

— University of British Columbia Archives

▶ Japanese-Canadians wave goodbye as they leave Tashme evacuation camp in 1946 for a ship in Vancouver Harbor and the journey to Japan. About 4,000, some born in Canada, were 'voluntarily repatriated'

SECURITY OR RACISM?

Lest we forget Canada's crime against Japanese-Canadians in 1942

By Steve Mertl
The Canadian Press

HOPE, B.C.

Standing in the living room of his tiny house, John Nihei looks as gnarled and ancient as the little bonsai trees he cultivates. He draws a visitor's attention to a framed black-and-white photograph on a table.

It is of Nihei's son, Alfred, who rose to the rank of major in Canada's air force before dying of leukemia in 1971 at age 30.

Nihei, who turns 90 in May, says nothing. But his pride is obvious as he gazes at the earnest young man in uniform who was born in Canada — and branded an enemy by his first birthday.

There's an unspoken reproof. You were wrong about us, dead wrong to doubt our loyalty.

Tom Hirose is less modest. A big color photo of his last fishing boat hangs on the wall in his house in Steveston, a touristy fishing village south of Vancouver.

After spending half his life as a fisherman, Hirose, 68, now manages a commercial fishing supply store in Steveston only a block from where his father's cobbler's shop stood before the Second World War.

Almost everything the Hiroses owned — the shop, a farm plot, furniture — was sold for less than $1,000 after the family was sent to Alberta to become farm laborers.

They were among about 22,000 Japanese-Canadians uprooted from the coast of British Columbia in 1942 because of concern they might somehow help an invading Japanese army.

After Japan entered the war with the December, 1941 bombing of Pearl Harbor, thousands of Japanese-Canadians, half of them born in Canada, were branded potential traitors because of their race.

Four years ago, Prime Minister Brian Mulroney apologized in the House of Commons. He announced compensation — $21,000 for each of the roughly 12,000 survivors of the camps, plus $12 million for a community fund — and he acknowledged that racism played a part in the 1942 decision.

But he also said that decision was taken "in the crisis of wartime."

Roy Miki sees cold political arithmetic in the 1942 action.

Racist policy

Miki, a Simon Fraser University professor, believes the federal government traded the freedom of Japanese-Canadians for political peace in British Columbia.

B.C. politicians and business leaders used invasion hysteria as a pretext to rid the province of a growing, increasingly prosperous non-white segment of society, says Miki.

"These were people that were political opportunists who saw the crisis as a means of undermining the economic base of Japanese-Canadians."

Racism was public policy in British Columbia in the first half of this century.

For the Japanese, that included restricted entry into business and professions, immigration quotas, tough naturalization requirements and no right to vote — not even for Nisei, the second-generation Japanese born in Canada.

Some elements of the Japanese-Canadian community did favor Japan's wartime policies, but there was no evidence of subversion.

But there was a growing outcry against the Japanese-Canadian community. A number of B.C. politicians led demands for expulsion.

Prime Minister William Lyon Mackenzie King doubted Japanese-Canadians presented a threat, but for him their fate was a side issue in Canada's larger war problems.

For advice, he relied largely on Pensions Minister Ian Mackenzie — a Vancouver MP and the only B.C. member of King's cabinet — who shared the anti-Asian sentiments of the B.C. establishment.

Mackenzie chaired a conference in Ottawa on "Japanese problems" a month after Pearl Harbor. The B.C. representatives overwhelmed officials from the RCMP, Defence and External Affairs departments with demands for internment of all males of Japanese descent.

"They spoke of the Japanese-Canadians in a way that the Nazis would have spoken about Jewish Germans," Escott Reid, an External Affairs bureaucrat, would recall later. "When they spoke, I felt in that committee room the physical presence of evil."

The government compromised, ordering male Japanese nationals removed from a newly declared security zone stretching the length of the B.C. coast and extending 160 kilometres inland — but exempting Canadian-born or naturalized citizens. The government dragged its feet on implementation and tension grew.

On Feb. 24, 1942, the federal cabinet passed order-in-council PC 1486. Announced two days later, it authorized the removal of all ethnic Japanese from the security zone.

A muddled exodus began in March and lasted until autumn.

Some Japanese-Canadians were sent on dreary rail trips to decaying mining towns in the B.C. interior, like Greenwood, Slocan and New Denver.

Others went to dusty Prairie farms as laborers. A lucky few made it to Japanese-owned farms in the interior.

Evacuees were allowed to take only what they could carry. Other goods were sold at fire-sale prices, looted by neighbors or put "in trust" with the Custodian of Enemy Property.

A year later, the custodian was given permission to sell all property, including farms, boats and businesses. The paltry proceeds were credited to the evacuees' accounts, with deductions for their living expenses.

After the war, many embittered residents of the camp were ready to accept the government's offer of "voluntary repatriation" to Japan.

Hirose returned to Steveston in 1951 and crewed on fishboats until he could buy his own. The fish company helped with an interest-free loan because, he says, even before the war Japanese workers were respected.

"We're hard-working people, and honest," says Hirose.

22,000 sent to camps

March marks the 50th anniversary of the mass evacuation of 22,000 Japanese-Canadians from coastal British Columbia. Some important dates:

- **Dec. 7, 1941:** Japan attacks Pearl Harbor.
- **Feb. 24, 1942:** A federal order-in-council bans all people of Japanese racial origin from a 160-kilometre-wide protected zone along the West Coast. The RCMP gets wide powers of search and seizure under War Measures Act.
- **March 4, 1942:** Lands and goods of Japanese-Canadians are given 'in trust' to Custodian of Enemy Property.
- **March 25, 1942:** Hundreds of *Nisei* — Canadian-born people of Japanese descent — are ordered to internment camp in Ontario. Many are arrested and sent to prisoner-of-war camps in Ontario, along with about 700 Japanese citizens.
- **November, 1942:** Evacuation from protected zone complete. About 12,000 people in camps in B.C. interior; most others on Prairie farms as laborers.
- **April, 1949:** Almost four years after war ended, government allows Japanese-Canadians to return to West Coast.



—AP photo

▲ Thousands of Japanese-Canadians, half of them born in Canada, were branded potential traitors after Japan bombed Pearl Harbor



◀ John Nihei. His son Alfred rose to the rank of major in Canada's air force before dying of leukemia in 1971 at age 31

'No Japs from the Rockies to the sea' was election slogan in B.C.

Ottawa Citizen Saturday February 29, 1992
pg B2

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



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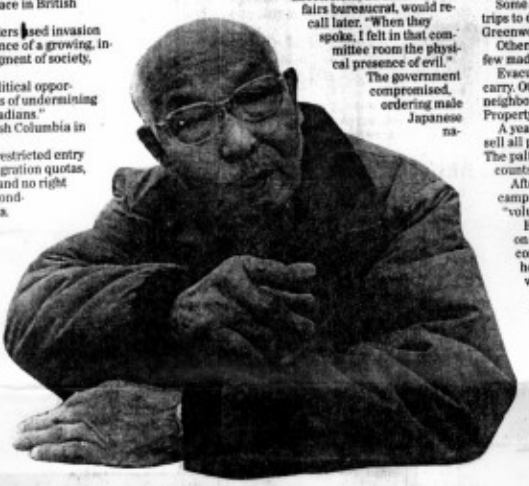
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The Canadian Press

VANCOUVER

Margaret Hayward arrived at the internment camp known as Tashme in August 1945, the month atomic mushroom clouds brought a sudden end to the war with Japan.

Tashme remained open until late 1946, becoming a staging area for the "voluntary" deportation of thousands of ethnic Japanese — half of them born in Canada.

Hayward was 24 when she accepted a job as a social worker at Tashme, built in 1942 near Hope, B.C., 150 kilometres east of Vancouver. She was one of 20 whites administering to about 2,400 Japanese-Canadians.

Studying at the University of British Columbia before the war, Hayward had got to know Japanese-Canadian students, so she had no fears or prejudices.

She had her doubts when the federal government, pressured by B.C. politicians, labelled the entire 22,000-member Japanese-Canadian community a security risk and uprooted it from the coast of British Columbia in 1942. The people cooped up at Tashme for three years were clearly no threat, she says.

"We had people who came into the camp on stretchers and left on stretchers," she says. "Now, what in the world were they going to do against Canada?"

In March 1945, the federal government presented 12,000 Japanese-Canadians living in B.C. camps with a choice: permanent dispersal east of the Rocky Mountains, where thousands had already gone, or "repatriation" to Japan after the war ended.

Those in the camps had lost all their prewar possessions, sold by the government's Custodian of Enemy Property.

Roy Miki, a Simon Fraser University professor involved in the campaign that led to Ottawa's official apology and compensation in 1988, says the property sales were part of a plan to ensure Japanese-Canadians never returned to the coast.

For instance, before the sale, Japanese berry farmers were prevented from leasing their land to neighboring farmers.

"The government did not want them to license these farms to whites because then they (the Japanese) would come back," says Miki.

The policy's advocates did nothing to hide their goal.

"Let our slogan be for British Columbia: 'No Japs from the Rockies to the sea,'" Ian Mackenzie, a Liberal cabinet minister from Vancouver, told his renomination meeting for the 1944 election. He was re-elected.

The choice between going to Japan or east of the Rockies divided the occupants of the internment camps.

Many *Issei* — first-generation immigrants — were embittered by their treatment or believed Japanese propaganda broadcasts picked up on banned shortwave radios. They signed up for repatriation.

Teenage and adult *Nisei* — second-generation, born in Canada, with no emotional ties to Japan — wanted to stay.

By mid-August, almost half of Canada's ethnic Japanese population had signed for repatriation.

But when the war ended, thousands renounced their signatures. Backed by civic and church organizations finally speaking out against the federal government's policy, most won their fight to remain.

About 4,000, including 2,000 Canadian-born Japanese, did sail to Japan in five ships starting in May 1946.

"Who can say how many of those sleeping in the village (Tashme) were born and raised in Canada?" Hayward wrote in her scrapbook in October 1945. "And yet we are sending them back to the land of their forefathers.

"Are we protecting our democracy or are we breaking down what it stands for?"

Ottawa Citizen Saturday February 29, 1992 pg B2

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



n justice

SATURDAY, MAY 2

9:00 - 10:15 am Fletcher Challenge Canada Theatre (1900)

Historic Injustices in Canada: An Introduction Through Testimonials (continued from Friday)

Ron George, President, Native Council of Canada, Ottawa
Maria De Angelis, National Congress of Italian Canadians, Vancouver
Raminder Dosanjh, India Mahilla Association, Vancouver
Gary Yee, Chinese Canadian National Council, Toronto
Lubomyr Luciuk, Director of Research, Civil Liberties Commission, Ukrainian Canadian Congress, Kingston
Michael Elterman, Chairman, Pacific Region, Canadian Jewish Congress, Vancouver
Introduction: Roy Miki, Department of English, Simon Fraser University

10:15 - 10:30 am Break

10:30 am - 12:30 pm Fletcher Challenge Canada Theatre (1900)

The Future Protection of Human Rights for Minorities: Some Mechanisms and their Practicality

Introduction: Stien Lal, Deputy Minister, Ministry of Citizenship Ontario, Toronto

The Role of Parliament in the Protection of Human Rights
William Kaplan, Faculty of Law, University of Ottawa, Ottawa

Aboriginal Self-government
Bill Wilson, Political Secretary, Assembly of First Nations, Ottawa

Legislative/Political Solutions for Ethnic Communities

- The appropriateness of the legal system for solving social and political injustices
- The problems of cultural bias, availability of evidence, expense and length of the process
- The effective involvement of all layers of the community

This session will include a case study of the Japanese Canadian redress.
Roy Miki, Department of English, Simon Fraser University
Raminder Dosanjh, India Mahilla Association, Vancouver
Roger Bilodeau, Faculty of Law, University of Moncton, Moncton

12:30 - 2:00 pm Lunch (on own)

2:00 - 4:00 pm Fletcher Challenge Canada Theatre (1900)

The Future Protection of Human Rights for Minorities: The Collective Obligation of Canadians

Small working groups followed by reports
Special presentation
Ovide Mercredi, National Chief, Assembly of First Nations, Ottawa
Reception Follows Segal Centre (1400)

SIMON FRASER UNIVERSITY AT HARBOUR CENTRE

A SIMON FRASER UNIVERSITY PUBLIC POLICY PROGRAM

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

In justice

FRIDAY, MAY 1

9:00 - 10:15 am Fletcher Challenge Canada Theatre (1900)
Historic Injustices in Canada: An Introduction Through Testimonials (continued on Saturday)
Prominent individuals present personal and communal experiences from a diversity of perspectives and communities.
Mary Kitigawa, Vancouver
Joan Jones, Member, Afro-Canadian Caucus of Nova Scotia, Halifax
Alootook Ipellie, Ottawa
Albert Koehler, President, German Canadian Congress, British Columbia Region, Vancouver
Marie Annharte Baker, Winnipeg
Introduction: Roy Miki, Department of English, Simon Fraser University

10:15 - 10:30 am Break

10:30 am - 12:00 noon Fletcher Challenge Canada Theatre (1900)
Welcome from Simon Fraser University
William G. Saywell, President
Len Evenden, Department of Geography, and Director, Centre for Canadian Studies

The Impact of Residential Schools in Canada: A Case Study
The case study features a brief history of the Residential School as an institution in Canada and features a personal testimonial of three generations of one family who attended such a school, the aftereffects on the family and the goal of community self-healing.
* Chief Bev Sellars, Soda Creek Indian Band, Williams Lake

12:00 - 2:00 pm Segal Centre (1400)
Traditional Japanese Luncheon (*Obento*)

2:00 - 5:00 pm Fletcher Challenge Canada Theatre (1900)
The Legislative Roots
Moderator: Hayne Wai, Regional Communications Officer, Canadian Human Rights Commission, Vancouver

The Use and Abuse of Emergency Laws in Canada: The Dichotomy Between Intention and Application
- Emergency law in Canada: its evolution, nature, powers and limitations
- The use and abuse of emergency powers in both World Wars to improperly detain individuals and groups and to confiscate property; the groups discussed include Japanese and Ukrainian Canadians, Jewish-German refugees and aboriginal people

Ann Sunahara, historian and lawyer, and author of *The Politics of Racism: The Uprooting of Japanese Canadians During the Second World War* (Lorimer), Ottawa

Immigration Law and Policy: The Underlying Values
- A historical overview of immigration law and policy
- Consistency, fairness and the Immigration Act: some analysis
- "Classes" of immigrants, from the refugee to the entrepreneurial immigrant: a discussion of income and other criteria for acceptance

Hugh Johnston, Department of History, Simon Fraser University
Dennis McCrea, Barrister & Solicitor, McCrea and Associates, Vancouver

The Indian Act Claims Process
- Historical injustices and inequities in the land claims process; the strengths and weaknesses of the special claims process.

Roland Pangowish, Assistant Unit Coordinator for Lands, Assembly of First Nations, Ottawa

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



n justice THURSDAY, APRIL 30

6:30 pm Registration Open Fletcher Challenge Canada Theatre (1900)

Open to the Public
7:30 - 9:00 pm Fletcher Challenge Canada Theatre (1900)
Welcome from the National Association of Japanese Canadians
Art Miki, President

An Evening of Literary Celebration

- Joy Kogawa, author of the award winning, semi-autobiographical novel, *Obasan* (Penguin) and the sequel, *Itsuka* (Penguin) concerning the Japanese Canadian redress.
- Myrna Kostash, author of *All of Baba's Children* (Hurtig Publishers) and *No Kidding: Inside the World of Teenage Girls* (McClelland and Stewart), and a forthcoming book about Eastern Europe based on travel and conversations throughout the 1980s.
- Marie Annharte Baker, a founding member of the Aboriginal Writers Group who recently published her first book of poems, *Being on the Moon* (Polestar).
- Fred Wah, author of *Waiting for Saskatchewan* (Turnstone), the winner of the Governor General's Award for Poetry in 1985. His most recent work is *So Far* (Talonbooks).
- Sadhu Binning, a writer who has published extensively in English and Punjabi in literary journals in North America and India and is a founding member of the new Indo-Canadian Journal, *Ankur*, published in Vancouver.

9:00-10:30 pm Segal Centre (1400)
Reception sponsored by the National Association of Japanese Canadians

Source: Nikkei National Museum, 2018-16-2-14-2-1-3
www.nikkeimuseum.org



In justice PROGRAM

Canada, Minorities and Human Rights

A conference for ethnic minority group associations, human rights commissions, civil liberties associations, government policy makers, educators, journalists, and scholars in Canadian Studies.

Sponsored by the National Association of Japanese Canadians, and the Centre for Canadian Studies, Simon Fraser University

Honorary Chair of Conference: *The Right Honourable Ed Schreyer*

Simon Fraser University at Harbour Centre
515 West Hastings Street, Vancouver, British Columbia
April 30 - May 2, 1992

During times of national crisis, governments have historically focused on specific minority groups as one aspect of maintaining the security of Canada. A number of affected ethnic minority groups have expressed a strong need to reclaim their history by seeing the injustices of the past acknowledged and to work toward positive legislative and policy safeguards to prevent future injustices. Governments and agencies meanwhile struggle to find ways of avoiding repetitions of the past. This national conference addresses:

- past treatment of minorities during national crisis
- the use and abuse of emergency laws and powers, and the impact on the human rights of minority groups
- proposals for legislative and operational safeguards to maintain the rights of minority Canadians during periods of national crisis

The conference also celebrates the rich body of literature based on personal experiences and features a historical photo and art exhibit.

Program Committee

Rowland Lorimer, Canadian Centre for Studies in Publishing and Department of Communication, Simon Fraser University
Art Miki, President, National Association of Japanese Canadians, Winnipeg
Roy Miki, Department of English, Simon Fraser University
Margit Nance, Director, Public Policy Programs, Continuing Studies, Simon Fraser University
Ihor Bardyn, Ukrainian Canadian Congress, Toronto
Bill Wilson, Assembly of First Nations, Ottawa
Maria Bisognin, National Congress of Italian Canadians, Vancouver
Horst Martin, German Canadian Congress, Vancouver
Ujjal Dosanjh, Barrister and Solicitor, Dosanjh and Co., Vancouver
Victor Wong, Chinese Canadian National Council, Vancouver
Erwin Nest, Executive Director, Pacific Region, Canadian Jewish Congress, Vancouver
Paul Brantingham, School of Criminology, Simon Fraser University
Len Evenden, Department of Geography, and Director, Centre for Canadian Studies

The Conference gratefully acknowledges the support of the British Columbia Ministry of Education and Ministry Responsible for Multiculturalism and Human Rights, Multiculturalism Branch; Ministry of Multiculturalism and Citizenship Canada; the Canada Council; the Japanese Canadian Studies Society; and the Office of the Vice-President Academic, Simon Fraser University

Source: Nikkei National Museum, 2018-16-2-14-2-1-4
www.nikkeimuseum.org

UNIVERSITÉ D'OTTAWA
UNIVERSITY OF OTTAWA

FACULTÉ DE DROIT
FACULTY OF LAW

April 27, 1992

Fax: (604) 291-3851

Ms. Laurie Wood
Program Assistant
Public Policy Programs
Simon Fraser University
Burnaby, B.C.
V5A 1S6

Dear Ms. Wood:

Further to your request of April 23, 1992, you could say something to the effect of: "William Kaplan is a lawyer and law professor. Educated at University of Toronto, Osgoode Hall Law School and Stanford University, William Kaplan is the author of Everything that Floats: Pat Sullivan, Hal Banks and the Seamen's Unions of Canada and State and Salavation: The Jehovah's Witnesses and Their Fight for Civil Rights. He is now working on a biography of Ivan Rand."

I hope that this is the information you require.

Yours very truly,

William Kaplan

COMMON LAW
57 LOUIS PASTEUR, OTTAWA, ONTARIO, CANADA K1N 6N5
+1(613) 564-4060 FAX: (613) 564-9800

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

BIOGRAPHICAL NOTES

Roger Bilodeau is a native of Manitoba. He studied common law in French and received his law degree (LL.B.) from the Université de Moncton in 1981. In 1987, he completed graduate studies at Duke University in Durham, North Carolina.

In 1982, he was admitted to the Law Society of Manitoba and in 1986, to the Law Society of New Brunswick. From 1981 to 1984, he practised law in St-Boniface, Manitoba. Since 1984, he has been teaching law at the École de droit de l'Université de Moncton.

He has published articles and given several conferences on language rights and the legal status of special needs students. Since 1984, he has also acted as counsel in various constitutional and human rights cases.

In April 1991, he was appointed as a member of the Human Rights Tribunal (under the Canadian Human Rights Act) for a three (3) year term.

Source: Nikkei National Museum, 2018-16-2-14-2-3
www.nikkeimuseum.org

"Yes, Minister" is true

[Japanese Canadians not "absorbed"]

Ron George
→ Indian Act to limit resp under
S. 91(24) of the Const Act 1867
↳ limit to "status Indians"

- 1867 - estab DIA Affairs
  - register indians
    - those missed out on reg → non status
  - voluntary
  - ⇒ 17 categories of non-status Indians
    - double mother
    - illegitimacy clause
    - off-Reserves ~~status~~ → lose status 5 years
    - to inherit non-reserve property
    -

Source: Nikkei National Museum, 2018-16-2-14-2-4a
www.nikkeimuseum.org

* William Kaplan
- lawyer, law professor "U of O."
Osgoode
Stanford
- 2 books Everything that Floats - Seamen's Unions of Canada
State & Salvation - J.W.S.
- working on book on Ivan Rand
↳ S.C. Justice

Bill Wilson:
↳ political sec A.F.N.
↳ B.Sc U. Vic
LLB UBC
↳ ~~BB~~ Union BC Indian Chiefs ⇒ list

Roy - Prof Eng Simon Fraser → Redress - Act & Policy Background

Roger Bilodeau - lawyer. LLB 1981 Université de Moncton
Franco Manitoban
- grad studies Duke University
Human Rts lawyer. D.L(?) 1987
Constitut
- ~~plan~~ practiced St Boniface Man 1981-1984
- now law prof Université de Moncton.

Source: Nikkei National Museum, 2018-16-2-14-2-4b
www.nikkeimuseum.org
2018.16.2.14.2-4



National Indian Brotherhood

ASSEMBLY OF FIRST NATIONS

HEAD OFFICE:
TERRITORY OF AKWESASNE, HAMILTON'S ISLAND
SUMMERSTOWN, ONTARIO K0C 2E0
TEL.: (613) 931-1012 FAX: (613) 931-2438

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DATE: April 24, 1992 **FAX #:** (604) 291-3851

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National Indian Brotherhood

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FAX (613) 931-2438

OTTAWA OFFICE:
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OTTAWA, ONTARIO
K1N 9K1
TEL.: (613) 236-0673
FAX (613) 238-5780

BIOGRAPHICAL SKETCH OF HEMAS

(BILL WILSON)

Hemas (Bill Wilson) was born, raised and completed his early education in the Comox Valley of Northern Vancouver Island, which is the territory of the Kwakiutl Nation of which he is a member. His involvement in public life was encouraged by his parents and began at a very young age with his membership in the Native Brotherhood of British Columbia.

His parents also encouraged his educational pursuits and provided the opportunity for a university education. He went on to graduate with a Bachelor of Arts from the University of Victoria and a Bachelor of Laws from the University of British Columbia.

Beginning with his membership in the Native Brotherhood, Bill has had a lengthy involvement in local, provincial and national organizations dealing with Aboriginal concerns. A partial list of the groups that he has been associated which includes: Union of B.C. Indian Chiefs, Native Courtworker and Counselling Association of B.C., B.C. Association of Non Status Indians, United Native Nations, Native Council of Canada, Musgamagw Tribal Council and the First Nations Congress.

Bill is presently serving as the Political Secretary for the Assembly of First Nations. He also maintains ties with his own Nation through his position of Political Coordinator of the Musgamagw Tribal Council.

Source: Nikkei National Museum, 2018-16-2-14-2-6
www.nikkeimuseum.org

Public last to know if war breaks out

By Kirk LaPointe
The Canadian Press

In the event of an impending war, about the last people who will hear about it are Joan and John Q. Public.

Newly released federal documents indicate that much behind-the-scenes crisis management affecting the public would take place before it was informed.

An enormous "covert" plan would take shape before the "overt" activities would.

Among other things, non-essential government services would be suspended, cabinet would prepare to "freeze" some workers in important jobs.

Public servants in the Canadian Forces and reserves would be given leaves of absence to serve, funds would be set aside for a disaster, and permanent resident cards would be prepared for non-Canadians living here.

"At this stage, action would be limited to internal federal government activity to avoid undue concern or speculation by other levels of government, the media or general public," says the Employment and Immigration Department's 1988 how-to guide for war, released under the Access to Information Act.

The department, responsible for human resource policies and programs, is one of several federal agencies that have guides spelling out procedures in the event of a war, particularly one that might involve fighting in Canada.

The Employment and Immigration guide indicates that 12 of 36 occupations deemed "critical" by the defence industry would be in short supply by 1995.

Nine of those 12 occupations require lengthy training.

And there would be severe shortages of staff for such functions as detaining, patrolling and intelligence-gathering.

The emergency book outlines five government-wide stages of trouble which range from "rising tension" to a full-scale attack.

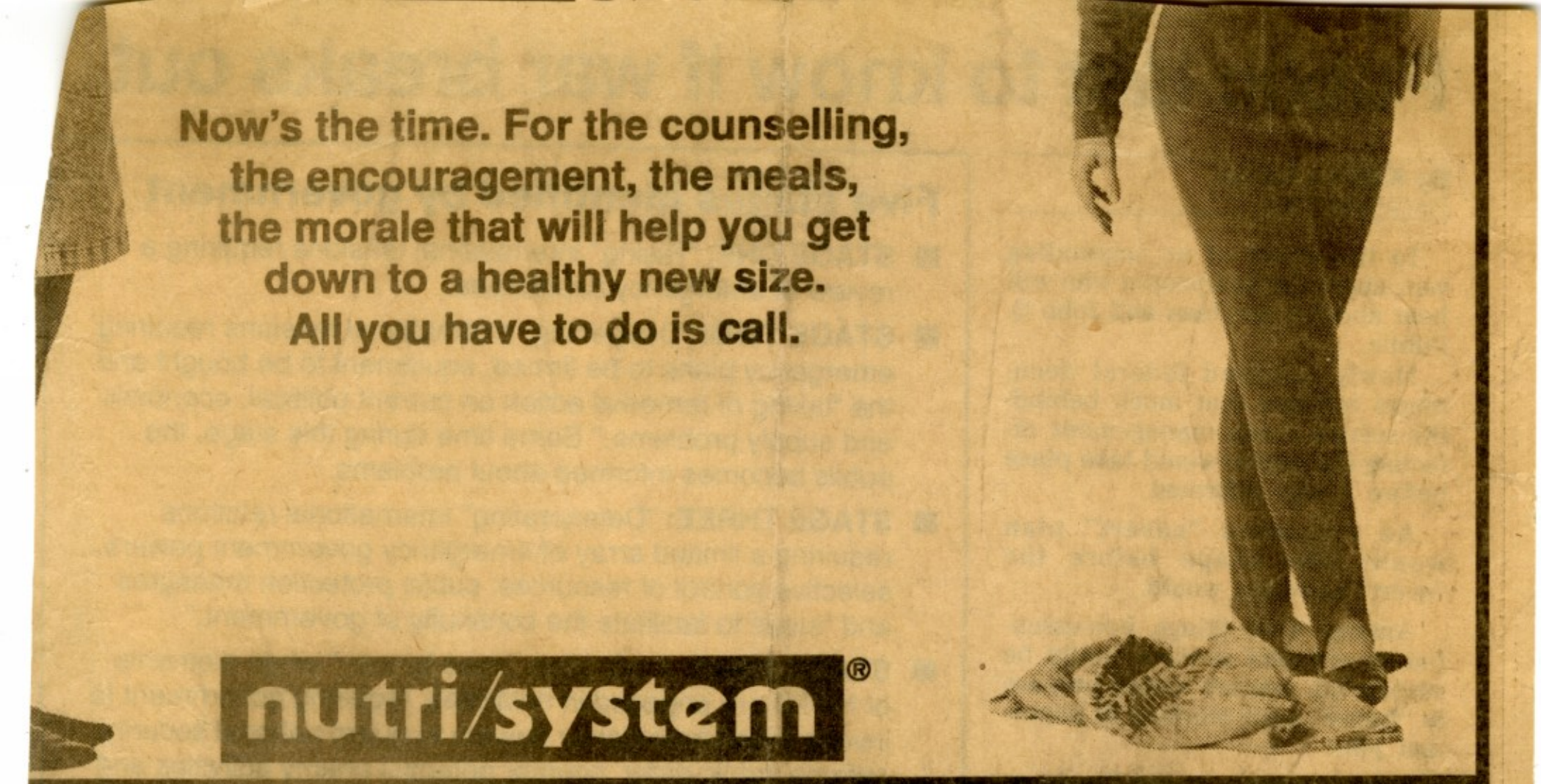
One other thing the department would do for Canadians in a crisis: Stock plenty of Canada Post emergency change-of-address cards where it serves the public.

Five stages identified by government

- **STAGE ONE:** "Rising" international tensions requiring a review of emergency capabilities.
- **STAGE TWO:** "Deepening" international tensions requiring emergency plans to be firmed, equipment to be bought and the "taking of remedial action on current political, economic and supply problems." Some time during this stage, the public becomes informed about problems.
- **STAGE THREE:** "Deteriorating" international relations requiring a limited array of emergency government powers, selective control of resources, public protection measures and "steps to facilitate the continuity of government."
- **STAGE FOUR:** A situation "close to war," when elements of NATO are engaged in hostilities, requiring government to invoke broad emergency powers to guard national security, enforce public order, counter potential enemy activities and complete preparations for an attack on North America.
- **STAGE FIVE:** An attack on North America that warrants a public warning and the implementation of all emergency measures "and all subsequent survival measures."

2018.16.2.14.3

Source: Nikkei National Museum, 2018-16-2-14-3a
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SUBMISSION TO THE
LEGISLATIVE COMMITTEE ON BILL C-77

by the
NATIONAL ASSOCIATION OF JAPANESE CANADIANS

March, 1988

The Minister of National Defence has stated that the Emergencies Act is intended to replace the War Measures Act under which Japanese Canadians were denied their civil and human rights during and after the Second World War. The National Association of Japanese Canadians, which represents those victimized by Orders-in-Council under the War Measures Act, has long urged that Canada's laws be changed to control the exercise of emergency powers by the Cabinet and to create safeguards that will prevent others being abused.

Regrettably, however, we are forced to conclude that the Emergencies Act will not accomplish this objective. While it attempts to fetter power and add safeguards, the changes it makes are not effective. They fail to protect Canadians from abuse of emergency powers by the Cabinet.

We object particularly to the following:

1. The presumption that the Cabinet should be given broad emergency powers when there is no demonstrated need for such powers;

2. A definition of "national emergency" that offends international law;

3. Very broad definitions of emergencies, some of which offend international law;

4. Emergency powers so broad they breach international covenants and invite abuse;

5. Illusory and impractical Parliamentary supervision of the exercise of emergency powers;

6. The power to make secret orders and regulations;

7. Extremely limited recourse to the courts;

8. Immunity from liability for those who abuse or misuse emergency powers;

Source: Nikkei National Museum, 2018-16-2-14-4-1
www.nikkeimuseum.org

9. No independent process for awarding compensation for government errors or abuse of power.

In view of these multiple flaws we are of the view that Bill C-77 solves none of the problems evident from the history of the War Measures Act. On the basis of that history we feel that:

1. No emergency powers should be delegated to the Cabinet except in carefully circumscribed legislation tailored to the actual emergency facing the nation;

2. Alternatively, if emergency powers are to be delegated in general emergency legislation, then:

(a) Only economic and administrative powers should be delegated; and,

(b) Any delegation of powers must be coupled with strong safeguards and practical procedures for the review of the use of emergency power and for ex post facto redress.

Since the Emergencies Act fails to safeguard against executive abuse, we urge:

SUBMISSIONS

1. That Bill C-77 be withdrawn; the War Measures Act be abolished immediately; and, the task of drafting general emergencies legislation which balances emergency powers and civil liberties in accordance with the principles of fundamental justice and international law be referred to the Law Reform Commission of Canada.

2. Alternatively, that the Recommendations attached as Schedule A to this Submission be adopted by this Committee to ensure that this Emergencies Act will contain all proper and necessary safeguards.

Source: Nikkei National Museum, 2018-16-2-14-4-2
www.nikkeimuseum.org

THE EMERGENCIES ACT: A CRITIQUE AND RECOMMENDATIONS

In the following critique we, the National Association of Japanese Canadians, use our own history to show that the proposed Emergencies Act fails to protect civil liberties in time of emergency. We also make recommendations as to what must be included in any legislation dealing with emergency powers if others are to be spared the suffering experienced by Japanese Canadians during the Second World War.

1. THE UNDERLYING PRESUMPTIONS - ARE THEY SOUND?

The proposed Emergencies Act rests on presumptions that

(a) The federal Cabinet ought to be given broad emergency powers;

(b) Those powers should be minimally fettered;

(c) All orders and regulations made by the Cabinet in time of emergency will be relevant to the emergency and intended to meet the emergency; and,

(d) Any misuse of power will be immediately detected by Parliament which will then quash it.

We find the above presumptions unsound, dangerous and irresponsible. They are the same presumptions that underlie the War Measures Act. To continue them is to deny the lessons of history.

Emergency Powers Historically Abused

What was done to Japanese Canadians during the Second World War proves each of the above presumptions is wrong. Between 1942 and 1949, the King Cabinet used its emergency powers under the War Measures Act to uproot from their homes on the Pacific Coast over 20,000 men, women and children of Japanese ancestry, over 75% of whom were Canadians; to confine them in detention camps in British Columbia; to strip them of all their real and personal property; to make them pay for their own incarceration from the proceeds of these sales; to force them to move east of the Rocky Mountains on pain of being shipped to a starving Japan; to exile them from British Columbia until 1949; and, in 1945 after Japan had surrendered, to try - against the will of Parliament - to deport 10,000 Japanese Canadians: See A. G. Sunahara, The Politics of Racism, Lorimer, 1981; and K. Adachi, The Enemy That Never Was, McClelland and Stewart, 1976.

What was done to Japanese Canadians was done to accomplish

Source: Nikkei National Museum, 2018-16-2-14-4-3
www.nikkeimuseum.org

political objectives unrelated to the war emergency facing Canada. That emergency provided only the opportunity to use broad emergency powers to achieve unsavory political ends. It was done in the full knowledge that Japanese Canadians were innocent, and posed no threat to Canada's security.

Parliament Powerless

The King Cabinet was able to abuse Japanese Canadians because the War Measures Act, like the proposed Emergencies Act, stripped Parliament of any ability to control the use of emergency powers. Both, in a war emergency, transfer to the Cabinet all the powers of Parliament. However, neither Act provides an effective mechanism for controlling how these extraordinary powers are exercised. The proposed Emergencies Act attempts to improve the situation by giving Parliament one chance, and only one chance, to revoke a bad order or regulation made by the Cabinet.

But even this one chance can be easily circumvented. A future Cabinet, intent on concealing its true objectives, need only misrepresent its intentions for 20 days. Once 20 days has passed, Parliament has no power to review the Cabinet's actions: Section 59(4) and 59(7).

Our history proves how easy it is to hide the true objective. In 1943, the King government, which was intent on destroying the Japanese Canadian community, told Parliament that the order authorizing the sale of Japanese Canadian property was a minor administrative change intended to protect Japanese Canadians. Three months later, that minor administrative change was used to legalize the sale of all Japanese Canadian property, both real and personal: See Sunahara at 106.

Judiciary Paralyzed

Not only is there no effective Parliamentary review of orders under the Emergencies Act, judicial review is also at best a hollow exercise. The Emergencies Act is better than the War Measures Act, which limits review by the courts to the question of whether an emergency in fact exists, because the Emergencies Act also permits the courts to review the reasonableness of the cabinet's action. However, the onus is on the victim of an order to prove to the court either the absence of an emergency or the unreasonableness of the order: See p 50-51 below.

Putting the onus on the victim was what kept the King Cabinet safe from judicial review under the War Measures Act. A bona fide emergency existed in 1942; Canada was at war. However, Japanese Canadians, incarcerated in detention camps, were in no position to obtain the evidence that would prove their incarceration was unreasonable. That evidence could be found only in privileged Cabinet documents, documents that remained classified for 30 years.

Source: Nikkei National Museum, 2018-16-2-14-4-4
www.nikkeimuseum.org

Had the Cabinet been required to justify its actions in 1942, its claims that Japanese Canadians were uprooted for reasons of "national security" would have been exploded. Canada's chief military officers would have testified that at no time did they consider Japanese Canadians a threat to Canadian security: Sunahara, at 24, 33, 43, 48, 101-105, and 140. The Commissioner of the Royal Canadian Mounted Police would have acknowledged that the R.C.M.P. had searched diligently, and without success, for evidence of espionage or sabotage by Japanese Canadians: Letter from Comr. S.T. Wood, R.C.M.P., to William Stevenson, Director, British Intelligence, New York City Office, August 5, 1942, Department of External Affairs Archives.

Indeed, the Minister who engineered the abuse of Japanese Canadians relied on the impotence of the courts to accomplish his purpose. As he stated, when urging the Cabinet to buy Japanese Canadian farms at fire sale prices: "Any action we take under the War Measures Act cannot be challenged in the courts.": Sunahara, at 109. The Japanese Canadian experience proves that placing the onus on the victim to prove the unreasonableness of a government order, is, in itself, unreasonable.

Charter of Rights and Freedoms Overridden?

The paralysis of the judiciary will continue despite the Charter, at least in a war emergency. In a war emergency the Cabinet can do whatever Parliament can do: See p. 31 below. One of the things Parliament can do is to pass laws that ignore certain Charter rights, including the right to life, liberty and security of the person.

It is not yet known whether Parliament can delegate to the Cabinet this power to pass laws that overide the Charter, or whether it has done so in s. 38 of the Emergencies Act. There are arguments both ways: See p. 31 - 35 below. If the overide power has been delegated, then skillful drafting of orders which ignore Charter rights would cut off enforcement by the courts of the Charter rights of the victims of those orders, because there would be no rights to enforce: See Mayrand J.A.'s comments in Alliance des Professeurs de Montreal et al v. Attorney-General de Quebec (1985) 21 D.L.R. (4th) 354 at 356.

Cabinet Not Accountable

To presume that the Cabinet would always use its emergency powers properly is, at best, naive. To make that presumption it is necessary to ignore the realities of history: that in emergencies, errors and abuses occur, and that the wise nation erects safeguards by making the Cabinet accountable. The Emergencies Act fails to make the Cabinet accountable to the

Source: Nikkei National Museum, 2018-16-2-14-4-5
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Canadian people. Until we make the Cabinet accountable, our emergency laws will remain a cocked gun in the hands of an uncontrolled Cabinet.

RECOMMENDATION 1.

Emergency powers legislation must be based on the following principles:

1. No special powers shall be given to the Cabinet until and unless the Cabinet demonstrates a real need for such powers; that is, demonstrates that Canada faces a threat to her continued existence which cannot be handled using existing or amended laws and institutions.

2. Parliament, at all times, must be able to:

(i) revoke or modify any declaration of an emergency; and,

(ii) amend or revoke any order or regulation made by the Cabinet under emergency powers.

3. All orders and regulations made under emergency powers must be directly related to alleviating the particular emergency.

4. Whether emergency orders and regulations are, in fact, directly related to the emergency must be reviewable at all times in a court of law, and the burden of proving the direct relationship must rest with the government.

5. Any emergencies legislation must expressly deny the power to override rights guaranteed in the Charter of Rights and Freedoms.

2. DEFINITION OF NATIONAL EMERGENCY

The Emergencies Act is intended to meet four types of "national emergency". That term is defined in the preamble to include "threats to the well-being of Canada as a whole." Nowhere is the term "well-being" explained. We are of the view that not only must any definition of "national emergency" be put in the body of the Act, but also, that the definition chosen must conform to international law.

Definition Offends International Law

The International Covenant on Civil and Human Rights (hereafter the "Covenant") to which Canada is a signatory, permits derogation of rights only where an emergency "threatens the life of

Source: Nikkei National Museum, 2018-16-2-14-4-6
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the nation": Article 4. While we note that the Covenant is acknowledged in the preamble of the Emergencies Act, we are of the view that this acknowledgement is not sufficient to restrict the definition of "national emergency" within that Act to emergencies that in fact threaten the existence of Canada as a nation.

Our objections arise from inconsistencies within the Act. A preamble to an Act cannot be used "to restrict or extend the otherwise plain meaning of the body of the Act": A.I. MacAdam and T.M. Smith, Statutes: Rules and Examples, Butterworths, 1985, at 46. The definitions of international emergency (s. 25) and war emergency (s. 35) in the proposed Act on their plain meaning contradict the Covenant. Both permit emergency powers to be invoked when the alleged emergency involves only a threat to the security of a country in which one of Canada's allies has "political, economic or security interests". We understand that these definitions may be changed to include only threats to the security of Canada and her allies "so serious as to be a national emergency". However, so long as "national emergency" is defined as a threat to Canada's "well-being", not its continued existance, the definition will continue to offend international law.

We are of the view that the proposed amendment does not go far enough. The event triggering the proclamation of an international or war emergency, emergencies which give immense powers to the Cabinet, still need not be a threat to Canada at all. Indeed, the revised definitions do not even require that the life of the ally nation be in peril. It is sufficient that its "security" is threatened. To conform with the Covenant only emergencies threatening the continued existence of Canada will permit the use of the powers granted the Cabinet under the international and war emergency parts of this Act.

Ally Not Defined

The Emergencies Act does not define "ally". Is this term to include only countries with which Canada has a mutual defence treaty? Does it included all our sister nations in the Commonwealth? Does it include all nations not formally aligned with the Communist bloc? Is a threat by South Africa to the "security" of Zambia to be sufficient to permit the Canadian Cabinet to declare a 120 or 360 day emergency with all their attendant powers, even where that threat raises no risk to Canadian sovereignty?

We are of the view that "national emergency" must be defined within the body of the Act as "a direct threat to the continued existence of Canada as a nation." Further, since the declaration of an emergency is normally an admission that the regular institutions of the society cannot cope with the crisis, we feel that the definition of "national emergency" should include an acknowledgement that the normal institutions have failed or are

Source: Nikkei National Museum, 2018-16-2-14-4-7
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about to fail.

A clear definition of "national emergency" is necessary if Parliament and the courts are to safeguard Canadians. A definition provides a standard against which Parliament and the courts can measure the claims of a Cabinet that they need emergency powers. The onus must be on the Cabinet to prove that there is an emergency justifying the transfer of Parliament's powers to the Cabinet.

RECOMMENDATION 2.:

> "National emergency" should be defined as a threat to the life or independence of Canada of such intensity that the normal administrative institutions have failed, have been rendered incapable of continuing to function, or are unable to handle the specific threat.

3. EMERGENCY POWERS - ARE THEY REALLY NEEDED?

If Parliament is to fulfill its duty to protect the provinces and the rights of Canadians from abuse by the federal Cabinet, then the first question Parliament must ask is: "Are the emergency powers set out in this Act really needed?" Before Parliament surrenders its powers to the Cabinet, it must determine whether the Cabinet ought to be given those powers. Parliament must consider whether it is in the best interests of the Canadian people that Cabinet, not Parliament, wield these powers.

We submit that the answer here must be "No!" We are very concerned that the definitions of the "emergencies" to which the act applies are vague and broad. Anything out of the ordinary could precipitate the declaration of one or another of the four types of emergencies in this Act. Some emergency powers also duplicate provincial powers, and all seriously encroach upon both provincial rights and the rights of individuals. Further, some of the powers granted are unconstitutional and offend both the Charter and international law. Finally, as we will discuss in a later section, the safeguards against the abuse of emergency powers are totally inadequate.

A: PUBLIC WELFARE EMERGENCY:

It is our position that not only is the definition of a public welfare emergency unclear, but also the powers granted the Cabinet during this type of emergency seriously encroach on provincial powers, duplicate existing provincial measures, and, are unnecessary and without historical precedent.

Definition Unclear

Source: Nikkei National Museum, 2018-16-2-14-4-8
www.nikkeimuseum.org

The "public welfare emergency" includes natural disasters, disease, accidents, pollution, and "breakdown in the flow of essential goods, services or resources" that "may result in a danger to life or property, or social disruption so serious as to be a national emergency.": Section 3, Emphasis added. It would seem, therefore, that any disruption, or only the potential for disruption, in the Canadian economy would permit Cabinet to encroach on provincial powers and confiscate property.

We understand that amendments have been proposed that attempt to restrict the application of this Part of the Act to "breakdowns" that result from disasters. While we urge that this amendment be adopted, we are at a loss to discover what a federal Cabinet could do to end such "breakdowns" that either Parliament or the relevant provincial governments could not do as easily.

Provincial Powers Duplicated

It is our view that this type of emergency power is duplicates existing provincial powers. It is a rare natural disaster that is interprovincial in nature or which cannot be handled by provincial organizations. The Criminal Code and provincial legislation already provide the police and disaster authorities with ample powers to control disorder and require service of the citizenry, which has historically been readily volunteered. There already exists provincial environmental legislation to handle pollution, and Parliament and the Legislatures each have the power to legislate the end to "breakdowns in the flow of essential goods, services or resources" in their respective constitutional domains. There is precedent for cooperation between provinces and for provinces to request federal assistance.

A federal "public welfare emergency" also implies a duplication of bureaucracy and hence of expense. We are of the view that Canadians would be better served by strengthening provincial disaster services and interprovincial agreements for mutual assistance in the event of disaster. Federal funding and a federally sponsored database of trained disaster relief personnel and the equipment they would need would be less expensive and would avoid the danger of abuse of emergency powers.

No Precedent

Further there has been no demonstrated historical need for such powers. It has been suggested that the purpose of this section is to enable federal authorities to compel service from Canadians during a national disaster. Yet there is no suggestion that Canadians have ever refused to provide such service. The historical record is to the contrary. Moreover provincial laws already exist that cover this difficulty. If the existing laws are inadequate, and we note no suggestion or evidence of such inadequacy, then the proper course of action is not to give

Source: Nikkei National Museum, 2018-16-2-14-4-9
www.nikkeimuseum.org

arbitrary emergency powers to the Cabinet. If existing laws are inadequate they should be reformed so that all Canadians know at all times what is expected of them.

RECOMMENDATION 3:

> Since there is no demonstrated need for special "public welfare emergency" powers such powers should not to be included in any emergency powers legislation. Rather such emergencies should be handled under normal criminal and regulatory legislation and by federal-provincial agreements.

B: PUBLIC ORDER EMERGENCIES:

The "public order" emergency part of this Act again raises the question: Should emergency powers be given in the absence of historical precedent or demonstrated need, particularly where the enumerated powers are inconsistent with the stated purpose for the emergency powers?

No Precedent or Demonstrated Need

Historically Canada has never needed special public order powers. Whenever the War Measures Act or some other emergency Act (The National Transition Powers Act of 1945, S.C. 1945, c. 25; the Emergency Powers Act of 1951, S.C. 1951, c. 5; the Public Order (Temporary Measures) Act, 1970, S.C. 1970, c. 2; the Energy Supplies Emergency Act, S.C. 1974, c. 52) has been in force in Canada, the normal authorities were fully functioning: the police, the courts and the military carried out their duties as required by law; Parliament and the Legislatures carried on business as usual. There has never been any civil disorder that ever threatened the existence of the state.

We acknowledge the "F.L.Q. Crisis" of October 1970. We note, however, that in the 17 years since that kidnapping and murder, not one shred of evidence has been produced by the government to support the need to invoke the War Measures Act, apart from a quote from a letter written by Premier Robert Bourassa: Commons Debates, October 27, 1975, p. 8557. We note also that Bourassa has since denied the need for such extreme measures, and that the government of the day refused to permit any public inquiry into the causes of and justification for the invocation of the War Measures Act in October 1970: Ibid and at 8657 and 8689-8690. The refusal to provide justification, we suggest, implies that there is none.

The terms of the Public Order (Temporary Measures) Act, 1970, supra, also reinforce the absence of demonstrated need for "public order emergency" powers. That Act outlawed the Front de Liberation du Quebec (F.L.Q.) and made membership in it or assistance to its

Source: Nikkei National Museum, 2018-16-2-14-4-10
www.nikkeimuseum.org

members a criminal offense. It strengthened some police and prosecution powers, but did not expand the powers of the Cabinet.

Powers Already Exist

We are also of the view that the powers to cope with this type of emergency already exist. The Criminal Code has ample provision for dealing with those who do or conspire to do terror, espionage, murder, arson, theft, extortion, assault, fraud or treason. Ample investigative powers already exist, powers which are exercised by our police forces and by C.S.I.S. under supervision. Again, if the powers in the Criminal Code or the C.S.I.S. Act are not adequate, which has never been suggested, then the proper procedure is to amend the Criminal Code or the C.S.I.S. Act.

Powers Inconsistent With Purpose

Our doubts about the need for public order emergency powers are reinforced by that fact that the powers given the Cabinet under a public order emergency are inconsistent with the stated purpose for declaring a public order emergency. A "public order emergency" can be declared when there occurs a "threat to the security of Canada." Section 14

For the definition of the "threats to the security of Canada" the new Act looks to the Canadian Security Intelligence Service Act S.C. 1984, c. 21. The C.S.I.S. Act defines threats as such things as espionage, foreign influenced activities detrimental to the interests of Canada, activities in support of the threat or use of serious violence, and activities directed at the overthrow by violence of the government of Canada, but not "lawful advocacy, protest or dissent": C.S.I.S. Act at Section 2.

The reference to the C.S.I.S. Act suggests that it is not intended that public order emergency powers be used to control legitimate protest. Yet the orders and regulations that can be made during this type of emergency deal with control of assembly and movement; the use of property; the designation of "protected areas" and the compulsion of service. Disobedience of such orders is a criminal offense punishable by up to five years imprisonment: Section 17.

The powers given the Cabinet under a "Public Order Emergency" seem to be directed more at controlling the general public, or groups within it, than at halting espionage or "foreign influenced activities detrimental to the interests of Canada." Peaceful demonstrations against government policies can be prohibited. Public services, again undefined, can be placed under the police or military. (Quaere: do "public services" include the media?) Any individual or group of people could be conscripted for "essential services" and in that capacity shipped out of designated "protected areas."

Source: Nikkei National Museum, 2018-16-2-14-4-11
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Similar Powers Abused In the Past

Similar powers have been abused in the past. During the Second World War, powers like those granted to the Cabinet in a "public order emergency" were used against Japanese Canadians, for reasons totally unrelated to any emergency. Before the King government decided to uproot all Japanese Canadians in 1942, it toyed with a plan to conscript all Canadian-born males of Japanese ancestry into a Civilian Service Corps which would perform "essential services" "within and without" Canada: See Muriel Kitagawa, This Is My Own, Talonbooks, 1985. at 89 - 90. Japanese Canadians were uprooted under orders that designated a "protected area" 100 miles deep along the Pacific Coast: Order-in-Council P.C. 1486, February 24, 1942. Once expelled, all Japanese Canadians everywhere in Canada were denied freedom of movement and forbidden to travel more then 12 miles from their homes without a permit: P.C. 2483, April 4, 1942 and P.C. 8173, September 8, 1942. Japanese Canadian property was "temporarily" consigned in trust to a Custodian who later sold it all and took the cost of confining Japanese Canadians in the detention camps from the proceeds: P.C. 469, January 23, 1943; See also Sunahara, at 101-111.

The King government misused "national security" to try to justify its abuse of Japanese Canadians. That precedent, together with the the absence of demonstrated need for such powers, highlights the dangers inherent in giving unnecessary powers to the Cabinet.

RECOMMENDATION 4:

> The "public order emergency" section of this act should be withdrawn and criminal aspects within it be dealt with by way of amendment of the Criminal Code or the C.S.I.S. Act.

Source: Nikkei National Museum, 2018-16-2-14-4-12
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C: INTERNATIONAL EMERGENCY:

We are of the view that the definition of an international emergency is so broad that it offends international law. Further the powers given the Cabinet under an international emergency include powers that breach the Charter, and, are unnecessary and without precedent.

Definition Offends International Law

As noted above, the definition of an international emergency is very broad. An international emergency can be declared where an act of intimidation or coercion or the real or imminent use of serious force or violence threatens the security or territorial integrity of Canada, of an ally of Canada or of any country in which the "political, economic or security interests of Canada or any of its allies are involved": Section 25 (Emphasis added). Even after this definition is amended to refer only to Canada and its allies, Canadians could be subjected to broad and far-reaching abrogations of their rights and freedoms for 120 days on the basis of a threat which does not place Canada in peril.

As discussed earlier, this definition, on its face, offends the International Covenant on Civil and Human Rights. That Covenant requires that there be a threat to the life of Canada as a nation before civil or human rights can be abrogated. The Emergencies Act requires only the possibility (not probability) of a threat to the "security" (not the continued existence or life of) an ally of Canada, a threat which might affect the "well-being" of Canada.

This is totally unacceptable. We are of the view that emergency powers should only be exercised in the face of a threat to the sovereignty of Canada itself, and only where that threat cannot be handled by existing or amended laws, procedures, and institutions.

RECOMMENDATION 5:

> Any delegation of emergency powers by Parliament to the Cabinet must be predicated upon a threat to the continued existence of Canada itself.

Powers Contrary to Precedent

Further, we are of the view that the transfer of the powers described under this type of emergency are unnecessary and without

Source: Nikkei National Museum, 2018-16-2-14-4-13
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precedent. Indeed, the precedent is to the contrary.

Canada has faced two "international" emergencies since the Second World War: the United Nation "police action" in Korea, and the oil crisis of the mid-1970's. The former was handled by the Emergency Powers Act, 1951, S.C. 1951, c. 5. That Act expressly forbade the Cabinet from passing orders censoring the press, spending money without Parliamentary authorization, and arresting, detaining, excluding or deporting any person: Section 2(2). Parliament had 40 days to annul any order, without closure on debate, and the whole Act automatically expired 14 months later. Ten Orders-in-Council were passed under this Act. Only one dealt with any "security" matter: the Great Lakes Seamen's Security Regulations: SOR/51-121. The rest dealt with matters like the issuance of a steel five-cent coin, and the duty free status of personal gifts from members of the armed forces: SOR/51-136 and SOR/51-567.

The oil crisis also was handled by narrowly drafted legislation passed by Parliament and directed specifically to the needs of Canada at the time. The Energy Supplies Emergency Act, S.C. 1974, c. 52 authorized the Cabinet to impose gas rationing if it concluded that the oil crisis threatened Canada's national security, welfare or economic security: Section 11(1). The order imposing rationing had to be approved by Parliament, which would have three days to debate the issue: Sections 11(2) - 11(9). The 1974 Act strictly limited the duration of rationing orders and provided that the entire Act would expire in two and one-half years: Sections 35 and 37. It was never used.

Both the Emergency Powers Act, 1951 and the Energy Supplies Emergency Act show how an international emergency should be handled. In both cases only minimal and necessary powers were transferred to the Cabinet, and Parliament maintained control over the exercise of those powers.

The contrast between these Acts and the Emergencies Act is striking. Where the practice has been to restrict Cabinet powers in international emergencies, the Emergencies Act gives the Cabinet vast and unprecedented powers, detailed below. It also cripples Parliament by giving Parliament only 20 days and three hours of debate in which to decide whether any order or regulation should stand or fall: Sections 59(4) and 59(7). More importantly, Parliament gets only one chance to stop a bad order. There is no provision for the review of orders or regulations when Parliament is asked after 120 days to continue the declaration of an international emergency: Section 58.

Powers Excessive and Unnecessary

The powers delegated under an international emergency are also excessive and unnecessary. They are so broad that using them the

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Cabinet could do everything that was done to Japanese Canadians during the Second World War, except the attempt to deport 10,000 Japanese Canadians. In an international emergency the Cabinet can take over any industry or service; control all property including ordering it forfeit to the government; arbitrarily enter any premises to search for and seize anything therein; conscript any individual or group for "essential service"; designate "protected areas" and exclude people from them; prevent Canadians from leaving Canada; deport anyone who is not a Canadian or a permanent resident of Canada; control the Canadian end of international finance; spend money in excess of limits imposed by Parliament; and delegate powers to any Minister to take political, diplomatic or economic actions: Emphasis added.

It does not take much imagination to envision how each power could be misused, particularly when exercised in secrecy. Two are particularly draconian. The ability to delegate powers to any Minister could legalize a dictatorship by one Minister. Consider how much worse things could have been for Japanese Canadians if all the powers available under an international emergency had been delegated to the only Minister from British Columbia in the King Cabinet, a virulently anti-Japanese racist who believed that ridding Canada of Japanese Canadians would guarantee the election of his party in B.C.: Sunahara at 101 and 140.

The power to spend money in excess of limits set by Parliament suggests "Irangate"-like operations especially, when combined with the ability to pass secret orders. The Cabinet can pass secret orders under any type of emergency: Section 59(2). Under the international emergency powers, therefore, it would be perfectly legal for the Cabinet, or a Minister delegated by it, to divert money from the budget of his department to a Swiss bank account for the purpose of financing the sale of arms to Iran and to use the profits to fund insurrection in Nicaragua, even when Parliament had expressly forbidden such things. Indeed, as we will show later, neither Parliament nor the Canadian people would ever find out about the secret orders: See pp. 42 - 44 below.

Precedent Restricts Powers

Historically Parliament has usually kept firm control of its powers. The one aberration is the War Measures Act, an acknowledged travesty, rammed through Parliament in 3 days in a fit of misguided patriotism at the beginning of the First World War. Its flaws glaringly obvious by the end of the Second World War, it was expressly avoided by Parliament during the Korean War.

Indeed during the Korean War, Parliament expressly forbade the Cabinet to use some of the powers the Emergencies Act would automatically give the Cabinet upon declaration of an international emergency. During the Korean War the Cabinet was expressly forbidden to pass money orders without Parliamentary approval, and

Source: Nikkei National Museum, 2018-16-2-14-4-15
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to arrest, detain, exclude or deport any person: See p. 24, supra.

Powers Offend Charter of Rights

In addition, the Emergencies Act tries to give the Cabinet powers not even Parliament possesses. The Act tries to prohibit Canadians from travelling outside Canada. Section 6 of the Charter of Rights gives Canadians the right to leave Canada which right cannot be abridged under section 33, the override section of the Charter. The power in Section 28 of the Emergencies Act preventing a Canadian leaving Canada, therefore, is outside the power of Parliament and would be struck down by the courts. Parliament cannot delegate to the Cabinet what it cannot do itself.

Since the powers of Cabinet under the Emergencies Act can only be those of Parliament, there is no need that they be exercised by any body other than Parliament. Granting far-reaching and uncontrolled powers to the Cabinet is unnecessary and a dangerous invitation to the Cabinet to abuse its powers, as it has in the past.

RECOMMENDATION 6:

> The "international emergency" part of this Act should be withdrawn. The usual practice of having Parliament deal with each international emergency as it occurs should be retained.

D: WAR EMERGENCY

We are of the view that the definition of a war emergency, like that of an international emergency, is so broad that it offends international law. Further the powers given the Cabinet under a war emergency breach both the Charter and the International Covenant on Civil and Human Rights. Further only the economic powers have proved historically useful. Those affecting civil and human rights have been more abused than constructively used.

Definition Offends International Law

Assuming that the Emergencies Act will be amended as the Minister of National Defence indicated on February 23, 1988, a war emergency could be declared where there exists a war or other armed conflict, real or imminent, involving Canada, or an ally of Canada: Section 35. We have the same objections to this definition that we have made above with respect to the definition of international emergency. The definition of a war emergency would allow rights to be abrogated without a threat to the life or continued existence of Canada as a nation, while the Covenant permits derogation of rights

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only when Canada is itself in peril.

We repeat our recommendation on that occasion:

RECOMMENDATION 7:

> Any delegation of emergency powers by Parliament to the Cabinet must be predicated upon a threat to the continued existence of Canada itself.

Powers Offend the International Covenant

The proposed Emergencies Act offends the the International Covenant on Civil and Human Rights because the powers given to the Cabinet in a war emergency are unrestricted. The Covenant limits derogation of civil and human rights in time of emergency to those "strictly required by the exigencies of the circumstances" and which do not involve discrimination "solely on the ground of race, colour, sex, language, religion or social origin": Article 4. In contrast the Emergencies Act empowers the Cabinet to make whatever orders and regulations it deems "reasonably necessary or advisable for dealing with the emergency": Section 38. Reasonableness, not strict necessity, is the only limit on the use of war emergency orders. Moreover, because in a war emergency the Cabinet may be able to make orders that override Charter rights, the Cabinet may be able to discriminate on the basis of race, religion etc..

Can the Cabinet Override Charter Rights?

This question arises because of the legal force and effect given to the the War Measures Act. In a case contesting the War Measures Act the courts held that Parliament not only could delegate its constitutional powers to the executive government, but also that Parliament, in fact, delegated unlimited powers to the Cabinet, including the power "supersede the existing law whether resting on statute or otherwise": Re Gray (1919) 57 S.C.R. 150, per Fitzpatrick, C.J. at 157 - 158 and per Duff J. (as he then was) at 168. The English courts reached a similar conclusion with respect to the British Act on which the War Measures Act was based: R v. Halliday [1917] A.C. 260. Under the War Measures Act, the Governor in Council (effectively the Cabinet) "is vested with plenary powers of legislation as large as and of the same nature as those of Parliament": Reference Re Regulations Relating to Chemicals [1943] S.C.R. 1 per Rinfret J. at 17- 18. An order properly passed under that Act, therefore, "may have the effect of an Act of Parliament": Ibid, per Duff C.J. at 9.

Under the general emergency powers in the War Measures Act, therefore, Parliament could not only delegate its constitutional powers without limit, but the orders and regulations passed by the

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Cabinet are equivalent to Acts of Parliament. Section 33 of the Charter permits Parliament to declare in an Act of Parliament that the Act shall operate notwithstanding the fundamental freedoms set out in Section 2 and the legal and equality rights set out in Sections 7 through 15 of the Charter. If Parliament can delegate this power to the Cabinet, and if wording of section 38 of the Emergencies Act transfers unlimited powers to the Cabinet in a war emergency, then the Cabinet would have the power to override important Charter rights when making emergency orders.

The counterarguments are that Parliament cannot delegate its Charter powers or that its must do so expressly. Both these arguments were rejected in Re Gray, supra, in Canada, and in R v. Halliday, supra, in England. Indeed, in Re Gray the Chief Justice put the onus on Parliament to expressly limit the powers it confers on the executive if that is its intention: at 160.

There is nothing in the Charter that prevents Parliament from delegating its powers to the executive. Legal precedent suggests that it can delegate its constitutional powers and has done so in the past both in the War Measures Act and in the various Acts dealing with the government of the North West Territories: See S.C. 1871, c. 16. Indeed in the latter case, Parliament had to revise its original delegation of powers to expressly forbid the Lieutenant-Governor in Council to pass laws inconsistant with those of Parliament:See S.C. 1873, c. 34.

We doubt that the intention of the drafters of the Charter was that the federal Cabinet should have an uncensored right to pass laws that override Charter rights. As Justice Mayrand noted in Alliance des Professeurs de Montreal et al. v. Attorney-General of Quebec (1985) 21 D.L.R. (4th) 354 (Que. C.A.), the Charter requires that a law overriding its provisions should specify precisely what provisions will be overridden in order to encourage "an enlightened and serious examination of the proposed legislation.": at 356. When Parliament overrides the Charter, it does so in the glare of publicity and public debate. If the Cabinet is able to override the Charter under war emergency powers, it will do so in the privacy and secrecy of Cabinet. Indeed, given the provisions for secret orders in the proposed Emergencies Act, it need not even tell Parliament or the Canadian people about the order overriding the Charter.

The use of such orders would be limited only by the imagination of the Cabinet. Property could be secretly confiscated. Special prisons could be set up. People could be incarcerated or executed without trial. Government money could be diverted for the private use of Cabinet members.

Not only could all these abuses occur in secrecy but, even if public, the judiciary can do nothing to protect the Charter rights. Where the clauses overriding the Charter are properly drafted, the

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courts cannot even require the government to prove the law overriding the Charter right was justifiable: Alliance de Professeurs de Montreal et al. v. Attorney-General of Quebec (1985) 21 D.L.R. (4th) 354 (Que. C.A.) per Mayrand J.A. at 356.

The wording of Section 38 of the Emergencies Act is very broad and may well give unlimited powers to the Cabinet. Because there is doubt about the delegation of the Charter override, we feel that this Committee should take to advice of the Chief Justice in Re Gray and expressly exclude the override power from Section 38.

Precedent Limits War Powers

During the First and Second World Wars, the vast majority of "emergency" orders and regulations were economic or administrative in nature. They were intended to control the production of war materiel, impose rationing, control the cost of goods and services, and appoint various administrative boards and officials. For example, between October 12, 1942 and January 5, 1943, the Cabinet published 33 Orders-in-Council only one of which (dealing with the re-internment of refugees) was not economic or administrative in nature: Consolidated War Orders and Regulations Vol 1, January 1943.

More importantly, non-economic powers under the War Measures Act have been more abused than constructively used. In the First World War they were used arbitrarily to incarcerate innocent Austrian, Hungarian, German and Ukrainian Canadians in response to public demands for "action against the Hun": James R. Carruthers, "The Great War and Canada's Enemy Alien Policy", 4 Queen's L.J. 43. In the Second World War, in addition to the abuse of Japanese Canadians, they were used to confiscate the property of Ukrainian organizations and of Canadians married to citizens of German-occupied countries: See Laurent v The Queen (1975) 66 D.L.R. (3d) 764.

The few examples of legitimate use of non-economic powers, such as the banning of the German Bund, a Nazi-infiltrated society for Germans living outside the Reich, could as quickly have been done in legislation passed by Parliament. Parliament could then have retained the power to amend or revoke such legislation. Parliament, with its broader base of interest and opinion, and with an Opposition whose job it is to scrutinize and criticize, is more likely to use its powers responsibly, as demonstrated by the legislation in force during the Korean War.

Parliament should not strip itself of its control over Canadian law by handing broad powers to the Cabinet in the absence of a demonstrated need. Our criminal law and the C.S.I.S. Act provide our elected officials, our police and our security officials, with ample powers to control the enemies of the state.

Source: Nikkei National Museum, 2018-16-2-14-4-19
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History has shown that the Canadian people will readily cooperate with their government in time of emergency. There is no need to give the Cabinet special war powers beyond economic and administrative powers. Powers that encroach on the rights of the provinces or on the rights of individuals should be retained by Parliament.

RECOMMENDATION 8:

> "War emergency" powers should be limited to economic and administrative powers. Parliament should retain any powers that could be used to abrogate civil and human rights.

RECOMMENDATION 9:

> If war emergency powers are to be granted to the Cabinet, then:
>
> > (a) the orders and regulations exercising such powers must be limited to measures strictly necessary and directly related to the emergency in question; and,
> >
> > (b) the burden of proving that the orders are strictly necessary and directly related to the emergency must rest with the Cabinet.

RECOMMENDATION 10:

> The Emergencies Act must expressly state that the powers delegated to the Cabinet do not include a power to make laws overriding Charter rights.

4. ILLUSORY AND IMPRACTICAL SAFEGUARDS

At first glance the proposed Emergencies Act appears to be full of safeguards. It has nice titles like "Compensation" and "Parliamentary Supervision". It has sunset clauses and Parliament must approve both the declaration of an emergency and the continuation of the Cabinet's emergency powers beyond the time limits for each type of emergency. It also improves upon the War Measures Act by allowing Parliament to revoke orders and regulations made by the Cabinet under its emergency powers.

Safeguards Easily Avoided

Unfortunately it is an illusion. The safeguards are totally inadequate. They do not work because they are not practical.

Source: Nikkei National Museum, 2018-16-2-14-4-20
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Parliament gets only one chance to stop the declaration of an emergency and only one chance to stop bad orders or regulations. Parliament is hampered in its efforts by unrealistic time constraints that make impossible a meaningful review of use of emergency powers.

Historical Proof

The history of how Japanese Canadians were abused under the War Measures Act during the Second World War proves these alleged safeguards will not work. Each of the Orders stripping Japanese Canadians of their rights and freedoms was placed before Parliament, although Parliament under the War Measures Act had no power to revoke them. On each occasion the Minister responsible provided Parliament with a plausible reason for the order, or an assurance that the order was intended for a specific, benign purpose. In each case the reason given Parliament turned out to be not quite accurate, and on occasion a bald lie.

Take for example of the Order-in-Council that stripped Japanese Canadians of all they owned. When it was placed before Parliament in January of 1943 the impression was given that the order would cause only a few minor administrative changes in the handling of Japanese Canadian property, changes that would protect Japanese Canadians from predatory buyers and permit the sale of rapidly depreciating properties which the owners wished to sell. The real purpose only became clear two months later when the government made it clear that it intended to sell not only all real property owned by Japanese Canadians, but also their personal possessions: A.G. Sunahara, The Politics of Racism, 1981: Lorimer at 101 -106.

It was the same story with the Orders-in-Council under which the government tried to deport 10,000 Japanese Canadians in 1946. Parliament had refused in November 1945 to give the Cabinet the power to deport Canadians in the law that was to replace the War Measures Act in January 1946. The Cabinet passed the deportation orders in December 1945 in defiance of Parliament, and then told Parliament that those being deported had requested to be sent to Japan. It was not until three months later, after massive protests by civil rights groups, that the majority of Members of Parliament understood the alleged requests for deportation had been coerced: See Sunahara, supra, at 118 - 124, 127 - 128, 136 - 140.

Parliament Powerless After 20 Days

Under the new Act Parliament would be equally powerless. To amend or revoke an order under the new Act, Parliament has only 20 days in which to identify that the order is flawed, collect evidence of a contrary purpose for the order, organize a motion by 30 M.P.'s or 15 Senators, and, with only three hours allowed for debate, convince a majority of Parliamentarians that changes must

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be made or the order revoked: Section 59. Once this 20 days is passed, or a motion to revoke has failed, nothing can be done.

Orders Automatically Continue

Parliament cannot even stop a bad order when it confirms the continuation of the Cabinet's emergency powers. The draft Act limits the duration of each type of emergency. But, while Parliament must confirm each extension of emergency power, debate on the confirming motion is limited to the question of whether there is, in fact, an emergency. The Orders-in-Council that automatically continue upon confirmation of an emergency are not open for review.

Consider again the Japanese Canadian example. If the new Act had existed in 1941, Parliament would have been asked every 360 days while the war continued and every 120 or 60 days thereafter, to confirm the continued existence of an emergency. Since a state of war existed until September 2, 1945, and the "emergency" of postwar adjustment continued thereafter, undoubtedly Parliament would have continued the Cabinet's emergency powers and with them, automatically, the orders abusing Japanese Canadians.

Unless the safeguards are vastly improved, Parliament will remain as ineffective under the Emergencies Act as it was under the War Measures Act.

RECOMMENDATION 11:

No order or regulation should take effect before it is approved by Parliament;

RECOMMENDATION 12:

Parliamentary debate on any order or regulation affecting Charter rights of individuals or any group definable on the basis of age, race, ethnicity, sex, language, religion, or national or social origin must not be subject to closure;

RECOMMENDATION 13:

Any order or regulation must be able to be revoked at any time upon a motion by a Special Parliamentary Committee.

RECOMMENDATION 14:

Source: Nikkei National Museum, 2018-16-2-14-4-22
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The operation of all orders and regulations must be subject to the review of a Special Parliamentary Committee with full powers of investigation and a duty to report all misuse and abuses to Parliament and to make motions to amend or revoke orders being abused or misused.

5. SECRET ORDERS AND REGULATIONS

Available in All Emergencies

The proposed Emergencies Act permits the Cabinet to treat Canadians worse than the King Cabinet treated Japanese Canadians, and neither Parliament nor the Canadian public would ever know anything about it. This draconian possibility arises from the fact that the Emergencies Act, unlike the War Measures Act, permits secret orders and regulations to be passed under all types of emergencies and at the sole discretion of the Cabinet: Section 59(2).

Review Committee A Sham

The new Act tries to temper the oppressive implications of secret orders with a Parliamentary Review Committee. It requires that secret orders be referred to that Committee within 15 days, or, if the Committee does not exist, within 5 days after it is established: Section 59(2). The Committee then has 30 days to review and to amend or revoke the secret orders: Section 60(4).

The Parliamentary Review Committee is a sham. It does not have to be in existence during the tenure of a secret order. The Emergencies Act uses the permissive "may" when referring to the establishment of the Review Committee, not the mandatory "shall": Section 60(1). The Emergencies Act also allows the referral of a secret order to the Review Committee to be delayed until 5 days after the Review Committee is established: Section 59(2). There is nothing to prevent a Cabinet from delaying the appointment of the Review Committee until after the purpose of the secret orders has been accomplished.

The Parliamentary Review Committee also has only one chance to strike a secret order and it has only 30 days in which to do it. Unless a Minister responsible for an order is so stupid as to tell the Parliamentary Review Committee the real reason for a bad order, how is the Review Committee to find out the truth in a mere thirty days in order to stop such orders? Once the 30 days is up, no matter what the Committee subsequently discovers, it can do nothing. It cannot even report to Parliament.

The Perfect Scenario for Abuse of Power

The Emergencies Act sets up the perfect scenario for covert

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operations of dubious morality. For example, there would be nothing to stop the Cabinet from ordering that government funds be transferred to a Swiss bank account in order to finance covert "Irangate"-type operations.Since secret orders take effect before they are approved by the Parliamentary Review Committee, the deed would be done before the Committee ever sees the orders. Bound by their secrecy oath (which would no doubt be reinforced by heavy penalties), the Committee members could not even tell Parliament. Indeed, if the Cabinet has the ability to override Charter rights, the example could be much worse. The potential abuse of this power is limited only by the imagination of the Cabinet wielding it.

We find the prospect of secret orders repugnant and an anathema to the values of Canadian society.

RECOMMENDATION 15:

Secret orders and regulations must never be permitted under emergency powers.

6. NO INDEPENDENT REVIEW

Independent review of the use of emergency powers has long been advocated by those concerned with civil liberties: See Canadian Civil Liberties Association, Emergency Powers and the War Measures Act: Submission to the Commission of Inquiry Concerning Certain Activities of the Royal Canadian Mounted Police, October 3, 1979. Yet it is completely ignored and expressly excluded from the draft Emergencies Act.

Review Controlled by the Offending Cabinet

The only review permitted is an internal review by the Minister: Section 46(1). An internal review is obviously intended to minimize scrutiny of Cabinet conduct after the fact. It is not intended to achieve justice for the victims of bad orders. Like the review of the sale of Japanese Canadian property by the King government after the Second World War, the Minister will look at the administration of an order, not the propriety of the order itself: See Sunahara at 151 - 160.

Moreover, whether any review is made at all is entirely within the control of the Cabinet that made the bad orders in the first place: Section 47. The Cabinet has a strong political interest in minimizing criticism of its actions. If any review is permitted at all, it will be structured to protect the Cabinet.

Review Powers Historically Abused

Again Japanese Canadian history provides proof. In 1947 the

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King Cabinet set up a Royal Commission into the sale of Japanese Canadian property. Cabinet documents now available show that the mandate of that Royal Commission was deliberately narrowed to exclude most of the economic losses the Cabinet knew Japanese Canadians had suffered. The mandate was narrow in order to minimize the awards to Japanese Canadians and the political implication that the whole policy of selling off all Japanese Canadian property was wrong: Sunahara, at 152 - 153.

Consider also October 1970. The Trudeau government refused to permit a public inquiry into the causes of and justification for the invocation of the War Measures Act in October 1970: Commons Debates, October 27, 29 and 30, 1975, at 8557, 8657, 8689 - 8690. One can only presume that that inquiry was refused because of what it might discover.

RECOMMENDATION 16:

Review of the use of emergency powers must be independent of the Cabinet.

Parliament Must Monitor And Censure Use of Emergency Powers

The Emergencies Act excludes all practical Parliamentary review of the use of emergency powers. As noted above Parliament has one chance to amend or revoke an order, a chance it must exercise within 20 days. After that Parliament can do nothing, except to bring down the government and precipitate an election, a highly unlikely occurrence. It is our position that Parliament must retain at all times the power to monitor and censure the administration of emergency orders and regulations.

RECOMMENDATION 17:

(a) Within three days of the proclamation of an emergency the Steering Committees of the House of Commons and the Senate must appoint an all-party Special Parliamentary Committee to monitor the implementation of the orders passed by the Cabinet under its emergency powers and to make motions to Parliament for the amendment or revocation of orders or regulations where warranted;

(b) To carry out its mandate the Special Committee shall have full power to investigate use of all orders and regulations, including the right to compel testimony from Ministers of the government and all servants and agents of the Crown and all military personnel;

(c) Debate upon a motion to amend or revoke an order or

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regulation shall be without closure;

(d) A vote on a motion to amend or revoke an order or regulation shall be a free vote.

Source: Nikkei National Museum, 2018-16-2-14-4-26
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7. NO PRACTICAL ACCESS TO THE COURTS

The Emergencies Act effectively cuts off practical recourse to the Courts. There are only three ways victims of orders or regulations can appeal to the courts:

(i) they can sue under the Crown Liability Act;

(ii) they can contest the validity of the legislation in a long and very expensive reference to the courts; or,

(iii) if charged with breaching an order or regulation made under the Emergencies Act, they can defend on the grounds that there is no emergency or that the order is unreasonable.

None of these methods is practical.

Crown Liability Act Virtually Useless

The Crown Liability Act does not protect rights. It only permits tort actions against government officials. If a Japanese Canadian was injured in a motor vehicle accident while being transported to a detention camp and the accident was caused by the negligence of a driver employed by the government, then the Japanese Canadian could sue for compensation for his physical injuries, but not for his illegal detention.

Civil Suits Prohibited

Civil suits against the Crown are expressly excluded unless the allegation is that the government official being sued acted in bad faith: Section 45(1). But, as the eminent English jurist, Lord Atkin, remarked in a landmark case on emergency powers: "Who could dispute [that a Minister acted in good faith] and disputing it prove the opposite.": Liversidge v. Anderson [1942] A.C. 206 (H.L.) at 226.

Again the Japanese Canadian example proves how such immunity can be abused. When Japanese Canadians were uprooted from their homes in 1942 they were required to turn over to the Custodian of Enemy and Evacuee Property all property in excess of the 75 pounds per person that they were permitted to take with them. The Custodian accepted that property "in trust". He later sold it against the instructions of its owners. When Japanese Canadians sued the federal government to stop the sales the whole case was delayed three years while the judge, a former Minister in the King Cabinet that uprooted Japanese Canadians, deliberated a preliminary issue. While he procrastinated all Japanese Canadian property was sold off: See Sunahara, at 109.

Source: Nikkei National Museum, 2018-16-2-14-4-27
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The circumstances reek of bad faith. But any evidence to prove that bad faith was locked away for 30 years in classified documents. By the time it was known those who had acted in bad faith were dead.

Legal Challenges Slow And Expensive

Neither a Reference contesting the validity of an order or regulation, nor a challenge by way of criminal defence, are practical methods to enforce civil and human rights in time of emergency. Both are extremely expensive. While the court can award part of the cost of a successful application in a reference, acquitted accused get nothing. Moreover, both procedures would take years to reach the Supreme Court of Canada and a definitive decision.

The Japanese American cases show best show this impracticality. Uprooted in 1942, Japanese Americans regained their freedom only in December, 1944 when the Supreme Court of the United States ruled that the American government could not exclude loyal Japanese Americans from any part of the United States open to other loyal Americans: Ex Parte Endo, (1944) 323 U.S. 283; See also Peter Irons, Justice At War, 1983, Oxford U. Press.

Impossible Onus of Proof

Anyone contesting an order or regulation, whether by a reference or a defence to a charge, faces an insurmountable difficulty: the onus of proof. To succeed the victims of an order would have to prove with credible evidence that there was no emergency, or, that the order or regulation was not "reasonably necessary or advisable for dealing with the emergency": Section 38(1).

The problem is that not only is the onus of proof on the victim, but it is a very heavy onus. To win he or she would have to prove by "very clear evidence" that no emergency existed, or that there is no "rational basis" for the declaration of the emergency: Cooperative Committee on Japanese Canadians v. Attorney-General of Canada etal. [1947] 1 D.L.R. 577 (J.C.P.C) at 585 - 586 per Lord Wright; and, Reference Re Anti-Inflation Act (1976) 68 D.L.R. (3d) 452 (S.C.C.) per Laskin C.J. at 498.

Since the Emergencies Act is silent as to who bears the onus of proving the unreasonableness of an order, it will rest with the party contesting the law. That is, the victim of a bad order will be the party that must produce very strong evidence that the order was not reasonably connected to the emergency. In all previous cases here, in England, and in Europe, the courts have always assumed that the government has acted reasonably: See R v. Halliday [1917] A.C. 260 (H.L.) at 268-269; Ireland v. United Kingdom (1978) I.L.R. 190.

Source: Nikkei National Museum, 2018-16-2-14-4-28
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Insurmountable Evidentiary Problems

The victim also faces insurmountable evidentiary problems. The victim does not have access to government documents. He or she, especially if incarcerated, has no way to find out the real facts. There is no discovery process in criminal actions and the reference would very quickly run into claims of privilege on the basis of "Cabinet confidences" and "national security". Under the Access to Information and Privacy Acts, S.C. 1980-81-82, c. 111, Sch. I and II, all documents that have been considered by the Cabinet can be withheld for 20 years. There is not even a "harms test", as there is with "national security" documents, a test which would enable the court to determine whether disclosure would imperil national security: Access to Information Act, s. 69, Privacy Act, s. 70. There is also no obligation on the courts to accept statistical or other secondary or historical evidence the accused might be able to find in the public domain: See Reference Re Anti-Inflation Act, supra. These were exactly the problems facing the accused in Hirabayashi v. U.S.A. (1943) 320 U.S. 81 whose conviction was recently overturned on the basis of evidence discovered 40 years after the fact: Hirabayashi v. U.S.A., 9th Circuit Court of Appeals, September 24, 1987.

Independent review of the use of emergency powers requires that the onus of proving the existence of an emergency and the reasonableness of the orders made must be placed upon the only party capable of positive proof: the Cabinet. Requiring the victim of an emergency order to prove a negative is patently unreasonable.

RECOMMENDATION 18:

> In any review of the use of emergency powers or any trial of an accused charged under an emergency order, the onus of proving that the emergency exists and the order is reasonable must rest with the Cabinet.

Habeus Corpus

There is one final way a person could challenge his detention under a war emergency order: the ancient writ of habeus corpus. The Minister of National Defence has stated that "We will not be suspending the right to habeus corpus.": Minutes, the Legislative Committee on Bill C-77, February 23, 1988. What the Minister forgets is that this Act is not being written for his government only. It may last a century. Habeus Corpus is a Charter right that can be overridden. Historically it is one of the first rights suspended in a war emergency, at least in Canada: See Re Beranek (1915) 24 C.C.C. 252. This government may have no intention to suspend habeus corpus, but it cannot speak for future governments.

Source: Nikkei National Museum, 2018-16-2-14-4-29
www.nikkeimuseum.org

8. NO PRACTICAL COMPENSATION

Compensation Controlled By Cabinet

The proposed Emergencies Act leaves the issue of compensation for the misuse or abuse of emergency powers in the hands of the Cabinet that misused or abused those powers. The fact that the wrongs done Japanese Canadians remain uncompensated over 45 years after they began, is proof that leaving compensation solely in the hands of the perpetrator of the wrong, guarantees injustice. Wronged by a Cabinet advised by racists that believed it moral to win votes by discriminating against non-whites, Japanese Canadians still await an official acknowledgement of that wrong, reform of the laws under which they were abused, and a settlement that, by virtue of being a negotiated settlement, will acknowledge that they, and all non-whites in Canada, are first class citizens of Canada.

Criteria To Ensure Independent Review

If the victims of bad orders or regulations must depend upon the Executive to compensate them, they will wait forever in vain, as Japanese Canadians have waited. If justice is to be achieved, compensation must be awarded independently of the Cabinet. The tribunal that determines compensation must be headed by a Superior Court Judge, and given full investigative powers to ensure that no Cabinet again hides its transgressions. The Superior Court Judge should be selected by the Special Parliamentary Committee reviewing the use of emergency powers. Any award made by that Judge would be immediately enforceable against the Crown. Any settlement between the Crown and the victims of bad orders or regulations must be approved by the Superior Court Judge, who must satisfy himself that the victim is fully aware of his rights and not under duress. Upon payment or settlement, the Crown should become subrogated to the victim's claim, and thereby, obtain a right of action against the offending Minister or other defendant.

Finally there should be no limitation period for claims for compensation under this Act. Like Japanese Canadians, the victims of orders or regulations under the Emergencies Act may not learn the whole facts supporting their claim for years after the wrong is committed. To deny compensation because those who misuse their power are able to hide the evidence, would not only be horribly unjust, it would repeat the wrong done Japanese Canadians, a wrong that continues so long as redress continues to be denied them.

RECOMMENDATION 19

> Compensation must be determined by a tribunal, headed by a Superior Court Judge, which tribunal is appointed independently of the Cabinet by the Special Parliamentary

Source: Nikkei National Museum, 2018-16-2-14-4-30
www.nikkeimuseum.org

Committee for the Review of Orders and Regulations Under the Emergenies Act

RECOMMENDATION 20

There must be no limitation on the time for making a claim for compensation under the Emergencies Act.

SUMMARY:

The Emergencies Act does not go far enough to prevent the problems shown in the history of the War Measures Act. It does not accomplish the government's stated objective of replacing the War Measures Act with legislation that would prevent a recurrence of what happened to Japanese Canadians during the Second World War. It ignores the historical fact, proved by the treatment of Japanese Canadians, that our politicians have acted improperly in the past and fails to safeguard against similar improper use of emergency powers.

At a time when other nations are cutting back the emergency powers of their governments and protecting the rights of their citizens, we are expanding our executive powers and leaving our citizens without effective protection. If the Emergencies Act is passed into law, and if we, like Germany in 1933, elect ourselves a leader who does not hesitate to use immoral means to achieve political ends, we will have only ourselves to blame for the resulting abuses of power.

Accordingly we urge:

1. No emergency powers should be delegated to the Cabinet except in carefully circumscribed legislation tailored to the actual emergency facing the nation;

2. Alternatively, if emergency powers are to be delegated in general emergency legislation, then:

(a) Only economic and administrative powers should be delegated; and,

(b) Any delegation of powers must be coupled with strong safeguards and practical procedures for the review of the use of emergency power and for ex post facto redress.

Since the Emergencies Act fails so badly to safeguard against executive abuse, we request:

Source: Nikkei National Museum, 2018-16-2-14-4-31
www.nikkeimuseum.org

1. Bill C-77 be withdrawn; the War Measures Act be abolished immediately; and the task of drafting general emergencies legislation which balances emergency powers and civil liberties in accordance with the principles of fundamental justice and international law be referred to the Law Reform Commission of Canada.

2. Alternatively, that the Recommendations attached as Schedule A to this Submission be adopted by this Committee to ensure that the Emergencies Act contains all proper and necessary safeguards.

Source: Nikkei National Museum, 2018-16-2-14-4-32
www.nikkeimuseum.org

SCHEDULE A

RECOMMENDATIONS

RECOMMENDATION 1.

Emergency powers legislation must be based on the following principles:

1. No special powers shall be given to the Cabinet until and unless the Cabinet demonstrates a real need for such powers; that is, demonstrates that Canada faces a threat to her continued existence which cannot be handled using existing or amended laws and institutions.

2. Parliament, at all times, must be able to:

(i) revoke or modify any declaration of an emergency; and,

(ii) amend or revoke any order or regulation made by the Cabinet under emergency powers.

3. All orders and regulations made under emergency powers must be directly related to alleviating the particular emergency.

4. Whether emergency orders and regulations are, in fact, directly related to the emergency must be reviewable at all times in a court of law, and the burden of proving the direct relationship shall rest with the government.

5. Any emergency legislation must expressly deny the power to override rights guaranteed in the Charter of Rights and Freedoms.

RECOMMENDATION 2.:

"National emergency" should be defined as a threat to the life or independence of Canada of such intensity that the normal administrative institutions have failed, have been rendered incapable of continuing to function, or are unable to handle the specific threat.

RECOMMENDATION 3:

Since there is no demonstrated need for special "public welfare emergency" powers such powers should not to be

Source: Nikkei National Museum, 2018-16-2-14-4-33
www.nikkeimuseum.org

included in any emergency powers legislation. Rather such emergencies should be handled under normal criminal and regulatory legislation and by federal-provincial agreements.

RECOMMENDATION 4:

The "public order emergency" section of this act should be withdrawn and criminal aspects within it be dealt with by way of amendment of the Criminal Code or the C.S.I.S. Act.

RECOMMENDATION 5:

Any delegation of emergency powers by Parliament to the Cabinet must be predicated upon a threat to the continued existence of Canada itself.

RECOMMENDATION 6:

The "international emergency" part of this Act should be withdrawn. The usual practice of having Parliament deal with each international emergency as it occurs should be retained.

RECOMMENDATION 7:

Any delegation of emergency powers by Parliament to the Cabinet must be predicated upon a threat to the continued existence of Canada itself.

RECOMMENDATION 8:

"War emergency" powers should be limited to economic and administrative powers. Parliament should retain any powers that could be used to abrogate civil and human rights.

RECOMMENDATION 9:

If war emergency powers are to be granted to the Cabinet, then:

(a) the orders and regulations exercising such powers must be limited to measures strictly necessary and directly related to the emergency in question; and,

(b) the burden of proving that the orders are strictly

Source: Nikkei National Museum, 2018-16-2-14-4-34
www.nikkeimuseum.org

necessary and directly related to the emergency must rest with the Cabinet.

RECOMMENDATION 10:

The Emergencies Act must expressly state that the powers delegated to the Cabinet do not include the power to make laws overriding Charter rights.

RECOMMENDATION 11:

No order or regulation should take effect before it is approved by Parliament;

RECOMMENDATION 12:

Parliamentary debate on any order or regulation affecting Charter rights of individuals or any group definable on the basis of age, race, ethnicity, sex, language, religion, or national or social origin must not be subject to closure;

RECOMMENDATION 13:

Any order or regulation must be able to be revoked at any time upon a motion by a Special Parliamentary Committee.

RECOMMENDATION 14:

The operation of all orders and regulations must be subject to the review of a Special Parliamentary Committee with full powers of investigation and a duty to report all misuse and abuses to Parliament and to make motions to amend or revoke orders being abused or misused.

RECOMMENDATION 15:

Secret orders and regulations must never be permitted under emergency powers.

RECOMMENDATION 16:

Review of the use of emergency powers must be independent of the Cabinet.

Source: Nikkei National Museum, 2018-16-2-14-4-35
www.nikkeimuseum.org

RECOMMENDATION 17:

(a) Within three days of the proclamation of an emergency the Steering Committees of the House of Commons and the Senate must appoint an all-party Special Parlimentary Committee to monitor the implementation of the orders passed by the Cabinet under its emergency powers and to make motions to Parliament for the amendment or revocation of orders or regulations;

(b) To carry out its mandate the Special Committee shall have full power to investigate the implementation of the orders including the right to compel testimony from Ministers of the government and all servants and agents of the Crown and all military personnel;

(c) Debate upon a motion to amend or revoke an order or regulation shall be without closure;

(d) A vote on a motion to amend or revoke an order or regulation affecting civil or human rights must be a free vote.

RECOMMENDATION 18:

In any review of the use of emergency powers, or in any trial of an accused charged under an emergency order, the onus of proving that the emergency exists and the order is reasonable must rest with the Cabinet.

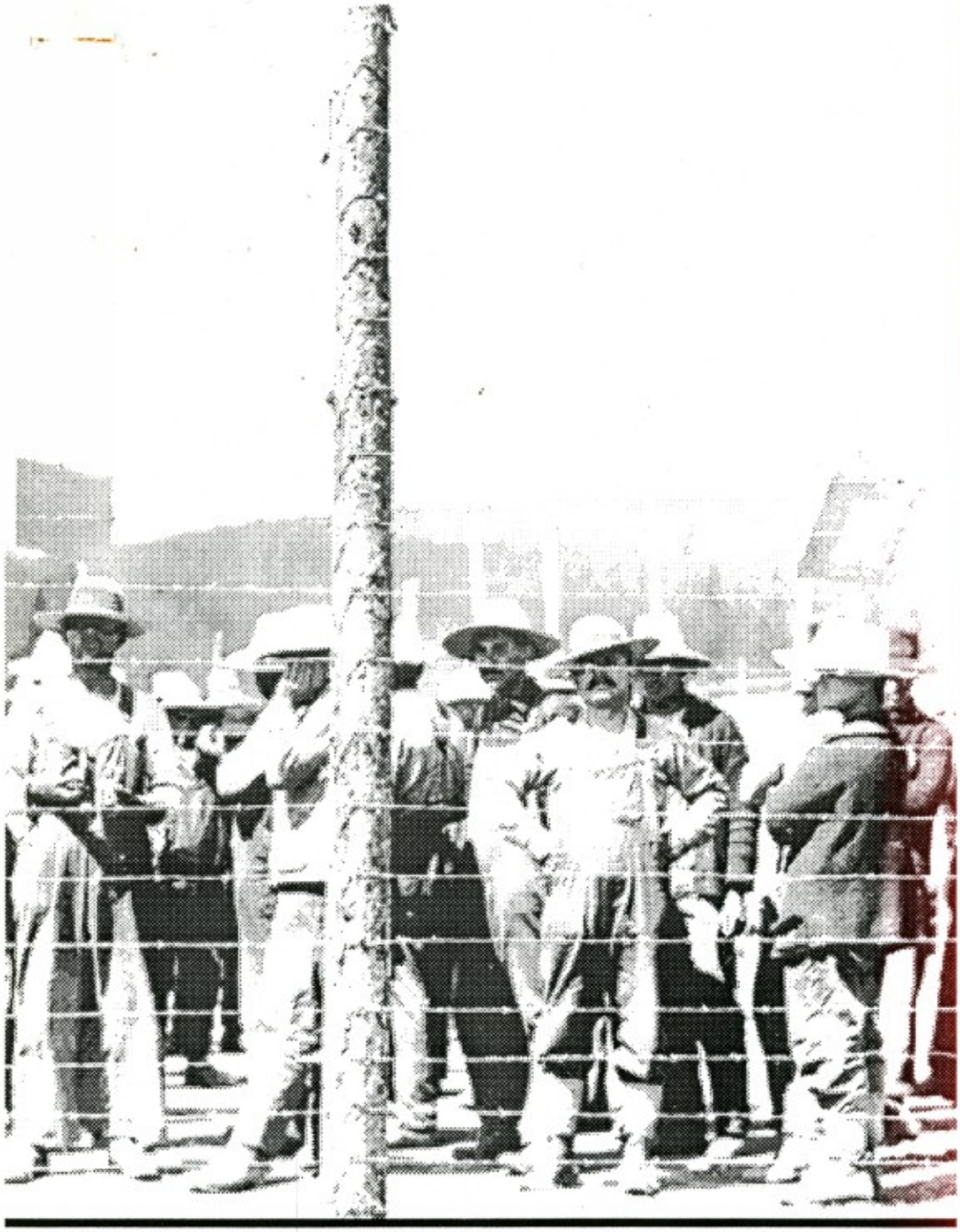
RECOMMENDATION 19

Compensation must be determined by a tribunal, headed by a Superior Court Judge, which tribunal is appointed independently of the Cabinet by the Special Parliamentary Committee for the Review of Orders and Regulations Under the Emergenies Act

RECOMMENDATION 20

There must be no limitation on the time for making a claim for compensation under the Emergencies Act.

Source: Nikkei National Museum, 2018-16-2-14-4-36
www.nikkeimuseum.org





" AS EASILY CONTROLLED AS A LOT OF SHEEP..."?

CANADA'S UKRAINIANS AND A TIME FOR ATONEMENT

By
Dr. Lubomyr Luciuk
Director of Research
Civil Liberties Commission
Ukrainian Canadian Congress

For
In Justice: Canada, Minorities and Human Rights
A Conference
Simon Fraser University
Vancouver British Columbia
30 April to 2 May 1992

Source: Nikkei National Museum, 2018-10-2-14-5-1
www.nikkeimuseum.org

" As Easily Controlled as a Lot of Sheep..." ?
Canada's Ukrainians and a Time For Atonement

*

Lecture Notes By Dr Lubomyr Luciuk
Director of Research
Civil Liberties Commission
Ukrainian Canadian Congress

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For

IN JUSTICE: CANADA, MINORITIES AND HUMAN RIGHTS
A Conference

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Simon Fraser University, Vancouver, British Columbia
30 April - 2 May 1992

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Source: Nikkei National Museum, 2018-16-2-14-5-2
www.nikkeimuseum.org

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It is very probable that if this proposal
[War Time Elections Act, 1917]
becomes law, the 'alleged' foreigners and
hitherto naturalized Canadians will bear their reproach meekly,
but they will have sown in their hearts the seeds of a bitterness
that can never be extirpated.
The man whose honor has been mistrusted and who has been
singled out for national humiliation, will remember it,
and sooner or later
it will have to be atoned for.

[The Daily British Whig, Kingston, Ontario, 8 September 1917]

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Source: Nikkei National Museum, 2018-16-2-14-5-3
www.nikkeimuseum.org

I represent no one but myself.

But I was invited here to testify about the historical experience of Canada's Ukrainians. About the injustices they have endured in this country despite their significant nation-building contribution as a "settler people" on the Canadian frontier. About the wrongs done to Ukrainian Canadians as a group despite the fact that Ukrainians are not a visible minority or a "people of colour" and are not an aboriginal, native or indigenous group.

I also want to speak to the issue of why they have been so mistreated. In my view the iniquities done to Ukrainian Canadians are, largely, although not exclusively, a consequence of the abiding interest many immigrants and some of their progeny maintained in the fate of their ancestral homeland, Ukraine. That commitment repeatedly provoked ignorance, indifference and occasional episodes of hostility from the host society, most especially from the Canadian government. [1] As a result, arguably, Canada's Ukrainians have had a more difficult time of it in this country then any other non-aboriginal ethnic, religious, racial or cultural minority. The stigma of "divided loyalties" has marked them as being apart from the whole and thereby, somehow, deserving of the various discriminations that have been, and still are, being practised against them. [2] And that in a country that boasts of an official policy of multiculturalism, whatever the latter term means.

First some misconceptions need to be dispelled. Canada's Ukrainians today are found primarily in urban centres and not in rural areas. Some would claim there are nearly 1 million Ukrainian Canadians. Over 90% of them are Canadian-born. Most are not involved in any organized Ukrainian Canadian activity. The largest concentration by province is in Ontario. The three western Canadian provinces of Alberta, Saskatchewan and Manitoba are characterized by a largely relic Ukrainian Canadian society, with the singular exception of the Ukrainian Canadian community of Edmonton. Most of Canada's Ukrainians have a limited and steadily decreasing knowledge of the Ukrainian language. Religious affiliation is in decline; the two "traditional" churches - the Ukrainian Catholic and the Ukrainian Orthodox, now attract less than 50% of the total of Ukrainian Canadian believers. That minority of a minority who are still involved in the organized Ukrainian Canadian community (less than 10% of the total number of Canada's Ukrainians?) are fragmented seriously along political, religious, regional, socioeconomic and generational lines. [3]

I wish to stress that, in this latter regard, Canada's Ukrainians are no different than Canada's Italians, Jews, Japanese,

Source: Nikkei National Museum, 2018-16-2-14-5-4
www.nikkeimuseum.org

Chinese, Poles, Germans and other ethnic, religious and racial minorities. It is time to recognize the existence and the implications of the considerable heterogeneity that exists within each of our own minority communities. [4] The fact that many Canadian ethnic groups may have constituted over-arching umbrella organizations to co-ordinate their efforts does not negate this point. For example, while the existence, since 1940, of a national Ukrainian Canadian Committee (UCC; now known as the Ukrainian Canadian Congress) provides a loose structure for united efforts, with the exception of a few periods of domestic and/or international crisis, the Congress has proven, at best, to be modestly useful. [5] Any serious investigation of the nature and workings of any Canadian minority population, or of any of our native or aboriginal groups - pretence and posturing notwithstanding - would undoubtedly expose similar intra-group competition, disunity, dissent and, more fundamentally, disinterest on the part of the majority of the supposed 'members' of that group in the comings and goings or doings of those who ostensibly 'represent' them.

Of course, I can not speak for any other "community" but I will say that most of Canada's Ukrainians are not involved in the organized Ukrainian Canadian community. Most do not pay membership dues to any Ukrainian Canadian organization. And many of those who do play a role in community life tend to limit their participation to non-controversial or what we might term "politically correct" [from the perspective of the host society] cultural and religious activities [e.g. Ukrainian folk dancing groups; second language training; parish work]. Most of the latter would probably be unaware of, uninterested in and, possibly, even alarmed about/opposed to any public presentation of the kind of thesis being advanced by me here today. In other words, most "Ukrainian Canadians" - like, I suspect, most other so-called ethnic Canadians - want to get on with their lives as individuals rather than as members of any collective. For them, ethnicity is a charming and minor facet of their personal identities, not a rallying point for group mobilization and activism. [6]

Now that I have, I think properly, stripped myself of any pretension to being a representative of 1 million Canadians of Ukrainian heritage - and, I hope, have implicitly asked others here today to (re)consider who and what they actually represent -let me outline why, earlier, I said that, arguably, Canada's Ukrainians have suffered more indignities and discrimination than any other non-native community.

Immigrants, primarily from the western Ukrainian provinces of Galicia and Bukovyna, began coming to Canada in 1891, lured by promises of soil and freedom. By 1914 an estimated 170,000 Ukrainian immigrants had arrived. [7] They played a major role in opening up western Canada's settlement frontier. [8] Nevertheless, they experienced widespread and racist attitudes rooted in a

Source: Nikkei National Museum, 2018-16-2-14-5-5
www.nikkeimuseum.org

contemporary political culture that was imbued with notions of Social Darwinism. For example, in The Alberta Tribune [4 February 1889] a French Canadian priest, Father Morin, was quoted as saying:

> as for the Galicians I have not met one single person in the whole of the North-west who is sympathetic towards them. They are from the point of civilization, ten timés lower than the Indians.

A decade later, an article in The Belleville Intelligencer [cited in the Halifax Herald, 18 March 1899] argued that:

> The Galicians, they of the sheepskin coats, the filth and the vermin, do not make splendid material for the building of a great nation. One look at the disgusting creatures as they pass through over the C.P.R. on their way west has caused many to marvel that beings bearing the human form could have sunk to such a bestial level.

Prejudiced views of this sort about the "racial future" of Canada eventually led Ottawa to insist upon a geographical dispersal of Ukrainian settlers, despite the pioneers' original attempts to cluster together in ethnic bloc settlements throughout western Canada as a means for keeping their families together and preserving their village, regional, religious and cultural heritage. [9] From nearly the beginning of organized group settlement in Canada the government intervened to ensure that no major Ukrainian ethnic bloc developed on the Canadian prairies. Ukrainians were sought after as the proverbial "hewers of wood and drawers of water" and little more.

Probably the most traumatic measures taken against Canada's Ukrainians occurred during and just after the First World War. Defined as "enemy aliens" because most immigrants had come from Ukrainian lands under the control of the Austro-Hungarian Empire, some 5,000 Ukrainian Canadians, including women and children and even some Canadian-born individuals, were interned in 26 concentration camps across the country. Another 80,000 were registered with the police and internal security forces as "enemy aliens" and suffered restrictions on their freedom of association, mobility and free speech. The principal victims of Canada's first national internment operations (1914-1920), made possible through passage of very same War Measures Act that would later be used against our fellow Japanese Canadians, and others, were Ukrainian Canadians. [10] Properties and valuables were confiscated and never returned, there were selective deportations, censorship of the Ukrainian-language press, suppression of fledgling Ukrainian Canadian organizations on the Left and, in 1917, passage of The War

Source: Nikkei National Museum, 2018-16-2-14-5-6
www.nikkeimuseum.org

Time Elections Act, which disenfrachized most Ukrainian Canadians (while, ironically, extending suffrage to many Canadian women). And these measures, which became progressively more repressive as the war went on, [11], took place despite the fact that Ottawa had no evidence of any wrongdoing or disloyalty on the part of Canada's Ukrainians (or other Eastern Europeans, some of who were also interned) and had been informed explicitly by the British government that Ukrainians were "friendly aliens" and should be given preferential treatment. [12] This unhappy episode remains a "blank page" in Canadian history books. Canada's Ukrainians only began to systematically lobby the government for an acknowledgement that these internment operations were unwarranted and unjust and for redress after 1986, largely as a result of the educational and research efforts of the Civil Liberties Commission of the Ukrainian Canadian Congress.

Not surprisingly, many (probably most) Ukrainian immigrants, and their children, having been exposed to state-sanctioned injustices of this sort, abandoned involvement in organized Ukrainian Canadian society thereafter. This was a formative episode in the Ukrainian Canadian experience, I maintain, for it taught most of the immigrants and their children that identifying oneself as a Ukrainian while living in Canada can prove to be an unwise choice. So most fled from any identification as Ukrainian Canadians. And that as a direct consequence of unwarranted and unjust government-sanctioned measures.

Of course not everyone abandoned his/her Ukrainian identity. Some who attempted to continue organizing Ukrainian Canadian society structured their newly-minted organizations (like the Ukrainian Self Reliance League) in an accommodational manner, which made them appear to be 'more British than the British, more loyal than the King,' as they disavowed publicly any homeland ties or involvements. [13] Others, angered and radicalized by the mistreatment they had experienced, turned to radical class politics, an essentially confrontational stance that would call forth the censure and hostility of Ottawa throughout the interwar period and during the early years of the Second World War. [14] Ironically, with the perspective of hindsight, it might now be argued that the dramatic growth of a pro-Soviet, pro-communist movement among Ukrainian Canadians was, at least in part, triggered and then sustained by the unnecessary internment operations of the First World War period.

Discrimination against Ukrainians continued throughout the interwar period. In July 1919, Winnipeg's Hugh J. Macdonald, the son of Canada's first prime minister, advised Ottawa to employ terror against the radical "foreign-born" Ukrainians and other East Europeans:

> I should like to impress upon you...the desirability of getting rid of as many

Source: Nikkei National Museum, 2018-16-2-14-5-7
www.nikkeimuseum.org

> undesirable aliens as possible...an example should be made to show them that law and order must be maintained....Coming as these men do from countries where such a thing as freedom is unknown, they do not understand generous treatment and consider it is only extended to them because the Government is afraid of them; indeed, fear is the only agency that can be successfully employed to keep them within the law and I have no doubt that if the Dominion Government persists in the course that it is now adopting the foreign element here will soon be as gentle and as easily controlled as a lot of sheep. [15]

When a limited immigration was again permitted into Canada, Ukrainians were categorized as a "non-preferred people" by immigration officials who were intent on keeping them, and others like the Jews, out of Canada. [16] Furthermore, throughout the Depression years and up to and including the outbreak of the Second World War, Canada's Ukrainians were placed under covert surveillance, whether they belonged to the Left, the Right or the Centre in the Ukrainian Canadian political spectrum. [17] Ottawa later played a major role in imposing "unity" on the Ukrainian Canadian population when, in November 1940, the Ukrainian Canadian Committee was unceremoniously cobbled together during secret negotiations between several factions of the community and government advisors. [18] The artificiality of the UCC's origins and structure, I have argued elsewhere, bequeathed a "crippling legacy" to the organized Ukrainian Canadian community that has yet to be fully undone. [19]

Post-Second World War Canadian immigration policy was again selective, doing little to ameliorate the very difficult conditions under which millions of Ukrainian political refugees, displaced persons (DPs) and victims of war languished in the refugee camps of western Europe. Wartime losses had been severe. Ukraine suffered a population loss of over 14 million during the war. [20] In fact, more Ukrainians died under Nazi and Soviet rule than any other ethnic, religious or racial group. [21] Between 2.0 and 3.0 million Ukrainians were displaced, of whom a large number were forcibly repatriated to the Soviet Union in the wake of the war, often to face imprisonment or death. Only some 35,000 of the quarter of a million Ukrainian refugees who managed to escape those brutal repatriation measures were admitted into Canada between 1945-1953. [22] And Ottawa rather consistently attempted to block Ukrainian Canadian refugee relief and resettlement efforts, [23] despite the fact that Canada's Ukrainians had unequivocally demonstrated their loyalty by being over-represented in the ranks of the armed forces during the war years. [24]

In more recent years (February 1985) the government forgot its

Source: Nikkei National Museum, 2018-16-2-14-5-8
www.nikkeimuseum.org

own immediate post-war analyses and succumbed to a campaign, similar to the one orchestrated by pro-Soviet elements and certain Jewish groups in North America in the mid-1940s, which attempted to portray these very same Ukrainian (and other East European) political refugees as "war criminals," "Nazi collaborators" and the like, the result being the formation of a Commission of Inquiry on War Criminals, headed by Mr Justice Jules Deschenes. After more than two years of often bitter debate among various minority groups in Canada, and after a thorough investigation of these allegations was completed, the government sensibly adopted what the Ukrainian Canadian community had defined as its basic position from the start, namely that "All war criminals found in Canada, regardless of their ethnic, religious or racial origin or when or where they committed crimes against humanity, should be brought to trial in Canada under Canadian criminal law." [25] Nevertheless the unconsidered manner in which the Commission was first constituted and the early indifference shown toward serious Ukrainian Canadian (and other East European Canadian) concerns about the Commission's mandate exposed the political powerlessness of the organized Ukrainian Canadian community. Among the negative consequences of the Deschenes Commission were the divisiveness and distrust engendered between several Canadian minorities, despite public Ukrainian Canadian calls for "a time for healing" [26]; the specious (deliberately or otherwise) stereotyping of many Canadians of East European origins as being somehow collectively responsible for war crimes that took place in Europe over four decades ago; the deflection of public concern over crimes committed by Soviet forces before, during and after the war, [27] and the undercutting of Ukrainian Canadian community efforts to pursue seriously their own case for acknowledgement and redress for the harm done to their community in the First World War period, as limited resources and personnel had to be devoted almost entirely to resolving the "war criminals" issue. [28]

Perhaps the most enervating policy directed against Canada's Ukrainians by the federal government has been that relating to the "Ukrainian Question," that is having to do with the issue of Ukrainian independence and that country's international diplomatic recognition. The available evidence suggests that throughout the interwar years and well into the post-Second World War period, Ottawa, in concert with the other Anglo-American powers, never wanted or felt that it needed, a free Ukraine. [29] Ottawa, although less so than Great Britain, helped cover up the politically-engineered, genocidal Great Famine of 1932-33 in Ukraine. [30] Ottawa's mandarins even officially denied the existence of a people known as the Ukrainians during and after the Second World War, apparently agreeing with their British counterparts that:

> Ukrainians are of artificial origin without any real claim to race distinction and are in fact a collection of magnificent crossbred

Source: Nikkei National Museum, 2018-16-2-14-5-9
www.nikkeimuseum.org

> scallywags...[31]

and that:

> ...we must bear in mind that most, even of the Ukrainian leaders, (a) are only just emerging from the status of "semi-intellectual" and (b) have a decidedly oriental kink in their brains. [32]

Throughout the interwar period, during the war and in the 1950s, 1960s and, most probably, right up until Ukraine's 1 December 1991 declaration of independence, the Canadian government closely watched and was indisposed toward those nationalist segments of the community who had organized themselves in support of national self-determination for Ukraine. Organizations like the Ukrainian National Federation and later the Ukrainian Canadian Committee and the Canadian League for the Liberation of Ukraine were all considered to be potentially disruptive of Canadian foreign policy, particularly with respect to relations with the Soviet Union. Representations made by these and other Ukrainian Canadian organizations, which called upon the government to raise the issue of Ukrainian independence, were routinely and condescendingly dismissed by Ottawa's men, despite the lip service routinely paid by government spokesmen to liberal-democratic principles. As an analysis of the internal memoranda of Canada's Department of External Affairs underscores, Canada's foreign policy decision makers quite deliberately favoured the "Great Russians" and Moscow and, until recently, encouraged every attempt to preserve the Union regardless of the aspirations of democratic and independence-minded Ukrainians, Balts and other peoples in the "captive nations" of the former Soviet Empire. A "Russia first" policy was the norm for decades. [33] It probably still is.

I have said that most of Canada's Ukrainians do not know most of this story, most of what I have outlined in skeletal form for you today. But I suspect that, collectively, they somehow <u>do know</u> intuitively or perhaps, in some cases, as a result of direct personal experience, that it is probably best, most of the time and in most ways, to <u>not</u> become overly identified with the organized Ukrainian Canadian community, except perhaps in those unobtrusive, inoffensive and socially-acceptable ways the host society will tolerate. After all, one never knows when some domestic or international crisis might brew up and, yet again, as in the First World War, as in the Second World War, during the Cold War and in this post-Cold War or "new world order" phase, place into the public forum a question mark about one's "real" loyalties. And when that happens, as the historical record shows more often than not, guilt is presumed and innocence must be proven. That can be very difficult to do from behind the barbed wire of a Canadian concentration camp, as Canadians of Ukrainian, Japanese, German, Jewish and Italian origins have learned.

Source: Nikkei National Museum, 2018-16-2-14-5-10
www.nikkeimuseum.org

So it is probably better NOT to be, or be seen to be, a Ukrainian - hyphen - Canadian. And so that population, thoroughly traumatized during the First World War, kept under scrutiny ever since, whose internal affairs have been manipulated and scrutinized repeatedly at Ottawa's pleasure, has been shaped for nearly 100 years by Ottawa's men, almost always to its ultimate cost. The response of those who might wish to be members of a Ukrainian Canadian community if the potential cost to self, family and friends had not been so very high so many times in the past is understandable enough, if unfortunate. They elect to abandon their cultural heritage, their language, their religion, even to change their names rather than risk censure, or worse.

Of course, in any society, however free, assimilation is a natural blending, a transformation of the majority and of most minorities by migration, intermarriage, daily contact and discourse. The different parts are affected in different ways, to a greater or lesser degree. There is nothing "wrong" with an uncoerced "melting pot." There is also nothing "wrong" with a celebration of our differences. Those cultural, religious, ethnic and racial differences could potentially constitute Canada's bridges to the rest of the world, if we had a government that sought to build on the strength that is intrinsic in a properly husbanded diversity. Unfortunately, we have never had such a government.

And so many of Canada's minority peoples have suffered unwarranted and unjust treatment as a result of prejudiced, ignorant or hostile state measures. We come together here to testify about those sad episodes, to educate each other about the grievances of the past and of the present and to, hopefully, ensure that what happened to our groups never happens in future to some other Canadian minority. As someone of Canadian Ukrainian descent I applaud our efforts here today.

Yet I must end my remarks truthfully, with a caveat. Our country, Canada, today faces a real crisis of unity. Like many of you, I am Canadian-born. Those who are not came to Canada in the expectation of a better life for themselves and their families. That is why my parents came to this country. I certainly expect to live out my life here, to build my career here, to help my wife raise our family here. I have and will continue to do what I can to help my ancestral homeland of Ukraine develop a democratic and pluralistic society after decades of Soviet oppression.

But Canada is my homeland. I have stood before you and tabled a long list of grievances that Canada's Ukrainians could put before our government and for which they could fairly and honestly demand redress based on the moral and legal precedent set by the Japanese Canadian Redress Agreement. I believe, sincerely, that Ukrainian Canadians deserve the same consideration as any other Canadians when it comes to affirmative action programs, no more, but no less,

Source: Nikkei National Museum, 2018-16-2-14-5-11
www.nikkeimuseum.org

than visible minorities, women, aboriginal and native peoples and the disabled. I doubt that Canadians of Ukrainian origin are fairly represented in the federal or provincial bureaucracies, in the Senate, in the judiciary, in crucial ministries like External Affairs, Employment, Manpower and Immigration, Defence, Justice and the like. I contend that selective immigration policies continue to discriminate against Ukrainians from eastern Europe. I am convinced that senior policy makers in the federal government remain averse to Ukrainian independence. I question why Canada's foreign aid programs (and those of other Western governments) do not dedicate more assistance toward sustaining and contributing to the evolution of pluralistic and democratic societies throughout ex-Soviet Europe. I would argue that region of the world has been, is and will remain of major geopolitical relevance to world peace and stability. But we must all be very careful about what we are trying to do at conferences like this. Certainly, recalling the injustices of the past and learning about those of the present is a crucial intellectual exercise. But we must not, in reaction, (re)define Canada as a "community of communities" or (re)-ghettoize ourselves into distinct and separate minority groups. If we place our own constituencies - be that "Ukrainian Canadian," "Chinese Canadian," "Jewish Canadian," "Afro Canadian," "Metis Canadian" - or whatever - above a shared willingness to be Canadian, no recounting of past wrongdoings or compensation for them, however justifiable, will preserve this country. Regardless of what wrongs were done to us in the past, or at present, we can not, we must not, now begin establishing mutually exclusive domains within which all "outsiders," all others, however defined, will be unwelcome, to which they will be uninvited, in which they will feel uncomfortable. That is the road to fragmentation, to disunity, to the end of Canada as we know it. Despite the wrongs that I know were done to Ukrainians in Canada, this country is still among the best in the world and worth preserving. No amount of redress today will, or ever could, compensate us, if it leads only to a further splintering and, because of that, to the political death of Canada tomorrow.

***** Thank You *****

Source: Nikkei National Museum, 2018-16-2-14-5-12
www.nikkeimuseum.org

References

1. For an elaboration on this theme see Lubomyr Y. Luciuk and Bohdan S. Kordan, 1987, Anglo-American Perspectives on the Ukrainian Question, 1938-1951: A Documentary Collection, Kingston: The Limestone Press.

2. On the question of "divided loyalties" in wartime see Francis Swyripa and John H. Thompson, eds, 1983, Loyalties in Conflict: Ukrainians in Canada During the Great War, Edmonton: Canadian Institute of Ukrainian Studies.

3. For more on the historical and contemporary patterns of organized Ukrainian Canadian society see Lubomyr Y. Luciuk and Bohdan S. Kordan, 1989, Creating A Landscape: A Geography of Ukrainians in Canada, Toronto: University of Toronto Press.

4. In tandem with this issue, we also need to address honestly the question of who it is that we actually represent when we address the public or government 'on behalf of' the Ukrainian Canadian community or any other such collective.

5. On the origins of the Ukrainian Canadian Committee (now the Ukrainian Canadian Congress) see Bohdan S. Kordan, 1981, "Disunity and Duality: Ukrainian Canadians and the Second World War," unpublished M.A. thesis, Ottawa, Carleton University. Although there were sporadic and partial attempts at the grass roots level to organize a national committee in the late 1930s, the UCC was essentially a government creation.

6. On being Ukrainian in Canada see Paul R. Magocsi's thought-provoking preface to Lubomyr Luciuk and Stella Hryniuk, eds, 1991, Canada's Ukrainians: Negotiating an Identity, Toronto: University of Toronto Press.

7. For statistical information on Canada's Ukrainians the best source remains William Darcovich and Paul Yuzyk, eds, A Statistical Compendium on the Ukrainians in Canada 1891-1976, 1980, Ottawa: University of Ottawa Press. For an update see Bohdan S. Kordan, Ukrainians and the 1981 Canada Census: A Data Handbook, Research Report #9, Edmonton: Canadian Institute of Ukrainian Studies, 1985 and B.S. Kordan, "Ukrainians in Ontario and the 1981 Canada Census: A Research Note," in Ukrainians in Ontario, Polyphony, The Bulletin of the Multicultural History Society of Ontario, Volume 10, 1988, eidted by Lubomyr Y. Luciuk and I.L. Wynnyckyj.

8. On the pioneering period in the Ukrainian Canadian experience see Jaroslav Petryshyn, 1985, Peasants in the Promised Land: Canada and the Ukrainians 1891-1914, Toronto: J. Lorimer and Company.

Source: Nikkei National Museum, 2018-16-2-14-5-13
www.nikkeimuseum.org

9. The formation of ethnic block settlements among Ukrainians and their dissolution as a result of government policy is described by John C. Lehr, 1978, "The Process and Pattern of Ukrainian Rural Settlement in Western Canada, 1891-1914," unpublished PhD dissertation, Winnipeg, University of Manitoba.

10. On the internment operations see Lubomyr Y. Luciuk, 1988, A Time For Atonement: Canada's First National Internment Operations and the Ukrainian Canadians 1914-1920, Kingston: The Limestone Press. Although the acknowledgement and redress effort was intensified after 1986 several individuals had been working on this matter from 1980. The Redress Committee of the Civil Liberties Commission of the Ukrainian Canadian Congress has asked the government to (a) acknowledge that the internment operations were unwarranted and unjust, (b) erect historical markers at the internment camp sites and place a open-air exhibit at the Castle Mountain campsite in Banff National Park, Alberta, (c) amend the Emergencies Act to ensure that no other Canadian ethnic, religious or racial group is ever again subjected to similarly oppressive measures and (d) to negotiate redress for the economic and other losses experienced by Canada's Ukrainians between 1914-1920.

11. See Mark Minenko, 1991, "Without Just Cause: Canada's First National Internment Operations," in Luciuk and Hryniuk, eds, Canada's Ukrainians, pp 288-303.

12. See Margaret Polanyi, "Wartime internment of Ukrainians ignored British advice, papers say," The Globe and Mail, 11 October 1988.

13. On the USRL see Oleh Gerus, 1991, "Consolidating the Community: The Ukrainian Self Reliance League," in Luciuk and Hryniuk, eds, Canada's Ukrainians, pp 157-186.

14. The best study of the Ukrainian Canadian Left remains John Kolasky, 1979, The Shattered Illusion: The History of Pro-Communist Organizations in Canada, Toronto: Peter Martin Associates. For an analysis of how the pro-Soviet Ukrainian Canadian Left collaborated with Moscow to cover up information about Stalinist Terror see Marco Carynnyk, 1991, "Swallowing Stalinism: Pro-Communist Ukrainian Canadians and Soviet Ukraine in the 1930s," in Luciuk and Hryniuk, eds, Canada's Ukrainians, pp 187-205.

15. For Macdonald's remarks see Document #12 in Bohdan S. Kordan and Lubomyr Y. Luciuk, eds, 1986, A Delicate and Difficult Question: Documents in the History of Ukrainians in Canada 1899-1962, Kingston: The Limestone Press.

16. See Brian Osborne, 1991, " 'Non-Preferred' People: Inter-war Ukrainian Immigration to Canada," in Luciuk and Hryniuk, eds, Canada's Ukrainians, pp 81-102.

17. See, for example, Documents #31, 34 and 37 in Kordan and Luciuk, 1986, A Delicate and Difficult Question.

Source: Nikkei National Museum, 2018-16-2-14-5-14
www.nikkeimuseum.org

18. Another interpretation of the origins of the UCC is provided by N. F. Dreisziger, 1991, "Tracy Philipps and the Achievement of Ukrainian-Canadian Unity," in Luciuk and Hryniuk, eds, Canada's Ukrainians, pp 326-341.

19. See Bohdan S. Kordan and Lubomyr Y. Luciuk, 1988, "A Prescription for Nationbuilding: Ukrainian Canadians and the Canadian State, 1939-1945," in Norman Hillmer, Bohdan Kordan and Lubomyr Luciuk, eds, On Guard For Thee: War, Ethnicity and the Canadian State, 1939-1945, Ottawa: Canadian Committee for the History of the Second World War, 85-100.

20. On wartime losses in Ukraine see Taras Hunczak, 1990, "The Ukrainian Losses during World War II," in A Mosaic of Victims: Non-Jews Persecuted and Murdered by the Nazis, Michael Berenbaum, ed, New York: New York University Press, pp 116-127.

21. Professor Norman Davies makes this point in his review of Alan Bullock's recent book Hitler and Stalin: Parallel Lives (New York, Alfred A. Knopf). Davies writes, "No one will learn here that the Ukrainians were the nationality that suffered the largest number of civilian casualties at the hands of Hitler and Stalin." See The New York Times Book Review, 22 March 1992.

22. On post-Second World Ukrainian DP immigration to Canada see Ihor Stebelsky, 1991, "The Resettlement of Ukrainian Refugees after the Second World War," in Luciuk and Hryniuk, eds, Canada's Ukrainians, pp 123-156 and Lubomyr Y. Luciuk, 1986, "Unintended Consequences in Refugee Resettlement: Post-War Ukrainian Refugee Immigration to Canada," International Migration Review, XX, #2.

23. For a discussion of negative Canadian government attitudes toward Ukrainian Canadian refugee relief and resettlement efforts see Lubomyr Y. Luciuk, 1984, "Searching For Place: Ukrainian Refugee Migration To Canada After World War II," unpublished PhD dissertation, Edmonton, University of Alberta. For first hand accounts of the post-WW II immigration of Ukrainians to Canada see G.R. Bohdan Panchuk, 1983, Heroes of their Day: The Reminiscences of Bohdan Panchuk, Toronto: Multicultural History Society of Ontario and Stanley Frolick, 1990, Between Two Worlds: The Memoirs of Stanley Frolick, Toronto: Multicultural History Society of Ontario.

24. On Ukrainian Canadian contributions to the war effort see Thomas M. Prymak, 1988, Maple Leaf and Trident: The Ukrainian Canadians During the Second World War, Toronto: Multicultural History Society of Ontario.

25. For a better appreciation of the complexities and emotions of the debate see On the Record: The Debate over Alleged War Criminals in Canada, Toronto: the Justinian Press (1987) and Nikolai Tolstoy's insightful and witty polemic, Trial and Error: Canada's Commission of Inquiry on War Criminals and the Soviets, (1986), Toronto: The Justinian Press.

Source: Nikkei National Museum, 2018-16-2-14-5-15
www.nikkeimuseum.org

26. See Ron Vastokas and Lubomyr Luciuk, "The Deschenes report: A Time For Healing," 16 March 1987, Kingston, The Whig-Standard.

27. On bringing Soviet war criminals to justice see Ron Vastokas and Lubomyr Luciuk, "A flaw in Canada's search to uncover war criminals," The Globe and Mail, 4 March 1986; Lubomyr Luciuk and Ron Vastokas, "Was 1932 Ukraine famine genocide?" The Toronto Star, 2 June 1988; Lubomyr Luciuk and Ron Vastokas, "West Remains Silent on Stalin's crimes," The Toronto Star, 24 August 1989; Lubomyr Luciuk, "Where's the justice for gulag victims?" The Globe and Mail, 10 September 1991 and Alexandra Chyczij, "Cries from beyond the grave," The Globe and Mail, 12 October 1991.

28. An analysis of the Ukrainian Canadian community's response to the war crimes issue is provided by Morris Ilyniak, 1991, "Still Coming To Terms: Ukrainians, Jews, and the Deschenes Commission," in Luciuk and Hryniuk, eds, Canada's Ukrainians, pp 377-390. Also see John Sopinka, 1986, Submission to the Commission of Inquiry on War Criminals, Toronto: The Justinian Press.

29. This interpretation is developed in Luciuk and Kordan, 1987, Anglo-American Perspectives on the Ukrainian Question and in Luciuk's submission to the House of Commons Standing Committee on External Affairs and International Trade, entitled "Even in the Unlikely Event..." Ottawa, 11 February 1992.

30. For Canadian government attitudes toward relief for famine victims see Documents #22 and 23 in Kordan and Luciuk, eds, 1986, A Delicate and Difficult Question. On the famine see Robert Conquest, 1986, The Harvest of Sorrow: Soviet Collectivization and the Terror-Famine, London: Century Hutchinson and Marco Carynnyk, Lubomyr Y. Luciuk and Bohdan S. Kordan, eds, 1988, The Foreign Office and the Famine: British Documents on Ukraine and the Great Famine of 1932-1933, Kingston: The Limestone Press.

31. See Document #7 in Luciuk and Kordan, 1987, Anglo-American Perspectives on the Ukrainian Question.

32. See Document #10 in Luciuk and Kordan, 1987, Anglo-American Perspectives on the Ukrainian Question.

33. See Lubomyr Luciuk, "Will The West Betray Ukraine Again?" in The Toronto Star, 2 October 1991.

Source: Nikkei National Museum, 2018-16-2-14-5-16
www.nikkeimuseum.org

News

Federal Court issues an interim injunction to bar hate messages

continued from page 1

designed to promote "cultural and racial awareness among white people."

As a result of the complaints and its own investigation, the commission asked that a tribunal be appointed to deal with the matter

In the meantime, it asked the Federal Court to issue a temporary injunction to restrain the respondents from communicating the messages further.

The commission relied on s. 25 and s. 44 of the *Federal Court Act* to clothe the court with jurisdiction.

Section 25 says the Trial Division has original jurisdiction as long as no other court has authority over a matter, while s. 44 allows the court to grant an injunction if it appears "just and convenient to do so."

Respondents' counsel, however, said there was nothing in the Act that gave the judge the power to grant the free-standing motion for the injunction because the commission had not filed a statement of claim in the Federal Court.

In fact, the respondents submitted that s. 25 actually excluded the court from acting because there was another "court," the Human Rights Tribunal, which was empowered to make a cease and desist order.



Victoria lawyer Douglas Christie: Calls ruling "frighteningly similar to 1984."

The respondents also argued that there had never been an instance in law where an injunction had been granted to restrain the exercise of a Charter-protected freedom of expression.

Mr. Justice Muldoon referred to *ITO—International Operators v. Miida Electronics*, [1986] 1 S.C.R. 752.

There, in a closely-split decision, the top court said there were three essential criteria that gave the Federal Court jurisdiction.

There had to be a statutory grant of jurisdiction by Parliament and an existing body of federal law which was essential to the disposition of the case. In addition, that law had to "nourish" the grant of jurisdiction.

Mr. Justice Muldoon said in the present circumstances, the essential law was the *Canadian Human Rights Act*, which nourished the statutory grant of jurisdiction invoked by the applicant.

The judge also acknowledged that only the Human Rights Tribunal had the power to make a final cease and desist order but he said that could only be done at the *conclusion* of its inquiry.

"There is no power in the tribunal to make an interlocutory order, and there is no power in the court to make a permanent order," he said.

"The 'repair' (if such it be) of this jurisdictional asymmetry is contemplated and made available by ss. 25 and 44 of the *Federal Court Act*.

"Thus, a free-standing application may be granted—if warranted—with no violence to the apparent purpose and intention of Parliament, but rather in agreeable accord."

Mr. Justice Muldoon also observed that free-standing applications had become more numerous in recent decades and he said there was "at least one precedent" in Canada—*Amchem Products Ltd. v. British Columbia (Workers' Compensation Board)* (1989), 42 B.C.L.R. (2d) 77.



Fed. Crt. justice Francis C. Muldoon: Power for a "free-standing" injunction.

There, the B.C. Supreme Court accepted that an injunction was the only substantial relief looked for but, referring to a House of Lords decision, said it should be viewed as "an exception to the basic principle restricting the granting of injunctions to certain exclusive categories."

A unanimous Court of Appeal subsequently adopted and ratified that statement.

In addition, Mr. Justice Muldoon stressed that the commission was the "natural and prime applicant" to ask the court to grant a free-standing injunction.

Accordingly, the judge found that in all the circumstances, the court had the power under s. 25 and s. 44 to act on the application.

Turning to the merits, he considered the respondents' argument that there was no freedom of speech and expression unless a person was free to offend.

"Would the imposition of an interlocutory injunction be an unwarranted interference with the respondents' rights and freedoms?" the judge asked.

"Is one of the world's most humane declarations of human rights and freedoms a vehicle for legitimating the disparagement and ridicule of human beings for no just cause? Such, the court finds those messages, or most of them to be."

And there was "the problem and vice" of the respondents' telephone messages, said Mr. Justice Muldoon.

He also queried whether it was past the line of permissibility to warn callers that what they were about to hear might be offensive, invite them to exit the program, and subsequently go on "to disparage and ridicule Jews, and non-whites as sub-human."

Mr. Justice Muldoon then said there was "a natural or inherent limitation" on the freedoms guaranteed by the Charter and that it arose when the scope of one freedom "collides repugnantly" with that of another.

For example, he said that where a religious belief required the genital mutilation of girls, the freedoms of conscience and religion simply had to yield to the rights to life and security of the person.

Therefore, the judge said that "given the court's finding that the respondents' messages are disparaging and injurious to the self-respect of those humans who are its targets, there exists a strong *prima facie* case for the applicant; or the applicant has at least demonstrated a serious issue to be tried by a Human Rights Tribunal."

The entire context of the respondents' menu of messages was "altogether so redolent of disparagement, humiliation and ridicule" of Jews and non-whites that all of them ought to be temporarily enjoined, he said.

(Reasons in *Canadian Human Rights Commission v. Canadian Liberty Net*, 1145-009A, 34 pp., are available from FULL TEXT.)

Source: Nikkei National Museum, 2018-16-2-14-6a
www.nikkeimuseum.org

Letters

Men should answer 'male-bashing' feminists: reader

Your editor must be under the strict rule of a radical feminist, as he only published "anti-Martin" criticism in the last few issues.

In this rednecked district, we are going to create a "Black Widow Society" to put these feminists in their proper place.

I enclose a copy of a letter I sent to [Justice Minister Kim Campbell] and of my recent submissions to the Alberta Law Society on the same subject.

What has happened to the males of this world? They should tell those damned feminists to quit "male-bashing," [as] it serves no purpose.

To the Law Society of Alberta:

Please consider this as my submission to the Committee [on Women and the Legal Profession].

They may not like it, but then I am entitled to express my opinion in spite of the wrath that I know will descend upon me from the radicals.

Rob Martin in his *Lawyers Weekly* column on Jan. 31, 1992 [see: "Proposed sex assault Bill an expression of feminist hatred,"] and *Alberta Report*'s Link Byfield clearly express my opinion on the subject.

I enclose a copy of Byfield's editorial, and you probably have a copy of Mr. Martin's story. [Mr. Kush did not enclose Mr. Byfield's material in his letter to *The Lawyers Weekly*.]

To their comments I would add: I have the fortune to be associated with a lady lawyer for the past, almost 10 years...my daughter.

She doesn't wear her "sexism" on her sleeve and for that I am most proud of her accomplishments.

We live in the heart of a rednecked anti-feminist ranch district. These hard-bitten ranchers admire her legal talents and no voice is raised in criticism.

The press has recently been plagued with a rash of extremist propaganda, and even the Minister of Justice is planning a foolish escapade with the judges she has chosen—to educate them.

In my experience, any gender bias displayed by the male element of the legal profession has been very richly deserved and earned by those few feminists who will not be content until they emasculate every male on earth, in the same manner and for the same reasons that a black widow spider accomplishes her evil purpose.

Eugene Kush
Hanna, Alta.

Editor's note: Our editor is under no one's "rule." Beside Mr. Kush, only one other writer wrote expressing any support for the ideas expressed in Mr. Martin's Jan. 31 column.

All other letters (they have run to approximately five times the length of the original piece) have been opposed, and we have run all we have received so far.

'Bourgeois feminist' reader brands column 'misguided malev(i)olence'

[To paraphrase Rob Martin,] 'it is beyond the ability of one person to catalogue everything wrong with this' column [see: "Proposed sex assault Bill an expression of feminist hatred," *Lawyers Weekly*, Jan. 31, 1992, p. 9].

However, as one of the "bourgeois feminists" who has been accused of festering with hatred, I want to respond to Rob Martin's misogyny by first pointing out the accurate statements in his column.

I will give him that much.

- Parliament is considering Bill C-49.
- This Bill sets out procedural and substantive changes in the law on sexual assault.
- The Bill is original.

Full stop.

The inaccuracies would take a whole column of response, an opportunity which *The Lawyers Weekly* will not provide.

So a few points will be made in this letter to the Editor.

His personal attack on Sheila McIntyre is not only unwarranted, it is an "excrescence" of his misguided malev(i)olence [*sic*].

It is easier for him to single out one representative for vicious attack than to deal with the issues.

We happen to laud personal courage and originality in legal research and academia.

If he wants to attack the process of consultative drafting, he can address his comments, at the very least, to the 67 women from the many organizations across the country who were involved in the final consultation process, not single out one.

My organization was but one of those represented.

He should also consider that one of the other lawyers who was integrally involved in this process, Anne Derrick, is a criminal defence lawyer who worked incredibly hard for the release of Donald Marshall, a victim of this racist, as well as sexist, judicial system.

She doesn't believe that this Bill will lead to a rash of wrongful convictions.

Nowhere in the Bill, in feminist theory or practice, or in life, do we actively "despise sexuality" or "despise life."

But "despise" is too weak a word for how we, and probably the majority of Canadians who understand this reality, feel about the horror of sexual assaults on women and children.

I would also dare to presume that the majority of those people understand the difference between sexual assault/rape and consensual sexual activity.

Usually lawyers and the legislators are first on the list of those who don't get it.

What are they hiding? Maybe the point is that Mr. Martin is embodying the real fear that this one, tiny initiative by the Department of Justice is an unprecedented step in a democratic process of law reform undertaken at a time of increasing constitutional crisis in Canada.

The recognition of women's articulate demands being phrased in coherent and comprehensive legal language is far too frightening a spectre and an

S.C.C. not fast enough

Source: Nikkei National Museum, 2018-16-2-14-6b
www.nikkeimuseum.org

April 21, 1992

997-3325/953-9267

To: Margit Nance, Director,
Continuing Studies Public Policy Programs, SFU

From: M. Ann Sunahara,

Re: **In Justice Conference**

Further to your letter of April 8, 1992 which I received on April 16, 1992, please amend the title of my presentation to "The Abuse of Emergency Powers in Canada: Is It Inevitable?"

Please amend the description of that presentation to read (changes underlined):

- Emergency law in Canada: its evolution, nature, powers and limitations;
- The use and abuse of emergency powers in both World Wars to improperly detain individuals and groups and to confiscate property. The groups discussed include Japanese and Ukrainian Canadians, Jewish-German refugees and Native people;
- Safeguards against future abuses.

I further advise that I have received my tickets. See you in Vancouver.

M. Ann Sunahara

MAS

Source: Nikkei National Museum, 2018-16-2-14-7-1
www.nikkeimuseum.org

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CONTINUING STUDIES
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BURNABY, B.C. V5A 1S6 CANADA
Telephone: (604) 291-3792
FAX: (604) 291-3851

April 8, 1992

M. Ann Sunahara
112 Huron North
Ottawa, Ontario
K1Y 0W2

Dear Ann:

Re: *In Justice: Canada, Minorities and Human Rights*
April 30 - May 2, 1992, Simon Fraser University at Harbour Centre
515 West Hastings Street, Vancouver, British Columbia

Please see enclosed a number of copies of the program as it went out last week across Canada. Enclosed also is an updated draft of the on-site program, including a description of your presentation and its context in the larger session called *Legislative Roots*. Please edit on the description so that it reflects what you will be presenting as accurately as possible and return it to us as soon as possible.

I understand Roy Miki met with you last week when he was in Ottawa and he told us that you were most enthusiastic about the conference. The interest in the program is substantial and I only hope it translates into registrations.

If there are any materials that you feel we need to include in the pre-conference package being made available to participants, particularly material of a historical nature, please send it to us by return mail.

As you know, the conference is pleased to provide you with an airline ticket as well as your accommodation (room and tax) at the Hotel Vancouver for the duration of the conference. The hotel will bill us directly.

I am looking forward to seeing you.

Sincerely yours,

Margit Nance
Director

enclosure

Source: Nikkei National Museum, 2018-16-2-14-7-4
www.nikkeimuseum.org

12:00 - 2:00 pm
Traditional Japanese Luncheon (*Obento*)

2:00 - 5:00 pm
The Legislative Roots
Moderator: Hayne Wai, Regional Communications Officer, Canadian Human Rights Commission, Vancouver

The ~~Use and~~ Abuse of Emergency Laws in Canada: ~~The Dichotomy Between Intention and Application~~
•Emergency law in Canada, its nature, powers and limitations;
•The use and abuse of emergency power including: the detention of individuals and groups including Japanese Canadians, Ukrainian Canadians and refugees, ~~in particular Jews~~ in World War II ~~and the Iraqi during the Gulf War~~, and the confiscation of property including Indian reserves and enemy alien property in both World Wars, the Ukrainian Farmer Labour temples and Japanese Canadian property during World War II.
Ann Sunahara, historian and lawyer, and author of *The Politics of Racism: The Uprooting of Japanese Canadians During the Second World War* (Lorimer), Ottawa

Immigration Law and Policy: The Underlying Values
•A historical overview of immigration law and policy
•Consistency, fairness and the Immigration Act: some analysis
•"Classes" of immigrants, from the refugee to the entrepreneurial immigrant: a discussion of income as a criterion for acceptance
•application of criteria such as medical instability, marital status, sexual preference, allocation of resources, and the interpretation of resettlement to the immigration context: what are the underlying values inherent in decision-making?
Hugh Johnston, Department of History, Simon Fraser University
Dennis McCrea, Barrister & Solicitor, McCrea and Associates, Vancouver

The Indian Act Claims Process
•Historical Injustices and inequities in the land claims process; the strengths and weaknesses of the special claims process.
Roland Pangowish, Assistant Unit Coordinator for Lands, Assembly of First Nations, Ottawa

Saturday, May 2
9:00 - 10:15 am
Fletcher Challenge Canada Theatre—1900

Historic Injustices in Canada: An Introduction Through Testimonials
(continued from Friday)
Maria De Angelis, National Congress of Italian Canadians, Vancouver
Marie Annharte Baker, Winnipeg
Ron George, President, Native Council of Canada, Ottawa (not confirmed)
Raminder Dosanjh, India Mahilla Association, Vancouver
Gary Yee, Chinese Canadian National Council, Toronto
Lubomyr Luciuk, Director of Research, Civil Liberties Commission, Ukrainian Canadian Congress, Kingston
Introduction: by Roy Miki, Department of English, Simon Fraser University

10:15 - 10:30 am

Source: Nikkei National Museum, 2018-16-2-14-7-5
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Break

10:30 am - 12:30
The Future Protection of Human Rights for Minorities: Some Mechanisms and their Practicality
Introduction: Stien Lal, Deputy Minister, Ministry of Citizenship Ontario, Toronto

The Role of Parliament in the Protection of Human Rights
William Kaplan, Faculty of Law, University of Ottawa, Ottawa

Aboriginal Self-government
Bill Wilson, Political Secretary, Assembly of First Nations, Ottawa

Legislative/Political Solutions for Ethnic Communities
- •the appropriateness of the legal system for solving social and political injustices;
- •the problems of cultural bias, availability of evidence, expense and length of the process;
- •the effective involvement of all layers of the community.

This session will include a case study of the Japanese Canadian redress.
Roy Miki, Department of English, Simon Fraser University
Raminder Dosanjh, India Mahilla Association, Vancouver
Roger Bilodeau, Faculty of Law, University of Moncton, Moncton

12:30 - 2:00 pm
Lunch (on own)

2:00 - 3:00 pm
The Future Protection of Human Rights for Minorities: The Collective Obligation of Canadians
(small group discussions)

3:00 - 3:30 pm
Reports from groups and conclusions

7:00 pm
Closing Dinner
Address: *A Comparative Perspective on Injustices to Minorities: The International Context*
Ed Broadbent, President, International Centre for Human Rights and Democratic Development, Montréal (not confirmed)

Arrows to Freedom and Katari Taiko
A cooperative presentation of Native Indian plains style drumming, singing and dancing and traditional Japanese performance art featuring the powerful "talking drums".

Program Committee

Rowland Lorimer, Canadian Centre for Studies in Publishing and Department of Communications, Simon Fraser University
Art Miki, President, National Association of Japanese Canadians, Winnipeg
Roy Miki, Department of English, Simon Fraser University
Orest Kruhlak, Director, Pacific Region, Ministry of Multiculturalism and Citizenship Canada, Vancouver

Source: Nikkei National Museum, 2018-16-2-14-7-6
www.nikkeimuseum.org

Margit Nance, Director, Public Policy Programs, Continuing Studies, Simon Fraser University
Ihor Bardyn, Ukrainian Canadian Congress, Toronto
Maria Bisognin, National Congress of Italian Canadians, Vancouver
Horst Martin, German Canadian Congress, Vancouver
Ujjal Dosanjh, Barrister and Solicitor, Dosanjh and Co., Vancouver
Victor Wong, Chinese Canadian National Council, Vancouver
Erwin Nest, Executive Director, Pacific Region, Canadian Jewish Congress, Vancouver
Paul Brantingham, School of Criminology, Simon Fraser University

The Conference gratefully acknowledges the support of the British Columbia Ministry of Education and Ministry Responsible for Multiculturalism and Human Rights, Multiculturalism Branch; Ministry of Multiculturalism and Citizenship Canada; the Canada Council; the Japanese Canadian Studies Society; and the Office of the Vice-President Academic, Simon Fraser University

Source: Nikkei National Museum, 2018-16-2-14-7-7
www.nikkeimuseum.org

In Justice
Canada, Minorities and Human Rights

April 8, 1992

Simon Fraser University at Harbour Centre
515 West Hastings Street
Vancouver, B.C.
April 30-May 2, 1992

A conference for ethnic minority group associations, human rights commissions, civil liberties associations, government policy makers, educators, journalists, and scholars in Canadian Studies.

Sponsored by the National Association of Japanese Canadians and the Centre for Canadian Studies, Simon Fraser University

During times of national crisis, governments have historically focused on specific minority groups as one aspect of maintaining the security of Canada. A number of affected ethnic minority groups have expressed a strong need to reclaim their history be seeing the injustices of the past acknowledged and to work toward positive legislative and policy safeguards to prevent future injustices. Governments and agencies meanwhile struggle to find ways of avoiding repetitions of the past. This national conference addresses:

-past treatment of minorities during national crisis

-the use and abuse of emergency laws and powers, and the impact on the human rights of minority groups

-proposals for legislative and operational safeguards to maintain the rights of minority Canadians during periods of national crisis

The conference also celebrates the rich body of literature based on personal experiences and features a historical photo and art exhibit.

Honorary Chair of Conference: The Right Honourable Ed Schreyer

Thursday, April 30

6:30 pm Registration Open

Open to the Public
7:30 - 9:00 pm
Fletcher Challenge Canada Theatre
Welcome
Art Miki, President, National Association of Japanese Canadians
Len Evenden, Director, Centre for Canadian Studies, Simon Fraser University

An Evening of Literary Celebration

Joy Kogawa, author of the award winning, semi-autobiographical novel, *Obasan* (Penguin) and the sequel, *Itsuka* (Penguin) concerning the Japanese Canadian redress.

Source: Nikkei National Museum, 2018-16-2-14-7-8
www.nikkeimuseum.org

Myrna Kostash, author of *All of Baba's Children* (Hurtig Publishers) and *No Kidding: Inside the World of Teenage Girls* (McClelland and Stewart), and a forthcoming book about Eastern Europe based on travel and conversations throughout the 1980s.

Marie Annharte Baker, a founding member of the Aboriginal Writers Group who recently published her first book of poems, *Being on the Moon* (Polestar).

Fred Wah, author of *Waiting for Saskatchewan* (Turnstone), the winner of the Governor General's Award for Poetry in 1985. His most recent work is *So Far* (Talonbooks).

Sadhu Binning, a writer who has published extensively in English and Punjabi in literary journals in North America and India and is a founding member of the new Indo-Canadian Journal, *Ankur*, published in Vancouver.

9:00-10:30 pm
Segal Centre—1400
Reception
Sponsored by the National Association of Japanese Canadians

Friday, May 1
9:00 am - 10:15 am
Fletcher Challenge Canada Theatre—1900

Welcome
Dr. William G. Saywell, President, Simon Fraser University
Honorary Chair of Conference:
The Right Honourable Ed Schreyer

Historic Injustices in Canada: An Introduction Through Testimonials
Prominent individuals present personal and communal experiences from a diversity of perspectives and communities.
Mary Kitigawa, Vancouver
Joan Jones, Member, Afro-Canadian Caucus of Nova Scotia, Halifax
Michael Elterman, Chairman, Pacific Region, Canadian Jewish Congress
Alootook Ipellie, Ottawa
Raminder Dosanjh, India Mahilla Association, Vancouver

Introduction: Roy Miki, Department of English, Simon Fraser University
(continued on Saturday)

10:15 am- 10:30 am
Break

10:30 am - 12:00
The Impact of Residential Schools in Canada: A Case Study
The case study features a brief history of the Residential School as an institution in Canada and features a personal testimonial of Three generations of one family who attended such a school, the aftereffects on the family and the goal of community self-healing.
Chief Bev Sellars, Soda Creek Indian Band, Williams Lake

Source: Nikkei National Museum, 2018-16-2-14-7-9
www.nikkeimuseum.org

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Source: Nikkei National Museum, 2018-16-2-14-8-1
www.nikkeimuseum.org



In justice

Canada, Minorities and Human Rights

A conference for ethnic minority group associations, human rights commissions, civil liberties associations, government policymakers, educators, journalists, and scholars in Canadian Studies.

Sponsored by the National Association of Japanese Canadians, and the Centre for Canadian Studies, Simon Fraser University with the support of the Japanese Canadian Redress Foundation.

Simon Fraser University at Harbour Centre
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- proposals for legislative and operational safeguards to maintain the rights of minority Canadians during periods of national crisis

The conference also celebrates the rich body of literature, drama and poetry based on personal experiences.

For more information, please contact:

Public Policy Programs
Continuing Studies
Simon Fraser University
Burnaby, B.C.
V5A 1S6

telephone: (604) 291-4940
fax: (604) 291-3851

Source: Nikkei National Museum, 2018-16-2-14-8-2
www.nikkeimuseum.org

112 Huron Ave. North
Ottawa, Ont., K1Y 0W2

Tel: (613) 728-9691 (home)
(819) 997-3325 (work)

December 12, 1991

Ms. Margit Nance,
Director,
Public Policy Programs,
Simon Fraser University,
Burnaby, British Columbia,
V5A 1S6

Dear Ms. Nance,

Re: "INJUSTICE" Conference, April 30, May 1-2, 1991

Thank you for meeting with me on November 28, 1991 to discuss the above conference. At that time I made a few suggestion which I would now like to put before you and your committee. They are of two types: (1) suggestions for the "literary" portions of the conference and (2) proposals of the kinds of workshops that I would be willing to help organize or in which I would happily participate.

(1) The literary portions:

As an alternative to readings from literary works, I suggested that we give voice to the victims of injustice from primary historical sources. Some sources that come immediately to mind are:

(a) the letters of Muriel Kitagawa which are collected in the book This is My Own edited by Roy Miki. Mrs. Kitagawa was a gifted writer who wrote letters to her brother in Toronto during the uprooting of Japanese Canadians fifty years ago in the spring of 1942. They capture the emotions of a wife, mother and a passionate observer of her community during in those troubled times;

(b) the letters written by Japanese Canadians to each other in 1945 when they were forced to chose between moving east of the Rocky Mountains or being deported to Japan when the war ended. They are collected in the Department of Labour Papers in Ottawa, where they were placed by the government censors;

Source: Nikkei National Museum, 2018-16-2-14-8-3
www.nikkeimuseum.org

(c) the letters of protest written by the natives of the Stoney Point Reserve No. 43 in 1942 when the federal government confiscated their reserve for an military facility. Because the authors are not well educated, the simplicity of their pleas is all the more compelling;

(d) translations of letters of Ukrainian Canadians who had been arbitrarily interned under the War Measures Act during the first world war;

(e) the suicide note of Richard Cardinal, a native youth who hung himself in despair after being shunted from foster home to foster home for most of his life; or

(f) letters written in the 1930's and early 1940's from Jewish Canadians trying to gain admittance to Canada for those fleeing Nazi racism and the replies from bureaucrats at the Department of Immigration who believed that "None is too Many".

The above are but a sample of the possibilities. Selections read by competent actors and actresses, could be very compelling.

2. Workshops:

I proposed two seminars: one on particular injustices, and the other on solutions. It may, however, be preferable, instead of a broad seminar covering each of the areas outlined below, to run smaller concurrent workshops on each of the issues. The chosen option would have to depend on the depth of examination or exposition desired and the availability and willingness of workshop leaders to organize the necessary panel or conduct an in-depth workshop.

A: Injustice Seminar:

This seminar or series of concurrent workshops would examine, in a multidisciplinary manner, the history, causes and effects of particular injustices, such as the following:

(1) The Use and Abuse of Emergency Laws

Seminar Leader: myself

Issues for Exploration:

(a) Emergency Law in Canada, Its Nature, Powers and Limitations;

Source: Nikkei National Museum, 2018-16-2-14-8-4
www.nikkeimuseum.org

(b) The Abuse of Emergency Power including

(i) the detention of individuals and groups including Japanese Canadians, Ukrainian Canadians and refugees, in particular Jews in World War II and the Iraqi couple during the Gulf War, and

(ii) the confiscation of property including Indian reserves and enemy alien property in both World Wars, and the Ukrainian Farmer Labour temples and Japanese Canadian property during World War II.

(2) Immigration Law and Policy

Seminar Leader: an immigration historian or political scientist or immigration lawyer, depending upon the perspective desired.

Issues for Exploration:

(a) Racism and Immigration;

(b) Today's Refugee - Tomorrow's Economic Immigrant? - Consistency and Fairness in Immigration Act.

(c) Buying Your Way Into Canada - The Entrepreneurial Immigrant - Discrimination on the Basis of Income?

(3) Indian Act Claims Process

Seminar Leader: Roland Panoguish or one of the Vice-Chairs of the Assembly of First Nations Subcommittee on the Claims Process and/or native law experts.

Issues for Exploration:

(a) Injustice and Inequity in the Land Claims Process;

(b) Strengths and Weaknesses of the Special Claims process.

Source: Nikkei National Museum, 2018-16-2-14-8-5
www.nikkeimuseum.org

(4) The Social Care of Native Children

Seminar Leader: ideally Ovide Mercredi, who pioneered Native control of social services in Manitoba, or a person currently administering programs for the placement of native children in foster homes.

Issues of Exploration: Cross-cultural adoption and the evolution of cooperation between provincial governments and native bands in the provision of social services.

B. The Solutions Seminar:

This seminar or series of workshops would concentrate on analyzing the options available for resolving injustices using present examples and historical cases. The possible solutions to be discussed could include:

(1) The Legal System

Speaker: To be determined

Issues to be explored:

(a) the appropriateness of the legal system for solving social and political injustices;

(b) the problems of cultural bias, availability of evidence, expense and length of the process.

(2) Redress Ex Gratia

Speaker: A member or members of the Japanese Canadian Redress Negotiating Team and/or an official from the Department of the Secretary of State

Issues to be explored:

(a) the principles established in the 1988 redress of Japanese Canadians and their applicability of other cases;

(b) the strengths and weakness of a mandatory investigation and provision of redress after the use of emergency powers as provided in the Emergencies Act.

(3) Royal Commissions

Speaker: an existing or former Commissioner: ideally Thomas Berger, Mr. Justice D.C. McDonald or Maureen McTeer or someone from the proposed Royal Commission into Aboriginal Concerns

Source: Nikkei National Museum, 2018-16-2-14-8-6
www.nikkeimuseum.org

Issues to be explored include a critical analysis of the (a) the advantages and disadvantages of a Royal Commission as a method of preventing or rectifying injustice.

(4) Mediation and Conciliation

Speaker: Max Yalden or Alan Borovoy or a specialist in the area of mediation and conciliation

Issues to be explored:

(a) the advantages and disadvantages of mediation or conciliation and an alternative to the court system for establishing the facts and resolving abuses;

(b) the practical considerations involved in rectifying injustice by government against individuals or groups.

I trust that the above will assist you in the planning of the INJUSTICE Conference.

Yours truly,

M. Ann Sunahara

Source: Nikkei National Museum, 2018-16-2-14-8-7
www.nikkeimuseum.org

~~Action Legal~~
Mediated / Negotiated

Principles of fairness

Conciliation — like Labour Relations — adversaries but recognition of common

Human Rts Agencies?

Royal Comm Route → eg.: Bird Comm
Berger Inquiry
etc
↳ someone from pc
↳ Tom Berger doing a critical analysis of this kind of solution

Keynote Speaker — Steph Lewis

Spec C Emergencies → mandatory review ex post facto?
↓
advan disadvan

Source: Nikkei National Museum, 2018-16-2-14-8-8
www.nikkeimuseum.org

emergency WMA ingen

- workshops on "injustices" (JC's) - immig
Samoa Indian land
or workshops ~~on~~ particular law eg: children
later period grad
depth analysis.

1 ~~WMA~~ WMA - use; Abuse

(4) - Indian children - X cultural adoption ok w/ X religious ~~ok~~ ok

↳ Ovide Mercredi - in this capacity as an expert in this area, not as Chief A.F.N.

(2) - immig ~~historical~~ historical & recent ⇒ tragic

(1) - Emergency Law ~~Def Act~~ WMA - Def Act Immig Act couple

↳ Clayton Ruby

- new Act. & or his

① Internment - JC's ⇒ refugees - Jews Tragic

- UK's

- Italians

② ptys confiscat - Indians - enemy aliens

Jews ⇐ Harold Cranbrook / proper on this.

~~with Mercredi & Ruby Kobayashi Asia~~

~~Wright Mercredi Kobayashi Hawk~~

(3) - Indian Act Claims process.

↳ Chair Committee of AFN.

~~Solutions~~

Solutions: - how do we solve injustices

Legal System - ~~inappropriateness~~ limits of legal system - need for equity

Apply to be determined

Redress. ex Gratia - Act on JC's; significance

↳ redress

and - need for action on other areas

Source: Nikkei National Museum, 2018-10-2 14:8:9
www.nikkeimuseum.org

① List of some historical documents of historical abuse
- Kitagawa —
- St. A War Workers. —
- Ukrains → new.
- Jewish —
- repat letters

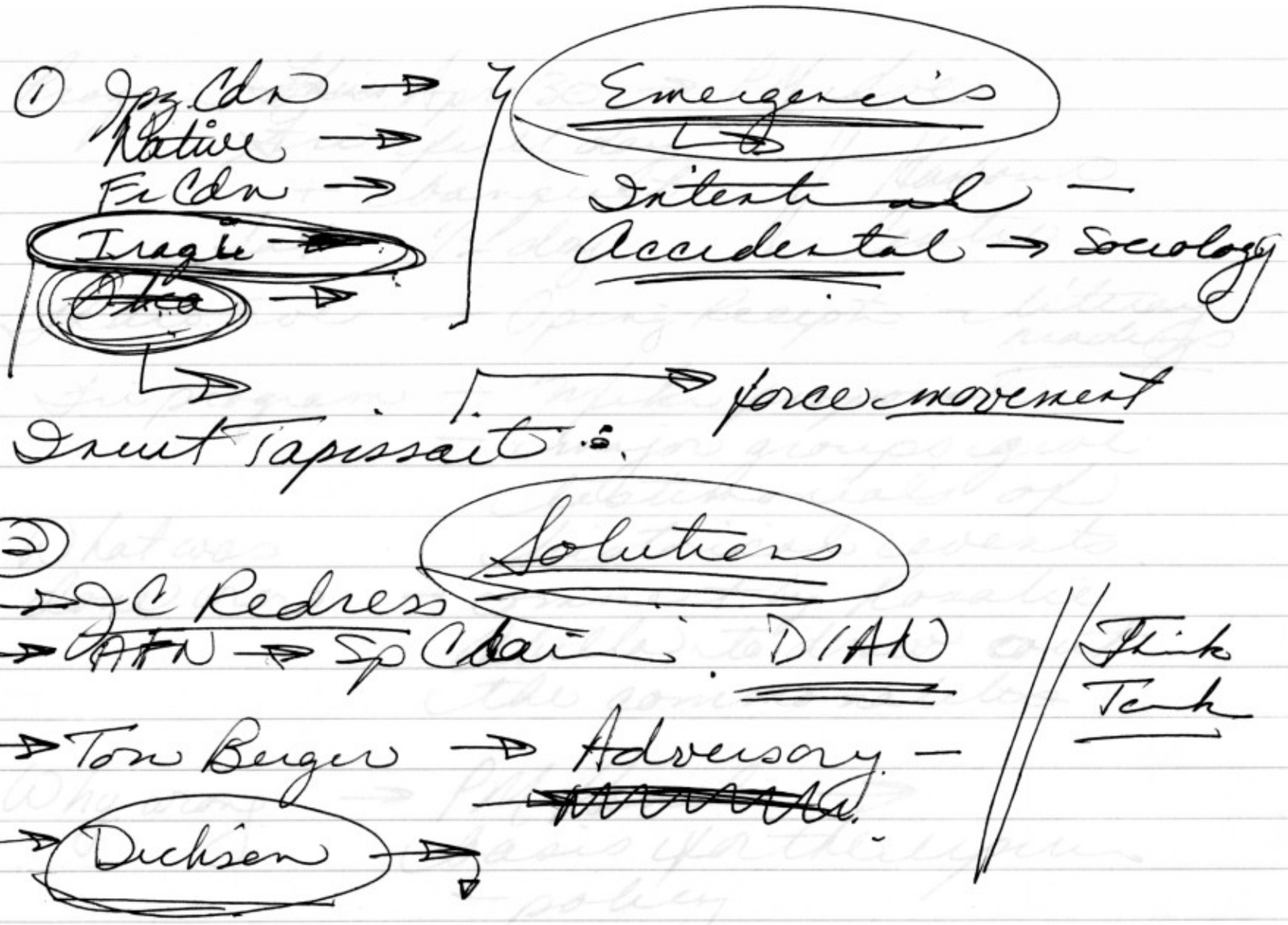
→ other native people
→ Inuit ?

② Contact other historians for examples & names of scholars etc.
→ Northern Justice Society
Materials.

— Kathy Kolusak → on Dan Préfontaine's office
→ grants
→ Susan Campbell
Policy

① Proposal for session
Description of Issues — potential speakers:

Source: Nikkei National Museum, 2018-16-2-14-8-10
www.nikkeimuseum.org



Draft a proposal for each session.

↳ Program Devel Mtg
Dec 13, in Vancouver

Source: Nikkei National Museum, 2018-16-2-14-8-11
www.nikkeimuseum.org

Program ~~Thurs~~ Apr 30 → PM eve
~~Fri~~ full day
+ banquet
~~Sat~~ - ½ day // Hastings Centre.

Thurs. Eve — Opening Reception — literary readings

Fri program — Niki proposal
— major groups give testimonials of historical events.

What was done wrong — comment by Rosalie Abella to draw out the commonalities

Why wrong → PM Panels → basis for the program
— policy
— legal

What to do about it. → Sat AM — ~~Solutions~~.
— ~~Tom Berger~~ keynote
— Stephen Lewis. Sphere

In Justice
Canada, Minorities and Human Rights
Simon Fraser University at Harbour Centre
April 30-May 2, 1992

THE BACKGROUND

The concept of a national conference addressing the treatment of Canadian minorities during times of national crisis and the implications of that for future legislative change and policy formulation was born out of the redress process between Japanese Canadians and Canada. Historically, governments have on a number of occasions abrogated or eliminated the rights of specific minorities with the rationale of maintaining the security of Canada. Incidents such as the internment of Japanese Canadians during World War II, the internment of Ukrainian Canadians during World War I, the Chinese Canadian head tax, the Komagata Maru, and the movement of aboriginal communities to other locations are examples.

Following the leadership of Japanese Canadians, a number of other ethnic communities have expressed a strong need to reclaim their history in Canada by seeing the injustices of the past acknowledged, and to work toward positive legislative change for the future.

This national forum will provide an important opportunity to discuss and contribute to the concept and principles of redress as well as educating ourselves as Canadians about the fragility of human rights and the need for their absolute protection in our future.

THE PARTICIPANTS

The National Council of Japanese Canadians
Chinese Canadian National Council
Ukrainian Canadian Congress
National Congress of Italian Canadians
Canadian Jewish Congress
German Canadian Congress
Sikh Canadian Community
Assembly of First Nations
Historians
Legislators

.../2

Source: Nikkei National Museum, 2018-16-2-14-8-13
www.nikkeimuseum.org

Participants Cont'd.

Policymakers
Civil Rights Leaders
Educators
Journalists
Human Rights Commissions
Canadian Studies Scholars
and others.

THE PROGRAM

Individuals from various communities will present first-hand accounts of some of the incidents on the daily lives of those affected. Resource people such as historians, legal experts and other observers will recreate the larger historical, political and social context that characterized the country's fabric at the time of the incidents. The result should be a dramatic scope in the program, from the very personal experiences of individuals to the broader human rights issues so critical in our contemporary society.

The program will be enhanced through literary readings and other artistic expressions of these experiences.

An in-depth case study will feature an analysis of the War Measures as an instrument of government during crisis.

Finally, the program will elicit recommendations to governments and legislators on the entrenchment of safeguards to minority human rights and the avoidance of these kinds of injustices in Canada's future.

Former Governor General of Canada The Honorable Ed Shreyer will serve as Honorary Chair of the Conference.

THE PUBLICATION

A post-conference publication will be produced. It will go beyond the traditional proceedings by being supplemented with illustrative materials such as photos, and will be designed as a trade publication. It will also be an important resource for educational institutions from schools to universities.

Source: Nikkei National Museum, 2018-16-2-14-8-14
www.nikkeimuseum.org

NATIONAL ASSOCIATION OF JAPANESE CANADIANS

NAJC CONFERENCE "INJUSTICE"
APRIL 30, MAY 1 & 2, 1992
VANCOUVER, B.C.

The representatives of NAJC, Simon Fraser University and Orest Krulak, Laurier Institute have been meeting to plan the NAJC proposed conference on "Injustice". The conference is scheduled for April 30, May 1 & 2, 1992 at the Vancouver Trade Centre.

Simon Fraser University Continuing Education Department will be responsible for the conference administration and publicity. A budget for the conference is attached.

The NAJC is requesting financial support for this cross cultural conference from the Japanese Canadian Redress Foundation.

Request from the Foundation:

a) NAJC portion of conference (see budget)	$25,000
b) Advisory Meeting - Oct/Nov 1991	5,050
c) Attendance of Human Rights Committee and Executive Committee members	10,800
	$40,850

The conference will require $25,000 immediately for start up costs as other funding is not in place.

C

Source: Nikkei National Museum 2018.16.2.14.8.15a
www.nikkeimuseum.org

Advisory Meeting

A meeting of the representatives of the minority groups will be held in Vancouver late October or early November, 1991 to provide input into the conference program. The NAJC will be responsible for the costs of this meeting. We are hoping to have representatives from the following groups:

a) Assembly of First Nations
b) National Association of Japanese Canadians
c) Ukrainian Canadians
d) Canadian Jewish Congress
e) Italian Canadians
f) Chinese Canadians
g) German Canadians
h) Sikh Canadians
i) French Canadians

Budget:

Travel	9 x $450 (average)	$ 4,050
Accommodation	9 x $100	900
Lunch		100
		$ 5,050

Each organization will be encouraged to send a representative from the Vancouver area to reduce travel costs.

Attendance of NAJC Representatives

This conference will be a great opportunity for the Human Rights and Executive Committees to become more familiar with issues affecting other minority groups. Number of people attending is Human Rights-12 and Executive Committee-8.

Budget:

Travel	16 x $400	$ 6,400
Accommodation (based on double occupancy)	8 x $300 (3 days)	2,400
Registration	20 x $100	2,000
		$10,800

Source: Nikkei National Museum, 2018-16-2-14-8-15b
www.nikkeimuseum.org

INJUSTICE CONFERENCE
BUDGET

EXPENDITURES:

A. Program Development and Promotion		
1. Production		
- design of announcement and program	$ 2,000	
- announcement printing	1,500	
- program printing	3,500	
- on-site program printing	2,000	
2. Postage (2 mailings,database access, envelopes, mail list development)	10,000	
3. On-Site Materials	1,000	
4. Staffing		
*Program development, fundraising coordination and clerical support	23,650	$43,650
B. Speaker Expenses		
1. Travel and accommodation	20,000	20,000
C. Operations/Program Implementation		
1. Meeting Space	4,000	
2. Audio Visual Services (audio recording/rental)	800	
3. Food Services		
- coffee service and hospitality	3,000	
- reception (400 ppl x $15)	6,000	
- lunch (400 ppl x $15)	6,000	
- closing dinner (400 ppl x $30)	12,000	
4. Courier Services	500	
5. Long Distance Telephone & Fax	2,000	
6. Staffing - On-Site	3,550	
7. Miscellaneous Office Expenses	500	
8. Conference Kits (400 x $5)	2,000	40,350
D. Conference Publication	25,000	25,000
TOTAL EXPENDITURES		$129,000

REVENUES:

A. Registration Fees (300 x $150)	45,000
B. NAJC & Affiliated organization	25,000
C. Multiculturalism, Canada	20,000
D. Multiculturalism, B.C.	20,000
E. Bronfman Foundation	10,000
F. Justice, Canada	5,000
G. SSHRC	4,000
TOTAL REVENUES	$129,000

Source: Nikkei National Museum, 2018-16-2-14-8-16
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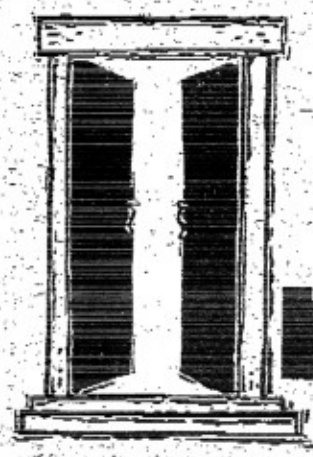
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Source: Nikkei National Museum, 2018-16-2-14-8-17
www.nikkeimuseum.org



In justice

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Simon Fraser University at Harbour Centre
Vancouver, British Columbia
April 30 - May 2, 1992

During times of national crisis, governments have historically focused on specific minority groups as one aspect of maintaining the security of Canada. A number of affected ethnic minority groups have expressed a strong need to reclaim their history by seeing the injustices of the past acknowledged and to work toward positive legislative and policy safeguards to prevent future injustices. Governments and agencies meanwhile struggle to find ways of avoiding repetitions of the past. This national conference addresses:

- past treatment of minorities during national crisis
- the use and abuse of emergency laws and powers, and the impact on the human rights of minority groups
- proposals for legislative and operational safeguards to maintain the rights of minority Canadians during periods of national crisis

The conference also celebrates the rich body of literature, drama and poetry based on personal experiences.

Source: Nikkei National Museum, 2018-16-2-14-8-18 -
www.nikkeimuseum.org

Simon Fraser University at Harbour Centre
Vancouver, British Columbia
April 30 - May 2, 1992

During times of national crisis, governments have historically focused on specific minority groups as one aspect of maintaining the security of Canada. A number of affected ethnic minority groups have expressed a strong need to reclaim their history by seeing the injustices of the past acknowledged and to work toward positive legislative and policy safeguards to prevent future injustices. Governments and agencies meanwhile struggle to find ways of avoiding repetitions of the past. This national conference addresses:

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For more information, please contact:

Public Policy Programs
Continuing Studies

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

April 24, 1992

Memo

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Fax: (819) 953-9267

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Public Policy Programs
Continuing Studies
Simon Fraser University
(604) 291-3393 phone
(604) 291-3851 fax

Dear Ann:

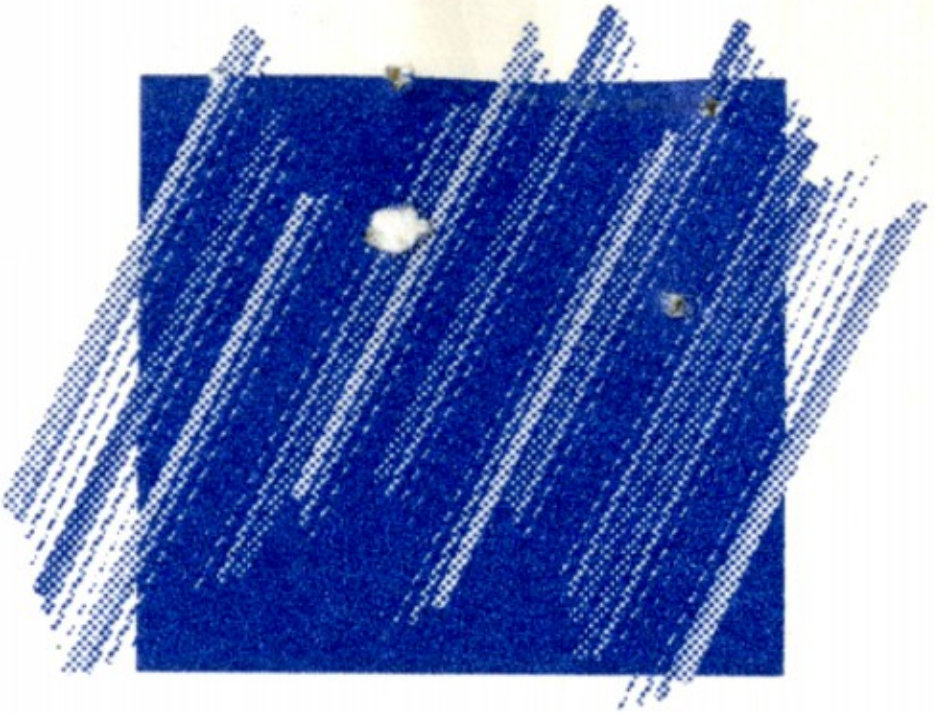
Re: *Justice: Canada, Minorities and Human Rights* conference description

In reviewing the amended description that you sent to us April 21, and discussing it with Roy Miki in terms of the overall context of the session, we would like to ask you to consider the following change: could you limit the extent of discussion on "safeguards against future abuses"? The reason for that is that it preempts the Saturday morning session, which deals in its entirety with safeguards against future abuses and solutions to current problems. It goes without saying, of course, that you should feel free to make reference to safeguards against future abuses, but perhaps you could do it more as a way of previewing the Saturday session. Also, on Saturday morning, we hope you would participate from the floor in the discussion on safeguards and solutions.

Please give me a call, if any of this is unsatisfactory.

Looking forward to seeing you next week.

Source: Nikkei National Museum, 2018-16-2-14-9
www.nikkeimuseum.org



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Source: Nikkei National Museum, 2018-16-2-14-10-1
www.nikkeimuseum.org

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Nov 28/91

Ann Sunahara -

Just a quick note to thank you for meeting with me today. Your ideas for the program in Justice were just superb and I look forward to your outlines.

Enclosed some other programs I'm involved with for your interest.

Regards,

Margit

Source: Nikkei National Museum, 2018-16-2-14-10-2
www.nikkeimuseum.org