CANADA

DEPARTMENT OF LABOUR

JAPANESE DIVISION

52 - Commerce Building,
640 - West Hastings Street,
VANCOUVER, B. C.

Ref. File No. 09965.

January 6, 1948.

Mrs. David Murakami,
83 - Metcalfe Street,
TORONTO, Ontario.

Dear Aiko:

Your delightful Christmas gift came as a complete surprise and was very much appreciated indeed. It was extremely kind of you to think of me, and certainly I did not merit such thoughtfulness on your part.

I was pleased to learn from your little note that Mr. MacKinnon was spending an evening with the "big three". I already know what a good impression you made on him, and I am sure that he will be enthused about Hide and Terry as well. Sometimes it makes me feel quite lonesome to think that the old days of my association with the school staffs are completely over, and that as the years go by I shall know less and less how you are all fareing in Eastern Canada. I shall really look forward to the day when one of you makes a visit to the West.

If you see Susie be sure and remember me to her particularly.

I was very pleased indeed that your sister and her family managed to get off to Eastern Canada. Mr. Lougheed was in the office yesterday and was asking about you all. We looked up our records to show him that your sister had joined you, but were surprised to find that your mother and father were still in the West. We do not know whether our records were incorrect or whether it is just too difficult to convince the old folks that there is any place better than British Columbia. Frankly, now that I have you all safely settled in Eastern Canada I can tell you that to read about your Eastern Christmas made us appreciate our Christmas weather. It is so mild this year that someone was actually picking roses in Stanley Park on Christmas Day. However, to make up for it, we have had the rainiest year on record, and had only 16 hours of sunshine in the month of December.

Au revoir for the present Aiko, and once again thank you very much for the lovely candy. With kindest remembrances to your family and any of my friends you may see in Toronto,

Sincerely yours,

Source: Nikkei National Museum, 2018-16-1-48-1
www.nikkeimuseum.org

Bicwen Papers Vol 1 MG32C26

January 13, 1948.

Messrs. Ritchie & Huckvale,
Barristers, Solicitors,
Acadia Building,
612 Third Avenue South,
Lethbridge, Alberta.

Re: Japanese Claims

Dear Sirs:

At the request of the Commissioner the writer attended with other counsel representing the Japanese claimants, to argue certain points of law that arose during the hearings at Kamloops, and argument on these points proceeded on January 9th and 10th, and certain rulings were made by the Commissioner.

You will first of all be glad to hear that the Commissioner announced that it was proposed to appoint Sub-Commissioners to take the evidence of claimants in the various centres throughout Canada.

These Sub-Commissioners would probably be County Judges and their authority would be limited to hearing the evidence without making any comment. The Commissioner himself proposes to attend at each centre and spend some time upon the hearings personally, and then leave further hearings in each centre to the various Sub-Commissioners.

Of course a transcript of the evidence taken before the Sub-Commissioners would be sent to the Commissioner.

As a result of this plan we understand that the Commissioner hopes to be in Alberta in March, in Manitoba and Saskatchewan in April, in Toronto in May, and possibly in Montreal in June, and to have the evidence of the claimants fully taken by the end of June. He will then return to Vancouver to hear evidence as to values.

The other points discussed were as follows:

1. We contended on behalf of the claimants that in determining the fair market value of the property, both real

Source: Nikkei National Museum, 2018-16-1-48-2-1
www.nikkeimuseum.org

and personal at the date of sale, the Commissioner should exclude the effects of the scheme of evacuation itself either in enhancing or lowering the values of the property. In other words he should consider the value of the property at the date of sale upon the supposition that the claimants had remained in possession until that date. You will appreciate the importance of this question, as in many cases the property had been allowed to deteriorate between the date of the evacuation and the date of sale, and that therefore the fair market value of property in the condition that it was in at the date of sale might well be considerably less than the fair market value of the property if it had remained more or less in the condition it was in at the date of evacuation. Our argument was based upon the well known line of cases in compensation and expropriation matters that the results of the scheme to which the expropriation is part are to be excluded from consideration in estimating compensation.

The Commissioner reserved his judgment on this point but from his remarks it would appear that he is likely to decide against us in this matter, and we are contemplating the possibility of an application to the court by way of mandamus or otherwise in British Columbia, to require him to hear and determine the matter according to law.

The next point that was argued was the question of good-will. The Commissioner made no ruling on this as he thought it was impossible to determine this matter without reference to the facts. We urged that where a property was at the relevant date, a going concern, that good-will attached to the property to enhance its value and must be taken into consideration.

The next point argued was in regard to accounts receivable where the Custodian took over these accounts but failed to make effective efforts to collect. The Commissioner ruled definitely that such claims did not fall within the terms of reference.

Another point discussed was whether the Custodian was entitled to deduct from the proceeds of sale of the claimant's real and personal property, the expenses of sale, such as real estate agent's commissions, auctioneer's fees and handling charges and costs of advertising for the Custodian. This matter was argued and the Commissioner decided that he had not jurisdiction to consider this matter under the terms of reference. He nevertheless directed that the transcript of the evidence in this point be sent to the Minister of Justice with a view to the possibility that the terms of reference might be amended to include these claims.

Source: Nikkei National Museum, 2018-16-1-48-2-2
www.nikkeimuseum.org

Messrs. Ritchie & Huckvale January 13, 1948.

We have written to the Minister urging him that the Commissioner be given authority to determine this question so that all matters might be determined before this Commission.

We have pointed out that the alternative will be a test action in the courts to determine whether the Custodian has any right to retain the monies.

The final point argued was as to the effect of consent by the claimant to the sale at a particular price. The Commissioner preferred not to make any general ruling in this matter, but held in one particular case which had come before him, the sale was in effect the sale of the claimant, as the claimant had written to the Custodian asking that the sale be made, and had herself given a deed of conveyance. He refused therefore to consider her claim.

While we find it difficult to agree with his conclusion we do not believe there can be many cases where so definitely the claimant not only invited the Custodian to sell, but approved of the amount at which the sale was made and in effect adopted the sale as her own.

You will recall that in the previous memorandum which we sent you we informed you that at the preliminary hearings the Government counsel raised the question of whether or not a claim could be made for property lost destroyed or stolen when it was vested in the Custodian by virtue of the various orders, but where the Custodian had not taken actual physical control or possession of the goods in question. The Commissioner ruled that constructive possession was sufficient and that once this personal property vested in the Custodian by virtue of the orders and was then lost, destroyed or stolen, he was entitled to compensation notwithstanding the fact that the Custodian had not taken actual possession.

We are reliably informed that the order of reference is likely to be amended to state explicitly that claims by corporations may be heard, provided that such corporations forego any legal claims arising out of any alleged wrongful sale of their property.

At the original hearings in Kamloops considerable experience was gained looking to the shortening of the proceedings. One suggestion that was made was that certain evidence could be put in writing and prepared, before oral evidence is taken. We are preparing forms with a view to this, and will be sending you copies in due course.

While at Vancouver, I took the opportunity to discuss with our representatives there, the all important question of evidence of valuations. Some progress has been made in connection with this. Mr. Yamaga who is secretary of the Co-operative Union in the Fraser Valley and who was originally a member of the Committee appointed by the Government to advise in respect to sales, but who resigned in protest against the D.V.A. deal will be available.

Source: Nikkei National Museum, 2018-16-1-48-2-3
www.nikkeimuseum.org

Messrs. Ritchie & Huckvale January 13, 1948.

It is also planned to secure the services of a statistician with an appropriate staff to collect details, to examine and analyze records of sales of similar properties, and to prepare other material on values. We also hope to secure the services of some experienced British Columbia valuators.

We fully appreciate the importance of this work. In order that the claims for which the Committee are responsible should be analyzed and distributed in accordance with the subject matter of the claim in municipalities concerned, we are requesting that copies of all the claims be sent to the National Japanese Canadian Association, 84 Gerrard Street East, Toronto, c/o Mr. George Tanaka. Mr. Tanaka will undertake this job.

You will be interested to hear that so far approximately 1400 claims have been filed of which it is anticipated that the Co-operative Committee will be representing at least 1100. The bulk of those whom it does not represent, are represented by Mr. Gladstone Virtue, K.C. of Lethbridge who has been co-operating with the Committee. Approximately $25,000 has been paid by the claimants by the payment of 1% of the claims to cover legal expenses and valuations. As soon as an accurate budget has been made of the probable expenses in connection with valuations etc. a payment on account of legal expenses may be expected.

We regret the length of this letter, but believe that you would wish to be fully informed as to the course of proceedings, and we will endeavour to send out further information in respect to the hearings and as to rulings made by the Commissioner.

Yours very truly,

CAMERON, WELDON & BREWIN

per: FaB

FAB:HC

copies to: Cherniack & Cherniack
Mr. Shumiatcher
Mr. Best
McMaster & McMaster
Mr. McLennan
Mr. Ouimet
Mr. Tanaka.

Source: Nikkei National Museum, 2018-16-1-48-2-4
www.nikkeimuseum.org

Memorandum for the Prime Minister:

C195000

Re Restrictions on Japanese

In accordance with your direction of some time ago to keep in touch with matters affecting policy concerning Japanese and orientals in general, I attended, this morning, the meeting of the Cabinet Committee on Japanese questions. The principal matter before the Committee was whether to revoke or extend beyond March 31st the Orders in Council giving the power - a) to control the movement of Japanese persons in Canada, and b) to prohibit the issuance of fishing licences to, and service on fishing vessels by persons of Japanese origin. In neither case was the Committee able to reach a recommendation, and it was decided to refer the questions back to Cabinet.

A. Movement Control:

Mr. Ilsley indicated on this matter that he felt that any attempt to continue it could probably not pass the House of Commons, and, in addition, he indicated that he felt that such restriction would be open to challenge in the courts and would probably be found ultra vires.

With regard to restriction, you may wish to see the attached clipping concerning a survey covering Japanese persons in Alberta, Saskatchewan and the interior of British Columbia. It seems to indicate that there is probably no great necessity to continue the movement control.

I understand that fairly effective use has been made of this ~~aspect of~~ racial discrimination by Communists and Communist sympathisers among persons of foreign extraction in Western Canada.

Source: Nikkei National Museum, 2018-16-1-48-3-1
www.nikkeimuseum.org

C195010

B. Fishing Licences:

If the Order in Council concerning the issuance of fishing licences and service on fishing vessels were revoked, the Minister of Fisheries would still have power under the Fisheries Act to grant or withhold the issuance of fishing licences in individual instances at his complete discretion. Before the war this discretion was used to restrict the number of licences issued to Japanese, and it could so be used again.

The Minister would not have power to prevent Japanese persons serving on fishing vessels. In this regard, Mr. Ilsley indicated that he felt that continuance of the Order would, if challenged in the courts, be judged ultra vires as legislation limiting civil rights.

As both the above are important questions of policy, I thought you might wish to have these points brought to your attention prior to consideration in Cabinet.

R. G. R.

January 15, 1948.

→NB immediately prior to election to extend operations because of by-elections in B.C

Source: Nikkei National Museum, 2018-16-1-48-3-2a
www.nikkeimuseum.org

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Source: Nikkei National Museum, 2018-16-1-48-3-2b
www.nikkeimuseum.org

J.W. Pickersgill

J/570

Confidential

C195016

Re: Japanese orders under Transitional Measures Act.

The attached letter from Mr. Senior seems to me full of good sense. There are presumably two considerations of which account should be taken in deciding on this matter:

1. Political considerations,
2. Considerations of Justice.

Political considerations

It is argued that opinion in Vancouver is still hostile to the repeal of the orders. There is soon to be a by-election. Why not leave things alone until the election is over?

That might be a sound position if things could be left alone, but they cannot.

When the new Bill is introduced the C.C.F. will bring forward an amendment. It will be easy to devise an amendment that is in order.

To vote for the continuance of the orders will be acutely embarrassing politically to almost all Liberal Members from Manitoba and Ontario, and probably to many from Quebec and the Maritimes. (The influence of the Winnipeg Free Press and its satellites, the Toronto Star

Source: Nikkei National Museum, 2018-16-1-48-4-1
www.nikkeimuseum.org

C195017

and Saturday Night, to say nothing of the Churches, will all be on one side).

What about B.C.?

The attitude there has changed greatly, as the recent outcry against the action of the provincial government showed. Probably some so-called Liberals might vote Tory in the by-election. But everyone agrees it is the C.C.F. and not the Tories who are the threat in Vancouver. And it might well prove that many genuine Liberal votes would be thrown to the C.C.F. on a fundamental issue like this.

Moreover, everyone knows the orders must be repealed sooner or later. If action were taken now, the effect on the anti-Japanese sentiment would probably be largely gone by the time of the by-election, whereas those who feel fundamental Liberal principles have been betrayed are not so likely to forget.

Considerations of Justice

The original action in interfering with the rights of Canadian citizens exclusively because of their race could only be justified by the acute character of the war time emergency. No one can argue that the emergency still exists in this field. The only possible justification

Source: Nikkei National Museum, 2018-16-1-48-4-2
www.nikkeimuseum.org

C195018

for continuing the orders is expediency. They are a flagrant violation of nearly every fundamental Liberal principle and deeply obnoxious to hundreds and, indeed, thousands of the best Liberals in the country.

Therefore, it would seem that, while there may be arguments of a political character on both sides, even there the weight seems on the side of repeal. On grounds of justice and on the basis of fidelity to Liberal principles, there is only one side to the question.

12.ii.48

(Letter of C.N. Senior to King, Feb. 7, 1948 filed separately)
JC.

Source: Nikkei National Museum, 2018-16-1-48-4-3a
www.nikkeimuseum.org

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DATE July 21, 1985

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SECRET

COPY NO.___

CABINET COMMITTEE ON JAPANESE QUESTIONS

Minutes of the eleventh meeting of the Cabinet Committee on Japanese questions held in the Privy Council Chamber, Thursday, January 15, 1948 at 11:00 a.m.

Present

The Minister of Labour (Mr. Mitchell) in the chair

The Minister of Veterans Affairs (Mr. Mackenzie)

The Minister of Justice (Mr. Ilsley)

The Secretary of State (Mr. Gibson)

The Minister of Fisheries (Mr. Gregg)

From Privy Council Office (Mr. Raymond Ranger) Secretary

Also Present

From Department of Labour
~~The A/Deputy Minister of Labour~~ (Mr. A. H. Brown)

The Deputy Minister of Fisheries (Mr. Stewart Bates)

From External Affairs (Mr. A. R. Menzies)

From Department of Justice (Mr. D. H. W. Henry)

From Prime Minister's Office (Mr. R. G. Robertson)

From Custodian's Office (Mr. K. W. Wright)

I. EMERGENCY ORDERS IN COUNCIL RELATING TO JAPANESE

The Chairman reported that, at the Cabinet meeting Tuesday, January 13th, in respect to the report of the Solicitor General on Emergency Legislation, it was agreed:

Source: Nikkei National Museum, 2018-16-1-48-5-1
www.nikkeimuseum.org

(a) that the Cabinet Committee on Japanese questions consider the advisability of allowing all Orders in Council relating to the Japanese to lapse on March 31st, with the exception of those required by the Custodian of Enemy Property for fulfilment of his responsibilities in relation to settlement of Japanese properties;

(b) that the Custodian prepare, for consideration, draft legislation to replace the above Orders pending final decision on their retention.

Mr. Mitchell pointed out that the Transitional Measures Act, 1947, and Order in Council P.C. 5304 of December 30, 1947, continued in effect until March 31, 1948, the following Orders in Council relating to persons of the Japanese race in Canada:

(a) P.C. 251 of January 13, 1942 - This Order prohibits the issue of fishing licenses on the West Coast to persons of the Japanese race and also prohibits these persons from serving on fishing vessels.

(b) P.C. 1665 of March 4, 1942 and P.C. 469 of January 19, 1943 - These Orders give the Custodian of Enemy property authority to liquidate property of evacuated Japanese vested in him under these Orders.

(c) P.C. 946 of February 5, 1943, as amended - This Order gives the Minister of Labour authority to provide for the welfare and relocation of Japanese evacuated from the Coastal area of British Columbia and to make orders governing their movement, places of residence, and discipline.

(d) P.C. 7355 of December 15, 1945 - This Order authorizes financial assistance to voluntary repatriates to Japan and gives authority to the Custodian of Enemy Property to take over and liquidate the assets of Japanese repatriated to Japan under this Order and to transmit the proceeds to the Japanese in Japan. The Government has already made a decision to discontinue financial assistance for repatriation of Japanese under this Order.

(Memorandum dated January 10, 1948, from the Secretary: JAP Document No. 11, circulated January 10, 1948)

The Committee, after considerable discussion, agreed to refer back to the Cabinet for decision the five Orders in Council referred to above.

II. AGREEMENT WITH PROVINCE OF BRITISH COLUMBIA - MAINTENANCE AND WELFARE OF RELOCATED PERSONS OF JAPANESE RACE

The Chairman, referring to the minutes of the meeting of September 3, 1947, reported that the Department of Labour has been negotiating with the provincial authorities of British Columbia with a view to having the Province take over the responsibility for the welfare and maintenance of evacuated Japanese resident in the Province.

Mr. Mitchell recommended the following proposal which has been agreed to by the British Columbia Government:

(a) that from March 31, 1948, all expenses relating to welfare and maintenance of the Japanese in the province,

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Source: Nikkei National Museum, 2018-16-1-48-5-2
www.nikkeimuseum.org

including maintenance, sickness and administration, will be shared by the Province and the Dominion on a dollar-for-dollar basis;

(b) that the British Columbia authorities will assume complete responsibility for administration, but will set up a joint administrative committee on which the Dominion will be represented;

(c) that the buildings presently owned by the Dominion in the New Denver Project will continue to be available for the care and treatment of Japanese;

(d) that the Commissioner of Japanese Administration will be the Dominion representative on the joint committee, and the Department of Labour will continue to pay his remuneration; other members of the Japanese Division staff, Department of Labour, who have been engaged in administration and care of Japanese indigent and invalid cases in British Columbia, will be transferred to the provincial payroll;

(e) that this arrangement will continue in effect until March 31, 1950, after which date the Dominion contribution will cease;

(f) that in the cases of Japanese who have moved outside of British Columbia and who claim old age pensions, the residential period in the new Province for the purposes of the Old Age Pensions Act will not start until April 1, 1948, so that such applicants will not be considered to have changed their British Columbia residence until eighteen months have passed following April 1, 1948, i.e., until October 1, 1949.

The Dominion cost for assistance and administration of assistance to Japanese in British Columbia for maintenance and illness during the current fiscal year 1947-48 is estimated at $175,000, and in the next fiscal year 1948-49 is estimated at approximately the same, since while the number of Japanese to be assisted is decreasing, operating costs are steadily increasing. These estimates do not include headquarters administrative costs of the Japanese Division at Vancouver.

(Memorandum from the Minister of Labour dated January 10, 1948, JAP Document No. 10, circulated January 10, 1948)

The Committee, after discussion, agreed to recommend to the Cabinet the approval of the proposed agreement between the Department of Labour and the Province of British Columbia outlined above.

III. AGREEMENT WITH PROVINCE OF ALBERTA - JAPANESE EVACUEES

The Chairman, referring to the minutes of the meeting of September 3, 1947, reported that the Department of Labour has been negotiating with the provincial authorities of Alberta with a view to having the Province declare those Japanese evacuees who intend to remain in the Province as bona fide residents of Alberta, and to having the Province therewith take over full responsibility for the education and welfare of such Japanese evacuees.

Mr. Mitchell recommended the following proposal, which has been agreed to by the Alberta Government:

(a) that after March 31, 1948, the Alberta Government would announce that Japanese in Alberta would receive the same

.....4

Source: Nikkei National Museum, 2018-16-1-48-5-3
www.nikkeimuseum.org

status and treatment as any other residents of the Province;

(b) that the Province would continue the administration of education and welfare for Japanese evacuees, and would appoint a provincial official to work with the departmental representative, Mr. J. F. MacKinnon, the Commissioner of Japanese Placement;

(c) that the Dominion and the Province would divide the cost of education and welfare assistance for Japanese evacuees in Alberta on a dollar for dollar basis, for a period of two years from March 31, 1948, and that the Dominion would step out of the picture completely at March 31, 1950;

(d) that in the case of Japanese evacuees who are now in Alberta and who may claim old age pensions, the residential period in Alberta for the purposes of the Old Age Pensions Act will not start until April 1, 1948, so that such applicants will not be considered to have changed from British Columbia residence until eighteen months have passed following April 1, 1948, i.e., until October 1, 1949. This is the arrangement to which the Province of British Columbia has also agreed.

The Dominion cost of assistance to Alberta Japanese covering education and welfare during the current fiscal year is estimated at $50,000.00, and for the fiscal year 1948-49 is estimated at approximately the same. The Province will assume half of this cost for the two years April 1, 1948 - March 31, 1950, after which the Province will assume the full cost.

(Memorandum from the Minister of Labour dated January 13, 1948, JAP Document No. 12, circulated January 13, 1948)

The Committee, after discussion, agreed to recommend to the Cabinet the approval of the proposed agreement between the Department of Labour and the Province of Alberta as outlined above.

IV. CLAIMS OF JAPANESE EVACUEES, [redacted]

1. Extension to corporations

The Secretary of State, referring to the minutes of the meeting of April 21, 1947, recommended that the terms of reference contained in Order in Council P.C. 1810 of July 18, 1947, as amended by Order in Council P.C. 3737 of September 17, 1947, be extended to include claims of corporations of which the majority of the shares were formerly owned by persons of the Japanese race resident in Canada and evacuated from the Coast of British Columbia as a war measure.

(Submission to Council from the Secretary of State dated January 14, 1948: JAP Document No. 13 circulated Jan. 15,1948)

The Committee, after discussion, approved the recommendation of the Secretary of State as outlined above and agreed that in consultation with the Department of Justice a submission to Council be prepared accordingly.

Source: Nikkei National Museum, 2018-16-1-48-5-4
www.nikkeimuseum.org

~~CLAIMS OF JAPANESE EVACUEES~~ - APPOINTMENT OF DEPUTY COMMISSIONERS

2. a

The Secretary of State, referring to the minutes of the meeting of April 21, 1947, recommended that Order in Council P.C. 1810 of July 18, 1947, as amended by Order in Council P.C. 3737 of September 17, 1947, be further amended so that the Commissioner be authorized to depute certain qualified persons to enquire into and hear the testimony of the claimants in person and of witnesses on their behalf other than those called to give expert or technical evidence at sessions of the Commission at certain places.

(Submission to Council from the Secretary of State dated January 14, 1948, JAP Document No. 14 circulated January 15,1948)

The Committee, after discussion, approved the recommendation of the Secretary of State as outlined above and agreed that in consultation with the Department of Justice a submission to Council be prepared accordingly.

Privy Council Office,
January 17, 1948.

Raymond Ranger,
Secretary.

Source: Nikkei National Museum, 2018-16-1-48-5-5
www.nikkeimuseum.org

A50

National JCCA Bulletin #5
84 Gerrard St., E.
Toronto 2, Ontario
Wednesday, January 21, 1948

Re: The Continuation of Transitional Measures Act, 1947

Discriminatory legislation against Japanese Canadians contained in The Continuation of Transitional Measures Act, 1947, has been extended to March 31, 1948, by virtue of the extension of this Act.

These discriminatory measures which are contained in Bill 104; namely, Orders-in-Council - P.C. 251 which denies fishing license to Japanese Canadians in British Columbia and P.C. 946 which restricts the free movement of Japanese people in Canada, should not be continued for any period beyond March 31, 1948.

During the next two months every effort will be made by this Office to influence members of Parliament the justification of our contention that P.C. 251 and 946 should no longer be continued in force on the grounds that their continued enforcement is contrary to democratic principles and the precepts of Canadian citizenship which grant all rights, powers and privileges to citizens of Canada.

To meet the arguments which will undoubtedly be expressed by certain members of Parliament for the continuation of these discriminatory measures, it will be necessary to argue forcibly the fact that Japanese Canadians have indeed become successfully resettled across Canada, both from economic standpoint and the social standpoint. That is to say, should the restrictive measures against the Japanese people be lifted, no large scale return movement en masse to the British Columbia coastal areas would occur.

While it is essential that expression on the fundamental rights of citizenship must be a forcible argument against the continuation of the measures, convincing argument in terms of factual statement on successful resettlement must be made. It is, therefore, necessary for the National JCCA to obtain as full information as possible from all provincial chapters on the general overall picture of successful resettlement in the respective provinces (economic and social), and also factual statement from local areas on this matter. Information dealing with improved economic standing; e.g., the varied types of employment held; enjoyment of an equal standard wage scale; improved standard of living since first resettlement with reference to successful resettlement from the social aspect, information on the social life which are indicative of the progressive assimilation in the local community pattern is desirable.

We urge that as full information as possible be forwarded to this Office before March 1st.

This Office has written members of Parliament regarding the above stated discriminatory measures contained in The Continuation of Transitional Measures Act, 1947, making aware to them our belief that these measures should no longer be continued in force and also stressing the fact that the successful resettlement across Canada of the Canadians of Japanese ancestry precludes any possibility of large scale movement en masse to the British Columbia coastal areas of these people.

Re Claims:- Report on Commissioner's Second Hearing with Lawyers in Vancouver, January 9th and 10th, 1948.

As reported in Bulletin #4, December 29th, 1947, it was felt by both the Co-operative

Source: Nikkei National Museum, 2018-16-1-48-6-1a
www.nikkeimuseum.org

(Nat. JCCA Bulletin #5)

Committee and the National JCCA that Mr. Brewin should attend the meeting of second hearing of lawyers by the Commissioner in Vancouver. Subsequent to this meeting, Mr. Brewin in his report, advises this Office that the Commissioner will now appoint sub-commissioners who will probably be County Judges to assist him in conducting oral hearings throughout Canada. These sub-commissioners will be limited in their authority to the hearing of evidence without comment, the transcript of which will be made available to the Commissioner. It is understood that where a claimant may feel dissatisfied with a sub-commissioner's hearing of his case and should it be felt warranted by counsel that there be grounds for complaint, it is possiblw that an appeal can be made directly to the Commissioner.

As a result of this plan, it is understood that the Commissioner hopes to conduct oral hearings in Alberts during the month of March, in Manitoba and Saskatchewan during April, in Toronto in May (Ontario), and possibly to conduct oral hearings in Montreal in the month of June. It is expected that when he has completed hearing evidence given by claimants, he will return to Vancouver to hear evidence as to values.

Several other points discussed were as follows:

Regarding determining the fair market value, the Co-operative Committee lawyers, Mr. Brewin and Mr. MacMaster, contended on behalf of the claimants that in determining the fair market value of property, both real and personal at the date of sale(as stated in the terms of reference), the Commissioner should exclude the effect of the shheme of the evacuation itself, either in enhancing or lowering the values of the property. In other words, he should consider the value of property at the date of sale upon the supposition that the claimants had remained in possession until that date. This point can be appreciated as it is known in many cases property had been allowed to deteriorate between the date of evacuation and the date of sale, and therefore the fair market value of property in the condition that it was in at the date of sale, might well be considerably less than the fair market value of the property if it had remained, more or less, in the condition it was in at the date of evacuation. The Co-operative Committee lawyers' arguments on this point was based upon the well-known line of cases in compensation and expropriation matters that the result of the scheme of which the expropriation is part, are to be excluded from consideration in estimating compensation.

The next point that was argued was the question of goodwill. The Commissioner made no ruling on this matter as he thought it was impossible to determine this matter without reference to the facts. The lawyers urged that where a property was at the relevant date, a going concern, goodwill attached to the property enhanced its value and must be taken into consideration.

The next point argued was in regard to accounts receivable where the Custodian took over these accounts but failed to make effective efforts to collect. The Commissioner ruled definitely that such claims did not fall within the terms of reference.

Another point discussed was where the Custodian was entitled to deduct from the proceeds of the claimant's property, real and personal property, the expense of sales such as real estate commission, auctioneer's fee and handling charges, and cost of advertising for the Custodian. This matter was argued and the Commissioner decided that he had no jurisdiction to consider this matter under the terms of reference. (CONFIDENTIAL, NOT TO BE PUBLISHED--He nevertheless directed that the transcript of the evidence on this point be sent to the Minister of Justice with a view to the possibility that the terms of reference might be ammended to include these claims.)

Mr. Brewin has written to the Minister urging him that the Commissioner be given authority to determine this question so that all matters might be determined before the Commission.

Source: Nikkei National Museum, 2018-16-1-48-6-1b
www.nikkeimuseum.org

(Nat. JCCA Bulletin #5)

The final point argued was as to the effect of consent by the claimant to the sale at a particular price. The Commissioner preferred not to make any general ruling in this matter but held in one particular case which had come before him, the sale was in effect the sale of the claimant, as the claimant had written to the Custodian asking that a sale be made and had herself given the deed of conveyance. He refused, therefore, in this particular case to consider her claim.

The lawyers, while finding it difficult to agree with his conclusion, did not believe there can be many cases where the claimant not only invited the Custodian to sell, but approved of the amount at which the sale was made and in effect adopted the sale as her own. In regards to this point, this Office can not come to any definite conclusion regarding this particular case as the facts are not known to us. Although it is possible that through misunderstandment, the claimant consented feeling that there was no other alternative than to write or delegate someone to write to the Custodian giving permission for the sale of the said property without realizing by the wording that the letter would undermine her claim for restitution.

It is understood that the order of reference may be amended to state explicitely that claims by corporations may be heard, provided that such corporations forego any legal claims arising out of any alleged wrongful sale of their property.

In previous memorandum reported in Bulletin # 4, it was stated that at the preliminary hearings the Government counsel raised the question of whether or not a claim could be made for property lost, destroyed or stolen when it was vested in the Custodian by virtue of the various orders, but where the Custodian had not taken actual physical control or possession of the goods in question. The Commissioner ruled that constructive possession was sufficient and that once this personal property vested in the Custodian by virtue of the orders and was then lost, destroyed or stolen, he was entitled to compensation notwithstanding the fact that the Custodian had not taken actual possession.

At the original hearings in Kamloops considerable experience was gained in regards to the shortening in the proceedings (oral hearings). One suggestion that was made was that certain evidence could be put in writing before oral evidence is taken. It is understood that in British Columbia Mr. MacMaster is now experimenting with the use of a form with view to shortening the period of oral hearings. Further information on this matter will be made available when positive plans are decided upon.

Tabulation of Claims Forms by the National JCCA

In order to assist valuators and statisticians in evaluating and analyzing sale of claimants' properties, it has been decided, as intimated in previous reports and bulletins, that claims be tabulated. Such claims shall be numbered and tabulated as to districts, values, etc., etc. It is planned that during the month of February copies of claims will be sent by the various lawyers in the respective provinces to the National JCCA Office, 84 Gerrard St., East, Toronto 2, Ontario, c/o Mr. George Tanaka. It is now planned by this Office that during the month of February, office staff will be made available to undertake this necessary task. In connection with this matter, this Office and Mr. Brewin have written the various lawyers.

Fishing Vessels Sold by the Smith Committee

In accordance with our previously published statement in Bulletin #3 and in subsequent correspondence to various chapters, the time has now come when it is necessary for this Office to have immediately at hand all available information possible on cases of claimants' claims for losses as arising out of sale of fishing boats and gears through the Fishing Vessels Disposal Committee (Smith Committee) in order that representation be made to the Government

Source: Nikkei National Museum, 2018-16-1-48-6-2a
www.nikkeimuseum.org

for the widening of the present terms of reference to include these claims. It is necessary that this representation be made to the Government before the Commissioner has progressed much further in the conducting of oral hearings across Canada.

We wish to point out that this Office at this writing has only ten cases on hand of claims for losses which arise out of sale of fishing boats by the Smith Committee. We strongly urge that all cases of claims for losses where fishing vessels were sold by the Smith Committee at less than the fair market value be forwarded to this Office immediately (THIS IS URGENT!).

Provincial Conference

This Office has been notified by the B.C. JCCA that there will be held in Greenwood, B.C. on February 28th and 29th the B.C. JCCA Convention of local chapters and affiliated organizations.

This Office has also been informed that the Ontario Provincial Conference will be held in London, Ontario, also on February 28th and 29th.

This Office has received regular monthly reports from the Quebec JCCA Chapter on the activities undertaken in that province. We are very glad to report that the Quebec Chapter is undertaking several projects which have been proposed by the National Organization; namely, work on assisting old age pensioners, naturalization of Japanese, assisting claimants, etc. We are very glad to hear that they are also undertaking compiling directory of their constituents in Quebec.

Emergency Problem in B.C.

This Office has just very recently received communication from the B.C. JCCA Chapter regarding a very grave problem which has occurred in their province. It is understood that the Government of British Columbia is now enforcing the B.C. Crown Timber Act which prevents Canadians of Japanese ancestry from being employed in logging operations on Crown timber lands. By virtue of this Act, timber operators in British Columbia are prevented from employing labourers of Japanese ancestry. We understand that a delegation from the B.C. JCCA Headquarters executive in Greenwood are proceeding to Vancouver immediately in order to consult with Mr. Norris as to ways and means of making representation to the British Columbia Provincial Government on this matter. The B.C. JCCA is also formulating plans by which it is hoped they will obtain public support. The following is a copy of notice issued by the B.C. Department of Lands and Forests dated at Nelson, B.C. and addressed to various timber operators.

"Dear Sir:

With the end of Dominion regulations of Japanese wood labour and resumption of provincial control, we are instructed to advise you that henceforth on logging operations conducted on timber sales and timber licenses of all Japanese labour must be dispensed with.

Your co-operation on this matter will be appreciated.

Signed: H.B. Forse
Acting District Forester"

It can be seen from this directive issued by the B.C. Department of Lands and Forests, Japanese Canadians employed on Crown timber lands are now directly faced with immediate termination of employment with resultant economic distress.

Source: Nikkei National Museum, 2018-16-1-48-6-2b
www.nikkeimuseum.org

The National JCCA fully realizes the immediacy of the problem, and, therefore, has acted through federal channels in seeking direct active sympathetic support from the members of Parliament, also, the National JCCA through its Headquarters is also communicating with the Minister of Labor and federal officials regarding this matter. The National Office has also sent a telegram of protest to the Premier of the British Columbia legislative body pointing out the injustices of this directive and the economic distress which it inflects on Canadian citizens.

Executive Secretary's Organizational Trip Across Canada

The National Executive Committee at their meeting on January 12th, 1948, discussed to some detail the need for the Executive Secretary to make an organizational trip to the various Western provinces. Following this discussion, the Committee moved

> "That the Executive Secretary make an organizational trip across Canada with special attention given to the provinces of Alberta and B.C. where it is intended that he visit the various centres and that communication from the National Office be made immediately to the provincial organizations as to the best dates for such organizational visits."

As a result of this decision, communication on this matter has been made with the various provincial chapters concerned. We wish to report that the B.C. JCCA has requested that the Executive Secretary attend their Provincial Conference to be held on February 28th and 29th. We also wish to report that Mr. Min Takada, Secretary of the Alberta JCCA has requested that the Executive Secretary be available to meet with the various constituents in the various districts in Alberta and set aside five or six days in which his time be made available in Alberta. It is also planned that the Executive Secretary make a short stop-over at Regina and Moose Jaw on organizational matters. The Executive Secretary will stop over in Winnipeg for several days in order to confer with the Manitoba JCCA Convention Committee on pertinent details regarding the planning of the Second National Conference to be held in Winnipeg March 26th - 29th, inclusive. This Office wishes to stress that this Conference has been officially declared to be held for the four-day period as stated above. The following final itinerary for the Executive Secretary's organizational trip across Canada is submitted.

FINAL ITINERARY (VIA CPR)

Feb.		
1	Leave Toronto	10:55 p.m.
2	Arrive Fort William	11:30 p.m.
3	Arrive Winnipeg	9:30 a.m.
	Stop-over Feb. 4th and 5th	
6	Leave Winnipeg	10:30 a.m.
6	Arrive Regina	6:45 p.m.
	Stop-over Fev. 7th.	
8	Leave Regina	7:05 p.m.
8	Arrive Moose Jaw	8:00 p.m.
	Stop overnight	
9	Leave Moose Jaw	8:35 p.m.
10	Arrive Calgary	8:20 a.m.
10	Leave Calgary	9:15 a.m.
10	Arrive Lethbridge	1:30 p.m.
11	Coaldale - Organ. mee ting	
12	Raymond - Scheduled R.D.C.L. meeting	
13	Lethbridge - Gen. meeting	
14	Picture Butte - Organ. "	
15	Taber - Organ. mee ting	
16	Leave Lethbridge	6:30 a.m.
16	Arrive Calgary	11:30 a.m.
	Stop overnight	
17	Leave Calgary	9:30 a.m.
17	Arrive Edmonton	4:00 p.m.
	Stop overnight	
18	Leave Edmonton	11:55 p.m.
19	Arrive Calgary	6:20 a.m.
19	Leave Calgary	9:00 a.m.
20	Arrive Vancouver	8:45 a.m.
	Stop-over Vancouver 21,22,23,24,25	
26	Leave Vancouver	5:50 p.m.
27	Arrive Greenwood	11:01 a.m.

Source: Nikkei National Museum, 2018-16-1-48-6-3
www.nikkeimuseum.org

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sible for the Commissioner himself to hear all the evidence of the claimants and various County Court Judges have been appointed to hear the remaining evidence of claimants. At the present time, the Sub-Commissions have completed all their work except in Ontario where the hearings are proceeding now. Some 200 cases are still to be heard.

Considering all the difficulties, it is remarkable how smoothly and efficiently the evidence has been presented and the facts brought before the Commissioner. In few, if any cases, has there been any suggestion that claimants were intentionally misleading the Commissioner.

FIRST STAGE ENDS

This will end the first stage of the Commission but it is by no means the most important. In all cases of valuation, the opinion of the expert is required. To establish a fair market value, evidence will have to be given by expert real estate valuators. Research has to be undertaken into voluntary sales made contemporaneously with sales by the Custodian, the relation of selling values to assessments and crop values and market trends. The values of timber limits, of cars, radios, farm implements, fishing vessels, fishing nets, household furnture and many other forms of property, at the relevant dates must be considered and related to individual cases. A great deal of this work has already been done for the claimants by the Co-operative Committee under the supervision of Mr. R. J. McMaster of Vancouver.

The Commissioner has heard and is now hearing general evidence presented by Government Counsel. Shortly he will be hearing claims presented by corporations. This will be followed by detailed hearings of a selected number of representative cases dealing with special categories of claims. The evidence of valuators on both sides will be presented. Upon the principles established in these representative cases, each case will be reviewed and if possible fitted into its category. Cases involving special features will be specially reviewed.

The immensity of the task before the Commission, Government Counsel and the representatives of the claimants may perhaps be realized when it is considered that there are some 1,500 claimants claiming upwards of $5,000,000.00 and that each claim represents a multitude of details. It is hoped that with continued co-operation between all concerned, the Commission may complete its work and make final recommendations to the Government in 1949.

Most of the Japanese Canadians will not regard the outcome of the Property Commission as a matter of dollars and cents only. There are bound to be some disappointments. What can be, and we believe, will be the outcome of the Commission will be a sense that, though it has cost time, money and effort —in a democracy, justice, however imperfect, is a reality and that Canadians of Japanese origin can depend upon receiving the same consideration from the Canadian people and government as any other group of Canadians.

The Co-operative Committee on Japanese Canadians,
67 Riverside Avenue,
Toronto 6, Ontario.

GEORGE TANAKA
LANDSCAPE ARCHITECT
1486 Rometown Drive Port Credit, Ont.

A Review Of Property Claims

By F.A. Brewin
Legal Counsel to the Co-op
Com. on Jap. Can.

To write an account of the Japanese Property Commission while it is still in progress especially when the writer is one of the claimants' counsel, requires a certain reserve. A review of its origin and what has occured so far may, however, be of some interest to readers of The New Canadian.

One thing may certainly be said. The commission is unique in the history of Canadian jurisprudence. There have of course been many cases in which claims have been made against governments for property expropriated for public purposes. There have been inquiries into the values of very extensive properties by judicial commissions. During this war an inquiry was held into the halls and other properties of the Ukrainian Labor Farmer-Temple Association which had been declared an illegal association and as a result the halls were repurchased by the Government and returned to the original owners. Never before however, has it become necessary to inquire into the values of many different sorts of properties lost to a large group of Canadian residents scattered over the whole of Canada.

GOVERNMENT POLICY

The Commission arose of course out of the evacuation of the Japanese Canadian residents from the coastal areas as a result of government policy after Pearl Harbour in December, 1941. It is unnecessary to question here the wisdom or justice of such a policy. It is enough to recall that it inevitably caused the sudden uprooting and dispersal of many people who had made their homes in British Columbia and acquired farms, business and personal possessions by hard work and, in some cases, the efforts of a lifetime. It was not the result of any disloyalty or subversive action or tendencies on the part of those affected. It was a hard blow to a special group of citizens. War inevitably results in hardship. The results of the policy of evacuation were unique in that they fell upon the shoulders of a particular racial group for no fault of their own and were the direct result of the policy of the Canadian Government itself.

IMPOSSIBLE TO PROTECT ALL

At first, it was clearly not contemplated that the evacuation would be lengthy or permanent. Later when it became apparent that the war would last for some time and that most of those evacuated would never return, the policy of liquidating or selling the assets of those evacuated was adopted. It was quite inevitable that this policy with the best effort in the world by the Custodian and his staff would mean that the owners would not get the full value of their property. With an inadequate staff available, it was impossible to protect all of the properties, many of them in remote areas, from theft, vandalism and deterioration. When properties came to be sold, normal market conditions, despite every precaution taken by the Custodian, could hardly be expected. In 1942, invasion of the West Coast seemed no remote possibility and the very fact of evacuation robbed the market of many people who

Source: Nikkei National Museum, 2018-16-1-48-7-1
www.nikkeimuseum.org

would in normal circumstances be buyers. Nor would it be human nature if everyone was as high-minded as to refuse to take advantage of the situation caused by the evacuation.

The question of property losses was for long overshadowed by the most ominous threat of wholesale deportations. The energies of the dispersed Japanese Canadians and their friends were naturally concentrated on resisting deportation. It is an ill wind that blows no one good, however. The threat of deportation aroused a widespread sympathy for the Japanese Canadians across Canada and some understanding of their problems. The press, the church, trade unions, university students and innumerable groups and individuals across Canada made it clear to the Government that they thought the proposed deportation to be a negation of justice and an expression, however unconscious, of racial discrimination. The spearhead of this battle was the Co-operative Committee on Japanese Canadians themselves. A legal case was taken first to the Supreme Court of Canada and then to the Privy Council. The case was lost but it gained time for public opinion to make itself felt and soon after the decision was known, Prime Minister Mackenzie King announced that the orders providing for deportation had been rescinded.

PROMISED COMPENSATION

At the same time he promised that compensation for property losses would be considered. The Co-operative Committee now assumed the responsibility of pressing for the implementation of this promise. The Japanese Canadian Committee for Democracy had already made an extensive survey of economic losses caused by the evacuation. Further interviews were obtained with the Secretary of State and representations were made urging the setting up of a Commission with authority to inquire into these losses. Attention was called to parallel action being taken by the Government and Congress of the United States to remedy a similar situation there. The Public Accounts Committee of Parliament investigated the administration of the Custodian and after careful examination, particularly of the purchase by the Veterans Land Act Administration of a large block of farm lands formerly owned by Japanese Canadians at about 60% of the assessed value, recommended the appointment of a Judical Commission. The Press not unnaturally called attention to more glaring and sensational instances of what seemed injustice and perhaps put the Government too much on the defensive. It has never been the attitude of the Co-operative Committee or any group representing the Japanese Canadians that they wish to attack or question the good faith or efficiency of the Custodian or his staff.

DEFENSIVE ATTITUDE

It was nevertheless the result of this defensive attitude that the original terms of reference which appointed the Hon. Mr. Justice Bird as a Commissioner under the Public Inquiries Act were a grave disappointment. They provided that the Commissioner might only recommend the payment of losses due to the negligence or lack of care of the Custodian or his staff. The Co-operative Committee promptly arranged to interview the Government and express their disappointment. The writer saw the Ministers chiefly concerned: the Hon. J. L. Ilsley ,then Minister of Justice and the Hon. Colin Gibson, Secretary of State. We urged that the terms of reference be widened so as to permit inquiry into all tangible property losses arising out of the evacuation which would include losses caused by forced sales by evacuees themselves. The Government would not go so far but they did amend the terms of reference substantially by removing the reference to losses caused by the lack of care of the Custodian. The terms of reference as amended of course set the limits of the powers of the Commissioner. They direct him to inquire into losses sustained by persons of the Japanese race resident in Canada through the sale of their property, both real and personal, by the Custodian at less than its fair market value or through the loss, destruction or theft of personal property vested in the Custodian (but not while in the care of some person into whose custody, control or management other than the Custodian, it was committed by the owner).

TREMENDOUS TASK

And so the Commission was set up. It has proved to be a tremendous task. The first step, and by no means a simple one, was the filing of claims. The Co-operative Committee printed suitable forms in accordance with the newspaper advertisements published by the Commissioner. The filling in of these claims was the first task and of course involved a detailed and careful examination of each claim. The claims, with the exception of a few late claims, were completed by January of this year. The Commissioner has, since that time, travelled across Canada and heard the evidence of a very large number of claimants. Many of the readers of The New Canadian will be familiar with these hearings. To shorten and clarify the evidence to be presented, written forms giving some of the necessary details of the properties in question were prepared. Government Counsel cross - examined claimants and presented documents indicating the reasons why the Government opposed a claim. The claimants have been represented in nearly all cases by Counsel representing the Co-operative Committee. Though it has been made clear that claimants have every right to appear without counsel and to choose their own counsel, the scheme of representation made available by the Co-operative Committee has been accepted by the large majority of claimants except in Southern Alberta where Mr. A. Gladstone Virture, K. C.., represents a large group of claimants. Counsel representing the Co-operative Committee have included: Mr. R. J. McMaster and Mr. J. A. MacLennan of Vancouver; Mr. L. S. Turcotte and Mr. W. E. Huckvale of Alberta; Mr. Morris Shumiatcher, Mr. George Tamaki and Mr. P. G. Makiaroff in Saskatchewan; Mr. S. M. Cherniack of Manitoba; Mr. R. A. Best and the writer in Ontario; and Mr. Roger Quimet, K.C., in Quebec. They have been much assisted in the arduous task of preparing the written evidence and interviewing claimants by Mr. Leckie and Mr. Jack Gilbert and representatives of the JCCA whose co-operation has been essential.

COURTEOUS ATTENTION

Perhaps some of the claimants feel that they would like to have a chance to present further evidence in support of their claim. Nevertheless, claimants cannot fail to be impressed by the courteous attention of the Commissioner, Mr. Justice Bird. In the time available, however, it was found impos-

Source: Nikkei National Museum, 2018-16-1-48-7-2
www.nikkeimuseum.org

National Executive Committee Meeting A-3.

The Executive Secretary read a report from Mr. Brewin regarding the outcome of his trip to B.C. The principle topic was the discussion of interpretation of the terms of reference as follows:

The Executive Secretary reported on Mr. Brewin's account of the Commissioner's second hearing with lawyers in Vancouver on January 9th and 10th, 1948.

(1) That the Commissioner will now appoint sub-commissioners who will probably be County Judges to assist him in conducting oral hearings throughout Canada. These sub-commissioners will be limited in their authority to the hearing of evidence without comment, the transcript of which will be made available to the Commissioner. It is understood that where a claimant may feel dissatisfied with a sub-commissioner's hearing of his case and should it be felt warranted by counsel that grounds for complaint exists, it is possible that an appeal can be made directly to the Commissioner. It was reported that the Commissioner hopes to conduct oral hearings in Alberta during the month of March, Manitoba and Saskatchewan during April, Ontario in May, and possibly Montreal in June.

(2) On the report as to discussion on fair market value question, Mr. Brewin contended on behalf of the claimants that in determining the fair market value of the property, both real and personal at the date of sale, the Commissioner should exclude the effect of the scheme of the evacuation itself, either in enhancing or lowering the value of the property. In other words, he should consider the value of the property at the date of sale upon the supposition that the claimants had remained in possession until that date. This point can be appreciated as in many cases property had been allowed to deteriorate between the date of evacuation and the date of sale. The Co-operative Committee lawyers' arguments on this point was based on the well known line of cases in compensation and expropriation matters that the result of the scheme of which the expropriation is part, are to be excluded from consideration in estimating compensation.

(3) Argument was made on the question of goodwill as it is connected in the determining of businesses, etc. The Commissioner made no ruling on this matter has he thought it was impossible to determine this matter without reference to the facts.

(4) Next point taken into consideration was in regards to accounts receivable where the Custodian took over these accounts, but failed to make effect the efforts to collect. The Commissioner ruled definitely that such claims did not fall within the terms of reference.

(5) Another point reported was whether the Custodian was entitled to deduct from the proceeds of the claimant's property, real and personal property, the expense of sales such as real estate commission, auctioneer's fee and handling charges, and cost of advertising for the Custodian. It was reported that this matter was argued and that the Commissioner decided that he had no jurisdiction to consider this matter under the terms of reference. He, nevertheless, directed that the transcript of the evidence on this point be sent to the Minister of Justice with view to the possibility that the terms of reference may be amended to include these terms. The Executive Secretary also reported that Mr. Brewin has already written to the Minister of Justice, urging him that the Commissioner be given authority to determine this question.

(6) The final point reported which was argued at the hearing was as to the effect of consent by the claimant to the sale of property at a particular price. The Commissioner preferred not to make any general ruling in this matter, but held in one particular case which has come before him, the sale was in effect, the sale of the claimant as the claimant had written to the Custodian asking that a sale be made and had herself given the deed of conveyance. He refused, therefore, in this particular case, to consider her claim.

Source: Nikkei National Museum, 2018-16-1-48-8
www.nikkeimuseum.org

maclean's mag 01/02/1948

JACK LINDSAY

In 1942 the coast was cleared of Nisei. They've never been back.

Belongings of B. C. Japanese, piled on a street for the trek inland.

Mass exile from B. C. is just a bad memory to Canada's Japanese — a memory they try to forget as they begin life anew

"THEY'RE ONLY JAPS"

By PIERRE BERTON

KEN KITAMURA, a cheerful, voluble Japanese Canadian who runs a lunch counter on Yonge Street, Toronto, thinks of the exodus of 23,000 of his people from the West Coast as an Act of God. To him, the largest enforced mass evacuation in Canadian history is "a calamity—like a fire or a big storm or an earthquake."

Mr. Kitamura was once one of the richest men in Vancouver's Japanese community. "Now," he says, "I'm just a dishwasher."

His $50,000 all-granite home on the borders of Vancouver's swank Shaughnessy district, his new Packard car and his big merchandising business have all been sold. Now he serves coffee to his customers and tries to forget the past.

"I do not discuss it," says Mr. Kitamura. "I could discuss it for two whole days but I am starting out again. It is all forgotten."

Not all of Mr. Kitamura's compatriots are as philosophical; some are very bitter at the treatment they've received in their native or adopted country. Before the war all but a handful of the Japanese in Canada—alien, naturalized and Canadian-born—lived in the coastal strip of British Columbia. After Pearl Harbor they were uprooted and are now scattered from Japan to the Maritimes. With a few exceptions, no Japanese, no matter what his allegiance or birth, has been allowed to live within 100 miles of the Pacific. The property they left behind has been sold, often at ridiculously low prices.

Second-class Citizens

SOME 4,000 have been shipped back to Japan. Another three or four thousand live in interior British Columbia; they cannot move 50 miles without an RCMP permit, nor can they change their domicile without permission. If they move out of the province they can't come back, nor can the Japanese who left earlier to settle in the eastern communities that would have them.

Because of a clause slipped into the Dominion Elections Act in 1945, no Canadian of Japanese origin may vote in a federal election, unless he voted in 1938. Since most of them then lived in B. C., where they never did have a vote, this denies the federal franchise to all but a few. No Japanese can take out a commercial fishing license in Canada and until a short time ago none could hunt or fish for pleasure.

In B. C., as always, those of Japanese origin cannot work on crown lands or on roads or in the mines or take up certain professions such as optometry and law. Alberta still regards them as transients and so denies them the vote. Both Alberta and B. C. refuse to pay for education, hospital benefits or old-age pensions.

Existing restrictions on Japanese Canadians are the remnants of a wartime flood of complicated orders-in-council, departmental regulations, rulings by the Custodian of Enemy Property and Department of Justice decisions. Some of these legal strings on their freedom have been removed, but many remain. Right now the Japanese are holding their breaths until March 31, when the Government's extension of the Emergency Powers Act lapses. Although they think it's impossible for Canada to have two sets of laws for native-born sons, many of them have been shoved around so much in the last six years that they do not expect to receive full citizenship for some time.

On one point most Japanese Canadians agree: they do not wish to return to British Columbia. Bitter as they may be about the methods used to force them out of the province, most of them have found that there is more opportunity, less intolerance, in Eastern Canada.

Take Frank Tabuchi, who operates a small radio repair shop in North Toronto. Last summer he got an RCMP permit to visit Woodfibre, near Vancouver, where he and 300 of his race once worked

BICE & BELL

in a pulp and paper
glad to have them
but Frank said no
where he was.

It hasn't been eas
started business in
told him he was craz
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will grant a license,"
Frank's lawyer foun
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a paper worker.

Opportu

ALL ACROSS the
slowly fitting to
puzzle pieces of their

In Alberta, Saday
of Vancouver's Jap
harvests sugar beets.
his daughter, Judy
which they would
Second son Hiro sell

In Winnipeg, Haro
job as secretary of a
domestic work with
opened up his own s
World War II, he se
couldn't have been a
among his own people

In Toronto, Art
25 cents a day in an

Source: Nikkei National Museum, 2018-16-1-48-9-1
www.nikkeimuseum.org

Exile Art Tateishi made good in the East, employs 70 in his factory.

in a pulp and paper mill. The boss said he'd be glad to have them all back again if he could but Frank said no thanks, he was doing better where he was.

It hasn't been easy for Frank. When he first started business in Toronto in 1943 his friends told him he was crazy. Local businessmen got the city to refuse him a license. "Your write and tell the holy father in Japan to call off the war and we will grant a license," the magistrate told him. But Frank's lawyer found that if he got the former tenant's business tax transferred to him he didn't need a license. He has stayed open, done a thriving trade and is accepted as part of the community. For a while he had operated a similar shop on the coast under a trade name, but when he called at occidental homes to do repair jobs the door was often slammed in his face. That's why he became a paper worker.

Opportunity in the East

ALL ACROSS the Dominion the Japanese are slowly fitting together the scattered jigsaw-puzzle pieces of their lives.

In Alberta, Sadayoshi Aoki, onetime principal of Vancouver's Japanese language school, now harvests sugar beets. His oldest son, Tetsuo, and his daughter, Judy, have schoolteaching jobs which they would have been denied in B. C. Second son Hiro sells life insurance.

In Winnipeg, Harold Hirose, who left his B. C. job as secretary of a farmer's co-operative to take domestic work with his wife during the war, has opened up his own accounting firm. A veteran of World War II, he served in Malaya in 1945. He couldn't have been an accountant in B. C., except among his own people.

In Toronto, Art Tateishi, who was earning 25 cents a day in an Ontario work camp in 1942, now employs 70 people at his phonograph plant. Tateishi was sent out to Ontario in a day coach in 1942. When he went back on a visit to Vancouver, last summer, he flew his own plane.

The seeds of racial hatred which blew from the coast in 1942 in most cases have failed to take root in Eastern Canada. Those citizens of Chatham, Ont., who once tried to bar all Japanese from their town, have discovered that no women have been raped and none of the good burghers knifed. Japanese Canadians are good spenders in Chatham stores and the Chatham hospital now has 25 employees of Japanese ancestry.

Eastern dance halls admit Nisei (Japanese of Canadian birth) freely, though one Toronto dance spot tried to bar Bruce Inouye because they thought he was a Negro, and it is easier for the Japanese to get rooms and apartments. (One landlady told Wesley Fujiwara he could have a room as long as he wasn't a Chinese.) But some employers still won't hire Japanese labor: last summer a high-school boy named "Sock" Shintani answered an ad in person and was told the job was filled. When he got home he phoned back to see if it was still open. It was. Despite setbacks of this sort, the Japanese Canadians in Eastern Canada have reason to believe that the community is becoming more tolerant of them.

The Japanese in interior B. C. are the most unsettled group in Canada today. Most of the young people have already moved East, but the older ones stay on for a variety of reasons: Tokutaro Tsuyuki, for example, who has built himself a successful tomato farm near Lillooet on the upper Fraser, hopes eventually to return to his old home at Haney near Vancouver. The fishermen who form a large part of the population of Greenwood in the Kootenays are staying close to home for the same reason. Some men, like Edward Ouchi, a combination *Continued on page 41*

and unhappy. An informal "delegation" of whites suggested politely, but firmly, that it would be healthier to cut the visit short. The native son left town by the next outbound tram.

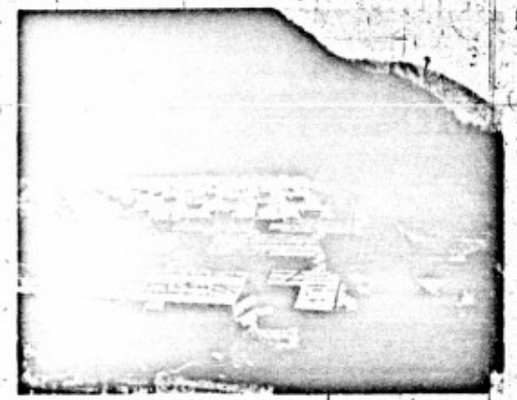
Such outward evidence of race feeling against Japanese Canadians in the British Columbia coastal belt is rare these days. Most white citizens, whether pro- or anti-Japanese, regard it as a dead issue. They don't expect any trouble ahead when and if the gates are finally lowered.

This does not represent any triumph of conscience over prejudice or any cooling in the wartime fever against 25,000 fellow citizens. It is simply that the problem was moved away five years ago. Few expect it to move back.

The happy conviction that the Federal Government's dispersal plan is now permanent—that the Japanese are settled and content across Canada and will never dare return to the scene of hostilities—has grown steadily in recent months.

More than a year ago a Vancouver radio station public opinion poll asked its listeners: "Do you think the Japanese will return to the Coast?" Yes, said 54.7% of the listeners, they'd be back. A few weeks ago the same question was asked again. This time 72.5% said no, the Japanese would never return.

But there's no doubt that the hostility continues under the surface and will most certainly flare up if the Japanese make any mass attempt to return. It is no longer expressed in public speeches or resolutions. But when the public-opinion program polled its listeners on the subject a hefty 83% opposed the return *Continued on page 40*



At Tashme, DP's lived two families to a hut.

Source: Nikkei National Museum, 2018-16-1-48-9-2
www.nikkeimuseum.org

carbon can be traced. Not long ago, Dr. Calvin added another important clue to the solution of nature's mystery when he found that the process of photosynthesis goes on for a short time after a plant is shielded from the light, indicating that the green leaf is able to store a small extra quantity of energy for use after dark.

So, piece by piece, the puzzle is being put together. Some day, and

Right now, that's just a dream, but if the "green-grass boys" can find the answers to Boss Ket's questions, the days of bottled sunshine won't be far away and they'll have pulled off one of the most important research projects since atomic fission. ★

"They're Only Japs"

Continued from page 17

farmer-insurance salesman in the Vernon district, just cannot afford to move their large families east and go through the weary business of resettling again.

The Japanese in B. C. can be divided into two groups. In the Kootenays, where the Government transported them in 1942, they have given five old ghost towns a financial shot in the arm, and the white residents would be sorry to see them go. The white citizens of the old mining town of Kaslo strongly protested their arrival in May, 1942. But, in the fall of 1944, they petitioned Ottawa to allow them to stay. In Greenwood, another ghost town that served as a wartime relocation centre, the population has jumped from 300 to 1,000 and business is thriving thanks to a new logging company, sawmill, box factory and many poultry farms and small businesses. Greenwood, too, had protested the influx of the Japanese, but recently a spokesman for the mayor said: "We love these people."

The second group in the more prosperous Okanagan area (Kamloops, Vernon, Kelowna) are merely tolerated. The Nisei find it virtually impossible to set up new businesses inside these towns. Even Shige Brown, a World War II veteran with a white wife, was denied a business license and had to set up his grocery store outside the Vernon limits.

Brown is one of the 125 Japanese-Canadian veterans who are exempt from some of the restrictions on their people. Sgt. "Buck" Suzuki, for instance, was allowed to return to the forbidden strip on the coast last summer, but was still refused a commercial fishing license to go back to his old job. He and Brown and the others were recruited in 1945 for the Canadian Intelligence Corps only after long and repeated requests from the British Army.

Japanese evacuees on the Prairies are faring somewhat better than those in B. C. Although as late as last spring the Alberta Government urged the removal of the 3,500 Japanese in the province, most of whom work on beet farms around Lethbridge, the Sugar Beet Growers Association is now asking that they be allowed to stay and that all prejudice be forgotten.

Despite Saskatchewan's liberal attitude, climate and scarcity of jobs have discouraged Nisei. There are about 1,200 in Manitoba, most of whom arrived in 1942 for sugar beet work. Now they're mainly centred around Winnipeg. At first the Government tried to discourage them from moving into the city because the Winnipeg Grenadiers were at Hong Kong, but the city has been one of the most tolerant, thanks at least in part to the attitude of the Winnipeg Free Press.

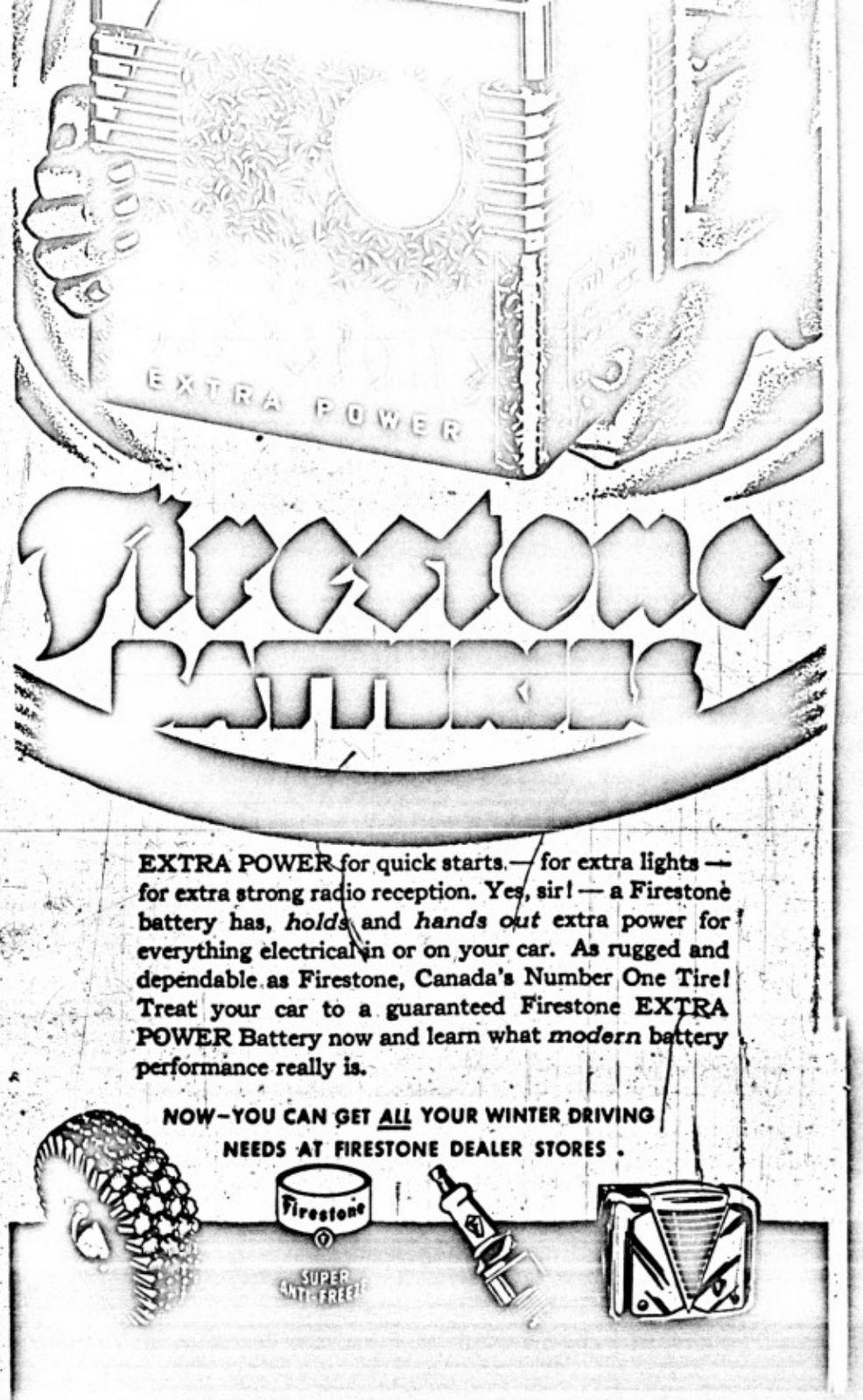
Toronto, with 3,500 of Ontario's 7,000 Japanese, is now considered the hub of the Japanese-Canadian community and Nisei are continually writing their friends out west that there is more opportunity in Ontario and in Quebec (where there are some 3,000). So far only a handful have drifted as far East as the Maritimes, but the evacuation, now voluntary, is still going on. There has been nothing like it in Canada since the days of Evangeline, when 10,000 Acadians were scattered along the U. S. coastline.

The Race Cry in B. C.

The big move was made in the spring and summer of 1942. Pearl Harbor started it. From that day B. C.'s "Oriental problem" became simply the "Japanese problem."

On Dec. 7, 1941, a young Vancouver girl named Yoshiko Kurita was walking home when an old man came up to her and spat full in her face.

"I ran all the way home and up to my room and knelt down on my bed and prayed," Yoshiko recounted some time later. "I felt very close to God that day. I asked Him to help us Japanese Canadians. I prayed: 'O God, we didn't want this war. We aren't part of Japan now. We are Canadians. Please help us, God.' "



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Source: Nikkei National Museum, 2018-16-1-48-9-3
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32 Members Staff

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That afternoon, when Yoshiko's mother boarded a streetcar, a white passenger tore off her hat and stamped on it.

It was this sort of racialism that caused the uprooting of 23,000 persons from their homes and the forced sale of their property. The Government had intended only to move enemy aliens (about one fifth of the total Japanese population). Its hand was forced by an intense racial outburst from the West Coast. G. Ernest Trueman, who now heads the Department of Labor's Japanese division in Toronto and was on the scene for the Government at the time, has said quite flatly, "The reason for the mass evacuation was not because of the Japanese but because of the whites. The problem was one of mass hysteria and race prejudice."

It was a prejudice fostered—and still fostered in B. C.—by myths about the Japanese. They were supposed to have taken over the fishing industry, yet in 1939 they held only 14% of commercial fishing licenses, supplied only 10% of the labor and five per cent of the capital. Their birth rate was allegedly sky-high, yet the 1941 census shows the average family of a Canadian-born Japanese woman as 2.75—higher than the national average but lower than some other racial groups. They were said to be lawless, as a group, yet a 1931 survey of 33 B. C. corrective institutions showed only half as many Japanese inmates, per capita, as British. In the Fraser Valley, the Japanese farmers paid less for fertilizer and got longer credit with white companies—simply because their credit rating was better than that of white farmers. It is quite true that the Japanese concentrated in certain economic fields such as farming. They had little choice. The attitude of their white fellow citizens made it virtually impossible for them to go into the professional world.

The evacuation policy was never clear-cut or defined because the federal Government didn't know what it was going to be pushed into doing next.

This atmosphere of uncertainty hung like a pall over all evacuees. They were told at the outset, for example, that the move from the coast would be temporary. It turned out to be permanent. Government advertisements assured them that their goods would be "held in trust." A year later they were sold with or without the owners' permission.

12,000 Ghosts

The first move came in the spring of 1942 when all able-bodied men, about 1,200 in all, were sent to work camps in the Rockies. The post-office machinery between these camps and the men's homes on the coast broke down with the result that the monthly $20 allowance cheques to families were delayed for months. One government man, investigating the cause of strikes in these camps, found a stack of cheques two and three months old still unmailed. The attitude, he said, was simply that "they're Japs so it doesn't matter."

By the end of the summer, the Government returned all these men to their families, most of whom were now in the Kootenay ghost towns and desperately needed male help to re-establish themselves.

By the end of 1942 there were close to 12,000 Japanese Canadians living in the ghost towns and in newly built shack towns, such as Tashme. Agnes Suzuki and her parents shut up their cleaning shop in Vancouver and moved to Kaslo where they shared a four-room apartment above a fish-freezing plant with four other families. Those who did not live in old buildings moved into government-built tar-paper shacks, 18 x 24 feet, two families to a three-room hut. The evacuees were expected to pay their own board and those who could not received Government relief, which was deducted from the money received by the Custodian of Enemy Alien Property from the forced sale of their belongings.

Eastern evacuation didn't start in earnest until 1943, but a good many people who had never done any farming before volunteered for this sort of work on the prairies. Frances Saito, her mother and her six brothers and sisters went straight to the beet fields of southern Alberta in April, 1942, in order to keep their family together (otherwise the women would have been sent to ghost towns, the boys to road camps). Their home was in Cumberland, Vancouver Island, where the elder Saito had been a coal contractor until his death in an industrial accident. There they lived in a trim white and green seven-room frame home, which they owned on the coal company's property. They had no way of knowing their property would be sold and they fully expected to return within a year, so they left their beds, stove, chinaware, chairs and linoleum in the house. In 1946, the Saitos received the proceeds from the sale of their home: $50 for the house; $8.50 for the furniture.

In Alberta they moved into a three-room unpainted shack with no wallpaper or covering for the floor. There was no plumbing, no toilet facilities. The only furniture was a stove. There wasn't room for the four boys, who slept in a nearby granary.

All eight Saitos, including the elderly mother who also did the cooking, toiled from May to October thinning, harvesting and hoeing the 48 acres of beets allotted them. For the season's work, the Saitos got $27 an acre—$1,296 in all. In the winters, Frances and her sisters worked as domestics for $20 a month and the boys went to lumber camps in Northern Alberta. This went on for three years.

Frances came East in November, 1945, after taking some business-college training in Regina (Lethbridge wouldn't let her inside the city limits). She applied for a job with a large electric company, who turned her down on the grounds that they'd never hired a Japanese before. She got the same answer from another concern. However, two months later, this second employer offered her a job which she turned down in favor of a civil-service position with the Unemployment Insurance Commission. Her brother George, a university graduate who couldn't get an electrical job in Vancouver, now is an engineer with the electric company she tried first. The Saitos have all come to Ontario—and live in York township where brother George bought a home after being refused permission to buy in Toronto proper. (The Government had agreed not to send Japanese to any town where they were not wanted. Toronto, however, now permits Japanese residents.)

It is expected that some 3,000 families will file claims totalling from $10 millions to $12 millions with the Japanese Property Claims Commission. To hear these claims, the Commission expects to sit in all parts of the Dominion—perhaps for as long as three years.

A large percentage of these claims will come from people whose farms were sold by the Secretary of State, acting for the Custodian of Enemy Property, to the Soldiers' Settlement Board. The land comprised 13,000 acres—more than 700 farms—mainly in the Fraser Valley. The total municipal assessment, usually considered less than the real value, came to $1,250,940. The Soldier's Settlement Board valued the land at $847,848. The Secretary of State then allowed the board to buy the land at $836,256—two per cent under its own valuation and one third less than the assessment.

There is a good deal of evidence to show that this represented only a fraction of the real value of the land: A few of the farms purchased by the Government did not go to veterans and were therefore sold at a profit which in some instances was as much as 700%. One 100-acre farm on Salt Spring Island, which the Government sold to itself for $245, went for $2,000.

The rest of the claims will be taken up with homes and property which evacuees claim were sold at a loss or damaged or looted after the evacuation.

A good many people living in isolated coastal points who had as little as 24 hours notice to pack up and get out were especially hard hit. One storekeeper in the Skeena district had to leave his entire stock behind. The Custodian's representative didn't arrive to inventory it until a year later. By that time the sugar had spoiled, the tins had rusted and rats had eaten into the rice bags.

The Claims Commission is empowered to deal with only about 75% of the Japanese who incurred losses. Those whose property was left behind or taken over before the Custodian's office was set up in March, 1942, will not get a hearing. This includes the fishermen whose boats were corralled by the Navy just after Pearl Harbor.

Hope of Freedom

The best of these boats were sold immediately by a special committee. Bill Okada, who now works for a Toronto woodworking plant, never saw his trim white Violet S. after Dec. 7, 1941. The boat had cost him $2,000 three years before and he had converted it, at some expense, from a collector-type into a deep-sea trawler. A floating log or an ice floe sank his boat after the Navy took it over. It was dredged out of the river, repaired and sold for $1,000. Okada, who went into the fishing business so he could make money to go to university, got $800. The rest was charged to expenses, which included, ironically enough, a watchman.

To men like Bill Okada, now trying to earn enough money to open up his own woodworking shop, the trials of the last five years are almost forgotten. But although he would never go back to B. C., his inability to cross the B. C. border irks him. Although he would never go back into fishing, his inability to purchase a license rankles.

Like the Yoneyamas and the Saitos, the Suzukis and the Kitagawas, Bill is waiting to see what will happen on March 31. Then he may gain a full sense of freedom. This is a good feeling, as some Japanese Canadians have already testified. It was perhaps best expressed by George Tanaka who, after toiling all summer long in an RCMP-sponsored sugar beet project near Tilbury, Ont., got permission in November, 1942, to seek his own fortune in Toronto. Since Pearl Harbor, Tanaka, a Canadian-born citizen, had been under strict supervision.

"That first day in Toronto, when I was able to walk around as I wished and go where I wanted without having to report to anybody or ask permission, or get a permit for anything, I suddenly realized that liberty meant something," Tanaka said.

"I felt like shouting out: 'I'm free, I'm free!' It's a good word, freedom. You never really know what it means until you lose it." ★

Howe at the Controls

Continued from page 11

Okay." If Howe then learns that he should have said no, the triumphant applicant is likely to find an airmailed refusal waiting for him when he gets home.

Mr. Howe is regarded as the representative of big business in the Cabinet, and in a way he is. He's a big businessman himself—had nearly 30 years' experience as a civil engineer and building contractor when he entered politics in 1935, and has handled major building jobs in all parts of Canada.

If you asked him, Howe would tell you he is a devout believer in free enterprise. Last September he created a minor political scandal by chiding the British Government for trying to establish Socialism instead of concentrating on production.

But to Mr. Howe, no abstract principle is as important as Getting Things Done. An example is the current argument within the Cabinet over the cost of living, and whether to try to check it.

Finance Minister Abbott is also a free enterprise man, and therefore against controls on principle. Howe brushes his arguments aside. The cost of living is too high; something has to be done for the consumer. Constitution shaky? Rubbish, let's stand on it anyway and see if it falls. Machinery lacking? We can build it up again if we want to. And so on.

One man called him, only half facetiously, "the greatest Socialist in Canada." The truth is that Howe is instinctively and passionately loyal to anything he has made his own. If publicly owned Trans-Canada Air Lines, which Howe created, is attacked by the privately owned CPR, Howe fights back like an apostle of public ownership. If the Aluminum Company is attacked by the CCF over a contract which Mr. Howe approved, then Howe is a militant defender of private enterprise.

"C. D. has no objection to public ownership," another man said, "provided it's run by someone he regards as competent. I don't think he'd trust any of his colleagues to run it, though. So far as other ministers' departments are concerned, he's strictly a private enterprise man."

No Dawdling Allowed

Certainly no Socialist could be any tougher in dealing with business than C. D. Howe—indeed, a Socialist minister might not know how to be half as tough. Howe talks to executives as one of themselves. He knows the top men of Canadian industry intimately, and meets them with a genial bluntness that makes his subordinates' eyes pop.

The captains of industry answer him in the same vein, but it's usually Howe who gets his way. As a rule he gets it without hard feelings—"I never knew a man who could say 'No' to so many people and make them like it," said one of his aides. When other methods fail, though, Howe will use the big stick without a moment's hesitation—and wartime powers gave him lots of big sticks to use. Now, in import licensing, he has a bigger stick than ever.

But although Howe can be brusque and harsh on occasion, he is not petty. Men who work with him find him astonishingly even-tempered. He is not overpatient at any time, nor does he suffer fools gladly, but he shows no ups and downs of disposition under pressure of worry or fatigue. He's the same at midnight, after a hard day in the House, as he was at 9 a.m.

He doesn't like people who waste his time, or their own.

Source: Nikkei National Museum, 2018-16-1-48-9-4
www.nikkeimuseum.org

Why B.C. Draws the Color Line

By JACK SCOTT

A YOUNG Japanese Canadian, travelling on an RCMP permit from Alberta, returned west recently to visit his birthplace, the town of Steveston at the mouth of the Fraser River.

Before the war Steveston, a short tram ride out of Vancouver, was a village of Nipponese fishermen. Today its population is almost entirely white, most of them using the expensive fishboats and the bleak cottages once owned by the Japanese.

The young Nisei visitor's pilgrimage was short and unhappy. An informal "delegation" of whites suggested politely, but firmly, that it would be healthier to cut the visit short. The native son left town by the next outbound tram.

Such outward evidence of race feeling against Japanese Canadians in the British Columbia coastal belt is rare these days. Most white citizens, whether pro- or anti-Japanese, regard it as a dead issue. They don't expect any trouble ahead when and if the gates are finally lowered.

This does not represent any triumph of conscience over prejudice or any cooling in the wartime fever against 25,000 fellow citizens. It is simply that the problem was moved away five years ago. Few expect it to move back.

The happy conviction that the Federal Government's dispersal plan is now permanent—that the Japanese are settled and content across Canada and will never dare return to the scene of hostilities—has grown steadily in recent months.

More than a year ago a Vancouver radio station public opinion poll asked its listeners: "Do you think the Japanese will return to the Coast?" Yes, said 54.7% of the listeners, they'd be back. A few weeks ago the same question was asked again. This time 72.5% said no, the Japanese would never return.

But there's no doubt that the hostility continues under the surface and will most certainly flare up if the Japanese make any mass attempt to return. It is no longer expressed in public speeches or resolutions. But when the public-opinion program polled its listeners on the subject a hefty 83% opposed the return

Continued on page 40



Exile Art Tateishi made good in the East, employs 70 in his factory.

in a pulp and paper mill. The boss said he'd be glad to have them all back again if he could but Frank said no thanks, he was doing better where he was.

It hasn't been easy for Frank. When he first started business in Toronto in 1943 his friends told him he was crazy. Local businessmen got the city to refuse him a license. "Your write and tell the holy father in Japan to call off the war and we will grant a license," the magistrate told him. But Frank's lawyer found that if he got the former tenant's business tax transferred to him he didn't need a license. He has stayed open, done a thriving trade and is accepted as part of the community. For a while he had operated a similar shop on the coast under a trade name, but when he called at occidental homes to do repair jobs the door was often slammed in his face. That's why he became a paper worker.

Opportunity in the East

ALL ACROSS the Dominion the Japanese are slowly fitting together the scattered jigsaw-puzzle pieces of their lives.

In Alberta, Sadayoshi Aoki, onetime principal of Vancouver's Japanese language school, now harvests sugar beets. His oldest son, Tetsuo, and his daughter, Judy, have schoolteaching jobs which they would have been denied in B. C. Second son Hiro sells life insurance.

In Winnipeg, Harold Hirose, who left his B. C. job as secretary of a farmer's co-operative to take domestic work with his wife during the war, has opened up his own accounting firm. A veteran of World War II, he served in Malaya in 1945. He couldn't have been an accountant in B. C., except among his own people.

In Toronto, Art Tateishi, who was earning 25 cents a day in an Ontario work camp in 1942, now employs 70 people at his phonograph plant. Tateishi was sent out to Ontario in a day coach in 1942. When he went back on a visit to Vancouver, last summer, he flew his own plane.

The seeds of racial hatred which blew from the coast in 1942 in most cases have failed to take root in Eastern Canada. Those citizens of Chatham, Ont., who once tried to bar all Japanese from their town, have discovered that no women have been raped and none of the good burghers knifed. Japanese Canadians are good spenders in Chatham stores and the Chatham hospital now has 25 employees of Japanese ancestry.

Eastern dance halls admit Nisei (Japanese of Canadian birth) freely, though one Toronto dance spot tried to bar Bruce Inouye because they thought he was a Negro, and it is easier for the Japanese to get rooms and apartments. (One landlady told Wesley Fujiwara he could have a room as long as he wasn't a Chinese.) But some employers still won't hire Japanese labor: last summer a high-school boy named "Sock" Shintani answered an ad in person and was told the job was filled. When he got home he phoned back to see if it was still open. It was. Despite setbacks of this sort, the Japanese Canadians in Eastern Canada have reason to believe that the community is becoming more tolerant of them.

The Japanese in interior B. C. are the most unsettled group in Canada today. Most of the young people have already moved East, but the older ones stay on for a variety of reasons: Tokutaro Tsuyuki, for example, who has built himself a successful tomato farm near Lillooet on the upper Fraser, hopes eventually to return to his old home at Haney near Vancouver. The fishermen who form a large part of the population of Greenwood in the Kootenays are staying close to home for the same reason. Some men, like Edward Ouchi, a combination

Continued on page 41



At Yoshme, DP's lived two families to a hut.

Source: Nikkei National Museum, 2018-16-1-48-10-1
www.nikkeimuseum.org

IN MONTREAL



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Never dissolve lye in hot water. The action of the lye itself heats water.



Why B. C. Draws the Color Line

Continued from page 17

of Canadian-born Japanese to the coast.

Actually, the views of most "men in the street" are paradoxical. Of a dozen people interviewed in Vancouver the general feeling was that any minority group should have full rights of citizenship—"but we don't want those Japs back."

"The war solved that problem for us," said Burt Millet, who runs a small downtown smoke shop. "If they start trying to mob back in here I'm in favor of putting the ban right back on. We want this to be a free country, sure. But why should B. C. take the cutthroat competition of any one group?"

Francis Putnam, a businessman, said this: "We've taken a lot of nasty insults from the East about racial intolerance. This Japanese question is no such thing. It's purely an economic problem. The Japanese always were cheap labor or undersold their competitors. We can't afford to let them get back in that position."

Even the Indians

Since the movement away from the coast began five years ago there has never been any polite double talk about the motives that inspired such public opinion. It has been purely an economic matter.

No one was surprised that the Indian group, the Native Brotherhood of B. C., an organization all too familiar with racial intolerance, should join in the demand for the permanent exclusion of the Japanese Canadians. The Indians are fishermen, too.

Business organizations, veterans' groups, Liberal and Conservative branches, vegetable and fruit growers and virtually every other group in direct or indirect prewar competition with the Japanese have spoken out for a permanent ban of the Japanese.

In the face of such overwhelming opinion the West Coast newspapers have been surprisingly moderate. The single important exception is the Vancouver Sun. In Sun editorials the Nisei or Japanese Canadians are seldom called anything but "Japs." Sun editorials bitterly denounce Eastern Canadian cries of "intolerance" in one paragraph and demand rigid control of Japanese Canadians in the next.

Nevertheless, there is a hard core of resistance in British Columbia to the continuing restrictions, notably in church groups and in the CCF. The CCF has maintained its stand in favor of the franchise and full rights for Canadian-born Japanese, a policy that has met with resistance within the party itself. "We know that it has cost us votes," says Frank McKenzie, provincial secretary of the party.

The most active group in support of the Japanese has been the Vancouver Consultative Council, a group set up early in the war to deal with problems of citizenship aggravated by the war.

The moving force behind this organization has been a 71-year-old retired educationalist, Dr. Norman F. Black. Throughout the war this group gave its advice to provincial and federal governments on the evacuation, was largely instrumental in convincing the Japanese to leave the coast in orderly fashion, and through meetings and pamphlets has attempted to remind British Columbians of the dangers to democracy involved.

"The fact that these are Japanese is irrelevant now in the question of returning to the coast," says Dr. Black. "It is virtually impossible for any numbers of them to return and take up their old lives. Our concern is not in facilitating that. We believe it is in their own interests to be dispersed. We are fighting for their rights as a minority group entitled to all the freedoms of citizenship."

But there are still people who fear the eventual return of the Japanese.

One such public figure is Tom Reid, Liberal M.P. from New Westminster.

"We can't afford to go to sleep," said Mr. Reid recently. "Those Ontario interests won't stop until they've sent the Japs back here to compete with our fishermen and farmers as they did before. If that happens there is only one thing we can do. We can keep raising hell until we've driven them out again." ★

The Green Key to Sun Power

Continued from page 21

fuels. By artificial photosynthesis it would be entirely possible to capture and store the sun's energy just as the tree does and put it into man-made substitutes for wood and coal, and, best of all, into a substitute for the world's dwindling oil supplies. The fuels we are using today to heat our homes and run our cars and trucks came from the sun by way of the green leaf, but the natural process took millions of years. If we could produce them directly from the sun we could manufacture our fuels as we need them.

How far off is such a discovery? It is hard to say. It might come next month, next year, or perhaps not for many years.

Man's long search for the secret of the "green key" began early in the 17th century when an inquisitive Dutchman by the name of Van Helmont doubted the truth of Aristotle's long-standing statement that plants and trees got all their needs for life and growth from the soil. Van Helmont planted a young five-pound willow twig in a box containing 200 pounds of dirt that he had thoroughly dried to eliminate the weight of any moisture. To avoid other possible errors, he carefully shielded his giant flowerpot from dust and watered it with natural rain water.

After five years of careful tending and waiting, Van Helmont weighed his tree and then his soil which he had again dried. What once had been a five-pound twig had become a 169-pound willow tree—a gain of 164 pounds. The dry soil, on the other hand, had lost only two ounces.

Where had the tree's additional 163 pounds and 14 ounces come from? It certainly hadn't come from the soil as Aristotle had supposed. Van Helmont reasoned that it must have come from his daily doses of rain water. As later experiments showed, water was only one of the major ingredients necessary in the growth of a plant.

Thanks to a long line of scientists including Britain's Priestly and France's Mariotte, today's plant physiologists know that it takes a lot more than just soil and water. They know that it takes the energy of golden sunshine plus a chemical called *chlorophyll*, which is the green pigment that makes living green things green. They know that chlorophyll is a complex compound consisting of 55 parts of carbon, 72 parts of hydrogen, 5 parts of oxygen, 4 parts of nitrogen, and 1 part of magnesium. They also know that by some amazing process this green chlorophyll is able, with the help of sun power, to take the carbon dioxide gas from the air, reduce it—or deoxidize it—to plain carbon, which is no different from a piece of charcoal and then combine that carbon with the water from the soil to produce food!

But how? Once we know we will have the secret of the green key. We will be able to produce man-made foods and fuels.

The Green-Grass Boys

It was an automobile man, the inventor of the self-starter and our present-day no-knock ethyl gasoline, who helped to start the current full-scale search for nature's green key. Early in the 1920s, Charles F. Kettering (he prefers the nickname of "Boss Ket") began wondering about what made plants grow. Always a man to seek the answers to his own questions, he had a greenhouse built near his home on the outskirts of Dayton, O.

In 1929 he built a large, modern science building for Antioch College, in Yellow Springs, gathered about him a group of top-notch chemists, physicists, and plant experts, and formally set up The Charles F. Kettering Foundation for the Study of Chlorophyll and Photosynthesis.

The search for the answer is following three main paths at Antioch.

Dr. Eyster, the laboratory's plant physiologist, is attacking the problem head on. By a complicated process of grinding, filtering and washing he is extracting the chlorophyll from green leaves—bushels of them to obtain a small sample of nature's magic chemical—and attempting to trick it into acting the same in his laboratory flasks and test tubes as it does in the green leaf.

The Atomic Approach

A few months ago, Dr. Eyster made a successful step toward harnessing his chlorophyll. He dissolved some of the extracted chlorophyll in acetone (the same solvent used in popular transparent household cements) and got a vivid green liquid. When he poured this over ordinary talc powder he was able to get it to exhibit many of the basic characteristics of chlorophyll in a green leaf.

The next step—and it is a long one—is to inveigle his chlorophyll mixture into absorbing carbon dioxide and getting it to part with its oxygen and combine with hydrogen from water.

Just down the hall from Dr. Eyster's laboratory, Dr. Paul Rothemund, a microchemist who uses doll-size flasks and tubes and microscopic specks of chemicals, is working to synthesize the complicated chlorophyll molecule, that is, to make it artificially. So far nature has a corner on the chlorophyll market. Man has never succeeded in putting the carbon, hydrogen, oxygen, nitrogen, and magnesium together in just the right way. But Dr. Rothemund has been able to reproduce a portion of it. He has succeeded in synthesizing an important unit in the complicated structure of chemical building blocks that make up the chlorophyll molecule. He calls this portion the "porphin ring."

In a roof-top shop above these two laboratories, Dr. H. V. Knoor, the third member of the green-grass research team and director of the laboratory, plays with "tagged atoms" in still another attack on nature's puzzler. By feeding laboratory plants chemicals that have been "tagged" or marked by making them radioactive, he can trace the wanderings of these chemicals as they are absorbed in a plant. With a Geiger counter (of atom-bomb fame), or any of the other radioactivity indicators, he can chart the travels of any one of his "tagged" chemicals through the leaves, stem and roots. By growing his plants in an atmosphere of carbon-dioxide gas made from radioactive carbon, he hopes eventually to be able to follow the all-important carbon through each step in nature's complicated process.

In a small wood building that once housed the first atom-smashing cyclotron, Dr. Melvin Calvin at the University of California maintains a complete radioactive farm to help him in his search for the "green key." The crops are tiny barley shoots and algae, the simplest form of plant life. His fields are glass dishes and test tubes. The atmosphere the plants breathe contains radioactive carbon dioxide so that the carbon can be traced. Not long ago, Dr. Calvin added another important clue to the solution of nature's mystery when he found that the process of photosynthesis goes on for a short time after a plant is shielded from the light, indicating that the green leaf is able to store a small extra quantity of energy for use after dark.

So, piece by piece, the puzzle is being put together. Some day, and

"They're Only Japs"

Continued from page 17

farmer-insurance salesman in the Vernon district, just cannot afford to move their large families east and go through the weary business of resettling again.

The Japanese in B. C. can be divided into two groups. In the Kootenays, where the Government transported them in 1942, they have given five old ghost towns a financial shot in the arm, and the white residents would be sorry to see them go. The white citizens of the old mining town of Kaslo strongly protested their arrival in May, 1942. But, in the fall of 1944, they petitioned Ottawa to allow them to stay. In Greenwood, another ghost town that served as a wartime relocation centre, the population has jumped from 300 to 1,000 and business is thriving thanks to a new logging company, sawmill, box factory and many poultry farms and small businesses. Greenwood, too, had protested the influx of the Japanese, but recently a spokesman for the mayor said: "We love these people."

The second group in the more prosperous Okanagan area (Kamloops, Vernon, Kelowna) are merely tolerated. The Nisei find it virtually impossible to set up new businesses inside these towns. Even Shige Brown, a World War II veteran with a white wife, was denied a business license and had to set up his grocery store outside the Vernon limits.

Brown is one of the 125 Japanese-Canadian veterans who are exempt from some of the restrictions on their people. Sgt. "Buck" Suzuki, for instance, was allowed to return to the forbidden strip on the coast last summer, but was still refused a commercial fishing license to go back to his old job. He and Brown and the others were recruited in 1945 for the Canadian Intelligence Corps only after long and repeated requests from the British Army.

Japanese evacuees on the Prairies are faring somewhat better than those in B. C. Although as late as last

B102

THE CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS

GEORGE TANAKA
LANDSCAPE ARCHITECT
1486 Rometown Drive Port Credit, Ont.

BULLETIN #11, February 10th, 1948.

Our previous Bulletin reported that Mr. Justice Henry Irving Bird of British Columbia had been appointed by the Dominion Government to investigate losses suffered by Japanese Canadians, and make recommendations, and that, due to widening of the Commission's terms of reference, presentation of claims for property sold by the Custodian below "fair market value" would be allowed.

The Legal Phase

For the past four months, the work of this committee has been mainly of a legal nature. It soon became evident that legal assistance would be required by claimants, as the Commissioner's plans called for the filing of a written claim by November 30th (afterward extended to January 15th), and the oral presentation of it later (hearings to be arranged in various centres across the country). Obviously, some co-operative scheme could most efficiently and economically accomplish this enormous task.

Through the committee's legal counsel, Mr. Brewin, arrangements were finally made for solicitors to represent us in each of the provinces where Japanese Canadians have resettled. Through the co-operation of these lawyers and officers of provincial Japanese Canadian Citizens Associations, approximately 1,000 claims, amounting to between three and four million dollars, were prepared for filing with the Commission. In British Columbia, for example, where we have a total of 449 claimants, it was necessary for representatives to travel considerable distances to give personal assistance.

In order to facilitate the preparation of claims and make provision for a degree of uniformity which would make possible an analysis of claims for valuation purposes, a set of forms was drawn up by Mr. Brewin and Mr. Tanaka, with the approval of this committee. All claimants wishing to be represented by the Co-operative Committee solicitors were asked to sign a "Retainer Form" which indicated:

> "I hereby retain the Co-operative Committee on Japanese Canadians, which is acting in consultation with the National Japanese Canadian Citizens Association, to present my claim to the Custodian and secure such legal assistance, valuation reports, and other information as may be necessary."

If possible, this form was to be accompanied by the payment of one percent of the total claim as a retaining fee.

The retaining fees received have been banked in a separate Claims Fund Account, and to date remittances total a little over $21,[illegible].00. It is now estimated that this fund will probably reach the $30,000.00 mark when final remittances have been made. We are hoping that this amount will take care of the basic expenses involved in the preparation and presentation

Source: Nikkei National Museum, 2018-16-1-48-11-1
www.nikkeimuseum.org

of claims. However, until final returns have been made by all provincial headquarters, a final spending budget cannot be drafted, but it is evident at this stage that a sizeable amount (possibly one-third) must be set aside for the work involved in the preparation of evidence in connection with valuation of the various types of real and personal property sold below fair market value.

Hearings of the Commission

In early December, Justice Bird heard oral presentation of evidence in connection with claims at Kamloops, B.C. Commencing again on January 9th, he is continuing hearings in B.C. Present plans indicate that he will be in Alberta in March; in Manitoba and Saskatchewan in April; Toronto in May and possibly Montreal in June - completing this work by the end of June and returning to Vancouver to hear final evidence in connection with valuations.

In order to speed up these oral hearings, the Commissioner has made two suggestions, both of which are being carried out:

(a) That a more detailed form be prepared for use during the oral hearings (involving a great deal of additional work for our solicitors).

(b) That Sub-Commissioners be appointed in the various centres in which hearings are planned (Justice Bird to open each hearing, spend some time at it, and then turn proceedings over to the Sub-Commissioner).

Mr. Brewin was present at the December hearings in Kamloops. He also attended the hearings on January 9th and 10th, at the request of the Commissioner, to argue certain points of law that arose during the hearings at Kamloops. Upon returning from this trip, he expressed the opinion that the assistance which our Committee has given was essential to the successful working of the Claims Commission, and that the plans which we made last fall have worked out very well, on the whole, although considerable detail still requires attention.

In the News

A recent attempt on the part of the Provincial Government in B.C. to revive its policy of barring the employment of Japanese Canadians on crown timber lands (which was suspended by wartime federal orders) has been temporarily checked. The announcement of its intention to do so was met by such protests that action has been suspended until the whole matter of restrictions can be discussed in the House next month.

In the meantime, further evidence of public opinion for the abolition of such descriminatory legislation should be sent to the Premier, Hon. Byron Johnson.

94 Homewood Ave., Apt.28,
Toronto 5, Ontario.

Margaret K. Boos
SECRETARY

Source: Nikkei National Museum, 2018-16-1-48-11-2
www.nikkeimuseum.org

Brewin Papers MG32C26 Vol 1

Norris & MacLennan
BARRISTERS AT LAW, SOLICITORS
NOTARIES PUBLIC
T. G. NORRIS, K.C. — J. A. MacLENNAN, LL.B.

TELEPHONE PACIFIC 5254
CABLE ADDRESS "NORRIS"
VANCOUVER, CANADA

BANK OF NOVA SCOTIA BUILDING
602 HASTINGS STREET WEST
Vancouver, B.C.

RECEIVED
CAMERON, WELDON & BREWIN

Our File #1671

March 16th, 1948

Messrs. Cameron, Weldon & Brewin,
Barristers & Solicitors,
Sterling Tower,
Vancouver, B.C.

Attention: Mr. Brewin

Dear Sirs:-

Re: Japanese Claims

We acknowledge your letter of February 25th and the writer is now endeavouring to contact Mr. Hewer. We have already had some discussion with Mr. McMaster re the proposed services of Mr. Hewer and it is our opinion at the moment of writing that his services would definitely be of value to the Commission.

It also seems to us that we will have to try some real estate valuator (possibly Mansell or someone with his qualifications) to make a test valuation on a certain number of properties before we can decide whether such services are going to be of definite value. We feel that a valuator of experience will give us a great deal of needed assistance in determining what the nature of the evidence finally should be but we cannot get a valuator to go into that matter with us until we have had some experience in actually working on the problem and unfortunately we cannot get anyone actually working on the problem until we can assure him there will be proper remuneration for his services.

Both Mr. Norris and the writer feel that court proceedings to question the Honourable Mr. Justice Bird's ruling on the deterioration of property after the evacuation would likely be of no practical value although since the writer was at Vernon in February that conclusion received a severe shaking. We came to the conclusion that court proceedings might be detrimental to the

Source: Nikkei National Museum, 2018-16-1-48-12-1
www.nikkeimuseum.org

interest of the claimants on the assumption that the Honourable Mr. Justice Bird intended to make a fair and impartial survey and recommendation. The incident which has somewhat shaken our faith in that estimate of the Commissioner's attitude was an interview at the conclusion of the Vernon hearings with the Commissioner in the presence of the Crown Counsel and the writer. The Commissioner wanted to discuss any possible methods of further streamlining the procedure in order to make sure that the claims would be heard and disposed of with some despatch. We pointed out that the procedure had been greatly simplified already and we could not see where Counsel for the claimants could do more than they were doing in that connection. We pointed out that even with two men on the job, it was a twelve or fourteen hour per day proposition and the Commissioner expressed his recognition of that fact. Then to our astonishment he said that he had been through about the first fifty claims and he had come to the conclusion that in about one-half of them at least there was really no claim at all against the Custodian, and that the matter could be further simplified by the Commissioner giving to Crown Counsel a list of the cases in which the Commissioner had come to the conclusion there was no claim and having Crown Counsel argue the question of a non-suit at the present stage. The writer expressed astonishment that such a procedure should even be considered and further astonishment that the Commissioner could have at this stage come to the conclusion, without any rebuttal evidence by the Crown Counsel, that there was no claim in any case before him. It was our understanding, at all times, the reason for the adoption by Counsel for the claimants of the simplified method of giving evidence by written statement was on the basis that such a statement would constitute a prima facie claim and that it would be up to Crown Counsel then to refute it by proper evidence in rebuttal or on cross-examination. Certainly, as far as we can see there are not many, if any, cases among the first fifty which have been undermined on cross-examination to the extent of no proper claim remaining.

We stated to the Commissioner that we could not agree to any such proposal for disposing of any of the claimants' cases at the present time

Source: Nikkei National Museum, 2018-16-1-48-12-2
www.nikkeimuseum.org

and pointed out that so far he had only heard the claimant's evidence and that we proposed at a later stage to adduce evidence of valuators and other evidence which could be obtained relating to each different claim. Then the Commissioner said that while it was just a thought in his mind to simplify the matter, he would not press for that procedure yet. We think, however, that at some stage it should be placed on the records that these statements which are being prepared and filed are accepted by the Commissioner as prima facie proof, if that has not already been done.

We note your remarks in connection with Mr. Kagetsu's claim and note that you will be crossing to England this summer. We will do all we can to have his case prepared before you leave.

We are sending a copy of this letter to Mr. McMaster for his information.

With best personal regards from the writer,

Yours sincerely,

NORRIS & MacLENNAN

Per:

JAM/sc

Source: Nikkei National Museum, 2018-16-1-48-12-3a
www.nikkeimuseum.org

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DATE JAN 14 1977

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2018.16.1.48.12.3
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www.nikkeimuseum.org

Brewin Papers MG32C26 Vol 1

TELEPHONE PACIFIC 9164

Campbell, Brazier, Fisher & McMaster

Barristers and Solicitors

A. T. R. CAMPBELL — A. W. FISHER
C. W. BRAZIER — R. J. McMASTER

A. J. F. JOHNSON — A. E. COBUS

ROYAL BANK BUILDING
675 WEST HASTINGS STREET
VANCOUVER, B. C.

MAR 21 1948
CAMPBELL, FISHER & BREWIN

OUR FILE No.

March 18, 1948.

Andrew Brewin, K. C., Esq.,
Barrister etc.,
Sterling Tower Building,
Toronto 1, Ont.

Dear Andy:-

Re: City Property.

Pursuant to our discussion today with respect to Mr. Justice Bird's expression of opinion in this matter and your suggestion that we would have to take a tough attitude, I have to report that for the first time today I have had an apportunity of examining a report on the appraisals of most of these properties by our appraiser.

Frankly the picture is not encouraging. We just ran off the figures on 56 cases other than catagory cases where we had figures on the Custodian's selling price. Of these there were only 18 cases in which he gave any increase over the Custodian selling price. The overall average on these 18 would only represent a 5.9% increase. Dealing with the 18 they average out at a 26% increase, and included in them is one on which he gives 100%.

We know that our appraiser is a very conservative appraiser, but can we persuade Bird on that? One fortunate thing is that the category cases were well selected and while I do not have the final figures as Alex had to dash away, it appeared that the percentage on which he gave ~~xxxxx~~ no increase was much smaller and the overall average was about a 20% increase. We will do some intensive work on the figures but I am not happy about them, and in the face of them how tough can we afford to get? -(particularly if the deal on the other things is reasonably good.)

It seems to me we ought to bluff to the last ditch, but we may have to yield before our bluff is called. I would like you to think this over and I will report again.

Yours truly,

Bob

Copy to A. G. Virtue.

Source: Nikkei National Museum, 2018-16-1-48-13
www.nikkeimuseum.org

Vol 82 1948

1. The Schedule of Monthly Rates to Order in Council of the 1st August, 1946 (P.C. 3244), as amended by Order in Council of the 9th May, 1947 (P.C. 1668) is hereby revoked and the schedule annexed hereto substituted therefor, with effect the first of January, 1948.

2. The Schedule of Monthly Rates to Order in Council of the 26th January, 1948 (P.C. 216), is hereby revoked and the schedule annexed hereto substituted therefor, with effect the 26th January, 1948.

A. D. P. HEENEY,
Clerk of the Privy Council.

SCHEDULE OF MONTHLY RATES—(Regulation 10)

Allowances	Single No Dependents	Man and Wife	Children					
			One	Two	Three	Four	Five	Six
	$	$	$	$	$	$	$	$
PART I Out-of-work, Awaiting Returns, and Temporary Incapacity — Sections 4, 5 and 6 of the Act.....	50	70	82	94	104	112	120	128

Additional amount for person in lieu of wife—$20.00 per month
Additional amount for dependent parent —$15.00 per month

PART II Vocational and University Training— Sections 7, 8 and 9 of the Act.....	60	90	108	122	134	144	154	164

Additional amount for person in lieu of wife —$30.00 per month
Additional amount for each dependent parent—not exceeding $25.00 per month

SOR/48-92

Continuation of Transitional Measures Act—revoking certain portions of Orders in Council respecting the Japanese

P.C. 804

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 2nd day of March, 1948.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Labour and the Minister of Fisheries, and under the authority of The Continuation of Transitional Measures Act, 1947, is pleased to make and doth hereby make the following Order:

Residence Restrictions

Source: Nikkei National Museum, 2013-16-1-48-14
www.nikkeimuseum.org

1. In this Order, "the coastal area" means that area of the Province of British Columbia including all islands west of a line commencing at Boundary Point No. 7 on the International Boundary between the Dominion of Canada and Alaska, thence following the line of the "Cascade Mountains", as defined by paragraph 2 of section 24 of the Interpretation Act of British Columbia, being Chapter 1 of the Revised Statutes of 1936, to the northwest corner of Lot 1410, Range 5, Coast Land District, thence due east to a point due north of the northwest corner of Lot 373, Range 5, Coast Land District, thence due south to said northwest corner of Lot 373 being a point on the aforementioned line of the "Cascade Mountains", (being the area surrounding the Village Municipality of Terrace), thence following said line of the "Cascade Mountains" to the western boundary of Township 5, Range 26, west of the sixth Meridian, thence following the northerly, easterly and southerly boundaries of said Township 5, to the southwest corner thereof, being a point on the line of the "Cascade Mountains" (being the area surrounding the Village Municipality of Hope); thence following the "Cascade Mountains" to the southerly Boundary of the Province.

2. (1) Paragraphs (ii) and (vii) of subsection one of section three of Order in Council dated the 5th day of February, 1943 (P.C. 946), are hereby revoked.

(2) Paragraph (viii) of the said subsection is revoked except insofar as it authorizes the Minister of Labour to make orders, rules or regulations prohibiting persons mentioned in the said paragraph from entering the Province of British Columbia or from entering or residing in the coastal area except subject to a permit issued by or on behalf of the Minister of Labour and on such terms and conditions as may be prescribed by him or by any person authorized to act on his behalf under the said Order in Council dated the 5th day of February, 1943 (P.C. 946).

3. Orders in Council dated the 13th day of January, 1942, (P.C. 251), and the 5th day of February, 1943 (P.C. 946), are revoked effective the 1st day of April, 1949.

A. D. P. HEENEY,
Clerk of the Privy Council.

SOR/48-93

Customs Act—Dingwall, N.S., established as an Outport and Warehousing Port

P.C. 833

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 2nd day of March, 1948.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and under the authority granted by Section 293 of the Customs Act, is pleased to order and doth hereby

Equal Rights For Alberta's Japanese

MAR 26 1948

Immigration - Canada - Japanese

The provincial government has acted wisely and well in granting full rights of citizenship to all Japanese-Canadians resident in Alberta. Starting tomorrow, they will enjoy the same privileges as anybody else in the province: they will have the right to vote, to get free maternity care in hospitals, to receive the full old age pension, and to be treated equally in the schools.

This change of policy has come about through a two-year agreement made between Edmonton and Ottawa. The additional expense of granting the Japanese-Canadians equal rights in education and welfare will be shared dollar for dollar by the provincial and Dominion governments until March 31, 1950. After that, the province will bear the whole cost.

Slightly more than 3,000 men, women and children will be affected by the agreement. These are Japanese-Canadians who were evacuated from British Columbia after 1941, and came to work in the southern part of the province. At the time, the Alberta government sought and obtained a promise from the Dominion government that they would be removed after the war. The Dominion government failed to keep the promise, but the Alberta government took the attitude that it remained in effect: it regarded the evacuees as temporary residents, and treated them as such.

With the new agreement, these 3,600 Japanese-Canadians become permanent residents of Alberta, citizens in the full sense of the term. We believe they are, and will continue to be, good citizens. During their six-year stay in Southern Alberta, they have made a useful, and even essential, contribution to the life of the province: they could have made a much greater one, had they not been handicapped by blind prejudice on the part of many non-Japanese. We do not expect to see this prejudice disappear overnight, but we hope it will melt away gradually, so that the industry and ability of these new citizens can be fully utilized.

One discrimination against the Japanese remains: a federal discrimination, not a provincial one. The House of Commons has approved the action of the Dominion government in continuing, until April 1, 1949, control of Japanese within the boundaries of British Columbia. This means that for another year, Japanese who wish to visit British Columbia must get police permission: so must those Japanese living in British Columbia who wish to enter coastal areas. In addition, it means that Japanese cannot enter the fishing industry, even as employees.

It is interesting to notice what happened when this measure came before the House of Commons. Of the 245 members, only 96 voted on it: 73 for and 23 against. Where, one wonders, were the other 149 M.P.'s? Again, we may note that the most effective opposition to continuance of the restrictions came not from Liberals or Progressive-Conservatives, but from the C.C.F.

This newspaper disagrees with the C.C.F. on many, perhaps most, issues. But we must applaud the manner in which that party has consistently defended the rights of racial minorities. It is a sorry reflection on Canada's two major parties that they lack the conviction to do likewise.

Immigration - Canada - Japanese

Removal of Japanese from Alberta Doubted

FEB 16 1946

EDMONTON, Feb. 11 (CP) Premier Manning said today the Alberta government has reminded the Dominion government several times since the end of the war of the agreement that Japanese placed in this province after their evacuation from the Pacific coast would be removed.

Mr. Manning was commenting on a statement by Labor Minister Mitchell in the House of Commons Monday that no province has asked for the removal of Japanese brought into Alberta during the war.

The premier would not say what stand the Alberta government will take on this attitude when the federal authorities until he has conferred with his cabinet.

Another Alberta government official indicated the provincial government might be only wasting its time in demanding removal of Japanese.

"Even if the federal government fulfilled the agreement and removed the Japanese to somewhere else in Canada, there would be nothing to prevent them from returning to the Alberta homes they started," the official declared.

"With the lifting of certain wartime restrictions on their citizenship, the Japanese now could move right back into the province, unless some special provision was made to keep them out."

This, he added, would be unlikely.

Source: Nikkei National Museum, 2018-16-1-48-15
www.nikkeimuseum.org

1947??

Immigration - Canada - Japanese

One Man's Opinion

By RICHARD J. NEEDHAM

Criticizing, some years before the war, the manner in which the Germans were treating their Jewish minority, Mr. Churchill asked: "Why should racial persecution endure? Can anyone help being born with red hair or a hook nose?" The same question might be asked in Canada today, with regard to the persecution—we believe the word is fully justified—of Canadians who, through no fault of their own, happen to be of Japanese origin.

* * *

On Tuesday night, the city councillors of Edmonton considered the application of a Japanese-Canadian girl to live in that city. Her name is Miss May Shimbashi, her home is at Barnwell, near Lethbridge, and she wishes to reside in Edmonton so that she may attend classes at the University of Alberta. Miss Shimbashi stated in her application that her father was a veteran of the Great War, and that she herself had been born in Alberta and had resided here all her life. The councillors granted her application, and that of another girl, also of Japanese ancestry, who wanted to take up domestic work in Edmonton: they stipulated, however, that girls of Japanese origin may not reside in Edmonton unless they are natives of Alberta. Those who are born in British Columbia, Saskatchewan or Manitoba are, presumably, dangerous; those born in Alberta are not. Why? We do not know, and we don't think the members of Edmonton City Council know, either. Miss Shimbashi's application was granted. But why did she have to make one in the first place? What harm or wrong can possibly come to the people of Edmonton (or any other Canadian city) from girls who—such being the will of Providence—have been born into a family of Japanese origin? Are the people of any city endangered because there happens to reside in their midst a girl whose eyes look a little different, whose skin color looks a little different, from their own? It is a shameful state of affairs, so mean and miserable that one is tempted to look to Germany for a parallel.

A QUESTION OF JUSTICE

* * *

If there are, in Canada, any persons of Japanese origin who have planned or accomplished some specific harm to the nation by way of treason or sabotage, we certainly think they should be punished with the utmost severity. But those persons who have neither planned nor accomplished any harm to Canada should be permitted to live on the same basis as everybody else. It is, after all, a cardinal point of British justice that a man is innocent until he is proven guilty. British justice is supposed to prevail in Canada, is it not? Even in Calgary, Lethbridge and Edmonton. The discrimination shown by so many Canadians towards their fellow-citizens who happen to be of Japanese origin seems childish, nasty childish indeed. There are, after all, only 23,000 such people in Canada, and more than half of these are women and children. The Japanese-Canadians constitute precisely .2 per cent of our population: for every one of them, there are 500 Canadians of non-Asiatic derivation. That isn't very much of a menace. Surely, we are not so frightened of 23,000 people that we must march against them in mobs, tell them where they may and may not live, and deprive them almost completely of the rights and liberties which other Canadians enjoy.

* * *

You would think that the great political parties of Canada, whose members speak so kindly of British justice and tolerance, and who tell us so frequently that we are fighting to preserve human freedom and decency and etc. and etc.—you would think that they would speak up sharply and demand fair treatment for this wretched minority group. But we do not hear any such utterances from them. One of the most rabid anti-Japanese speeches ever made in Canada was delivered the other day at Vancouver by Hon. Ian Mackenzie, a member of the Dominion cabinet: a speech so inflammatory that The Winnipeg Free Press, which supports the government, attacked it violently and accused Mr. Mackenzie of waving "the bloody shirt of racialism." We believe we are correct in saying that only one political party in Canada believes Canadians of Japanese origin should enjoy the same civil rights as Canadians of French or British, or any other origin. The C.C.F. have taken this stand. They have been violently abused for it, but they have stood their ground, refusing to compromise or retreat. We disagree with the C.C.F. on various things, and we propose to keep right on disagreeing with them. But in this respect—in their stubborn opposition towards racialism in all its forms—they deserve the commendation of every fair-minded Canadian.

Immigration - Canada - Japanese

W.C.T.U. Would Allow Japs In All Provinces

Convention Also Favors Closing Beverage Rooms to Women, Wants Delinquent Boys' School

Delegates attending the 32nd annual convention of the Alberta branch of the W.C.T.U. left the field of temperance this morning to rally behind Japanese-Canadians.

A resolution was passed urging the Dominion government to "at once seek ways and means of encouraging and aiding Canadians of Japanese origin to locate in the various provinces, and to assure the provinces and municipalities that it is in the interest of this Dominion that permanent settlement should be encouraged."

1946.?!

The convention believed that restrictions with respect to the purchase of property by Canadians of Japanese origin be lifted, that those desirous of settling east of the Rockies be assisted in re-establishing themselves in those lines of work for which, by experience and training they are equipped; that all who have suffered financial loss with respect to property as a result of relocation shall be indemnified; and that those who for any reason may have signed the application to go to Japan be informed that they are free to reverse their decision.

"We urge that in the interest of justice and to avoid breaking up families, loyal Japanese nationals be encouraged to take out Canadian citizenship, and that as many disabilities as possible be removed."

The fact that 70 per cent of Canadians of Japanese origin in British Columbia relocation centres have applied to go to Japan was said by delegates to be caused by their sense of injustice at the denial of citizenship rights and the hazard of taking up their lives anew in Canada.

WOULD BAR WOMEN

Resolutions were also passed calling for the abolition of beverage rooms for women, provision for an industrial school for delinquent boys in Alberta, unification of the marriage laws in Canada, and the abolition of all types of gambling.

Source: Nikkei National Museum, 2018-16-1-48-16
www.nikkeimuseum.org

Source: Nikkei National Museum, 2013-48
www.nikkeimuseum.org

What the Canadian Japanese Really Want

JUN 17 1948

Canadians of Japanese ancestry may now vote in federal elections. To bring this reform about, the House of Commons had to pass a special amendment to the Dominion Elections Act, which provides that a racial group disqualified from voting in provincial elections (i.e. British Columbia) cannot vote in federal elections, either.

Dispatches from Ottawa do not record any opposition to the amendment. We may suppose from this that the Canadian people, and their representatives in Parliament, are taking a more tolerant attitude toward this unfortunate racial minority. In its interesting editorial "Solution in Sight," which we reprint elsewhere on this page, The Winnipeg Free Press suggests that prejudice against them is abating even in British Columbia.

The granting of the federal ballot to the Canadian Japanese is, of course, only a token gesture. There are not more than 20,000 in the whole country, and perhaps only half these are of age to vote. Again, they are no longer concentrated on the Pacific Coast, but are scattered through the four Western provinces and Ontario.

Since the Canadian Japanese cannot vote as a group, the winning or losing of their support will be of no consequence either to political parties or to individual candidates. Getting the vote, therefore, will not advance their collective interests in any way: its only benefit is to recognize them as Canadian citizens, sharing the same rights and responsibilities as other Canadian citizens.

The Free Press suggests that the British Columbia government will soon follow the lead of the Dominion government, and grant Canadian Japanese the provincial franchise, which they are presently denied. It also points out that next March they will get back the right to live and work anywhere they please. When these two events take place, they will have obtained all the rights which it is within the power of governments to grant.

But it is not these rights which the Canadian Japanese (especially the younger ones) desire most. The right they desire most is not one which the state grants or denies, but one which society grants or denies—the right of acceptance on their individual merits.

The young Canadian Japanese are not so anxious to get the federal vote in Canada, or the provincial vote in British Columbia, or even the right of free movement, as they are to get employment commensurate with their education and abilities. Numerous instances have been cited of discrimination against them in this regard: hospitals have refused to accept them as student nurses, stores have refused to accept them as clerks, school boards have refused to accept them as teachers, and so on. The only occupations completely open to them are in agriculture and domestic service.

We do not believe this regrettable situation can be remedied by the state. It can only be remedied by society: that is to say, by the actions and attitudes of Canadian people generally. We hope, as time goes on, that they will allow this minority—and other minority groups of whatever color or creed—to play an equal role in the nation's business and professional life, going as far and as fast as their talents will take them.

NJCCA file U.B.C. Library JpgCdn Collection

National JCCA
84 Gerrard St. E.
Toronto 2, Ontario

Submission to the Minister of Justice on Fishing Vessel Claims
Excluded under the Present Terms of Reference

30th June, 1948

J. L. Ilsley Esq., K.C., M.P.
The Minister of Justice,
Ottawa, Canada

Dear Mr. Isley:

I am writing to you once again in regard to the terms of reference of the Inquiry into the claims of the property losses of Japanese Canadians, to request on behalf of the Co-operative Committee on Japanese Canadians, which as you know, represents a very large percentage of Japanese Canadian claimants, that the terms of reference which are contained in P.C. 1810/47 as amended by P.C. 3737/47 be amended so as to authorize the Commissioner to inquire into and report on the claims of persons of the Japanese race that fishing vessels which were their property were disposed of under the supervision of the Fishing Vessels Disposal Committee established by P.C. 288 of the 13th of January, 1942, were sold at less than a fair market price, and notwithstanding any consent to such sales and the execution by the claimants of any documents of sale and may recommend payment of the difference between the fair market price of such vessels at the date of sale and the amounts received from such sales.

The situation is that the Commissioner has authority under the present terms of reference to inquire into claims of persons whose fishing vessels were sold by the Custodian of Enemy Alien Property. This consisted of from 150 to 250 vessels not disposed of under the supervision of the Fishing Vessels Disposal Committee by August 1st, 1942 and which were vested in the Custodian by the terms of P.C. 6247 of July 20, 1942. The Honourable Mr. Justice Bird has ruled (and we do not quarrel with his ruling) that he is not permitted by the terms of reference to inquire into claims in respect to vessels which did not vest in the Custodian. I am writing to make the respectful submission that it would be both just and convenient if the terms of reference were now enlarged by amending the Order-in-Council to permit him to do so.

As the various sub-commissioners who are hearing evidence will be conducting their hearings in the autumn, and as it would obviously be convenient to dispose of all outstanding matters in respect to Japanese claims at that time, we are asking that consideration be given to this request as soon as possible.

I will not endeavour here to set out in detail a full history of the fishing vessels of Japanese Canadians that were disposed of. Col. J.W.G. Hunter, counsel for the Government on this Commission, has prepared a memorandum in respect to fishing vessels which he has filed with the Commissioner. This memorandum, which I enclose, contains copies of some of the relevant Orders-in-Council.

Mr. R. J. McMaster, one of the counsel for the Co-operative Committee, has also collected material and prepared a memorandum dealing with this matter which I also enclose.

From these two memoranda we selected the following salient points:

1. By P.C. 288 of January 13, 1942 some 1100 fishing vessels and their equipment were impounded and the Japanese Fishing Vessels Disposal Committee was set up to assist the Japanese Canadians in making the sales or charter arrangements of fishing vessels and no sales were to be made without the consent of the Committee.

2. Some time before May, 1942, the Disposal Committee had the boats appraised, but the appraisers were specifically instructed to appraise the boats "as and where is" and disregard inflation prices caused by the war.

3. In the middle of May, 1942 the Committee without legal authority as is admitted in Col. Hunter's memorandum, offered vessels for sale and sold them

Source: Nikkei National Museum, 2018-16-1-48-18-1
www.nikkeimuseum.org

setting a "minimum negotiating price" which they arrived at by adding 15% to the appraised value.

4. In some cases offers were received at a price several hundred times higher than the appraised value.

5. Sales having been made without the consent of the owners and without legal authority, a number of letters were written to the owners informing them that their boats had been sold and saying that if they wanted to get the proceeds they must sign the necessary bills of sale and assignment of claim.

6. Where sales were not completed, sometimes, no doubt, owing to the refusal of the Japanese Canadians to co-operate by signing the necessary documents, the property in the remaining boats variously estimated from 149 to 240 was vested in the Custodian and in respect to these a claim may be made under the present terms of reference. No doubt when the Governor-in-Council considered the present terms of reference, primary attention was directed to claims of losses arising out of the administration of the Custodian of Enemy Alien property, as by far the greater amount of the assets of Japanese Canadians were disposed of in this way. However, the vessels which were disposed of before the Custodian took control of them were disposed of by reason of the same exigency of Government policy and were impounded at the same time as the vessels which were vested in the Custodian.

It is respectfully submitted that it would be highly unreasonable and unjust if, as is the situation at the present time, owners of these vessels which were sold before August 1st, 1942, were not entitled to present a claim for the fair market value of their vessels while those whose vessels through lack of co-operation were not sold by that date are entitled to make a claim, nor is it we suggest any answer to say that in case of vessels disposed of through the Fishing Vessels Disposal Committee the owners consented to the sale or signed documents of sale. As we have already pointed out more fully in Mr. McMaster's submissions, these consents and documents of sale were obtained in many cases after sale, and under conditions which amounted to a form of duress or at the best in circumstances which could hardly be described as constituting the owners as willing vendors.

We need hardly add that we regret having to make a request which will add to the labours of the Commissioner and his staff. We think, however, that it will be agreed that it is most advisable that all property claims arising out of the evacuation of the Japanese Canadians be dealt with at this time and that full inquiry be made so that no tag ends or possibility of litigation remain over to be disposed of when the Commissioner finally reports to the Governor-in-Council.

Yours respectfully,

FAB/HC
Enc.

F. A. Brewin

MEMORANDUM RE JAPANESE FISHING VESSELS

When War was declared with Japan, the Governor-General-in-Council saw fit to require persons of Japanese race owning fishing vessels to deliver the same to the Navy forthwith. According to the preamble of P.C. 288 of January 13th, 1942, some 1100 boats and their equipment were impounded. Generally speaking, the vessels were delivered complete with normal gear and equipment and often with special fishing gear attached. In some cases the boats were brought right in from the fishing grounds.

The Japanese were notorious amongst fishermen for the excellent care which they gave to their boats. As Mid-Winter is not a usual fishing season, many of the Japanese had immediately prior to delivering their boats to the Navy painted, repaired and overhauled them. Hence, when the boats were delivered in the main they should have been in a very good condition.

We are informed on good authority that in some instances at least gear and equipment on these boats were removed by the Navy to storage. We have only evidence in very few cases, however, that any inventory of the gear was taken. We believe that there was a great deal of pilfering and loss of gear and equipment. Hence, it would appear that at the time of sale, the prospective purchaser could

Source: Nikkei National Museum, 2018-16-1-48-18-2
www.nikkeimuseum.org

have no assurance that he would obtain the gear belonging to the ship or proper gear, if any. This consideration, needless to say, would reduce the price which the purchaser would be willing to pay.

According to P.C. 288, some 950 vessels were stored in the Fraser River. They were massed together and undoubtedly in the course of storage damage was done by large vessels being thrown against smaller vessels. Even though this damage may not have been extensive, if as a result, fresh water got into the craft in the period of time that the vessels remained idle, dry rot would have set in. As we are advised that the vessels were sold "as is and where is", the extent of such dry rot would not be known by the purchaser and the price which the purchaser would be willing to pay would be less.

It was desirable by reason of the war needs that these vessels should be placed in service as soon as possible and that the Navy should be relieved of supervision. By P.C. 288 the Government set up the Japanese Fishing Vessel Disposal Committee to assist Japanese in making sales or charter arrangements and in the words of the Order "where necessary to arbitrate disagreements on prices between owners and intending purchasers with a view to preventing advantage being taken of duress".

Many of the Japanese owners realized the necessity of getting the vessels into service both with respect to the war needs and with respect to the prevention of deterioration of the vessel. Despite the fact that P.C. 288 provided that "The cost of the Committee should be a charge against the War Appropriation" some of the Japanese Fishermen's organizations felt that the disposal of the Japanese vessels ought not to be a charge on the Government and they suggested a voluntary charge of 1% on all transactions handled by the Committee. This practice was adopted by the Committee but as far as we are aware, it was never covered by Order-in-Council and the deduction was applied whether the individual fisherman agreed to it or otherwise.

A large number of Japanese wishing to co-operate with the Government negotiated sales of their vessels at figures less than a fair market value. These persons may have been considered as agreeing that the sale price was fair. However, such is far from the case. They were motivated by two considerations:- the nation needed their vessels in service and by reason of the evacuation, unless they sold the boats, the boats would deteriorate. These persons do not feel that they should be penalized for co-operating with the Government and if, in fact, their boats were sold at less than a fair price, they should be compensated.

About May, 1942 the Committee became anxious about the number of boats unsold for two reasons at least: -- (1) The Navy required the personnel engaged in watching the boats and (2) The fishing industry badly needed fishing vessels.

At or before that time the Japanese Fishing Vessel Disposal Committee had arranged to have the boats surveyed and appraised. Some three or four surveyors were employed. We understand that the Committee endeavoured to engage persons who were in the fishing industry and would be particularly familiar with fishing craft but that they were unable to do so. We are advised that the appraisers were specifically instructed to appraise the boats: - (1) "As is and where is" and (2) To disregard any inflation in prices caused by the War.

Having regard to the removal of gear and equipment and the deterioration in storage referred to above, it is obvious that the valuations on the basis of these instructions would be considerably below the then market value. As noted above, both were badly needed in the fishing industry at that time.

Many persons who co-operated and sold their boats may have been misled by these low valuations.

The Committee itself apparently considered these valuations too low and when about the middle of May they began offering vessels for sale, they set what they called "a minimum negotiating price" which they arrived at by adding 15% to the appraised price. See Bird Commission Submissions etc

The Committee never had any authority to sell any Japanese vessels (see P.C. 288 and the brief of Colonel John Hunter filed in the proceedings in the Bird Commission). However, commencing about May 15th, the Japanese Fishing Vessels Disposal Committee took this authority upon themselves. It appears that to effect sale, the Committee advertised the fact that the boats were to be sold and gave the "minimum negotiating price" and told the purchaser where the boat might be viewed.

Source: Nikkei National Museum, 2018-16-1-48-18-3
www.nikkeimuseum.org

While the boats were appraised "where is and as is" and often, if always, without normal equipment, and "the minimum negotiating price" was made public on the basis of this price plus 15%, it appears that the purchasers may have been advised that ordinary gear and equipment would be provided and damage repaired. At what stage this latter undertaking was given it has not been possible for us to ascertain. It does appear, however, that the purchasers took this to mean nothing more than that the boat would be more or less seaworthy and they bought the boat "where is and as is". To cover this expense, the Committee apparently used the funds provided under P.C. 3737 to a large measure. We are advised that very little of these funds went directly to the Japanese.

When the Committee found a prospective purchaser, in some cases it would appear that they put him in touch with the owner but as the minimum negotiating price was so much below the owner's value, sales did not result. In the case of Hideo Okano whose case was heard before the Sub-Commissioner of the Bird Commission at Grand Forks recently, the purchaser finally offered several hundred dollars more than the appraised value which indicates that the minimum negotiating price was well below the market.

In most cases, however, the Japanese Fishing Vessels Disposal Committee took it upon itself to sell the boat at the minimum negotiating price, or lower. Our information is that a large number of these vessels were sold to canning companies and in many cases were sold en bloc.

The Japanese Fishing Vessels Disposal Committee was then up against the problem of transferring the license and giving title. Being without legal authority to make sales, they sought by devious means to persuade the Japanese to sign the Bill of Sale and an assignment of any claim which he might have against the Government for loss of gear or damage. The following appear to be the steps which they took: - (1) They wrote the Japanese advising him his boat had been sold and telling him that he could not get the money unless he signed the Bill of Sale and an assignment of claim; (2) If he did not respond, they wrote again saying that if he did not sign, his money would be turned over to the Custodian about August 31st, 1942 and he would not get it from the Custodian for a long time; (3) After August 31st, 1942, they wrote again that soon his money would be turned over to the Custodian and this was his last opportunity to sign; (4) They finally had the Custodian sign the Bill of Sale.

Many of the persons receiving these letters were misled by the statement contained therein that the boat had been sold and decided there was nothing they could do about it. They needed the money so they signed the Bill of Sale and assignment of claim. The Crown now alleges that these sales were not made by the Custodian and therefore the claims by these persons before the Bird Commission are not within the terms of reference. The man, however, who could afford to wait or who was stubborn and forced the Custodian to sign the Bill of Sale may now be compensated if his claim succeeds.

We have not found a single case where the Japanese obtained legal advice on the right of the Committee to sell his boat or on the nature and effect of the assignment of claim. In some instances, the Japanese did not even know the contents of what they signed. All they thought they knew was that their boats were sold and that they had to sign these documents to get the money.

In many cases the Japanese thought that he would be entitled to the damages set out in the assignment of claim form. It appears likely that in some cases the name of the person to whom the claim would be assigned was left blank. One case stands out in particular, namely, the case of Masao Kamachi Case No. 120 heard by the Sub-Commissioner at Kamloops where the claimant's boat was sold for $ 150.00 and he was asked to sign an assignment of claim for $ 500.00. All he received was $ 150.00.

In some cases, as in the case of Sadajiro Asari, Case No. 36 at Lytton, B.C., the claimant's vessel was requisitioned for charter on a bare boat basis by the Department of Transport and he was advised that the amount and terms of the charter would be arranged in due course. In August, 1942, he was advised that the vessel had been requisitioned for purchase by the Department of Munitions and Supply and that the price that they intended to pay him was $ 14,800.00. He considered the vessel worth $18,000.00 but indicated that if he received his charter money from January to August, he would agree to the lesser price. However, the price was fixed at $14,800.00. The boat had, prior to 1942, been chartered on a bare boat basis at $ 21.00 per day so that the charter money due to him was roughly $4,300.00. The boat had been built in July, 1940 and without the equipment had cost $18,000.00.

Source: Nikkei National Museum, 2018-16-1-48-18-4
www.nikkeimuseum.org

This boat was fully equipped.

It is difficult to ascertain exactly what happened with respect to these requisitioned vessels. There appear to have been some 27 vessels requisitioned for charter. It appears that once requisitioned, the Japanese Fishing Vessel Disposal Committee considered them to be out of their hands. Some Committee was set up to fix the charter rate and obtained information from the owners to this end. However, before the rate was fixed (if at all) the boats were requisitioned for purchase. Mr. Justice Sidney Smith held some kind of hearings in Vancouver in the summer of 1942 and as well as we can ascertain, few, if any, of the owners were represented at these hearings. Apparently, it was decided to pay the owners the amount at which their vessels were appraised at the time they were requisitioned for charter and not to pay any charter money. Once again the owners were told that they could not get their money at all unless they signed Bills of Sale.

Certain of the owners of requisitioned boats are now considering bringing an action for their charter money. As it was the larger boats which were chartered, the amounts are fairly large.

The Japanese Fishing Vessel Disposal Committee apparently took the 1% commission voluntarily agreed to by some Japanese off every sale whether voluntary or otherwise and whether made through the Committee or not. To a man who considered his boat had been sold without his consent at an unfair price, this was adding insult to injury. One man who was charged $ 1,000.00 on a large sale he negotiated himself is considering legal action in this respect.

It would therefore appear reasonable and just that the terms of reference of the "Bird Commission" should be broadened to include all sales of fishing vessels owned by persons of the Japanese race irrespective of the date of sale or by whom the same were sold.

R. J. McMaster

JAPANESE FISHING VESSELS DISPOSAL COMMITTEE

Committee:
The Honorable Mr. Justice Sidney Smith, Chairman
Commander B. L. Johnson, D.S.O., R.C.N.R.
Kishizo Kimura

1528 Marine Building
Vancouver, B. C.

A. E. McMaster, Executive Assistant

June 27, 1942.

Mr. M. Noguichi, Secretary,
No. 1 District Fishermen's Association,
219 Dunlevy Avenue,
Vancouver, B.C.

Dear Sir:

Replying to your letter of the 15th instant, relative to sale of fishing vessels through the offices of this Committee without securing the execution of a bill of sale from the owners.

Over a period of four months, the facilities of this Committee have been available to Japanese owners and to prospective buyers of the Japanese fishing vessels. In this period, some 700 vessels were sold through free negotiation between buyer and seller. Arbitration facilities were provided by the Committee to settle any case of deadlock between parties as to price. In this period there was only one case of arbitration, which indicates a splendid spirit of co-operation by the majority of vessel owners.

In the latter part of May, however, it was apparent that many of the owners who had not sold their vessels were adopting obstructive tactics and, as it became imperative in this national emergency that Naval Service should be relieved of the Custodianship of the remaining vessels as quickly as possible, the Committee decided it must accelerate sales to accomplish this result.

Offers for purchase were invited therefore and when bids were at prices considered reasonable by the Committee, every reasonable effort was made to secure the acceptance of the owner. Only when this failed was the vessel delivered to

Source: Nikkei National Museum, 2018-16-1-48-18-5
www.nikkeimuseum.org

the parties offering the approved price.

An analysis of the fifteen vessels shown on your statement shows that in all cases the price received was above our negotiating price and that the total value of sales was 27 per cent above the appraised prices of our surveyor. This surveyor is highly experienced in valuating this type of fishing vessel and, in the opinion of this Committee, his basis of appraisal fairly represented the value of vessels surveyed.

We note your request that official notification be given in future cases of sales of this kind.

Yours very truly,

"A. E. McMaster"
AEM/FM A.E. McMaster, Executive Assistant

JAPANESE FISHING VESSEL DISPOSAL COMMITTEE

Committee:
The Honourable Mr. Justice
Sidney Smith, Chairman
Commander B.L. Johnson, D.S.O.
R.C.N.R.
Kishizo Kimura

1528 Marine Building
Vancouver, B. C.

July 29th, 1942.

A. E. McMaster, Executive Assistant

Mr. Yoshio Nagata,
Solqua, B.C.

Dear Sir: Re: M. V. "Y.N." 1060 VAN 3181 NW 004D

For a period of over 5 months this Committee has operated facilities, designed to assist Japanese fishing vessel owners, to dispose of their vessels at fair prices.

In this period over 1,000 vessels have been released through the offices of the Committee; and it has now become vitally necessary to promptly dispose of the remaining vessels in order that the Navy Personnel, occupied in their custodianship, be relieved for other duties.

Having received an offer for your vessel "Y.N." 1060 License No. VAN 3181, which is considered a fair value, the Committee has sold this vessel for the sum of $600.00 in accordance with the attached Bill of Sale.

Please sign the attached Bill of Sale, together with the Claim Assignment form, also attached, and return to us.

On receipt of these documents properly executed, we shall remit the net value of the sale, with a statement thereof, to any address designated by you.

Yours very truly,

JAPANESE FISHING VESSELS DISPOSAL COMMITTEE

"A. E. McMaster"
Executive Assistant

P.S.
PLEASE RETURN BOAT LICENSE TO US: THANK YOU.

Source: Nikkei National Museum, 2018-16-1-48-18-6
www.nikkeimuseum.org

National Executive Committee meeting 12/7/48 A-7

communication received from the President of the Quebec JCCA Chapter, H. R. Okuda, which stated that the Quebec contribution would be forthcoming

(3) The Executive Secretary informed the meeting on recent developments regarding loss claims for fishing vessels disposed by the Japanese Fishing Vessel Disposal Committee which, at present, are excluded from the terms of reference.

He stated that Mr. Bob McMaster, Co-operative Committee legal counsel in British Columbia, had recently submitted a memorandum to Mr. Brewin and himself dealing with these claims for losses. The Secretary stated, in his opinion, Mr. McMaster's submission was in the nature of a brief as the important information contained was presented in a manner which clearly indicated the opinion that the owners of these fishing vessels were treated unfairly by the Disposal Committee and, further, that since the Committee was an agency somewhat similar in nature and parallel to that of the Custodian, representation should be made immediately to the Government for the inclusion of these claims for losses in the hearings being conducted by the present Commission.

The Secretary stated that he had consulted with Mr. Brewin on the memorandum. It was Mr. Brewin's opinion that a submission to the Minister of Justice should not be made in the form of a lengthy brief at this present time, since the Justice Minister, J.L. Ilsley, would soon be leaving his Cabinet post and, therefore, would hardly be disposed to the reading of such a brief. A letter to the Minister of Justice, dated June 30, which stressed on the salient points contained in Mr. McMaster's memorandum was therefore submitted together with a copy of Mr. McMaster's memorandum on the fishing vessel claims and also a copy of the brief written by Colonel John Hunter, legal counsel for the Custodian in these loss claim hearings, as it contained some pertinent information concerning the questions as to the legality of the sales of fishing vessels by the Disposal Committee. Mr. McMaster's memorandum points out the fact that under Order-in-Council P.C. 288 of January 13, 1942, the Fishing Vessels Disposal Committee had no legal authority to sell the fishing boats without the consent of the owners.

The Executive Secretary stressed the fact that the subject of these claims has been under consideration by the JCCA and the Co-operative Committee legal counsel for the past many months. During the Secretary's recent visits to British Columbia, he had worked with both Mr. McMaster and the B.C. JCCA executives, Mr. Seiji Homma and Mr. Hydes Onotera, in order to gather available information from executives of former Japanese Fishermen's Association and fishing vessel owners in preparation for this submission to the Government. He further stressed the fact that a great deal of credit for this submission is due to the fine work of Mr. Bob McMaster.

(4) Re: Entry of Canadian Business Representatives into Japan:. The Executive Secretary reported on correspondence he received from the Commissioner of Foreign Trade, Mr. G.S. Hall, Department of Trade and Commerce, Ottawa, in reply to his request for information concerning present entry into Japan by Japanese Canadians on compassionate and/or business grounds.

At the present time entry into Japan is normally permitted by SCAP only for business representatives proceeding to that country to promote Japanese foreign trade. Recently SCAP has stated that "Applicants must be sponsored by their respective Governments; however, on the understanding that the purpose of their visit is to engage in private trading, to provide services involving trade, to seek the restitution of holdings in Japan prior to the outbreak of hostilities, or to investigate investment possibilities that would contribute to the economic rehabilitation of Japan."

No entry can at present be made into Japan on compassionate grounds.*

Source: Nikkei National Museum, 2018-16-1-48-19
www.nikkeimuseum.org

National Executive Committee Meeting A-7 9/8/48

a). Claims Hearings Interpreter - Mrs. Uyede who acted as one of the interpreters at the hearings held in Toronto has not been paid for her services due to a misunderstanding as to what party was responsible in employing her. Mrs. Uyede worked for seven days and the usual pay for this work is $8.00 to $10.00 a day. The Co-operative Committee agreed to pay the expenses for a second interpreter if the Commissioner would not do so. Mrs. Uyede advises that she was asked to serve by a Mr. Takashima. Rev. Shimizu was the only one on this Committee authorized to approach people directly for this work.

Agreed that we authorize the Executive Secretary to check this matter through with Rev. Shimizu and to make final settlement.

b). Advanced Date of Claims Hearings in Toronto - Mr. Alfred Best advises that the date for the sub-hearings of Evacuation Claims in Toronto has been brought forward from November to October by the Commissioner. The Executive Secretary has asked Mr. Best to confer with Mr. Brewin on this unfortunate change and have Mr. Brewin ask for retention of the November date by the Commissioner as an October hearing will not give sufficient time for preparation of claimants and oral hearings, thus jeopardizing the full and fair hearing of cases.

The Committee concurred with the above action of the Executive Secretary.

c). Meeting with Mr. R. J. McMaster - In accordance with Mr. McMaster's request, Mr. M. Noguchi of Guelph and the Executive Secretary met with Mr. McMaster to discuss certain points respecting real estate and fishing vessels claims. Mr. McMaster advises that the evaluation work is now underway but that they are posed with the problem of covering the outlying areas which affects some 200 claims which have been filed for outside the lower mainland. The problem is mainly a matter of cost - the Co-operative Committee funds allow for expenses up to $15,000.00 but the cost may exceed that amount by another $15,000.00 if a complete evaluation of all properties is to be made. Additional sums may be raised by means of loans from wealthier claimants, contributions from Caucasians or a re-assessment of all claimants. A Finance Committee meeting of the Co-operative Committee is scheduled for sometime in September to consider this matter. It was the feeling of the Executive Committee that it was only fair to ask that all claims be evaluated.

Corporation hearings will begin September 15th in Vancouver and are expected to last about a month. The crucial hearings for general claims will be conducted directly afterwards beginning in November.

* The Commissioner has not yet come to a decision as to how claims shall be judged. A suggestion has been made that some pattern for claims consideration be worked out by taking 50 claims each of the different categories, e.g., real estate, farms, fishing vessels, etc., reviewing these and adopting some standard from which other cases may be judged. It was the opinion of the meeting that we advise legal counsel to discourage such sampling methods which may be advanced by the Commissioner and that, on our part, judgment of each claim on its own merits be upheld. It was pointed out that this stand will necessitate consideration of increased legal expenses.

The Executive Secretary was asked to consult with Mr. Brewin and obtain information as to what extent the report of the Appraiser will be available to claimants.

Source: Nikkei National Museum, 2018-16-1-48-20-1
www.nikkeimuseum.org

d). Further Representation to Dominion Government - Mr. Bob McMaster has suggested that representation should be made to Ottawa soon to follow up the brief submitted by Mr. McMaster and Mr. Brewin on loss claims for fishing vessels disposed by the Japanese Fishing Vessel Disposal Committee which are excluded from the terms of reference. (See July 12 Minutes - page 4).

Motion #2 - Moved by K. Hidaka and seconded by T. Kameoka that the National JCCA make immediate representations to Ottawa to press for widening of the terms of reference to include fishing vessels disposed by the Japanese Fishing Vessel Disposal Committee, and that we urge the Co-operative Committee to take immediate action also. Carried.

3. Re Ad of Mr. Koji in New Canadian - Mr. T. Umezuki brought to the attention of the meeting an advertisement which has appeared in the New Canadian requesting former Steveston fishermen to send in donations to the B.C. JCCA for funds to be used to secure rights for submission of Fishing Vessel Claims. Mr. Koji, who placed the ad, is a former president of the Steveston Japanese Association. The Executive Secretary was asked to check on this matter with the B. C. Chapter.

4. American Claims Bill - The Executive Secretary reported passing of the American Evacuation Claims Bill over date of July 2, 1948, and receipt of copy of same from Mr. Mike Masaoka of the JACL. It was noted that conditions include:

"Claims not to be considered - for damage or loss on account of death or personal injury, personal inconvenience, physical hardship, or mental suffering; and
- for loss of anticipated profits or loss of anticipated earnings.

..... the Attorney General may - assist needy claimants in the preparation and filing of claims."

5. 10th Biennial JACL National Convention - An invitation has been received for the National JCCA to send observers to the 10th Biennial Convention of the Japanese American Citizens League convening in Salt Lake City, Utah, September 4th to 8th. It was felt that from the point of view of considering future program, exchange of ideas with the JACL would be of great value, but that the state of the organization's finances forbidded expenditures for this purpose.

Motion #3 - Moved by T. Umezuki and I. Kawajiri that we acknowledge the invitation of the JACL to their convention with thanks, that a congratulatory message be sent to the convention, and that we request they send us as much vital information as possible on their findings. Carried.

6. Appointment of Auditors - It was agreed to ask the present auditors, Mr. Fred Sasaki, Mr. E. Kitagawa and Mr. Nobuoka, to continue to serve until September.

7. Washington News Release - A News Release of the JACL Anti-Discrimination Committee in Washington, D.C., indicates that representation has been made to the Economic Co-operation Administration of the United States to include

Source: Nikkei National Museum, 2018-16-1-48-20-2
www.nikkeimuseum.org

B96

GEORGE TANAKA
LANDSCAPE ARCHITECT
1486 Rometown Drive Port Credit, Ont.

THE CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS

CLAIMS FUND

STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS

FOR THE PERIOD NOVEMBER 8, 1947 to AUGUST 31, 1948

RECEIPTS

Retainer fees from claimants:		
British Columbia	$17,053.04	
Alberta	3,684.68	
Saskatchewan	201.86	
Manitoba	1,771.00	
Ontario	7,404.86	
Quebec	910.43	$31,025.87
		$31,025.87

DISBURSEMENTS

Expenses:		
Solicitors' fees	$ 7,750.00	
Solicitors' Expenses	6,233.72	
Valuation fees	3,801.45	
Stationery, express, etc.	362.62	
Reimbursement of affiliated associations for assistance to claimants	986.64	
J.C.C.A. - tabulating claims	212.50	
Ontario hearings:		
Honoraria - secretarial and legal assist.	150.00	
Interpreter	130.00	
Bank Charges	48.20	$19,675.13
Balance August 31, 1948:		
Cash in Bank		11,350.74
		$31,025.87

We have compared the above Claims Fund Statement with the books of account and vouchers of the Committee and have found them to be in agreement therewith.

"P. S. ROSS & SONS",
Chartered Accountants.

TORONTO, Ont., November 4, 1948.

Source: Nikkei National Museum, 2018-16-1-48-21
www.nikkeimuseum.org

A-7

Vol. II, #6 NATIONAL EXECUTIVE COMMITTEE MEETING, SEPTEMBER 13, 1948

The JCCA National Executive Committee Meeting (#6) was held at the Central YMCA, 36 College St., Toronto, on September 13, 1948. The meeting was called to order at 8:30 p.m.

MEMBERS PRESENT: K. Tanaka (Chairman), Emry Yamanaka, T. Umezuki, T. Tsuji, I. Uchida, Rev. K. Shimizu, T. Kameoka, N. Fujita, G. Tanaka, Mrs. Muriel Kitagawa (re Evacuation book), T. Sagara, M. Sato.

REGRETS: P. Yamada, R. Obata, K. Hidaka.

ABSENTEES: I. Kawajiri, J. Ide, S. Shinobu

RESIGNATION: The resignation submitted by H. Ide as a member of this Committee because of his work taking him out of town was accepted with regret.

MINUTES

The Minutes of the August 9th meeting were adopted as circulated on motion of T. Umezuki and T. Tsuji.

BUSINESS ARISING FROM THE MINUTES

1. CARE - Distribution of the CARE folders has been delayed, according to information from the Canadian CARE office, as it was found necessary to re-print the folders to correct some errors in the Japanese translation. The Canadian CARE office has requested assistance in securing someone in Ottawa who might help out in translation of occasional orders written in Japanese.

NEW BUSINESS

1. Full Restitution Losses Claims - The special sub-Committee appointed to study the question of seeking full restitution for Evacuation Losses submitted a report to the meeting. Members on the Committee were I. Uchida, I. Kawajiri, T. Sumi, P. Yamada and George Tanaka. At the meeting of the sub-Committee, the Executive Secretary informed the members on the extent of plans which have been under consideration by the JCCA and the Co-operative Committee with regard to gaining full restitution on losses suffered as a result of evacuation. The Co-operative Committee and the JCCA, he reported, had never lost sight of the policy to seek full justice on behalf of Japanese Canadian evacuees. During the initial stages when representation to the Government was first made in connection with Evacuation losses, an effort had been made to impress the Government that restitution should be made to the evacuees for all losses which were suffered. Unfortunately, Government took a narrow view on this matter and subsequently appointed a Commission to investigate these losses claims under restrictive terms of reference. The Co-operative Committee and the JCCA have long been fully aware of the variety of claims for losses which should be considered by the Government and this policy, under present conditions, is to make further representation to the Government on behalf of claims which, at present, are excluded under the terms of reference at such a time when it is felt representation could be effectively made. It is important that care should be taken as to the time of such representation as it is very easily possible to jeopardize the position of these claims by approaching the Government at an inopportune time.

The Co-operative Committee and the JCCA, it was stated, are fully aware that every effort at further representation to the Government to widen the terms of reference should be made in order that claims for losses on fishing vessels which were sold by the Fishing Vessel Disposal Committee may be presented for consideration to the present Commission. It is felt that the Government should entertain this submission

Source: Nikkei National Museum, 2018-16-1-48-22-1
www.nikkeimuseum.org

as these excluded claims are considered as within the similar category of eligible claims which by virtue of having been put under the care of the Custodian come under the present terms of reference.

The sub-Committee also studied the question of a further representation to the Government on excluded claims which come under the category of Owner's forced sale. In many instances, owners were forced to sell their property at sacrifice prices during the period of preparation prior to evacuation. The Executive Secretary stated that these claims have been carefully considered by the Co-operative Committee and the JCCA. Legal counsel for the Co-operative Committee has advised the JCCA that it would not be politically expedient at this present time to make representation to the Government for these excluded loss claims.

Upon suggestion by Mr. Sumi, the sub-Committee also discussed the subject of representation to the Government on general claims for damages and losses suffered as a result of the evacuation. It was felt that general claims would cover such categories of losses as loss of wages, medical expenses, loss of revenue, loss of insurance policies, etc. The sub-Committee was informed by the Executive Secretary that it was the opinion of Mr. Brewin and some Members of Parliament with whom the question of evacuation losses was discussed that there was little likelihood this category of claims would be entertained by the Government. Such claims as loss of wages would immediately be taken up by Members of Parliament under strong objection from the parallel that many Canadians were forced to give up their well-paying jobs to serve in the Canadian armed forces and are denied any right to seek restitution for loss of wages. It was felt that this category of claims could be considered at a later date when consideration is given to making representation to the Government for Owner's forced sale claims. It was therefore the decision of the sub-Committee that full investigation should be made at that time by the JCCA on the subject of general claims and subject to these findings, the question of general claims could be brought to the attention of the constituents before any steps are taken with regard to approaching the Government.

MOTION #1 - Moved by K. Shimizu and T. Umezuki that the National JCCA seek a statement of opinion from Mr. F. A. Brewin and others on possibilities of restitution on the types of claims which were listed on the JCCA Claims Survey Form and which are still outside the terms of reference, and that these statements be released through the National Office. Carried.

2. National Fund Raising Campaign - Two subsequent meetings of the 1948 - 49 Budget, National Fund Raising Campaign sub-Committee have been held, the first on August 23rd and the second on August 30th. Minutes of both meetings have been circulated to Executive Committee members, National Council members, Provincial Chapters and local Chapters and affiliated organizations.

The main items of business considered by the sub-Committee have been the special "JCCA Issue" of the NEW CANADIAN paper, a one-page circular, and the JCCA National Survey.

All those whom the sub-Committee has listed as people who should be requested to assist in publication of this issue of THE NEW CANADIAN have been written, and acknowledgment of assignments have been received from: T. Shoyama - editorial, Sam Yamada - poster, Quebec Chapter - material. A request has been received from the British Columbia Chapter that, in their case, the membership drive be stressed along with soliciting of contributions.

The publication date for the special "JCCA Issue" of the NEW CANADIAN of Wednesday, October 27th; and the plan for a special names list for $50.00 (or more) donations were endorsed.

Source: Nikkei National Museum, 2018-16-1-48-22-2
www.nikkeimuseum.org

It was decided to wait for the reaction of Provincial Chapters to the idea of the one-page circular planned to be made available in quantity to local chapters before giving full endorsement to this item.

Jack Oki, who was asked to take charge of the work of securing paid ads from business firms for this special issue of the NEW CANADIAN, has advised his inability to assume the job.

National JCCA Survey - Discussion took place on the subject of the proposed National Survey approved by the delegates at the 2nd National Conference, whether it should be conducted at this time in conjunction with the Financial Campaign. Decision was reserved until the draft of the survey form which has been assigned to Kunio Hidaka is available to the committee and until further discussion.

3. Executive Secretary's Report -

a). Alberta Allocation - A further $400.00 has been received from the Alberta JCCA Chapter towards fulfillment of their 1947-48 quota.

b). Claims Hearings -

With regard to further representation to the Dominion Government on inclusion of fishing vessels disposed of by the Japanese Fishing Vessel Disposal Committee within the terms of reference for Evacuation Loss Claims, Mr. Brewin has reported that no answer has been received from the Minister of Justice on the brief and memorandum submitted by himself and Mr. McIaster under date of June 30, 1948. Mr. Brewin has sent a follow-up letter suggesting that the Minister of Justice entertain a delegation to discuss this question on September 18th (Mr. Brewin is scheduled to be in Ottawa on that date) and a reply is awaited on this letter.

It has been reported that a General Hearing will be held in Vancouver commencing September 20th, at which time, it is understood by Mr. Brewin that Mr. Hunter, Counsel for the Government, will present the evidence on the sale of evacuee property by the Custodian with particular reference to evaluationson these properties which were made by the evaluators hired by the Custodian and other pertinent evidence concerning these sales. According to Mr. Brewin, it is not intended that substantial evidence will be submitted by legal counsel for claimants at this hearing. It is understood that important evidence will be reserved for submission on behalf of the claims till the time of the crucial hearings in November. The Executive Secretary informed the meeting that Mr. Brewin plans to attend this hearing in Vancouver which commences September 20th.

As previously reported, the Commission Hearings for Corporation Claims will commence October 1st and the crucial hearings on personal property claims are to begin November 1st. Mr. Brewin feels that from the practical point of view, some method should be devised to facilitate the presenting of evidence on claims.

4. Evacuation Book - Mrs. Kitagawa reported to the committee that response has been very poor on all efforts to secure data and material for the book, and some authoritative sources have advised that such a 'composite' story as has been assigned her is an impossible undertaking. She suggested that the best way to gather material for the Evacuation Story would be to have a suitable person to undertake a national tour to gather first-hand information. It was decided that this committee leave the question of the future of the proposed book in the hands of the Co-operative Committee from where the assignment originally stems.

Source: Nikkei National Museum, 2018-16-1-48-22-3
www.nikkeimuseum.org

organization and mailed in bulk to Provincial Chapters.

NEW BUSINESS: Vol II #8 p1 22/10/48 A-8

1. Contribution - The Executive Secretary reported a personal contribution of $10.00 received from T. Nakuma of Stevens, Ont., in appreciation for services rendered. This sum has been accepted on behalf of the National JCCA.

2. Cancellation of Dual Nationality - It was reported by the Executive Secretary that an official reply has been received from the Department of External Affairs respecting procedure in renouncing Japanese nationality and having names struck off the Japanese Government Registry.

The decision as to whether a person is entitled to renounce his Japanese nationality is made by the President of the Legal Affairs Board of the Japanese Government. To be entitled to renounce Japanese nationality an applicant must come within the provisions of the Japanese Law of Nationality.

p 2.

A Canadian applicant for renunciation must draw up an application form and submit the following documents:

a). A copy of the applicant's census registry, obtained from his "permanent domicile" in Japan.
b). The original and one copy of the applicant's birth certificate.
c). The original and one copy of a Certificate of Canadian Citizenship which may be obtained from the Secretary of State.
d). In cases in which the applicant is between 15 and 19 years of age, the written consent to renunciation by the applicant's legal representative.

When an application for the renunciation of nationality is accepted by the President of the Japanese Legal Affairs Board, the Japanese Official Gazette will make an announcement to that effect. However, if the applicant so wishes, a certificate of the renunciation of nationality may be sent to him. The Japanese authorities require that, within one month of the announcement, a report of the loss of nationality be filed with the Village Master at the place of the applicant's "permanent domicile". As an alternative procedure, however, the applicant may fill in, in advance, a Form of Loss of Nationality. If this form is included with the original application for renunciation, the Japanese authorities will forward it to the Village Master concerned.

The application for renunciation of Japanese nationality may be channelled through the Department of External Affairs in Ottawa who will forward it through the Canadian Liaison Mission in Tokyo to the Supreme Commander for the Allied Powers and thence to the appropriate Japanese authority or it may be submitted directly to the Foreign Affairs Dept. of the Japanese Government in Japan.

It was decided after discussion that this Committee recommend to Japanese Canadian constituents that they make applications for cancellation of Japanese nationality through direct communication with the Foreign Affairs Dept. of the Japanese Government rather than through the Canadian Dept. of External Affairs because of the following considerations:

a). More direct method and less red tape.
b). If there is too great a number of applications, a misunderstanding may be created in regard to the dual nationality question if they are brought to the consistent attention of the Canadian Dept. of External Affairs.

MOTION #1 - Moved by K. Tanaka and seconded by K. Hidaka that Mr. Umezuki and the Executive Secretary be asked to prepare the two necessary forms which must be completed when making application to the Foreign Affairs Dept. of the Japanese Government for Renunciation of Japanese Nationality:

a). Application for the Renunciation of Nationality,
b). Report of Loss of Nationality,

to be made available to those Japanese Canadians desiring them through the Provincial and Local Chapters.

Carried.

3. Report of Co-operative Committee Meetings - The Executive Secretary reported in detail on the meetings of the Co-operative Committee held Sept. 21st, Sept. 30th and October 21st.

September 21st Meeting - In discussing finances, the following report was made: Present Balance $11,350.74. Possibility of an additional $6,886.40 being received indicates that approximate available funds for all future

Source: Nikkei National Museum, 2018-16-1-48-23
www.nikkeimuseum.org

B103

GEORGE TANAKA
LANDSCAPE ARCHITECT
1486 Rometown Drive Port Credit, Ont.

THE CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS

TORONTO, ONT.

67 Riverdale Ave.,
Toronto 6, Ontario,
December 10th, 1948.

Dear Claimant:

You are one of the claimants on whose behalf the Co-operative Committee is presenting claims to the Japanese-Canadian Property Claims Commission.

A copy of the recently published Co-operative Committee Claims Fund financial statement is enclosed herewith. The balance shown, however, has been greatly reduced during the past three months.

It is now clear:

(a) that a tremendous work has been done by the Co-operative Committee and its legal representatives on behalf of roughly one thousand claimants, who presented claims totalling between three and four million dollars;
(b) that the duration of the Commission and the size of the task have turned out to be much greater than anyone could have expected;
(c) that perhaps the most important part of the work -- if substantial recovery is to be made -- remains for the future in Vancouver, when detailed evidence of expert valuators of real estate and other forms of property is presented to the Commission, together with statistical information, records of sales of comparable property and legal argument. In Vancouver also it will be necessary to cross-examine the Government witnesses and valuators in detail;
(d) that, in preparation for final hearings, a staff of expert real estate valuators has been engaged since early in the summer, and much statistical work has been done. (where are their records & reports). see Exhibits

However, the full time work of our counsel and valuation staff will be required for at least six months longer to complete the work. In light of these facts, the 1% retainer fee which was originally set (previous to widening of the terms of reference) has turned out to be entirely inadequate. Consequently, the Committee will shortly run out of the necessary funds to carry through properly the remaining and most important stages of the Commission. The various legal counsel across Canada have been able to devote much time to the claims work without asking present payment, but it is not possible for our Vancouver representatives, who will be putting their entire time on this matter for several months, to wait for payment, nor is it possible to employ the valuators on such a basis.

In view of these facts, the Co-operative Committee now urgently requests claimants to advance a further sum equal to 1% of their claim, to enable the work to be carried through on their behalf. We regret this necessity, but believe all claimants will agree that the payment in advance of a total of 2% of the claim (instead of the original 1%) still represents a tremendous saving over what would have been possible without the Committee's co-operation. If it had been necessary for each claimant to employ individual solicitors and valuators, very much higher payments would have been required.

By the year end the Committee's Claims Fund will be entirely exhausted. Unless remittances are received, it will be impossible to carry on the work of presenting claims adequately. Please, therefore, forward your remittance for the amount indicated on the enclosed form, which should be signed and returned with your cheque or money order at the earliest possible date to the above address.

Yours very truly,

Margaret Boos

SECRETARY.

Source: Nikkei National Museum, 2018-16-1-48-24-1
www.nikkeimuseum.org

当協同委員会は右様に代って日系カナダ人財産損害賠償調査員の要求を提言してゐるのでありますが別紙會計報告を封入して置きます。これは三月末日のもので、以来多くの支出がありましたので、残金は僅程減って居ります。

今や左の事が明確となりました。

(一)総額参百萬弗から四百萬弗に上る約二千名によって提出された賠償要求のために当協同委員會及び法律代言によって莫大なる仕事がなされた事。

(二)調査委員の期間及びその仕事の範圍が豫想以上に廣大になった事。

(三)この運動によって相當の効果を收めるにはこれからバンクーバーにて行はれる殘った仕事が最も重要である事。不動産及び動産の價額に就て專門家の詳細なる報告や證明、財産喪却の比較統計等がニニシヨナーに提出されなければならないし、バンクーバーにては又政府側の證人ある賠償に對する反對訊問も必要であります。

(四)最後の戰の準備として、戰以来世界賠償の專門家を聘して多くの統計作製をなしつゝある事

然し仕事を完成するには少くとも向ふ六ケ月間代言及び賠償部員が全力を盡さねばなりません。これらの事實により最初に決定した(調査範圍擴大前に)一パセントの料金は全然足りなくなりました。従って最も大切な殘った仕事を完成するに必要なる資金が不十分となりました。今まで代言の多くは代金を要求しないで多くの時間を献げて來れましたが、幾ヶ月間全部この事に時間を費して來たバンクーバーの代言や賠償專門家はそうは續けて參りません。

以上の如き事實に基き、協同委員會ではこの事業の完成のために更に一パセントの料金を追加して頂くよう當局当局にお願ひする事に致しました。これが必要となった事と適當とする考でありますが、要求額の二パセントは決して高い料金とは言はれないと存じます。若し個人ベースで代言や賠償專門家を雇ふとしたらその数倍の費用を要すると存じます。

このままではこの協同委員會の資金は全く盡きてしまひます。当局様の御協力を得なければ満足にこの仕事を續ける事困難です。何卒御諒解の上、同封の用紙に要項御記入なるべく早く小切手なり郵便爲替にて左記の先に御送金下さるよう切に御願ひ申上げます。

二十九百四十八年十二月十日

日系カナダ人協同委員會
幹事 マーカレット フース
(トロント市ベーカー街六十七番地)

損害賠償要求者の住所氏名

Japanese translation

Source: Nikkei National Museum, 2018-16-1-48-24-2
www.nikkeimuseum.org

Brewin Papers MG 32 C26. Vol 1

TELEPHONE PACIFIC 9164

Campbell, Brazier, Fisher & McMaster
Barristers and Solicitors

A. T. R. CAMPBELL
C. W. BRAZIER
A. W. FISHER
R. J. McMASTER
A. J. F. JOHNSON
A. E. COBUS

ROYAL BANK BUILDING
675 WEST HASTINGS STREET
VANCOUVER, B.C.

OUR FILE No.

December 11th, 1948.

RECEIVED
DEC 13 1948

Andrew Brewin, Esq.,
Barrister & Solicitor,
Sterling Tower,
Toronto 1, Ontario.

Dear Andy:

Re: Japanese Property Claims Commission.

I am sorry not to have written to you sooner but have been busy cross-examining D.V.L.A. witnesses for the last two weeks.

Hunter foolishly appears to have believed them that they went about the appraisals in the proper manner and tried through them to establish that their valuations represented the fair market value of 1942. A letter filed from Murchison to Barnet fairly clearly indicates that Murchison had in mind the purchase of the lands for D.V.L.A. at the time the appraisals were undertaken and it did not take the Judge long to arrive at this conclusion. Barnet, however, insisted that he did not know that this was so and for a while the Judge believed him. However, we pried out another letter through an error on Hunter's part from Barnet to one of the appraisers which I think will break that myth.

In addition to making the appraisals the appraisers were required to fill in a certificate as to whether the land was suitable for D.V.L.A. purposes. Despite this, they alleged that they knew nothing of Murchison's instructions and the filing of the certificate did not influence in any way their appraisals. Each one repeated like a parrot that he was appraising for a fair market value. However, as it became apparent that they did not take into consideration anything other than agricultural values they began to change their tune that they were appraising for a fair market value from an agricultural point of view. Just how you come into

Source: Nikkei National Museum, 2018-16-1-48-25-1
www.nikkeimuseum.org

the market and compete with someone who wants a piece of land for some other purpose and buy it for less because you want it as a farm was not very clear.

Before we got through with all the nine appraisers, I hope we got established on the record that these appraisers were cognizant of the purpose for which the appraisals were being made. I think we also got on the record that they developed a standard of values for each municipality based on sales of land made by Soldier Settlement Board during 1940-1941. These sales were of lands which had reverted to the Soldier Settlement Board (and therefore can be argued were substandard lands) and were sold by "public offering". The public offering consisted of posting a notice in the local post office and on the premises.

Hunter tried to justify the twelve sales made by Japanese in 1942 where the Soldier Settlement Board had appraised. These sales were 69% higher than the appraisals according to the information which he originally filed. However, we found they had made two mistakes in searches. One property had sold for $1050.00 whereas the declared value at the time of sale was $1500.00. The other property was shown as sold at $1600.00. However, we found that that represented the North 66' of the property and the balance of the property sold for $1500.00. Accordingly, the relationship between the Japanese sales and the appraisals was actually higher than 69%. In trying to show their values to be correct on these twelve properties, the Soldier Settlement Board people took the position that they appraised from an agricultural point of view as indicated above and alleged their values represented the fair market value. They tried to establish this by referring to comparable properties, eight out of ten of which were sales by other Japanese in 1942 or by estates. On the whole, we doubt whether they did themselves very much good in their evidence and we feel sure that we can meet the evidence on these twelve cases with free property sales at considerably higher figures which will show, if anything, the Japanese who sold themselves in circumstances of emergency

Source: Nikkei National Museum, 2018-16-1-48-25-2
www.nikkeimuseum.org

sold at less than the fair market value.

Reeves, the City appraiser, was a little harder nut to crack, particularly having regard to his long years of experience at appraising and the Judge's previous knowledge of Reeves. However, we did get Reeves to admit that the usual method of selling real estate is to place the property in the hands of a competent real estate agent, setting the highest possible price which the vendor thinks he would be able to get and possibly advertising more than once if he doesn't get that price or a near price. We also got Reeves to admit that there might be a considerable variety of opinion between appraisers. While he would not admit that it would be unwise to rely on one appraisal, the groundwork is laid for subsequent argument.

The D.V.L.A. witnesses are through and Hunter is now scurrying around trying to think up other witnesses to call on various subjects before finishing off the Crown's General Evidence. Our presentation of general evidence will commence on January 17th. I expect the Commission will adjournon the 15th of December for Christmas Vacation.

Since receiving your letter with regard to the financial situation, Alex McDonald was in to see the writer and indicated that he thought he could make an arrangement with a friend of his to share office space which would considerably reduce overhead and he also thought he might be able to get by on a minimum of $200.00 to $250.00 a month rather than the $450.00 as originally suggested. While in many respects from the standpoint of background in the proceedings particularly I would prefer to have Cherniack, in view of the difference in expense and the urgency of getting somebody to assist in these proceedings at least by the middle of January, I am inclined to advise Alex that we will use his services on that basis even if we have to pay the money out of our own retainer. I would, however, like to have instructions from the Committee in this respect at the earliest possible date.

We will be writing to Virtue today and will try to press him for his $3,000.00 contribution.

With respect to the appeal to the claimants for

Signed by Bob McMaster

Source: Nikkei National Museum, 2018-16-1-48-25-3a
www.nikkeimuseum.org

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