B 86

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

CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS

67 Riverdale Avenue,
Toronto 6, Ontario,
January 21, 1949.

Dear Claimant:

You are one of those claimants who last year retained the Co-operative Committee on Japanese Canadians to present your claim to the Japanese Canadian Property Claims Commission. At that time you stated that you were not then in a financial position to pay the one per cent retaining fee.

As indicated in the accompanying letter, which has been sent to all claimants who paid the original one per cent retainer, the funds turned out to be entirely inadequate to fully meet the total expenses involved in preparing and presenting some one thousand claims. Therefore, we would now urge that you reconsider the possibility of remitting at least a portion of your retainer (now two per cent of your total claim) at this time. It is evident that the fullest possible co-operation of all claimants will be necessary to ensure that adequate funds are available for the legal and valuation work which must yet be done during the final phase of the Commission hearings.

Please make use of the enclosed remittance form in sending any cheques or money orders to us at the above address.

Yours truly,

MARGARET K. BOOS,
Secretary.

MB/nf

encls.

Source: Nikkei National Museum, 2018-16-1-52-1-1
www.nikkeimuseum.org

Japanese translation

Source: Nikkei National Museum, 2018-16-1-52-1-2
www.nikkeimuseum.org

Family Life and Income:
How many persons in family group? ..... Ages ..... Names..... etc.
How many persons are employed? .....
What is the average total weekly take-home pay? .....
Do you have dependents other than children? .....
How are family decisions made? By parents? ..... By Children? .....
or co-operative decisions? .....
Do you have cases of chronic illness? If so, what persons? .....
nature of illness .....

The question as to whether this was the type of survey required or desired was discussed. Opinion was expressed that many of the Japanese Canadian constituents were anticipating a survey which would be more in the form of a dominion-wide census. Also, as much of the questionnaire is of a highly personal character, it was felt that there would be great hesitancy to give out the information required. This difficulty may be overcome to some extent, however, by very tactful wording of the questions.

It was agreed that an enlarged committee should be appointed to reconsider the whole question thoroughly. It was approved that an Issei group and a Nisei group should study the proposed type of questionnaire and secure a wider field of opinion. The following were appointed to act on the enlarged sub-Committee for the National Survey: K. Hidaka (Chairman), T. Kameoka, I. Uchida, T. Umezuki, I. Kawajiri, T. Tsuji, S. Shinobu, G. Tanaka, P. Yamada, N. Fujita. Meeting date was set for Tuesday, February 1, 1949.

3. Future Projects - A report was given by G. Tanaka on the meeting of the sub-Committee on Future Projects held Sunday, January 9, 1949, attended by: T. Umezuki, T. Kameoka, K. Tanaka, G. Tanaka and N. Fujita (Messrs. I. Uchida, K. Hidaka and P. Yamada were unable to be present). The various items of the report were discussed:

a). Seeking Widening of the Terms of Reference on Evacuation Claims - It was the general opinion of the committee that the idea of pressing for inclusion of the category of "general indemnity" claims should be left in abeyance for the time being by the JCCA because of the discouraging opinion held by legal counsel on this type of claim. It was thought advisable to check through the JCCD Claims survey data for Toronto and Ontario on file in order to arrive at a more exact approximation of the number of cases under "owner's forced sale" and "general indemnity" which may be involved and to secure written statements from lawyers and others as to their considered opinion on these claims. Should it be decided that the JCCA take up a request to the Government to consider compensation for losses on "Owner's forced sale" only, and should the present representation being made by the Co-operative Committee and the National JCCA fail to bring the fishing claims on vessels sold by the Fishing Vessels Disposal Committee within the terms of reference, then, along with our continued efforts for acceptance of the Fishing Vessel Claims, we might include representation for acceptance of claims coming under the category of "owner's forced sale".

b). Appealing to Government should awards for evacuation losses prove entirely inadequate

This matter is pending results of the crucial hearings just begun in Vancouver.

The Executive Secretary was asked to gain through Mr. Brewin and Mr. McMaster some idea of the progress and results being obtained through the method of hearings procedure which was adopted as the most practical means by which each case could be given individual attention.

Source: Nikkei National Museum, 2018-16-1-52-2-1
www.nikkeimuseum.org

c). Continuing and extending the work of gaining re-admission of strandees to Canada from Japan.

The National Office has handled over 70 strandee cases to date. Of these: permission for re-admission has been obtained for 7 persons, Ottawa's decision is awaited on 30 cases, and 32 cases are in process of compilation.

The Committee took cognizance of the advice received last Spring from the Deputy Minister of Mines and Resources and certain members of Parliament to await the revoking of the Wartime Restrictions against persons of Japanese ancestry in Canada on March 31, 1949, before making further representations for the re-admission of those categories of strandees at present not re-admissible. When it is considered timely to take up this matter, submission to the Government on these applications for re-admission could merit consideration on the basis of "compassionate grounds". In anticipation of such further representations, the National Office has put through the following applications for a matter of record:

2 Nisei cases - Went to Japan on the Wartime Exchange Ship and under existing Order-in-Council have lost their Canadian citizenship.

1 Nisei case - Was forced to serve for a few months in the Japanese Armed forces and therefore not re-admissible.

4 Issei cases - Went to Japan under the Canadian Government "repatriation scheme" and lost their Canadian domicile or their Canadian Citizenship status, if naturalized, under an existing Order-in-Council.

d). Seeking Equalization of Insurance Rates - Agreed that further efforts be made to bring together Japanese Canadian representatives of Insurance Companies to discuss this question. A meeting can possibly be arranged for some afternoon this month.

e). Securing Provincial Franchise for Japanese Canadians in British Columbia - In view of the convening of the B. C. Legislature on or about February 16, 1949, the committee recommended that the National JCCA write immediately to Premier Byron Johnston, Mr. Gordon Wismer (Attorney General), and Mr. Harold Winch (Leader of the Opposition) for the revoking of the franchise disability against Japanese Canadians in British Columbia with copies to the B. C. Chapter JCCA. It was felt that indications are good for a favourable decision in this matter.

f). Securing clarification on the issuing of Fishing Licenses to Japanese Canadians in British Columbia -

The Executive Secretary has already written to the B. C. Chapter JCCA requesting them to sound out the intentions of former fishermen now residing in B. C. with respect to their possible return to the fishing industry in B. C. after March 31, 1949.

Recommended that the Executive Secretary communicate with Mr. Buck Suzuki in Vancouver seeking his opinion as to the advisability of writing to the Fishermen's Union in B. C. to know the attitude of the B. C. fishermen to the return of Japanese fishermen to the industry and, also, to know the general conditions of the Fishing industry in B. C. at present. An executive of the former Japanese Fishermen's Association might also be contacted.

g). Freedom of Travel and Resettlement in British Columbia after March 31, 1949 -

The National Office has been in correspondence with the B. C. JCCA and University of British Columbia organizations on this subject. Copies of various B. C. Acts containing discriminatory legislation against Japanese Canadians are on order with the King's Printer, Government of British Columbia. It was felt that the

Source: Nikkei National Museum, 2018-16-1-52-2-2
www.nikkeimuseum.org

point of freedom of travel in B. C. could be taken for granted as following immediately upon the lifting of the wartime restrictions on March 31, 1949.

h). Supporting and contributing in efforts for a Provincial and Federal Bill of Rights -

The Executive Secretary has been active in civil liberties work and has been working with representatives of other organizations on these matters.

i). Supporting and contributing to the adoption of Fair Employment Practices Legislation-

Participation is continuing as further efforts are taken in this direction by interested groups.

j). Participating in Race Relations Projects - Both the Executive Secretary and Office Secretary have been serving on the Race Relations Institute Committee along with representatives from the following organizations: The Fellowship of Reconciliation, Canadian Jewish Congress, Home Service Association, Joint Labour Committee to Combat Racial Intolerance, Canadian Association for Adult Education, Canadian Council of Christians and Jews.

The date of the Race Relations Institute has been set for Saturday, February 26, to be held at the Central YMCA. The date was chosen to fit in with the observance of Brotherhood Week, February 20 - 27th, to be sponsored by the Canadian Council of Christians and Jews.

k). Conducting a National Survey - Work on this project delegated to a sub-Committee on JCCA National Survey.

l). Supporting and expanding recreational, welfare and community services -

The committee considered that implementation of such projects by the National JCCA demanded a long-term view, the continuation of the organization as presently constituted or similarly constituted. Such projects would be an imperative in the event of an economic recession in this country.

Moved by G. Tanaka and T. Tsuji that the Report on Future Projects of the National JCCA be adopted with the revisions. Carried.

REPORTS FROM THE EXECUTIVE SECRETARY:

1. Representation to the Government on Property Losses Claims - It was reported to the meeting that on Thursday, January 6, 1949, Mr. Andrew Brewin received a sudden call from the Deputy Minister of Justice in Ottawa that the Minister of Justice would see him on the matter of property claims.

It was recalled that ever since July, 1948, when a submission on the matter of excluded fishing vessel claims was made to Hon. J. L. Ilsley, the then Minister of Justice, by counsel on behalf of the National JCCA and the Co-operative Committee, and subsequently to the Hon. Louis St. Laurent, continued efforts at representation to the Government on excluded property losses claims has been made.

It was reported that "on Friday, January 7, 1949, Mr. Andrew Brewin, legal counsel to the Co-operative Committee and the National JCCA, received a hearing from the Hon. Stuart Garson, Minister of Justice, on several important matters pertaining to the Japanese Canadian property losses claims.

On the question of claims on fishing vessels sold by the Fishing Vessels Disposal

Source: Nikkei National Museum, 2018-16-1-52-2-3
www.nikkeimuseum.org

Committee which are presently excluded under the Terms of Reference of the Commission, the Justice Minister, while making no definite commitments, intimated that some consideration might be made by the Government on cases where it can be proved that the sale of fishing vessels by the Disposal Committee were made under circumstances of duress or coercion against the owner.

It was stated by Mr. Brewin that the Co-operative Committee and the National JCCA have record of cases where fishing vessels were sold by the Disposal Committee without the owners' consent and where subsequent to such sales requests were made by the Disposal Committee to the former owners to sign Bills of Sale.

The National JCCA and the Co-operative Committee will continue to press the Government for a wider Terms of Reference to include fishing vessel claims.

Question on the practice of the Custodian charging commission on the sales of Japanese Canadian property was also brought to the attention of the Justice Minister.

In the appeal to the Government by the Co-operative Committee for the sake of the claimants for financial assistance in the form of a grant to enable the Co-operative Committee to continue its important work on valuations of claimants' property and legal representation in Vancouver on behalf of claimants, the Minister of Justice informed Mr. Brewin that he could not recommend to the Government the acceptance of this request by the Co-operative Committee.

It is now apparent that the Co-operative Committee must rely entirely on its current appeal to claimants for a further 1% payment on the amount of their claim to make possible the continuance of the committee's important work on behalf of claimants."

2. Co-operative Committee Claims Fund - The Executive Secretary reported that the Co-operative Committee, with the full assistance of the National JCCA office, has lately completed the big task of compiling and mailing letters of appeal to some 1,000 or more claimants across Canada for payment of a further 1% on the amount of their claim.

In the letter of appeal to claimants, information was given on the past work accomplished by counsel and others employed by the Co-operative Committee on behalf of claimants and the reasons for a second financial appeal where, in the face of continuing important work necessary for several months, payment for these services could not be made with the present Claims Fund entirely depleted.

The Co-operative Committee also submitted to claimants an audited Claims Fund financial statement for the period November 8, 1947, to August 31, 1948. (Note - see appended sheets at end of these reports).

It is anticipated that the Secretary for the Co-operative Committee will submit a year-end Claims Fund financial report to the next meeting of the Co-operative Committee.

It was noted by the Executive Secretary that the suggested plan to assess the claimants a further 1% payment had not been adopted at the time a report on this matter was made to the Executive Committee at the last meeting held on October 22, 1948.

The meeting approved the suggestion that the National JCCA appeal to claimants through the New Canadian to support the Co-operative Committee current appeal for a second 1% payment.

3. JCCA Financial Campaign - It was reported that the Manitoba JCCA last month became the first Provincial Chapter to send in their financial quota for the '48 - '49 budget.

Source: Nikkei National Museum, 2018-16-1-52-2-4
www.nikkeimuseum.org

CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS

Minutes

TIME - Feb. 8th, 1949; 5:30 p.m.
PLACE - Carlton Church
PRESENT - Fowler, Haslam, Nichols, Obata, Tanaka, & Boos.
Regrets: Finlay & Tucker.

FINANCIAL REPORT - Remittances to date now total $13,277.91, including the $3,000.00 from Alberta.

FOLLOW-UP LETTERS - In view of the fact that remittances are still being received daily, it was moved - Nichols/Tanaka - that these letters be sent out as soon as remittances drop off. Carried.

SETTLEMENT PROPOSAL - A letter from Mr. McMaster was then read, outlining in detail a percentage basis proposal for settlement of all claims (other than D.V.L.A. and corporations) which the Government Counsel has presented to him for consideration. If the principle involved is accepted, and it is to be discussed with Col. Hunter, Mr. McMaster desires that Mr. Brewin be present. Mr. Brewin pointed out that if an adequate upward revision of the suggested percentages could be secured, a greater aggregate recovery would likely be achieved by accepting a settlement on this basis. It must, however, be recognized that the category set-up, of which we approved, provided for the review of each claim. However, in an informal discussion of the proposition it would be possible to discover how the Commissioner's mind is working, which would be an advantage, but having agreed to discuss the percentage basis, we would not then be in a position to reject the principle involved.

It was finally agreed, after much discussion, that Mr. Brewin should go immediately to Vancouver, discuss and explore possibilities of the proposed settlement, endeavouring to have the suggested percentages raised.

Announcement of any settlement, if one should be reached, regarding the categories listed, would be held until all claims have been settled.

ADJOURNMENT - 7:30 p.m.

Source: Nikkei National Museum, 2018-16-1-52-3
www.nikkeimuseum.org

MOVED by T. Sagara and seconded by T. Tsuji that, as previously moved by Mr. Umezuki, we adopt the resolution submitted by the Executive Secretary at the last meeting that the Office Secretary's salary be adjusted to $ 36.00 per week retroactive to November and, if necessary, that the financial position of the National JCCA be studied and necessary steps taken should funds appear inadequate to cover the salary increase.

Question was called: 2 voted in favour of the motion, 4 voted against and 1 abstained. The other members present, G. Tanaka (Executive Secretary) and N. Fujita (Office Secretary) refrained from voting on this question because of their position as office staff, and K. Tanaka by circumstance of his serving as acting Chairman.

The Chairman rebuked a comment by one of the members implying that the time of the Committee was being wasted by discussing this matter fully at this time. It was ruled by the Chairman that this was a question of major importance and warranted this kind of full discussion.

MOVED by R. Obata and seconded by T. Kameoka that we agree in principle that the Office Secretary's salary be adjusted to the $ 36.00 a week rate retroactive to November, 1948, and that the sub-Committee should study the financial state of the organization and if it is found satisfactory, a recommendation should be made to the next meeting by the sub-Committee for acceptance of the proposed adjustment.

Carried.

One dissenting vote was recorded with the Chairman, Executive Secretary and Office Secretary not voting on this motion, also.

MOVED by K. Hidaka that the sub-Committee also go into personnel practice in general of the National Office.

It was conceded that work in an office of an organization doing the nature of work as that of the JCCA, cannot be ruled and regulated by a Committee but that discretionary powers should be given the Executive Secretary.

The inference of this motion was objected to. Mr. Hidaka agreed to withdraw his motion.

Mr. Umezuki asked that he be relieved from serving on the sub-Committee to study the Office Secretary's Salary. The request was granted and T. Sagara volunteered to serve in his place. The sub-Committee now consists of the following members: T. Tsuji, K. Hidaka, T. Sagara, T. Kameoka and G. Tanaka (Chairman).

VII. EXECUTIVE SECRETARY'S REPORT:

1. Co-operative Committee Meeting and Special Meeting of the National Executive Committee on Claims -

For the benefit of those members of the National Executive Committee who were not present at the special meeting with Mr. Brewin at his residence on Sunday, February 6th, when discussion took place on the question of Claims, the Executive Secretary reported, as follows:

The meeting was called at the request of Mr. Brewin in view of the fact that he would be flying to Vancouver the following Tuesday, February 8th,

Source: Nikkei National Museum, 2018-16-1-52-4-1
www.nikkeimuseum.org

8/2/49

to confer with Mr. McMaster and Mr. Virtue in Vancouver on questions pertaining to policy on any proposal of settlement on claims which may be advanced to Claimants' Counsel by Government Counsel. Mr. Brewin had expressed the opinion during the meeting with the Committee members that discussion taking place at the meeting should be considered strictly confidential since no definite decision with respect to acceptance of any proposal which might be made by Government Counsel is at present contemplated nor will such acceptance ever be made by Claimants' Counsel without consulting with the National JCCA, the Co-operative Committee and the Claimants themselves. However, Mr. Brewin desired to know whether the Committee was in favour of the principle of an over-all settlement should it ever be brought to the attention of himself and Mr. McMaster by Government Counsel. He stated that under this method of settlement, he was fairly certain that every claimant would receive some compensation on his claim whereas, if the question is to be considered on an individual claim basis, it would be fairly certain, in his opinion, that 25% of the Claimants would not receive anything from the Government. The conclusion arrived at by the Committee with Mr. Brewin, although it in no wise indicated a complete or clear-cut decision on the part of the Committee members to the acceptance of this principle of settlement without reservations, it was apparent that, in general, the basic principle appeared sound to the members of the Committee. The Committee members were unanimous in expressing great concern on the question of following the over-all settlement principle as it might be possible that the Government would propose a very low settlement offer and it was the feeling of the Committee that this should be carefully considered by Counsel.

It was indicated by Mr. Brewin to the Committee that the Commissioner's position would certainly not be swayed by any expression by the Co-operative Committee or the JCCA on behalf of claimants in matters pertaining to any settlement proposal which might be made in as much as Mr. Brewin was certain that the Commissioner would take the attitude that it was not a bargaining agent and any proposal made and refused by claimants' Counsel would not in any way influence the Commission to revise any offer made. Only through the submission of strong evidence by Claimants' Counsel could the Commission be affected in forming a decision on settlement proposals.

The Executive Secretary reported that this question had been brought to the attention of the Co-operative Committee by Mr. Brewin at a meeting held earlier that day and it was the opinion of the Co-operative Committee that the principle of over-all settlement might be given consideration. Mr. Brewin assured both the members of the National Executive Committee and the Co-operative Committee that any discussions which might take place with the Commission and Government Counsel would not lead to any agreement whatsoever until such proposals which might be brought to their attention by the Government and the Commission are referred back to the Committees and Claimants.

The Executive Secretary stated that he would bring to the attention of the Executive Committee at their next meeting a report from Mr. Brewin upon his return from Vancouver.

2. B. C. Restrictions - The meeting was informed by the Executive Secretary that the National Office has written to Premier Byron Johnson placing before him the views of the organization appealing against the continuation of undemocratic discriminations and further appealed that they be revoked this year. Also, that a summary of the restrictive enactments and regulations existent against Japanese Canadians in British Columbia were submitted to the Premier.

Source: Nikkei National Museum, 2018-16-1-52-4-2
www.nikkeimuseum.org

A letter has also been written to Mr. Harold Winch, Leader of the Opposition in the British Columbia Legislature, on this matter along with the list of restrictions.

It was also reported that the Executive Secretary was in close touch with the Vancouver Civil Liberties Union through Prof. Hunter Lewis Past Chairman, and the University of British Columbia Branch of the organization. From Mr. Hunter Lewis it was learned that these groups would very likely submit resolutions as opposed to the continuation of restrictions to the Provincial Government. Also, that he would advise that a resolution be submitted to the Federal Government opposing continuation of Federal restrictions after March 31st.

The Executive Secretary reported that he has planned on a course of action which will make every effort to combat the continuation of the restrictive measures in British Columbia during the term of the present Legislature.

Following the decision of the Committee at their last meeting, the Executive Secretary wrote to Mr. Buck Suzuki in Vancouver on the question of the present policy of the United Fishermen's Union towards the return of Japanese Canadian fishermen, and also as to whether it would be wise for the JCCA to contact the Fishermen's Union directly on the question of Fishing Licenses and the return of Japanese Canadian fishermen.

Mr. Suzuki's reply to this letter was reported in which he advised that it wou d be unwise to contact the Union directly. He also stated that he was in close touch with executive members of the Union and discussion has been made on the question of having Mr. Sakamoto, former President of the Steveston #1 Fishermen's Association, and himself to confer with with Union officials prior to the Union's Convention in March.

Mr. Suzuki expressed a desire for the National JCCA to contact the Minister of Fisheries in Ottawa on the question of the future policy of the Government to issuance of fishing licenses to Japanese Canadians after March 31.

With respect to this last suggestion from Mr. Suzuki, the meeting was of the opinion that care should be taken in contacting the Fisheries Minister without first having written to some member of Parliament who might provide information which would perhaps indicate the future policy of the Government on the question of issuing of fishing licenses to Japanese Canadians.

With respect to the case of Mr. K. Arai of Grand Forks, B. C., who had received a Scaler's License and shortly afterwards was requested by the District Forestry officer at Nelson, B. C., to return this license as it was evident that he did not qualify for such a license on the basis that his name was not on the Provincial Voter's list, the Executive Secretary reported on a letter which he has received from the B. C. JCCA and also on his findings with respect to this question.

His investigations indicate that no such qualification is stated in the B. C. Forest Act with respect to registration on the Provincial Voters' list. The only qualification for a Scaler's Licence was that such applicant should be a British subject. He reported writing to the Minister of Lands and Forests, E. T. Kenny, pointing out this fact and informing him of the arbitrary action of the Regional Forestry officer.

Source: Nikkei National Museum, 2018-16-1-52-4-3
www.nikkeimuseum.org

Paralleling this finding, the Secretary of the B. C. JCCA informed the National Office that they had received a letter from the Chief Engineer, B. C. Forestry Department, Victoria, B. C., which admits of an oversight on the part of the District Forestry Officer with respect to non-granting of Scaler's permit.

3. Canadian Brotherhood Week and Race Relations Institute - The meeting was informed by the Executive Secretary that he and the Office Secretary, Norah Fujita, have been taking active part as representatives of the National JCCA in co-operation with the Fellowship of Reconciliation, Joint Labour Committee to Combat Racial Intolerance, and the Canadian Jewish Congress in organizing a Race Relations Institute to be held on February 26th and 27th in Toronto. It was stated that the purpose of this Institute is to promote a study of racial and inter-cultural problems in Canada with special emphasis on techniques and materials useful in overcoming prejudice and discrimination. Members of various organizations in Toronto in the fields of Education, Welfare, Religion and Labour are being invited to participate in this project.

It was further reported that this institute was being held in conjunction with Canadian Brotherhood Week, February 20 - 27, sponsored by the Canadian Council of Christians and Jews.

4. Meeting of Insurance Agents - A meeting with the following Insurance agents, Mr. S. Shinobu, Mr. Mickey Sato, Mr. Bill Takeda, was held in the National Office on Monday, February 7th, on the question of higher premiums being paid for policies taken out by Japanese Canadians. It was reported the consensus of these Insurance men was that any efforts to seek to reduce the premium on such policies which are higher than standard rates enjoyed by other Canadians could not be effective without having essential facts on mortality rates of Japanese Canadians in Canada. It was acknowledged by these agents that the same desirable information was very difficult to obtain since Japanese Canadians have not been settled in Canada for any great length of time. However, it was admitted by those present that no attempt had been made by them to obtain such information. It was also pointed out that it has long been the work of these agents to make every possible effort to reduce such premiums.

At the present time only the professional category enjoy standard rates.

The Executive Secretary was informed by the Insurance agents that they were not in a position to provide information to the national organization with respect to the various categories where premium payments are required over standard rates on Insurance since such information is considered confidential, but they assured the Secretary that the Head Offices of the various Insurance Companies would give this information to the organization upon request.

The Executive Secretary stated that he would write to the various companies for this information and seek information from all possible sources on Japanese Canadian mortality rates and also seek the assistance of the JACL for obtaining mortality rates for Japanese Americans if such information is available.

The Executive Secretary reported that he has assured the Insurance agents that no action would be taken by the national organization on this question without first consulting and/or informing them. It was brought to his attention by these men that publicity in the New Canadian on this matter

Source: Nikkei National Museum, 2018-16-1-52-4-4
www.nikkeimuseum.org

(3) Nothing contained herein shall be construed as allowing a taxpayer to deduct an amount in respect of taxes imposed under a statute or bylaw which is not restricted to the taxation of persons engaged in mining or logging operations.

SOR/49-23

Continuation of Transitional Measures Act—Revocation of Certain Orders in Council *re* the Japanese Custodian

P.C. 5638

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 27th day of January, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, under and by virtue of the power conferred by Section 4 of The Continuation of Transitional Measures Act, 1947, is pleased to revoke and doth hereby revoke, effective the twenty-eighth day of February, 1949, the following Orders in Council made under authority of the War Measures Act and continued in force by the said The Continuation of Transitional Measures Act, 1947:

Orders in Council	*Date of Orders*	*Subject Matter*
P.C. 1665	March 4, 1942	Administration by Custodian of property of persons of the Japanese race, as amended by Orders in Council P.C. 2483 of 27th March 1942, P.C. 2541 of 30th March 1942, P.C. 3213 of 21st April 1942, and P.C. 946 of 5th February 1943.
P.C. 469	January 19, 1943	Transfer to Custodian of property of Japanese evacuees, as amended by Order in Council P.C. 271 of 23rd January 1947.
P.C. 7355	December 15, 1945	Financial assistance to voluntary repatriates to Japan and for liquidation and transfer of their assets to Japan, as amended by Order in Council P.C. 268 of 23rd January 1947.

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

Source: Nikkei National Museum, 2018-16-1-52-5
www.nikkeimuseum.org

CANADA

DEPARTMENT OF FISHERIES

10632 FILE No. 11-5-20

FEB 18 1953
116-14-19
Vol 3

OFFICE OF THE CHIEF SUPERVISOR

VANCOUVER, B.C. February 14, 1953.

AIR MAIL

Deputy Minister,
Department of Fisheries,
Ottawa, Ontario.

With reference to the Department's letter of February 2nd, attached hereto is a statement showing the number of licences issued to Canadian citizens of Japanese origin for the years 1949 to 1952, and a comparative statement showing the number of Salmon Fishing Licences issued to Whites, Indians and Canadian citizens of Japanese origin for 1952.

A. J. Whitmore,
CHIEF SUPERVISOR OF FISHERIES

Enc.

24/2/53

Source: Nikkei National Museum, 2018-16-1-52-6-1
www.nikkeimuseum.org

Statement Showing Number of Licences Issued to Canadian Citizens of Japanese Origin

	1949	1950	1951	1952
No. of Licencees	119	417	634	873
No. of Licences Issued				
Salmon Trolling	29	59	48	60
Salmon Gillnet	101	368	584	724
Cod	20	27	47	77
Grayfish	13	31	12	18
Miscellaneous	21	41	60	131
Asst. Salmon Gillnet	4	23	24	-
Smelt	-	4	7	3
Crab	-	3	1	21
Small Dragger	-	2	1	1
Abalone	2	1	1	4
Capt. Halibut or Bl. Cod	1	9	28	31
Captain Tuna	-	-	5	3
Herring Purse Seine	-	-	-	1
	191	568	818	1074

Source: Nikkei National Museum, 2018-16-1-52-6-2
www.nikkeimuseum.org

Comparative Statement

White, Indian and Canadian Citizens of
Japanese Origin in Salmon Fishing

- -

1 9 5 2

	Whites	Indians	Japanese
Purse-seine	413	50	-
Capt. Purse-seine	257	138	-
Asst. Purse-seine	1705	-	-
Gillnet	3738	1130	724
Trolling	4941	272	60
	11,054	1590	784

White fishermen	11,023
Indian "	1,590
Japanese "	784
	13,397

Source: Nikkei National Museum, 2018-16-1-52-6-3
www.nikkeimuseum.org

Brewin Papers MA32 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.

February 15th, 1949.

RECEIVED
FEB 17 1949
CAMERON WELDON & BREWIN

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

Dear Andy:

Re: Japanese Property Claims Commission

Feb 14/49

We had our session with Judge Bird yesterday with a view to presenting informal argument which I set forth as well as I was able with occasional contributions from Mr. Virtue. It was very difficult to tell what impression we made on him. His only comment which I recall that gave any indication of his thinking was with respect to City properties where he indicated that he was surprised that the Crown's offer was as high as it was. In connection with City properties, however, he did note that we were only 5% apart and asked Hunter to ascertain for him through Shears the costs in addition to the 5% commission which was charged to the claimants with respect to those sales. Frankly, I do not recall any such costs being charged to the claimants. He did indicate that he thought the commissions ought not to have been charged against the claimants which sounded as if he was trying to find some excuse to arrive at some settlement on those properties. I am afraid that we are going to be pressed fairly hard to reduce our offer in this respect.

Mr. Hunter apparently had done little in the way of preparation of his argument and whereas we gave the Judge page references in the transcript to support ours, his general attitude was "We did the thing properly and therefore we must have got the fair market

Source: Nikkei National Museum, 2018-16-1-52-7-1
www.nikkeimuseum.org

value". He tried to avoid the issue with regard to the automobiles by alleging that the appraiser must have been appraising dealers' prices instead of fair market value.

Hunter has handed us his alleged study on Maple Ridge which, even using his unusual statistical methods, produces a result showing V.L.A. sales to be 74.29% below market prices. He is proceeding to have his henchmen obtain data on the other municipalities and we have arranged that Tony, Alex and myself will assist in the work in collecting the data.

The approach which he has made to the selection of private sales is that he has excluded all private sales which were more than 150% above assessment and as he describes it any private sales which are "more than 150% below assessment". How you can be 150% below assessment we have not been able to figure out although in the Schedule attached to his study he has excluded all private sales which are below 30% of assessment and all sales which are above 250% of assessment. When you take all the sales that he has for the period January 1st to June 30th, they total 65. By this arbitrary method of elimination he excludes 13 of them or roughly one-fifth. On the figures he has produced including the ones he has excluded, half of the sales lie above 130, taking assessment at 100 and the other half lie below. Using that as a measuring rod and dealing with the cases he has selected, 32 of them lie below 130 and only 20 lie above. Tony has worked on the study and we expect to consult Dr. Drummond with regard to it. Then we will have to have it out with John because we cannot agree that it is in accordance with proper statistical methods. If he is going to use the same basis of selection in the other municipalities then we very much doubt despite all the work involved whether it will be possible for us to get together. He has limited the D.V.L.A. cases that he deals with to cases with respect to which there are claims. If you take all of the cases with respect to which there are claims then the relationship of V.L.A. prices to assessment is only about 50%. However, he has excluded from his study D.V.L.A. prices which fall "below 150% of assessment" and thus arrives at a relationship between V.L.A. prices and assessment of 72 to 100. If he is going to do this kind of juggling with his facts, it is going to make it difficult to get together. However, I think we may be able to

Signed by W.E. Foster

Source: Nikkei National Museum, 2018-16-1-52-7-2
www.nikkeimuseum.org

Brewin Papers MG32 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.

RECEIVED
MAR 9 1949
CAMERON WELDON
& BREWIN

March 7th, 1949.

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

Dear Andy:

Re: Japanese Property Claims Commission.

This task is proceeding very slowly. The job of obtaining the necessary data in each of the municipalities is an arduous one and after the data is obtained it is quite a job to break it down into material which can be analyzed.

I have not had many discussions with Hunter in the last few weeks but from those which I have had I anticipate that we may have some difficulty getting together with him on the results of the study. It is our understanding that the study only has validity in terms of an over-all picture and is not valid if it is broken into small groupings of properties which may or may not be representative of the whole. He apparently cannot bring himself to believe that it is possible that the Soldier Settlement Board might be from 90 to 100 per cent out and is trying to break down the figures in such a way so as to bring this percentage down.

From our study of the material so far, it appears that in most of the municipalities the average Japanese property, both as to lands and buildings were assessed at a higher value than the properties which were sold at private sale. Accordingly, despite the evidence that the Japanese buildings were on the whole less attractive or inferior, we are not prepared to concede too much of an adjustment in this respect.

The problem we are struggling with now is

Source: Nikkei National Museum, 2018.16.1.52.8.1
www.nikkeimuseum.org

how much adjustment on the over-all picture of private sales requires to be made by reason of the fact that in the private sales the largest number of sales took place with respect to small acreages and better prices were obtained on small acreages. On the other hand, the larger number of Japanese properties are larger acreages which at private sale appear to bring smaller prices. In most municipalities judging from the census figures, I think we can establish that the private sales which did take place represented a cross section of the farm lands according to size, that is to say, there are more small holdings, say from one to ten acres in each municipality than there are large holdings, say from ten to fifty acres.

At present, I think probably it will be wiser for us to arrive at our own conclusions as to what would be a fair settlement having regard to the statistical material and let Hunter arrive at his own without too much discussion of the means of arriving thereat and then when we appear before the Judge set forth our reasons for arriving at our figure and attack whatever reasoning Hunter puts forth for arriving at his.

I have had a couple of sessions with George Tanaka and am somewhat concerned over the fact that he seems to feel that it will be necessary to seek some kind of approval from the claimants for any settlement. I take it from him that he doesn't think that the J.C.C.A. or any other Japanese organization are prepared to stick their necks out in this respect without such approval. I understand that he is going to meet with each of the executives of the J.C.C.A. in the Provinces on his way back. I have given him a statement which does not indicate that we are presently negotiating a settlement but which indicates that some proposal of settlement may be forthcoming and outlining the strength and weaknesses of our evidence and the maximum amount which in my opinion we can hope to obtain in the event that we go through with the hearings to the bitter end and recommending that if an offer of settlement

Source: Nikkei National Museum, 2018-16-1-52-8-2
www.nikkeimuseum.org

can be obtained which is close to these figures that it should be accepted. The proposal is that George will discuss this confidentially with the local executives and will set up the machinery in each Province with three or four key persons so that upon being advised by the National Office of the terms of an actual offer of settlement or proposal for settlement, they can meet with groups of claimants in each Province as rapidly as possible and discuss it with them. I would very much like to receive your views on this matter before George starts back East.

With respect to the matter of the method of distribution between the claimants if an offer of settlement is made, I received an intimation through Hunter last week that Mr. Justice Bird would like to talk to me about this and accordingly called upon him. He is prepared to go quite a long way in accepting full responsibility for the manner of distribution. He is prepared to listen to any suggestions that we have to make as to the manner of distribution which would lead to greater equity but is anxious that any such proposal should not be too refined. For instance, I take it that the sort of thing that he has in mind is that we might indicate to him general evidence as to the differences in land value in 1943 in different parts of a municipality. Then there might be added to these land values the present day value of the buildings as shown on the S.S.B. report in order to establish the relationship between the various claimants' properties. He seems to prefer this method to the one which we discussed of having all the properties appraised by our appraiser.

I have been so busy with other aspects of the case that I have not given the matter too much further thought. I would only comment that we have run into further snags in having additional appraisals made in the country now that the snow is gone by reason of the terrible condition of the roads which makes it practically impossible for the appraiser to get about once he gets off the main highways. In terms of City properties, I think Bird's idea would be to classify them by districts in the City and possibly to make some distinction between housing accommodation and business accommodation. I am

Source: Nikkei National Museum, 2018-16-1-52-8-3
www.nikkeimuseum.org

not at all sure but what this might work out just as equitably as the proposal of having all the properties appraised and applying an arbitrary formula to the appraisals as we discussed.

I have not yet discussed this matter with Virtue.

Yours truly,

CAMPBELL BRAZIER FISHER & McMASTER,

Per:

McM:MM

Source: Nikkei National Museum, 2018-16-1-52-8-4
www.nikkeimuseum.org

B112

C O N F I D E N T I A L

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

George Tanaka, Executive Secretary,
National Japanese Canadian Citizens' Association,
Vancouver, B.C., March 14, 1949.

Co-operative Committee legal counsel have indicated to this writer the following stated reasons why it is desirable for discussion to take place at this time with JCCA Provincial Chapter Executive Committees on the subject of claims; and further, on matters pertaining to the subject of claims as presented in detail form herein:

1) There is every likelihood claims proceedings will not terminate before the end of 1949.

2) There is some indication that the Government might be willing to consider an over-all solution.

3) It is apparent that the Commissioner is impatient (fed-up) with the matter of claims.

4. Now that both Crown counsel and Co-operative Committee counsel have submitted their general evidence, and with the knowledge what evidence we are going to be able to call with respect to individual cases, and from intimations from the Commissioner's reactions, a fairly good idea of what may be expected in the way of compensation from an over-all point of view when the whole matter of claims is over, has been gained.

Some Advice and Opinions as Expressed by Co-operative Committee Counsel with Respect to the Question of Acceptance of an Over-all Settlement by Claimants.

Some analysis of 'types of property' which are the subject of claims.

TYPE OF PROPERTY

1) City Property (Vancouver)--
Counsel considers recovery is going to be relatively small in relation to claims for the following stated reasons:

(i) The Commissioner's interpretation of the Terms of Reference -- That the fair market value must be the value in the condition in which the property was at time of sale.

This means:

(a) in the state of repair in which it was, and

(b) subject to existing tenancies.

In 1943 - 44 - 45, when most of these properties were sold, a sale, subject to existing tenancies, made a difference of $500 to $1,000 in the sale price. (A tenancy lowered the selling price value.)

(ii) The Commissioner is obviously impressed by the fact that the Custodian:

(a) had the property appraised by competent appraisers,

(b) offered them by public tender (as distinct from DVLA transactions),

(c) had the sales approved by a committee of respectable citizens, one of whom was a brother judge.

(iii) The Co-operative Committee's own appraisals do not indicate an increase of more than 15% of the Custodian's sales price on the over-all, and it is not likely that the Commissioner will give the full amount of this appraisal, accordingly counsel considers that the most that can be hoped to recover on city property is 10% to 15%.

2) Other Real Property Excluding DVLA Property.

Comments applicable to city property in large measure apply to these properties with the exception, that, with some of the outlying areas, competent appraisers were not available to the Custodian.

This factor might result in a recovery of up to 5% more than on city property.

The Co-operative Committee have not to date had any appraisals made in outlying

Source: Nikkei National Museum, 2018-16-1-52-9-1
www.nikkeimuseum.org

areas. The cost of having such appraisals made would greatly reduce the recovery and perhaps in some cases, exceed the benefit.

3) D.V.L.A. Property.

The strongest case that the Co-operative Committee counsel have is on property sold to DVLA. Counsels' general evidence has been fairly strong consisting of:

(a) statistical studies based on 1941 agricultural census; statistical studies of the relationship between private sales other than Japanese property and assessments; the evidence of the Dean of Agriculture at the university, who has examined a sample of the properties and the appraisals which have been done to date.

Earlier in the proceedings, both the Commissioner and Crown Counsel were thinking in terms of a 25% over-all increase for this type of case.

Counsel feels satisfied now that the Commissioner is thinking in terms of a figure of at least 70% by reason of the evidence submitted by Co-operative Committee counsel and it is believed by Counsel that there is a fair chance of recovering 70% to 80% over-all with the possibility of special consideration for greenhouses, specialized poultry farms and a few other specialized properties.

Particularly with regard to DVLA this must be looked on as an over-all picture because Co-operative Committee appraisal reports indicate that some properties would fall below and some above this general average depending upon their location. And undoubtedly Counsel will be faced with the fact that in many instances tenants placed on properties did not care for the plants, which would greatly reduce the value as at the date of sale in June, 1943.

4) Motor Cars.

The Custodian obtained appraisals on cars sold by public auction and most of the cars were sold at the same time in the same manner. Accordingly, any recovery that is made on the cars is likely to be made on an over-all percentage basis. Counsel have been able to obtain a good deal of information about sales of cars by dealers.

These cars were all reconditioned before sale.

The evidence that the Crown has submitted is at the time of sale in the summer of 1942 (before price ceilings were introduced) when the car market was very slow.

It wasn't until 6 months later that the market for cars began to improve considerably.

Counsel have checked this evidence in a number of cases and cannot find any evidence to the contrary.

From the evidence which Counsel have from private sales cases, Counsel believes that the amount of over-all recovery which it is hoped to gain would be about 25% of the Custodian's selling price on cars.

The situation with regard to trucks is somewhat different as the records of private sales are not as readily available. This study is still under consideration. We are certain it will not produce any higher percentage than on cars.

5) Fish Nets.

Since proper ownership identity of fishing nets was not maintained by the Custodian, it is very difficult to identify some claimants' nets with respect to their sales.

Counsel has had opinion of experienced fishermen who are friendly to Japanese Canadians and of several experienced Japanese Canadian former fishermen and find that the method of appraisal employed by the Custodian's appraiser is reasonably fair.

It is extremely difficult to apply this method of appraisal to individual cases on the basis of the information provided, but from a fair sample of these, it appears the recovery might be from 20% to 25% of the Custodian's sales price.

Counsel has no further evidence to put in on nets and will propose to the Commissioner that insofar as possible, the appraisal used by the Custodian's ap-

Source: Nikkei National Museum, 2018-16-1-52-9-2
www.nikkeimuseum.org

praiser and approved by Co-operative Committee experts on nets be applied.

There will be a fair number of cases in which it will be difficult to apply the formula referred to due to incomplete information on nets and their confused identity (mix-up of nets).

6) Fishing Boats.

Counsel have been unable to obtain any expert who will express any opinion of the value of claimants' boats from the descriptions given by the claimants.

From the general evidence which has already been submitted, Counsel believes it may be possible to recover from 20% to 25% based on the Custodian's sales price. It may be possible, however, to persuade the Commissioner to recommend to the Government that some compensation be given for deterioration of the boats while in the hands of the Navy.

As this proposal is outside the Terms of Reference, Counsel advises that this should not be counted upon, and as the Fishing Vessels Disposal Committee expended some funds on these fishing boats, the amount the Commissioner might recommend as compensation to the claimants may be relatively small.

7) Chattels.

As anticipated, Counsel finds that chattel claims have been the most difficult problem to deal with.

Much of this type of property was abused by tenants or damaged while in storage so that by the time of their sale their condition had deteriorated considerably from the state in which they were left by claimants.

In most cases the claimants were unable to give serial numbers or adequate descriptions of chattels sufficient for an appraiser to express a firm opinion as to their value at the time of sale.

The Commissioner seems to be impressed that the sales were properly conducted and Counsel have been unable to obtain expert opinion to maintain that the selling of all of a person's property by auction is not a proper means of selling chattels.

The most Claimants' Counsel believes can be hoped to recover on chattels is from 15% to 20% of the Custodian's sale price, and due to the weakness of Counsel's evidence it may not be possible to recover even this amount.

The only possible way that the Commissioner will be able to deal with lost or stolen goods, except in a few individual cases, will be by taking a percentage of claims recovered on goods actually sold as the basis on which to estimate the value of lost or stolen goods, plus any small increase that he may be able to give.

Having regard to the difficulties experienced by Counsel for claimants in obtaining adequate proof for claims, and having regard to the expense involved if the Commission were to continue for another 9 months to a year, if the Commissioner were prepared to make recommendations on an over-all basis of settlement, close to the figures outlined with some adjustments as between individual claims where it is practical to do so, Counsel is of the opinion that it would be in the best interest of the claimants to agree to this disposition of the matter.

If the Commission is brought through to the bitter end, there is every chance that claimants will recover less and the justice which will be done in any event will be rough justice.

* * * *

Source: Nikkei National Museum, 2018-16-1-52-9-3
www.nikkeimuseum.org

Brewin Papers MG32C26 Vol 1

March 23, 1949.

Mr. R. J. McMaster,
c/o Messrs. Campbell, Brazier, Fisher & McMaster,
Barristers,
675 West Hastings Street,
Vancouver, B.C.

Dear Bob:

I have your letter of March 21st which crossed my last letter to you.

I appreciate your difficulty in regard to the Vancouver properties. However, I think we should not agree to go any lower than the Crown offer. After all, what is proposed is in effect a settlement which is designed to leave the least possible sense of grievance. If the 10% is considered by Mr. Justice Bird to be a little bit too high, there may well be a good many cases in which we are agreeing to settle at a figure that might be regarded as too low, especially in regard to individual claims.

The great advantage of an overall settlement is that those individuals who may have better claims are willing to forego the possibility of their being able to prove a higher claim in order that some sort of allowance may be made to all. I think that at the appropriate occasion you should impress Mr. Justice Bird as forcefully as possible, with the idea that if we were to recommend ourselves, less than the Crown itself offers, we could be very seriously critized by our clients, and I have no doubt that the Japanese claimants as a whole would be extremely unhappy.

After all, nearly all of the 10% can be explained by relation to the commissions, and the balance can have reference to the extreme difficulties of obtaining a fair market price in the circumstances forced upon the Custodian. It seems to me that there is no implicit criticism of the Advisory Committee or the Custodian in saying that an overall allowance of 5% on sale values would take care of any inequities that might have resulted from the fact that the methods of sale were inevitably different to those which the voluntary vendor would adopt.

In regard to the V.L.A. transactions, I would be quite willing to accept the 75% which you think Mr. Justice Bird may be inclined to recommend.

Signed by Brewin

Source: Nikkei National Museum, 2018-16-1-52-10
www.nikkeimuseum.org

B 111

THE CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS

(IMPORTANT - All of this information is strictly confidential and must not be published).

PROPOSED RECOMMENDATIONS

Mr. Justice Bird,
Vancouver, B. C.,
April 6, 1949.

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

Type or Category of Claim	Recommendation	Amount Involved
REAL PROPERTY OTHER THAN V.L.A.		
(a) City of Vancouver	5% rebate of commission	$ 29,586.65
(b) Outside Vancouver	10% on sale price and	37,324.00
	rebate of commission	11,199.00
V.L.A. REAL PROPERTY		
(a) Village of Mission	125% on sale price	12,321.25
(b) All other VLA	80% on sale price	533,177.60
	- - - - - - - - - - - -	
PERSONAL PROPERTY		
A. Nets and fishing gear	25% on sales	10,830.15
	Declared, not found &	
	Recorded, now missing	26,530.66
B. Boats and gear	13.5% rebate of charges	5,198.44
	10% on sale price of 21	
	vessels sold Nelson Brothers	777.06
	15% on sale price of all other	
	vessels	4,608.36
	Credits improperly given	
	purchasers on missing gear	1,080.62
C. Motor Vehicles	25% on sale price	14,649.00
D. Chattels	22% rebate of charges on	
	auction sales	19,800.00
	Declared, not found	13,802.75
	Recorded, now missing	31,076.17
	10% on sale price of goods	
	sold by tender (including	
	3.7% rebate of charges thereon)	9,300.00
		$ 764,043.23

Note: An allowance for costs may be made amounting to 5% of amount awarded.

Note: On Chattels "Abandoned" 10% of 35% of value claimed is proposed. The amount thereof is indeterminate at the moment but is small.

Source: Nikkei National Museum, 2018-16-1-52-11-1
www.nikkeimuseum.org

REAL PROPERTY

TOTALS FROM CLAIMS ANALYSIS SHEETS

Form	No. of Cases	Gross Claim	Assessment	Top Valuation	Sale Price
A/B V.L.A. Sales	572	2,480,253.98	1,009,668.00	850,985.75	667,956.22
C/D Rural Advisory Com.	164	847,342.74	379,985.00		325,817.36
E/F Greater Vancouver Advisory Com.	239	1,251,989.50	806,550.50		646,926.96
	975	$4,579,586.22	$2,196,203.50		$1,640,700.54

Percentage of Sale Price to:

	Claim	Assessment	Top Valuation
A/B V.L.A. Sales	26.93%	66.15%	78.48%
C/D Rural Advisory Com.	38.45%	85.74%	
E/F Greater Vancouver Advisory Com.	51.67%	80.21%	
	35.82%	74.70%	

% age Recovery of Claim Sold

DETAILS

Total Gross Amount Claimed		1,010,047.31	
Goodwill	41,046.74		
Business	118.235.00		
Insurance Premium	5,622.00		
Accounts Receivable	3,620.00		
Houses on other property	17,175.00		
Error in Claims	3,400.52	189,099.26	820,948.05
Sales by Claimant	6,889.36		
Left with Agent	38,553.71		
Shipped	6,689.09		
In Storage	7,533.32		59,665.48
			761,282.57
Sold with Real Property			35,399.78
			725,882.79
Declared but not found	55,549.46		
Abandoned	28,857.31		
No Record at any time	74,094.76		158,501.53
			567,381.26
Recorded but now missing			60,013.38
Amount of Claim for Goods Actually Sold			507,367.88

267,078.00 sold by Auction for 90,544.92 equals 33.90%
240,289.88 sold by Tender for 94,934.61 equals 39.51%
507,367.88 185,479.53 36.55% * Recovery of Claimed

Source: Nikkei National Museum, 2018-16-1-52-11-2
www.nikkeimuseum.org

CARS AND TRUCKS: DISTRIBUTION OF 129 CLAIMS ON THE BASIS OF THE CLAIMANTS' VALUATION

Total Gross Amount Claimed	104,974.62	
Amount unable to distribute	1,028.44	103,946.18
Left with Agent		1,800.00
		102,146.18
No Record at any time		8,500.00
Amount of Claim for goods Actually Sold:		93,646.18

4,305.00 Sold at Auction for 2,702.30 equals 62.77% of Claim
89,341.18 Sold by Tender for 48,439.29 equals 54.22% of Claim
93,646.18 51,141.59 54.6% * Recovery

BOATS AND BOAT GEAR: DISTRIBUTION OF 106 CLAIMS ON THE BASIS OF THE CLAIMANTS' VALUATION

Total Gross Amount Claimed	164,614.60	
Amount unable to distribute	33,346.00	131,268.60
Abandoned	300.00	
No record at any time	9,637.25	9,937.25
		121,331.35
Recorded but now missing		1,316.85
Amount of Claim for Goods Actually Sold		120,014.50

120,014.50 Sold by Tender for 59,894.15 equals 49.90% of Claim. Recovery

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NETS AND FISHING GEAR: DISTRIBUTION OF 173 CLAIMS ON THE BASIS OF THE CLAIMANTS' VALUATION

Total Gross Amount Claimed	148,958.91	
Amount not distributed	7,536.25	141,422.66
Sales by Claimant	720.00	
Left with Agent	3,791.50	
Shipped	15.00	4,526.50
		136,896.16
Sold with Real Property		2,525.00
		134,371.16
Abandoned	4,354.90	
No Record at any time	10,757.27	15,112.17
		119,258.99
Recorded but now missing		36,599.39
Amount of Claim for goods actually sold:		82,659.60

2,801.38 sold at Auction for 859.51 equals 29.9% of claim
79,858.22 sold by Tender for 42,332.64 equals 53.3% of claim
82,659.60 43,172.15 53.01% Recovery

Source: Nikkei National Museum, 2018-16-1-52-11-3
www.nikkeimuseum.org

A-11

MINUTES OF THE SPECIAL JCCA NATIONAL EXECUTIVE COMMITTEE MEETINGS HELD APRIL 10th and 11th, 1949

Vol. II, #13

Special meetings of the JCCA National Executive Committee were held on Sunday, April 10th, 3.00 p.m. to 6.00 p.m. at the Labour Temple (167 Church Street, Toronto), and Monday, April 11th, 8.00 p.m. to 12.00 p.m. at Woodsworth House (565 Jarvis St., Toronto). All the material on which discussion based at this meeting marked STRICTLY CONFIDENTIAL NOT TO BE PUBLISHED.

ATTENDANCE:

Sunday, April 10, 1949 - Those Present: K. Tanaka, T. Kameoka, G. Tanaka, K. Hidaka, M. Sato, T. Sagara, R. Obata, J. Oki, I. Kawajiri, N. Fujita, S. Shinobu, T. Umezuki, J. Ide, I. Uchida.

Monday, April 11, 1949 - Those Present: K. Tanaka, S. Shinobu, T. Umezuki, Y. Hyodo, T. Tsuji, K. Hidaka, G. Tanaka, J. Oki, I. Uchida, T. Kameoka, N. Fujita, R. Obata, Mr. Andrew Brewin (Co-operative Committee Counsel).

PURPOSE OF MEETING:

Upon notification that Commissioner H. I. Bird of the Royal Commission on Japanese Canadian Property had handed to Claimants' Counsel a proposal of settlement of the claims which have been filed with the Commission which was appointed to study and deal with property losses suffered by Japanese Canadians during the Evacuation, the Executive Secretary immediately called this meeting in order that the National Executive Committee of the JCCA might consider the Commissioner's Proposal for settlement. Also, to consider Claimant's Counsel, Mr. R. J. McMaster's, recommendation to Claimants with respect to the proposal, and the Co-operative Committee's recommendation to Claimants with respect to same. Having given full consideration of the available facts and recommendations from Claimants' Counsel and the Co-operative Committee, the National JCCA Executive Committee could then formulate their recommendation in a sincere effort to give leadership on this very difficult question to component Chapter executives.

THE PROPOSAL OF SETTLEMENT:

The following is a summary of the Proposal received from the Dominion Government on the recommendation of Mr. Justice Bird, for settling all claims (excepting Corporation Claims):

Real Property

1. Sold to the Veterans Land Act Administration (Fraser Valley Farms):
   (a) Village of Mission - 125% on the actual sale price,
   (b) All other farms sold through VLA - 80% on the actual sale price overall.

   (The above gives average percentage overall allowance. The actual amount paid would be distributed to individual claimants on the basis recommended by Claimants' Counsel and approved by the Commissioner depending upon appraisers' reports.)

2. All other real estate outside Vancouver - 12.5% on actual sale price.

Source: Nikkei National Museum, 2018-16-1-52-12-1
www.nikkeimuseum.org

3. City of Vancouver - 5% on sale price.

4. (Special cases of greenhouses and poultry farms to be considered separately).

Personal Property

1. Nets and Fishing Gear - 25% allowed on nets actually sold.
   - On nets and fishing gear lost, destroyed or stolen an over-all percentage of 62½% of total claims to be distributed varying in individual awards on the basis of claims made.

2. Boats and Gear - 21 vessels sold to Nelson Brothers 23.5% of sale price.
   - Other boats and gear 28.5% on sale price.

3. Motor Vehicles - 25% on sale price.

4. Other Chattels - Sold at auction 22% increase on sale price.
   - Sold by tender 10%.
   - Sold with realty, lost, destroyed or stolen, 35% of claim and 15% distributed according to relation between claim and chattels already sold.

An allowance of 5% to be made on claims allowed to cover valuation and other expenses (not including legal expenses) of claimant.

This in total would amount to roughly $800,000.00 to be distributed.

RECOMMENDATION OF COUNSEL

Mr. R. J. McMaster, Claimants' Counsel, who has been taking the greater part of the responsibility for presenting general evidence to the Royal Commission in Vancouver and who has been persistently pressing for the fairest possible awards on the claims, and whose sincerity and great capacity for shouldering a tremendous amount of work for the sake of claimants cannot be questionned, has the following comments to make respecting the Government's offer:

"It is my opinion, as expressed to the Commissioner, that dealing with City Property alone, I cannot conscientiously recommend his proposal. However, I find myself in this dilemma:

Aside from the city property situation I consider the remainder of the proposal reasonably just and the VLApart of it as much as, if not more than, we could possibly hope to have established. In these circumstances, if I were acting for an individual client, I would advise him to settle on the proposed terms. But there are some 175 claimants with city property, some of whom at least are entitled to better consideration. On the other hand, frankly, our evidence on city property is horribly weak. On many of the properties our own appraiser would give no increase, and over-all his appraisals are only about 10% higher than Custodian sale price. Even if this branch of the case could be proceeded with without prejudice to the balance of the settlement, having regard to the Judge's attitude, I doubt, if we would get 10% (over-all) including commissions. It is possible if this were insisted upon that we would not recover the commissions as they are "outside the termss of reference." In such event many claimants would get nothing.

Furthermore, the Judge intimated that his recommendation as to costs was only on the basis of the proceedings being shortened and intimated they might not be

Source: Nikkei National Museum, 2018-16-1-52-12-2
www.nikkeimuseum.org

forthcoming if hearings were insisted upon. How one explains this to 1200 clients, however, is difficult to envisage.

.....If the settlement breaks down, we are confronted with:

(a) the Judge's expressed opinion that certain categories of property sold for their fair market value; and
(b) the possibility (if not the likelihood) that in the final outcome no consideration of matters outside the terms of reference would be given. On the basis of the present figures this would mean about $75,000 plus $35,000 costs, or roughly $100,000;
(c) the possibility, for reasons outlined in other letters, of recovering less on VLA and perhaps nets;
(d) a Commissioner who will have no enthusiasm for carrying on.

As against these, we might persuade the Commissioner that fair market value was not obtained on some chattels and some City and urban property. ....(we) might see the Minister and urge him to suggest to the Judge that he include some allowance for the fact that city properties were sold subject to tenancies. I am afraid this is the only suggestion I can make. The only other small concession I can see Bird making is possibly in cases where we have evidence of a resale within six months to a year after the sale by the Custodian. This would be unfair to the fellow whose house did not happen to have resold but it might be better than nothing. Even in these cases the fact that the then Vendor was in a position to give vacant possession would cut down the recovery."

RECOMMENDATION OF MR. VIRTUE TO HIS CLIENTS:

It is reported that Mr. Virtue in Alberta intends to recommend acceptance of the proposal for settlement to his clients most of whom are claiming on VLA sales.

RECOMMENDATION OF CO-OPERATIVE COMMITTEE:

The Co-operative Committee on Japanese Canadians, as the body retained by the claimants and thus feeling a direct responsibility to claimants to refer the matter directly to them, after studying the proposal of settlement and Counsel's recommendations, has recommended as follows:

"The Co-operative Committee, on the advice of the Counsel, recommends the acceptance of this settlement for the following reasons:

1. The Terms of Reference which bind the Commissioner and against which the Co-operative Committee has protested so far unsuccessfully restrict the right to recovery to the difference between the actual selling price and the fair market value of the land or chattels in the condition they were in at the date of sale.

2. A very great deal of work has been done by the Co-operative Committee in collecting valuations, making surveys and analyses, and securing the evidence of expert appraisers. In respect at least to property sold to the V.L.A., boats, fishing nets and gear, the amounts offered correspond with the evidence. In respect to other types of property in which the offer is disappointing there are great difficulties in securing satisfactory evidence.

Source: Nikkei National Museum, 2018-16-1-52-12-3
www.nikkeimuseum.org

3. In the long run, it is the opinion of the Commissioner, Mr. Justice Bird, which will prevail as to the fair market price and the amounts to be awarded. His present recommendations, although not final decisions, indicate his probable views. It is unlikely that if we proceed, he will be inclined to award more than he now recommends and it may be considerably less and in some cases nothing at all. The only alternative to accepting the offer is to proceed with hearing evidence on individual cases. This will involve continuing heavy expenses and delay in making any payments for probably at least 2 years.

The Co-operative Committee is of the opinion that the offer in respect to Vancouver property is too low and will make every effort to have the amount offered increased to a fair figure.

It should be borne in mind in considering whether the offer should be accepted that we are not in a position to choose what we think would be an entirely just and fair allowance. We must choose between accepting the offer with the prospect of early payment, or refusing the offer, with the consequent heavy expense and delay, and probably a lower overall recovery."

This recommendation for acceptance of the proposal with reservations is to be communicated to each individual claimant by mail immediately. The request of the Commissioner, Mr. Justice Bird, is that he receive a reply to his proposals by the 30th of April, 1949. Meetings of claimants are being arranged by the JCCA at which most claimants will have an opportunity to ask questions as to details of the offer and will be asked to express their opinions as to accepting or rejecting it. Those claimants who will be unable to attend such a meeting are being requested to write to the Co-operative Committee informing them whether they are willing to have the Committee accept, on their behalf, the settlement proposed. The Co-operative Committee has asked the JCCA to organize these Claimants' meetings.

DISCUSSION:

Members of the National Executive Committee found themselves placed in as great or even greater dilemma than Claimants' Counsel and the Co-operative Committee when confronted with the making of a decision on the Government's proposal for settlement of property claims.

As the principle of over-all settlement, so far as the National Executive Committee is concerned, was generally agreed upon as an acceptable method of settlement under the circumstances, on the grounds that it would probably mean a greater number of claimants receiving some award for losses and that the heavy legal expenses required to follow through the hearing of each claim individually would not be practical or a welcome prospect to claimants, this point was not a contentious issue. However, the Executive Committee felt that the settlement principle could hardly be looked upon with any degree of favour where the amounts of restitution involved were most unsatisfactory.

Following is a summary of the main questions and criticisms raised by various Executive Committee members and the answers applicable to them which were stated by Mr. Brewin, Co-operative Committee Claimants' Counsel, to the meeting:

1. Would not the claimants' acceptance of the proposal for settlement indicate their 'satisfaction' in the awards offered?

   - Mr. Brewin stated to the Executive Committee that in listening to some of the views expressed by members of the Committee he felt that perhaps

Source: Nikkei National Museum, 2018-16-1-52-12-4
www.nikkeimuseum.org

the meaning of the word, "acceptance", was not clearly appreciated. He assured the meeting that the act of claimants 'accepting' the settlement proposal under consideration did in no wise indicate that they were satisfied with the offer. In other words, Mr. Brewin stated in drawing an analogy to express this point, "a person claiming for damages against an insurance company could be offered a sum in settlement which might be quite unsatisfactory as compared to what he feels his just compensation for injuries sustained. However, his Counsel may advise him to accept the sum offered in settlement as he knows from the expressed views that this is all his client can in fact receive. If this particular client takes his Counsel's advice and 'accepts' the sum offered for settlement, he could not be considered as having indicated his 'satisfaction' when he has already stated the figure which he considers justly due him." Also, Claimant's acceptance need not be unconditional as, for instance, the Co-operative Committee recommends acceptance with certain reservations.

2. Does not the fact that the Commissioner has asked claimants to decide acceptance or rejection of the offer indicate the unwillingness of the Commissioner to take responsibility for making the final decision of settlement himself?

- Mr. Brewin stated that the fact that the Commission had made a proposal of settlement to Claimants through their Counsel did not indicate any unwillingness on the Commissioner's part to take the responsibility for final decision. The proposal is being referred to claimants because under the terms of reference there is provision for individual hearings. The Commissioner and Claimants' Counsel have come to the conclusion that an over-all basis of settlement provides for compensation for a greater number of claimants and on the whole would make for more fairness, than if taken on the individual hearings basis. In view of the choice of the over-all basis of settlement, the Commissioner would refer the proposal for a decision through Counsel of the Co-operative Committee to that Committee. The Co-operative Committee, in turn, as retained by the Claimants, have considered it their responsibility to refer this matter directly to individual claimants for their decision. If the proposal were considered altogether wrong by Counsel they would advise Claimants accordingly.

3. Can Claimants not put the whole onus back on the Commissioner and state to him that they will not take a position on the proposal?

- If the offer is ignored by the claimants the Commissioner can withdraw the offer for settlement. Ignoring of the settlement proposal would be done in the face of:

(a) Counsel's and Co-operative Committee's considered recommendation for acceptance of the settlement proposal to Claimants, and Counsel's statement that with his knowledge of the evidence he considers the proposal, in the main, reasonably just and the VLA part of it as much as, if not more than, could possibly be hoped to have established. The percentage offered on settling City Property claims is most unsatisfactory but in this case claimants' evidence is 'horribly weak'.

(b) The Commissioner's belief that the settlement proposal is a generous offer which includes concessions for items outside of the terms of reference involving some $100,000 for which he asked special permission of the Minister of Justice to include for the purposes of making a settlement.

Source: Nikkei National Museum, 2018-16-1-52-12-5
www.nikkeimuseum.org

4. Are not the Government's proposals meant as the final decision they will arrive at as to settlement, and therefore offers claimants no alternative?

- Under the Terms of Reference the Claimants have the right to have their claims heard individually. However, both the Commissioner and Claimants' Counsel have come to the conclusion that the only practical means of arriving at a decision on the claims would necessitate some method of consideration on an over-all principle basis which would obviate the necessity of long drawn-out proceedings. Therefore, in consideration of the fact that claimants have the privilege of having their claims heard individually, the over-all settlement as presently submitted by the Commissioner probably is put by the Commissioner to the claimants with an appreciation that alternative methods of consideration of claims exists.

5. Could we not assume that the Government, in its desire to round up the matter, would increase percentages upon the rejection of this first offer?

- It would be difficult to reasonably make that assumption in our awareness of the persistent efforts to date of Claimant's Counsel, Mr. McMaster, to have the percentages increased all around, and the fact that the percentages now offered are largely a result of such efforts. Justice Bird is reported to have expressed the view that he is not disposed to increasing the percentages in the Government's offer and that he had now stretched his conscience beyond the terms of reference as far as he would go. Also, we have Claimants' Counsel, Mr. McMaster's, statement that "aside from the city property situation I consider the remainder of the proposal reasonably just and the VLA part of it as much as, if not more than, we could possibly hope to have established."

6. If the offer is ignored and that would bring unfavourable consequences, what are these consequences?

- The possible unfavourable consequences are:

(a) Withdrawal of the Government's offer altogether.
(b) The resulting recourse to individual hearings would bring with it increased legal expense and delay.
(c) The final awards on the basis of individual hearings would probably be lower than on the over-all basis, a few may get more, and a great many may get nothing.
(d) Withdrawal of $100,000 worth of awards which under the proposal for settlement covers restitution for items outside the Terms of Reference.

7. If the offer is accepted, with indicated reservations, by majority vote of claimants, what is the point in expressing such reservations?

- The expressed reservations on the Vancouver Property offer has already been acted upon by Co-operative Committee Counsel, Mr. Brewin, by means of a strong letter to the Minister of Justice in confidence urging that the Government increase their offer on this at least to 10%. For negotiating such increases, Counsel should be given bargaining power to get the best increase he can.

The matter of the narrowness of the Terms of Reference could very well be brought up again in the event of a change of Government when it might possibly be given favourable consideration.

With regard to the hearing of special cases, the Judge has already accepted the fact that settlement under the proposed formula would be

Source: Nikkei National Museum, 2018-16-1-52-12-6
www.nikkeimuseum.org

clearly inadequate and should therefore be given special attention, e.g., poultry farms, greenhouses, certain chattel claims.

8. If the VLA Claims constitute a majority of the claims and there is some likelihood of their accepting this settlement of their claims, why not get the results of their voting first before we of the National Executive Committee decide which way our recommendation should be made?

- The National Executive Committee could not make their recommendation on that basis, in view of the fact that the relevant information is to hand from the Co-operative Committee and Counsel on which to base a decision. In making the recommendation, a point we need to bear in mind is the greater good of the claimants taken as a whole, taking into account the circumstances as we understand them, and the facts as we have knowledge.

9. Is not the recommendation of Claimants' Counsel after all just one opinion?

- The recommendation of Mr. McMaster for acceptance of the settlement proposal is a recommendation made by one who more than anyone else knows the circumstances, the available evidence, the amount of work carried out, the extent of the talks conducted with the Government's Counsel and with the Commissioner.

The work of Mr. McMaster and the staff which he has employed in the collection of evidence has included: "careful statistical analysis, valuations, surveys based on relationship between assessments and sale prices, surveys based upon the value of properties as shown by the annual value of the crops, and other available evidence. Experts have been employed in regard to nets and fishing gear, boats and motor vehicles, auctioneers and others with respect to auctions. A very great deal of other evidence has been collected, and Mr. McMaster has cross examined individual witnesses extensively."

10. As we discuss this matter in this Committee should it not be from the point of view of a member of the National Executive Committee of the JCCA which must needs consider this question on a more all-inclusive basis?

- It was pointed out that if an executive member wished to look at the question purely from the point of view of a claimant the settlement offer may be entirely unsatisfactory as far as his own claim is concerned, but as a member of the National Executive Committee and the place of that Committee in relation to Japanese Canadian Claimants, its member chapters, the Co-operative Committee and Counsel and knowledge of the facts and views of each group, he could arrive at a different conclusion for the Executive Committee.

11. Has the National Executive Committee any responsibility for making a recommendation one way or the other on the proposal of settlement?

- The National Executive Committee has no legal responsibility to make a recommendation, but there is a responsibility in terms of the leadership expected of this body by the member constituents in such a matter as this. If the National Executive Committee waives the responsibility for showing leadership on this issue, the Provincial and local Chapters will be called upon to formulate a recommendation for their constituents in the light of their knowledge of the matter. A recommendation from this Committee would provide a basis on which to conduct claimants' discussions on the proposal for settlement.

Source: Nikkei National Museum, 2018-16-1-52-12-7
www.nikkeimuseum.org

MOTION TO MAKE A RECOMMENDATION

MOVED by N. Fujita and seconded by T. Umezuki that the National Executive Committee of the JCCA make a recommendation to its constituents and the claimants respecting the proposal of settlement on property claims received from the Dominion Government on the recommendation of Mr. Justice Bird.

CARRIED.

(Contrary votes recorded: R. Obata, I. Uchida)

NB → To Claimants Assoc

MOTION EXPRESSING THE RECOMMENDATION:

MOTION #1 - Moved by K. Hidaka that we recommend that in this case, the recommendations of the Commissioner and the Government are not satisfactory, that claimants should not be taking a position giving any indication that they are satisfied with the percentages, that they have an alternative of either rejecting or making no recommendation and leaving it to the Commissioner.

There was no seconder to this Motion.

MOTION #2 - Moved by T. Umezuki and seconded by T. Tsuji that although we are not satisfied with the settlement proposal for property claims received from the Government, after hearing and studying the recommendation of Claimants' Counsel, we are of the opinion that there is no alternative than to endorse the recommendation of acceptance as formulated by the Co-operative Committee with the following reservations:

1. The offer with respect to Vancouver Properties is too low.
2. The Terms of Reference are too narrow.
3. Some special cases which if settled under the proposed formula would be clearly inadequate should be given individual consideration.

CARRIED.

(Those voting in favour: S. Shinobu, Y. Hyodo, T. Kameoka, G. Tanaka, T. Umezuki, T. Tsuji, N. Fujita.
K. Tanaka - in the Chair.
Contrary votes: K. Hidaka, J. Oki, R. Obata.
Abstained: I. Uchida).

MOTION RE EXECUTIVE SECRETARY'S TRIP TO MEET PROVINCIAL EXECUTIVES:

Moved by T. Umezuki and seconded by Y. Hyodo that the Executive Secretary, Mr. George Tanaka, take the proposed cross-country trip to meet with Provincial JCCA executive members to brief them with the details of the Government's proposal in order that they, in turn, may organize through their local chapters, claimants' meetings and provide all the necessary information. The understanding is that the travelling expenses for this trip will be fully provided from the Co-operative Committee Claims Fund.

CARRIED.

Source: Nikkei National Museum, 2018-16-1-52-12-8a
www.nikkeimuseum.org



2018.16.1.53.12.8

Source: Nikkei National Museum, 2018-16-1-52-12-8b
www.nikkeimuseum.org

B113

CAMERON, WELDON & BREWIN,
Sterling Tower,
Toronto 1, Ontario,
April 13, 1949.

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

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

Dear Sirs:

I thought it might be advisable that as general counsel to the Co-operative Committee, I should put in writing, as a matter of record, my advice in respect to the proposals for an overall settlement of the claims as set out in a letter from Mr. McMaster of the 6th of April 1949 and the attached memorandum of the proposed recommendations to be made by Mr. Justice Bird, dated April 6th, 1949.

It is my recommendation that subject to what is said later, the proposed basis of settlement be accepted. I will endeavour to set out briefly my reasons for recommending this.

1. The narrow terms of reference should be always borne in mind. The Commissioner is only authorized to grant the difference between the actual selling value of the various properties and the fair market value at the date of sale. The Commissioner has held, and there is no appeal from his ruling, that this means the actual value of the property in the condition which it in fact was at the date of sale.

2. A very great deal of work has been done by Mr. McMaster and the staff which he has employed in the collection of evidence as to valuations.

This has included careful statistical analysis, valuations, surveys based on relationship between assessments and sale prices, surveys based upon the value of properties as shown by the annual value of the crops, and other available evidence. Experts have been employed in regard to nets and fishing gear, boats and motor vehicles, auctioneers and others in respect to auctions. A very great deal of other evidence has been collected, and Mr. McMaster has cross examined individual witnesses extensively. As a result of all this Mr. McMaster is satisfied that our own evidence will not, bearing in mind always the narrow terms of reference, establish on an overall basis, higher valuations than those contained in the settlement, with the exception of the Vancouver city properties. Mr. McMaster is somewhat reluctantly recommending the settlement and there is no one with a more detailed knowledge of the evidence upon which we could base our submissions. In respect to automobiles, V.L.A. property, boats and fishing gear, the amounts proposed in the settlement are the full amounts that our own evidence is able to establish. The weaknesses of the proposed settlement from our point of view are obviously;

(a) Vancouver properties.

(b) Properties outside Vancouver.

(c) Chattels.

The formula in respect to lost chattels is the fairest that we think could be contended for.

In the ultimate analysis we can never hope to recover more than Mr. Justice Bird is prepared to allow. In fairness it should be pointed out that Mr. Justice Bird has accepted our contention rather than the Government contention in respect to several of the categories of property above mentioned. However, in respect to city properties, boats and chattels (excluding motors and nets) Mr. Justice Bird has intimated on the evidence presented at the present time, he would find that they were sold at their fair market value. The allowances which he is prepared now to recommend are therefore in his view, outside the terms of reference.

4. If we refuse the settlement proposed, there will be no alternative but to proceed with hearings before the judge, which are likely to take at least one or two years. The judge is unlikely, except perhaps in a few individual cases, to make allowances higher than those he is now prepared to recommend. In a very

Source: Nikkei National Museum, 2018-16-1-52-13-1
www.nikkeimuseum.org

great many cases it is obvious that he will recommend less. Taking all these factors into account, there can therefore be little doubt that more will be obtained for the claimants by accepting the settlement than by refusing to do so.

The one glaring feature which is bound to provide serious disappointment is the allowance of only 5% on Vancouver properties. I have written a strong letter to the Minister of Justice in confidence urging that the Government increase their offer on this at least to 10%. However, the information supplied by Mr. McMaster is that in respect to this part of the claim, our own evidence will establish at the best, an overall increase of little more than 10%. We are faced with the difficulty that sales were made with the approval of the advisory committee of which Mr. Justice Sidney Smith was the chairman, after receiving values from competent and respected valuators. In these circumstances, I think I am bound to recommend to the Co-operative Committee and through them to the claimants that the proposals be accepted, subject to:

(a) A further reiteration of our claim that the terms of reference were too narrow.

(b) A strong insistence that on the Vancouver properties a minimum of 10% be allowed.

Notwithstanding the natural disappointment which some claimants will feel, it may be considered that the overall allowance which with corporation claims will exceed $300,000 constitute a fairly satisfactory recognition of the justice of the claimant's demands.

There can be no doubt that if it had not been for:

(a) The efforts of the Co-operative Committee to have the original terms of reference revised.

(b) The tremendous amount of work done by those who represent the Committee, and the co-operation of the National Japanese Canadian Association, and above all the careful and conscientious work done by Mr. McMaster and those whom he employed, that no comparable offer from the Government would have been forthcoming.

My recommendations as set out above, are also partly based upon the fact that the tremendous volume of work required to complete the hearings make it virtually impractical that individual cases be fully heard without a great burden of additional expense and lengthy delay before any recovery is made at all.

Yours very truly,

F. A. BREWIN.

FAB:HC/nf

Source: Nikkei National Museum, 2018-16-1-52-13-2
www.nikkeimuseum.org

B115

THE CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS

67 Riverdale Avenue,
Toronto 6, Ontario,
April 16, 1949.

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

Dear Claimant:

(IMPORTANT - All of the information in this letter is strictly confidential and must not be published.)

The Dominion Government on the recommendation of Mr. Justice Bird who was appointed as Commissioner is proposing a settlement of all claims (excepting Corporation Claims) on the following basis. This is a summary only of the proposals:

Real Property

1. Sold to the Veterans Land Act Administration (Fraser Valley Farms):
   (a) Village of Mission - 125% on the actual sale price,
   (b) All other farms sold through VLA - 80% on the actual sale price overall.

   (The above gives average percentage overall allowance. The actual amount paid would be distributed to individual claimants on the basis recommended by us and approved by the Commissioner depending upon appraisers' reports.)

2. All other real estate outside Vancouver - 12.5% on actual sale price.

3. City of Vancouver - 5% on sale price.

4. (Special cases of greenhouses and poultry farms to be considered separately).

Personal Property

1. Nets and Fishing Gear - 25% allowed on nets actually sold.
   - On nets and fishing gear lost, destroyed or stolen an over-all percentage of 62½% of total claims to be distributed varying in individual awards by taking the relation between the claims made ~~for nets actually sold and the actual selling price.~~

2. Boats and Gear - 21 vessels sold to Nelson Brothers 23.5% of sale price.
   - Other boats and gear 28.5% on sale price.

3. Motor Vehicles - 25% on sale price.

4. Other Chattels - Sold at auction 22% increase on sale price.
   - ~~Sold with realty 50%.~~
   - Sold by tender 10%.
   - Lost, destroyed or stolen 35% of claim and 15% distributed according to relation between claim and chattels already sold.

An allowance of 5% to be made on claims allowed to cover valuation and other expenses (not including legal expenses) of claimant.

This in total would amount to roughly $800,000.00 to be distributed.

Source: Nikkei National Museum, 2018-16-1-52-14-1
www.nikkeimuseum.org

The Co-operative Committee, on the advice of the Counsel, recommends the acceptance of this settlement for the following reasons:

1. The Terms of Reference which bind the Commissioner and against which the Co-operative Committee have protested so far unsuccessfully restrict the right to recovery to the difference between the actual selling price and the fair market value of the land or chattels in the condition they were in at the date of sale.

2. A very great deal of work has been done by the Co-operative Committee in collecting valuations, making surveys and analyses, and securing the evidence of expert appraisers. In respect at least to property sold to the V.L.A., boats, fishing nets and gear, the amounts offered correspond with the evidence. In respect to other types of property in which the offer is disappointing there are great difficulties in securing satisfactory evidence.

3. In the long run, it is the opinion of the Commissioner, Mr. Justice Bird, which will prevail as to the fair market price and the amounts to be awarded. His present recommendations, although not final decisions, indicate his probable views. It is unlikely that if we proceed, he will be inclined to award more than he now recommends and it may be considerably less and in some cases nothing at all. The only alternative to accepting the offer is to proceed with hearing evidence on individual cases. This will involve continuing heavy expenses and delay in making any payments for probably at least 2 years.

The Co-operative Committee is of the opinion that the offer in respect to Vancouver property is too low and will make every effort to have the amount offered increased to a fair figure. ***

It should be borne in mind in considering whether the offer should be accepted that we are not in a position to choose what we think would be an entirely just and fair allowance. We must choose between accepting the offer with the prospect of early payment, or refusing the offer, with the consequent heavy expense and delay, and probably a lower overall recovery. *

Meetings of claimants are being arranged by the National JCCA, through the Provincial JCCA Chapters in each province, at which most claimants will have an opportunity to ask questions as to details of the offer and will be asked to express their opinions as to accepting or rejecting it. If you cannot attend such a meeting, please write as soon as possible to the Co-operative Committee informing us whether you are willing to have us accept, on your behalf, the settlement proposed. Once again, although the Co-operative Committee feels that the offer is inadequate, we do recommend that in the circumstances it should be accepted as the best obtainable settlement.

Yours very truly,

MARGARET BOOS,
Secretary.

N.B. - Please address your replies (which should be received by April 30th) to:

Miss Margaret K. Boos, Secretary,
The Co-operative Committee on Japanese Canadians,
67 Riverdale Avenue,
Toronto 6, Ontario.

Source: Nikkei National Museum, 2018-16-1-52-14-2
www.nikkeimuseum.org

Irwin Papers MG32C26 Vol 1

May 6, 1949.

Mr. R. J. McMaster,
c/o Messrs. Campbell, Brazier, Fisher & McMaster,
Barristers,
675 West Hastings Street,
Vancouver, B.C.

Dear Bob:

I have your letter of May 5th. Since my last letter to you I have had a further letter from Mr. Varcoe in reply to my letter of protest. He says that the Minister has left Ottawa and that he is not likely to return for any lengthy period prior to the election, and he does not think that he would be disposed to give the matter any consideration during the election campaign. He adds, "the Commissioner must be free to make whatever recommendations he considers are warranted by the facts and evidence adduced before him. I should think that the Minister would consider it impropert to enter into any agreement while the Commission has this matter under consideration." *

I am afraid therefore, that there does not seem the slightest likelihood at the moment that the Minister would indicate to the Commissioner that he is agreeable that the Commissioner should deal with the problem of compensation by reason of the Vancouver properties being sold to existing tenancies.

I do not know whether even at this stage it would be worth while telling the Judge that if he can suggest the possibility of increasing the amount to 10% which is the original figure suggested by Government counsel themselves, it will enable us to commend the settlement without the reservation that we shall be otherwise bound to make.

I note that the Judge is likely to be in Toronto on Wednesday. It is quite possible however, that I may have to be in London that day on a trial. I do not know whether you would have any chance to communicate this to the Judge, or if there is any chance of his staying over in Toronto till Thursday in case I am not back till Thursday.

Yours sincerdy

FAB:HC

Source: Nikkei National Museum, 2018-16-1-52-15
www.nikkeimuseum.org

A-11

NATIONAL JAPANESE CANADIAN CITIZENS ASSOCIATION

MEETINGS OF THE NATIONAL EXECUTIVE COMMITTEE

May 10, 1949 - 8.00 p.m., at the Central YMCA, Toronto, Ontario.
May 12, 1949 - 8.30 p.m., at Woodsworth House, Toronto, Ontario.
May 17, 1949 - 8.30 p.m., at the Central YMCA, Toronto, Ontario.

A G E N D A

I. Minutes of the Previous Meeting.

II. Commissioner's Settlement Proposal on Claims:

1. Report on Co-operative Committee Meetings,
2. National JCCA Future Plans respecting the Claims Question.

III. Executive Secretary's Report:

1. Insurance Ratings,
2. Toronto Inter-ethnic Citizens Council,
3. National JCCA Budget.

IV. Other Business:

1. Dominion Elections,
2. March and April, National Office Disbursements,
3. April and May Requisitions.

Source: Nikkei National Museum, 2018-16-1-52-16-1
www.nikkeimuseum.org

NOTES ON THE NATIONAL JCCA EXECUTIVE COMMITTEE MEETING HELD MAY 10, 1949, 8.00 p.m., AT THE CENTRAL YMCA, TORONTO, ONTARIO.

Those Present - R. Obata, F. Nogami, G. Tanaka, T. Sagara, Y. Hyodo, K. Hidaka, K. Tanaka, T. Umezuki, J. Oki, N. Fujita, I. Uchida, M. Sato, S. Shinobu, T. Kameoka. (K. Tanaka in the Chair).

Regrets Received - Rev. K. Shimizu, I. Kawajiri, Rev. T. Tsuji.

Absentees - J. Ide, M. Kitagawa, E. Nose, P. Yamada.

MOTION #1 - MOVED by Roger Obata and seconded by J. Oki
THAT in future if anyone is to be invited to this meeting then the majority of the executive committee members should be polled beforehand. CARRIED.

(Owing to some views held by committee members regarding the inviting of persons outside the committee to attend meetings, it was felt by the committee after some discussion on this question to adopt a definite committee policy regarding this matter.)

MINUTES OF THE PREVIOUS MEETING

1. Meeting of March 15, 1949

K. Hidaka questioned the wording of the recommendation respecting the Office Secretary's salary as not being consistent with the sub-committee's recommendations. When questioned as to what point he was referring, he stated that the exact figure of $226.70 should not have been quoted. It was explained that that was the actual amount involved to the end of this present fiscal year, and that the recommendation had been quoted from the written recommendation of that sub-committee submitted at the March 15th meeting.

The Minutes were adopted as recorded.

2. Meetings of April 10th and 11th, 1949

J. Oki stated that the Minutes of these meetings were not adequate. However, when asked by the Chair to state any omissions so that they might be recorded, he did not offer any specific points.

The reason for Mr. Brewin's presence at the April 11th meeting was asked for. It was the opinion of certain members that it was the understanding that Mr. Brewin need not be present at the April 11th sessions. R. Obata felt that Mr. Brewin's presence caused them to be torn between loyalty to counsel and to claimants and they were showing lack of confidence in Counsel or acting to the detriment of claimants. I. Uchida felt that Mr. Brewin should have been invited on the 10th.

The Executive Secretary explained that he did not realize that there was a need to have Mr. Brewin present at the April 10th meeting. When he was directed by the meeting to ask a question of Mr. Brewin for the April 11th meeting, the reply which he received was such that he decided that Mr. Brewin should come down in person to give his answer to the committee. The Executive Secretary stated that it must be realized the position in which he is placed, and the responsibilities he must shoulder.

The Minutes of the meetings of April 10th and 11th were adopted as recorded.

Source: Nikkei National Museum, 2018-16-1-52-16-2
www.nikkeimuseum.org

3. Method of Recording Minutes

R. Obata stated that the proper way to record minutes is to state a person's opinion designated by their name. He was of the opinion that this was necessary in order that when executive committee members are elected, people will know more about them, i.e., newspapers quote opinions expressed in City Council meetings. He was reminded that newspapers often misquoted.

(Recording Secretary's note: When recording opinions and suggestions expressed, I have not considered it of prime importance to designate them as being given by one particular person. I have done this work on the basis that the executive committee is an elected body charged with the responsibility of working in co-operation one with another on all questions to arrive at courses of action which they conclude is to the best interest of Japanese Canadians, and in the belief that in a group thought process, one does not attribute certain expressed thoughts to the sole credit or discredit of one individual.)

The Recording Secretary stated that she could not accept the criticism that the method of recording Minutes to date was not "proper", but would be pleased to carry out any specific instructions of the Executive Committee on this matter should they request it. She further requested that parliamentary procedure be followed by this Committee in future as the continual crossfire of discussion that takes place in the meetings and the members' lack of courtesy to the Chair made her duties as Recording Secretary an extremely difficult task.

AGREED That we adhere more strictly to parliamentary procedure and observe the Chair.

MOTION #2 - MOVED by R. Obata and seconded by Y. Hyodo
THAT where a member requests that his opinions regarding certain issues or subject under discussion be recorded, it should be included in the Minutes as that person's opinion.
CARRIED.

MOTION #3 - MOVED by R. Obata and seconded by T. Umezuki
THAT on any issues discussed in the National Executive Committee, where possible, all points of view be recorded in very concise form. CARRIED.

The Recording Secretary asked if the above two Motions were intended to charge her with negligence in both respects. R. Obata stated that this was not his intent -- he merely wished to put these points on record.

WITH REFERENCE TO MOTION #1

Exec. Secy. - As the Executive Secretary, if I find that it is advisable to ask a particular person to attend a meeting, does that mean that I must ask for the executive committee members' permission? As regards my inviting Mr. Brewin to the April 11th meeting, I did so because in my judgment I felt it was absolutely necessary. There may be instances where I must invite a person on the spot and it would be impossible for me to contact the members for consultation first. Am I also to be completely governed by Motion #1?

J. Oki - I would agree that it may be different in your position as Executive Secretary.

Exec. Secy. - When time permits it will be noted in the Notice of Meeting and Agenda.

F. Nogami - Although other committee members are required to call people it should not apply to the National Executive Secretary.

Source: Nikkei National Museum, 2018-16-1-52-16-3a
www.nikkeimuseum.org

MOTION #4 - MOVED by T. Umezuki and seconded by T. Sagara
THAT where there is not sufficient time to mention it on the Agenda when it is sent out, the conditions of the Motion (#1) requiring polling of the members as to their consent to have certain persons present at an executive committee meeting, should not apply to the Executive Secretary but that it be left to his discretion. CARRIED.

BUSINESS:

1. COMMISSIONER'S SETTLEMENT PROPOSAL ON CLAIMS:

(a) Report on Co-operative Committee Meetings

Exec. Secy. - At the Co-operative Committee meeting held on Thursday, the Secretary, Margaret Boos, reported the results received across the country from claimants on the vote on the proposal and I also presented what I had received. All the results received to Monday, May 9th, were reported. The results were to be compiled and passed on to the Commissioner. The Co-operative Committee could not take the responsibility of interpreting the results. The Co-operative Committee would only take the responsibility for compiling and conveying the facts of the survey. One point brought up was whether it would be consistent with the terms of reference if the Government is to be guided by the majority decision of claimants to go ahead with the over-all principle. The Committee felt that it would put the Government in an awkward position. No expression from Mr. Brewin could be had as he had to leave the meeting.

The results indicated 450 claimants accepting the proposal and 57, including the Toronto votes, rejecting the proposal. That is, approximately 88% accepting and 12% rejecting. Some 6 or 7 indicated that they were undecided.

I am told that the Commissioner will be arriving in Toronto, tomorrow.

T. Umezuki - In addition, I have heard that Winnipeg claimants accepted unanimously.

Exec. Secy. - 2 or 3 Chapters in British Columbia did not indicate the number who attended or accepted and so are not included in the 450 number. 500 claimants represent 50% of the claimants retaining the Co-operative Com. Mr. Virtue's claimants of almost 300 claimants have accepted this proposal. Over 100 claimants wrote in individually, one-half in English and one-half in Japanese.

I move adoption of this report.

F. Nogami - I second it.

R. Obata - I'm not sure on your point that only the percentages are to be referred to the Commissioner.

Exec. Secy. - I have specifically stated many times that the Co-operative Committee will not interpret the figures but pass on just the actual figures.

2016.16.1.52.16.3
Source: Nikkei National Museum, 2016-16-1-52-16-3b
www.nikkeimuseum.org

R. Obata - They are not officially asking the Commissioner to interpret the results.

Exec. Secy. - The Co-operative Committee has been taking the position that it should not interpret the figures.

R. Obata - If 90% have accepted this, who is to take the responsibility of deciding that 10% will be deprived of the individual hearings?

Exec. Secy. - I believe that the Co-operative Committee will not interpret the percentages. A motion was not definitely passed but it has been discussed and at the last meeting, it was agreed.

R. Obata - When this question was asked at the last meeting, the Co-operative Committee was not well attended. Mr. Brewin felt that the Commissioner would have the majority rule on the method of settlement.

Executive Secretary's Report CARRIED.

(b) National JCCA Future Plans Respecting the Claims Question

J. Oki - Counsel and the Co-operative Committee would have to stand by their recommendations. It seems that the Commissioner has already been notified of this recommendation to claimants. Mr. Brewin said Counsel could have accepted without consulting claimants. Mr. Brewin indicated that he had proposed certain percentages. The Commissioner's percentages were so close that he could not but accept. Claimants should make the final decisions. If this proposal was imposed on claimants, they would have to accept.

Exec. Secy. - Regarding the point where Mr. Brewin stated that, as Counsel for Client, he could continue with negotiations for a client because he has been retained as Counsel -- he does have the right to go ahead and act for clients.

J. Oki - Counsel cannot decide for him. He must let claimants make the final decision. Mr. Brewin said that he was in a position to make a decision without consulting claimants.

Exec. Secy. - That is dependent on the judgment of Counsel. Whether he should consult or not with the client. He has full authority to act on behalf of clients.

K. Hidaka - There are two types of problems, one of law, and on this the lawyer has to exercise his own good judgment. That is to be conceded by everyone. On technicalities of law, the lawyer has to say. On the other matter which is mainly on the matter of the evaluations, here, Counsel has to put final decision on the claimant.

Exec. Secy. - From my conversations with Mr. Brewin and Mr. McMaster, I know that Mr. Brewin leaves many detailed matters to Mr. McMaster. The percentages Crown Counsel arrived at were put to Mr. McMaster before Mr. Brewin. Crown Counsel at first suggested the percentages.

Source: Nikkei National Museum, 2018-16-1-52-16-4a
www.nikkeimuseum.org

R. Obata - We were called to Mr. Brewin's to discuss the first offer ever made. At that time we were led to believe that that was just a feeler. Mr. Brewin was to "search out the Commissioner's mind". The percentages were merely those of Crown Counsel. The claimants did not have any chance to make a decision.

Exec. Secy. - We held this meeting in Mr. Brewin's home which was called by me as Executive Secretary. Mr. Brewin was leaving for Vancouver and we felt that we should meet with him. The Commission was to hold a hearing and Mr. McMaster asked Mr. Brewin to come to Vancouver because of the importance of the consultations. Mr. Virtue was also asked to meet with them.

M. Sato - As I remember it, Mr. Brewin did state that if the committee accepted the over-all settlement, he would go to Vancouver and if it was not agreeable, he would not.

I. Uchida - Mr. Shin and I wanted to hold a meeting in Toronto after that but Mr. Brewin said it would not be necessary.

Exec. Secy. - Mr. Hunter's proposals were given at that meeting. The over-all principle was the question put. All agreed that the figures were too low.

R. Obata - They are quite aware that a certain group was thoroughly dissatisfied at the meeting. What can be done about these people.

Chair - To what meeting are you referring, when was the meeting.

R. Obata - At the Friday meeting, the Executive Secretary spoke for one and a half hours. It was in English and 95% could understand better in Japanese. There was not enough time to translate the talk into Japanese word for word. The claimants were not all aware of the points involved and the vote resulted in the majority accepting. After the meeting, some claimants felt they did not receive a full explanation of the proposals, and they decided to hold another meeting. At that meeting, the people who took the opposite view spoke up. These people are representative even though they are a minority. As a National Executive, we should do something, perhaps it is too late in view of the other opinion. But even if it is just recording their rejection, something should be done. It was not a fair presentation.

Chair - Are you questioning the Executive Secretary's loyalty to the claimants?

R. Obata - No, but I don't think the presentation was adequate.

Chair - When the presentation was made on the understanding of all that has transpired through Counsel, etc.?

Exec. Secty. - Regarding my presentation to claimants, my responsibility was to inform them fully of what the Co-operative Committee advised. I have stated to JCCA Executives not to mention to claimants the National Executive Committee's endorsation of the Co-operative Committee's recommendation unless it is requested of them by claimants. I felt that claimants should have the right to decide on their own without further pressure by what was decided here. Although I am a claimant myself, I felt that I should remember that I am representing and speaking for the Co-operative Committee. I have pointed out, or tried to point out, what the Co-operative Committee advised

2018.16.1.52.16.4
Source: Nikkei National Museum 2018-16-1-52-16-4b
www.nikkeimuseum.org

and their reasons for doing so, and also the outcome should they take any other course. In my understanding there were only two courses: one, to accept, and one, to reject. There was only one clear definite alternative. The Commissioner might not have the claims heard individually but, on the other hand, he might have them heard individually. I have gone over these things with Mr. McMaster fully. Mr. McMaster is the only one who knows the story fully. My job was to present the Co-operative Committee's advice or recommendation. I certainly did not intimidate the claimants into accepting the Co-operative Committee's advice. I went out of my way to indicate and state that the JCCA was not in a position to influence or advise the claimants. It was their privilege and right to decide for themselves. I do not think that on that basis my talk to the claimants or the executives throughout the country was weighted one way or other. Because there was no alternative, I had to present the advice of the Committee. If this Committee came to the conclusion that the only thing that the claimants could do would be to reject it 100%, that would have been a different matter. But even then, in that case, it would have been our responsibility to indicate the financial position in which it would place them. What they owe financially to the lawyers. I have seen Mr. McMaster and know that he was worked two years without pay. We cannot let this go lightly. Claimants across the country have admitted that it would be hopeless to raise any more money. The only other decision was to advise 100% rejection and raise the money.

R. Obata - Is it definitely only one alternative - the individual hearings basis? Mr. Brewin said he was not certain but that was what he believed. Some claimants would say that this is a case of bargaining.

Chair - If the Commissioner had called for individual hearings would we be able to raise the money?

R. Obata - Some would be willing to raise more than a further 2%. Some said this after the second appeal.

Exec. Secy. - I have spoken to all Provincial executives and some claimants who have come up to me individually after claimants' meetings, as in Ft. William. All felt they would not pay any further funds.

J. Oki - A lot are willing to pay more. Claimants have been discouraged and to some these percentages are acceptable. We are aiming at justice.

Exec. Secy - We are all agreed that this is not justice.

K. Hidaka - We should get the best terms possible. The Co-operative Committee sent a letter asking for acceptance. Claimants were quite disturbed at the wording of the letter. It emphasized that they have not much choice but to accept. It is understood that the Exec. Secy. had no alternative but to present the same view. But the claimants have a complaint that they were not given a full enough presentation of all aspects of this question. It is for that reason that a good many of them, although they considered it favourably Friday, did not hold the same view after further consideration. If other centres had held our kind of meeting, they would have had a chance to see the other aspects. If we are going to discuss other plans, that is an important factor.

Chair - At the Sunday meeting, did any of you make recommendations of leadership on this question?

Source: Nikkei National Museum, 2018-16-1-52-16-5a
www.nikkeimuseum.org

R. Obata - The claimants signed a petition rejecting the proposal and desiring a revision of the settlement.

Chair - Could we have the wording of the resolution passed at the Sunday Meeting?

K. Hidaka - May 8, 1949, addressed to Miss Margaret Boos, Secretary, The Co-operative Committee on Japanese Canadians:

"We, the undersigned claimants, have given very careful consideration to the proposal of the Dominion Government and the Commissioner, Mr. Justice Bird, for the settlement of Japanese Evacuation Claims.
We regret very much that the proposed percentage increases on the Custodian's selling price are insufficient and we must, therefore, consider the proposal unacceptable.
We request that the Co-operative Committee have its general counsel advise the Dominion Government and the Commissioner of our decision and press for a revision of the proposal." Signed by fifty claimants.

R. Obata - Mr. Umezuki gave a faithful translation at the Sunday meeting. Other views of what would happen if the proposal was rejected and the other side was presented. The petition was brought up at the end. Some were undecided.

T. Umezuki - It seems to me that after the Sunday meeting, after two hours, that people understood my explanation, and some went home. At the last, Mr. Shin proposed this resolution on the suggestion of Mr. Kameoka who knew beforehand that it was forthcoming. Then it was presented in Japanese. Kunio Hidaka and Mr. Shin prepared this resolution, it seems to me. First, in English by Kunio and translated into Japanese, and the Japanese was more strongly worded than the English. Then discussion followed, then anyone, whether he was satisfied or determined to accept the proposal could not say "no" because of the circumstances of the meeting, because the Chairman of the meeting (Mr. Mio) expressed strong indignation. Some people hesitated to sign because they had voted to accept. They would feel guilty because they had accepted and therefore went home.
Another point is that the Sunday meeting was only to make more clearly understood the proposals - that was the purpose of the meeting. I did not know the true purpose of the meeting. Seems to me it should have been to take away any misunderstanding.

R. Obata - Other opinions were expressed besides and that is the only way to present it.

T. Umezuki - What was the result of yesterday's meeting with Brewin?

J. Oki - Mr. Brewin has a copy of the resolution with signatures.

T. Umezuki - Did you think the claimants at the Sunday meeting would be willing to accept if the Commissioner decided to hear individual claims?

J. Oki - If that is the decision, I think they will be.

K. Hidaka - The claimants pressed for revision of percentages.

Chair - Would the people who signed the petition be willing to face individual hearings costs?

T. Umezuki - I am doubtful about that point.

2018.16.1.52.16.5
Source: Nikkei National Museum 2018-16-1-52-16-5b
www.nikkeimuseum.org

Chair - I asked Mr. Shin, 'If you have the Sunday meeting, would you be willing to accept individual hearings.' He stated that he wanted the over-all settlement. Mr. Shin did not mention individual hearings.

R. Obata - No one objected to the over-all settlement. They are in favour of getting something for everyone on the over-all settlement. They decided the low percentages were unfair.

Chair - Was the possibility of individual hearings presented to them clearly?

R. Obata - It was mentioned many times.

K. Hidaka - I think the statement is clear enough and the expression of the meeting is something to go on.

Exec. Secy. - Regarding the informing of claimants re possibility of individual hearings and the necessity of raising further funds which Mr. McMaster felt very likely if that should be the outcome, if I did not stress to them that this might be so, the claimants would not have been informed of this possibility when asked in that eventuality by Counsel or the Co-operative Committee for an additional 2%.

R. Obata - But they understood the conditions of rejection.

Exec. Secy - Not "conditions", but "possibilities".

R. Obata - Therefore, I am convinced that these people are prepared on the alternative.

Chair - I do not feel that we should act further on Sunday's meeting until we are sure that the claimants are willing to pay and go through with it. We cannot work on suppositions. Until we know from these people who were at the meeting that they are prepared to carry this thing through, we would be treading on dangerous ground.

R. Obata - It is our National Executive Committee's duty to find out if they are prepared to carry this through.

Exec. Secy.- The Co-operative Committee has a definite number of those who accepted or rejected. There might be the possibility that the Commissioner may take exception to those who signed it. If that happens there is the chance that a few may get more and some may get nothing on Vancouver property. There may be other possibilities. These people who signed may be taken out and dealt with separately.

R. Obata - There may be 100's of others who want to be in a similar position.

J. Oki - We should contact these people.

Exec. Secy. - Regardless of what the Commissioner will do, they should take time to think over the possibility that they may have to pay out.

T. Umezuki - Roger, seems to me you are wrong - I don't think they considered this money question so seriously on Sunday.

R. Obata - People who signed felt they could get more this way.

T. Umezuki - The people just signed to record their protest to the proposal figures.

Source: Nikkei National Museum, 2018-16-1-52-16-6a
www.nikkeimuseum.org

T. Kameoka - Yes, that is right. Mr. Shin also agreed that he is not against the over-all settlement. The Japanese translation of the resolution was stronger than the English.

I. Uchida - The idea of most of the Issei claimants was that they wanted the Co-operative Committee and the National Executive Committee to do something more.

T. Kameoka - People wanted merely a revision of the percentages.

T. Umezuki - I took the atmosphere of the meeting to be that the Co-operative Committee and the National Executive Committee be asked to do one thing more.

AGREED to continue meeting on Thursday night, May 12, at 8:00 p.m.

AGREED to invite the Toronto Sub-Committee on Claims to the Thursday meeting.

AGREED that a deputation meet with the Commissioner on his arrival in Toronto. Deputation to consist of the Executive Secretary, George Tanaka; Roger Obata, and either Mr. Shin or Mr. Sumi.

2018-16-1-52-16-6b

Source: Nikkei National Museum, 2018-16-1-52-16-6b
www.nikkeimuseum.org

would reflect on all the Japanese Canadians. There is such a great difference between total claims of $5,000,000 and the awards of $800,000. I would like that point brought out. I would not say that the valuators were wrong in their valuations, but I would state th absence of the owners as one of the reasons to the Commissioner which resulted in the low valuations made.

K. Hidaka - On the point regarding evaluations, I would like to impress upon the Commissioner that the owner must be in the negotiations if a fair value is to be set. If a property is to be valued, consideration should be given the owner's views. In this instance, the amount the person put down on his claim is in a sense a part of the owner's views.

R. Obata - Therefore, it should have been referred to the claimants.

K. Hidaka - A fair market value is arrived at when there is a willing seller and a willing buyer under no compulsion to act - a voluntary thing. Mr. Shin's point is therefore important.

R. Obata - They could not proceed on that point. The settlement should have been referred to the claimants first.

J. Oki - No one should set the percentages except the claimants.

Chair - You think they could have done it?

J. Oki - When the evaluators came to a decision, it should have been referred to the claimants. They should have come to some decision as to each property. Counsel should have referred it back to the claimants before mentioning it to the Commissioner.

Exec. Secy. - That would only be possible when the Co-operative Committee is able to refer to each individual piece of property.

T. Umezuki - It would not be fair to other claimants.

J. Oki - Then how did they arrive at the percentages.

Chair - The claimants left their property six years ago and changes have taken place.

J. Oki - They were to take 1943 values.

M. Kitagawa - How would they evaluate -- if papers are available, then they would have a record of the valuations.

Exec. Secy. - Another difficulty is that the submissions or valuations could be considered as not in line with what the claimants want. The Co-operative Committee had great difficulty in getting evidence, as for instance, in the case of property sold by auction.

J. Oki - There is the same difficulty with valuators; they are watching their own welfare in view of their own work. Therefore, the valuations will be low. The evidence presented by the claimants should have been more important than the valuators'.

Exec. Secy. - The reason for hiring evaluators was to get further evidence. In the case of properties sold by auction, it did not work out very well.

2018.16.1.52.16.7
Source: Nikkei National Museum, 2018-16-1-52-16-7
www.nikkeimuseum.org

NOTES ON THE NATIONAL JCCA EXECUTIVE COMMITTEE MEETING HELD MAY 12, 1949, 8.30 p.m. AT WOODSWORTH HOUSE, TORONTO, ONTARIO.

Those Present - M. Kitagawa, E. Nogami, T. Umezuki, J. Oki, T. Kameoka, R. Obata, K. Hidaka, K. Tanaka, N. Fujita, G. Tanaka, S. Shinobu, three members of the Toronto sub-committee on Claims - Mr. T. Sakamoto, Mr. T. Sumi, Mr. Z. Shin, and Mr. T. Mio who chaired the Sunday Claimants' meeting. (K. Tanaka in the Chair).

Regrets Received - I. Kawajiri, Rev. Shimizu, Rev. Tsuji, T. Sagara, I. Uchida, P. Yamada, Y. Hyodo.

Absentees - J. Ide, E. Nose, M. Sato.

Chair - We have with us to-night representative Issei Claimants who are here at our invitation.

Could we have a report from the sub-committee which is to meet with the Commissioner?

Exec. Secy. - We met for one hour yesterday to talk over what the delegation should say to the Commissioner on the chance that we could meet with the Commissioner today. The Commissioner is not in town. I have just spoken to Mr. Brewin and he has not heard from the Commissioner although he was supposed to be in Toronto today.

Mr. Shin - I feel that if we expect the Commissioner to be here it is a good chance to explain how the claimants are feeling.

T. Umezuki - I would like Mr. Shin to express the real intention of the Toronto claimants. At the Sunday meeting they stated they could not accept the proposal, but on the whole, it has been accepted according to the results of the vote across the country. In that event, do we say that we cannot be satisfied with the Commissioner's proposal? Or that you would like something further done on this proposal? Was the feeling of the meeting that they could not, under any circumstances, accept the Commissioner's proposals? No matter how much it costs, is it the intent of the claimants that they go through regardless, with individual hearings?

Mr. Shin - I could not take the responsibility of saying that they desire to go through, regardless, with the individual hearings because each person was not asked. From the feelings expressed, they feel the present offer is not enough as understood by everyone. I made my claim in sincerity and honesty and would want to press it to the final point, but I know this to be an idealistic position to take. If the proposals are still in the bargaining stage, I would not want to accept the settlement as they are at present. I would like one more attempt made and would like this Committee to take action from the point of view of a claimant.

Chair - Mr. Shin, could you offer us some suggestions as to how you think we should proceed?

Mr. Shin - I do not have any suggestions, but I heard that the valuators figures were not good. I feel that that was so. If they are not sympathetic, valuators would not evaluate in our favour. You must have the owner and the buyer to produce the real market price.
I would like the Commissioner requested to take into consideration that when the claims were made they were made conscientiously. I personally felt that all claims should be made in honesty because otherwise it

Source: Nikkei National Museum, 2018-16-1-52-16-7a
www.nikkeimuseum.org

J. Oki - You cannot valuate anything sold by auction.

Exec. Secy. - When Counsel is representing a person making a claim, it is necessary to substantiate the claim. That is the whole purpose of hiring evaluators.

J. Oki - No one could go out and get evidence. The evacuees claim should have been honoured more.

Chair - We cannot say what the Commissioner should have done.

Exec. Secy. - They did a great deal of work on the evaluations of Fraser Valley property and considered the relationship between assessment and sales of property sales other than Japanese Canadian, also, crop values were investigated and compiled in statistical form.

J. Oki - The farms owned by Whites cannot be compared with Japanese farms. To consider the farm as it is today is nothing to go on. Only the farmer knows the value of his crops.

K. Hidaka - If the person was not under compulsion to sell, then, if he was not getting a fair price, he would not have sold. The owner's claim should be the foundation to set the fair market value.

R. Obata - It may be these people are not considering the "date of sale". Do you think, Mr. Shin, that people considered it in that light rather than at "date of evacuation"?

Mr. Shin - We understood that, but it is a difficult matter. I want to give one example. In 1919, I purchased property at $750 cash. I claimed $3500. At the time I bought it $\frac{3}{4}$ acres were cleared, others in bushes, and there was a little house. I built a lean-to, a barn at the cost of $300, a bunkhouse at the cost of $300, $3\frac{1}{2}$ acres were cleared and 2 acres left with standing green timber. Therefore, I considered $3500 a fair price. (I carried house insurance of $1000). The Custodian sold it for $730. 80% of $730 is to be awarded, making a total of $1300. Therefore, I do not think it fair -- I just want to tell the Commissioner and ask him.

T. Umezuki - I understood after the last meeting, on Tuesday, we decided to do something. Tonight we should formulate what we can do. Therefore, let us discuss one by one, what we can do.

J. Oki - First thing to do is hold back those reports.

R. Obata - There is a difference between straight figures and receiving the actual telegrams and statements from the claimants across the country, as Mr. Shin would like to make a statement regarding the honesty of the claims to the Commissioner.

J. Oki - Were just the percentages presented to the Commissioner?

Exec. Secy. - Yes, but they would be going by areas. Mr. Brewin noted both the vote at the first meeting and the second meeting for Toronto.

Chair - The claimants in general are agreed on the method of settlement?

K. Hidaka - Conditional upon getting a fair price.

Source: Nikkei National Museum, 2018-16-1-52-16-8a
www.nikkeimuseum.org

Chair - Claimants then are not prepared to go through on the individual hearings basis?

J. Oki - We cannot say so. We are prepared to go through with it -- as individuals.

R. Obata - We cannot assume one way or other.

K. Hidaka - If the awards are close to the claims then it would be acceptable.

Exec. Secy. - The acceptance is then relative?

Chair - There is this clear alternative - we have the right to have the individual hearings, therefore, that is not an assumption. The second, the revision of the settlement proposal), is an assumption.

J. Oki - They are equally likely and equal assumptions. I think you are misleading. Because both are assumptions.

Chair - If we wanted, we could press for the individual hearings.

R. Obata - We could not under this present proposal.

Exec. Secy. - That is right.

R. Obata - Our Counsel indicated to the Commissioner that they recommended acceptance.

Exec. Secy. - When did they indicate that to the Commission? I am certain that that is not the case. I have always expressed to the Co-operative Committee that the Co-operative Committee cannot take the responsibility of interpreting the claimants' decision and that the Co-operative Committee should refer this proposal to the claimants. When I spoke to Mr. Brewin at a certain stage of the proceedings, he had not made up his mind. I stressed that point to him and I know I influenced him on that point. The next day, I took from his attitude that he had made up his mind that I was right and would take into consideration all that I had stated. I know that from my talks with individual members of the Co-operative Committee and at their meetings they feel that they could not take the responsibility of interpreting the vote on the proposal after hearing from the claimants.

K. Hidaka - There is a difference between referring and recommending the matter to another party. Mr. Brewin has recommended acceptance to the Co-operative Committee and the Co-operative Committee acceptance to claimants.

Chair - Mr. McMaster has been trying these past many months to improve the figures.

J. Oki - Our Counsel stated that the Commissioner knows the recommendation.

Exec. Secy. - Mr. Brewin will try to influence the Commissioner to improve the figures.

R. Obata - Therefore, he should refer back to the claimants.

Chair - We are not in a position to bargain because of the individual hearings alternative.

R. Obata - But he has not stated that individual hearings will be had.

K. Hidaka - Are we anticipating that certain people here will meet with the Commissioner? We could bring to the attention of the Commissioner certain individual cases where 80% is out of line. If we could bring it to his attention, it might impress him.

2018.16.1.52.16.8
Source: Nikkei National Museum, 2018-16-1-52-16-8b
www.nikkeimuseum.org

Exec. Secy. - If the Commissioner states alternative cases, which indicate the opposite of our contention, what would we do? I agree that we should do something. I was just trying to anticipate the attitude of the Commissioner.

K. Hidaka - If the Commissioner's mind is set, there is no use speaking to him. We could bring up what cases we have. In the Proceedings of the Public Accounts Committee, a survey shows a number of cases where property did not have clear title and could not be sold by VLA. The Custodian advertised and sold it. Increases were far above 80%. In these cases, we should impress upon the Commissioner that the Custodian's selling price would not be the same as a deal negotiated by the Commissioner himself.

J. Oki - The results of the voting should be studied first. The Commissioner does not know yet of certain reservations?

R. Obata - If we have an interview with the Commissioner, it would be more positive if we nullify the 90% figure. How will we do that. That is the only way the Commissioner will be swayed. The Commissioner will say that 90% accepted. We should start something in motion immediately to nullify it.

K. Hidaka - The claimants have heard the recommendation of the Co-operative Committee for acceptance.

R. Obata - More than that, is it not important that the National Executive Committee recommended acceptance.

Exec. Secy. - When I spoke to the various JCCA Provincial Executive Committee members during my recent trip on the subject of the Commissioner's proposal to claimants and the Co-operative Committee's recommendation to claimants, I stressed to the JCCA Committee members that it would be best to refrain from mentioning the National JCCA's endorsation of the Co-operative Committee recommendation unless they are asked by claimants what the JCCA advised in the matter. I stated that claimants should not be influenced in their decision by the National JCCA's decision endorsing the Co-operative Committee's recommendation

R. Obata - Your talk in other centres was the same as in Toronto?

Exec. Secy. - In Toronto, the National JCCA's endorsation of the Co-operative Committee's recommendation to claimants was brought up when it should not have been. It should not have been brought up at that time.

R. Obata - Then the point of giving leadership was for nothing.
It was the decision of the Executive Committee that was important.

Exec. Secy. - When we were doing it, we felt it a very difficult job. We anticipated that the claimants would not like it. There was the chance that claimants would ask for advice. The JCCA in all the Provinces must be in a position to give that advice to claimants. Therefore it was necessary for the National JCCA to provide a lead to all the chapters as to what they should advise claimants in the event they are asked. At the time we were faced with the problem, it looked difficult. When I left right after those last meetings, I felt that one thing we had to keep in mind was that if we tried to lead the claimants to reject it, we should offer a plan. The

Source: Nikkei National Museum, 2018-16-1-52-16-9a
www.nikkeimuseum.org

only way to do it was 100% rejection and fight this thing through on the individual basis.

R. Obata - Are we agreed that to make an effective change is to nullify the 90% vote.

Chair - I do not feel we have the time to. Perhaps a better way is to prepare something to present to the Minister of Justice; explaining the reasons for the majority of the people accepting it, showing that they are not satisfied, that the high percentages are not acutally high. If we could write out some kind of brief. We could meet with the Commissioner when he comes here and send a statement to the Minister of Justice. That may influence him when Justice Bird speaks with the Minister of Justice.

J. Oki - Another point we might consider is to send a report to each Provincial Chapter stating that there is considerable opposition to acceptance in Toronto and if there is not a similar feeling in their area.

Exec. Secy. - The Provincial Chapters will hear through these Minutes.

T. Umezuki - If we decide to send a statement to Justice Bird, then we should send a copy, including a letter from the Executive Committee regarding the two recent meetings explaining the developments to the Chapters.

MOTION #1 - MOVED by T. Umezuki and seconded by S. Shinobu
THAT we accept the suggestion of Mr. Chairman. That we prepare a statement or brief containing all the arguments that we have discussed tonight and other times as explicitly as possible and present it to Mr. Justice Bird through our delegation and submit a copy to the Minister of Justice.

T. Umezuki - In case we cannot get Mr. Bird here, we should mail a copy to him in Ottawa to ensure his receiving it.

MOTION #1 - CARRIED.

S. Shinobu - It seems the only thing we can do.

R. Obata - It seems to me that they would like to see something more positive. I don't think it will get us anywhere. It is all to the good but something effective has to be done fast. The only suggestion I have is that if this Committee feels that there are other members feeling the same across the country, we get postponement of Commissioner Bird acting on the 90% acceptance.

M. Kitagawa - If the claimants were that concerned, they would have let us know by now.

R. Obata - Toronto can be taken as a barometer.

J. Oki - Could we ask for a postponement of the Commissioner's action?

Chair - We have now decided to send a Brief to the Commissioner.

MOTION #2 - MOVED by J. Oki and seconded by R. Obata
THAT we ask the Executive Secretary to send a letter with information to the Chapters of the discussions on this subject in Committee, stating the opposition in Toronto and ask if a similar situation exists in their area, and that they send a reply. CARRIED.

Exec. Secy. - If there was such a situation, would they not have informed us?

2018.16.1.52.16.9
Source: Nikkei National Museum, 2018-16-1-52-16-9b
www.nikkeimuseum.org

M. Kitagawa - We would have heard long ago if there was.

N. Fujita - May I have some explanation as to what is meant when we talk about the "other side of the picture". So far, I have nothing for the records as to what has been meant. For what reasons, for instance, did the Sunday meeting vote rejection of the proposals?

R. Obata - The points expressed in favour of rejection, or the reasons given for rejection of this proposal are because:

1. The claimants could interpret this as a first offer. It is their opinion that it is open for further negotiations under the overall settlement proposal.

2. In view of the fact that the Government has requested such secrecy on this matter some would interpret that as being a step by the Government to settle the question of evacuation claims without individual hearings at a minimum possible compensation.

S. Shinobu - I believe Mr. Brewin explained that point to us (2). He felt that Justice Bird had a right to ask that this be kept confidential until this matter is ready to be released.

Exec. Secy. - These do not present the other side.
The fact that the Commissioner only gave four weeks for the answers could be interpreted as coercion.

Chair - Are there other reasons?

R. Obata - 3. In view of the fact that a claimant has made a truthful claim, acceptance of the Government's totally inadequate proposal would be an outright admission that his claims were not truthful.

T. Umezuki - I cannot agree that the points were put like that. I don't say that they were not brought up -- but not so strongly as that.

R. Obata - 4. Some claimants felt that the way the Co-operative Committee letter was written brought pressure upon them to sign for acceptance.

5. The offer was to try to stay in line with "the terms of reference" but inducements outside the terms were included in this present offer and we were told we would risk losing this.

K. Hidaka - 6. Under the terms of reference, the claimants are entitled to receive the fair market value but percentage increases are nowhere near the fair market value.

Exec. Secy. - With regard to the delegation to meet the Commissioner, Mr. Brewin feels that he should be present and at least speak to the Commissioner beforehand, as the Commissioner may not agree to meeting with an individual delegation. He felt that as claimants' lawyer, he should be present. Mr. Justice Bird is a lawyer and can be a stickler for ethics.
We could leave it to Mr. Shin to say what he has said. Without offending Mr. Brewin, we could discuss the evaluations. So long as something can be done, we should do it.

AGREED TO MEET AGAIN TUESDAY EVENING, May 17th, 1949.

Source: Nikkei National Museum, 2018-16-1-52-16-10a
www.nikkeimuseum.org

NOTES ON THE NATIONAL JCCA EXECUTIVE COMMITTEE MEETING HELD MAY 17, ~~1949~~, 8.30 p.m., AT THE CENTRAL YMCA, TORONTO, ONTARIO.

Those Present - K. Tanaka, J. Oki, G. Tanaka, Y. Hyodo, K. Hidaka, R. Obata, F. Nogami, T. Sagara, T. Kameoka, T. Umezuki, N. Fujita, S. Shinobu. (K. Tanaka in the Chair).

Regrets Received - Rev. K. Shimizu, Rev. T. Tsuji, I. Kawajiri, M. Sato, P. Yamada, M. Kitagawa.

DELEGATION TO MEET WITH COMMISSIONER

The Executive Secretary reported that Commissioner Bird's stop-over in Toronto was too brief to arrange a meeting with him, and the Commissioner was in town only for his own personal reasons. Mr. Brewin, however, was able to talk with him and a memorandum from Mr. Brewin on his conversations with the Commissioner was read.

A point noted in the memorandum was the Commissioner's statement that the "proposal for settlement" was not, in his opinion, a settlement. Counsel has understood that the proposals were offered as a settlement. The Commissioner states that he does not have the authority to make the proposals definite, but that it is up to the Government. Commissioner Bird has gone to Ottawa to confer with the Minister of Justice. The Commissioner now states that it was a matter of approving the method of settlement. However, the Committee felt it could not be overlooked that the Commissioner was protecting himself because he did not have authority from the Government to finalize the settlement.

Discussion re Further Action

- Commissioner should be written in Ottawa.
- Original plan should be carried out.
- Would it be possible to send a delegation to the Minister of Justice while the Commissioner is in Ottawa?
- A Brief might be sent out, addressed to the Government, to the Minister of Justice.
- Communications should be sent while Mr. Bird is in Ottawa.
- Arrangements should be made through Mr. Brewin.
- Mr. Brewin stated that what the Commissioner had said about the proposal being concerned only with a method of settlement was not what he understood.
- The acceptableness of the method depends on the percentages.
- We should communicate directly stating that the method is acceptable when the percentages are just.
- Mr. Brewin stated that the Commissioner would receive the National JCCA delegation on behalf of the Government, not on his own as Commissioner.
- It does not change the Commissioner's position as far as his evidence is concerned.
- I feel that the claimants are put in a weaker position by the Commissioner's statement.
- We are responsible, as well as Counsel, and should do something now as there is danger that the percentages will be less in the end.
- A statement from this organization should be sent directly to the Minister of Justice.
- Mr. Brewin felt that if the JCCA acted on behalf of claimants as an organization, there is a possibility for an appointment.
- How would a statement from us to the Government change or reduce our opportunity to see the Commissioner?
- It would be better to have Mr. Brewin in a delegation to Ottawa.
- One purpose of the delegation is to present the Brief, then add to it in the interview.

2018.16.1.52.16.10

Source: Nikkei National Museum, 2018-16-1-52-16-10b
www.nikkeimuseum.org

MOTION #1 - MOVED by J. Oki and seconded by R. Obata
THAT a delegation be arranged to see the Commissioner and the Minister of Justice in Ottawa (the arrangements to be discussed with Mr. Brewin), to present a statement for the purpose of bettering the position of the claimants with respect to restitution on property losses claims.

Discussion on the Motion

- The statement should be sent anyway if the appointment cannot be arranged.
- Is our purpose to move the Commissioner to bring in a modified proposal or recommendation, or approaching the Department of Justice so they will bring out a revised proposal? Do we consider the Commissioner and Minister of Justice together.
- We are dealing with the Government, as the Commissioner will see us as a representative of the Government, not as the Commissioner. Our approach is therefore to the Government. So far as the Commissioner is concerned, his position will not be changed.
- We may not be able to see the Minister but perhaps the Deputy Minister.
- There is not much use in seeing the Commissioner now.
- The Commissioner is in the position of a Judge. He would not modify his decision unless new evidence is found.

MOTION #1 CARRIED.

Composition of the Delegation

- the same persons as assigned before could go.
- Mr. Shin is not a member of this Committee. He could be contacted.

MOTION #2 - MOVED by J. Oki and seconded by T. Kameoka,
THAT the former three appointed at the last meeting act as the delegation, provided that they are available.

Discussion on the Motion

- Our National President is now in Ottawa.
- But he may not be conversant with the issue.
- The original purpose was to represent claimants who Mr. Shin represented. They asked us to do something about their views. We could add such a person as from the National organization.
- This is actually what the JCCA has always thought it should do. The point in having an Issei is whether that would be more effective or not.
- An older person always adds dignity to a delegation.
- It does not matter whether they are claimants or not.
- Could Mr. Shinobu go?
- Could we ask Mr. Shin to send his own substitute?
- If Mr. Shin is unavailable, we could ask George and Roger to fill in with a third person if possible.

MOTION #2 CARRIED.

Chair - The Executive Secretary stated that there is the possibility that we may not be able to obtain a hearing. In that case we should go ahead with the plan to send a statement and try to see the Commissioner on his way back.

- If we cannot see the Minister, we could see a Deputy.
- Should Mr. Brewin be included in the delegation or not?

Source: Nikkei National Museum, 2018-16-1-52-16-11a
www.nikkeimuseum.org

- It would give a better front if Mr. Brewin went with the delegation.
- We do not know Mr. Brewin's attitude on this delegation.
- This delegation is not acting for the 50 claimants in Toronto - but for all claimants.
- I think we understand that very clearly.
- Claimants all across the country want the JCCA to do its utmost for them.
- As soon as the Government announces the proposals, we can have publicity on it.

Contents of Statement to the Government

- Our statement should give the fundamental grounds for dissatisfaction.
- Should deal with the question as to whether it is a proposal of "settlement".
- Are we taking the broader position where even the weakness of the "terms of reference" will be mentioned?
- Can we work the other way by mentioning the salient points first then work up to the inadequacies of the "terms of reference".
- If the "terms of reference" are widened, would a new Commission be appointed?
- That is not probable.
- We could raise the point that the conception of fair market price is not satisfactory, that the methods adopted by the Commissioner to find fair market value was not right.
- I don't think the point of "tenancy" is very sound. It just justifies the low price. Even tenanted houses, increased in price. The Commissioner in relying heavily on valuations of real estate people in Vancouver is not, in a sense, giving claimants a fair price. When the valuation is for a prospective buyer, it is valued low, like a person would give for a mortgage company. In setting the fair market price as stated in the "terms of reference", consideration should be given to what the owner feels is a fair price. In negotiations, the price set by the owner plays a very important part. In this case, it is quite apparent that the Commissioner considered the Custodian's selling price as the fair price. Our position on the percentage method should be conditional -- if the percentages are somewhere near a fair price.
- We agreed at a previous meeting that the over-all method was the fair method.
- We are not bound by it.
- Our arguments are not strong there as 90% approved it.
- Could we state that our referendum was on the principle and not on percentages, that the acceptance was on principle, in view of our reservations.
- It is our responsibility to carry through the requests of the claimants.
- We could quote some of the statements submitted from claimants.
- Statistics could also be included, as the relation between the proposal percentages and the claims.
- Public Accounts Committee cases could be cited.
- We would have to remember that the Commissioner was guided by the "terms of reference".
- It is the Commissioner's interpretation of fiar market value under the terms of reference that we do not like.
- The fair market value was affected by the deterioration of the property at the time of sale.
- The Terms of Reference indicated the types of claims to be considered.
- Did the claimants not tend to value his property as at the time he lived on it? Although, perhaps not in all cases.
- Actually, there was not much change in prices between the time of living on it and time of sale.
- They took comparable property for their evaluations.
- It is not for us to argue that the owner over-valued his property. We should not mention that it is because of the terms of reference that the percentages are low. They are low within the terms of reference.
- We should anticipate the points the Government will bring up. What is our argument when the Government brings up the matter of having evaluators - both claimants and Government.

2018.16.1.52.16.11

Source: Nikkei National Museum, 2018-16-1-52-16-11b
www.nikkeimuseum.org

- First, indicate that the percentages proposed are too low because the valuations by real estate people hired by the Custodian was for a buyer, as according to general practice. That type of valuation is for mortgage purposes.
- The Government might say that the claimants' lawyers found that it was only about 10% higher.
- We should use instances because of the position we are in. Individual cases could support our general contention.
- What do we say we mean when we say the fair market value is "much higher"?
- We should state that we accept the principle of settlement but the percentages are totally inadequate, because the method of arriving at the fair market value was in our opinion inadequate, and because we believe the fair market value can only be established by a willing seller and a willing buyer and, therefore, in determining fair value, the person's claim should be considered and should not go by the figures proposed by the evaluators on either side. It is questioning that Counsel on both sides did not use the right method. We should lay more stress on the claims as a value. Evidence not readily available, therefore, the claim amount is the buyer's amount. Therefore, more emphasis should be laid on the claimant's price.
- We should take the question from the claimants' point of view, what they claimed, what they are getting, and the feeling of the claimants that they made an honest claim, and agree to contend that the restitutions should be close to the claim.
- There is the principle of replacement costs. The claimants have gone on the original and not the replacement cost. Therefore the claim values are lower and claims not exaggerated.
- Many people who had homes and farms are not in a position now to have comparable property because what the Custodian has paid to evacuees does not allow them to buy a comparable house out East.
- That last point should be prefaced that it is not part of the fair market value argument.
- The claimants made their claim, based on what they put into it.
- Should emphasize to the Government that this is not the final representation from us.

Roger Obata suggested that in the event that he is unable to go on the delegation, Kunio Hidaka be asked, as he knows more about such matters as evaluation.

MOTION #3 - MOVED by Jack Oki and seconded by R. Obata
THAT if Roger is unable to go, Kunio Hidaka be asked to go in his place. CARRIED.

EXECUTIVE SECRETARY'S REPORT

1. Insurance Ratings- Mr. Bill Takeda wrote to a friend in the U. S. on the subject of Insurance ratings for Japanese persons and received some good information. Mr. Takeda has also had an interview with his Manager on the subject and received the suggestion that he work through the JCCA, that the Executive Secretary try to see the Secretary of the Life Underwriter's Association to present the case of the Japanese Canadians. If the appointment can be made, the Executive Secretary will give an over-all picture of resettlement of Japanese Canadians as on a par with other Canadian citizens, rather than rely on statistics which are somewhat weak. The Executive Secretary will try to get in touch with them this week.

2. The Toronto Inter-Ethnic Citizens Council - A newly formed organization. It has now been incorporated. Our JCCA organization has signified its consent to co-operate with other ethnic groups to form this Council. It is not restricted to local groups - representatives from National bodies can participate. They are applying for

Source: Nikkei National Museum, 2018-16-1-52-16-12a
www.nikkeimuseum.org

membership on the Toronto Welfare Council and the Civic Advisory Council - they feel that if they are represented on these two civic bodies, the representatives could speak as representatives with equal rights to bring certain matters to the attention of civic bodies. Anything pertaining to community work and bettering the ethnic groups in Toronto would be the work of this Council. There is some talk that they might sponsor a Folk Festival. Two representatives are permitted from each ethnic group on the Council. There could be one representative from the Toronto JCCA Chapter and one from the National Committee. The meetings could be reported to this Committee regularly. The organization does not expect to have to raise large funds. The affiliation fee is $10.00.

3. B. C.'s Quota to the National JCCA Budget - At the B. C. JCCA Conference, their quota to the National Budget was discussed. I stated that I understood that they were committed to the total of $2,000 ($300 as a direct commitment and $1700 to be limited to commitments with respect to any work the JCCA may carry out in B. C. chargeable to that $1700). If at the end of the fiscal year what could be considered B. C. expenses amounted to $900, then that would be all B. C. would need to pay, if the amount exceeded $1700, they would not be liable for more than the $1700.

According to Seiji Homma, that was not his interpretation. He stated that the B. C. JCCA was only committed to $300 and no more and that the $1700 was merely something stated on paper. In effect, the $1700 meant nothing. This was not my understanding. The other two delegates from B. C. to the National Conference did not say otherwise.

REPORT OF THE EXECUTIVE SECRETARY MOVED FOR ADOPTION BY G. Tanaka and J. Oki.
CARRIED.

BUSINESS ARISING FROM THE REPORT:

1. Affiliation with the Toronto Inter-ethnic Council -

MOTION #4 - MOVED by T. Umezuki and seconded by T. Sagara
THAT we affiliate and send one representative from this Committee, affiliation to be subject to ratification of their constitution.

Discussion

- Could not the local Chapter be the regular representative, with the National representative just sitting-in.
- Wherever it requires the machinery of the local Chapter than the local Chapter would be required to take over. National should sit in on this because it is a forerunner of what may be organized in other communities. They should follow it very closely.
- I would rather see the local Chapter taking the leading part.
- We need not be concerned with the technicalities but keep that point in mind.
- The JCCA would affiliate as one, not separately as local and national.
- The local Chapter should represent the Japanese Canadian people as a whole rather than just the organization.
- The local representative would have to be someone conversant with such matters. Otherwise, they would need a National person to go with them.

MOTION #4 WITHDRAWN.

MOTION #5 - MOVED by R. Obata and seconded by S. Shinobu
THAT the National Executive Committee send a representative to the Toronto Inter-ethnic Council and withhold affiliation until their constitution has been studied. CARRIED.

2018.16.1.52.16.12
Source: Nikkei National Museum, 2018-16-1-52-16-12b
www.nikkeimuseum.org

2. B. C. Budget Quota

Discussion

- B. C. had planned a political campaign with regard to the Crown Timber Workers and therefore were not able to commit themselves to a bigger quota. If the Executive Secretary would go out to help them, then they said they would come across with the $1700. But the Crown Timber issue was not as costly as predicted.
- Fred Nogami, Roger Obata and Mr. Kameoka, Ontario JCCA delegates to the last National Conference, all concurred on their understanding that B. C. would be committed to the $1700 if the Executive Secretary assisted them in their Crown Timber Campaign.

MOTION #6 - MOVED by K. Hidaka and seconded by Mr. Kameoka
THAT a Committee be appointed to investigate and be instructed to bring in a report to the next meeting covering the following:
(a) the B. C. quota,
(b) recommendations re appointing of Trustees for the Trust Fund,
(c) a detailed report of the financial condition of the JCCA,
(d) and other pertinent matters.

CARRIED.

The following were appointed to the Committee: J. Oki, K. Hidaka, R. Obata, F. Nogami, N. Fujita.

OTHER BUSINESS:

1. Dominion Elections

MOTION #7 - MOVED by T. Umezuki and seconded by T. Kameoka
THAT the National JCCA, through its Executive Secretary, dissiminate to Japanese Canadian, eligible voters information regarding the Dominion Elections as much as possible, at the same time, that the Executive Secretary make a statement through the press that all eligible voters fulfill their privilege and duty. CARRIED.

T. Umezuki advised that the Executive Secretary has already given the New Canadian information regarding revisions to the voters' lists.

It was suggested that the Executive Secretary write an editorial on the Dominion Elections as this is an important occasion this year for Japanese Canadians.

2. The March and April Disbursement figures were adopted as reported, on the Motion of F. Nogami and S. Shinobu (Statements attached).

3. The April and May Requisitions approved and adopted on Motior of T, Umezuki and Y.Hyodo, as follows:

Source: Nikkei National Museum, 2018-16-1-52-16-13a
www.nikkeimuseum.org

April, 1949:

Executive Secretary's salary	$ 233.00
Office Secretary's salary	156.00
Petty Cash	50.00
Travel Expense, G. Tanaka, Feb. 24 - Apr. 6 .	600.00
Supplies, etc.	61.00
	$1,100.00

May, 1949:

Executive Secretary's Salary	$ 237.00
Office Secretary's Salary	156.00
Petty Cash	50.00
Supplies, etc.	57.00
	$ 500.00

THE MEETING ADJOURNED AT 11:15 p.m.

2018.16.1.52.16.13

Source: Nikkei National Museum, 2018-16-1-52-16-13b
www.nikkeimuseum.org

STATEMENT OF DISBURSEMENTS

March, 1949

Receipts:

March 21 - March Requisition ..... $ 663.35

Disbursements:

Salary, Executive Secretary	$ 233.00
" , Office Secretary	246.68
Supplies	49.63
Telephone and Telegraph	19.28
Rent	13.50
Transportation	2.00
Bank Charges	.85
Literature	3.00
Accounts Receivable	79.31
	$647.25

Cash Balance - in Bank $148.34
- Petty Cash . 50.00
$198.34

BREAKDOWNS:

Salary, Office Secretary - March salary $156.00, retroactive adjustment for Nov., Dec., Jan., Feb., $90.68.

Supplies - Typewriter rental for 1 month $5.00, Printing expense for Bulletin heads $17.82, Art work for Bulletin heads $5.00, Stamps, express and excise charges $10.63, Two typewriter ribbons $1.50, 100 plain envelopes 65¢, Fifty Report covers $5.00, One hundred File Folders $2.90, Two Erasers, Three scratch pads and Three notebooks $1.13.

Telephone and Telegraph - Feb. telephone a/c $7.40, Mar. telephone a/c $7.35, Telegrams $4.53.

Rent - Regular office rental $12.00, Committee room rental for Executive Committee mtg. March 15, 1949, $1.50.

Transportation - Book of car tickets $2.00.

Literature - One copy "Hawaii's Japanese" by Lind $3.00.

Accounts Receivable - One month's typewriter rental re-imburseable from Toronto Chapter $5.00.
- New Canadian "JCCA Special Issue" expense re-imburseable from Provincial Chapter $74.31

NF

Source: Nikkei National Museum, 2018-16-1-52-16-14
www.nikkeimuseum.org

STATEMENT OF DISBURSEMENTS

April, 1949

Receipts:

April 28 - April Requisition	$1,100.00
" " - Reimbursements from Co-operative Committee $6.00 and Toronto Chapter $6.00	12.00

Disbursements:

Salary, Executive Secretary (less income tax deductions for Jan., Feb., Mar., April)	$ 143.60
Salary, Office Secretary (less income tax deductions for Jan., Feb., Mar., April) and extra help ..	138.88
Supplies	162.38
Telephone & Telegraph	7.35
Rent	13.50
Public Relations	1.57
Travel Expense	596.90
Bank Charges	2.33
Literature	.53
Income Tax	126.00
	$1,193.04

Cash Balance - in Bank	$ 67.30
- Petty Cash	50.00
	$117.30

BREAKDOWNS:

Salary, Office Secretary - Extra help, Miss Eileen Shintani - 26½ hrs. @ .75 $19.88.

Supplies - 20,000 shts. mimeograph paper $50.50; 2 bottles Correcting Fluid $1.50; 10 quires Stencils $40.00; 6 tubes Black Ink $18.54; 1500 shts. Letterhead and 2000 envelopes $28.19; Stamps $16.50; 1 box bond paper, 1/4 M shts. copy paper, fasteners and labels $7.15.

Rent - Monthly rent $12.00; rental for Committee Room April 11, '49 $1.50.

Public Relations - 1 year subscription to the "Fisherman".

Travel Expense - Executive Secretary's cross-country trip, Feb. 24 to April 5, '49

Total Expenses	$796.90
less advance contribution from Co-operative Com. ...	200.00
	$596.90

NF

Source: Nikkei National Museum, 2018-16-1-52-16-15
www.nikkeimuseum.org

Irving Papers MG 32 C26 Vol 1

NATIONAL JAPANESE CANADIAN
CITIZENS ASSOCIATION
64 GERRARD ST., EAST,
TORONTO 2, ONT.

May 12, 1949.

MEMORANDUM RE ATTACHED STATEMENT

The National Japanese Canadian Citizens Association desires to submit the attached list of disbursements for expenditures it has incurred in promoting work which has implemented to a very considerable degree the presentation of claims on property losses to the Royal Commission on Japanese Claims.

Since September, 1947, the National JCCA headquarters has assumed responsibilities as the central station through which has been channeled to Claimants, through its six component Provincial Chapter organizations and forty local chapter organizations, the necessary directives, advice, information, translations and materials connected with the presentation of property claims to the Commission.

Invaluable work by the National JCCA has made possible the providing of claimants' interpreters and the assisting of claimants in the filing of claims and submission of evidence to the Commission.

It has engaged in the drafting and printing of the claim forms approved by the Commissioner and other related informational and instructional material for claimants, both in English and in Japanese.

The National JCCA has employed its full-time paid office staff consisting of the National Executive Secretary and Office Secretary for considerable lengths of time to promote the above stated work.

It has been necessary for the JCCA organization to employ in British Columbia, on paid salary and per diem basis, members of its Provincial Chapter executive to carry on the work with respect to presentation of claims, etc., due to the magnitude of claims in the Province and the geographical nature of the Province which makes difficult close and ready contact with the various centres.

While the aforementioned completes the extent of the paid time work and expenses incurred by the National JCCA, it is desirable to state that a tremendous amount of voluntary work has been contributed by a large number of JCCA executive and committee members in the various Provinces which has contributed to the completion of presentation of claims and the submission of claimants' evidence to the Commission.

Yours truly,

GEORGE TANAKA,
National Executive Secretary.

GT/vf

Source: Nikkei National Museum, 2018-16-1-52-17-1
www.nikkeimuseum.org

May 12, 1949.

STATEMENT

Expenditures incurred by the National JCCA on Claims work

1. National Executive Secretary - 5 months period, Sept., 1947, to Jan., 1948 ..... $ 1,250.00

2. National Headquarter's Office Secretary - 5 months period, Sept., 1947, to Jan., 1948 ... 750.00

(Drafting, printing and distribution of claim forms and considerable other related informational and instructional material in English and in Japanese. Providing complete information, advice and assistance in the filing of claims to claimants directly and through JCCA channels and other media. Attending to considerable correspondence on claims matters with claimants.)

3. National Executive Secretary - 7 mons. during 11 month period, Feb., 1948 - Dec., 1948 ..... 1,750.00

4. National Headquarter's Office Secretary - 7 mons. during 11 mon. period, Feb., 1948 - Dec.,1948 1,050.00

(Printing and distribution of pre-hearing claim forms in English and in Japanese. Directing and completing the tabulation of claims. Providing for claimants' interpreters. Interviewing claimants and providing for and giving direct assistance to claimants prior to claimant's hearings. Attending to considerable correspondence on claims matters with claimants. Enabling the functioning of the JCCA organizational machinery throughout Canada which has greatly assisted the work of the Commission during claimants' hearings).

5. National Executive Secretary - 1 month during period of April, 1949, to May, 1949..... 250.00

(Special trip across Canada to consult with the Provincial JCCA Chapter executives enabling the presentation of the Commissioner's over-all settlement proposal to claimants at various local claimants meetings. Further attended claimants meetings in various centres to explain the settlement proposal, etc.)

($5,050.00)

Source: Nikkei National Museum, 2018-16-1-52-17-2
www.nikkeimuseum.org

Total brought forward $5,050.00

6. British Columbia JCCA General Secretary - 4 mons., Oct., 1947, to Jan., 1948 ..... 600.00

(Attending to the complete distribution of claims forms and related material to B. C. claimants. Attending to numerous detailed matters pertaining to the providing of direct assistance to claimants in the filing of claims throughout the Province.)

7. B. C. JCCA President -

21 days, during November, 1947, @ $8.00 per day 168.00

(Travelling throughout British Columbia attending claimants meetings to fully inform and explain the Terms of Reference and related matters pertaining to the submission of claims for property losses to the Commission).

8. B. C. JCCA General Secretary - 3 mons., Jan., 1948, to June, 1948 450.00

(Attending to the work of providing assistance to claimants prior to claimants' hearings before the Commission including the providing of interpreters and enabling the function of the B. C. JCCA machinery which has greatly assisted the work of the Commission during claimants' hearings).

TOTAL ..... $ 6,268.00

GT/nf

Source: Nikkei National Museum, 2018-16-1-52-17-3
www.nikkeimuseum.org

Brewin Papers MA 32 C26. Vol 1

NB

May 16, 1949.

Mr. R. J. McMaster,
c/o Messrs. Campbell, Brazier, Fisher & McMaster,
Barristers,
675 West Hastings Street,
Vancouver, B.C.

Re: Japanese Canadian Claims Commission

Dear Bob:

I had a friendly interview with Mr. Justice Bird yesterday and told him the result of the vote.

I told him that the Toronto claimants were opposed to accepting the proposal. He emphasized to me what perhaps I have not fully realized, that he regarded his role as not so much of a negotiator bringing parties together, but of one responsible for making findings on the evidence to date and assuming that all parties had agreed to the method of overall settlement. He indicated, however, in respect to those who rejected the proposed basis of settlement, he would be willing to hear further evidence as though they were special cases, if we wished to present them. This is obviously a matter that should be approached with caution, as there seems to be no reason why the Toronto claimants who rejected the proposal, should be dealt with on a different basis from those who accepted it. However, it may be that amongst the Toronto claimants there are a number who wish to be specially heard, and I will try to get instructions in regard to this, and let you know which are the cases in which the claimants themselves seek to have further evidence presented.

Mr. Justice Bird is going to Ottawa at the end of this week, and we presume that in view of the note, the matter will go forward on the basis of the proposals which we have discussed.

I am not optimistice about any increase in the Vancouver property claims. It may be, however, that you can in some cases get an increase over the 5% based on the special merits.

Signed by
Brewin.

Source: Nikkei National Museum, 2018-16-1-52-18
www.nikkeimuseum.org

Brewin Papers MG32C26 Vol 1

May 16, 1949.

The Honourable Mr. Justice Bird,
Park Plaza Hotel,
Bloor Street West,
Toronto, Ontario.

Re: Japanese Canadian Claims Commission

Dear Mr. Justice Bird:

I am writing to confirm the information which I gave you yesterday in regard to the proposals for dealing with this matter.

We submitted a summary of the proposals to all of our clients by letter. In addition, Mr. George Tanaka who is the Executive Secretary of the Japanese Canadian Association, visited various centres throughout the country and discussed the proposals with claimants, and a number of meetings of the claimants were held. No doubt you will fully appreciate the difficulty of securing full and adequate consultation with our clients in view of the facts that they are scattered across the country and there are so many of them. It is not easy to insure that they have a complete and adequate understanding of the proposals.

It was also necessary that their views be obtained without delay.

It would appear that all of the claimants whom we represent were agreeable to the proposed method of dealing with the matter, namely, that instead of the detailed hearing of individual cases, the claims be dealt with within categories on the basis of the evidence already heard except in special instances.

Some 423 claimants have replied to us authorizing us to accept the proposal. Some of these claimants have wished us to indicate various degrees of qualifications of their acceptance.

Source: Nikkei National Museum, 2018-16-1-52-19-1
www.nikkeimuseum.org

The Honourable Mr. Justice Bird 167 May 14, 1949.

Some 57 claimants have either written or indicated by petition that they do not wish us to accept the proposals. Of these, as I told you, quite a large number are in the City of Toronto and no doubt part of the reason for this is that many of these claimants are owners of Vancouver properties and feel that the allowance of 5% is inadequate.

As you know, the Co-operative Committee and their counsel have recommended to the claimants the acceptance of the method of dealing with the matter proposed, and in general outline the proposals actually made. We have, however, been instructed to make representations to the Government and to yourself in respect to the Vancouver properties. We appreciate that Mr. McMaster has already discussed this matter fully with you, and there is probably nothing to be gained by further representations. However, we have indicated to the Government our view that the increased allowance might be justified outside the terms of reference altogether by reason of the fact that many of the properties, which being occupied by tenants, inevitably achieved a considerably lower sale price than they would have done if they could have been sold with vacant possession.

Tenant argument restated

Our clients have also wished us to make the reservation in accepting the proposed method of settlement, that they have not abandoned their submission to the Government that the terms of reference were too narrow. We fully appreciate that this does not concern you as Commissioner, but nevertheless we have been asked to record our view on this, in case it become timely at a later date to discuss with the Government a proposal that might be made, to allow compensation on a basis not covered by the terms of reference. As you know the Co-operative Committee were instructed when the original terms of reference were announced, to seek broader terms of reference, and while the Government has been unwilling to accede to our request, our contention that a greater measure of justice could be done if the terms were broader, has never been withdrawn, and our clients wish us to maintain this position.

We presume that in view of the overwhelming acceptance by the claimants, the Commission will continue to deal with the matter on the basis of the proposals made.

We think that perhaps in the past we have not sufficiently emphasized to the claimants that although the method proposed was agreed to by counsel for both the Government and the claimants, the recommendations to be made by the Government within these terms, will be your recommendations as Commissioner, and we propose to inform our clients of this, so that they will recognise that the matter is not being based upon a settlement between the Government and the claimants as such.

Yours sincerely,

FAB:HC

G. & T.
6383

Source: Nikkei National Museum 2018-16-1-52-19-2
www.nikkeimuseum.org

B117

NATIONAL JAPANESE CANADIAN CITIZENS ASSN,
84 Gerrard Street E., Toronto 2, Ontario.

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

SPECIAL NATIONAL JCCA BULLETIN

June 3, 1949.

REPORT ON THE NATIONAL JCCA DELEGATION TO MR. JUSTICE H. I. BIRD, COMMISSIONER ON JAPANESE CANADIAN PROPERTY LOSSES CLAIMS

(Matters pertaining to the Commission's proposed settlement must still be considered confidential information not to be released to the Canadian press.)

A special delegation of the National JCCA was granted a special interview with Mr. Justice H. I. Bird, Commissioner on Japanese Property Losses Claims, in Toronto, Friday morning, May 20, 1949. The National JCCA delegation consisted of Mr. George Tanaka, National Executive Secretary; Mr. Roger Obata, Past National President; and also Mr. S. Shin, a representative of the Toronto Claimants sub-Committee who was invited by the National JCCA to express the views of claimants who regard the percentage proposals of settlement as too low.

The National Executive Secretary explained to the Commissioner that the JCCA is a representative organization whose membership includes Japanese Canadian property claimants. It was further explained that the National JCCA had co-operated with Claimants' Counsel and the Co-operative Committee on Japanese Canadians in bringing to the attention of claimants across Canada the recent proposal by the Commission on a method of settlement, also, that this was carried out utilizing the organization's nation-wide machinery. It was further stated by the National Executive Secretary that due to the JCCA's close contact with the claimants, the organization, by and large, is fully aware of the views held by claimants regarding the Commission's recent proposal.

The Executive Secretary stated to the Commissioner that the claimants appreciated the time-saving advantages of an over-all method of settling claims and also that, while claimants have expressed to the Commissioner through the Co-operative Committee and the JCCA an 80 to 90% acceptance (of those contacted) of the proposed method of settlement, that this decision does not in any way indicate full satisfaction on the part of claimants to the proposal. In the majority of cases, it was explained, claimants were greatly disappointed with the low percentages offered in the various categories. It was pointed out that while a number of letters from individual claimants and telegrams and letters from JCCA local Chapters reporting on the decisions of claimants at meetings indicated the majority of claimants accepted the principle of settlement, they also qualified this statement with the strong view that the indicated percentages should be raised.

The Executive Secretary stated that it was the JCCA organization's sincere belief that the Dominion Government sincerely desires to grant claimants a fair and just restitution for losses suffered arising out of the forced evacuation from British Columbia.

It was pointed out that Japanese Canadian claimants today, due to economic reasons brought about by the forced evacuation, are unable to purchase a home, farm or other property comparable to that which they formerly possessed in British Columbia with any monies they have received from the sale of their property by the Custodian and what they may receive in the form of an award from the Government under the present category percentages of settlement.

Source: Nikkei National Museum, 2018-16-1-52-20-1
www.nikkeimuseum.org

It was stressed that while the over-all method of the proposed settlement is desirable, careful consideration should be given to the fact that this decision is only made by claimants due to the reason that the Commission must hear hundreds of claims. Under ordinary circumstances, it was pointed out, in an average court case a claimant is given the opportunity to present all his evidence and testimony before the presiding Judge who is given every opportunity to meet with and hear the person making the claim and his appeal for full justice.

The Executive Secretary stated to the Commissioner that he has been recently privileged to meet with a number of Japanese Canadian claimants across Canada. He cited one experience where he spoke to a meeting of 14 claimants in one Ontario city who, after careful discussion of the proposal, indicated their acceptance. However, amongst the claimants were three Issei whose claims were on Vancouver Real Property. He pointed out that these claimants were very elderly people, in the neighbourhood of 60 years of age, now earning a bare living wage. He stressed the fact that these old people had spent a lifetime while living in British Columbia building up their possessions only to lose all their property by forced evacuation, receiving very little compensation from the sale of their property by the Custodian. These people, he stated, exemplify the position of a number of claimants across Canada who, in order to overcome their present economic difficulties to re-establish themselves in their respective communities, are relying greatly on receiving fair awards near the amounts of their claims. It was further stated that this situation amongst claimants is not confined to Vancouver property claimants but applies to all categories of claimants.

The Executive Secretary, on behalf of the delegation, appealed to the Commissioner to give his fullest consideration to claims in all categories which are deserving of special consideration over and above the percentages allowed by him in the respective categories. It was pointed out that this very principle of an over-all settlement is bound to work hardship on a large number of claimants as under these conditions many deserving claims might be overlooked in the large mass of claims when they should be granted higher percentages than that allowed under the present category percentages of the proposed settlement.

It was also pointed out with respect to Vancouver and other residential property claims, where these properties were tenanted at the time of their sale, an unfair burden was placed on claimants due to the 1943-44 Federal tenancy restrictions which tended to depreciate the fair market values of such properties from $500 to $1,000, an amount which in some cases would total the amount of the claim.

Since Mr. Justice Bird stated clearly that he is not responsible for any questions which deal outside the Terms of Reference as they are responsibilities which should be dealt with by the Government, the delegation confined its appeal to questions strictly within the Terms of Reference.

The Executive Secretary stressed that the claimants desired that the Commission give further consideration to increasing the percentages in all categories of the proposed settlement. Furthermore, with regard to the very low percentages offered on real property claims in the City of Vancouver and real property claims outside of Vancouver and chattel claims, that these category percentages should be substantially increased.

Mr. Obata brought to the attention of the Commissioner the fact that the claimants have every reason to believe that full consideration as to fair market value of claimants property does not appear to have been made due to the wide discrepancy between the awards mentioned and the total amount of the claims made by the claimants. It was felt that greater consideration should be given to claimants' valuations since they are, in the last analysis, the only persons who fully appreciate the true value of their property.

Source: Nikkei National Museum, 2018-16-1-52-20-2
www.nikkeimuseum.org

Due to the fact that the JCCA felt an Issei claimant appealing directly to the Commissioner might also give weight to the delegation's appeal, Mr. Shin was invited to present to the Commissioner claimants' views on the settlement proposal.

The National JCCA delegation was accompanied, at the request of the Commissioner, by Mr. Brewin, Counsel for Claimants; and Mr. Hunter, Government Counsel, was also present at the delegation's hearing. The interview lasted for almost two hours.

- GEORGE TANAKA,
National Executive Secretary.

The National JCCA is presently making every effort possible to gain for claimants fair and just restitution for property losses. With this object in mind, the following stated letter has been recently written to the Minister of Justice:

The Honourable Stuart S. Garson,
Minister of Justice,
OTTAWA, Canada.

Dear Sir:

Recently, the Honourable Mr. Justice Bird, Commissioner, under whose jurisdiction investigations are being made in the matter of the Japanese Canadian claims for property losses, desired to know of the claimants whether a method of claims settlement, the principle of an over-all settlement, would be acceptable.

In continuing our organization's policy to co-operate as fully as possible with the Commission and to lend our fullest assistance to claimants' Counsel and the Co-operative Committee on Japanese Canadians, our national organization, the Japanese Canadian Citizens Association, utilized its nation-wide organizational machinery to bring to the attention of claimants the question to which the Commission desired an early reply.

We are therefore conversant on the details pertaining to the Commission's recent proposal to claimants, all of which information is accepted by our organization in confidence as requested.

Since it is in the nature of our organization with its position of responsibility, to work for the welfare of Canadian Citizens of Japanese ancestry, this body is desirous of presenting to your kind attention matters which pertain to the general, over-all policy on Japanese Canadian property losses claims and the Terms of Reference.

We are therefore respectfully asking that a delegation of two or three members of our organization may be granted an interview with you at your earliest convenience.

Respectfully yours,

GEORGE TANAKA,
National Executive Secretary.

GT/nf

Source: Nikkei National Museum, 2018-16-1-52-20-3
www.nikkeimuseum.org

B 118

(Draft Letter to Claimants as prepared by the sub-Committee which met on Tuesday, July 5, 1949. Members present: Rev. K. Shimizu ~ K.
Mr. T. Umezuki ~ N
Mr. R. Obata ~ N
* Mr. Y. Hyodo ~ N
Mr. G. Tanaka ~N (Chairman).)

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

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

Dear Claimants:

Under date of April 16, you received a letter from the Co-operative Committee on Japanese Canadians advising you that an offer of over-all settlement was received in connection with your property losses claims and that for the reasons stated therein it was recommended that the proposals of settlement be accepted. The Japanese Canadian Citizens Association, having considered this matter from all angles, felt that there was, unfortunately, no alternative under the present inquiry but to recommend acceptance to claimants. It was never intended, however, that any acceptance of the proposals should be considered as an end of our complaints respecting property losses claims. It has been reported to us that a great majority of claimants who replied to the Co-operative Committee agreed, under strong protest, with their recommendation for acceptance.

It might be pointed out that a large number of claimants, especially in the Toronto area, took strong objection to the proposals of settlement. A Toronto meeting of claimants requested the Co-operative Committee, through its general counsel, to advise the Dominion Government and the Commission that the proposal was not acceptable and that further efforts should be made for a revision of the percentages. The points raised in favour of rejection were as follows:

"1. The claimants could interpret this as a first offer. It is their opinion that it is open for further negotiations under the over-all settlement proposal. (This is now considered impractical in view of the recent National JCCA delegation's interview with the Commissioner).
2. In view of the fact that the Government has requested such secrecy on this matter some would interpret that as being a step by the Government to settle the question of evacuation claims without individual hearings at a minimum possible compensation.
3. In view of the fact that a claimant has made a truthful claim, acceptance of the Government's totally inadequate proposal would be an outright admission that his claims were not truthful.
4. Some claimants felt that the way the Co-operative Committee letter was written left no alternative but to accept.
5. The offer included certain inducements which are not within "the terms of reference" (such as, the return of commissions to claimants in the form of small percentage awards in the Government's proposal which originally were charged against the sale of claimants' property by the Custodian, etc.) and which claimants' counsel advised claimants might lose should they refuse and insist on individual hearings of claims by the Commission.
6. Under the terms of reference, the claimants are entitled to receive the fair market value but percentage increases do not produce an increase anywhere near the fair market value."

The present position, however, is that, insofar as the Royal Commission is concerned, the Commissioner is aware that the majority of claimants who replied to the Co-operative Committee have accepted his offer of settlement under protest. In view of the recent National JCCA delegation's interview with the Commissioner, it is not likely that much more can be achieved by the claimants by pursuing the matter with the Royal Commission. In addition to this, we have been advised by the Commissioner himself that, as it was indicated to us before, it had been his intention to proceed on the basis of his

Source: Nikkei National Museum, 2018-16-1-52-21-1
www.nikkeimuseum.org

offer whether the claimants accepted his proposals for over-all settlement or not.

In the light of the above, the J.C.C.A. is proceeding along the following lines:

1. Efforts are being continued to have the Commission and the Government raise the percentages for all claims.

2. The Dominion Government are being advised that while a number of claimants have accepted the proposals of the Commissioner, they did so under strong protest and only because it was intimated to them that this was merely an indication by the Commissioner of what his final recommendations will be and that insofar as the present Royal Commission was concerned acceptance or rejection would make no difference to the findings.

3. The Dominion Government will also be requested to enlarge the terms of reference of the Royal Commission to cover all losses suffered by the claimants as the claimants feel that the suggested figures in no wise cover these losses. At the time the Government will be advised that the JCCA as an organization will back the claimants to the full in their claims for restitution and will press for full compensation. In other words, we will notify the Government that any finding by the Commission such as that proposed will not be considered the end of this matter and that they may be well advised to make proper restitution at this time if they wish to avoid continued dissatisfaction.

As the JCCA is ready and willing to continue to assist you in any way possible to obtain justice for the evacuation losses suffered by Japanese Canadians, we would appreciate your comments on any of the questions raised in this letter.

We especially wish to know whether you feel greatly dissatisfied with the Commission's settlement proposal and desire the JCCA to make a vigorous appeal to the Government for a more just claims' restitution and to carry out a public campaign in support of this action.

During the past two years, the JCCA has expended several thousands of dollars in the upkeep of the National JCCA Office in the periods devoted to Claims work, the preparation of Claims briefs and other claims material while a very great deal of voluntary time was given to assist claimants by the hundreds of JCCA workers in all the Provinces.

The JCCA is ready to continue unabated the work on behalf of claimants and has already planned the following steps:

1. Present a brief to the Government and members of Parliament which will disclose
   (a) the basic complaints of claimants to the Commission's settlement proposal with a strong appeal for just restitution,
   (b) seeking a broadening of the terms of reference to include all claims.

2. Seek a delegation interview with the Government in representation on behalf of all claimants and present the aforementioned brief.

3. Carry out a campaign for public support for justice and full restitution for evacuation losses claims.

As the National JCCA operating funds are now totally depleted and, in order to carry on the aforementioned work, fairly large expenditures will be involved, it is now absolutely necessary for the National JCCA to appeal directly to claimants for financial support.

In view of these circumstances, we desire to know whether you are willing to consent to an appropriation from the Co-operative Committee Claims Funds being made to the National JCCA in order to finance the claims work outlined on behalf of claimants.

May we hear from you with regard to all the questions raised in this letter.

Sincerely yours,

Source: Nikkei National Museum, 2018-16-1-52-21-2
www.nikkeimuseum.org

A-13

NATIONAL JAPANESE CANADIAN CITIZENS ASSOCIATION

MEETING OF THE NATIONAL EXECUTIVE COMMITTEE

Central YMCA,
36 College St., Toronto.

August 5, 1949,
9.00 p.m.

A G E N D A

I. ATTENDANCE

II. CALL TO ORDER

III. PURPOSE OF MEETING

IV. BUSINESS:

1. Draft Letter to Claimants

2. Report on Claims Commission Hearings being held in Vancouver.

3. Question Period
- Discussion on future action re Claims

APPRECIATION

ADJOURNMENT

Source: Nikkei National Museum, 2018-16-1-52-22-1
www.nikkeimuseum.org

MINUTES OF THE JCCA NATIONAL EXECUTIVE COMMITTEE MEETING, August 5, 1949

Vol. II, #17

A special meeting of the National Executive Committee was held Friday, August 5, 1949, at 9.00 p.m., at the Central YMCA, Toronto.

I. ATTENDANCE:

Those Present - K. Tanaka, T. Kameoka, T. Umezuki, J. Oki, Y. Hyodo, M. Sato, K. Hidaka, R. Obata, M. Kitagawa, G. Tanaka, N. Fujita, Mr. R. J. McMaster and Mr. A. F. Brewin.

Absentees - T. Tsuji, K. Shimizu, P. Yamada, J. Ide, I. Kawajiri, S. Shinobu, T. Sagara, I. Uchida, E. Nose, F. Nogami.

II. CALL TO ORDER - Acting Chairman, K. Tanaka, called the meeting to order.

III. PURPOSE OF MEETING - Taking advantage of the opportunity presented during Mr. McMaster's short stay in Toronto in August, a meeting of the Executive Committee was held to which both Mr. McMaster and Mr. Brewin were invited.

The purpose of this meeting was to hold discussions between the members of the Committee and Mr. Brewin and Mr. McMaster with regard to aspects of the Claims question and also to have the opinions of both Mr. Brewin and Mr. McMaster on the proposed draft letter to Claimants (which was submitted by the sub-committee responsible for drafting the letter to the Executive Committee meeting held on July 12th) given to the members of the National Executive Committee.

With regard to this proposed letter to Claimants, it was Mr. Brewin's very emphatic opinion that the letter should not be sent to the Claimants. Mr. Brewin was of the opinion that the points 1. to 6. as raised in the letter which represents the views of some of the Claimants in favour of rejection of the Commissioner's proposal were misrepresentations of fact in some parts and some others were totally wrong in the conclusions made, etc.

The Executive Secretary, at the previous meeting of the Executive Committee, had been instructed to meet with Mr. Brewin and obtain his views regarding the draft letter to Claimants. At this meeting, Mr. Brewin very strongly recommended that the Executive Secretary inform the Committee that it was his opinion the letter in question should not be sent to the Claimants. At this time, he very clearly stated his objections to the letter in detail covering the points 1. to 6. stated in the above paragraph.

The Executive Secretary had asked Mr. Brewin to inform the Executive Committee members at this meeting with regard to his views on the draft letter to Claimants.

In discussions held by the Executive Secretary with Mr. McMaster on the subject of this draft letter to Claimants, Mr. McMaster expressed his views to the Executive Secretary that, in his opinion, it would not be advisable to send such a letter to Claimants.

IV. RECORD OF PROCEEDINGS:

1. Draft Letter to Claimants

Mr. Brewin - When making representations to the Government, we should make certain of proper timing and the gaining of fruitful results.

Source: Nikkei National Museum, 2018-16-1-52-22-2
www.nikkeimuseum.org

There is no use carrying out a protest campaign unless it is a properly co-ordinated one. We should learn from Mr. McMaster whether such a letter would affect the present state of the work of the Commission. We should not make a protest if there is little hope of a favourable response. We should also consider what other efforts are to be made to make any campaign effective.

2. Report on Claims Commission Hearings Currently Being Held in Vancouver

Mr. McMaster - Our problem has been in relation to submitting proof before the Commission. Progress is being made in arriving at some agreement. It is difficult for a lay person to understand the difference between proving a case and what is considered right. The greater the length of time between the incident and the time of proving it, the more difficult it is to substantiate your case with adequate proof.

While the Commissioner is appointed under the Public Enquiries Act and given instructions as to the types of claims to be heard, it has to be proven to his satisfaction as to the amount of loss suffered. While it is true the loss has been greater than what is proven, the Commissioner will go on the basis of what is proved. We have been exceptionally fortunate on the VLA properties, e.g., Maple Ridge - 1/5 of the property was owned by Japanese, they were not in one section but spread throughout Maple Ridge. We could take as a measuring rod similar properties owned by Occidentals and sold in 1943 to compare with properties to be dealt with. Because of this, we have been able to pursuade the Commissioner to come closer to the real losses suffered.

A similar opportunity with regard to automobiles was gained. Reasonably large quantities of automobiles were sold by Occidentals at that time. The evidence gained was not as good as VLA but better than other types.

There are other properties where we are stymied, e.g., boats. A great deal of damage was done to the boats and the Commissioner has recognized this fact. These claims are not technically within the terms of reference but are to be considered. There were no boat brokers as in the case of the used car market. Selling was carried on among the fishermen themselves. There was not the same evidence of sales among Occidentals. A large number of the boats were sold to fishing companies. The best place to get records of boat sales is from the fishing companies but they are not anxious to talk and we could not get evidence from them.

In the case of Chattels, the Claimant is trying to remember an accurate description six or seven years later. This is probably the weakest point when it comes to the matter of giving proof on these cases. Auction sheets bear out this point.

With regard to City Property, I feel badly about the whole transaction. The problem is different from VLA farmland property. We hoped that we could use some technique as in farmland areas, relating Occidental and Japanese sales. We found this impossible in Vancouver where large areas were owned by Japanese. Not a sufficient number of Occidental sales to make a comparison with former Japanese properties. No sound basis could be found of comparison. Kitsilano and Fairview districts might have been taken as a basis of comparison if we could be satisfied that assessments were the same throughout Vancouver. We found the Powell street area over-assessed. The City Assessor's

Source: Nikkei National Museum, 2018-16-1-52-22-3a
www.nikkeimuseum.org

evidence was that in Vancouver, assessments had caught up to prices and exceeded prices by the time sales took place. The Custodian should have got near the assessment price. The assessors employed to appraise the Vancouver area state that property was over-assessed. The Custodian used practically all competent appraisal firms in Vancouver which made it difficult for us to obtain the services of competent appraisers. We have not been able to satisfy the Commission that the appraisers took into consideration the general attitude towards the Japanese people. We have hired Toronto General Trust appraisers but they did not give encouragement. Their report indicated the over-all increase would not be over 10 to 15% of Custodian's sales. We tried to use the point of "conservative" appraisal in our favour, but the Commissioner respects the evidence of the Custodian's appraisers. The sale prices of a good many were very low. All of us, claimants and counsel, started out thinking in terms of property sales made by the owner himself, presuming delivering the premises as vacant. 99% were rented and rental regulations were in effect from 1943 on, requiring from 6 months to one year's notice to vacate tenants. Finally, regulations prohibited forcing tenants to vacate, except in cases of failure to pay rent or for being obnoxious tenants. The Japanese people tried to rent their houses to people suitable to them and thus rented at very low rates. There is a difference as to whether or not a buyer could get possession. I have suggested to the Minister of Justice that, in recognizing the Commissioner's ruling that property be taken as it was, dealing with property as tenanted, the Government should add something to the awards to make allowances for the depreciation on market value of tenanted properties.

Proposed Awards - We did pursuade the Commissioner and Government to change their attitude to the claims:

With regard to VLA property, the Commissioner realized there would have to be some adjustment from the 25% proposed by Crown Counsel. Negotiations resulted in increasing the awards to about 80%.

On motor cars, we influenced the Commissioner and Crown Counsel to increase awards up to 25%.

On nets we may succeed in raising the amount.

On city property and chattels, we were unable to obtain an increase other than to get a concession that the Custodian's fees deducted would be rebated.

With boats, the same treatment applies but with a little allowance for depreciation.

Arriving at Proposed Awards on Individual Cases - We are at present working with Crown Counsel on the application of the settlement award to individual cases, and have recently completed B. C. and Alberta cases. In working out these individual cases, the Custodian's office work out a formula, and strike off figures they think ought to apply. This is checked with our files, e.g., sale price, etc. Special points are looked for and if found, are set aside. There are special cases of green houses and poultry farms. When the proposed award was discussed, it was on a total of $800,000. There is a reasonable chance that it will be increased from $90,000 to $100,000.

At this present time, Some Manitoba cases have been checked through. We expect to begin checking through the Ontario cases next month.

At one stage, it looked possible to be through at the end of October but it is now more likely to be the end of the year.

2018.16.1.52.22.3
Source: Nikkei National Museum, 2018-16-1-52-22-3b
www.nikkeimuseum.org

There is the question of what we do from the point of the Commissioner making a report to the Government. A large number of claimants, with some reluctance and on the advice of counsel decided to acquiesce to the Government proposal. In individual cases, I do not know what we can do whether a particular claimants has acquiesced or refused. If there is a special case, I will see to it that it is made a special case. Unless I have further evidence to call, the cases will have to go on the evidence before the Commissioner. There is a certain amount of good faith to keep in this. We have acquiesced to the proposed awards, having regard to the problems confronted with and to other factors. We will do as well under the present awards, under the present terms of reference, as well or possibly better than if we were to fight this to the bitter end. But I can realize that where claimants have claimed 5 million or 7 million, with awards of one million, is not good. The position we have to take is that, with the Government having set up a Commission under the terms of reference, with cases which are difficult to prove after 6 or 7 years, we have gone ahead and proved that there was at least 1 million in losses (possibly that is all we have proved). Having regard to the difficulty of proof, the Government should do more than compensate for the amounts proved as losses. Whether they do so or not is a matter which gets into the political field, e.g., whether there is pressure exerted in the country on the Government. We are not attacking the awards - we cannot turn around and attack the awards, which are what we were able to prove as a substantial loss. The Government should go further than that by recognizing the circumstances of evacuation and making some kind of awards to those people not within the terms of reference. We have shown that the Custodian sold in the same kind of market as did the persons forced to sell their own property, who also suffered losses for which they should be compensated. The important evidence re the Custodian is that they encouraged the Japanese at the time of evacuation to sell property. As to timing of such a move, it is a matter that has to receive careful attention and with those people who are closer to our Government works.

3. Question Period

J. Oki - Have you any idea as to when the Commissioner will approach the Government formally with the proposals.

Mr. McMaster - Afraid it will not be till the end of the year. We would like to have the hearings through by the end of November. Giving him some chance to write up the report, it would be early in January, possibly before Parliament sits next year. That is speaking most optimistically.

M. Kitagawa - What would constitute a special case in terms of city property?

Mr. McMaster - There were three or four in the B. C. cases where claimants had fine houses situated in a part of the city where the other dwellings were nowhere near the same value as theirs. We raised the award by $500.00 - although, of course, that amount may not be appreciated by the claimants.

There was a store in Maple Ridge on which the claimant had good proof that the property was bought for $2,100. It was sold by the Custodian for $1,350. The man who bought it sold it four months later for $2,400. The award was raised.

There are several cases of re-sales within a period of 4 months or one year. The Judge considers it reasonable to take into account only those re-sales up to four months. For any longer periods, he will not budge very much.

(continued)

Source: Nikkei National Museum, 2018-16-1-52-22-4a
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In some cases the Custodian had higher bids than for what he sold the property.

There are cases where the revenue produced from the property would justify a higher price. Where this was not considered by the appraiser, the Commissioner could be asked to consider that.

The Commissioner has softened a little after your delegation interviewed him in Toronto and is now more ready to hear special cases.

R. Obata - You stressed the necessity to prove a case and provide concrete evidence. Is that just Justice Bird's interpretation - would another Judge have required the same?

Mr. McMaster - The difference would be that some would accept points in proof that others will not. In some things the Judge has leaned our way and in others has stayed close to the technical line. It is the duty of the Commissioner, under the Public Enquiries Act to require proof. How strong a proof is considered necessary is partially up to the Commissioner himself. He must have some kinf of proof before him before he can make an award.

R. Obata - It seems to me they must have recognized the difficulty and for that reason conducted hearings throughout the country. People substantiated in their submissions that they had claims. The claimants made their claims on that basis. But the awards are based on the evaluations and concrete evidence presented. The claimants are therefore reasonably dissatisfied. What was the point of the hearings if no attention is to be paid to them?

Mr. McMaster - At the time, the Government and we were probably not entirely aware of the part the hearings would play in the compensating of the involuntary taking away of property. The hearings were only for the two purposes of getting the description of the property and setting the limit of the claims. The only way to do that was to interview the claimants. The Judge cannot place very much emphasis on the claimants' estimate of value. He would have to have the value proved by those who are considered experts. We might have recognized at the beginning how difficult it would be but none of us knew. It was necessary for the Government to get the claimants evidence.

R. Obata - I understand that unless the property is recorded on the "M" forms, they are not considered.

Mr. McMaster - Unless you told the Custodian that you had chattels and if the Custodian did not go there and find them, then it is not strong evidence to say that "I had these chattels." That is what the Commissioner is saying. We are trying to get evidence. Crown Counsel has gone quite a long way for he is conceding the existence of claims if the Custodian had some information before filing of the claims. We are not tied exactly to the "JP" forms.

R. Obata - The Government would have to prove that they sold at fair market value?

Mr. McMaster - In compensation cases, the onus is on the claimant to prove.

Mr. Brewin - The Government did call on a number of witnesses to state that the method of sales was the best possible method. There was a terrific amount of evidence which claimed that every precaution was taken, that the goods were put on the market under the best possible conditions during the time and what they actually received as being the best possible evidence. In that way, the Government has made some effort to establish that they did sell at fair

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2018.16.1.52.22.4

Source: Nikkei National Museum, 2018-16-1-52-22-4b
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market value. The Custodian has attempted to justify that the sales were the best possible under the circumstances.

Mr. McMaster - You have reputable people giving evidence whom the Judge accepts as being honest. In dealing with the sales by auction and having regard to the circumstances, it is obvious to us the auctioneers could not get the fair market value - they say as much was obtained in this way as would have been obtained if the sales were made by private individuals.

K. Hidaka - I would not accept the evidence of the person who sold the property.

Mr. Brewin - But supposing the person is an experienced auctioneer. He says that the sales were set up in the usual way, advertised and a good number of buyers attended the auctions. He states the sales were made under no exceptional circumstances. Perhaps there is not one sale out of a 100 that can be considered by us as having been sold at the market value. But almost in all cases like these, it has been the procedure that the opinion of the person whose property was taken away is not to be given major weight, e.g., in Ottawa if property is taken for building purposes, they always have to call in an expert. The claimant's own opinion is not given very much weight. The court wants to hear persons who are experts in placing values. It is not just being applied in this case, it is almost universally applied. It does not mean that when the Commissioner says that a lower value is correct that the claimant is a liar.

K. Hidaka - If your property were sold, would you accept the valuation?

Mr. Brewin - No, I would not have to "accept" that price.

K. Hidaka - They should not take the appraisers evidence alone.

Mr. Brewin - The Commissioner is not taking it alone.

Mr. McMaster - There are measures of fair market value according to law. As regards large chicken farms and large green houses, there is not a market for this type of property. If you take my house, there are a number very much the same. There is constant buying and selling of houses similar to mine which gives a measuring rod. With a large green house, the only time it is sold is when the owner goes bankrupt or if he becomes deceased and there is no one to carry on the business. It is easier if there is a market to test the worth of such property. The opinion of persons dealing in certain types of property is much higher than mine. The Custodian was actually selling the property, the auctioneer only handled the cases by auction. The appraisers get a higher commission on properties sold at a higher value.

J. Oki - The claim could be a fair indication of replacement value.

Mr. McMaster - We have had to get expert opinion. E.g., for the chicken ranch two people were called, the Dean of Agriculture at the University and the superintendent of a construction company, to estimate on building a ranch of similar nature in 1943 - to establish cost of replacement then allow for depreciation. Replacement costs must be proved.

J. Oki - Was information compared with that given by claimants?

Mr. McMaster - Certainly, we are using all the information brought before the Commission. When dealing for instance with a fruit farm, there was the fact that a person bought it in 1936 and added several buildings.

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Source: Nikkei National Museum, 2018-16-1-52-22-5a
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Properties other than Japanese owned could be found very much like this claimant's which could indicate what people were paying for that kind of thing. What is paid for property originally does not have much relevance to the fair market value.

J. Oki - There were not many Strawberry Farms other than Japanese.

Mr. McMaster - Whereas the over-all recovery is 80%, recovery in Maple Ridge would average 100%. There are several approaches to the Maple Ridge property:
- comparative sales have indicated a 120% increase.
- Dean Clement did an independent study, expressing opinion as to value of about 100% increase.
- sampling and figures of production studies done at the university were studied.
- farm appraisers' valuations were slightly less than other approaches.

Mr. Brewin - In many cases, we are being paid the market price of 1943, and values have increased since then. Claimants have been deprived the use of their property and money represented by the property for 6 or 7 years. It would be hard to satisfy a person when the property is taken away at 1943 values and is given back compensation at the market price of 1943 with a depreciated dollar - on that basis of appeal or something like that, we might be able to pursuade the Government to do something more.

K. Hidaka - Could you give me the details of the poultry farm case.

Mr. McMaster - It is a very interesting case. The direct appraisal by Dean Clement checked with studies of investment in poultry farms - $17,000.00 for land and buildings. A Dominion Construction man put replacement cost, less depreciation value, on buildings only (land value was not included and not including installations) at $16,000. The Soldier Settlement Board people placed a value of $10,000 and sold it at $5,000.00 with the buildings as added to the land. The claimant has claimed $20,000.

J. Oki - Regarding the matter of concrete evidence, the Japanese people left in good faith that they would return. If they knew they would not return, they would have secured evidence. Those that had evaluations made had special cases.

Mr. McMaster - A person who has had a valuation made on his property is in a better position regarding his claim. In using this conclusion, it should not be stated as a basis of attacking the award but to stress that this method is not adequate in compensating for loss.

Mr. Brewin - We lost on the point that we argued before the Commissioner, "that no conditions produced by the evacuation should be taken into account", e.g., the value of chattels would be lower at the time they were sold by the Custodian than at the time they were left by evacuees. We were not able to persuade the Judge to our view to exclude the element that the evacuation created the conditions. The Judge would not interpret the terms of reference on that basis.

J. Oki - Would consideration be given the fact that auctions were being held many times a day in one area?

Mr. McMaster - I do not think the auctioneers in the box played the game. We tried to call evidence on that. One auctioneer admitted that the place of sale would make a difference. We tried to call contrary evidence and got one witness but he was not actually at any of the auctions.

2018-16-1-52-22-5

Source: Nikkei National Museum, 2018-16-1-52-22-5
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J. Oki - But would not circumstances locally not produce a fair market.

Mr. McMaster - But experts claimed on the contrary that there was a demand for that kind of goods.

Y. Hyodo - Were any buyers cross-examined?

Mr. McMaster - No, we did not succeed in getting any one.

R. Obata - The conditions of the market itself changed the value. Supposing it was another Commission and another Commissioner.

Mr. McMaster - If we had an appeal, we would have taken it.

R. Obata - Are we not in a position to demand another Judge?

Mr. McMaster - We would have to go to the Supreme Court of Canada and say that one of their Judges does not know the law.

Mr. Brewin - Pointing out another side to this matter, if at any stage of the Commission those responsible for representing the claimants felt that they were getting a real raw deal, perhaps it would have been possible to make a protest. A theoretical possibility that might have become a reality and it would have been our duty at a certain stage to protest. But the Commissioner was not all 'bad'. He decided some things in our favour. Our criticisms are intangible, not such that we can say that he has not done a proper job and we want to reject what he does now. We have to remember he still retains final discretion in marginal cases. Whether you like it or not you do not go out of your way to offend a man who has that power of decision in his hands. Lawyers are confronted with this situation in their cases all the time. We cannot go complaining about the case on hand because the court has to go on dealing with that case and other cases. Unless the point of our objection is clear, it would ultimately do damage to the interest of the client. If we had thought that throughout the whole problem, there was a possibility that he was too unamenable and we could not proceed before him, we might have taken action but you cannot do that unless you are definitely right. You would only get the Judge incensed and lose the Government's favour. It is not practical to start attacking the Commissioner without substantial grounds for protest. The Judge was never bad enough for us to have sufficient grounds for protest in these circumstances.

R. Obata - With respect to the Powell Street properties, the value of the properties depended on the people being there.

Mr. Brewin - Under the original terms of reference, we could only get something if it was proved the Custodian acted negligently. At that time, we interviewed the Minister of Justice and the Secretary of State and urged that the terms of reference be broad enough to include any lost property resulting from the evacuation, as borrowed from the draft Act of the United States, to cover these points we are now discussing. The question was whether we were continuing on the basis of fair market value or if the question was to be considered on the point of "negligence" - we succeeded in getting half a loaf, the terms of reference we now have.
We have to make the very best out of the conditions we face: the Commissioner we have, the proposed awards, the marginal cases, and then examine what claims we can make for better allowance outside of the terms of reference, and concentrate on an effective campaign to do something about them. Anything that

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would be an attack on the Commissioner's proposed awards would not enable Counsel to go on, and would jeopardize claimants' chances which we already have, and in getting the best we can under the circumstances. We should concentrate on: Mr. McMaster obtaining as much as possible out of the Commissioner; and preparing very carefully for further action for supplementing the terms of reference.

K. Hidaka - Would a person's case not be affected.

Mr. Brewin - No. The following points could be brought out:
- difficulty of proof on cases,
- the terms of reference excluded the evidence that the conditions of the market deteriorated.
- the dollar now in 1950 has very much depreciated - no interest is being paid and not taking into any account the factor of the lower purchasing power. If the property was returned to the owners it would be worth more now than at the date of sale. We acquiesce to the proposal of settlement but would suggest, e.g., 50% adjustment on each claim.

K. Hidaka - If the terms of reference are extended, would it mean that persons would still have to prove losses.

Mr. McMaster - The last two years demonstrates that it would not be worth it to go after an extension of the terms of reference. Because of the cost to the Government it would not be permitted.

Mr. Brewin - We would ask for further allowances.

K. Hidaka - We are required to prove losses and cannot prove the losses to that extent. If ruling was less rigid, then more could be achieved.

Mr. McMaster - What we could say to the Government is that 'give us the award but we think you should give us in addition an allowance to compensate for factors the Commissioner could not take into consideration, on the basis of what is just and reasonable without a new Commission.

Executive Secretary - I have two points which I should like to raise at this time:

(1) What future line of action is intended to be taken by the JCCA and the Co-operative Committee in view of the present situation with regard to the claims question and when the Commissioner submits his report to the Government. Speaking in general terms, I might add at this time that while speaking with Mr. McMaster before this meeting on the point of our taking further action; such as, making representations to the Government, contacting members of Parliament, the press and the public on the claims question, Mr. McMaster felt no action of this nature should be carried out before the Commissioner makes his report to the Government. Mr. McMaster also was of the view that when the opportune time presents itself for taking further action on our part, it might be necessary to take action almost immediately, due to factors which would limit the amount of time we would have. And for this reason it was his advice that we should be in readiness to take action at the opportune time.

(2) While speaking to Mr. McMaster with regard to making representation for the widening of the terms of reference, it was his view that this would be difficult to request as the practical problem of either appointing a new Commission or to continue the present Commission in implementing this request, with what we would gain from this, would not, in his opinion, be worthwhile. Should

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2018-16-1-52-22-6
Source: Nikkei National Museum, 2018-16-1-52-22-6
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this be the final conclusion which then would affect the future consideration of excluded claims, I would like to ask Mr. McMaster for his opinion as to whether it would be worthwhile to ask the Government for an outright, general indemnity to compensate evacuees whose claims are presently excluded under the terms of reference and others.

Chair - When should we time our future action?

Mr. McMaster - Groundwork should be done with Members of Parliament. There is a question as to whether we make our approach with the Cabinet when they are considering the Commissioner's report or wait until the Cabinet communicates what they intend to do with the Commissioner's report, to make sure that it is implemented. And while we can say that we are quite sure that the Commissioner has gone about his investigations properly, we should indicate that the awards recommended by the Commission do not cover the greater losses which are not compensated for in the recommendations.

Mr. Brewin - We should be ready with our first 'shot' immediately the report is presented - it is at the moment it is published that effective comments by the press and our organization can be made. We cannot allow any time to lapse between the Government's announcement that they have this report and their next move. They will not be publishing this report without a statement that they intend to implement it. I do not think there is any practical possibility of the Government doing less than what the Commissioner recommends. I do not regard that as a serious risk. We might make tactful enquiries as to how the Government proposes to implement it: by an Act of Parliament, new appropriations, or existing funds. We will have to act before the issue is dead. We will need to get our friends to speak almost simultaneously - might vary the arguments but have them trained in the same direction. We must beware of the possibility that the Government will take the point of view that they appointed the Commission, that the report is made (which in part represents the mode of approach agreed on by claimants' counsel and the Commissioner), and they will fulfil the terms, no more and no less. I know this to be possible from open argument with the Minister of Justice and the Deputy Minister. If we follow it at once with the view that we take what you (the Government) are giving us but want more on other grounds - unless we are very careful, it is conceivable that they might lop-off something we already have. We should have all our plans laid with appropriate comments. If it happens during Parliament's sitting we could contact our friends in the House. Our responsibility is to try to get something more from the Government.

Mr. McMaster - I have ascertained that the Veterans' Department and the Secretary of State Department will fight tooth and nail against such a move. Colonel Hunter (representing the Government) is of the attitude that the claimants should not get anything at all but might concede giving something paltry to whitewash the Government.

R. Obata - If a publicity campaign is conducted properly, the public should not take that attitude. We could compare our case with the American.

J. Oki - In the States the Custodian did not sell property without the consent of the owner.

Mr. Brewin - Another thing is that when we pressed for this Commission, we had at that time a year or two of public interest aroused based on the deportation proceedings and court proceedings and the issue was new. The public was interested and aroused. It will not be as easy now. From most of the comments we hear, they feel that people have settled down and this was a good thing. It may be a crude outlook but it is an attitude of mind that exists and it is not so easy to arouse them to the contrary now with the passing of these years.

Source: Nikkei National Museum, 2018-16-1-52-22-7a
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Mr. McMaster - A certain type of person does not think too much on these matters. Once a Royal Commission is appointed, they conclude that it is out of the hands of the public.

Mr. Brewin - We might take the argument that the terms of reference were related to the price of land in 1943, payment is made without interest, that use of the money and equivalent was taken away and the people were not able to make use of it. We could ask that awards should be doubled because of the depreciated dollar. The Man-on-the-street may be able to appreciate it. They are now giving us not the value taken from us but value of what was taken from us when the value of the dollar was 50% higher than now.

Mr. McMaster - Today in Ottawa, in the Veterans' Department, I was speaking to a B.C. cabinet member. While he is terribly misinformed on the Japanese situation, he did not agree with the policy of evacuation that was followed. I think if the point of interest on the dollar is followed, you will not get anywhere with the Government but you might with the man-on-the-street.

K. Hidaka - You would not get anywhere with the claimants on that point.

R. Obata - The claims were not exaggerated.

Mr. McMaster - There are cases where the claim is conservative and others where it is exhorbitant but the claimant himself does not believe that.

Mr. Brewin - It is difficult to know what is meant by an exaggerated claim. It is not altogether true that claimants had a clear idea as to what to put down. Japanese Canadians are the same as any other people. Some exaggerate, some put in reasonable amounts.

Executive Secretary - What is your opinion on the point of giving consideration in our future actions to appeal for a general indemnification for the compensation of excluded claims. Is that practical?

Mr. Brewin - Possibly, but we would have to see the ground work of it and whether it should apply to age, status, whether they owned property or not. Point most pressing is to show precedent. "It has been done before" seems to be the greatest argument to do it again.

Mr. McMaster - We must make sure that there is a fairly logical basis. Problem is to work out a basis for compensation that appears reasonable.

Mr. Brewin - What information do we have now with regard to forced sales? We might have an indemnity for the fact of evacuation payable to everybody.

J. Oki - The basis of argument should be the American Bill.

Mr. Brewin - You have to draw a happy line, but for more than you actually get. If two propositions are put up to them, you might get acceptance of one of them.

Mr. McMaster - I think you should set up a Committee to discuss this matter with Mr. Brewin.

Mr. Brewin - I would suggest that someone get all possible information as to what is proposed to be done or is being done in the United States.

APPRECIATION was expressed to Mr. McMaster and Mr. Brewin for their kindness in attending the meeting.

ADJOURNMENT - The meeting was declared adjourned at 11.30 p.m.

2018.16.1.52-22-7b
Source: Nikkei National Museum, 2018-16-1-52-22-7b
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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

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

OUR FILE No.

October 6th, 1949.

RECEIVED
OCT 7 1949
CAMPBELL, FISHER & McMASTER

Andrew Brewin, Esq., K.C.,
Sterling Tower,
Toronto, Ontario.

Dear Andy:

I have for acknowledgment receipt of your letter of October 4th.

It certainly appears to me wise to inform the claimants as to the progress which is being made in this matter. You can report to them that settlement is well underway and we are now quite hopeful that the proceedings should be concluded early in December to enable the Commissioner to make his report by the end of the year. You can use your own discretion but I think it might also be reported to them that by virtue of the review of the individual cases I anticipate that the total recovery will exceed the total recovery based on the settlement forms put forward by the Custodian by about $100,000.00. I think you can also report that with regard to City property that while we have not yet been able to persuade the Commissioner to give any over-all recovery, in a fair number of cases we have been able to find evidence of some kind which has enabled us to obtain increases on special cases which approached some degree of fairness so that the over-all picture will not be as rough as it originally appeared it might be.

I think that in the letter which the J.C.C.A. sent out to the claimants that they should know that their individual cases have been gone over with a fine tooth comb and in any case where there was any hope of obtaining a special award the issues have been raised with the Crown Counsel and either settled with Crown Counsel or taken to the Commissioner. Every case which our Committee is acting for has first

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been summarized by Mr. Leckie and then gone over in detail by myself. There will undoubtedly be human errors in the process but certainly we have gone about the settlement of their cases as far as possible in the same manner as if we were working for each one individually. In a great number of cases where chattels are involved we have obtained the auction sheets from the Custodian and checked each item on the auction sheet against the claim which, while a tedious job, has produced results favourable to the claimants.

For your own information and not for general circulation our friend Virtue did us two services while he was out here. He persuaded the Judge in several special VLA cases to make special awards in excess of the over-all particularly with regard to property situate in residential districts which would have a residential value as distinct from a farm value. I was hesitant to take this position in view of the undertaking given to the Commissioner when we made our representations to him that the over-all would cover everything except the chicken houses and green-houses. However, he gave into Virtue on it and made special awards and accordingly I have now informed Crown Counsel that I intend to take a limited number of special cases with regard to V.L.A. of a nature similar to those in which the Judge gave special awards to Virtue. This will not only better the position of the individuals who get special awards but will make more available for distribution to the other claimants. Crown Counsel have mellowed quite a bit under the process of settlement and frankly I think that so far as they are personally concerned they are now persuaded that the settlement is not too generous. As a result in dealing with the Ontario cases I think I have succeeded in making better settlements than I did when we started out with the B. C. cases.

The Otsuki case is still before the Judge. We presented such strong evidence that he indicated to the Crown that they had not begun to meet it and required them to produce further evidence which I took as an indication that he wanted some place to hang his hat at less than the proper award. However, I

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do not think that the evidence which they adduced in any way met the case which we had put forward and I am hopeful that we will make a substantial recovery in this case. I expect he will hand down his decision after further argument next week and when I hear I will let you know.

With respect to the matter of costs, I have not discussed the matter further with Judge Bird and do not wish to do so until he presses the issue so that I can have a s complete a statement as possible. It strikes me that your idea of having a statement prepared by P. S. Ross & Son showing the balance payable by each of the successful claimants is very good and should put us in a strong position with the Crown to argue that the Crown should pay directly to the Committee without further reference to the claimants. I personally have made no further progress in drawing a statement of account. It looks as if I will spend my Christmas Holidays in that manner.

With kind personal regards, I am,

Yours truly,

CAMPBELL BRAZIER FISHER & McMASTER,

Per:

McM:MM

Source: Nikkei National Museum, 2018-16-1-52-23-3
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OUR FILE NO.

November 23rd, 1949.

Andrew Brewin, Esq., K.C.,
Barrister, etc.,
Sterling Tower,
TORONTO 1, Ontario.

Dear Andy:

You will recall that Virtue made certain representations concerning Steveston properties at the time of the alleged "settlement" and in view of Virtue's cases he gave him awards higher than the general award on Steveston property. Apparently Drew Pratt had a case in Steveston also in which he called evidence and in that case Mr. Justice Bird gave him a substantial award. He sent me a copy of this I would imagine in error and along with it he sent a memorandum dealing with Steveston properties generally, a copy of which I now enclose herewith. You will notice that he bases his notes on the Diggon-Hibben vs. Regem case recently decided by the Supreme Court of Canada on an appeal from the Exchequer Court and not yet reported. The decision as I understand it although I have not had an opportunity to study the finding of the Supreme Court of Canada is that Fair Market Value should be determined not from the standpoint of what a prudent purchaser would be willing to pay for the property in a free market but from the standpoint of what a prudent owner would be willing to pay to prevent his property from being taken away from him and you will observe that in his memorandum with regard to Steveston properties Mr. Justice Bird allegedly followed this approach. While he says in his memorandum that this is the approach which he has used on the Steveston property it is certainly not an approach which he used in the general formula in relation to Steveston property and it is my intention to re-open the issue with him not only with regard to Steveston but with regard to other areas which in fact became ghost towns by reason of the evacuation of the Japanese.

Source: Nikkei National Museum, 2018-16-1-52-24-1
www.nikkeimuseum.org

It is too bad that the Supreme Court of Canada decision had not been made at the time you presented your argument on Fair Market Value because you will observe from Mr. Justice Bird's reasoning in this memorandum that he is in fact now accepting the principle which you urged upon him that while the "property sold in the period of 1943 - 1944 may have been sold at the best prices then obtainable in view of the depressed conditions, nevertheless, the prices realized cannot be said to have represented the Fair Market <u>in normal circumstances</u>."

I would be pleased to have any suggestions which you have to make concerning the matter. It has crossed my mind that unless Bird changes his tune on the overall settlement that we will have a very forceful argument with the Government to increase the award by the Commissioner by virtue of the fact that his finding on Fair Market Value was made before the Diggon-Hibben case was decided by the Supreme Court of Canada and the overall settlement was based upon his interpretation of Fair Market Value without the benefit of that decision.

Yours truly,

CAMPBELL BRAZIER FISHER McMASTER & JOHNSON,

Per: Bob

McM:McC

encl.

Source: Nikkei National Museum, 2018-16-1-52-24-2
www.nikkeimuseum.org

B121

THE CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS

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

TORONTO, ONT.

November 18, 1949.

Dear Claimant:

The Co-operative Committee wrote to all the claimants in April advising them of the fact that a suggestion had been made by the Commissioner as to a proposed method of dealing with the claims before him by fixing general percentages in different categories of claims, e.g., lands sold to the V.L.A., other lands, chattels, automobiles, Vancouver properties, fishing nets, fishing vessels, etc.

It was proposed that this general method be applied and certain percentages were suggested by the Commissioner and at the same time he said that he would deal with special cases which for some reason or other did not fall within the general categories or presented special features.

The Co-operative Committee advised that the claimants should acquiesce in this method of procedure, having in mind the very great difficulties of proof of value in the individual cases, and types of property, and also the danger that prolonged hearings would be necessary if each individual case were to be dealt with at hearings in Vancouver causing not only further delay, but considerable additional expense in presenting the claims.

At the same time we suggested that we were quite dissatisfied with the proposal so far as it related to Vancouver real estate and indicated that we intended to make every effort to have the basic percentage increased.

We received a large number of replies, a considerable majority of which indicated the view that it would be wise in all the circumstances to agree to the method of procedure proposed.

Accordingly, our solicitors and representatives in Vancouver have proceeded to review every file in every single case, first, with counsel representing the Government in order to apply the general formula in cases where there were not special features and, secondly, to discuss with Crown Counsel and with the Commissioner the necessity for higher allowances than those proposed in individual cases and the hearing of evidence in special cases. *

Our solicitor in Vancouver, Mr. McMaster and his staff, have gone over every case in detail and have succeeded in persuading the Crown Counsel and the Commissioner to agree to increases on the percentages originally outlined in a considerable number of cases. In addition to that, quite a number of special cases have been heard by the Commissioner.

How many?

In regard to Vancouver property, representations were made by the Co-operative Committee to the Commissioner himself when he was in Toronto, and to the Minister of Justice, but the Commissioner has expressed the view that the general percentage fixed by him is the highest he can recommend and the Minister of Justice has indicated that he cannot make any proposal or agreement inconsistent with the Commissioner's recommendation which, of course, has not yet been received.

However, Mr. McMaster, our counsel in Vancouver, informs us that, in a fair number of Vancouver property cases, some increase has been allowed on the ground that there were special features relating to them.

The process of working on individual cases and discussing them with Government counsel and with the Commissioner is proceeding, and we are informed that there is a reasonable hope that the whole process may be completed by the end of the year and that the Commissioner's report may be made shortly thereafter.

Naturally when the report is finally made the details of it will be reported as promptly as possible to the claimants as well as a report on the prospects as to when the Government will make the payments recommended by the Commissioner.

We wish to assure all claimants that in our opinion our counsel in Vancouver, and the staff of valuators and experts that they have collected, are doing everything that is possible within the limits of the terms of reference and the difficulties of proof, to secure the best possible result for each of the individual claimants.

Yours very truly,

Margaret Boos

SECRETARY.

Source: Nikkei National Museum, 2018-16-1-52-25-1
www.nikkeimuseum.org

去る四月、コミショナーが種々なる類目によつて（古兵土地法によつて賣られた土地、他の土地、家具、晩香坡の土地、漁船等）基準率を定め、それによつて損害賠償を取扱ふと言ふ方法を發案した事に就いて、要求者皆様に通告致しました。

大体に於て右の方法を採用するか、何等かの理由で規定の類目に当嵌らない分、又は特別の言ひ分のある事件は、特別に取扱ふと、コミレヨナーの明言もありました。

當協同委員會では、個々の要求に對する價額立證の大なる困難と、個々の要求が別々に取扱はれた場合には調査が長期間を要し、事件が長引くと同時に、経費も無制限に増加するであらう事とを考慮し、右發案に默從する事を要求者に勸告致しました。と同時に我等は右發案に對して、特に晩香坡不動產の率に對して、全然不滿なる事を指摘し、基準率を上げる事の爲めに、極力努力する事を約しました。

右通告に對する多數の返書を受取りましたが、その大多數は、右發案に默從する事が賢明であらうとの意見でありました。

それで、晩香坡における我等の辯護士や代表者達は、(一)特別の理由のない分は政府の辯護士と共に最も有利な基準率を適用し、(二)特別のケースとして取扱ふべき分は、證言を聽取する必要を政府側のコミレヨナーと討議する、二つの目的の下に、すべての要求に關する一つ殘らずの書類を再調査する事に着手したのであります。

晩香坡の辯護士、マクマスター氏とその職員とは、すべてのケースを詳細に調べ、多くの場合政府側代表及びコミショナーとして基準率よりも率を上げる事を承認せしめる事に成功しました。又コミショナーは數多の特別ケースを聽取しました。

晩香坡の財產に關しては、當協同委員會では、コミショナー及び司法大臣とに交涉致しましたが、コミショナーは基準率は發案次上に上げる事は不可能であると答へ、司法大臣からは、コミショナーが發案提出した場合に、それに相反する事は爲し兼ねるとの返信がありました。しかし、マクマスター代表によれば、晩香坡財產ケースの中、特別のケースとして多率を上げられたものが少くないとの事であります。

個々のケースに關して政府側辯護士及びコミショナーとの討議は今尚ほ續けられてゐますが、今年末までには完了し、コミショナーの報告はその後遠からずして行はれる事と豫想されて居ります。その報告が發表されましたら、出來るだけ早く、その詳細、又は政府が何時支拂のをなすか等に就いて、要求者皆様にお知らせ申し上げます。

我等の辯護士及び彼等の補助として評價者、專門家達は、調査範圍が狹く、立證困難を中にも最上を盡して一人一人の要求者の爲め、最上の結果を得るため奴力しつゝある事も皆様にお傳へ申上げたいと存じます。

一九四五年十一月十八日

日系カナダ人協同委員會
幹事　マーカレット、ブース

損害に賠償要求者の皆様

Japanese translation.

Source: Nikkei National Museum, 2018-16-1-52-25-2
www.nikkeimuseum.org

Brewin Papers MB32C26 Vol 1

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A. W. FISHER
R. J. McMASTER
A. J. F. JOHNSON

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

OUR FILE No.

December 1st, 1949.

Andrew Brewin, Esq., K. C.,
Sterling Tower,
Toronto 1, Ontario.

Dear Andy:

I have for acknowledgment receipt of your letter of the 28th ultimo. At the present time I am trying to extract from our files the necessary information with respect to Steveston and other allied properties before taking the matter up with the Judge as to the application of the Diggon Hibben vs. Regem case.

It seems to me another place where the principle in that case would well apply is with regard to the sale of boats where the Judge found that they sold at their fair market value and gave us recovery on the basis of depreciation and cost. The Crown's own witness in this case clearly admitted that the market had been depressed by the flooding of the same by virtue of sales of Japanese vessels through the J.F.V.D.C.

I certainly wish this decision had been available at an earlier date because I think you can readily realize that it is going to be difficult at this late stage of the proceedings to get the Commissioner to make very many radical amendments to the settlement and I shall have to be careful not to overdo it. After I have gotten my material together and taken the matter up with him I will report to you.

I was under the impression that you had received from the Commissioner a copy of his rulings with regard to Fair Market Value. I recall that I received a copy allegedly before the Reasons were officially released and I either sent a copy to you or understood that Mr. Watson was sending a copy. I will try to locate a copy and forward it to you in the near future.

With respect to the Judge's review in cases where the awards have exceeded the Custodian's estimate

Source: Nikkei National Museum, 2018-16-1-52-26-1
www.nikkeimuseum.org

by $100 or more, we went through a further 20 or 30 cases the other day. The only casualty I suffered was on one property where we had agreed on the theoretical ratio higher than the general average in the case and applied it to a large number of items of used clothing, tools and kitchenware which were lost. The recovery on the basis settled was about $500.00 and the Judge cut us down $250.00. On the merits of the particular case I really had no complaint although I registered a complaint with him on the basis that what you lose on the roundabouts you should be able to pick up on the swings. I have urged Braidwood to try and persuade the Judge that having regard to the net result of his review of some 180 cases to date (being a reduction of about $600 in all) he should abandon the idea of reviewing the remainder of the cases where the award is in excess of $100.00 of the Custodian's estimate.

I have not any exact idea of how many further cases come in this category but my guess would be that it must be three or four hundred at the very least. The length of time it takes to review the cases before him would not make this an onerous task but you can appreciate that it involves a number of days' work on the part of Crown Counsel and myself in refreshing our memories as to the basis on which the settlement was made and the devious reasons leading up to the "bargain".

Frankly, while the Judge's move is to protect himself from attacks subsequently by Shears and possibly with the hope of placating Shears, from the results of the cases we have already reviewed, Shears has arrived at the obvious conclusion that the Judge does not intend to seriously upset the settlements. Consequently, Shears is getting hotter under the collar every day and there is not the slightest doubt that he will provide his own Department with detailed reports on many cases in which he will allege that his Department has been "robbed".

Fortunately, for my sake, in the dealings I have to have with Shears he does not appear to blame me in the least but is obviously of the opinion that Crown Counsel are not adequately protecting his Department.

While George was out here I endeavoured to give him some assistance with regard to the preparation of a

Source: Nikkei National Museum, 2018-16-1-52-26-2
www.nikkeimuseum.org

Mr. Brewin: December 1st, 1949.

Brief to be presented to the Government after the Commissioner has made his report. I still have in my mind certain reservations with respect to the presentation of such a Brief although I can fully sympathize with the motivation therefor. I am highly skeptical that the Government will do nothing more than the Commissioner recommends. Having regard to the fact that the Secretary of State's Department will probably raise considerable fuss and quite possibly the Department of Veterans' Affairs likewise will do so about the Commissioner's findings and also having regard to the presence of Hunter in the Government who, I think, will be hopping mad at the increase over the alleged settlement of last Spring I do not see the Government going any farther than the Commissioner is prepared to go. The Commissioner has conveniently forgotten that Mr. Hunter took a trip to Ottawa last Spring when we were discussing settlement and that I was verbally assured that if the settlement was made in the manner indicated the Government would stand behind it. Unfortunately, that assurance was not obtained in writing or on the record. I find it hard to believe that the Government will not implement the Commissioner's recommendations but it seems to me the implementation may be delayed if too great a fuss is stirred up. However, you will be in a better position to examine the matter objectively than I am under the pressure of trying to get the Commission wound up.

Concerning the question as to whether or not the Commission will be completed by the end of the year, I think the Commissioner himself is still optimistic such will be the case. However, there are yet some 200 cases to be discussed. There is the question of his reviewing some 300 or 400 cases at least. The question of the manner of distribution of the award on D.V.L.A. purchases and the question of allowance for cost is still to be cleared up. My optimism of the summer time therefore is somewhat dampened that we will be able to complete the matter by the time Christmas Vacation rolls around although I think we can be assured that it will be completed some time in January. I believe the Commissioner intends to have most of his report written in advance and that the award sheets will be attached thereto so that once the awards have been completed there should not be too great a delay in his

Signed by W.E.Bastedo

Source: Nikkei National Museum, 2018-16-1-52-26-3
www.nikkeimuseum.org