerns the full and fair implementation of a promise made by the former Prime Minister himself, is one which concerns not only a single Department but the whole Government of which you are the head.

May we summarize our reasons for urging that interest be paid:

1. It has been an invariable rule that where property is lost to the owner by reason of its taking for any public purpose, interest should be paid from the date of taking until the date of payment. The justice of this rule is obvious inasmuch as the persons deprived of their property through the necessity of Government action have also lost the use of the property and the money which is to be paid to them in compensation from the date of the taking until the date of payment. Interest is therefore charged as an integral part of the compensation; it is designed to restore the claimant as nearly as possible to the position he would have been in if the property had not been taken.

2. It is a settled rule of International Law that interest is paid on awards from the time of actual loss to the time of payment.

3. Circumstances in the present case make it particularly appropriate that interest be paid at the time of sale, which was, generally speaking, in or about the year 1943. Properties - real property and personal property - generally had a value then in dollars far less than at the time payments are to be made (1950).

Payments made in 1950 representing the fair market value of property in 1943 will have a much lower purchasing power than they would have if a fair market value had been arrived at the date of sale and payments had been able to be made promptly.

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THE CO-OPERATIVE COMMITTEE
ON
JAPANESE CANADIANS

TORONTO, ONT.

Although there were extreme difficulties in proving the claims owing to the lapse of time, and changes in the condition of the properties, the claimants have not made any claim as is usual in cases of this sort, that 10% be added to their claims for forceful taking.

4. The question of interest was clearly not a matter for the consideration of the Commissioner, Mr. Justice Bird. It was definitely outside the terms of reference by which the Commissioner was directed to make certain findings of fact. The allowance or disallowance of interest is purely a question of policy of the Government.

No claim was presented to the Commissioner for interest.

Throughout these lengthy proceedings, the Co-operative Committee which is representative of many citizens across Canada, has carefully refrained from any criticism of the Government or any agency of the Government. It has seen fit to rely upon the sense of fairness of the Government in dealing with this matter and has recognized that the losses sustained by the Japanese Canadians were the inevitable result of necessary war-time policy.

We do now, however, wish to press upon yourself and the Government as clearly and vigorously as we can that in our view justice and equity will not be done to the claimants if the usual rule as to the payment of interest in cases of this sort is not followed.

Canadian treatment of the Japanese Canadians will compare unfavourably with that accorded to American Japanese in similar circumstances by the American Government and Congress.

It is our earnest desire that we may continue to be able to say that the Government has fully and fairly implemented the promise made by Mr. Mackenzie King.

A decision on this matter is of some urgency as plans are already under way toward making distribution of the claims. May we urge the early attention of yourself and your colleagues to this question.

For your information we enclose a document previously prepared by the Co-operative Committee which set forth the number of organizations and individuals who have shown their practical interest in the work of our Committee.

Sincerely yours,

Jas. M. Finlay

James M. Finlay, Chairman,
Co-operative Committee on Japanese Canadians.

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MEMORANDUM

for

The Members of the House of Commons and Senate of Canada

on

The Orders-in-Council P.C. 7355, 7356, 7357,

for the Deportation of Canadians of Japanese Racial Origin



The Co-operative Committee on Japanese-Canadians

April, 1946

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To the Honourable the Members of the Senate and House of Commons of Canada:

1. The Co-operative Committee on Japanese Canadians is a committee of Canadian citizens and organizations which has co-operated to oppose injustice to Canadians of Japanese origin. Branches of the organization exist in Vancouver, Edmonton, Calgary, Lethbridge, Regina, Saskatoon, Winnipeg, Ottawa, Montreal, Toronto, Guelph, Brantford, Hamilton and London.

Organizations which have lent their support to the Committee include:

The Baptist Federation of Canada
The Catholic Archdiocese of Toronto
The Church of England in Canada
The Church of Christ (Disciples)
The Evangelical Church
The Fellowship of Reconciliation of Canada
The Inter-Varsity Christian Fellowship
The National Inter-Church Advisory Committee on Japanese-Canadians
The Presbyterian Church in Canada
The Religious Education Council of Canada
The Society of Friends
The Student Christian Movement of Canada
The United Church of Canada
The Young Men's Christian Association
The Young Women's Christian Association

The Canadian Association of Scientific Workers
The Canadian Association of Social Workers
The Canadian Jewish Congress
The Canadian United Nations Organization
The Canadian Welfare Council
The Civil Liberties Association of Toronto
The National Council of Women
The Toronto Labour Council
The United Electrical, Radio and Machine Workers of America
The United Steelworkers of America
The Women's International League for Peace and Freedom

The Northern Alberta Young People's Union
The Presbyterian Young People's Organizations
University Student Organizations in all the leading Canadian Universities

Women's Associations and Missionary Societies of all the leading denominations—local and provincial
Japanese Canadian Committee for Democracy
Japanese Canadian Citizenship Defense Committees

Individuals who have lent their support to the Committee include:

Rev. J. H. Arnup	Toronto, Ont.
Joseph E. Atkinson	Toronto, Ont.
Rev. W. F. Barfoot	Edmonton, Alta.
Dr. N. F. Black	Vancouver, B.C.
Mme. Pierre Casgrain	Montreal, P.Q.
M. J. Coldwell, M.P.	Ottawa
Rev. C. L. Cowan	Hamilton, Ont.
David Croll, M.P.	Ottawa
The Hon. T. C. Douglas	Regina, Sask.
John Elliott	London, Ont.
George V. Ferguson	Winnipeg, Man.
Dr. W. J. Gallagher	Toronto, Ont.
Mrs. E. R. Hardy	Ottawa, Ont.
Dr. J. H. Hiltz	Toronto, Ont.
Dr. W. C. Machum	St. John, N.B.
Lady Marler	Montreal, P.Q.
Mrs. John T. McCay	Vancouver, B.C.
W. L. MacTavish	Vancouver, B.C.
Rev. A. E. McQuillen	Toronto, Ont.
Eric W. Morse	Ottawa, Ont.
Roger Ouimet	Montreal, P.Q.
Canon P. S. C. Powles	Montreal, P.Q.
Geo. J. A. Reany	Hamilton, Ont.
Senator A. W. Roebuck	Toronto, Ont.
B. K. Sandwell	Toronto, Ont.
E. J. Tarr, K.C.	Winnipeg, Man.
Miss Bessie Touzell	Toronto, Ont.
Senator Cairine Wilson	Ottawa
Dr. Geo. Wilson	Halifax, N.S.

They represent the widespread feeling of concern by Canadians of every walk of life, political party and province, that the deportation of Japanese-Canadians would be a blot upon Canada's record.

2. The Governor in Council passed three Orders-in-Council on December 15th, 1945. These orders provided for the "deportation" to Japan of five different classes of people.

1. Japanese Nationals who signed requests for repatriation.

2. Naturalized persons of the Japanese race who signed a request for "repatriation" and did not revoke it before September 1, 1945.

3. Canadian-born citizens of the Japanese race who did not revoke the request before the making of orders for deportation.

4. Wives and children under 16 of any to be deported under the above classes.

5. Japanese Nationals or naturalized persons of the Japanese race recommended by the Loyalty Commission (not yet appointed by the Government) to be deported after inquiry as to their activities, loyalty and extent of co-operation with the Government of Canada.

On November 21, 1945, the Minister of Labour made an announcement to Parliament that there were a total of 10,347 involved in the voluntary requests for repatriation. Of this number, 6844 actually signed requests, and the remainder (3503) were dependent children under the age of 16, of those who signed. Of the 6844, 2923 were Japanese Nationals, 1461 naturalized Canadians, and 2460 Canadian born.

3. These Orders-in-Council were passed under the authority delegated to the Governor-in-Council by Parliament under the War Measures Act, to make orders and regulations deemed necessary by reason of war.

The War Measures Act ceased to have effect on the 1st of January, 1946, but the Orders remained in force by reason of the National Transitional Emergency Powers Act which permitted the Governor-in-Council to continue Orders made under the War Measures Act. The Governor-in-Council accordingly passed P.C. 8418 continuing all Orders-in-Council in effect.

4. The legality of these Orders was referred by the Government to the Supreme Court of Canada who decided by a majority that the Orders-in-Council were invalid insofar as they applied to the wives and children of those concerned. A majority of the Court, however, held that they were valid in respect to the other classes to be deported.

The Co-operative Committee have entered an appeal to the Privy Council.

5. The Orders are not sub judice in any respect except as to the narrow question of legal power.

As the Judgments in the Supreme Court of Canada make abundantly clear, the Courts are only concerned with the legality of the Orders and not with the policy or the moral justice of the policy. For this the Government are responsible subject to control of Parliament itself. The fact that the Courts are considering the legality of the Orders does not absolve the Government or Parliament from this responsibility. Attention is called to the Judgment of the Chief Justice of Canada, in which quoting the language of Chief Justice Duff he states "The final responsibility for the acts of the Executive Government rests upon Parliament. Parliament has not abdicated its general legislative powers nor abandoned its control. The subordinate instrumentality which it has created for exercising the powers remains responsible directly to Parliament and depends upon the Will of Parliament for the continuance of its official existence. Parliament has not effaced itself and has full power to amend or repeal the War Measures Act or to make ineffective any of the Orders-in-Council passed in pursuance of its provisions, and if at any time Parliament considers that too great a power has been conferred upon the Governor-in-Council, the remedy lies in its own hands."

It is respectfully submitted that Parliament must assume its full responsibility for the decision whether Canadian citizens of the Japanese race are to be exiled.

The Committee respectfully submits that Parliament should exercise this duty by calling on the Government to withdraw the Orders-in-Council.

The history of the Orders-in-Council must be carefully considered in this connection.

In the original Bill 15 to continue the extraordinary powers of the Governor-in-Council after

4. The legality of these Orders was referred by the Government to the Supreme Court of Canada who decided by a majority that the Orders-in-Council were invalid insofar as they applied to the wives and children of those concerned. A majority of the Court, however, held that they were valid in respect to the other classes to be reported.

The Co-operative Committee have entered an appeal to the Privy Council.

The Orders are not sub judice in any respect but as to the narrow question of legal power.

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It is therefore respectfully submitted that Parliament has not abdicated all responsibility for the decision to intern citizens of the Japanese race in Canada.

The Committee respectfully submits that Parliament should exercise this duty by calling upon the Government to withdraw the Orders-in-Council.

The Orders-in-Council must be withdrawn for the following reasons in this connection.

1. The Orders-in-Council provide for the exile of Canadian citizens.

The power of exile has not been employed by civilized countries since the days of the Stuarts in England. So seriously was it then viewed that the Habeas Corpus Act makes it a serious offense for any official to exile a British subject.

2. The Orders and the proposed exile of Canadian citizens constitute a violation of International Law and as Mr. Justice Kellock and Rand have stated, involves invasion of another's territory, and the violation of sovereign rights.

The Congress of the United States has no power to exile citizens, and the British Parliament has not even in the gravest emergency, found it necessary to assume such a power.

the end of hostilities, an express clause was inserted giving the Governor-in-Council power to make Orders for deportation and for the cancellation of naturalization.

Owing to the widespread expression of disapproval of this proposed power throughout the country, this clause was withdrawn, and the National Transitional Emergency Powers Act which was passed by the House of Commons on the 8th of December, omitted any reference to such powers. The Act, however, did give to the Governor-in-Council, the power to continue what has been done under the War Measures Act, and the War Measures Act was to stay in effect until the 1st day of January 1946.

Availing itself of this gap, the Governor-in-Council passed the Orders in question on the 15th day of December, and then continued them after the 1st of January by P.C. 8418.

Parliament has therefore never had the opportunity to approve or disapprove of these Orders and in fact by implication from the omission of the power of deportation from the new Act, withheld the power of deportation from the Governor-in-Council.

It is urgently submitted that the Orders-in-Council are wrong and indefensible and constitute a grave threat to the rights and liberties of Canadian citizens, and that Parliament as guardian of these rights and the representative of the people, should assert its powers and require the Governor-in-Council to withdraw the Orders, for the following reasons.

1. The Orders-in-Council provide for the exile of Canadian citizens.

The power of exile has not been employed by civilized countries since the days of the Stuarts in England. So seriously was it then viewed that the Habeas Corpus Act makes it a serious offense for any official to exile a British subject.

2. The Orders and the proposed exile of Canadian citizens constitute a violation of International Law and as Mr. Justice Kellock and Rand have stated, involves invasion of another's territory, and the violation of sovereign rights.

The Congress of the United States has no power to exile citizens, and the British Parliament has not even in the gravest emergency, found it necessary to assume such a power.

3. The Orders-in-Council put the value of Canadian citizenship into contempt. They cancel naturalization in a wholesale manner, and without any reason.

At this time when the Parliament of Canada will be considering legislation designed to enhance the value and dignity of Canadian citizenship, these Orders will have precisely the opposite effect.

4. The Orders-in-Council are based upon racial discrimination. Deportation on racial grounds has been defined as a crime against humanity, and the war criminals of Germany and Japan are being tried for precisely this offense, amongst others.

5. The proposed deportations are in no way related to any war emergency.

The necessity of removing persons of Japanese origin from the coastal regions during the war, was referrable to the emergency, but now that hostilities have ceased for some time, it cannot possibly be suggested that the safety of Canada requires the injustice of treating Canadian citizens in the manner proposed.

The Prime Minister has himself made it clear that no instances of sabotage can be laid at the door of Japanese Canadians.

If any of those concerned have been disloyal, there is ample power under the Immigration and Naturalization Acts for their deportation after proper inquiry into individual cases.

Many Japanese-Canadians have already settled in the Prairie Provinces and in Eastern Canada and have no desire to return to B.C. There is therefore no need for fear of concentration on the Pacific Coast as in the past.

6. The Orders for deportation purport to be based on alleged requests to be sent to Japan. It is suggested that the signing of these requests indicated disloyalty. This is far from the truth. The signing of the forms was encouraged as an act of co-operation with the Government of Canada. The very form used, implied that the Government approved and sought the signing of these forms. Those who refused to sign were described as unco-operative, and denied privileges accorded to those who did sign. For the Government, which through its agents obtained and sought the signing of these forms, to claim now that they indicated disloyalty, would be to impli-

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cate the Government itself in the encouragement of a disloyal attitude.

7. The Orders constitute a threat to the security of every minority in Canada.

8. The Orders cannot be enforced without grave injustice and inhumanity to innocent persons.

9. The effect of these Orders will be to cause lasting hostility to Canada throughout the Orient where racial discrimination is deeply resented. The future of Canada's international relationship may depend upon the revocation of these Orders.

10. The Orders are directly in contradiction of the language and spirit of the United Nations Charter, subscribed to by Canada as well as the other nations of the world and are an adoption of the methods of Naziism.

Respectfully submitted,

JAMES M. FINLAY, *Chairman*
ANDREW BREWIN,
HUGH MACMILLAN.

The Co-operative Committee
on Japanese-Canadians,
126 Eastbourne Ave., Toronto.

CROSS REFERENCE SHEET

Name or Subject

File No.
J-25-1

Regarding

Cabinet conclusion June 19th including financial commitments of interest to Treasury Board, including

Date
June 23, 1950

Royal Commission on Japanese Claims; implementation of recommendations

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Cabinet approved the recommendation of the Secretary of State that payments recommended by the Royal Commission on Japanese Claims be made from the Custodian's Administration Account; P.C. 3027 of June 20th, 1950 passed accordingly.

SEE

Name or Subject

Mr. Bryce from NAR

File No.
C-20-2
V.2

REQ. 55
5M—I-50

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WH/11 P.C. 3027

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PRIVY COUNCIL
CANADA

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 20 JUNE 1950

The Committee of the Privy Council, on the recommendation of the Secretary of State, advise that the Custodian of Enemy Property be authorized to carry out all the recommendations of the Commission appointed by Order in Council P.C. 1810 of 18th July, 1947 to inquire into claims in connection with the disposition of the property of persons of the Japanese race evacuated from the Protected Area of British Columbia in World War II, and to make the payments recommended by the said Commission out of the Custodian's Administration Account, including the reimbursement to claimants of expenditures made by them, exclusive of legal fees, on the presentation of their claims to the Commission.

The Committee further advise that the Custodian be authorized to pay out of the said Account the expenses of the Japanese Evacuee Section of the Vancouver Office of the Custodian.

A. G. Robertson

Clerk of the Privy Council

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NOTE FOR CABINET PAPERS

Japanese claims; implementation of Bird Report

Discussed by Cabinet, May 23 1950

Cabinet agreed that the Report on Japanese claims by Mr. Justice Bird be referred for consideration to a special Cabinet Committee consisting of the Minister of Labour, the Minister of National Health and Welfare, the Minister of Justice and the Secretary of State, it being understood that if and when the Committee gave its concurrence, the Report would be tabled in the House of Commons by the Minister of Justice and the Government's intention as to implementation announced at the same time.

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Name or Subject

File No.
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Regarding

Date

Cab. concl. May 18th including financial commitments of interest to Treasury Board, including

May 22, 1950

Royal Commission on Japanese claims; report of Mr. Justice Bird

Cabinet agreed: a) that the main report of Mr. Justice Bird on Japanese claims be circulated to Ministers and tabled in Parliament as soon as possible; and b) that the 16 special cases reported upon by the Commissioner be referred to Treasury Board for consideration and report.

SEE

Name or Subject

File No.

Mr. Bryce from RGR

C-20-2
V.2

REQ. 55
5M—I-50

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OFFICE OF THE MINISTER OF JUSTICE
CANADA

Ottawa

May 19th, 1950,

Dear Mr. Robertson:

I am directed by the Minister to send back to you, herewith, the original copy of the Report by Mr. Justice Bird on claims by persons of the Japanese race.

This was forwarded to Mr. Garson under cover of your own letter of May 11th, 1950.

Yours sincerely,

Ruth Vogt

Private Secretary.

Encl.

R. G. Robertson, Esq.,
Acting Secretary to the Cabinet,
Privy Council Office,
O T T A W A

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Ottawa, May 11th, 1950.

The Hon. Stuart Garson, K.C., M.P.,
Minister of Justice,
Ottawa.

Dear Mr. Garson,

In accordance with your request of this morning, I am sending herewith the original copy of the Report by Mr. Justice Bird on claims by persons of the Japanese race.

As the Report is, technically, addressed to the Governor General in Council, I believe that the proper procedure is for the original copy, after submission, to be held in the records of the Privy Council Office. I assume that you will accordingly be sending the attached copy back here for retention.

Yours sincerely,

(R.G. Robertson)
Acting Secretary to the Cabinet.

RGR/SR

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CROSS REFERENCE SHEET

Name or Subject

File No.
J-25-1

Regarding
Cabinet conclusion April 21st of interest to Department, including

Royal Commission on Japanese claims; report of Mr. Justice Bird

Date
May 3, 1950

Cabinet noted remarks of the Minister of Justice concerning the report by Mr. Justice Bird on claims by Japanese persons in respect of property taken over & disposed of by the government.

SEE

Name or Subject

Mr. Harris from NAR
(copy to Mr. Fortier)

File No.
C-20-2
V.2

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5M—1-50

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P.C. 1988

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The Committee of the Privy Council submit to Your Excellency the report, dated 6th April, 1950, of The Honourable Mr. Justice Henry Irvine Bird who was commissioned, pursuant to Order in Council of the 18th July, 1947 (P.C. 1810) to investigate and report upon claims of persons of the Japanese race who were evacuated from the protected areas of British Columbia during World War II.

: : : : : : : : : :

Submitted to His Excellency the Governor General in Council on the 21st April 1950.

A. G. Robertson

Clerk of the Privy Council.

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NOTE FOR CABINET PAPERS

Royal Commission on Japanese claims;
report of Mr. Justice Bird

Discussed by Cabinet, April 21, 1950

Cabinet noted the remarks of the Minister of Justice concerning the report by Mr. Justice Bird on claims by Japanese persons in respect of property taken over and disposed of by the government.

noted

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