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JCCA

CITIZENS ASSOCIATION

NATIONAL HEADQUARTERS:
[redacted], TORONTO 2, ONTARIO

61 College Street

September 23rd, 1950.

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

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

Dear Mr. Prime Minister:

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

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

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

May we receive your consideration to our submission.

Respectfully yours,

George Tanaka,
National Executive Secretary.

GT:yo
Enc.

Source: Nikkei National Museum, 2018-16-1-54-1-1
www.nikkeimuseum.org

B.120

SUBMISSION TO THE PRIME MINISTER

AND LEADERS OF THE GOVERNMENT

IN THE MATTER OF

JAPANESE CANADIAN ECONOMIC LOSSES

ARISING FROM EVACUATION

ENTERED BY THE

NATIONAL JAPANESE CANADIAN CITIZENS ASSOCIATION

61 COLLEGE STREET, TORONTO 2, ONTARIO

Source: Nikkei National Museum, 2018-16-1-54-1-2
www.nikkeimuseum.org

To the Right Honourable Louis St. Laurent, Prime Minister,
and Honourable Members of the
Government of Canada.

This submission is made by the National Japanese Canadian Citizens' Association and its component chapter organizations in the provinces of British Columbia, Alberta, Saskatchewan, Manitoba, Ontario and Quebec. This national body was founded by a conference of representatives of various Japanese Canadian organizations through Canada on September 2, 1947. It has as its primary aims the protection of the economic and social welfare of persons of Japanese ancestry in the Dominion and the development of a truly democratic society wherein fundamental rights and liberties are preserved for all citizens.

After Pearl Harbour in December, 1941, it was deemed expedient to evacuate all persons of the Japanese race from the Pacific Coast of Canada. It was considered to be essential to carry out this task with the least possible delay. Some 22,000 persons were evacuated within 6 months. Being an emergency measure, emergency methods had to be employed.

The B. C. Security Commission was vested with the responsibility of the physical removal of this mass of persons. The immensity of the task and the haste required left little room for the protection of individual rights and humanitarian consideration.

To the Secretary of State, acting as Custodian, fell the onerous and difficult task of protecting the personal chattels and real property of the evacuated population from vandalism, depreciation and destruction. The task was difficult by reason of:

(a) the necessity to hurriedly organize a large staff;

(b) the removal on short notice of families, particularly

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Source: Nikkei National Museum, 2018-16-1-54-1-3
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from remote and isolated areas, without adequate provision for recording or protecting their property;

(c) the strong anti-Japanese attitude in the community which lowered the moral barriers to condone theft, destruction and exploitation in acquiring assets;

(d) the panic of uncertainty amongst the evacuees which influenced them to overlook the taking of many precautions for the protection of their property which might have assisted in its preservation.

Prior to evacuation these persons were allowed to dispose of their own assets. In certain cases they were encouraged by the Custodian to do so. However, being under notice to evacuate, many improvident sales were made, and all such sales were as if made on a forced liquidation and were not free sales in a normal market. Heavy losses were sustained. Exploitation was rampant and the Government by various Orders-in-Council recognized the need for protective action. P.C. 288 of January 13, 1942 creating the Japanese Fishing Vessels Disposal Committee, recognized the need for protection from duress in the sale of vessels. However, other types of property were sold at heavy sacrifices.

Once evacuated, all property of evacuees were vested in the Custodian except cash and securities and until August, 1942, vessels. At first it was the intention of the Government to preserve the property of these hapless people. In good faith and in reliance upon this frequently stated policy of the Government and the Custodian, *

Source: Nikkei National Museum, 2018-16-1-54-1-4
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many persons left their properties in his care. In this expectation, many persons after leaving their belongings, if they had time, did not make full inventories. In the same expectation, the Custodian's field men often made only general inventories when they were able to get around to the property. They, too, worked under haste and pressure.

After a year's experience with the impossible task of protecting all this property, the Government changed its policy to one of "orderly liquidation". In the meantime vandalism, theft and depreciation had had their toll. Had this policy been established at the time of evacuation and had time permitted, the Japanese could have made full inventories and obtained valuations of their property. However orderly the liquidation of all of the property of 22,000 people to the last kitchen chair may be, such a sale, it is submitted, must remain a liquidation. The essential difference in price between a liquidation and voluntary sale is universal knowledge. Such sales are the happy hunting ground of bargain seekers, dealers and speculators.

As indicated above, vessels at first did not vest in the Custodian. It was decided at the outset to sell these as rapidly as possible to avoid depreciation and to get them into use in the essential fishing industry. That the boats were damaged in their collection and early detention by the navy has been recognized by the Government. However, compensation for damage and missing essential gear was paid to the purchaser. The market was flooded by the dump-

Source: Nikkei National Museum, 2018-16-1-54-1-5
www.nikkeimuseum.org

ing of these boats in a 7 month period. The unsold boats vested in the Custodian in August, 1942.

Recognizing that injustices had been done, the Government in mid-year, 1947, after study of the problem by the Public Accounts Committee of the House of Commons, set up a Commission under the Public Inquiries Act to determine the losses suffered and to recommend just and equitable awards therefore. The operative portion of the Orders-in-Council, P.C. 1810 of July 13, 1947 and P.C. 3737 of September 17, 1947 read as follows as amended:

"That the Honourable Mr. Justice Henry Irvine Bird be appointed a Commissioner to inquire into the following claims, namely:-

(a) that real and personal property vested in the Custodian was disposed of by the Custodian for less than the fair market value thereof at the time of sale

(b) that personal property vested in the Custodian was lost, destroyed or stolen while in the possession or under the control of the Custodian or some person appointed by him."

Mr. Justice Bird, a Judge of the British Columbia Court of Appeal, was appointed Commissioner. The Commission held hearings and discussions for over two years and the Commissioner has reported his findings.

With respect to the Bird Commission and the awards recommended by the Commissioner, having regard to the immensity and difficulty of the problem, we believe the vast majority of the persons of Japanese ancestry in Canada regard these awards as a measure of rough justice within the limited terms of reference.

Source: Nikkei National Museum, 2018-16-1-54-1-6
www.nikkeimuseum.org

We respectfully submit, however, that the people of Canada will fall far short of providing "reasonable and just compensation" to evacuees if that compensation is limited to the results of the enquiry. This submission is based upon the following considerations:

1. The Difficulty Caused by Limited Scope of Terms of Reference -

(a) Fair Market value was to be determined as at date of sale, thus:

(i) Deterioration, in some cases admitted by the Crown to be extensive, and not caused through any fault of claimant, had the effect of reducing the award.

(ii) Properties which were tenanted at date of sale, by reason of eviction freezing orders, brought less than they would had the claimant been in occupation. This factor was excluded by the terms of reference. However the properties were only tenanted because of evacuation and the evacuees were urged by the Government to rent and if they did not do so the Custodian rented the property himself.

(iii) Depression of market value by reason of towns or areas becoming substantially 'ghost towns' resulting from evacuation of Japanese.

(b) Loss of goodwill of business was excluded from the terms of reference. For the most part the goodwill of business disappeared when the owner was evacuated. In many cases

Source: Nikkei National Museum, 2018-16-1-54-1-7
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tenancies of premises in which businesses were carried on were terminated leaving only the equipment and stock-in-trade to sell. In some cases the Custodian sold the business premises and the chattels separately."

(c) Exclusion of losses on accounts receivable. Evacuees could not themselves collect these accounts by force of law. The Custodian did not, except in a very few cases, employ any collection agency or legal counsel, as a result, a very large number of these accounts were never collected and are now uncollectable.

(d) By requiring that the property must have been sold by the Custodian the terms of reference excluded:

(i) Forced sales by individuals made in the panic of evacuation, despite the fact that the Custodian encouraged sales of businesses particularly.

(ii) Sales of vessels through the Japanese Fishing Vessels Disposal Committee concurred in by the claimants only because any further delay would mean rapid depreciation to the vessels. (Report of Royal Commission on Japanese Property, page 42, par. 2 re rejection of claims, & page 44, par. 3.)

(e) Failure to provide for losses incidental to evacuation in addition to the sale of property such as has been provided by Act of Congress in the U.S.A.

2. The Difficulty of Strict Legal Proof of Value -

(a) On all types of property after 6 or 7 years have elapsed. (Report of Royal Commission on Japanese Property, page 38, par. 3)

Source: Nikkei National Museum, 2018-16-1-54-1-8
www.nikkeimuseum.org

(b) By reason of extensive alterations and /or deterioration to real property.

(c) By reason of the inability to have appraisers examine personal property lost or sold.

(d) By reason of inadequate records by the claimant due to: (Report of Royal Commission on Japanese Property, re Custodian's administration, page 12, par. 1).

(i) The assurance given by the police and the Custodian that his property would be protected. Many of the evacuees therefore did not make detailed inventories of all chattels or have any valuations made on property. A large amount of vandalism occured in many cases before the Custodian took physical possession.

(ii) The Custodian often did not take detailed inventories until quite late for the same reason.

(iii) In outlying places particularly, the claimants were given very short notice of removal and did not have time to carefully inventory property.

(iv) In many cases, records and evidence of value of property were left on the premises and never recovered, being discarded by the Custodian's field men as unsaleable.

(e) By reason of wide dispersion of claimants, counsel have not been able to consult fully with their clients.

(f) The unwillingness of many persons to give evidence or take part in the proceedings - a problem common to all public enquiries.

Source: Nikkei National Museum, 2018-16-1-54-1-9
www.nikkeimuseum.org

3. Proposals -

In the light of the circumstances we have recounted we propose to the Government that over and above the awards made by the Commissioner within the terms of reference, further compensation should be allowed fully to remedy the injustices suffered by the claimants.

(a) A percentage of Sale Price allowance on all real properties sold subject to rental regulations.

(b) A percentage of Sale Price allowance on all real properties to cover depreciation.

(c) A percentage of Sale Price allowance for goodwill on all businesses subject to sale.

(d) Percentage of all uncollected accounts receivable.

(e) Establishment of an adjustment agency to adjust losses on forced sales on claims filed within 12 months with an appeal to the Attorney General for Canada.

(f) A grant of monies to each adult evacuee to compensate for general losses.

(g) Interest on all awards from date of sale.

(g) Adjustments on Real Property not sold to Veterans Land Administration where no special award at a rate equal to the percentage which the average special award bears to the average sale price of properties on which special awards were made.

Source: Nikkei National Museum, 2018-16-1-54-1-10
www.nikkeimuseum.org

4. Conclusion -

This submission has been concerned with drawing to your Government's attention issues which are relevant under the Royal Commission inquiry on Japanese property and issues which were completely excluded or given little attention due to the inadequate terms of reference of the Inquiry.

We tender as an appendix to this submission, the Association's submission to the Royal Commission on Japanese Canadian Property, dealing with the broad aspects of the evacuation property losses and the deeply human and significant experience of a people in Canada which no Canadian citizen would bear without the utmost sense of grave injustice.

We therefore respectfully suggest a broad appreciation of all the circumstances which shaped the problem into its present form is fully merited, if it is the intent of your Government to provide for a measure of justice which is equal to the standards of a truly democratic, Canadian way of life.

Respectfully submitted,

HAROLD A. HIROSE, President,

GEORGE TANAKA, Executive Secretary,

National Japanese Canadian Citizens Association,

61 College Street, Toronto 2, Ontario.

September twenty-second, Nineteen hundred and fifty.

Source: Nikkei National Museum, 2018-16-1-54-1-11
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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, 2018-16-1-54-2-1
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, 2018-16-1-54-2-2
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.

Source: Nikkei National Museum, 2018-16-1-54-2-3
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 interprot 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, 2018-16-1-54-2-4
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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

Source: Nikkei National Museum, 2018-16-1-54-2-5
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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, 2018-16-1-54-2-6
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.

Source: Nikkei National Museum, 2018-16-1-54-2-7
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, 2018-16-1-54-2-8
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.

Source: Nikkei National Museum, 2018-16-1-54-2-9
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, F. 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, 2018-16-1-54-2-10
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.

Source: Nikkei National Museum, 2018-16-1-54-2-11
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 ¾ 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, 3½ 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, 2018-16-1-54-2-12
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.

Source: Nikkei National Museum, 2018-16-1-54-2-13
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, 2018-16-1-54-2-14
www.nikkeimuseum.org

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SUBMISSION TO THE ROYAL COMMISSION ON JAPANESE CANADIAN PROPERTY

ENTERED BY THE

NATIONAL JAPANESE CANADIAN CITIZENS ASSOCIATION

84 GERRARD STREET EAST, TORONTO, ONTARIO

Source: Nikkei National Museum, 2018-16-1-54-3-1
www.nikkeimuseum.org

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Source: Nikkei National Museum, 2018-16-1-54-3-2
www.nikkeimuseum.org

To the Honourable Mr. Justice Henry Irvine Bird,
of the Court of Appeal of British Columbia,
Commissioner:

This submission is made by the National Japanese Canadian Citizens' Association and its component chapter organizations in the provinces of British Columbia, Alberta, Saskatchewan, Manitoba, Ontario and Quebec. This national body was founded by a conference of representatives of various Japanese Canadian organizations throughout Canada on September 2, 1947. It has as its primary aims the protection of the economic and social welfare of persons of Japanese ancestry in the Dominion and the development of a truly democratic society wherein fundamental rights and liberties are preserved for all citizens.

The decision of the Federal Government to appoint the present Royal Commission to investigate and report on claims for property losses incurred by persons of Japanese ancestry as a result of their evacuation from the coastal areas of British Columbia during the year 1942 has been received by this Association with deep gratification. In taking such action, it is believed, the Government is moved by its desire to extend a reasonable measure of compensation wherever possible to those individuals who were called upon by the emergencies of war to assume a burden of financial sacrifice so much heavier than that borne by the national community at large. The Association accordingly has sought to co-operate at all times with the Commission in its admittedly difficult task of evaluating these losses. It has prepared and distributed claim forms, assisted where possible in the filling out of such forms, provided interpreters and information, and in general worked in close liaison with the Co-operative Committee on Japanese Canadians in Toronto.

It is not intended in this submission to consider individual claims for property losses. Rather it is proposed to outline for Your Lordship's consideration such background material and general information as appears relevant to the problem. These are discussed under the following three heads:

(1) The economic progress achieved by the Japanese people in Canada during the half-century preceding 1942.

Source: Nikkei National Museum, 2018-16-1-54-3-3
www.nikkeimuseum.org

(2) The conditions under which the Japanese people were evacuated from the coastal areas of British Columbia during 1942.

(3) The various factors suggested for consideration in determining "fair market value" under the terms of reference of the present inquiry.

Source: Nikkei National Museum, 2018-16-1-54-3-4
www.nikkeimuseum.org

PART I

ECONOMIC PROGRESS

Immigration and Settlement

When, early in 1942 and under the grim compulsion of global war, the Federal Government finally decreed the complete removal of the Japanese Canadian minority from the British Columbia coast, it brought to a drastic and disruptive end a half-century's advance towards economic security and success. The story of the struggle of that half-century, beginning with the early arrival of eager, though bewildered young men, is an intensely human one, beneath all its political, social and economic ramifications. It cannot, of course, be related here in detail: but it is essentially the self-same history of many other immigrant groups from the Old World to the New -- a story of extravagant hopes and prospects quickly deflated by the press of unexpected reality; a gradual acceptance of and adjustment to actual conditions; a transformation from hopes of easy and quick success into the determination to build for the future; a compelling impulse to rise to higher economic and social status; and through the long process, the steady, inevitable sinking of roots deeper and deeper into the new soil. All this was as true of the Japanese immigrants as it was of those from across the Atlantic. And it is against a background such as this that the economic aspects, no less than the psychological implications, of wartime evacuation may properly be assessed.

The early migration of Japanese to Canada was a part of the general wave of emigration from Japan consequent upon the opening up of that country by American forces in 1854. By 1890 a small number of immigrants had pressed on beyond Hawaii and the American state to engage in the salmon fishing of the Fraser River. From that date the province of British Columbia itself, only two decades previously linked by its first railway to eastern Canada, entered into a period of rapid expansion and development. The great inflow of capital from

Source: Nikkei National Museum, 2018-16-1-54-3-5
www.nikkeimuseum.org

Great Britain into the Dominion reached west across the Prairies, pushing new rail lines through the mountains to the Pacific and tapping the rich resources of the coastal area -- the salmon fishing, the coal mines, the virgin forests and the rich farm lands of the Fraser Valley. This rapid development created a peak demand for manual labour, a demand which, as Young, Reid and Carrothers have pointed out, could not be met by immigrants from the remote Atlantic seaboard. The Orient alone could provide the men to do the "spade work" and between 1896 and 1908, about 26,000 immigrants came to British Columbia, often lured by the promise of high wages and the fantastic stories of great wealth. Thousands came by arrangement of the Japanese emigration companies which operated under contract from Canadian concerns. Two of the largest such concerns, W.L. Mackenzie King officially reported in 1908 in his capacity of a Royal Commissioner investigating "methods by which Oriental labourers have been induced to come to Canada," were the Wellington Colliery Company and the Canadian Pacific Railway. These are names highly suggestive of the contribution by these immigrants toward the early economic development of the Province.

Of the large number of contract workers who arrived up to 1908, however, many remained in Canada a relatively short time. Some moved on to the United States before 1901. Some had come only as seasonal workers. Many others returned to Japan in thorough disillusionment, not only with the hard fact of their economic servitude, but also dismayed by the early agitation and prejudice directed against them. For throughout this period of rapid immigration, public unrest and opposition had been growing steadily stronger. It culminated finally in the riot of 1907, which led to the first concrete restriction of Japanese immigration into Canada. This was effected by the first Gentlemen's Agreement of 1908, under which Japan agreed to permit only the following four classes of people to emigrate to Canada: (1) returning immigrants and their wives and children; (2) emigrants specially engaged by Japanese residents in Canada for bona fide personal or domestic service; (3) labourers under specifically-worded contracts

Source: Nikkei National Museum, 2018-16-1-54-3-6
www.nikkeimuseum.org

approved by the Canadian Government; and (4) immigrants brought in under contract by Japanese resident agricultural holders in Canada. A total annual quota of 400 persons was fixed for all but the first group. In 1924, the agreement was modified to reducing the quota to 150 persons. In 1928 a further limitation was introduced (extending the 150 maximum) to include the wives and children of Japanese residents in Canada within the quota limitation. The 1928 revision continued in force until the outbreak of the war, but actual immigration remained well below the limit. From 1933 to 1940 the average number of new immigrants was less than 80 in each year.

While the total volume of immigration was thus substantially limited in three important stages, an even more significant change took place in the character of this immigration. Prior to 1908 the movement to Canada had consisted, as in the earlier instance of Chinese immigration, almost entirely of adult men. But subsequent to the first agreement the number of female arrivals exceeded that of male immigrants in almost every year up to 1940. The consequences of this change are clearly reflected in the composition of the population in each census year. In 1901 the census reported 4,700 Japanese in Canada, all of whom were male; in 1921 there were 10,500 males and 5,300 females and of the total number, 4,300 were children born in Canada. By 1931, these figures had changed to 13,000 males and 9,200 females, including Canadian-born children.

These changes in the character of immigration and in the composition of the Japanese population were both reflections of, and important influences upon the economic progress of the immigrant group. Migration from Japan had begun as a transient movement of young, adult males hoping for quick and early fortune. Thousands who came to Canada remained only very briefly once they learned the actual prospect. But those who remained did so with serious intentions of permanent settlement. These intentions found concrete expression through the immigration of women and the establishment of normal family life. In turn these developments were stabilizing influences of the greatest impor-

Source: Nikkei National Museum, 2018-16-1-54-3-7
www.nikkeimuseum.org

tance. The compelling drive of family responsibilities gave full play to inherent attitudes of thrift and industry coupled with an insistent urge for economic self-improvement.

This economic advance followed a familiar pattern. First the immigrants accepted the status of unskilled workers, floating from job to job and camp to camp, receiving the lowest wages. Then came the gradual acquisition of skill and knowledge, the command of higher wages and accumulation of capital. This was followed by an initial investment in some kind of productive resources and the establishment of permanent homes. In turn, an initial investment led to further capital accumulation and investment in further capital resources. These were distributed for the most part among modern fishing boats and equipment, market gardens and small farms, urban mercantile or service businesses, and processing and manufacturing establishments of various kinds. For those who remained in the wage-earning group, there was a strong tendency to shift from the extractive and mobile stages of industry, such as the logging camps or railway section gangs, to more fixed and stable employment, such as in the pulp and paper mills or the sawmills in larger centres with wider employment opportunities, where normal homes could be established and school facilities for children obtained. In general the case histories of hundreds of Japanese Canadian families settled in Canada for over thirty years reveal the repeated story of an upward struggle for economic stability or self-sufficiency, -- an economic independence offering in some degree protection from the vagaries of employers and discriminatory policy and from complete destitution in times of economic depression. It will be of value to note some of the highlights of this occupational picture as it obtained at the time of evacuation.

Occupational Distribution

Young, Reid and Carrothers have provided us with a concise description of the economic advance of Japanese immigrants, noting particularly how the range of activities undertaken gradually expanded.

Source: Nikkei National Museum, 2018-16-1-54-3-8
www.nikkeimuseum.org

"In four decades the Japanese immigrants covered by the survey extended the range of their economic activities from six occupations in 1893 to over sixty by the end of the period. During the early years they were concentrated in industries involving heavy labour and a moderate amount of skill, such as lumbering, fishing, mining, railroading and domestic service. They gradually moved out of the occupations and industries through which they entered the economic life of the Province, into farming on the one hand, and occupations of a commercial and service nature on the other, such as clerks, proprietors of stores, restaurants and rooming houses, and business and the professions. The shift from the major industries to the commercial occupations occurred particularly in the twenties when expansion in fishing, lumbering, mining and railroading came to an end and a decline set in, partly because of the agitation and discrimination against the Japanese in these industries, but also because the Japanese like other people were seeking better conditions and a higher social status in the community."

In 1941, the Federal Department of Labor reported the following distribution of occupations applied to all Japanese Canadians gainfully employed fourteen years and more:

TABLE I OCCUPATIONAL DISTRIBUTION OF JAPANESE CANADIANS IN B.C., 1941

Occupation	Percentage of All Japanese Canadians	Percentage of Total Gainfully Employed
Agriculture	18.8	3.9
Fishing	16.3	15.0
Labourers (n.e.s.)	14.7	5.1
Manufacturing	13.4	2.5
Services	12.9	1.8
Trade	8.4	2.4
Lumbering	8.3	5.1
Transport & Communication	2.9	.9
Clerical	2.1	.7
Miscellaneous	2.2	--
All Occupations	100.0	2.8

Source: Canada Department of Labor, "Report on Japanese Affairs," 1944.

Source: Nikkei National Museum, 2018-16-1-54-3-9
www.nikkeimuseum.org

Agricultural Expansion

It will be noted in the foregoing table that by 1941 agriculture was the most important occupational endeavour of the Japanese Canadian group. During the previous two decades, more and more of the early immigrants had accumulated the necessary capital to purchase small land-holdings and had turned to farming as a securer means of livelihood. With limited capital resources they were unable to acquire developed farms in well-settled areas. Almost without exception they took up uncleared land lacking the advantages of location and access by main highways. But over the two decades many of these backroad, marginal holdings were built up and developed into fertile farms of high productivity, and as settlement pushed back further and further, they gained steadily in value.

In taking up land for farming, the settler's first task was to cut down trees and brush to clear a spot large enough for home and garden. The original cost of the holding and the assessed value were usually low because of the poor condition of the roads and the relative abundance of wild, undeveloped land. With the digging of drains and building of irrigation systems, the gradual clearing of more and more land, the adding of auxiliary farm buildings; the farms were steadily improved. As settlement increased, roads were improved and gravelled; power and telephone services were brought in, often financed by the individual farmer; rural mail was provided; and the railway station hamlets increased in size and services.

New crops were planted and land productivity was increased from year to year as farmers instituted crop rotation and diversification, developed new methods of tillage, and improved the varieties of plants. Co-operative marketing and buying services were organized to bring better returns for produce sold and to effect savings in essential purchases. Co-operative organization was extended to processing and canning, particularly of small fruits, the most important product of many Japanese farmers; and some protection was thus provided against

Source: Nikkei National Museum, 2018-16-1-54-3-10
www.nikkeimuseum.org

the fluctuations of the market. By these methods the farmers, acting in concert, were able steadily to increase their cash income.

While rapid advance was being made in farm development, both in expanded acreage, improved crops and produce, and in better marketing facilities, most rural municipalities adopted a policy of giving every encouragement to farm improvement. As a general rule, assessed values of farms were low in the first instance, largely because the land was non-producing. They were not increased in any way commensurate with the increased productivity nor the values of the farms resulting from the improvements. Some municipalities, in fact, maintained a lower tax rate on improved land than on wild land in order to encourage such development. Thus in 1942, the Municipality of Maple Ridge had a general tax rate on improved land of 16 mills in contrast with the rate on wild land of 30 mills.

It is, of course, well known that specialization based upon intensive agriculture was a major characteristic of this period of expansion enjoyed by Japanese Canadian farmers. Forces of economic necessity and occupational aptitude had induced a strong concentration in the small fruits industry. A secondary concentration occurred in the greenhouse industry, while individual operators built up important and substantial poultry farms, market gardens and nurseries. In these particular farm avenues the Japanese farmers were aided not only by habits of unremitting industry, but also by the fact that their families of growing children in many instances had reached the age when they were able to make an all-important labour contribution to the building up of the family enterprise.

The Fishing Industry

The Japanese in Canada have had a long association with the fishing industry. The fact that they have held a relatively prominent position in this field (see Table I) has led to some strong agitation by others similarly engaged.

It should not be overlooked, however, that the entry of the Japa-

Source: Nikkei National Museum, 2018-16-1-54-3-11
www.nikkeimuseum.org

nese fisherman was a critically important factor in the development of the industry to the point where it became one of basic importance to the British Columbia economy.

It appears a historical fact that the development of the industry would have been retarded if it were not for the Japanese immigrants who brought certain valuable experience from their homeland.

At a later stage when competition became more intense and the dependence on immigrants lessened with the entry of later arrivals, a very strong movement arose to restrict the activities of the Japanese fishermen.

Successive attempts to reduce licenses to the Japanese were substantially effective, until in a period just before the war, less than 15% of licenses issued were held by fishermen of Japanese ancestry. Notwithstanding this small percentage, however, the efficiency of this particular group had developed through many years of experience and they continued to be an important factor in production.

The Japanese fishermen in the course of time had acquired the best possible types of boats and equipment, and thus at the time of evacuation their capital investment was substantial.

The increasing mechanization in the industry, over the period of several decades, for instance, had seen the transformation of oar-propelled boats to gasoline and diesel boats together with modern drums for reeling in nets. Considerable investments were made in the various kinds of nets to be used with varying conditions of season and water levels.

The fact that Japanese fishermen were faced with restrictions (not applying to other fishermen) -- such as not being allowed to move from one fishing district to another -- made it necessary for them to improve their techniques to the highest level possible, and this involved high investment for the best type of equipment.

The early fishermen were not discontented with the living quarters supplied by canneries -- such as shacks along the Steveston dykes, but as they gradually absorbed the influence of western cul-

Source: Nikkei National Museum, 2018-16-1-54-3-12
www.nikkeimuseum.org

ture and their Canadian-born and Canadian educated children grew up, they made increased efforts to improve their living conditions. Even in the unpicturesque cannery-provided houses, it became not unusual to find good quality home furnishings.

Development in the fishing industry was, of course, accompanied by boat-building, canning and processing industries which employed a considerable number of Japanese.

The Japanese are credited with the development of the herring fishing and salt herring industries.

Lumbering and Wood Products

The more important communities where the Japanese were employed in lumbering were Vancouver, New Westminster, Fraser Mills, Mission City, Woodfibre, Ocean Falls, Port Alice, Alberni, Royston, Fanny Bay and Courtenay.

There was a trend over a period of years for workers in forest products industries to move to more fixed sawmill industries in order to enable them to make homes, and secure education for their children, whereas in the earlier days they were willing to accept the lot of migratory forest workers.

This was true especially in Vancouver, New Westminster, as well as the smaller centres of Chemainus, Duncan, Port Hammond, etc. Even when the workers went into the woods for employment, they maintained homes in adjacent centres. As with the fishermen, the stimulus of Canadian-educated children made itself felt in the desire for better home furnishings and comforts for the home.

Some of the forest workers eventually became fairly large logging operators and by 1933 there were some fourteen such operators in British Columbia. The following table gives the extent of these operations:

Source: Nikkei National Museum, 2018-16-1-54-3-13
www.nikkeimuseum.org

TABLE II INVESTMENT AND ANNUAL PRODUCTION OF JAPANESE LOGGING COMPANIES IN BRITISH COLUMBIA 1933

Name of Company	Capital Investment	Annual Production
Fanny Bay Logging Company	$ 200,000	$ 135,500
Deep Bay Logging Company	200,000	135,500
Cartwright Bay Logging Company	40,000	67,500
Highland Logging Company	20,000	35,000
Feelmore " "	10,000	54,000
Stolts " "	4,000	13,000
Taniguchi " "	15,000	40,000
Takahashi " "	500,000	570,000
Maeda " "	6,000	20,000
Uyenaka " "	25,000	60,000
Channel " "	20,000	31,500
Mission " "	8,000	23,000
	$1,048,000	$1,185,000

Source: Records of the Japanese Consulate, Vancouver (The Japanese Canadians by Young and Reid).

Commercial Developments

At first the Japanese immigrants looked for employment in the Province's basic industries of fishing, agriculture, lumbering and in various unskilled employment, but there was soon a trend towards settling into urban communities where they started modest retail and service establishments.

In 1931, 907 trade licenses were issued to persons of Japanese ancestry in the coastal areas.

In Vancouver, there was some publicity over the fact that a trade license was issued to one out of every ten Japanese, when the average for the city was one for every twenty-one persons, and there was some talk of restricting the number of trade licenses to Japanese.

Such a step, of course, would have been a fairly serious blow to a group who found themselves faced with restrictions in almost every field of employment into which they ventured.

The importance of the large part of these Japanese-operated

Source: Nikkei National Museum, 2018-16-1-54-3-14
www.nikkeimuseum.org

business establishments did not lie so much in the amount of business transacted or the investment represented as in the fact that they provided a livelihood for many individuals who were not fitted for any other type of employment.

The shopowners, the shoemakers, the carpenters, were often the people who had spent the more active part of their life engaged in physical labor, who had accumulated two or three thousand dollars to provide for an independent livelihood when they were no longer capable of hard work. That they found themselves turning to commercial enterprises on a small scale reflected too the lack of employment opportunities requiring less physical strength and suitable to the more elderly group into which the earlier immigrants were emerging.

These small business enterprises for the most part did provide a living, and in more cases than otherwise, represented the sole security for the family until the children were old enough to support the family. Probably because these businesses represented so much to the individual shop owners, and partially too because of their reluctance to depend on public welfare organizations, business failures were extremely rare even during the worst periods of the depression years, and very few families went on relief.

With the evacuation, this unique economic structure was broken down.

It is rather important to bear in mind when considering the valuation of the Japanese business enterprises to note two factors:

(1) These businesses had, to the Japanese, a peculiar intangible value in addition to what may be represented in financial terms -- a value, which they were required, to ignore altogether in making their claims. This intangible value lies in the fact that these small commercial enterprises were the only tangible means of security and livelihood known to its owners. They represented a goal reached after many years of toil.

(2) The years immediately before the war when the nation was

Source: Nikkei National Museum, 2018-16-1-54-3-15
www.nikkeimuseum.org

getting back on its feet after the depression seemed to have coincided with the period when a large number of Japanese enterprises had reached the stage of having become established. In other words, the generally favourable outlook for the future which the Japanese businesses faced at the time of evacuation did reflect, but is not altogether attributable to the generally increased tempo of economic activity which was beginning to make itself felt at that time.

Source: Nikkei National Museum, 2018-16-1-54-3-16
www.nikkeimuseum.org

PART II

GOVERNMENT POLICY AND THE PROPERTY PROBLEM

The Development of Evacuation Policy

The introductory section of our submission to the Royal Commission has been devoted to a summary description of the overall economic status of the Japanese minority, noting especially the development of that status and of social stability over the years. This second section is concerned with an attempt to trace the highlights of the unfolding policy introduced by the Federal Government in dealing with the repercussions on the domestic front of the disaster at Pearl Harbor, and particularly with those aspects of policy bearing directly upon the property problem.

It is, of course, well known that the prospect of the War in spreading to the Pacific Area after 1939 had caused keen concern and widespread popular agitation centered upon the 20,000 persons of Japanese ancestry settled on the British Columbia coast. The tensions and prejudice, which trace their roots back to the early history of the minority group, had once again been raised to a high pitch. So acute was the war agitation that the Federal Government late in 1940 undertook steps to ease the situation by appointment of a special committee of inquiry. In January, 1941, the Prime Minister tabled the report of the Committee which urged the importance of checking irresponsible attacks upon the Japanese in British Columbia "as an integral part of civil security and national defence." The Prime Minister announced that a special registration of all persons of Japanese origin would be immediately undertaken by the federal police as a key supervisory measure. He further announced the appointment of a small Standing Committee composed of representatives of the military, the federal police, and civic and legislative authority to advise the Government upon the developing situation. These measures, it was widely felt, contributed an important stabilizing influence not only

Source: Nikkei National Museum, 2018-16-1-54-3-17
www.nikkeimuseum.org

during the months of increasing international tension of 1941, but also during the few weeks of relative calm immediately after Pearl Harbor.

A review of the events of the critical three months up to March, 1942, however, makes it clear that the wholesale evacuation was in no wise conceived as a conscious policy from the beginning; nor were plans of any kind formulated to deal with all the ramifications of this tremendous disruption until after the decision had been forced upon the Federal Government.

The initial action of the Government was to add to its supervisory, precautionary measures. Some forty Japanese nationals were detained under the Defence of Canada regulations, most of whom were cleared and released from custody within a year's time. Under advisement of the police, the Japanese language schools and newspapers closed down voluntarily. Shortly thereafter, the special registration was made compulsory and tightened up under a new order-in-council; and policy was formalized to prohibit the operating of the fishing boats, which had already been impounded as an emergency measure.

Public opinion in its initial reaction was inclined to accept this precautionary phase as adequate, but only for a brief period; and by the middle of January the Government had evolved a more stringent, but still moderate policy. The announcement of January 14, 1942, made known the intention of the Government to undertake partial evacuation, by establishing a "protected area" from which "all enemy aliens" would be excluded. Strict surveillance of all Japanese nationals was to be continued, with added prohibitions on the use of short-wave radios and cameras. And it was proposed that the exclusion of Japanese Canadians from the Armed Forces should be continued, but provision made to set up a special Civilian Corps. In implementing this policy, the Minister of Justice on February 5, 1942, ordered all male enemy aliens of 18 to 45 years to leave the protected coastal area.

Acceptance of "partial evacuation", however, proved only momentary. By the middle of February a widespread campaign urging complete

Source: Nikkei National Museum, 2018-16-1-54-3-18
www.nikkeimuseum.org

evacuation was in full swing. Pressure was both organized and popular, and bowing before the irresistible flood a drastic change in policy was finally adopted. On February 26, Orders-in-Council were made public announcing the new situation. All prohibitions with regard to a number of special articles such as radios and cameras were extended to Canadian citizens as well. A curfew regulation was introduced confining everyone to their homes between sunset and sunrise. And every person of Japanese race, citizen and alien, male and female, young and old, was ordered "to leave the protected area forthwith."

Evacuation Movements

As previously stated the protected area was designated on January 29, 1942, and on February 5, 1942, Japanese nationals of 18 to 45 years were ordered to leave the area by April 1. On February 24 the exclusion order was revised and extended to order out all persons of Japanese ancestry forthwith. Following the exclusion order for Japanese nationals on February 5, two weeks later work camps were authorized on February 19, 1942 -- a week prior to the total exclusion order.

Except for the property of interned persons which came under Regulations Respecting Trading with the Enemy 1939, no public agency was available at this stage for the protection of Japanese property, other than fishing vessels which were subject to the divided authority of several Government agencies. When men were ordered to leave for road camps no provision was ready to care for their property. It was not until March 4, 1942, that the Custodian of Enemy Alien Property was given jurisdiction under Order-in-Council P.C. 1665. This official, however, for the first several months provided no physical facilities and confined his activities to receiving reports on property from Japanese persons as they were transported from the protected area. No advice was forthcoming as to public facilities and no central storage depots were provided. Because statements had been made that baggage was restricted to 150 pounds per adult and 75 pounds per child, al-

Source: Nikkei National Museum, 2018-16-1-54-3-19
www.nikkeimuseum.org

though in actual practice more was permitted, most of the property and belongings were left behind in homes. It had also been stated that freight and any amount in excess of the allowance would be charged to the owner.

For a large number of persons from areas outside the City of Vancouver, the removal had two stages; the first was from their homes to Hastings Park Clearing Station, and the second from the Park to Interior British Columbia. Particularly significant are the removal orders of the first stage when persons were ordered from the outlying areas of British Columbia and because of the precipitate nature of the evacuation, in the absence of public facilities they lost a large portion of their household goods and the equipment for their occupation. For example, a former resident of Hyde Creek could do nothing with his household and real property because he was given only two hours notice to vacate. Persons in Cumberland were given a week's notice to move to Hastings Park, and were told that one suitcase and one clothesbag were the only baggage allowed. A person with a rooming house was ordered to a road camp on March 29, 1942; when he refused to leave before settling his business matters, he was interned. A person from Nanaimo reports that he was ordered to Vancouver on twelve hours notice, but because this was physically impossible, he was given two days. During the interval when he was packing his belongings, a soldier followed his every movement. The only baggage he was allowed amounted to two suitcases and one clothesbag.

On March 27, 1942, a New Westminster family was given twenty-four hours notice to leave the protected area. The father and eldest son of the family were already at a road camp, consequently they experienced considerable difficulty in packing.

After reaching Kaslo a former Steveston fisherman sent for his household chattels. When he opened the crates he found that all valuable articles had been stolen.

A person from Georgetown near Prince Rupert states that he was

Source: Nikkei National Museum, 2018-16-1-54-3-20
www.nikkeimuseum.org

evacuated on very short notice and was allowed 170 pounds baggage made up entirely of items such as blankets and things for personal use which he placed in one suitcase and one clothesbag. He asked to be permitted to take his trunk with him but this was refused. After he reached Hastings Park on April 4, 1942, he asked that his trunk and remaining baggage be shipped to him. Months later in Slocan he received the trunk and three boxes but when the boxes were opened it was discovered that they were empty and the contents had been stolen.

A person from Qualicum Beach reports that on March 17, 1942 at nine o'clock in the morning he was ordered to take his family out of the area on the train leaving at eleven thirty o'clock. Because this was impossible he pleaded for an extension of twenty-four hours, which was permitted. He was able to take only his bedding with him. During the twenty-four hour period he disposed of his household goods by selling, and otherwise, as best he could at very great loss.

Another person from Qualicum Beach describes the conditions under which he surrendered his automobile in March of 1942. He was ordered on March 11 to deliver his automobile to a representative of the Custodian with the understanding that he would be re-imbursed for all expenses connected therewith. About noon the next day he joined a convoy of Japanese automobiles from Cumberland enroute to Victoria. It reached Victoria about five o'clock that afternoon whereupon registration took until ten o'clock that night. All gasoline and oil was bought by the owner and no reimbursement was made. Further complications arose because of the curfew. He had to take a taxi to the hotel, and also had to meet all expenses.

Cases such as the above were typical, and similar conditions were experienced by the Japanese in their movement from their homes and later again when they reached the interior towns. The economic loss arising from such conditions has affected all the Japanese. Men ordered to road camps, both before and after the Custodian was placed in charge of Japanese property on March 4, 1942, had no facilities for

Source: Nikkei National Museum, 2018-16-1-54-3-21
www.nikkeimuseum.org

storing their belongings. The minimum amount of baggage, which they were allowed, consisted only of bare essentials for physical survival; such as, blankets, heavy work clothing, boots, etc.; their other belongings had to be left with their families or stored with friends. Persons interned were able to take even fewer things with them; usually the clothes they wore, a towel and a toothbrush. Their other belongings also were left behind in an indefinite state. When families moved, the accumulated possessions of many years of domestic life were on their hands; with no storage facilities other than their own homes and some community buildings, their predicament was worse. It was out of the question for them to take their possessions to Hastings Park, to the interior towns, or to sugar beet farms in Alberta and Manitoba. Consequently, very little property was shipped and resulting therefrom, because of the attitudes of some sections of the public and because of the general circumstances of the period, a large proportion of these belongings were lost or stolen.

Impact of Evacuation Policy upon Property Administration

A review of the foregoing circumstances points still further to the contention made earlier that evacuation was not initiated on a broad plan nor as a permanent movement. It is only in the light of this fact that the failure of the Government to take adequate steps for the protection and preservation of property can be explained. The Government provided no facilities for the protection of property while the evacuees still remained in the protected area, other than the formality of registration. Caught unprepared, there was forced upon the Government a civilian undertaking of such magnitude and complexity that it was not able to find personnel capable of realizing all the programme entailed. Under the emergency conditions it was called upon to face, it was unable to formulate policies and procedures adequate to cope with the problems as they arose. As a consequence, there was unnecessary suffering and hardship on the part of the people and the loss of economic resources on a large scale.

Source: Nikkei National Museum, 2018-16-1-54-3-22
www.nikkeimuseum.org

There had been no previous preparation by the Custodian to include the administration of Japanese property within his organization. The first instructions given the Custodian under Orders-in-Council P.C. 1665 of March 4 and P.C. 2483 of March 27th, 1942, were to assume management and control of evacuee property "as a protective measure only." The first sign that the removal had assumed permanent aspects came with Order-in-Council P.C. 5523, on June 29, 1942, whereunder "protection only" was abandoned and powers of disposition by "sale, lease, or otherwise" of agricultural land was authorized, and again with P.C. 469 of January 19, 1943, when such powers were extended to all Japanese property within protected areas.

Further evidence of the temporary nature of the evacuation programme is given in the provisions of P.C. 3213 of April 21, 1942, where upon the recommendation of the Minister of Justice, the British Columbia Security Commission was empowered to enter agreements with the Government of any province relative to temporary placement of persons of Japanese race for the duration of the war, with the understanding that such persons were to be removed upon the termination of the state of war. (no opportunities to depart!!)

Even as recent as July, 1944, during the course of the debate on a section of the War Services Electors Bill, which deprived certain Japanese Canadians of the franchise for the war period, the Prime Minister in the House of Commons stated that the franchise was denied because the Japanese Canadians were moved as a temporary measure and were to be returned at the end of the war.

From these official statements, the removal would have to be viewed as an undertaking similar to the evacuation of civilians from other war zones and it would not be unreasonable to expect that evacuated persons would be permitted to return to their homes as soon as permitted by military exigency. For this reason, persons spent the short time available storing their personal property, often without crating, in their attics, basements, rooms, barns, etc., and in some

Source: Nikkei National Museum, 2018-16-1-54-3-23
www.nikkeimuseum.org

Instances did no more than lock the windows and doors as they left. Where quarters were rented, persons without storage space often had to resort to quick sales or to leaving their goods in community halls, temples, churches and schools. Because proper public facilities were not provided, and because they had to resort to makeshift arrangements for storing possessions, the change in policy from temporary removal to permanent resettlement has made a very high percentage of loss inevitable.

Evacuation Programme gave Opportunity for Economic Profiteering

Where occupations had both White and Japanese persons, unfortunately a division on racial lines was promoted as a matter of historical tradition and each group eyed the other as competitor. This was the case in fishing, small fruit growing, and in the small retail trades. It was clearly evident to White groups that a competitive advantage could be gained by making use of war hysteria to eliminate the Japanese entirely from certain occupations. They would benefit from higher prices, the result of reduced supply caused by the removal of the Japanese from the industry and steadily increasing demand for products and services from improved economic conditions.

During the summer of 1942 and 1943, certain White persons who had taken over Japanese berry farms for the season on short leases or purchase, organized the Berry Growers Protective Association and applied to the Government for a subsidy at a time when berry prices were their highest since the first World War. This is an example of the attitude of some sections of the general population at that time. Not content with reaping the benefit from the toil of Japanese berry farmers they wanted to live off the general taxpayer as well. In other fields, it has been freely reported that many articles were pilfered from fishing vessels while impounded. Skiffs and life-boats were stolen, net houses were broken into and nets, gear and equipment stolen or damaged. Automobiles left at designated points were stripped of tools and even inner tubes and tires were replaced by those of poorer quality.

Source: Nikkei National Museum, 2018-16-1-54-3-24
www.nikkeimuseum.org

The Custodian's policy to liquidate the holdings of persons of Japanese ancestry without reserve by public auction methods eliminated any possibility of the conditions required for a fair market value being applied. By no interpretation could the seller be classed as a willing seller; moreover, the sales being part of government policy of liquidation were, in effect, compulsory and were to be carried out regardless of price. The only willing person under the circumstances was the buyer who saw that all material conditions were fully weighed in his favour and he was in a position to take full advantage of them. Under the circumstances normal competitive bidding would be discouraged, and sales would be completed at abnormally low prices. The sale price by the Custodian could not, therefore, be regarded as the fair market price.

Problems in Property Management and Liquidation

It is apparent that under the foregoing conditions, Government policy in management and disposal of property did not give adquate and sufficient protection to the owners' interests. The primary function of a custodian is to conserve the assets of the owners. In this case it may be stated that this first function, due to the particular circumstances which obtained, was not successfully fulfilled. Aside from property sold directly by owners prior to the establishing of the Custodian's office, much property which should have been the responsibility of the Custodian was not adequately protected. In regard to household goods and movable property left in the homes before and after the Custodian assumed responsibility, insufficient protection was the cause of large quantities of valuable possessions being lost. In the sale of automobiles, unnecessary depreciation resulted from mishandling and lack of proper care. In addition, sale by auction without reserve, under conditions of forced liquidation, resulted in low-bidding and low prices. Boats and gear also received similar treatment in sales. Real property, businesses and equipment suffered a similar fate for the same reasons.

Source: Nikkei National Museum, 2018-16-1-54-3-25
www.nikkeimuseum.org

Some of the most serious examples of property loss and destruction are recorded in the reports of the auditors of the Custodian. They are now a matter of public record. The Proceedings of the Public Accounts Committee, May 8 to June 26, 1947, furnish further information on losses and damage to property.

The auditors for the Custodian, P. S. Ross and Sons, in their report of October 20, 1943, state:

> "We understand that many requests have been received from evacuees to have shipped to them at their present address certain aritcles which, in some cases, have necessitated the unpacking of a carton or other container in order to locate the particular thing or things requested. We were also informed that storage places have on a number of occasions been broken into and containers ransacked, and as a result the belongings of one evacuee mixed with those of another, thus destroying means of identification of ownership with the office records ....."

Mr. Mathieu, assistant deputy custodian states in his report of January 15, 1947 (page 39):

> "It is also true that a certain type of citizen considered the abandoned homes of evacuees an opportunity to engage in theft and vandalism which were in evidence in many cases before our field men or agents had an opportunity of taking charge .
>
> "Even in the better class districts this was in evidence and perhaps an outstanding example may be given in connection with the property owned by the former Japanese counsul in the Shaughnessy district of Vancouver. This house was under the control of the protective powers until the capitulation of Japan.
>
> "At the time the property was handed over to us in December, 1945, Mr. K. W. Wright, counsel to the Custodian, and Mr. F. G. Shearn, director of our Vancouver office, inspected these premises with Mr. Raeschlin, representing the Swiss government. Every piece of plumbing had been removed, light fixtures and switches had been disconnected and taken away and even leaded glass doors and windows had been taken from their frames and were missing. This had occurred in one of the best districts of Vancouver and according to representatives of both the Spanish and Swiss authorities, the house had been broken into time after time even although it was boarded up after each depredation.
>
> "Our own experience in regard to buildings which had been used for storage was somewhat similar to that of the Japanese counsul's house. Breakings-in were frequent, entrance being made in some cases by the use of fire escapes, through windows which were boarded up or covered with a grill or through basement doors.
>
> "It may be of interest to record that a building on East Hastings Street, registered in the name of a Japanese association and which certain Japanese had filled with chattels, was left by them in the care of Messrs. Norris and McLennan. Upon request for the shipment, through the Security Commission, of some of the contents of this building, we requested Mr. McLennan to accompany one of

Source: Nikkei National Museum, 2018-16-1-54-3-26
www.nikkeimuseum.org

> our staff to the building for the purpose of selecting the goods required for shipment. Finding it impossible to open the front door, access was made through a rear entrance when it was discovered that thieves had entered by the front door and had then barred it from the inside with planks. The place had been ransacked, lids of boxes torn off and the entire contents scattered over the floor....."

Although these reports are undoubtedly familiar to Your Lordship, the above quotations are given at length because of their importance. It was partly as a result of the above information to Members of Parliament that the whole matter was referred to the Public Accounts Committee which undertook a thorough investigation of the terms under which Fraser Valley farm lands were sold to the Veterans Land Administration. This investigation revealed that agricultural lands were evaluated following Order-in-Council P.C. 5523 of June 29, 1942, at $ 911,156.00, and sold for $ 893,390.00 in the face of assessment values which totalled $ 1,250,000.00. It is submitted that as a general practice in this area, assessed value is a determination selected for taxation purposes. In some cases, they were below original cost and in most cases certainly far below market value. Although this was a general policy in most municipalities the Veterans Land appraisals were 2 per cent and assessed values were as much as 40 per cent, above sale price.

The Proceedings of the Public Accounts Committee, May 12, 1947, at page 114, show that the spot valuations of the Advisory Committee to the Custodian of May, 1943, compared with assessed value and Soldier Settlement valuation for seventeen properties, as follows:

Soldier Settlement valuation	$ 28,232.00
Assessed value	$ 31,119.00
Advisory Committee valuation	$ 43,100.00

The Advisory Committee valuations for the seventeen properties in this instance were 39 per cent above assessed value and 53 per cent above Soldier Settlement valuation. This will indicate that Soldier Settlement valuations were far too low.

On page 115 of the Proceedings, a list of forty-three properties

Source: Nikkei National Museum, 2018-16-1-54-3-27
www.nikkeimuseum.org

withdrawn from the Veterans Land Administration offer until matters of title were cleared, and subsequently advertised and sold by the Custodian, is given as follows:

Veterans Land Administration appraisal	$ 39,571.00
Veterans Land Administration offer	$ 38,876.00
Custodian appraisal	$ 73,312.00
Custodian sale price	$ 82,183.50

It is noted that the Custodian appraisal was 90 per cent and sale price was 112 per cent above the offer made by the Veterans Land Administration. This would indicate further that the Veterans Land Administration transaction was not made on the basis of free trading and fair market price. Therefore it is submitted that prices received from the sale of these farm lands should be examined with this condition in mind.

Furthermore, when the final offer from the Veterans Land Administration was lower than appraised value, all amounts were uniformly scaled down without attention to individual cases. In view of this administrative action, it cannot be stated that either the Advisory Committee to the Custodian, or the Custodian, had proceeded in the sale with a view to getting the owners a fair market price when entertaining offers from the Veterans Land Administration. Accruing losses to Japanese owners would, therefore, be substantial, and legitimate claims before the Commissioner will be for sizeable amounts.

Even in the case cited above, there is no indication that the $ 82,000.00 total figure, the selling price of the Custodian was the fair market price. It is re-emphasized that the circumstances surrounding these cases would encourage low-bidding. Compulsory sales over the protest of owners would allow buyers to withhold high offers and yet acquire the desired property.

Sales of this type are unprecedented; there was no recourse to arbitration, nor any appeal to the courts as provided under the War Measures Act in cases of expropriation by the Crown. *

Source: Nikkei National Museum, 2018-16-1-54-3-28
www.nikkeimuseum.org

PART III

EVALUATION OF PROPERTY

It is not intended here to discuss at length the technical legal aspects of the terms of reference of the Royal Commission, which it is felt, will be adequately and fairly dealt with by Your Lordship with the assistance of Counsel for the claimants and for the Government. We realize that the task of evaluating the losses suffered by the claimants is an extremely difficult one, requiring infinite patience and skill, and above all an appreciation of the human and economic aspects of this unprecedented forced movement. This work is not made easier by the emergency nature of the evacuation as described above or by the fact that six years or more have now elapsed since that time and that the claimants are now scattered in almost every province of the Dominion.

It is felt that the determination of "fair market value" under the terms of reference is an economic problem as well as a legal one, involving consideration of such factors as original cost, replacement cost, prospective earning power, general price levels, and the existence or non-existence of an open market free from compulsion. In order, therefore, that every claimant can be treated fairly we respectfully urge that as a minimum condition the factors set out below should be considered, depending on the type of property for which a claim is made.

(1) Urban Real Estate - Land

a. Sales realization from adjacent parcels sold freely at about the same time.

b. Assessed value of the specific parcel adjusted by the average relation of assessed value to the sale price for comparable parcels in the same or comparable locality.

c. Earning value assuming the parcel is to be developed to the highest usefulness possible in its location.

d. If the land is occupied by old buildings, the fact that present earnings may not be a good criterion of probable future earnings when the old buildings are replaced with

Source: Nikkei National Museum, 2018-16-1-54-3-29
www.nikkeimuseum.org

modern structures, perhaps designed for more appropriate uses from the point of view of the land location.

c. Trend of market value of adjacent land as reflection of environment factors on probable future earnings.

(2) Urban Real Estate - Buildings

a. Assessed value of buildings adjusted by the average relation of assessed value to the sale price of comparable buildings in the same or comparable locality.

b. Original cost and replacement cost of buildings.

c. Earning value based on past experience and prospects in the future.

d. Evaluation of other pertinent factors such as exceptionally favourable leases, working capital employed in administration of building, nearby developments which affect the value, etc.

(3) Farms

a. General level of farm values from recent sales records of comparable farms in same locality.

b. Original cost, depreciation, and replacement cost of buildings and other fixed improvements.

c. A farm being both a productive unit and a home, a number of special factors to be given careful consideration in each individual case: e.g.,

i. kind of crops that can be grown advantageously on the soil.

ii. extent to which fertility of the soil has been depleted or built-up.

iii character of road system serving the farm.

iv accessibility of markets for each possible crop.

v annual rainfall or source and cost of irrigation water.

vi nature and abundance of water for stock and domestic use.

vii adequacy of natural and artificial drainage.

viii character and adequacy of fences.

ix accessibility or approach of rural electric lines.

x aesthetic setting of the farm home.

xi annual tax rate.

xii social character of the neighbourhood.

xiii educational facilities available.

xiv alternative uses to which all or part of the farm could be put.

Source: Nikkei National Museum, 2018-16-1-54-3-30
www.nikkeimuseum.org

xv possibility of future revenue producing activities of importance, such as site for waterfront development, highway, powerline, tourist resort, etc.

(4) Business Enterprises

a. Original cost and replacement cost of physical assets (buildings, machinery, equipment and land).

b. Historical and reproduction preliminary-expense value: This includes the fair capital allowance for the necessary expenses incurred in the organization and promotion of the enterprise.

c. Going-concern value: The element of value in an assembled and established business doing business and earning money, in comparison with one not thus advanced. The value element is the present worth of the near-future earnings of the going plant during the period required to duplicate the enterprise and place it in operation.

d. Goodwill value: This is something different from going-concern value. It was succintly stated by Lord Eldon in 1810 as "the probability that the old customers will resort to the old place". The unit of measurement of goodwill value is one-year's purchase of the excess of the profits of the business over reasonable interest on the fair value of the property. The number of years by which the unit value is multiplied in individual cases depends on the kind of business involved.

e. Other intangibles: These may include favourable leases, contracts, options, trade secrets, trade names, patent rights, copyrights, etc. where they are present.

(5) Fishing Vessels and Gear

About the same list of possible elements of value exist as noted above for other business enterprises. In addition, a factor of great importance in 1942-43 was the practical impossibility of replacing these physical assets under the existing conditions of very short supply.

(6) Automobiles, Radios, Cameras, and Firearms

a. Replacement cost.

b. W.P.T.B. price ceilings.

(7) Household Chattels and Other Personal Property

a. Replacement cost.

b. Intrinsic and sentimental value not replaceable.

Source: Nikkei National Museum, 2018-16-1-54-3-31
www.nikkeimuseum.org

PART IV

CONCLUSION

This submission has been concerned with drawing to the attention of Your Lordship certain background material which we believe is directly relevant to the issue under consideration by your Commission. It would appear that in spite of careful, painstaking investigation and deliberation, many practical and imponderable difficulties stand in the way of achieving a precision of just and reasonable awards. In the alternative, we respectfully suggest a broad appreciation of all the circumstances which shaped the problem into its present form is fully merited.

The first part of our submission has sketched the historical background of Japanese immigration into Canada, noting the conditions of their early arrival and employment in this country. In common with most immigrant groups, their's was a struggle over the years to establish economic security. In this struggle they were motivated not merely by individual self-interest, but even more important by the fact that the immigration of women had brought about a fairly balanced population and a family structure was rapidly built up. Homes were necessary for families. And growing numbers of immigrant fathers sought stability of income and employment, as well as a necessary advance in economic status. In general this provided a strong motivating force to accumulate savings and to establish self-owned enterprises whenever possible.

By the end of the first four decades of the century, the immigrants from Japan, first generation fathers and mothers, were reaching an established status in years, and large numbers of their Canadian-born children were achieving maturity. These joined the ranks of productive workers, and family income in the years immediately preceding the evacuation of 1942 increased rapidly. Increased income led in turn both to acquisition of durable consumer goods such as home furnishings,

Source: Nikkei National Museum, 2018-16-1-54-3-32
www.nikkeimuseum.org

radios, electrical appliances, automobiles and chattels, which Canadian-educated children looked upon as necessities; and to increased investment in capital goods such as improved housing, larger farm acreage, farm equipment, expanded commercial premises, and fishing vessels and gear. An overall conclusion was that the standard of living of the immigrant group was rising rapidly, not only because of improved economic conditions, but also because of the advancing productivity of the people themselves.

The second part of our submission has reviewed the course of evacuation policy, noting particularly how the problem of property management and subsequent disposal was thus influenced. The first programme adopted by the Federal Government was a moderate one, contemplating the exclusion from the "protected area" only of male enemy aliens between the ages of 18 and 45 years. But public pressure led over the course of a brief six weeks to the adoption of far more extreme measures, the carrying out of which imposed an extremely heavy burden upon unprepared administrative agencies of the Government. Particularly was this true of the Custodian's Office which was suddenly called upon to provide for the effective management and control of all the real and personal property of 21,000 people scattered up and down several hundred miles of British Columbia coastline. Moreover, when wholesale evacuation was first initiated, it was not looked upon as a permanent movement. For this reason neither the evacuees themselves, nor the Government itself, realized that extensive precautions were necessary for the protection and preservation of their property.

Not least of all the actual mechanics of the evacuation contributed to extensive losses. In many cases only very brief notice to move was given, necessitating hasty and precipitate action. With no storage facilities, and with restrictions on baggage permitted for transport out of the protected zone, large quantities of personal property was stored under makeshift arrangements. Possessions could

Source: Nikkei National Museum, 2018-16-1-54-3-33
www.nikkeimuseum.org

not be taken to the Hastings Park Clearing Station in Vancouver, to the Interior Towns, to sugar beet farms, road camps or internment camps, but often had to be left behind to an indefinite future. The overall picture was one of a large group of people engulfed in a crisis beyond their control. Confusion, rumour and counter rumour, doubt and dismay were acute psychological characteristics which precluded rational behavior. The Government itself was unable to offer adequate mechanical facilities to meet the confusion of the emergency situation, or to give needed encouragement and advice.

However, concerned the Custodian's Office actually was in protecting evacuee property, substantial losses were inherent in the entire situation. Reports of the auditors for the Custodian indicate that theft and vandalism of the property were not uncommon in the City of Vancouver. It is likewise indicated that real and personal property in the outlying areas and isolated camps, as well as in the farming areas of the Fraser Valley were subject to equal, if not greater, destruction and theft. In the actual process of liquidation, a wholly abnormal and unprecedented situation was created. When goods and chattels were sold at continuing public auctions, it was clear that the normal conditions of free trading did not apply. Because it was known that liquidation would be effected without reserve, bidding could not be described as competitive, and auctioneers, working on a commission basis with minimum prices, tended to seek rapid disposal of goods in large quantities rather than adequate unit prices. The Proceedings of the Public Accounts Committee contain information which indicates that transactions between the Custodian and the Veterans Land Administration in regard to Fraser Valley farm lands were not resolved on a basis of "fair market value." Nor can the wholesale liquidation of a large number of urban holdings within a short space of time be regarded as a normal procedure guaranteed to maintain the property rights of the owners.

In the third section of our submission, we have attempted respectfully to suggest to Your Lordship some of the considerations

Source: Nikkei National Museum, 2018-16-1-54-3-34
www.nikkeimuseum.org

Confidential

C195016

Re: Japanese orders under Transitional Measures Act.

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

1. Political considerations,
2. Considerations of Justice.

Political considerations

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

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

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

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

Source: Nikkei National Museum, 2018-16-1-54-4-1
www.nikkeimuseum.org

C195017

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

What about B.C.?

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

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

Considerations of Justice

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

Source: Nikkei National Museum, 2018-16-1-54-4-2
www.nikkeimuseum.org

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

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

12.ii.48

(Letter of C.N. SENIOR TO KING, FEB. 7, 1948 filed separately)
JC.

Source: Nikkei National Museum, 2018-16-1-54-4-3
www.nikkeimuseum.org

Brewin to Ilsley

B 141

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

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

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

30th June, 1948

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

Dear Mr. Isley:

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

what % Tax?

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

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

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

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

From these two memoranda we selected the following salient points:

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

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

Dec March 1942

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

Source: Nikkei National Museum, 2018-16-1-54-5-1
www.nikkeimuseum.org

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

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

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

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

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

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

Yours respectfully,

F. A. Brewin

FAB/HC
Enc.

MEMORANDUM RE JAPANESE FISHING VESSELS

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

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

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

Source: Nikkei National Museum, 2018-16-1-54-5-2
www.nikkeimuseum.org

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

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

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

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

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

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

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

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

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

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

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

only to arbitrate the sales

Source: Nikkei National Museum, 2018-16-1-54-5-3
www.nikkeimuseum.org

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

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

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

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

Is this legal? Cust not entitled yet to dispose of property.

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

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

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

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

Source: Nikkei National Museum, 2018-16-1-54-5-4
www.nikkeimuseum.org

This boat was fully equipped.

It is difficult to ascertain exactly what happened with respect to these requisitioned vessels. There appear to have been some 2[illegible] vessels requisitioned for charter. It appears that once requisitioned, the Japanese Fishing Vessel Disposal Committee considered them to be out of their hands. Some Committee was set up to fix the charter rate and obtained information from the owners to this end. However, before the rate was fixed (if at all) the boats were requisitioned for purchase. Mr. Justice Sidney Smith held some kind of hearings in Vancouver in the summer of 1942 and as well as we can ascertain, few, if any, of the owners were represented at these hearings. Apparently, it was decided to pay the owners the amount at which their vessels were appraised at the time they were requisitioned for charter and not to pay any charter money. Once again the owners were told that they could not get their money at all unless they signed Bills of Sale.

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

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

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

R. J. McMaster

JAPANESE FISHING VESSELS DISPOSAL COMMITTEE

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

1528 Marine Building
Vancouver, B. C.

A. E. McMaster, Executive Assistant

June 27, 1942.

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

Dear Sir:

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

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

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

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

Source: Nikkei National Museum, 2018-16-1-54-5-5
www.nikkeimuseum.org

the parties offering the approved price.

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

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

Yours very truly,

"A. E. McMaster"
A.E. McMaster, Executive Assistant

AEM/FM

JAPANESE FISHING VESSEL **DISPOSAL** COMMITTEE

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

1528 Marine Building
Vancouver, B. C.

July 29th, 1942.

A. E. McMaster, Executive Assistant

Mr. Yoshio Nagata,
Solqua, B.C.

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

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

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

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

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

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

Yours very truly,

JAPANESE FISHING VESSELS DISPOSAL COMMITTEE

"A. E. McMaster"
Executive Assistant

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

Source: Nikkei National Museum, 2018-16-1-54-5-6
www.nikkeimuseum.org

Kerry Diaries 22/1/47 MG 26 J13

St Laurent fought strongly and bravely for deporting practically all who could be deported, including some Cdn citizens, of those who had signed during the war wishing to return on the score they would increase our population and demands would be made later when Jpn was a settled country to have the Jpz in Cda given the same rights as the white population. He has in mind the issue being raised at the United Nations. That they would never really work into Cdn life and their numbers might become troublesome. On the other hand there was the feeling which I helped to express that the war was over people were now trying to foster good-will & peace. That we will be looked upon as inhuman and that it would be a crime to send back to Jpn those who had behaved themselves well throughout the period of the war. Had nothing against them except what they claim was duress. They had asked to be sent back. There was practically unanimity in demanding cessation of deportation. 4000 have already gone. There would not be ships available for some time. It might take another six months to get another 4000 away. Meanwhile the

Source: Nikkei National Museum, 2018-16-1-54-6-1
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Civil Liberties League would begin stimulating opinion. We already as a Liberal party were in a false position in the minds of many people throughout [our] ill-Liberal treatment of different persons. We would probably raise a real issue if we sought to oppose what now seemed to be general public opinion in the matter of dropping the question of deportation, though holding the right to control the movement of the Japs Ex Cda for some time to come. This for reasons of maintaining law & order, etc. B.C. has changed its attitude considerably. Men like Buchanan, in Alta, claim the Japs are needed for the beet sugar industry. Mitchell claims the whole industry would have collapsed but for their help. Council finally decided to accept the report of the Comm of the Cab. and repeal the order of deportation. Let the Civil Liberties League stay at home, St Laurent said.

Mackenzie, who will have most to lose, said he thought they had better make the decision unanimous, not because they were not right in their view, which St Laurent had expressed, but because

they felt sure that they would not be able to get support to carry it out, I had pointed this out very strongly that we had better meet a situation as it arises. Take the one today, the only one that we could really hope to get successfully through Parliament ; i. e., on humanitarian grounds, is right.

Source: Nikkei National Museum, 2018-16-1-54-6-3
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DEA 263-35 PT IV
VOL 1568

SECRET

Ref. Document JAP 3.

MEMORANDUM TO THE CABINET COMMITTEE ON JAPANESE PROBLEMS

RE: Questions of Consular protection and assistance in Japan for Canadian citizens of Japanese origin and the re-entry into Canada of such persons and Japanese nationals retaining Canadian domicile.

Present Canadian Policy

1. At the sixth meeting of the Cabinet Committee on Japanese Problems held on January 10, 1947, there was some preliminary discussion of these difficult questions but, as it was observed that no shipping would be available for some time to bring persons from Japan to this continent, no attempt was made to formulate firm recommendations. Accordingly, these matters remained largely governed by a memorandum of August 10, 1946 (attached), approved by the Secretary of State for External Affairs, which recognizes the right under existing law of Canadian citizens and Japanese nationals retaining Canadian domicile to re-enter Canada, but lays down that the Canadian Liaison Mission in Tokyo shall not for the present (a) help persons of Japanese race to obtain exit permits or buy passage, (b) issue visas to Japanese aliens ever if they have technically retained Canadian domicile and (c) issue or renew passports to Canadian citizens of Japanese origin, except in special circumstances. It was expected that this memorandum would be reviewed in eight months to a year's time.

Reasons for Reviewing Policy at this Time

2. Recently the Immigration Branch has been pressed to give rulings on a number of applications of persons of Japanese origin for re-entry into Canada (e.g. letters from Mr. Angus MacInnis, M.P. to the Hon. J. A. Glen regarding Mrs. Tsuru Fujiwara). In addition, the Head of the Canadian Liaison Mission in Japan has been asked by the Japanese Government through the Diplomatic Section, General Headquarters, Supreme Commander for the Allied Powers to state how the Canadian Government regards persons of Japanese ancestry born in Canada who went to Japan, before, during or after the war. Persons able to prove Allied nationality are entitled in Japan to special consideration in respect to extra food rations, foreign rates of pay when employed by the occupation authorities, and extra-territorial judicial status. Mr. Norman estimates that there are at least 5000 - 6000 persons in Japan having a prima facie claim to Canadian citizenship. It is assumed that the 2606 Japanese Canadians repatriated after the war would be included in this number. Most of these would be interested in securing the advantages of foreign status in Japan. The number who will make application sooner or later to return to Canada will be considerable because of the difficult economic situation in Japan. Mr. Norman points out the magnitude of the task of interviewing and processing these 5,000 - 6,000 applicants, but urges the desirability of our facing this problem now and reaching decisions that

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will enable him to state Canadian Government policy at least on those questions on which United States policy has already been clearly defined. It would seem desirable, therefore, for the Committee to give consideration to these questions now with a view to giving guidance to the Immigration Branch and the Department of External Affairs.

United States Policy

3. The United States faces similar problems with regard to the extension of Consular prptection and assistance in Japan for United States citizens of Japanese origin and the re-entry into the United States of such persons. They do not face a problem similar to ours with respect to Japanese nationals retaining Canadian domicile. Any alien leaving the United States for temporary purposes requires a re-entry permit which is only good for one year. All such permits issued to Japanese nationals resident in the United States and returning to Japan before the war for a visit would have expired and there appears to be no disposition to extend the life of these re-entry permits. The United States is prepared to recognize the claims of persons of Japanese origin to United States citizenship with full Constitutional rights. They have opened an office in Yokohama to examine the credentials of such persons. Preferred consideration is given to United States citizens of Japanese origin who "stood out" in Japan during the war and suffered proven discrimination, hardship or imprisonment for being United States citizens. Such persons are being assisted financially and in other ways to return to the United States, some of them this year. During the remaining months in Japan such persons receive the same treatment with regard to rations, pay, etc. as any other United States citizen. (Because of the number of Japanese Americans in the U.S. Army of Occupation special care is taken to avoid any trace of racial discrimination in Japan). Other persons claiming United States citizenship are being gradually screened, their credentials examined, their wartime activities investigated, etc. Persons passing this screening, but who suffered no hardship during the war, will be permitted to return to the United States, but must make their own arrangements when travel becomes normal.

4. United States officials in Japan have expressed the hope that the Canadian Government would coordinate, so far as its laws permit, its treatment in Japan of persons of Japanese origin claiming Canadian citizenship with United States policy toward similar categories of U.S. citizens of Japanese origin. They are concerned lest Japanese Canadians, without going through the same sort of screening which Japanese Americans are required to undergo, might as a group receive favoured treatment by the Japanese Government and thus cause dissatisfaction amongst those not similarly favoured in the United States group.

Source: Nikkei National Museum, 2018-16-1-54-7-2
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Proposed Canadian Policy

5. The recommendations formulated in the succeeding paragraphs are based on certain assumptions to which the Committee will wish to give prior consideration. In the event that these assumptions require modification the recommendations will also need to be changed. It is the assumption of this memorandum that:

(a) The Committee would not wish to recommend the introduction of new legislation depriving persons of Japanese origin of any rights they may now possess under The Canadian Citizenship Act and the Immigration Act;

(b) The Committee would not wish Canadian policy to diverge widely from United States policy in view of the similarity of the problems faced and the predominant role played by the United States in the control of Japan;

(c) The Committee would not wish to recommend the extension of any more protection or assistance to Japanese Canadians in Japan than they are entitled to by law and than is being accorded Japanese Americans;

(d) The Committee would not wish to recommend that any assistance be given to persons of Japanese origin to return to Canada, except in exceptional circumstances;

6. Based on the foregoing assumptions the following recommendations are submitted for the Committee's approval:

(a) The Canadian Liaison Mission in Japan shall be authorized to accept, from persons claiming to be Canadian citizens, applications for certificates of Canadian citizenship to be forwarded after careful examination to the Department of the Secretary of State of Canada along with such documents or affirmations as the Department may, in the circumstances, consider necessary to determine whether

(1) in the case of a person claiming to be a natural-born Canadian citizen he was in fact born a Canadian citizen, and that he has not ceased to be a Canadian citizen

(i) under section 16, 17(1) or 18 of the Canadian Citizenship Act, or

(ii) under P.C. 10773 of November 26, 1942

(2) in the case of a person claiming to be a Canadian citizen other than natural-born he did in fact acquire Canadian citizenship and that he has not ceased to be a Canadian citizen

(i) under section 21 or 23 of the Canadian Citizenship Act (wherever there exist grounds for the issue by the Department of the Secretary of State of Canada of a notice of

Source: Nikkei National Museum, 2018-16-1-54-7-3
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revocation of naturalization, the Head of the Canadian Liaison Mission shall so report), or

(ii) under P.C. 10773 of November 26, 1942, or

(iii) under P.C. 7356 of December 15, 1945 ? shown out 22/1/47

(b) The Department of External Affairs shall determine the extent of Consular protection and assistance to be afforded Canadian citizens in Japan in conformity with Canadian practice in other countries and United States practice in Japan.

(c) Where a Canadian citizen of Japanese origin "stood out" in Japan during the war and suffered proven hardship on that account and is desirous of returning to Canada the Head of the Canadian Liaison Mission in Japan may consult the Department of External Affairs to determine what assistance, if any, may be afforded such person to return to Canada.

(d) Passports shall not be issued to Canadian citizens of Japanese origin to enable them to leave Japan unless they are able to produce evidence that they have secured passage for Canada and will be able to obtain the necessary exit permit from Japan.

(e) Visas for travel to Canada shall not be issued to Japanese nationals claiming domicile in Canada without prior reference to the Immigration Branch. In all such cases the Director of Immigration shall determine whether such persons may be deemed to have lost Canadian domicile. Even in approved cases visas shall not be granted unless the persons concerned are able to produce evidence that they have secured passage for Canada and will be able to obtain the necessary exit permit from Japan.

(f) The Department of External Affairs and the Immigration Branch shall be authorized to consider and approve applications for temporary entry into Canada on behalf of Japanese nationals whose visits abroad are approved by Headquarters, Supreme Commander for the Allied Powers in Japan and who would be coming to Canada for conference, educational or other approved temporary purposes that would be of assistance in the democratic re-education of Japan.

Source: Nikkei National Museum, 2018-16-1-54-7-4
www.nikkeimuseum.org

St.Laurent fought strongly and bravely for deporting practically all who could be deported, including some Canadian citizens, of those who had signed during the war wishing to return on the score they would increase in population and demands would be made later when Japan was a settled country to have the Japanese in Canada given the same rights as the white population He has in mind the issue being raised at the United Nations. That they would never really work into Canadian life and their numbers might become troublesome. On the other hand there was the feeling which I helped to express that the war was over people were now trying to foster good-will and peace. That we will be looked upon almost as inhuman and that it would be a crime to send back to Japan those who had behaved themselves well throughout the whole period of the war. Had nothing against them except what they claim was duress. They had asked to be sent back. Thaere was practically unanimity in demanding cessation of deportation. 4000 have already gone. There would not be ships available for some time. It might take another six months to get another 4000 away. Meanwhile the Civil Liberties League would begin stimulating opinion. We already as a Liberal party were in a false position in the minds of many people through out ill-Liberal treatment of different persons. We would probably raise a real issue if we sought to oppose what now seemed to be general public opinion in the matter of dropping the question of deportation, though holding the right to control the movement of the Japs in Canada for some time to come. This for reasons of maintaining law and order, etc. B.C. has changed its attitude considerably. Men like Buchanan, in Alberta, claim the Japs are needed for the beet sugar industry. Mitchell claims the whole industry would have suffered but for their help. Council finally decided to accept the report of the Committee of the Cabinet and repeal the order of deportation. Let the Civil Liberties League stay at home, St. Laurent said.

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The next discussion was on old age pensions, what was best to do. It was agreed by all we would have to implement in the form of legislation arrangements made under order in council. Martin had suggested increasing the amount of the pension and raising the minimum allowed by way of income, the federal government to continue to pay 75% to the provinces for all who

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CALL NUMBER MG 26, J 13, File: 1 Jan - 28 Feb 1947
COTE

DATE July 25, 1983

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March 27, 1947

MEMORANDUM TO THE SPECIAL CABINET COMMITTEE ON CLAIMS BY JAPANESE EVACUEES

The type of claim in which the Custodian is particularly interested relates to the liquidation of real and personal property left in the Protected Area of British Columbia. Representations made indicate that the Japanese claimants feel that the losses they incurred went far beyond this. By reason of evacuation they were required to surrender their businesses and the positions in which they were employed and generally speaking, their chances of earning a livelihood were cut off. All such claims are based upon the economic loss caused by the results of evacuation. Unless the enquiry is strictly confined to claims of the nature mentioned in the Prime Minister's announcement of January 24, 1947, it is reasonable to suggest that claims put forward will go beyond those referred to in the statement. In support of this, I attach copy of a Questionnaire which, I understand, is being used by the Japanese Canadian Committee for Democracy in their survey.

Apart from demands for compensation covering economical and personal property losses, claims may be made in regard to parcels of real estate which the Custodian advertised and sold on the basis of valuation and with the approval of the Advisory Committees.

At a meeting of the Special Cabinet Committee on Claims by Japanese Evacuees held in the Privy Council Chamber on Monday, March 24,1947, it was agreed that it would be advisable to appoint a Commissioner under Part I of the Inquiries Act to recommend the amount, if any, which, in his opinion, should be granted to any Japanese claimant.

The following are matters to be considered in reaching decisions as to the scope of such inquiry:

1. Real Estate - The difference between the sale price and fair market value. It is altogether likely that the Japanese idea of value will not coincide with the market value, but in my opinion, a properly established market value should be the only basis for claim in this connection.

The inquiry should be on the basis set out in Section 47 of the Exchequer Court Act, as follows:

"47. The Court, in determining the amount to be paid to any claimant for any land or property taken for the purpose of any public work, or for injury done

Source: Nikkei National Museum, 2018-16-1-54-9-1
www.nikkeimuseum.org

to any land or property, shall estimate or assess the value or amount thereof at the time when the land or property was taken, or the injury complained of was occasioned".

Is this the understanding as to the scope of the inquiry?

2. Real Estate Depreciation - The possibility of the market value having decreased at the time of sale due to depreciation of the property after the Japanese were evacuated.

This would apply chiefly to rural properties and possibly occurred in connection with the Fraser Valley Fruit Farms. It should be noted that the appraisal of these lands was, I believe, made in June of 1942, so that there would not have been an exceptionally long period in which depreciation would have taken place insofar as the actual land and buildings were concerned. Greenhouses quickly fall into disrepair and quite a disparity exists between the Japanese valuation and the amount at which some of this property has been sold.

Should the Commissioner be empowered to review claims arising out of depreciation?

3. Real Estate - Loss of Revenue - Some claims in connection with real estate may be based on the fact that after evacuation, the properties were leased and the income was more than sufficient to carry the overhead and this income was cut off by the sale of the property. The Japanese may claim that they were compelled to expend the capital derived from the liquidation of real estate in order to maintain their families in the Housing Centres and elsewhere.

Should the Commissioner be empowered to review claims falling within this category?

4. Chattels - The difference between the sale price and the market value of the goods actually sold. There are cases where losses were sustained by those who were operating businesses such as stores, dry cleaning plants, garages, shingle and rice mills, drug stores and rooming operations. In a number of cases, stock in trade, plant machinery and equipment were sold by the Custodian on the basis of valuation, but the matter of goodwill or the revenue bearing possibilities of these operations were lost to the Japanese. In addition to this, where the real estate did not belong to the owner of these types of busi-

Source: Nikkei National Museum, 2018-16-1-54-9-2
www.nikkeimuseum.org

nesses, dismantling, removing and re-assembling costs entered into the price which the purchaser was prepared to pay for such chattels and equipment.

Certain types of equipment in use by the Japanese were definitely old-fashioned and while capable of producing revenue in the hands of the Japanese, did not have a sale value equivalent to the Japanese idea of its worth.

Should the Commissioner be empowered to review claims of this type?

5. Chattels - The Market value of goods unaccounted for because of loss by theft, depreciation, while in storage warehouses which belonged to the Custodian. This not only concerns household effects, but a certain amount of equipment, the main item of which is most probably that of fishing tackle. The matter to be considered is whether, the Custodian having exercised all reasonable care, there is any responsibility on the Government for shortages which have occurred for the reasons above mentioned.

Should the Commissioner be empowered to entertain such claims?

6. Chattels - The market value of goods unaccounted for because of loss by theft, depreciation, while in storage and under the control of Agents appointed by the Japanese.

Should the Commissioner be empowered to review claims for loss occasioned as aforesaid?

7. Fishing Vessels - These are referred to (Item 6) in the attached copy of the Questionnaire. In connection with fishing vessels, approximately 90% of these sales were negotiated by the Japanese themselves through the Japanese Fishing Vessels disposal Committee. The boats which were sold by the Custodian were of the poorest type and dissatisfaction has been expressed in some cases in regard to the prices obtained.

Should the Commissioner be empowered to consider claims in respect to sales both by the Japanese Fishing Vessels Disposal Committee and the relatively small number of sales effected by the Custodian after the Fishing Vessels Disposal Committee had been disbanded?

8. Motor Vehicles - Automobiles are referred to (Item 7) in the Questionnaire, copy of which is attached. Complaints have been very considerable in regard to the prices obtained for cars and trucks.

By Government Notice, dated February 26, 1942, the Minister of Justice ordered the Japanese to deliver up motor vehicles, cameras, radios and

Source: Nikkei National Museum, 2018-16-1-54-9-3
www.nikkeimuseum.org

firearms to the R.C.M.P., and a notice was published in the press requiring surrender by March 9, 1942. In the interval, many Japanese disposed of their cars at very low prices or by turning them over to friends. It was the opinion of the British Columbia Security Commission that it would not be desirable for Evacuees to be permitted to take their cars out of the Protected Area and as the majority of vehicles were stored at Hastings Park, not under cover, it was considered that due to rapid depreciation, liquidation was necessary. Independent appraisals were obtained on all vehicles and tenders equal to or in excess of the appraised price were accepted. It should be noted that these cars were sold at what was probably the poorest market in used car history. Apart from the Japanese vehicles, all used car dealers were heavily stocked and gasoline and tire shortages created a near panic situation and prices were cut as much as 50% on stocks in the hands of used car dealers.

Should the Commissioner be empowered to review claims within this category?

9. Life Insurance - There have been complaints that life insurance policies have had to be surrendered for cash value or allowed to lapse owing to insufficient earnings by the Japanese.

Should the Commissioner be empowered to entertain this type of claim?

10. Economic Losses - These are referred to in the attached copy of Questionnaire (Items 9 and 10). Due to war conditions, economic loss has been sustained by many citizens altogether apart from nationality and without the factor of evacuation. Business operations were curtailed in many instances due to lack of supplies, to say nothing of the economic disruption caused by enlistment in the forces, sometimes resulting in the supreme sacrifice of life itself. If consideration were to be given to the question of economic loss caused by evacuation, and such loss could be accurately established, this would not, in my opinion, of necessity be a justifiable claim.

Should the Commissioner be empowered to entertain claims coming within this category?

Reference has been made to the fact that a Commissioner should be appointed to consider the Japanese claims and in my opinion the Commissioner so appointed should be a person who holds, or has held, judicial office.

Source: Nikkei National Museum, 2018-16-1-54-9-4
www.nikkeimuseum.org

When the matter of the type of claims to which consideration should be given is determined, I recommend that advertisements be inserted in numerous newspapers, including The New Canadian, calling upon the Japanese to file their claims, duly verified, and to address all such claims to the Office of the Custodian, 506 Royal Bank Building, Vancouver, B. C. This will afford the officials in the Custodian's Vancouver Office an opportunity to review files and assemble data which will be helpful to the Commission. A time limit should be fixed for the filing of such claims.

I am informed that the distribution of Japanese in Canada at November 30, 1946, was as follows:

British Columbia	6,981
Alberta	4,262
Saskatchewan	503
Manitoba	1,193
Ontario	6,617
Quebec	1,210
Nova Scotia	1
New Brunswick	10
Prince Edward Island	6
Yukon and Northwest Territories	31
Total	20,814

Representatives of the Japanese have indicated that they desire to be heard in centres of the different provinces, but I am of opinion that it should be left to the Commissioner to determine where such hearings are to take place.

It is very probable that thousands of claims will be filed, but very improbable that the vast majority could be substantiated in a Court of Law. The Japanese have inflated ideas as to the value of their assets and doubtless their claims will be grossly exaggerated.

It is very difficult to estimate the amount that will be required to meet the claims and defer the expenses of the Commission. At all events, it appears necessary to insert an item in the supplementary estimates in order to provide funds.

Secretary of State

Source: Nikkei National Museum, 2018-16-1-54-9-5
www.nikkeimuseum.org

COPY Document JAP 5 EAD/CM

DEPARTMENT OF JUSTICE, CANADA

Ottawa April 1, 1947

152189
Your File No. J-175

I have been asked to prepare a draft Report to Council for the appointment of a Commissioner under the Inquiries Act to investigate claims made by persons of the Japanese race in respect of the disposition of their property and also in respect of claims for loss resulting from their evacuation from the protected areas of British Columbia.

I understand that as a matter of policy the Government has not yet decided upon the types of claims that will be admitted; I have, therefore, set out in the schedule the complete list of claims. The schedule can then be amended in accordance with Government decisions on policy.

Encl.

"F. P. Varcoe"

Deputy Minister

The Under Secretary of State

O T T A W A

Source: Nikkei National Museum, 2018-16-1-54-10
www.nikkeimuseum.org

COPY

OTTAWA , April , 1947

TO HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

The undersigned has the honour to report as follows:

That during the war persons of the Japanese race were evacuated from the protected areas of British Columbia and by Order in Council P.C. 1665 of March 4, 1942, as amended by Order in Council P.C. 2483 of March 27, 1942, it was provided that all property situated in any protected area of British Columbia belonging to any person of the Japanese race (except fishing vessels subject to Order in Council P.C. 288 of January 13, 1942, hereinafter referred to, and deposits of money, shares of stock, debentures, bonds or other securities) delivered up to any person by the owner pursuant to an Order of the Minister of Justice or which was turned over to the Custodian by or on behalf of the owner, or which the owner on being evacuated from the protected area, was unable to take with him, should be vested in and subject to the control and management of the Custodian as defined in the Regulations respecting Trading with the Enemy.

That by Order in Council P.C. 469 of January 19, 1943, it was provided that whenever the Custodian had been vested with the power and responsibility of controlling and managing any property of persons of the Japanese race evacuated from the said protected areas, such power and responsibility should be deemed to include and to have included from the date of the vesting of such property in the Custodian, the power to liquidate, sell or otherwise dispose of such property.

That during the war fishing vessels belonging to persons of the Japanese race were impounded and by Order in Council P.C. 288 of January 13, 1942, a committee on the disposal/

Source: Nikkei National Museum, 2018-16-1-54-11-1
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disposal of Japanese fishing vessels was established and was empowered, inter alia, to make such arrangements as would make it possible for the owners of such detained vessels freely to negotiate for sales of such vessels.

That pursuant to the above mentioned Orders real and personal property of persons of the Japanese race was disposed of and claims have been made by persons of the Japanese race that they have suffered pecuniary loss by reason of such disposition of their property and also by reason of their evacuation from the protected areas of British Columbia.

That it is deemed advisable to appoint a Commissioner under Part I of the Inquiries Act to investigate the said claims and to make recommendations with respect thereto.

The undersigned, therefore, has the honour to recommend:

1. That the Honourable . . . . . be appointed a Commissioner pursuant to the Inquiries Act, chapter ninety-nine of the Revised Statutes of Canada, 1927, to inquire into the claims set out in the Schedule hereto of persons of the Japanese race for pecuniary loss sustained by them by reason of their evacuation from the protected areas of British Columbia and the management and disposition of their real and personal property and to report his findings to the Governor in Council.

2. That the Commissioner shall examine into each claim and make a report to the Governor in Council advising as to the amount of compensation that in his opinion would be fair and reasonable.

3. That the Commissioner shall give public notice in such manner as he deems advisable of the time for the filing of claims and for the hearing of evidence and that all claims shall be in writing, verified by statutory declaration and filed in the office of the Custodian at Vancouver, British Columbia.

Source: Nikkei National Museum, 2018-16-1-54-11-2
www.nikkeimuseum.org

4. That the Commissioner be authorized to engage the services of such counsel, technical advisers or other experts, clerks, reporters and assistants as he may deem necessary or advisable.

5. That the expenses of and incidental to the said inquiry be paid out of moneys appropriated by Parliament.

SCHEDULE

1. Claims that any real or personal property was sold pursuant to the Orders hereinbefore referred to at a price less than the market value thereof at the time of sale.
2. Claims that any real or personal property was sold pursuant to the Orders hereinbefore referred to at a price less than the market value thereof at the time of the evacuation of the owner.
3. Claims for compensation for loss of revenue by reason of the sale pursuant to the Orders hereinbefore referred to of revenue-producing real or personal property.
4. Claims for compensation for loss of real or personal property by theft while such property was under the control and management of
   (a) the Custodian, or
   (b) a person appointed by the owner to control and manage such property.
5. Claims for loss of life insurance policies by reason of failure to pay premiums directly attributable to the evacuation of the policyholder.
6. Claims for loss of income directly attributable to the evacuation.

Respectfully submitted,

Secretary of State.

Source: Nikkei National Museum, 2018-16-1-54-11-3
www.nikkeimuseum.org

COPY

MEMORANDUM

Re: Request for the issuance of licenses to British subjects of other than white or native origin in the Northwest Territories.

While it had been fairly well known for a number of years that there were considerable fisheries resources in Great Slave Lake in the Northwest Territories the fisheries there had not been exploited on account of the transportation difficulties and the availability closer to market of adequate fish supplies.

Following investigations by the Fisheries Research Board confirming the fact that fish exist in commercialy quantity, the McInnes Products Limited of Edmonton, Alberta, undertook operations in Great Slave Lake on a considerable scale in 1945 and have been operating there each season since that time. It may be added that the regulations permit the taking up to two and one half million pounds of whitefish and trout and one million pounds in the winter on the understanding that any portion of the summer limitation not taken may be added to the winter limitation. Summer operations have been carried on with headquarters at Gros Cap while winter operations are carried on in the Hay River area of the Lake.

The Company has been utilizing as packers, scalers, etc., a number of Canadian citizens of Japanese origin who had, prior to the war, been engaged in fishing in British Columbia. They have not, however, been carrying on any fishing operations which requires licensing.

When the Department's Chief Inspector of Fisheries at Winnipeg, who is responsible for administration in the Northwest Territories, visited that area recently, he was interviewed by a spokesman for a group of Canadian-born Japanese, a Mr. Tak Shikatani. Mr. Shikatani advised the Chief Inspector that from eight to ten Canadian-born Japanese with previous fishing experience in British Columbia would likely take advantage of any concession granted by the Department with respect to commercial fishing licenses.

By Order in Council of January 13th, 1942, P.C. 251, which was enacted under the authority of the then War Measures Act provided that no licenses should be issued to persons of Japanese racial origin and that such persons shall not be

Source: Nikkei National Museum, 2018-16-1-54-12-1
www.nikkeimuseum.org

permitted to serve on fishing vessels. This applied to British Columbia only and still continues under the special legislation of last Session.

Prior to the war the number of licenses to persons of other than white or native origin in British Columbia was restricted and the endeavour was that through the years they would be gradually reduced. This restriction was put into effect through the absolute discretion to the Minister by Section 7 of the Fisheries Act to issue or authorize to be issued leases and licenses for fisheries and/or fishing.

On account of their frugal means of living and their acceptance of long hours of work together with their fishing ability, fishermen of Japanese origin would likely make it impossible for white fishermen to compete with them if licensing privileges are granted.

At least so long as the prohibition exists on the Pacific Coast it would, in this Department's opinion, be of doubtful wisdom to grant licenses to such persons in other provinces than British Columbia.

Ottawa, Ontario,
September 24, 1947.

Stewart Bates,
Deputy Minister of Fisheries.

Source: Nikkei National Museum, 2018-16-1-54-12-2
www.nikkeimuseum.org

MG26 J4 Vol 283 King Memos file F2965 MG26 J4.

MEMORANDUM FOR THE PRIME MINISTER:

NAR/EE
5 Jan., 1945

C19-1302

4 Jan.

I am enclosing copy of a note from the Deputy Minister of Justice, summarizing the arguments against the validity of the Japanese Orders-in-Council which were submitted yesterday to the Acting Minister of Justice by a Committee headed by Mr.B.K.Sandwell and Mr.F.A.Brewin of Toronto. They ask for a reference to the Supreme Court of the question of the validity of the Order-in-Council authorising the deportation of naturalized Canadians of Japanese origin. As you will see from Mr.Varcoe's commentary, the legal arguments adduced do not seem very formidable. (Incidentally they do not make any reference to the fact that under the procedure contemplated in the Order-in-Council revocation of naturalization is to be simultaneous with or even consequent on the fact of deportation. It seems to me that a legal basis for the Order would have been stronger if revocation had clearly preceded deportation).

The question of whether there should be a reference to the Supreme Court for an advisory opinion is for Cabinet consideration. Mr.Varcoe is inclined to think that such a reference should be made, and has prepared a draft recommendation to Council to this end. If such action is to be taken, it is recommended that the necessary Order-in-Council be considered at the next meeting of Council so that the hearing of the reference may commence by January 21st.

I have read F.R.Scott's letter in yesterday's CITIZEN to which you drew my attention. The same letter is published in this morning's GAZETTE. With much of the argument of the letter I have always been in general sympathy. The fact of racial discrimination does underlie our treatment of Japanese Canadians. We have tried to temper it and exclude its ugliest aspects, I think fairly successfully. Native born Canadians of Japanese origin are not to be subject to deportation, and naturalized persons who withdrew their application for repatriation to Japan before the end of hostilities are being permitted to remain in Canada. These points, which were made very plainly in your statement in the House, are overlooked, probably deliberately, in Scott's letter. They are, however, on the record and have been

Source: Nikkei National Museum, 2018-16-1-54-13-1
www.nikkeimuseum.org

C19-1933

recognized by many people as a real modification of the previous programme. Even with these modifications in mind, however, the fact remains that it has not been feasible to treat the Canadian population of Japanese origin in the same way as say the Canadian population of German or Italian origin have been treated. This fact will always enable the absolutists to charge the Government with countenancing racial discrimination. We do discriminate against the Japanese, against the Chinese, and against the British Indians, in our immigration laws and indirectly in our electoral laws, but until my native province of British Columbia achieves some change of heart, I do not see what we can do about it except strive to limit and lessen the discriminations every time an opportunity offers.

Mack

Source: Nikkei National Museum, 2018-16-1-54-13-2
www.nikkeimuseum.org

COPY

LOCKE, LANE, GUILD & SHEPPARD

Barristers and Solicitors

703 Rogers Building

Vancouver, B.C.

February 4th, 1946.

T.B. Pickersgill, Esq.,
Commissioner for Japanese Placement,
360 Homer Street,
VANCOUVER, B.C.

Dear Sir:-

Re: Habeas Corpus Proceedings

You have asked whether Habeas Corpus proceedings would be availabe to individual Japanese who are being deported pursuant to P.C. 7355, notwithstanding the Judgment of the Supreme Court of Canada (expected shortly) shall hold that this Order- in-Council is valid. We understand that you will arrange for shipping space and assign thereto individual Japanese, some time in advance of the day of sailing, and shortly before the day of sailing those Japanese who will have been assigned thereto will be taken in charge and conducted to the vessel. It is quite evident that Habeas Corpus proceedings, if available, by postponing hearings and by appeal could prevent a Japanese from sailing at the time originally assigned, and such processes if issued in considerable number could completely disrupt your plans and prevent your using the shipping space for which you had contracted.

If the expected Judgment of the Supreme Court of Canada do hold that Order-in-Council valid that Judgment would not in itself exclude Habeas Corpus proceedings by the individual Japanese under deportation; there still remains a triable issue as to "legality of detention" of each individual Japanese complaining of deportation. In the King vs. Secretary of State for Home Affairs, ex.p. Budd (1942) 111 L.J. K.B. page 475 the Court had to consider the validity of a detention under an order made by the Home Secretary pursuant to a Regulation relating to Members of the British Union of Fascists; Lord Greene, M.R. at page 478 said that the Court might in a Habeas Corpus proceedings enquire into the "facts which are relevant to the issue before the Court, namely the legality of the detention. It is clear that there may be many matters into which the Court can and will enquire under the Section if occasion arises - for example, the bona fides of the Secretary of State, the genuineness of the detention order itself, and the identity of the applicant with the person referred to in the order." Under that principle we might expect that similar issues would be raised in Habeas Corpus proceedings under this order P.C. 7355, namely

Source: Nikkei National Museum, 2018-16-1-54-14-1
www.nikkeimuseum.org

T.B. Pickersgill, Esq.,

whether each particular Japanese being deported is of the Japanese race at all, and further whether he, being of that race, comes within the regulations permitting deportation. Whether such enquiry could be excluded and Habeas Corpus proceedings rendered not available must depend upon the effect of Section 9 of P.C. 7355 which states as follows:-

> "9. Any person for whom an order for deportation is made and who is detained pending deportation or who is placed under restraint in the course of deportation by virtue of any order or measure made or taken under Section 4 of this Order shall, while so detained or restrained, be deemed to be in legal custody."

and in particular the effect to be assigned to the concluding words, namely "deemed to be in legal custody."

We are of the opinion that such Section 9 does not preclude an enquiry into the various issues suggested by the Budd case. You will observe that the Section does not state that any person who is detained is to be deemed in legal custody, but the Section is much more restrictive in that the Section refers to "any person for whom an order for deportation is made ..... by virtue of any order or measure made or taken under Section 4 of this Order.." The qualifications of "any person" would suggest that it still remains open for the Court to enquire:-

1. Whether an order for deportation for that particular Japanese has been made at all and if so that would include an enquiry as to whether the Order has in fact been made by the Minister of Labour, and

2. Whether the Order is pursuant to Section 4 of the Order-in-Council; that again requires a finding of whether the person so detained is of the Japanese race, and if so whether he comes within the provisions of that Order-in-Council permitting the deportation, that is whether he made a valid request for repatriation, or whether he has been detained within Clause 2 (b). Until these matters have been found against the applicant you cannot tell whether he is the person who is to be deemed "to be in legal custody."

No doubt the Court would require before issuing a writ of Habeas Corpus some facts which would indicate that the detention was unlawful, but assuming the particular Japanese is prepared to swear to facts which would indicate that he had signed a request for repatriation under circumstances which made that request invalid then it would in our opinion be open to the Court to issue the Writ and to enquire into the validity of that request for repatriation. We therefore conclude that the concluding words, namely "deemed to be in legal custody" do not preclude habeas corpus proceedings.

Source: Nikkei National Museum, 2018-16-1-54-14-2
www.nikkeimuseum.org

We have endeavoured to find a decision upon the effect of those concluding words (Sec. 9) and although those words are to be found in the Regulation under consideration in Liversidge vs. Anderson (1941) 110 L.J. K.B. 724 their effect in Habeas Corpus proceedings was not decided and we have been unable to find any judgment which holds such words do preclude Habeas Corpus proceedings. In the absence of such authority we are of the opinion that such concluding words would be read restrictively as we have suggested and would still permit an enquiry as to the sufficiency of the return insofar as to determine whether the person under detention is one of the persons so defined under Sec. 9 of this Order-in-Council. In other words, that this presumption would not preclude the Court enquiring on the return of the Writ as to whether the person so detained was of the Japanese race and liable to deportation.

Yours truly,

LOCKE, LANE, GUILD & SHEPPARD,

Per: F.A.S.

FAS/EB

Source: Nikkei National Museum, 2018-16-1-54-14-3
www.nikkeimuseum.org

King Memos Vol 283 file F2965

JBC

C19-1952

MEMORANDUM FOR THE PRIME MINISTER:

You may wish to see the attached statement which was issued by the Co-operative Committee on Japanese Canadians following the decision of the Supreme Court in the Japanese reference.

Also attached are three letters which are typical of the communications that we continue to receive each day. The majority of them are from church organizations, or from persons who have contact with church work. In my memorandum of February 11, concerning the memorandum sent out by the National Inter-church Advisory Committee on the Resettlement of Japanese Canadians, I mentioned that we were receiving "an average of possibly 10 to 15 letters a day protesting against the deportation policy". Since that time the number has somewhat increased. In the last week in February, we were receiving possibly 30 letters a day, though now the number has fallen to about 20 per day. Over the last three-month period we have probably received in the vicinity of 700 to 1000 letters on this subject.

The number received has made it necessary to send a reply only if the letter has special merit or particularly calls for an answer.

R.O.G. R.

March 4, 1946.

Mr Robertson who has been following this subject closely tells me we almost never receive letters advocating or supporting the deportation policy. Please see other side. Scott.

see also CWC Document 164

Source: Nikkei National Museum, 2018-16-1-54-15
www.nikkeimuseum.org

JIBC

C19-1952

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see also CWC Document 164

(RGR = R. G. ROBERTSON - ASSISTANT TO THE PRIME MINISTER
JWP = JACK W PICKERSGILL - ASSISTANT TO THE PRIME MINISTER)

Source: Nikkei National Museum, 2018-16-1-54-16
www.nikkeimuseum.org

5 Jan.,1946

MEMORANDUM FOR THE PRIME MINISTER:

C19-1932

4 Jan. I am enclosing copy of a note from the Deputy Minister of Justice, summarizing the arguments against the validity of the Japanese Orders-in-Council which were submitted yesterday to the Acting Minister of Justice by a Committee headed by Mr.B.K.Sandwell and Mr.F.A.Brewin of Toronto. They ask for a reference to the Supreme Court of the question of the validity of the Order-in-Council authorising the deportation of naturalized Canadians of Japanese origin. As you will see from Mr.Varcoe's commentary, the legal arguments adduced do not seem very formidable. (Incidentally they do not make any reference to the fact that under the procedure contemplated in the Order-in-Council revocation of naturalization is to be simultaneous with or even consequent on the fact of deportation. It seems to me that a legal basis for the Order would have been stronger if revocation had clearly preceded deportation).

The question of whether there should be a reference to the Supreme Court for an advisory opinion is for Cabinet consideration. Mr.Varcoe is inclined to think that such a reference should be made, and has prepared a draft recommendation to Council to this end. If such action is to be taken, it is recommended that the necessary Order-in-Council be considered at the next meeting of Council so that the hearing of the reference may commence by January 21st.

attached I have read F.R.Scott's letter in yesterday's CITIZEN to which you drew my attention. The same letter is published in this morning's GAZETTE. With much of the argument of the letter I have always been in general sympathy. The fact of racial discrimination does underlie our treatment of Japanese Canadians. We have tried to temper it and exclude its ugliest aspects, I think fairly successfully. Native born Canadians of Japanese origin are not to be subject to deportation, and naturalized persons who withdrew their application for repatriation to Japan before the end of hostilities are being permitted to remain in Canada. These points, which were made very plainly in your statement in the House, are overlooked, probably deliberately, in Scott's letter. They are, however, on the record and have been

Source: Nikkei National Museum, 2018-16-1-54-17-1
www.nikkeimuseum.org

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Mack

(NORMAN A. ROBERTSON UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS)

Source: Nikkei National Museum, 2018-16-1-54-17-2
www.nikkeimuseum.org

MARCH 26 1946

Minute of a Meeting Concerning the Problem of Japanese in Canada.

C19-1959

P-30-9 v 4 (F)

W.W.II - Japanese Canadians

1. A meeting was held on Tuesday, March 26, at 11.30 a.m. in the Prime Minister's office in the East Block, to enable the delegation representing the Cooperative Commitee on Japanese Canadians to place their views before a committee of the Cabinet. Those present were:

The Prime Minister
Mr. Ian Mackenzie
Mr. St. Laurent
Mr. Mitchell
Mr. Claxton
Mr. Abbott
Mr. Martin
Mr. Heeney
Mr. N.A.Robertson
Mr. R.G.Robertson

and for the Cooperative Committee:

Mr. MacMillan
Mr. Brewin
Mr. Coldwell
Mr. Tarr
Mr. Croll
Mr. Millard.

2. Mr. MacMillan opened for the Cooperative Committee by explaining its background and organization, and the support which it had in various parts of the country. He stated that it also had representatives on it of the Japanese Canadians themselves. He said that the Committee had noted that approximately one-third of the Japanese in Canada had now been settled east of the Rockies and had been fairly well received. They felt that if the present restrictions were removed it would be easier still for the Japanese to settle down and they felt that few of these would wish to return to British Columbia. In the circumstances, the possibility of settlement seemed brighter than it had previously, but the Commitee felt that procedure under the present Orders in Council would not lead to a satisfactory solution. He called on Mr. Brewin to present the details of the Committee's position with regard to the present government policy.

3. Mr. Brewin stated that, while it might seem questionable to raise questions on policy concerning Orders that were at the time under judicial review, nevertheless the Committee was not anxious to proceed with an appeal to a higher body and wanted to set forth considerations which they thought would justify cancellation of the Orders in their entirety. They felt that this would be a feasible policy since any disloyal Japanese could be dealt with under existing legislation.

The particular criticisms which the Committee had to make of the present policy were as follows:

(a) The Orders provided for the exile of Canadian citizens, a policy which had once been followed but which had been in disuse for centuries.

Source: Nikkei National Museum, 2018-16-1-54-18-1
www.nikkeimuseum.org

(b) The Orders violated fundamental rules of international law in that they infringed upon the sovereign rights of another state and, in effect, constituted an invasion of this territory.

(c) The Orders put the value on Canadian citizenship at a discount which was particularly untimely since the Canadian Citizenship Bill was just being discussed in Parliament.

(d) They appeared to be based on racial discrimination.

(e) They were based on emergency needs created by the war which no longer existed in sufficient measure to require the action embodied in the Orders.

(f) The Orders were based on "alleged" requests for repatriation to Japan, which were taken as evidence of disloyalty. The assumption that they indicated disloyalty was strongly questioned by the Committee. They felt that many of the Japanese had not appreciated what was involved and had thought that the government wished them to sign the forms that were presented bearing the government crest. Moreover, in the circumstances in which the people had been placed through their movement from their homes and so forth, they were not in a position to exercise free will properly.

(g) The Orders constituted a threat to minorities in Canada.

(h) The Orders could not be enforced without injustice and inhumanity to certain persons. In some cases, young Japanese would feel forced to go to Japan with their parents in order to care for them.

(i) The policy would create in the Orient a sense of hostility to Canada.

(j) The policy was in contradiction with the commitments in the United Nations Charter.

If the Orders were not rescinded, the Committee felt that, as an alternative, but definitely a second best, all Japanese, subject to deportation, should be given the right of appeal to a judicial committee which could investigate their cases and ascertain whether there was any real disloyalty. Mr. Brewin pointed out that Canadian nationals had a complete right to withdraw their signatures; that the majority decision of the Supreme Court made deportation of Canadian wives and children impossible, and that there would be a certain number of the persons who would be willing to go voluntarily. In the circumstances, a judicial inquiry would not concern too large a group of people.

Source: Nikkei National Museum, 2018-16-1-54-18-2
www.nikkeimuseum.org

So far as resettlement was concerned, the Committee urged removal of present restrictions with regard to land purchase and settlement, and thought the government should take more positive action to encourage a readiness to accept Japanese in various communities. They felt that another 8000 Japanese could be settled at an early date without difficulty.

If the Committee's representations were not deemed acceptable by the government, they, at least, asked that the Japanese should be given full and adequate notice before Orders for their movement were issued. This was necessary in order that all legal steps might be taken for the protection of the position of the individuals. Mr. Brewin stated that the Committee, in co-operation with the Council in British Columbia, were determined that everything possible should be done to exercise the full resources of the law in protecting the position of Japanese persons who did not wish to leave the country.

Finally, if the appeal to the Privy Council were not successful, the Committee asked that the matter be referred to Parliament for decision.

4. Mr. Millard said that there had been some objections from some branches of labour at first to the movement of Japanese into new areas, but those had largely died down. In reply to an inquiry by the Prime Minister, he said that he believed that labour would support any policy of resettlement. In addition, Mr. Millard added that they were conscious of the fact that if our discriminatory policy were followed in Canada, there would, undoubtedly, be future repercussions in World Federation of Trade Unions.

5. Mr. Croll said that he felt that important principles were involved in the settlement of the Japanese problem, and he was also of the opinion that it was instrinsically not as great a problem as it had become. It had been magnified in certain respects and he hoped that it would be possible to reduce it to its proper terms in order that the fundamental principles involved would not be overridden.

6. Mr. Mitchell stated that the activities of the Cooperative Committee on Japanese Canadians would have substantial benefit if they could educate public opinion into an active acceptance of Japanese into various communities. The resettlement required the co-operation of individuals, municipalities and provinces.

So far as requests for repatriation were concerned, Mr. Mitchell stated categorically, that no coercion or pressure of any type had been used. This was substantiated by the International Red Cross in its report.

7. Mr. St. Laurent pointed out that what was contemplated under the Orders in Council was a change in method rather than in principle. The Naturalization Act provided for the cancellation of naturalization certificates in cases where the recipients were found, upon inquiry, to be "disaffected". The ordinary procedure for inquiry, which was provided, was suitable for normal times, but this was an aggravated problem which required extraordinary provisions. The government had taken the view that any person who took the very serious step of signing a declaration of desire to go to Japan during time of war was, in reality, "disaffected".

Source: Nikkei National Museum, 2018-16-1-54-18-3
www.nikkeimuseum.org

Mr. St. Laurent also pointed out that the problem of resettlement was an important one. Under the urgency of moving people during the war, the government had entered into commitments with certain provinces to remove the Japanese who were moved into them immediately upon the termination of hostilities. These undertakings had to be carried out unless the provinces released the Dominion from its obligations.

8. The Prime Minister said that a further point the government had to consider was the obligation they had to the families of men who had been killed in the Far East, particularly in the prison camps in Hong Kong. At the time that these men were being killed, many of the Japanese had indicated a desire to go to Japan. He did not, himself, see how a person could sign such a declaration of desire if he did not believe that Japan was going to win the war. Mr. King pointed out that if it had not been for the atomic bomb we would, undoubtedly, still be fighting Japan and more Canadians would be killed constantly. The families of all these men had to be considered in any action that was taken.

9. Mr. Coldwell said that he thought it would be most regrettable if any policy were carried through which looked as if it were based on discrimination with regard to colour or race. In the present state of the world, and with the great amount of distrust and suspicion so prevalent at the present, its effect would be very bad.

10. Mr. Mackenzie stated that so far as the feeling of British Columbia was concerned, he felt that the people there were strongly of the opinion that the Japanese should not be allowed to settle again on the Coast. Their feeling was not racial, although, in part, it was economic in origin. In addition, however, there was a feeling that not only had the Japanese forced white fishermen out of the fishing industry, but they had used their fishing licenses and their work as an opportunity to map the coast of British Columbia to the advantage of the Japanese government.

11. The Prime Minister closed the meeting by assuring the delegation that the views which they had presented would be given careful consideration.

R. G. ROBERTSON

Source: Nikkei National Museum, 2018-16-1-54-18-4
www.nikkeimuseum.org

King Papers MG 26 J 4
Vol 361
File F3850

C249600

SECRET

Memorandum for Mr. Wrong.

re Policy regarding Japanese in Canada.

1. The letter of October 15 to Mr. St. Laurent from Mr. Coldwell regarding policy toward the Japanese in Canada is, I think, indicative of the embarrassments in which the government is likely to find itself unless certain aspects of the present policy are reviewed. In the course of a conversation yesterday, Mr. Coldwell said that his party were going to take the government heavily to task over the Japanese policy.

With regard to Mr. Coldwell's letter itself, I have ascertained that Mr. St. Laurent has not yet replied to it. It seems to me that, either through Cabinet agreement or simply with the concurrence of the Minister of Labour, Mr. Coldwell should be assured that no action with regard to deportation is contemplated until the Prime Minister's return, and that rumours concerning immediate deportation are inaccurate. It might also be desirable to refute the suggestion that any "improper pressure" was put on the Japanese to get applications for repatriation. The instructions were specifically against any pressure whatever, and the report by [illegible] to the International Red Cross (about June of this year) was to the effect that there was no evidence of pressure. It is significant that none of the letters here requesting withdrawl of applications suggest any pressure or undue influence.

2. So far as the policy is concerned, I think the government has not gone so far that it cannot withdraw somewhat without too much difficulty. The only public statement of policy has been that of the Prime Minister in the House on August 4, 1944. That statement was well received and so far as I know it has not been attacked except by some extreme "exclusionists". The "question

Source: Nikkei National Museum, 2018-16-1-54-19-1
www.nikkeimuseum.org

C249601

regarding repatriation can be defended as an entirely voluntary procedure, and charges of pressure can be refuted. It is not inconsistent with the August 4 statement. The point that seems to require review is the Cabinet decision of September 19, 1945, approving the Cabinet Committee report of September 5, 1945 to the effect that applicants for repatriation should be deported as soon as possible "with the exception of Canadian citizens who had made application for revocation of their request for repatriation prior to midnight, September 1, 1945". It was decided to allow no withdrawal of applications whatever in the case of Japanese nationals (or, rather, non-Canadian Japanese, since many are dual nationals.) It will, I think, be possible to defend the refusal to allow any withdrawal of applications by the non-Canadian Japanese, but it is becoming increasingly clear that it is going to be very difficult to refuse to consider withdrawals after September 1 from Canadian citizens, especially in view of the U.S. "Bill of Rights" protection in parallel cases.

3. The essential elements of policy in the Prime Minister's statement in 1944 were as follows:

(a) Examination of Japanese by a "quasi-judicial commission" to determine those loyal and those disloyal.

(b) Deportation of the disloyal - British subjects among these to have their status revoked.

(c) Loyal Japanese to be allowed to stay.

(d) Resettlement throughout Canada.

(e) No future immigration.

The questionnaire can logically be regarded as a preliminary to (a) in order to separate out those Japanese who do not wish to stay here and so need not be examined. So far as non-Canadian Japanese are concerned, it can be held that, as enemy aliens they have no right whatever to

Source: Nikkei National Museum, 2018-16-1-54-19-2
www.nikkeimuseum.org

C249602

be allowed to stay in Canada, and that their application for repatriation will be held to be conclusive in all cases. But in the case of Japanese who are British subjects it can be well argued that those who applied and then withdrew may have been guilty of nothing more than an initial error that they tried to rectify. To hold them to their original application can be attacked as a denial of their rights as Canadian citizens and British subjects on straight racial grounds. There is no doubt but that in many cases the applications for "repatriation" reflected, not a desire to go to Japan, but dispair of ever securing a livelihood or fair treatment in Canada in the future.

4. There has been a decided increase in interest in the government policy with regard to Japanese, and the pressure now is almost entirely in favour of a moderate policy. The lead in this has largely been given by church groups and the Winnipeg "Free Press". It is significant that the Toronto "Star" and the Ottawa "Journal" also have taken the matter up in editorials this week. Apart from arguing in favour of a moderate policy in general, the most frequent specific demand is that Japanese who are British subjects and who signed applications to go to Japan, should be given the right to withdraw their applications.

To secure some indication of the trend in vocal opinion, I have checked the files here with regard to submissions received on the Japanese policy, with the following results:

Date	Submissions urging that all Japanese be deported.	Submissions for a moderate policy
1942	2	3
1943	2	1
1944	8	4
1945		
(a) until June 30	4	4
(b) June 30-Aug 31	2	36
(c) Since Sept. 1	1	37

Source: Nikkei National Museum, 2018-16-1-54-19-3
www.nikkeimuseum.org

On October 20 alone there were 7 letters and telegrams to the Prime Minister urging a moderate policy.

The organizations that have sent in submissions in favour of total deportation have generally been Boards of Trade in British Columbia, fishermen's and lumbermen's organizations in B.C. etc. Some of the organizations arguing a moderate policy are the following:

National Interchurch Advisory Committee on Resettlement of Japanese Canadians (Represents the Church of England, the Roman Catholic Church, the Baptist Church, the Presbyterian Church, and the United Church of Canada.)

Y.M.C.A'S

University S.C.M.

Toronto Welfare Chest

Canadian Friends Service Committee

Japanese Settlement Council, Hamilton.

The Vancouver Advisory Council.

Various church organizations and conferences, etc.

In addition to the above submissions, over 45 form letters have been received here urging a moderate policy and permission to Japanese Canadians to withdraw applications for repatriation. Many more have been received by External Affairs, Labour and Justice.

Source: Nikkei National Museum, 2018-16-1-54-19-4
www.nikkeimuseum.org

C249603A

5. Any moderation of the present policy will be strongly opposed by B.C. members on the government side and by many in the province in general. However, there may be some significance in the fact that, with the C.C.F. in B.C. definitely committed to lenient treatment of the Japanese, it has not, apparently, been worth the other parties' while in the provincial election to make an issue of this. As a gauge of possible reaction in the country, the Gallup Poll of February, 1944, may also be of some value. It's results were as follows:

(a) On the question of deportation of Japanese nationals:

Deport	- 80%
Allow to stay	- 14%
Undecided	- 6%

(b) On the question of deportation of Canadian citizens of Japanese race:

Deport	- 33%
Allow to stay	- 59%
Undecided	- 8%

It was stated that the B.C. figures were in line with the above national averages.

On the question of principle and constitutional right there can be no doubt but that greater regard should be had for requests from Canadian citizens to withdraw applications for repatriation than that authorized in the recent Cabinet decision, and it is equally clear that the government is going to be strongly attacked if it does not recognize this. The embarrassment of the government last year over the elections act amendment indicates a strong feeling that treatment must be fair.

6. According to an analysis by Mr. Pickersgill, the Commissioner of Japanese Placement, on August 31, the results of the questionnaire on repatriation are as follows:

Source: Nikkei National Museum, 2018-16-1-54-19-5
www.nikkeimuseum.org

Number involved in application for repatriation - 10,397

- Japanese nationals - 3,020
- Naturalized Canadians - 1,474
- Canadian-born - 5,903

10,397

Number of Canadian-born who signed declaration - 2,461

Number of Canadian-born under 16 who are included under parental certificates - 3,404

Number of Japanese nationals who did not sign -3,596

Number of their dependent children -2,230

According to the 1941 census, the Japanese population of Canada was as follows:

Born in Canada	- 14,073
Naturalized in Canada	- 3,135
Born in other British countries	- 12
Total British subjects	17,220
Japanese Nationals	5,911
Others	18
	23,149

The number of Canadian-born who signed applications is 2,461. Presumably all, or nearly all, of the naturalized group would be over 16 and would be individual signatories. Thus the total of Canadian citizens who signed is probably about 2,461 plus 1,474 = 3,935. There are no figures on the number of dependents with the group, so it is impossible on the basis of the available statistics to know how great the total might be who would be affected by a decision to extend the right to

Source: Nikkei National Museum, 2018-16-1-54-19-6
www.nikkeimuseum.org

C249605

withdraw application for repatriation. It is stated, however, that the 3,506 Japanese nationals who did not sign have 2,230 dependent children. If the 3,000 Japanese nationals involved in applications similarly include about 2,000 children, the total group of Canadian citizens plus dependents may be about 10,397 minus 5,020 = 5,377 -- or about half the total.

7. It would appear from the above very uncertain figures and deductions that if it were decided to give consideration to any and all applications from Canadian citizens for withdrawal of applications, not more than 5,000 out of the present group of 10,000 could be affected. Probably the actual group involved would be much less. Up to August 31 the Commission had received 154 applications for withdrawal from Canadians. The Prime Minister's Office has received (and passed on) the following total:

to August 31	-	16
September	-	44
October	-	86
		146

The figures are steadily growing, but they are still only a small fraction of the potential total, it would seem.

8. It is clear that the whole matter is going to come up in the House - presumably on either the Labour or External Affairs estimates. I would suggest, for consideration, that what might be done would be to have a statement by the Prime Minister reaffirming the policy of August, 1944; explaining the purpose of the questionnaire; announcing that the Commission would be set up immediately; and stating that, to quiet any fears of pressure, applications for withdrawal from Canadian citizens would be accepted up to (e.g.) Dec. 31, 1945. At the same time it might be announced that restrictions on the holding and acquisition of land outside of the protected area of B.C. were being lifted to encourage resettlement eastward. Presumably nothing could be said

Source: Nikkei National Museum, 2018-16-1-54-19-7
www.nikkeimuseum.org

about arrangements with the provinces other than that they would be taken up after the Commission had completed its work of selection of the undesirables.

9. I do not know what immediate steps, if any, should be taken in this matter.

R.G.R.

R. G. ROBERTSON

24th October, 1945.

RGR/JMC

Source: Nikkei National Museum, 2018-16-1-54-19-8
www.nikkeimuseum.org

MG26J4 Vol 361
File F3850

C249600

P. 10-9

V-4(c)

SECRET

Memorandum for Mr. Ilsley.

re Policy regarding Japanese in Canada.

1. The letter of October 15 to Mr. St. Laurent from Mr. Coldwell regarding policy toward the Japanese in Canada is, I think, indicative of the embarrassment in which the government is likely to find itself unless certain aspects of the present policy are reviewed. In the course of a conversation yesterday, Mr. Coldwell said that his party were going to take the government heavily to task over the Japanese policy.

With regard to Mr. Coldwell's letter itself, I have ascertained that Mr. St. Laurent has not yet replied to it. It seems to me that, either through Cabinet agreement or simply with the concurrence of the Minister of Labour, Mr. Coldwell should be assured that no action with regard to deportation is contemplated until after the Prime Minister's return, and that rumours concerning immediate deportation are inaccurate. It might also be desirable to refute the suggestion that any "improper pressure" was put on the Japanese to get applications for repatriation. The instructions were specifically against any pressure whatever, and the report by Mr. Maag to the International Red Cross (about June of this year) was to the effect that there was no evidence of pressure. It is significant that none of the letters here requesting withdrawl of applications suggest any pressure or undue influence.

2. So far as the policy is concerned, I think that the government has not gone so far that it cannot withdraw somewhat without too much difficulty. The only public statement of policy has been that of the Prime Minister in the House on August 4, 1944. That statement was well received and so far as I know it has not been attacked except by some extreme "exclusionists". The "questionnaire"

Source: Nikkei National Museum, 2018-16-1-54-20-1
www.nikkeimuseum.org

C249601

regarding repatriation can be defended as an entirely voluntary procedure, and charges of pressure can be refuted. It is not inconsistent with the August 4 statement. The point that seems to require review is the Cabinet decision of September 19, 1945, approving the Cabinet Committee report of September 6, 1945 to the effect that applicants for repatriation should be deported as soon as possible "with the exception of Canadian citizens who had made application for revocation of their request for repatriation prior to midnight, September 1, 1945". It was decided to allow no withdrawl of applications whatever in the case of Japanese nationals (or, rather, non-Canadian Japanese, since many are dual nationals.) It will, I think, be possible to defend the refusal to allow any withdrawal of applications by the non-Canadian Japanese, but it is becoming increasingly clear that it is going to be very difficult to refuse to consider withdrawals after September 1 from Canadian citizens, especially in view of the U.S. "Bill of Rights" protection in parallel cases.

3. The essential elements of policy in the Prime Minister's statement in 1944 were as follows:

(a) Examination of Japanese by a "quasi-judicial commission" to determine those loyal and those disloyal.

(b) Deportation of the disloyal - British subjects among those to have their status revoked.

(c) Loyal Japanese to be allowed to stay.

(d) Resettlement throughout Canada.

(e) No future immigration.

The questionnaire can logically be regarded as a preliminary to (a) in order to separate out those Japanese who do not wish to stay here and so need not be examined. So far as non-Canadian Japanese are concerned, it can be held that, as enemy aliens they have no right whatever to

Source: Nikkei National Museum, 2018-16-1-54-20-2
www.nikkeimuseum.org

C249602

be allowed to stay in Canada, and that their application for repatriation will be held to be conclusive in all cases. But in the case of Japanese who are British subjects it can be well argued that those who applied and then withdrew may have been guilty of nothing more than an initial error that they tried to rectify. To hold them to their original application can be attacked as a denial of their rights as Canadian citizens and British subjects on straight racial grounds. There is no doubt but that in many cases the applications for "repatriation" reflected, not a desire to go to Japan, but dispair of ever securing a livelihood or fair treatment in Canada in the future.

4. There has been a decided increase in interest in the government policy with regard to Japanese, and the pressure now is almost entirely in favour of a moderate policy. The lead in this has largely been given by church groups and the Winnipeg "Free Press". It is significant that the Toronto "Star" and the Ottawa "Journal" also have taken the matter up in editorials this week. Apart from arguing in favour of a moderate policy in general, the most frequent specific demand is that Japanese who are British subjects and who signed applications to go to Japan, should be given the right to withdraw their applications.

To secure some indication of the trend in vocal opinion, I have checked the files here with regard to submissions received on the Japanese policy, with the following results:

Date	Submissions urging that all Japanese be deported.	Submissions for a moderate policy
1942	2	5
1943	2	1
1944	8	4
1945		
(a) until June 30	4	4
(b) June 30-Aug 31	2	36
(c) Since Sept. 1	1	37
	19	85

Source: Nikkei National Museum, 2018-16-1-54-20-3
www.nikkeimuseum.org

On October 20 alone there were 7 letters and telegrams to the Prime Minister urging a moderate policy.

The organizations that have sent in submissions in favour of total deportation have generally been Boards of Trade in British Columbia, fishermen's and lumbermen's organizations in B.C. etc. Some of the organizations arguing a moderate policy are the following:

National Interchurch Advisory Committee on Resettlement of Japanese Canadians (Represents the Church of England, the Roman Catholic Church, the Baptist Church, the Presbyterian Church, and the United Church of Canada.)

Y.M.C.A'S

University S.C.M.

Toronto Welfare Ghost

Canadian Friends Service Committee

Japanese Settlement Council, Hamilton.

The Vancouver Advisory Council.

Various church organizations and conferences, etc.

In addition to the above submissions, over 45 form letters have been received here urging a moderate policy and permission to Japanese Canadians to withdraw applications for repatriation. Many more have been received by External Affairs, Labour and Justice.

Source: Nikkei National Museum, 2018-16-1-54-20-4
www.nikkeimuseum.org

5. Any moderation of the present policy will be strongly opposed by B.C. members on the government side and by many in the province in general. However, there may be some significance in the fact that, with the C.C.F. in B.C. definitely committed to lenient treatment of the Japanese, it has not, apparently, been worth the other parties' while in the provincial election to make an issue of this. As a gauge of possible reaction in the country, the Gallup Poll of February, 1944, may also be of some value. It's results were as follows:

(a) On the question of deportation of Japanese nationals:

Deport	- 80%
Allow to stay	- 14%
Undecided	- 6%

(b) On the question of deportation of Canadian citizens of Japanese race:

Deport	- 33%
Allow to stay	- 59%
Undecided	- 8%

It was stated that the B.C. figures were in line with the above national averages.

On the question of principle and constitutional right there can be no doubt but that greater regard should be had for requests from Canadian citizens to withdraw applications for repatriation than that authorized in the recent Cabinet decision, and it is equally clear that the government is going to be strongly attacked if it does not recognize this. The embarrassment of the government last year over the elections act amendment indicates a strong feeling that treatment must be fair.

6. According to an analysis by Mr. Pickersgill, the Commissioner of Japanese Placement, on August 31, the results of the questionnaire on repatriation are as follows:

Source: Nikkei National Museum, 2018-16-1-54-20-5
www.nikkeimuseum.org

Number involved in application for repatriation - 10,397

- Japanese nationals - 3,020
- Naturalized Canadians - 1,474
- Canadian-born - 5,903

10,397

Number of Canadian-born who signed declaration - 2,461

Number of Canadian-born under 16 who are included under parental certificates - 3,404

Number of Japanese nationals who did not sign -3,595

Number of their dependent children -2,220

According to the 1941 census, the Japanese population of Canada was as follows:

Born in Canada	- 14,073
Naturalized in Canada	- 3,135
Born in other British countries	- 12
Total British subjects	17,220
Japanese Nationals	5,911
Others	18
	23,149

The number of Canadian-born who signed applications is 2,461. Presumably all, or nearly all, of the naturalized group would be over 16 and would be individual signatories. Thus the total of Canadian citizens who signed is probably about 2,461 plus 1,474 = 3,935. There are no figures on the number of dependents with the group, so it is impossible on the basis of the available statistics to know how great the total might be who would be affected by a decision to extend the right to

Source: Nikkei National Museum, 2018-16-1-54-20-6
www.nikkeimuseum.org

C249605

withdraw application for repatriation. It is stated, however, that the 3,536 Japanese nationals who did not sign have 2,230 dependent children. If the 3,020 Japanese nationals involved in applications similarly include about 2,000 children, the total group of Canadian citizens plus dependents may be about 10,397 minus 5,020 = 5,377 -- or about half the total.

7. It would appear from the above very uncertain figures and deductions that if it were decided to give consideration to any and all applications from Canadian citizens for withdrawal of applications, not more than 5,000 out of the present group of 10,000 could be affected. Probably the actual group involved would be much less. Up to August 31 the Commission had received 154 applications for withdrawal from Canadians. The Prime Minister's Office has received (and passed on) the following total:

to August 31	-	16
September	-	44
October	-	86
		146

The figures are steadily growing, but they are still only a small fraction of the potential total, it would seem.

8. It is clear that the whole matter is going to come up in the House - presumably on either the Labour or External Affairs estimates. I would suggest, for consideration, that what might be done would be to have a statement by the Prime Minister reaffirming the policy of August, 1944; explaining the purpose of the questionnaire; announcing that the Commission would be set up immediately; and stating that, to quiet any fears of pressure, applications for withdrawal from Canadian citizens would be accepted up to (e.g.) Dec. 31, 1945. At the same time it might be announced that restrictions on the holding and acquisition of land outside of the protected area of B.C. were being lifted to encourage resettlement eastward. Presumably nothing could be said

Source: Nikkei National Museum, 2018-16-1-54-20-7
www.nikkeimuseum.org

C249695

about arrangements with the provinces other than that they would be taken up after the Commission had completed its work of selection of the undesirables.

9. I do not know what immediate steps, if any, should be taken in this matter.

R.G.R.

R.G. ROBERTSON

24th October, 1945.

RGR/JMC

Source: Nikkei National Museum, 2018-16-1-54-20-8
www.nikkeimuseum.org

COPY

For Ann S.
From
Jean
Kamimura
Vancouver

PLACE.....

DATE.....

B. C. Security Commission,

Department of Labour,

Canada.

I, ...( ) born,.....
(Name in Full) Sex (Date of birth)

registered as a Canadian British Subject (.....) under Order
J.Reg.No.

in Council P. C. No. 9760 dated December 16th, 1941, hereby declare my desire to relinquish my British nationality and to assume the Status of a national of Japan.

Please be informed that I, ... wish
(Name in full)

to leave Canada and go to Japan with all travelling and transportation expenses to be borne by me after the war, or sooner where this can be arranged: my dependents under 16 years of age are as follows:

Name in Full	Birth Date	Status	Sex

WITNESSED:

....
SIGNATURE

A true copy of
original belonging
to John K. Nitta

Source: Nikkei National Museum, 2018-16-1-54-21
www.nikkeimuseum.org

COPY

PLACE.....

DATE.....

B. C. Security Commission,

Department of Labour,

Canada.

I, ...( ) born,.....
(Name in Full) Sex (Date of birth)

registered as a Canadian British Subject (.....) under Order
J.Reg.No.

in Council P. C. No. 9760 dated December 16th, 1941, hereby declare my desire to relinquish my British nationality and to assume the Status of a national of Japan.

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Name in Full	Birth Date	Status	Sex

WITNESSED:

....
SIGNATURE

A true copy of original belonging to John K. Nitta

Source: Nikkei National Museum, 2018-16-1-54-21-copy
www.nikkeimuseum.org

LETTER FORM FOR UNDER 16 YEARS AND OVER

(1) I am a Canadian Born British Subject.

(2) Date of birth and place of birth.

(3) School before evacuation (made many Canadian friends).

(4) Wish to remain in Canada even though my parents are sent to Japan. For 16 and over put: We are their main hope of support for the future.

Nationals and Naturalized with Canadian-born wives who have applied for cancellation are now permitted to remain in Canada.

The cancellations of Nationals and Naturalized, whose wives are Nationals or Naturalized, have not yet been accepted. For the benefit of this group, their children should write letters, using some of the above points, to have their parents permitted to remain in Canada. This work should be carried out immediately and the letters addressed to those whose names appear below.

Mailing Points:

(1) Rt. Hon. W. L. MacKenzie King,	Prime Minister of Canada, Ottawa, Canada.
(2) Hon. Humphrey Mitchell,	Minister of Labour, Ottawa, Can.
(3) Hon. L. S. St. Laurent,	Minister of Justice, " "
(4) Mr. T. B. Pickersgill,	360 Howe Street, Vancouver, B.C.
(5) Mr. Hugh MacMillan,	126 Eastbourne Ave., Toronto.
(6) Mr. Angus McInnis, M.P.	House of Commons, Ottawa, Canada.
(7) Mr. F. A. Brewin,	c/o Mr. Kunio Hidaka, 506 Jarvis Street, Toronto, Ont.
(8) Mrs. A. Roger Self,	412 Wesley Bldg., Toronto, Ont.
(9) Rev. W. H. H. Norman,	6464 Chester Street, Vancouver.
(10) Rev. MacWilliams,	Tashme, B.C.
(11) Dr. Jesse H. Arnup,	Wesley Bldg., Toronto, Ont.
(12) Mr. B. K. Sandwell,	Editor, Toronto Saturday Night, Toronto, Ont.

子供よりの親を留める願ひ手紙

帰化人及び一般に妻が帰化及び二世の場合は未だ取消されてゐないから之を有効にするため子供より至急歎ひ手紙を出させて下さい。

十六才以下よりの要点

一. 私はカナダ生れの英国市民である。

二. 生年月日と出生地名

三. 移動前の学校名及び場所

多くのカナダ人の友だちを持つた

四. たとへ両親が日本へ送還されても自分はカナダに止りたい。

十六才以上よりの要点、

前記一、二、三項に加へて両親を養ふ立場にある点を強調すること。

(帰化一世の取消者にして二世の妻を娶つてゐる者は当分に留まることが許された。)

Source: Nikkei National Museum, 2018-16-1-54-22
www.nikkeimuseum.org

W.P. Bartle Papers Coll. #26

C
O
P
Y

Rev. Geo. Dorey, D.D.,
Board of Home Missions,
299. Queen St. West, Toronto.

1271. 5th Ave. N.,
Lethbridge, Alta.,
Jan. 19, 1945.

Dear Dr. Dorey:

There are a couple of stories that came to me within the last few days which have an intimate bearing on the Japanese work here, one from Miss Bartling and the other from Rev. H.P. Marston, Magrath.

The introduction to these comes from a visit that I had from Mr. Kabayama some days ago. On that occasion he asked me to tell Miss Bartling not to come to Raymond on the Thursday of that week (a week ago yesterday) for her weekly group meeting in the Church. At the request of Mr. Marston Miss Bartling has been holding a group meeting in his Church at Raymond. The reason Mr. K. wanted her to postpone her meeting for a week was that he had arranged with a Mr. Wilkinson of Taber who speaks Japanese to conduct some evangelistic meetings in the Church. Finding he had not got Miss Bartling's permission I sent him direct to her, and gave him a little lecture into the bargain.

On Monday of this week Mr. Marston called to see me on Conference work. I asked him about the Evangelistic meetings and whether he had given permission. He said No, that Mr. K. had arranged these on his own. He told me further that his Board had just had a meeting and were much incensed over the matter, also that the Board had passed a resolution imposing a charge of $10 per month for the use of the Church. (The Japanese had been giving a voluntary contribution of some $5. per month, but this would not pay the expenses for its frequent use.) The Board also appointed a Committee to see Mr. K. and to inform him that he must not use the Church without permission beyond the periods allotted. Mr. Marston tells me that he, Marston, objected to the charge of $10. He felt his Board might cool down later and might not even see Mr. K. but they were very angry.

The other day Miss Bartling came to see me about the Japanese situation. She informed me that while the Board at Raymond was up in arms she had learned that the Christian Japanese at Raymond and Picture Butte had been very discouraged and disappointed with Mr. Kabayama's work and that quite a number of them are fed up. I had a further visit today from Miss Bartling and she gave more particulars. The man who made the complaints to her is a Mr. Kudo of Picture Butte. He is one of the intelligent Christian Japanese and speaks English fairly well. Miss B. asked him what the real trouble was and he unloaded to her. Ever since Mr. K. came, he said, he has been autocratic in his manner and method. A sore grievance is that he gives no account of the monies he receives. They do not know how much is given or where it goes, consequently they do not feel like subscribing money under these conditions. (There may be a connection here with the delay in getting the allocated $300.) Mr. Kudo says also that he lacks judgment and keeps irritating people; further that he had written the Buddhist Priest at Raymond and Picture Butte in a critical manner and this had only created bad feeling, that he is stubborn and it does not matter what they suggest he carries out his own sweet will. One of the Japanese was delegated to see Mr. K. and he had promised to do better.

Source: Nikkei National Museum, 2018-16-1-54-23-1
www.nikkeimuseum.org

Miss B. says that the young Japanese do not like him, indeed that they despise him. Well, I knew before he came that the young people did not want him, but I thought he could do a needed work among the older people.

Mr. Kudo was puzzled to know what to do about the matter, Miss Bartling tells me, and she informed him that they should get a small committee to come and see me and have me present the situatfon to the Home Mission Board. Now they may come or theymay not, but after one has made all possible discounts of these reports the situation is not good, and if there is any chance of a change of Pastorate I think it would be a wise thing. I have thought this for a long time. Is there a young man among the Japanese Ministers who might come and thus relieve the tension here? When both English and Japanese are up in arms the prospect for good work in the future is not promising.

The thought came to me that if you could send Mr. McWilliams to investigate the situation you would have definite information on which to take action.

I can well believe the grounds of complaint are genuine for I have found the same characteristics, and nothing I can say or do seems to alter his attitude for the better. I could not endure it for a week with an Anglo-Saxon, but naturally we must have infinitely more grace and patience with the Japanese.

I have simply taken time off to write this as I feel you ought to know the feeling here at once.

With kindest regards,

Yours sincerely,

(sgd.) Robert Magowan

Source: Nikkei National Museum, 2018-16-1-54-23-2
www.nikkeimuseum.org

Report on the Southern Alberta Japanese United Church.

The situation on the Lethbridge Japanese United Church field which has for some time been a source of concern to several members of Presbytery, who are naturally anxious that the work of the church reach its maximum effectiveness, is a matter which investigation has led me to believe, derives more from circumstances inherent and inevitable in the situation itself than from any serious failure on the part of Mr. Nabeyama himself. In saying this I would not maintain nor would I assume that the wisest and only effective courses have been followed and in regard to this point Mr. Nabeyama could be the last man to think that this had been the case.

It should be remembered, I think, that our work among the Japanese has been carried on in the past largely in isolation. That fact has been due in part to the remote nature of the Japanese communities and in part to the racial aloofness and even antagonism that has marked the history of Oriental relationships with at least a vocal section of the people of British Columbia. Only in very rare instances have Japanese Canadian born persons ever identified themselves with our church life or been encouraged or welcomed in doing so. The desire has frequently been there but not the conditions which would make its realization practicable. Today it happens that due to the crisis nature of the evacuation procedures, processes which will extend for into the years before us, the Japanese are thrown immediately into the life of our Canadian people and there does not yet exist on either side a sufficient knowledge of the problems or the spirit which the situation calls for in order that they be met. These processes are from some angles distressing and will remain so until they arrive at the place where distance and distinction as between the two groups is removed in their full acceptance of eachother. I think I should say that in so far as I have had occasion to observe, this particular concern on the part of several members of the Lethbridge Presbytery, relating to various angles of the work among the Japanese, is itself a new thing. It is moreover a healthy and promising aspect of the rapidly developing situation. It is an evidence of the way in which and the extent to which we are advancing toward the amalgation and unification of our work, the integration of the Japanese work within the churches already in our communities.

I had hoped on arriving at Lethbridge last Monday to meet with Mr. MC Donald. It proved that this was not possible and we had to be content to get along with correspondence from him. I was able however to discuss the matter in detail from the Presbytery angle with Mr. Whitmore and Mr Muchmore. Both of them are understanding men and I was impressed again and again with their evident good will and their eagerness for the advance of the Church's work among the Japanese community. They were very conscious of the language barrier and perhaps less aware of other basic factors that lie even deeper and which are harder to circumvent.

Mr. and Mrs. Nabeyama were on hand soon after my arrival in Lethbridge and together at Mr. Whitmore's home we laid plans for getting together representative Japanese Christians from the several points that we might have a wide and free discussion of them on the part of the lay members of the church. The meeting was planned for Friday afternoon at Barnwell at Mr. Shimbashi's home. I took pains in so far as it was physically possibly in the interim to get in touch personally with these individuals in order that I might have from them expressions of their personal wishes and convictions apart from circumstances that might give rise to silence or to embarrassment in the presence of the pastor and other members of the church. Those whom I have known well for years I did not make the effort to interview since I knew they would not hesitate to bear testimony when occasion arose for them to do so.

I shall therefore attempt briefly to present the points of discussion, the recommendations and other relevent matters growing out of the discussions with the Japanese Christians at the home of Mr. Iwabuchi. Mr. Whitmore and Mr. Muchmore, the men chosen to represent the Presbytery at those discussions had to be absent. The former to attend the Home Missions Committee in Edmonton and the latter to attend the yearly meeting of the Home Missions Board in Toronto. In their absence they asked Mr Scrochan the Minister at Leber, to be present and to represent them. This he did.

Those present at the meeting from the Japanese community were, Mr. Miyura representing Picture Butte

Source: Nikkei National Museum, 2018-16-1-54-24-1
www.nikkeimuseum.org

Report on the Southern Alberta Japanese United Church.

The situation on the Lethbridge Japanese United Church field which has for some time been a source of concern to several members of Presbytery, who are naturally anxious that the work of the church reach its maximum effectiveness, is a matter which investigation has led me to believe, derives more from circumstances inherent and inevitable in the situation itself than from any serious failure on the part of Mr. Nabeyama himself. In saying this I would not maintain nor would I presume that the wisest and only effective courses have been followed and in regard to this point Mr. Nabeyama would be the last man to think that this had been the case.

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Those present at the meeting from the Japanese community were, Mr. Mimura representing Vauxhall

Source: Nikkei National Museum, 2018-16-1-54-24-2
www.nikkeimuseum.org

C249600

P.10-9

V-4(c)

SECRET

Memorandum for Mr. Wrong.

re Policy regarding Japanese in Canada.

1. The letter of October 15 to Mr. St. Laurent from Mr. Coldwell regarding policy toward the Japanese in Canada is, I think, indicative of the embarrassment in which the government is likely to find itself unless certain aspects of the present policy are reviewed. In the course of a conversation yesterday, Mr. Coldwell said that his party were going to take the government heavily to task over the Japanese policy.

With regard to Mr. Coldwell's letter itself, I have ascertained that Mr. St. Laurent has not yet replied to it. It seems to me that, either through Cabinet agreement or simply with the concurrence of the Minister of Labour, Mr. Coldwell should be assured that no action with regard to deportation is contemplated until after the Prime Minister's return, and that rumours concerning immediate deportation are inaccurate. It might also be desirable to refute the suggestion that any "improper pressure" was put on the Japanese to get applications for repatriation. The instructions were specifically against any pressure whatever, and the report by Mr. Maag to the International Red Cross (about June of this year) was to the effect that there was no evidence of pressure. It is significant that none of the letters here requesting withdrawl of applications suggest any pressure or undue influence.

2. So far as the policy is concerned, I think that the government has not gone so far that it cannot withdraw somewhat without too much difficulty. The only public statement of policy has been that of the Prime Minister in the House on August 4, 1944. That statement was well received and so far as I know it has not been attacked except by some extreme "exclusionists". The "questionnaire"

Source: Nikkei National Museum, 2018-16-1-54-25-1
www.nikkeimuseum.org

regarding repatriation can be defended as an entirely voluntary procedure, and charges of pressure can be refuted. It is not inconsistent with the August 4 statement. The point that seems to require review is the Cabinet decision of September 19, 1945, approving the Cabinet Committee report of September 5, 1945 to the effect that applicants for repatriation should be deported as soon as possible "with the exception of Canadian citizens who had made application for revocation of their request for repatriation prior to midnight, September 1, 1945". It was decided to allow no withdrawl of applications whatever in the case of Japanese nationals (or, rather, non-Canadian Japanese, since many are dual nationals.) It will, I think, be possible to defend the refusal to allow any withdrawal of applications by the non-Canadian Japanese, but it is becoming increasingly clear that it is going to be very difficult to refuse to consider withdrawals after September 1 from Canadian citizens, especially in view of the U.S. "Bill of Rights" protection in parallel cases.

3. The essential elements of policy in the Prime Minister's statement in 1944 were as follows:

(a) Examination of Japanese by a "quasi-judicial commission" to determine those loyal and those disloyal.

(b) Deportation of the disloyal - British subjects among these to have their status revoked.

(c) Loyal Japanese to be allowed to stay.

(d) Resettlement throughout Canada.

(e) No future immigration.

The questionnaire can logically be regarded as a preliminary to (a) in order to separate out those Japanese who do not wish to stay here and so need not be examined. So far as non-Canadian Japanese are concerned, it can be held that, as enemy aliens they have no right whatever to

Source: Nikkei National Museum, 2018-16-1-54-25-2
www.nikkeimuseum.org

be allowed to stay in Canada, and that their application for repatriation will be held to be conclusive in all cases. But in the case of Japanese who are British subjects it can be well argued that those who applied and then withdrew may have been guilty of nothing more than an initial error that they tried to rectify. To hold them to their original application can be attacked as a denial of their rights as Canadian citizens and British subjects on straight racial grounds. There is no doubt but that in many cases the applications for "repatriation" reflected, not a desire to go to Japan, but dispair of ever securing a livelihood or fair treatment in Canada in the future.

4. There has been a decided increase in interest in the government policy with regard to Japanese, and the pressure now is almost entirely in favour of a moderate policy. The lead in this has largely been given by church groups and the Winnipeg "Free Press". It is significant that the Toronto "Star" and the Ottawa "Journal" also have taken the matter up in editorials this week. Apart from arguing in favour of a moderate policy in general, the most frequent specific demand is that Japanese who are British subjects and who signed applications to go to Japan, should be given the right to withdraw their applications.

To secure some indication of the trend in vocal opinion, I have checked the files here with regard to submissions received on the Japanese policy, with the following results:

Date	Submissions urging that all Japanese be deported.	Submissions for a moderate policy
1942	2	3
1943	2	1
1944	8	4
1945		
(a) until June 30	4	4
(b) June 30-Aug 31	2	36
(c) Since Sept. 1	1	37

Source: Nikkei National Museum, 2018-16-1-54-25-3
www.nikkeimuseum.org

On October 20 alone there were 7 letters and telegrams to the Prime Minister urging a moderate policy.

The organizations that have sent in submissions in favour of total deportation have generally been Boards of Trade in British Columbia, fishermen's and lumbermen's organizations in B.C. etc. Some of the organizations arguing a moderate policy are the following:

National Interchurch Advisory Committee on Resettlement of Japanese Canadians (Represents the Church of England, the Roman Catholic Church, the Baptist Church, the Presbyterian Church, and the United Church of Canada.)

Y.M.C.A'S

University S.C.M.

Toronto Welfare Chest

Canadian Friends Service Committee

Japanese Settlement Council, Hamilton.

The Vancouver Advisory Council.

Various church organizations and conferences, etc.

In addition to the above submissions, over 45 form letters have been received here urging a moderate policy and permission to Japanese Canadians to withdraw applications for repatriation. Many more have been received by External Affairs, Labour and Justice.

Source: Nikkei National Museum, 2018-16-1-54-25-4
www.nikkeimuseum.org

5. Any moderation of the present policy will be strongly opposed by B.C. members on the government side and by many in the province in general. However, there may be some significance in the fact that, with the C.C.F. in B.C. definitely committed to lenient treatment of the Japanese, it has not, apparently, been worth the other parties' while in the provincial election to make an issue of this. As a gauge of possible reaction in the country, the Gallup Poll of February, 1944, may also be of some value. It's results were as follows:

(a) On the question of deportation of Japanese nationals:

Deport	- 80%
Allow to stay	- 14%
Undecided	- 6%

(b) On the question of deportation of Canadian citizens of Japanese race:

Deport	- 33%
Allow to stay	- 59%
Undecided	- 8%

It was stated that the B.C. figures were in line with the above national averages.

On the question of principle and constitutional right there can be no doubt but that greater regard should be had for requests from Canadian citizens to withdraw applications for repatriation than that authorized in the recent Cabinet decision, and it is equally clear that the government is going to be strongly attacked if it does not recognize this. The embarrassment of the government last year over the elections act amendment indicates a strong feeling that treatment must be fair.

6. According to an analysis by Mr. Pickersgill, the Commissioner of Japanese Placement, on August 31, the results of the questionnaire on repatriation are as follows:

Source: Nikkei National Museum, 2018-16-1-54-25-5
www.nikkeimuseum.org

Number involved in application for repatriation - 10,397

- Japanese nationals - 3,020
- Naturalized Canadians - 1,474
- Canadian-born - 5,903

10,397

Number of Canadian-born who signed declaration - 2,461

Number of Canadian-born under 16 who are included under parental certificates - 3,484

Number of Japanese nationals who did not sign -3,596

Number of their dependent children -2,230

According to the 1941 census, the Japanese population of Canada was as follows:

Born in Canada	- 14,076
Naturalized in Canada	- 3,135
Born in other British countries	- 12
Total British subjects	17,220
Japanese Nationals	5,911
Others	18
	23,149

The number of Canadian-born who signed applications is 2,461. Presumably all, or nearly all, of the naturalized group would be over 16 and would be individual signatories. Thus the total of Canadian citizens who signed is probably about 2,461 plus 1,474 = 3,935. There are no figures on the number of dependents with the group, so it is impossible on the basis of the available statistics to know how great the total might be who would be affected by a decision to extend the right to

Source: Nikkei National Museum, 2018-16-1-54-25-6
www.nikkeimuseum.org

withdraw application for repatriation. It is stated, however, that the 3,596 Japanese nationals who did not sign have 2,230 dependent children. If the 3,020 Japanese nationals involved in applications similarly include about 2,000 children, the total group of Canadian citizens plus dependents may be about 10,397 minus 5,020 = 5,377 -- or about half the total.

7. It would appear from the above very uncertain figures and deductions that if it were decided to give consideration to any and all applications from Canadian citizens for withdrawal of applications, not more than 5,000 out of the present group of 10,000 could be affected. Probably the actual group involved would be much less. Up to August 31 the Commission had received 154 applications for withdrawal from Canadians. The Prime Minister's Office has received (and passed on) the following total:

to August 31	-	16
September	-	44
October	-	86
		146

The figures are steadily growing, but they are still only a small fraction of the potential total, it would seem.

8. It is clear that the whole matter is going to come up in the House - presumably on either the Labour or External Affairs estimates. I would suggest, for consideration, that what might be done would be to have a statement by the Prime Minister reaffirming the policy of August, 1944; explaining the purpose of the questionnaire; announcing that the Commission would be set up immediately; and stating that, to quiet any fears of pressure, applications for withdrawal from Canadian citizens would be accepted up to (e.g.) Dec. 31, 1945. At the same time it might be announced that restrictions on the holding and acquisition of land outside of the protected area of B.C. were being lifted to encourage resettlement eastward. Presumably nothing could be said

Source: Nikkei National Museum, 2018-16-1-54-25-7
www.nikkeimuseum.org

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about arrangements with the provinces other than that they would be taken up after the Commission had completed its work of selection of the undesirables.

9. I do not know what immediate steps, if any, should be taken in this matter.

R.G.R.

R. G. ROBERTSON

24th October, 1945.

RGR/JMC

Source: Nikkei National Museum, 2018-16-1-54-25-8
www.nikkeimuseum.org

Tashme, B. C.,
April 9, 1945.

Mr. T. B. Pickersgill,
Commissioner, Japanese Placement,
B. C. Security Commission,
360 Homer Street,
VANCOUVER, B. C.

Dear Sir:

We are indeed grateful for the kind co-operation and efforts shown by you in securing and answering our questions submitted on behalf of the people of Tashme. Your reply of April 4th and 5th has been immediately translated, word for word, and contents made known to the public. Since then, we have received numerous questions and requests that we contact you further on the following points:

1. By signing the Declaration and agreeing to accept "the net proceeds realized from the disposition of their property," condition No. 1 as set forth by the Minister of Labour in his notice, they will inadvertently recognize and approve the actions of the Custodian in disposing of these properties "without the consent of their owners" and at an exceptionally low figure as compared to the current appraised value. What is to be done to compensate for this loss is still one of the utmost concern and a question as yet unanswered by the Custodian of Enemy Property.

2. In your notice we read "The special Detachment for taking applications will be at Tashme and will take applications ....." Nothing is mentioned about relinquishing their British Nationality. Many of the younger Japanese Canadians here who may be going to Japan are being taken by their parents. This does not necessarily indicate their "desire to relinquish (their) British Nationality" nor does the term "repatriation to Japan" apply to them.

How can "repatriation" or "returning to one's own native land" apply to Canadian-born and a British National? What validity is there in assuming the status of a national of Japan or of any other country, when that foreign country does not recognize and may refuse your citizenship? In the meantime they will be left technically without a country. Renouncing your only birthright is not a mere trifle. Perhaps they may be prepared to indicate their intentions to go to Japan now, but is not relinquishing their birthright a matter to be decided after the cessation of hostilities between the two countries and with their own free approval of Japan?

3. "Japanese Canadians who want to remain in Canada should now re-establish themselves east of the Rockies." To this statement made by you in your notice, we still feel uncertain as to some conditions in the East. You may simply reply and say that the government, knowing some uncertainties do exist, has given us the opportunity to sign "repatriation to Japan." But even this term "repatriation" does not correctly apply to Canadian-born and a British National.

To many of us Canada is our native country, and to others, a land of adoption. Casting off our only birthright and privileges is not like discarding old boots. We are seriously thinking of our future in Canada, and are not satisfied with such vague and indefinite statements. We are British Nationals, and as such, feel we are not asking too much of the government in requesting more sympathy and understanding towards us, and if we are to re-establish ourselves permanently, we would like to receive a little more co-operation and effort that we may re-establish ourselves satisfactorily.

Source: Nikkei National Museum, 2018-16-1-54-26-1
www.nikkeimuseum.org

We are not trying to be indifferent to your announced policy, for actually this is our own problem, much more so than that of the government's. However, you have evaded answers to some questions which to us are fundamental. You might say "Face the facts, take the risk." While giving all encouragement and guarantee to those going away from Canada, the government has been half-hearted and indifferent to the problem of its own nationals. Therefore we would like to repeat our questions, and would like to know what measure the Commission is willing or ready to take to cope with this situation. Are you going to follow a let-alone policy in regards to provinces?

4. In matters pertaining to education, this is a question of grave importance to those families with children. Although you state that the whole question of education is under the jurisdiction of the provincial governments, we request the Dominion Government to make every effort to bring about some measure of guarantee for fair and equal opportunities of education so as to give some assurances to those families with children going east of Rockies.

5. To those families electing to go east of the Rockies, they wish to have a guarantee not only as to employment but housing as well. As in case where the head of the household who may be required to go east ahead of the family due to housing condition, there is no assurance whatsoever as to when he will be able to obtain housing or when the family could be reunited. The same uneasiness and uncertainty as existed during earlier days of evacuation when the families were broken up may have to be repeated.

6. You mention in your letter of April 5th that no compulsion or threat is involved in the statement issued by you. But in the statement, that "those who do not sign for voluntary application and yet do not go east of the Rockies may at a later date be regarded as lack of co-operation with the Canadian government," without clearly stating just what counter-measure will be taken to deal with them, is that not in itself a threat? Because we have no alternative but to go east of the Rockies or to Japan, is this not compulsion?

7. You state in your letter of April 5, 1945, that "The present agreements which the Dominion Government has with two of the provinces are for the wartime period and the completing of post-war arrangements is a matter for further consideration." It seems, out of nine provinces, you have agreements only with two, and that for war-time period only. There seems to be nothing to indicate permanent re-establishment. Again according to your statement regarding final details on the distribution of the Japanese which is to be decided later by the Loyalty Tribunal, when it will be definitely determined how many people of Japanese origin will be remaining in Canada, it seems to indicate still further that relocating now does not mean permanent re-establishment. In other words the so-called re-establishment east of the Rockies lacks stability.

8. To our question in our letter of March 26 which reads ".....When we were first ordered out of the protected area of B.C., we were compelled to abandon our household effects and belongings. To re-establish ourselves east of the Rockies, is the placement allowance adequate to make a new establishment," you answer in the affirmative. We know since you are new in your office, that you do not fully realize what the Japanese had to go through during the evacuation. Our baggages were limited, in many cases we were allowed only hand baggage. Had those belongings been kept intact, then this question may not have arisen. But the Custodian promising to protect our property went ahead without our consent or notification to the effect, and sold them at a ridiculously low price. That is why we insist that the Placement allowance which you call adequate is far from enough to compensate for these losses, nor is it adequate to re-establish ourselves permanently in the east.

Source: Nikkei National Museum, 2018-16-1-54-26-2
www.nikkeimuseum.org

9. We are repeating here a question previously submitted in our letter of March 26 which was unanswered.

"IV In the notice issued by the Commissioner of Japanese Placement, it is stated "Several thousand Japanese have already re-established themselves satisfactorily east of the Rockies." The fact is, however, not only are they receiving unsatisfactory treatment but are merely residing "provisionally" for the duration. For instance, they are not given

(a) the right to own land or property.
(b) the right to lease land or property.
(c) the right of free enterprise or business.
(d) equal educational opportunities.
(e) freedom to choose own place of residence, etc."

We would appreciate it if you would give this matter your immediate attention.

Very truly yours,

JAPANESE COMMITTEE

R. Shirakawa

Chairman

Source: Nikkei National Museum, 2018-16-1-54-26-3
www.nikkeimuseum.org

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Pickersgill:
I know that Mr. Hartley has already gone over the questions and explained this programme that was announced. I wanted to have met all the Japanese Committees in the different Projects and have been to all the different Interior Housing Projects. I am glad to have this opportunity of being here and discussing this business for awhile with the Committee this afternoon. Some of the questions, Mr. Hartley has already given the answers to, but will be glad to go over them. What we cannot answer, we will tell you we can't.

d:
The reason we sent this letter to you, although we got general idea from Mr. Hartley was in order to put across the proper meaning and to give real understanding to the people, we would like a written reply.

. P.
I didn't know that this letter has gone in, until Mr. Hartley showed it to me. I will give you a written answer to this letter. I think it will help if I go over these questions verbally.

red:
We were asking for forms. Most likely when the detachment comes up they will bring up an official declaration forms. In order to make the people understand fully, we like to have it translated in Japanese.

r. P.
We do not wish these official forms to be scattered around. But you can have the copy of the material of that form typed and give it to them. We are not distributing the official forms. Will be given by Monday.

Answers to Question 1:
(a) Employment--Will be given preferencial employment. Those who have an opportunity with private employment in this area are allowed to take employment. Also those who are employed now may continue with that employment as long as it lasts.
(b) Maintenance--Same responsibility that has been assumed for maintenance will continued to be assumed. Nothing to worry about--their welfare will be looked after as before.
(c) Education--The commission will provide the same facilities for education as past, but we will not assume responsibility for high school. However, where they have found means for high school, we will not interfere with them.
(d) Sickness--They will be given the same treatment. As for emergency cases, if our medical officers consider it necessary, they can get the examinations of specialists. If the people have means to provide, same policy will be in effect as it is now--they pay their own way. Those who are distitute will be provided for. Persons that sign for repatriation will be employed gainfully till the time of repatriation arrives. There is absolutely no discrimination because of signing voluntary repatriation.
(e) Freedom of Travel--Same travel regulations will apply. People that voluntarily sigh will not be discriminated. Because you voluntarily signed does not mean that you will be held at one point. To visit outside B. C.--same procedure as present.

Question 2:
Those people now east of the Rockies will be given the opportunity of signing. Every one over 16 years of age has been advised to report to the nearest R.C.M.P. detachment office. Those people who signed, as long as their employment lasts, they may stay there.
Will they be allowed to rejoin their families in Tashme?--Yes, if accommodations can be made available by Mr. Hartley. Furthermore, if they come back to Tashme, Mr. Hartley will try to put them to work either private employment or Commission employment. If they come back properly authorized by us, we will pay their transportation back. This applies to persons signing in the East for repatriation.

Question 3:
The answer to this is--that we are not asking people to go unless we know there is employment for them. In other words, we are not asking people to jump off trains and look for jobs. We have along list of jobs and we expect people to accept these jobs.
Up to the present, families have moved with the expectation of a job promised to them, and when they got there, have found that the jobs have been taken and had to seek employment elsewhere.----

March 31/1945

Source: Nikkei National Museum, 2018-16-1-54-27-1
www.nikkeimuseum.org

Mr. P.--In case of that kind, where the job might exist before we started to send them, and disappear when they get there, if we cannot find another job for them, we will look after them. If they are in financial difficulties having lost their employment, they are still our responsibility. They should go to placement officer, instead of looking for a job himself. There are certain assurances that we cannot give at this time. We do not know what the future holds. We are not asking people to go down unless we have jobs to offer them. The employers are applying for labour of people of Japanese origin, and we will make sure that the employers will want the job filled. So we are doing all we can to remove all the uncertainties. That is why the Government knowing that some uncertainties do exist, have offered the assistant for repatriation if the people so choose.

Question 4:

We will still continue to carry out our responsibility for people that are unemployable through reasons of health. The Government will carry out responsibility for those who are unemployable, but expects people who are employable to accept employments when offered. We will carry out our responsibility and look after them, but no guarantee can be given as to where they will be looked after. They will not be dealt harshly with. Welfare laws in effect in that locality will apply to them.

For those who don't sign, we will have a list of jobs available, and our placement officers will discuss with them. If people want to go to certain place where employment is available and conditions are such that they can go there, we would have no objections.

Question5:

(a) Answered in Question 3

(b) Where the welfare authority is of the opinion we would assume that responsibility,--supplementation as at present.

(c) Same for sickness.

(d) Education--I can't give you satisfactory answer, for this reason. The responsibility for education comes under the provincial government, not the federal government. We don't know just what is going to apply. That is one of the uncertainties.

Agreement with Alberta: - Made on basis of temporary settlement, but what agreement will be made on permanent basis is not known.

Mr. Hartley: General policy throughout Canada is the law of Canada that is is compulsory that the child should go to school, and it is and offence that the child should not be educated. If the Province takes people, the province has to look after educatio
Mr. P.--The provinces have the jurisdiction over education, but they have not clarified their positions.

Question 6:

We are not asking people to go down unless there are specific jobs. Head of the family may have to go first because of housing condition.

Maintenance:- if the head of household goes, and gets a job he will have to contribute towards the maintenance of his family.

With this registration on the 9th, there will be two placement officers with jobs. People who are remaining in Canada are asked to go through the list and find what they have to offer. We expect them to relinquish his job here and go East as soon as possible. If he cannot take his family, he will go first and his family will follow later. If he cannot support his family, we will look after them here.

Education:-- They are still allowed to go to school in Tashme till they go East to join their father.

Question 7:

Those who are now self-supporting we are not taking them off their jobs. We are not going to do anything to interfere, if they want to go East to take jobs. Those who are going to Japan may continue with their jobs.

Question 8:

Assets from the sale of property will be made available to you.

Source: Nikkei National Museum, 2018-16-1-54-27-2
www.nikkeimuseum.org

Effective March 12, 1945.

Eastern placement allowance

Adult:	$35.00
Married couple:	60.00
Each child:	12.00

All persons passed their 18th birthday will be treated as adults. Children 16 taking employment of their own may be treated as adults.

Sustenance allowance: From Tashme:

Alberta	$4.00
Lethbridge	4.00
Manitoba	5.00
Ft. William, Port Arthur	6.00
Eastern Ontario	8.00
Quebec	9.00
Maritime	12.00

Question 9:
We cannot answer, but we will submit this question to the Custodian.

Question 10:
Net proceeds held by the Custodian will be made available to them as soon as they leave B. C.
Instances where people did not receive their net proceeds after relocating east -- to state cases and give it to Mr. Hartley, who will write to head office.

I'm very glad that I had the opportunity of meeting the Committee, and I hope that the things are a little clearer now.

We expect people not signing to take jobs east of the Rockies, but if they sign we will try to get jobs in B. C. for them because they will not be staying permanently.

I think there are enough things cleared for you to sign the voluntary declaration. We will give you answers to concrete ones, but as to general question that is one of the risks that have to be taken. That is why the Government is offering this opportunity to sign. There are certain uncertainties we cannot remove. We have to face facts.

Answers to these concrete ones, assure you, first, that if you sign this application you can continue with your employment in B. C., same housing project, same schooling, and same provision will be given for maintenance. Absolutely no discrimination. In fact preference in favour of those who signed. If they don't sign, and say that they want to remain in Canada, they will have to do so knowing that certain risks have to be taken. I am very doubtful if you will get the reply before April 9th, in fact I am sure that you will not receive an answer.

Signing of this is voluntary. But there won't be a second chance to sign it. These assurances that Minister of Labour sets forth -- and that applies now, not necessarily three months from now.

This registration of people on the 9th, is purely voluntary whether they sign to go back to Japan or remain in Canada. If you don't sign for repatriation it is very unlikely that the Government will offer the same term of assistance next time. We cannot postpone this voluntary signing. Many people may feel that the difficulties are too great, that is why we are asking them to sign this voluntary application.

Tashme is only a temporary camp so those wishing to remain in Canada should go East.

If the Japanese National co-operate with the Government, and proceed East, every probability there is nothing done to change their citizenship status, until after the loyalty tribunal is established. In the meantime they continue with their employment. I don't think the loyalty tribunal will investigate those signing for repatriation. (no suggestion of disloyalty because of signing the form.) (sic)

Letter to Prime Minister -- He promised to check through the censors.

see later letter BCC cannot acknowledge I said this

Source: Nikkei National Museum, 2018-16-1-54-27-3
www.nikkeimuseum.org

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BRITISH COLUMBIA SECURITY COMMISSION

360 Homer Street,
Vancouver, B. C.
4th April 1945.

Mr. K. Shirakawa, Chairman,
Japanese Committee,
TASHME, B. C.

Dear Sir,

While we discussed all of the questions asked in your letter to me of March 26th at the meeting of your Committee on Saturday last, you requested that answers be submitted to you in writing. The following are the answers. You will be able to refer to the questions in your own copy of your letter to me.

1. (a) People of Japanese origin signing voluntary applications for repatriation will be given employment in our projects when this is available. They will also be permitted to accept private employment in B.C. outside of the Protected area when such employment is available.

(b) Maintenance will continue to be provided by the B. C. Security Commission for those signing Voluntary application for repatriation but who may be aged, sick, infirm or otherwise unemployable. Such maintenance would automatically include adequate provision for their children. Furthermore, maintenance will be provided to those signing voluntary applications without requiring them first to draw upon their own assets. However, where the Japanese are in employment, they will be required to utilize their earnings from such employment towards the maintenance of themselves and their dependents and will be expected to undertake such employment in the settlements or in private employment as required of them by the Department, at the wage rates established for the settlement or the going wage rate for outside employment.

(c) The B.C. Security Commission will continue to provide the same facilities and services for education as at present to those signing voluntary applications for repatriation.

(d & e) The B.C. Security Commission will continue the same policies as at present in regard to sickness and deaths, to those signing voluntary applications for repatriation.

(f) The same travel regulations presently in effect for travelling within B. C. will be continued for those signing voluntary applications for repatriation.

2. If an induvidual now relocated East of the Rockies, whose family resides at Tashme, signs a voluntary application for repatriation, he or she would be permitted to return to Tashme if housing accommodation were available. If, however, he or she preferred to continue in employmentEast of the

Source: Nikkei National Museum, 2018-16-1-54-28-1
www.nikkeimuseum.org

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Rockies until such time as repatriation can be arranged, this would be permitted so long as the employment lasted. Furthermore, if the individual signing the voluntary application is properly authorized by us to return to Tashme, free transportation would be provided.

3. We are not expecting people of Japanese origin, who do not sign applications, to go East unless we have definite employment to offer. There would be no objection however to individuals electing to go East and seek suitable employment after they arrive.

People of Japanese origin who do not sign applications but who, for any justifiable reason are not employable, the Dominion Government will still assume responsibility for their maintenance. It is understood however, that the Government would have some say as to where they would locate people who require maintenance.

4. An effort will be made to offer a fairly wide range of employment in a number of provinces and localities. We would not however, consider justified refusing suitable employment East of the Rockies just because it was not in a partcular area or province where the individual would prefer to go. An attempt will be made nevertheless to offer as wide a choice as possible.

NB ///

5. (a) Adequate provision for maintenance will be assured to those who, through no fault of their own, become unemployed. This responsibility will be continued by the Dominion Government so long as the Dominion Government has jurisdiction over people of Japanese origin evacuated from the Protected area.

(b) Where it is evident that the income of a family is not adequate to provide for all the dependents of that family, supplementary maintenance will be provided.

(c) In the case of sickness, where the income is not sufficient to provide for the necessary medical or hospital care, these will be provided similar to the policies presently in effect.

(d) As I pointed out on Saturday, we cannot yet give a definite answer to this question. The whole question of education is under the jurisdiction of the provincial governments and not the Dominion Government.

6. (a) The question of employment would not arise as we are not expecting people of Japanese origin, who do not sign applications, to go East except where we have employment available.

(b) Until such time as an individual or the members of his or her family can proceed East, the present regulations governing the providing of maintenance would apply.

(c) While awaiting departure for the East, children would be entitled to educational facilities now provided.

7. People of Japanese origin who do not sign applications for repatriation but who are presently engaged in self-supporting

Source: Nikkei National Museum, 2018-16-1-54-28-2
www.nikkeimuseum.org

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employment, will not expected to give up that employment to go East. There will be no interference however with those wishing to leave B. C. employment so that they may take advantage of employment opportunities East of the Rockies.

Those signing voluntary applications for repatriation will be permitted to continue in employment in B,C. outside the Protected area until repatriation can be arranged.

8. In view of previous statements that we are not asking Japanese Canadians who do not sign voluntary applications, to go East of the Rockies unless definite employment is offered to them, free transportation East, sustenance allowance and placement allowance are considered adequate.

9. As promised at our meeting on Saturday, we are submitting this question to the Custodian of Enemy Property for an answer.

10. The full amount of the net proceeds from the sale of property will be sent to those relocating East of the Rockies after they have arrived at the point of relocation.

11. While there was no specific reference in the Minister's Statement or the Commissioner's Statement to the points raised in this question, answers given to previous questions will clarify these points.

March 31, 1945

. As stated at our meeting on Saturday, I can give your Committee no assurance that a reply will be received from your letter to the Right Honourable the Prime Minister prior to April 9th. On returning to the office on Sunday, April 1st, I wrote to officials in our own Department at Ottawa, requesting them to make every effort to see that a reply is sent as soon as possible. Just in case your letter to the Prime Minister had not yet reached Ottawa, we enclosed a copy of your letter in ours written Sunday.

Yours very truly,

T. B. Pickersgill,
Commissioner.

Source: Nikkei National Museum, 2018-16-1-54-28-3
www.nikkeimuseum.org

COPY

BRITISH COLUMBIA SECURITY COMMISSION

360 Homer Street
Vancouver, B. C.
5th April, 1945.

Mr. R. Shirakawa, Chairman,
Japanese Committee,
TASHME, B. C.

Dear Sir,

Your letter addressed to the Risht Honourable the Prime Minister, under date of March 26th, was referred to the Minister of Labour, the Honourable Humphrey Mitchell. Mr. Mitchell has forwarded this letter to us with the request * that we reply.

No compulsion or threat is involved in the statement issued by me, as Commissioner of Japanese Placement for the Dominion Department of Labour. If read carefully this statement suggests that Japanese Canadians who want to remain in Canada should now re-establish themselves East of the Rockies as the best evidence of their intentions to co-operate with the previously announced Government policy concerning people of Japanese origin remaining in Canada. This policy was announced by the Prime Minister in the House of Commons on August 4th last.

The policy emphasises the desirability of a fairly even distribution across Canada of people of Japanese origin. After the announcement of this policy, it is obvious that those Japanese Canadians wishing to remain in Canada, but who decline to accept employment East of the Rockies, could be interpreted as not co-operating with the policy of the Government.

NB

The present agreements which the Dominion Government has with two of the provinces are for the war-time period and the completing of post-war arrangements is a matter for further consideration.

Apart from those who sign voluntary applications for repatriation to Japan, final details on the distribution of those wishing to remain in Canada cannot be decided until the Loyalty Tribunal, which according to the Prime Minister's statement the Government proposes to establish, is appointed and has completed its work. It will only be after this that it can be definitely determined how many people of Japanese origin will be remaining in Canada.

It should be emphasised however, that the signing of applications for repatriation is voluntary, but must be completed within the time which has been fixed for this purpose.

Yours very truly,

T. B. Pickersgill,
Commissioner.

Source: Nikkei National Museum, 2018-16-1-54-28-4
www.nikkeimuseum.org

MG 26 J 4 Vol 361
File F 3850

RGR/LF
- 23.4.45.

C249530

MEMORANDUM FOR THE PRIME MINISTER:

We have recently received from the Deputy Minister of Labour a copy of a letter dated March 28 from Mr. T.B. Pickersgill, the Commissioner of Japanese Placement, giving certain impressions that he derived during the trip which he took to the Japanese settlements. The most interesting part of his letter is, I believe, the following:

"While I am still reserving judgment, the impressions given to me during this trip, suggest that there will be a substantial percentage of the Japanese in the settlements signing applications. The lowest estimate I have been given is 40% and the highest 80%. It is however, very difficult to say. One of the principal factors encouraging repatriation, seems to be that voluntary repatriates will be kept in British Columbia. Another important factor encouraging repatriation has been the reaction in the other provinces to our announcement. They have repeatedly raised the question of the unfavourable reaction in the other provinces to permanent settlement in those provinces.

This was naturally an extremely difficult question for us to discuss with them. I stated quite frankly that this bad reaction was fairly universal across the country and undoubtedly it would make conditions more difficult for the Japanese taking employment in those provinces. I said to them at the same time that this situation existed, it was a fact, and they must be realistic in facing this fact. It was because of this possible reaction that the Government was offering generous terms of assistance to those who come to the conclusion that conditions might be too difficult for them in Canada, and the opportunity might be better in going to Japan. I emphasized that the signing of these applications was strictly voluntary. No pressure whatsoever was being exerted. Those however, who do not sign, know the facts and the difficulties ahead, and would have to be prepared to meet these difficulties and the existing uncertainties. I reiterated that we were not asking those who do not sign, to leave British Columbia unless we had specific jobs which we considered suitable, and in which

Note double bind but sees it only as promoting repatriation

Source: Nikkei National Museum, 2018-16-1-54-29-1
www.nikkeimuseum.org

they could make a livelihood, to offer them. If we had jobs which we consider suitable, we, however, expect the Japanese Canadians to take them.

I think it would be helpful, if no disclosure was made of our estimations of the percentages of people who may sign. I have already been telephoned by the papers in Vancouver, since coming on this trip, asking for a statement on the general reaction. I stated that I was not willing to say anything at this time. One of the papers has requested permission to be at Tashme on the first day that the R.C.M.P. Detachment reaches the Project. I have turned down this request, believing it to be most unwise. I would, however, appreciate having your advice on this point.

If we find at Tashme that a high percentage of the people sign applications, should we make this fact public? If the percentage is low, I think it would be most unwise, but if it is high, there might be some advantage in having this fact publicized."

In acknowledging receipt of this letter I am informing Mr. MacNamara that I do not think that any publicity should be given to the number of registrations there for voluntary repatriation until the matter has been brought before Council for further consideration in the light of the information that will then be available.

R.G. ROBERTSON

Source: Nikkei National Museum, 2018-16-1-54-29-2
www.nikkeimuseum.org

MG26 J4 Vol 361
File F3850

Decision to Deport

RGR/EP
21.2.45.

C249584

MEMORANDUM FOR THE PRIME MINISTER:

You may wish to be kept informed of steps being taken by the Department of Labour in the administration of Japanese matters pursuant to the recent decision of Council with regard to the voluntary repatriation of Japanese and the re-settlement of loyal Japanese in Canada.

The Deputy Minister of Labour has written to Mr. Pickersgill, the new Commissioner of Japanese Placement, asking him to have wide publicity given to a notice, under the signature of the Ministry of Labour, to the effect that Japanese making voluntary application to go to Japan will be allowed to take their property, or its value, and will be given free passage. The notice concludes with the following sentence: "These assurances may not be extended to persons of the Japanese race repatriated on other than a voluntary basis".

Immediately after the publication of posters and advertisements carrying the above notice, arrangements are to be made to receive applications for repatriation. To encourage an early indication of desire, April 30 has been suggested as a closing date for applications. In his communication to the Commissioner the Deputy Minister states, "You will appreciate the dangers involved in any effort at undue pressure to sign up". He also adds, "we don't believe any organized effort should be taken to obtain applications for the Japanese now East of the Rockies until British Columbia has been covered as no immediate problem of segregation or relocation is involved".

While applications for repatriation to Japan are being taken the Commissioner of Japanese Placement is to issue a statement with regard to re-settlement in Canada of Japanese Canadians and others who wish to remain here and are of a type likely to be approved for permanent residence. The statement will refer to your announcement of policy which was made in the House on August 4 last year to the effect that the best policy in the future will be to have the Japanese who remain in Canada "distribute their numbers as widely as possible throughout the country" so as not to form again "an unassimilable bloc" which might renew feelings of racial hostility. The statement will go on to encourage early re-location east of the Rockies and will add:

Source: Nikkei National Museum, 2018-16-1-54-30-1
www.nikkeimuseum.org

C249585

"Those who do not take advantage of present opportunities for employment and settlement outside British Columbia at this time, while employment opportunities are favourable, may find conditions of employment and settlement considerably more difficult at a later date and may seriously prejudice their own future by delay.

It is only fair to point out to those capable of employment who remain in the settlements and who continue to refuse suitable openings for employment beyond British Columbia without good cause, that the failure to do so may, at a later date, be looked on as evidence of lack of willingness to co-operate in the Government programme or of the lack of any real desire for re-establishment in Canada."

I think that the above measures should help to reduce materially the number of cases that will have to be considered by the Commission when it is established. I also think it is probable that a fairly large number of Japanese persons who have been loyal and who would prefer to remain in this country will voluntarily seek repatriation, partly through discouragement and partly because of fear that they may never again be offered as favourable terms for repatriation. Some injustice may also result from the tendency to distinguish too sharply between cases of Japanese nationals, naturalized Japanese and Canadian-born Japanese. The proposed announcement on re-location states specifically that it is "particularly directed to the attention of Canadian born Japanese", thus indicating greater encouragement to them to resettle than to others. Difference in treatment on the basis of nationality is, I think, an unsound basis in connection with the Japanese, but this is not a final disposition of cases at this time. On the whole, the plans that are being put into effect seem to be reasonably fair in terms of what is politically feasible at the moment, and should, in any event, be of great assistance to the work of the Commission.

Stereotype Japanese loyalty??*

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Source: Nikkei National Museum, 2018-16-1-54-30-2
www.nikkeimuseum.org

DEPARTMENT OF LABOUR

CANADA

NOTICE

To All Persons of Japanese Racial Origin Now Resident in British Columbia

1. Japanese Nationals and others of Japanese racial origin who will be returning to Japan, have been informed by notice issued on the authority of the Honourable Minister of Labour, that provision has been made for their return and for the filing of an application for such return. Conditions in regard to property and transportation have been made public.

2. Japanese Canadians who want to remain in Canada should now re-establish themselves East of the Rockies as the best evidence of their intentions to co-operate with the Government policy of dispersal.

3. Failure to accept employment east of the Rockies may be regarded at a later date as lack of co-operation with the Canadian Government in carrying out its policy of dispersal.

4. Several thousand Japanese have already re-established themselves satisfactorily east of the Rockies.

5. Those who do not take advantage of present opportunities for employment and settlement outside British Columbia at this time, while employment opportunities are favourable, will find conditions of employment and settlement considerably more difficult at a later date and may seriously prejudice their own future by delay.

6. To assist those who want to re-establish themselves in Canada, the Japanese Division Placement Offices and the Employment and Selective Service Offices, with the assistance of local Advisory Committees, are making special efforts this Spring to open up suitable employment opportunities across Canada in various lines of endeavour, and in areas where prospects of suitable employment are best.

7. The Department will also provide free transportation to Eastern Canada for members of a family and their effects, a sustenance allowance to be used while in transit, and a placement allowance based in amount on the size of the family.

T. B. PICKERSGILL,
COMMISSIONER OF JAPANESE PLACEMENT

Vancouver, B. C.
March 12th, 1945.

Source: Nikkei National Museum, 2018-16-1-54-31
www.nikkeimuseum.org

DEPARTMENT OF LABOUR

CANADA

NOTICE

TO ALL PERSONS OF JAPANESE RACIAL ORIGIN

HAVING REFERENCE TO MAKING APPLICATION FOR VOLUNTARY REPATRIATION TO JAPAN

The Minister of Labour has been authorized by the Government of Canada to make known the following decisions made with respect to persons of Japanese ancestry, now resident in Canada, who make voluntary application to go to Japan after the war, or sooner where this can be arranged:

1. The net proceeds realized from the disposition of their property, real and personal, in Canada, and standing to their credit at time of repatriation, will be secured to them and may be transferred by them to Japan upon repatriation following the close of the war.
2. In the case of persons sent to Japan under any agreement for exchange of Nationals between Canada and Japan before the close of war, under which agreement the amount of personal property and funds carried by the repatriates is limited, the Custodian of Enemy Alien Property will be authorized, on the advice of the Department of External Affairs, to provide such Japanese repatriates with receipts showing the property left behind in Canada, or net proceeds of same if sold, with a view to their being permitted to secure possession of their property or the net proceeds thereof after the end of hostilities.
3. Free passage will be guaranteed by the Canadian Government to all repatriates being sent to Japan, and all their dependents who accompany them, and including free transportation of such of their personal property as they may take with them.

The above assurances will apply to such persons as have already made written application in satisfactory form to the Government of Canada to go to Japan, or who make written application hereafter for that purpose to the Government of Canada within the period of time fixed by the Commissioner of Japanese Placement for the completion and filing of applications.

These assurances do not apply to persons of the Japanese race repatriated on other than a voluntary basis.

Dated at Ottawa this 13th day of February, 1945.

HUMPHREY MITCHELL
Minister of Labour.

The special R.C.M.P. Detachment for taking applications will be at

..... from .....

to ..... and will take applications at

..... . Every person of Japanese origin 16 years of age and over is required to report to the R.C.M.P. Detachment on one of these dates to signify his or her intention concerning repatriation.

T. B. PICKERSGILL,
COMMISSIONER OF JAPANESE PLACEMENT

Vancouver, B. C.
March 12th, 1945.

Source: Nikkei National Museum, 2018-16-1-54-32
www.nikkeimuseum.org