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HIDAKA, KUNIO – COOPERATIVE COMMITTEE ON JAPANESE CANADIANS

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National JCCA Bulletin #1
84 Gerrard St., East
Toronto 2, Ont.
Tues., Sept. 17, 1947

The National Executive Committee held their inaugural meeting on Monday, Sept. 15, 1947. The following have consented to act on the committee: Issei - Rev. K. Shimizu, S. Sasaki, T. Kameoka, S. Shinobu, E. Kagetsu; Nisei - K. Tanaka (Chairman), Rev. Tak Tsuji, Norah Fujita, Jack Oki, Roy Shinobu, Muriel Kitagawa, Jin Ide, Kay Shimizu, Henry Ide, Louis Suzuki (Treasurer for Committee). Note: it is expected that Canadians of non Japanese extraction will be approached to act on the committee in an advisory capacity.

Sub-Committees: Committee on National Organization Constitution: - George Tanaka, Roger Obata, Kinzie Tanaka, Norah Fujita, Jack Oki, and Louis Suzuki.

Committee on Publicity - Chairman, Jack Oki.

Committee on National Organization Fund Drive Campaign - Roger Obata, Jack Oki (National Treasurer - Hiroshi R. Okuda).

Duties of the National Treasurer On the matter of the duties of the National Treasurer, the National Executive Committee at their first meeting arrived at the following decision: The National Treasurer shall be responsible for all National Fund obligations from each Provincial Chapter organization. He shall also be responsible for all special donations to the National JCCA which shall be placed in a special reserve fund. He shall also open a bank account in his city for the National JCCA funds. He shall receive directly from each Provincial Chapter organization their respective National Fund obligations (Provincial Chapters please note).

On the matter of monthly National JCCA operating funds, the National Executive Secretary shall send to the National Treasurer in advance a regular monthly statement of the amount of operating funds required for the National office upon which the National Treasurer shall arrange to send to the National Office in Toronto a bank draft for the required amount.

National Fund Drive Campaign committee is now planning a regular weekly publicity campaign to support the Provincial Chapters in their work of raising their quota of the National funds. It is planned to use the medium of the New Canadian in order to reach the public. The Provincial Chapters are requested to send in their fund collections regularly in weekly amounts, if possible, to the National Treasurer. All local organizations should send their fund collections to their respective Provincial Headquarters Organization.

The National Conference Report has now been edited from the original 30-page rough draft and it is expected that it will be available in mimeographed form shortly.

On the Property Losses Issue a press report states that Justice Minister Ilsley announced in Ottawa, September 12th, that the Order-in-Council providing for an inquiry into the disposition of the property of Japanese Canadians had been broadened to meet with the suggestions made by the Public Accounts Committee in its report at the recent session of parliament.

Under the changes, the commissioner, Mr. Justice Bird of the British Columbia Court of Appeals, will be able to hear claims that the property of Japanese was disposed of for less than a fair market value.

He will also be able to hear claims that personal property vested in the Custodian was lost, destroyed or stolen while under the control of the Custodian or a person appointed by him.

On reading the above press report this office contacted Mr. Brewin for his opinion on the matter.

We report the following memo received:

September 15, 1947

" My office telephoned to-day to the Minister of Justice and were informed that the text of the Order-in-Council amending the terms of reference would not be available until Wednesday or Thursday.

I have had a letter from Mr. MacLennan of Norris & MacLennan to the effect that the Exchequer Court action brought by the Japanese Canadian claimant has been dismissed and further expressing Mr. MacLennan's opinion that no appeal could successfully be taken.

In my opinion any consideration of boycotting the Commission is premature, furthermore my offhand opinion is that any such action would be unwise, and I would not at this stage be prepared to advise the Japanese Canadian Committee or the Co-Operative Committee to proceed with boycott. It would appear that the amendment to the terms of reference removes the main objection which was made to the original terms, namely, the necessity of proving a lack of care on the part of the Custodian. I do not believe that public support could be obtained in any effort to get the terms of reference further widened at this stage, and I think it would be too much to expect those claimants who may have some reasonable prospective success, to forego the right to present their claims.

I believe that your Committee should disassociate themselves from the view taken by the Toronto claimants and should advise the Toronto claimants to reconsider what seems to have been a hasty decision. I would further suggest that as soon as the amended terms of reference are available to us later this week, plans should be made forthwith to present claims as efficiently and vigorously as possible.

F. A. Brewin

On the Exchequer Court Action brought by Japanese Canadian property owners, port the following letter received by Mr. Brewin from Norris & MacLennan, Ba Vancouver, B. C.

"

September

We thank you for the information contained in your letter of the 8th in and wish to advise you that on August 28th last the Honourable Mr. Justice T gave Reasons for Judgment in dismissing the claims of the Japanese Petitioners.

File 43

The main ground was that the Custodian is not a servant of the Crown and therefore no Petition lies in the Exchequer Court against the Crown by way of Petition of Right.

The Learned Judge was requested to deal with the validity of the Orders in Council in the event that the Court should come to the conclusion that the Petition of Right did not lie because the Custodian was not a servant of the Crown and he did deal with that aspect at Page 14 of the Reasons for Judgment.

In view of the line of decisions beginning with in Re George Edwin Gray and Fort Frances Pulp and Power Co. and continuing with the reference re Chemical Regulations and Administrative Orders and culminating in reference re Persons of Japanese Race (with which Mr. Brewin is so familiar) it seems clear that no redress from any Court can be expected arising out of the sale of Japanese properties. In our opinion it is now immaterial whether objections were made to the sale of the properties by way of Petition of Right or by way of action against the Custodian as the result would be the same. We do not see any ground for appeal arising out of these Reasons for Judgment and propose to advise our clients accordingly.

We are heartily in accord with your advice that the Japanese-Canadians should make the best of the Commission.....

Yours sincerely,

NORRIS & MacLENNAN, Per: JAM

George Tanaka
National Executive Secretary, pro-

File 43

File 123
K. Hidaka
Papers.

Friday, September 19, 1947.

STATEMENT BY THE CO-OPERATIVE COMMITTEE
ON JAPANESE CANADIANS

The Minister of Justice has announced the terms of an Order-in-Council amending the Order-in-Council which appointed a Commissioner to investigate the property claims of Japanese Canadians. We enclose a copy of the amending order.

This amendment removes the most serious objection taken by us to the terms of ... out in the original Order, namely, that it was necessary for a claimant to pr... loss was caused by lack of care on the part of the Custodian or his agents.

We urged that the case of the Japanese Canadians in no way depended upon any ... on the part of the Custodian, and that in all cases where property was sold a... a fair market value, compensation should be made.

We were so convinced that the orginal terms of reference imposed an impossibl... ly difficult burden on the claimants that we seriously contemplated advising the Japanese Canadians who might have claims, not to present them to a Commission whose powers were so restricted.

We therefore welcome the amendment contained in the new Order-in-Council insofar as it removes this objection and enables all those whose property was vested in the Custodian, and was sold at less than a fair market value, to present claims with some real hope of success.

* We regret very much, however, that the Government has not accepted our representations that in order to do full justice all claims for losses to property fairly arising out of the evacuation orders should be investigated and compensation allowed.

There are a considerable number of cases in which losses are still excluded from the terms of reference because the properties in question were not vested in the Custodian and loss was sustained before the appointment of the Custodian, either through forced sales, theft or vandalism, or the acts or omissions of other agencies.

We will continue to urge that more complete justice be done in respect to this class of claims and we plan to assist in the preparation of the necessary information, so that the cases of this group of claimants may be put before Parliament and the Government.

Nevertheless we do not think it would be in the interests of the Japanese Canadians that those who are entitled to present their claims under the amended terms of reference should seek to boycott the Commission on the ground that the terms of reference are still not broad enough to cover all of those who in justice may be thought to be entitled to compensation.

Indeed we urge all those who have suffered loss through sale by the Custodian or through destruction or theft of personal property, after the property was vested in the Custodian, to take advantage of the Commission and to present their fair claims as vigorously as they can.

Our view has been strengthened by the information that the test case taken in the Exchequer Court against the Crown in regard to the legal right of the Custodian to sell the property of Japanese Canadians under the various Orders-in-Council, has been dismissed.

It is our opinion based on the advice of the solicitors who represent the Japanese Canadians in these cases that there is little to be hoped for in the way of legal

(over)

STATEMENT
CCJC
Sept 17/47

Proceedings in the Courts and those who have based their hope on this means to secure compensation for losses must now abandon such hope.

It is the intention of the Co-operative Committee acting through and in co-operation with the National Japanese Canadian Citizens Association in the various provinces, to propose a plan whereby legal assistance in presenting the claims may be made available to those who may find such assistance necessary or desirable.

We shall shortly be issuing a further statement giving the details of this plan and setting out what steps should be taken by the Japanese Canadian Claimants to present their claims to the Commissioner.

(Mrs. Hugh) Donalda MacMillan, Secretary,
126 Eastbourne Ave.,
Toronto, Ontario.

File 43
KHP

President: Norman F. Black
Vice-President: W. H. H. Norman
Secretary: A. J. McLachlan
Treasurer: V. H. Osterhout

THE JAPANESE-CANADIAN SITUATION TO-DAY

Edited and Published by the Vancouver Consultative Council for Study of Problems of Citizenship, 1605 West Twelfth Ave., Vancouver, B. C.

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JANUARY, 1947 14

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On January 1, 1947, the new Canadian citizenship law came into effect. By it for the first time in history Canadian citizenship was established, and anomalies that existed to the handicap of Canadians were corrected. It means, among other things, that no longer can there be two classes of citizens in Canada. Regardless of race or religion, either a man is a Canadian citizen, owing political loyalty solely to Canada, and enjoying all privileges that other Candians,—other things being equal—enjoy, or he is not. If he is, he must be allowed to exercise the franchise—municipal, provincial and federal—to travel, to do business, or reside anywhere in Canada without let or hindrance.

THE PRIVY COUNCIL'S DECISION

On December 2, 1946, the Privy Council ruled that the Canadian Government's Orders-in-Council authorizing the deportation of certain groups of Japanese-Canadians were valid, thus upholding the Supreme Court's judgment of last February. This decision has disappointed those who looked to the Privy Council as the legal guardian of the rights of minorities within the British Commonwealth. The judges ruled that under the War Emergency Powers Act the Government could legally do anything it considered necessary for the safety of the Dominion, and made this significant comment: "It is not pertinent to the judiciary to consider the wisdom or propriety of the particular policy which is embodied in the emergency legislation. Determination of the policy to be followed is exclusively a matter for the Parliament of the Dominion and those to whom it has delivered its powers."

Thus, by ruling that the Canadian Government has the power to do anything it sees fit, regardless of the right or justice of such actions, the Privy Council has, in effect, thrown the case back to the people of Canada. The decision merely underlines the fact that we can never depend upon laws or constitutions to defend our rights: eternal vigilance is still the price of liberty.

Although the legal battle has been lost, it is generally believed that the widespread public protest against the Orders-in-Council has gained its end. The Government has not yet made any definite statement, but reports from Ottawa indicate that it is now unlikely that any Japanese-Canadians will be deported against their will. However, we should not be overconfident. The matter will certainly come up for debate in the forthcoming session of the House. Lovers of liberty in Canada should watch the newspapers to see that the ultimate disgrace of forcibly compelling Canadians to leave their homeland is not to be charged against us.

However, already some 4000 persons of Japanese origin (over half of them Canadian-born) have gone to Japan. That these persons should have chosen to go to a starving and devastated land rather than to remain in Canada is a severe indictment of the treatment they received in this "democratic" country. Can we blame them if, after being treated as enemies and herded into camps simply because of their racial origin, after seeing the work of years destroyed overnight through no fault of their own, they felt unable to start over again, in the face of continuing hostility and unceasing prejudice? Though it is probably true that a certain number of the Japanese-born who have returned always intended to go back to Japan at some time, we believe that this number is very small.

It is now too late to make restitution to those four thousand, who, in despair, have given up the struggle to obtain justice in Canada. **We must insist, however, that those Canadian-born sons and daughters who felt obliged to accompany their parents to Japan as a filial duty, shall retain their Canadian nationality and shall be free to return to the land of their birth whenever they choose to do so.**

TOSHIKO SASAKI

Among the 15 persons of Japanese ancestry who boarded the C.N.R. coach at Winnipeg to catch the fourth repatriation ship for Japan was Toshiko Sasaki, youngest daughter to Mr. and Mrs. K. Sasaki of Letellier, Man.

Eighteen-year-old Toshiko is on her way to Japan, but she doesn't like the idea. She had to accompany her old parents who have determined to return to their native country. Toshiko wants to return to Canada as soon as she gets them to Japan but doubts if either government would allow her to come back.

"I'm the youngest in the family," Toshiko said. "My father decided he wanted to spend his last years in Japan and told me I was to accompany mother and him there.

"I could do nothing else. I was born in New Westminster, B. C., and know no other country. I'm hoping all the time that I can return."

Toshiko lived in Letellier, Man., for the last five years. Along with several other Japanese-Canadians she attended school in that town. She has three older sisters at Letellier and one brother. "Two of my sisters are engaged and will be married soon," she said. "I'll miss their weddings."

The three sisters were at the train to see their parents and sister start for Japan. They all wished Toshiko could stay and sobbed heavily when train time drew near.

One sister fell alongside the train when it was leaving. Despite pleadings of the R. C. M. P. corporal accompanying the Winnipeg Japanese party, the girl would not move. She was carried away.—"The New Canadian", Sept. 21, 1946.

WARRANT OFFICER TATSURO SUZUKI

"Buck" Suzuki was born in British Columbia 30 years ago. After war was declared on Germany Suzuki made three attempts to enlist in the Canadian armed forces, once before Japan entered the war, twice after, and was rejected each time on racial grounds. He finally enlisted in the British Army in January, 1945, and was transferred to the Canadian Intelligence Corps in February. He went to England shortly after that, and served in India and Malaya till October, 1946.

Suzuki owned seven acres of excellent farming land in the Fraser delta, near Sunbury, all cleared, with a house which he remodelled at a cost of $4000. The property, unencumbered by any mortgage or debt, was taken over by the Custodian of Japanese Property, **and sold without Suzuki's knowledge or consent for $1963.**

"The Ladner Optimist" of April 6, 1944, said that land in this district was priced at $300 an acre. There was insurance of $3000 on Suzuki's house.

Suzuki's father, Gennosuke, a naturalized Canadian citizen for 33 years, owned 10 acres in Gibson, B. C., at the corner of Oliver and River Roads, adapted for subdivision and building, for which Suzuki Senior paid $800 in 1939. **This was sold by the Custodian for $96.**

investigate the said claims and to make recommendations

O. KAMACHI

I am a returned veteran. My farm at Langley Prairie, B. C., a berry farm, consists of strawberries, 15 acres of land, with house, barn, and packing house. This was valued at $3,000 but was sold by the Custodian for $980.

My fishing net and net twine valued at $700 were sold at $292. My fishing boat, 28 f. long by 7 ft. wide, with a 6 H.P. Palmer engine, was sold for $86. Because of the shameful low prices I refuse to accept the money, and it is still in the hands of the Custodian.

(Signed) O. Kamachi.

RESTRICTIONS ON PERSONS OF JAPANESE RACE

A year and a half after V-J Day, the Government still has extraordinary and arbitrary powers over all persons of Japanese race. Legally, all Canadians of Japanese ancestry are still required to obtain R.C.M.P. travel permits before crossing any provincial boundary or changing their place of residence. No Canadian citizen of Japanese extraction may settle in the British Columbia coastal area, or travel more than fifty miles within British Columbia — except those who served in the Canadian forces in World War II, and these may do so only with a police permit. Because of this ruling, three Nisei who won University of British Columbia scholarships have been unable to use them.

Another order prohibits all persons of Japanese ancestry from fishing in British Columbia or the Pacific coastal waters without a permit from the Commissioner, and up to the present no such permits have been granted. Only a short time ago applications of two Nisei war veterans for permits were refused.

Still another regulation requires all persons of Japanese ancestry to secure a license from the Department of Labour before they can purchase property. While such licenses are usually granted—except in British Columbia—nevertheless they can be refused without any opportunity for appeal.

Such restrictions upon the liberty of Canadian residents who have been guilty of no crime or even of any ill intention were unjustified even in time of war. Today, when the excuse of war emergency is far behind us, it is difficult to imagine upon what pretext they are retained.

The National Emergency Transitional Powers Act, which extended the War Measures Act under which these Orders-in-Council were passed, is due to expire on March 31, 1947. The regulations in questions will then lapse unless new legislation is introduced to extend them. We may hope that no such legislation will be introduced, and that instead the Government will announce a definite policy towards Japanese-Canadians based on the recognition of their rights to full citizenship.

SERGEANT Y. SHOJI

Mr. Shoji was a machine-gunner in the Princess Pats in World War I. He was wounded twice, promoted to be sergeant, and honourably discharged. In 1931 he purchased 19 acres near Whonnock, B. C., under the Soldiers' Settlement Act. He cleared and cultivated 9 of his acres, built a two-storied house, and 4 well-equipped chicken houses and a hatchery. The property was sold by the Custodian. After certain deductions for taxes and other payments were made, Mr. Shoji was sent a cheque for $39.72 by the Custodian.

S. KOYAMA

On December 8, 1942, the day following the declaration of war in the Pacific, I was ordered to report to the outer wharf of Victoria with my boat. For four days I was compelled to remain in it. I was not permitted to communicate with either my family or with the other men detained on their boats, in the same situation as myself, with very little food on board. On the fifth day, we were ordered to leave for Steveston where our boats were confiscated. From there we had to return to Victoria at our own expense.

At a later date, I was informed by the authorities that my boat was sunk near New Westminster. To this I have been unable to receive further information or any reimbursement.

(Signed) S. Koyama.

PROPERTY LOSSES SUFFERED BY THE JAPANESE-CANADIANS AT AND SINCE THE EVACUATION

When the Japanese-Canadians were evacuated from the Pacific coast in 1942, they were given verbal assurance that their property would be protected by the Custodian. It is common knowledge in British Columbia, however, that after the hasty evacuation was completed, fishing-boats were robbed of their gear, houses broken into and robbed, and in many cases furniture and personal effects, that were loaded on to trucks to be stored in warehouses for the Custodian, never reached their destination. The Custodian need not be blamed personally for this, but Canada remains responsible to see that restitution be made for these losses.

Some months later, by Government order, the Custodian proceeded to sell by public tender the house and land, and, by auction, the personal effects and furniture of the evacuated Japanese-Canadians. The owners were not consulted, and, as the cases printed in these pages disclose, the property was often sold at far below the market value. The owners have been told that "independent valuations were obtained from established real estate brokers, and in many cases the accepted offer exceeded the valuation."!! When a Vancouver lawyer, on behalf of his client, asked how this valuation was made, he was told: "The advice supplied to us by the Advisory Committee is given for the confidential information of the Custodian and, under the policy laid down by the Committee, this information is not to be disclosed. The same applies to the actual valuation reports which are obtained from our appraisers."

We are reminded of Humpty-Dumpty's remark in "Through the Looking Glass": "When I use a word it means just what I choose it to mean—neither more nor less . . . . What I say three times is true."

Other and intangible losses were suffered by Japanese-Canadians—the loss, for instance, of good-will in a business built up over long years. **Justice demands the appointment of a Commission to examine and make good losses suffered by the Japanese-Canadians through the evacuation.**

MR. HYAKUZO TSUBOUCHI

Before leaving my home at 28 First Avenue, Duncan, B. C., I wanted to get in touch with the Custodian and give him the list of property that I was leaving behind, but evacuation was so sudden I could not do this. At this time was allowed only one suitcase and one clothes bag.

After being in the Hastings Park Manning Pool for one month, I communicated with the Duncan police to ask information concerning my property. They informed me immediately that the house was ransacked and that the property was a total loss.

(Signed) Hyakuzo Tsubouchi.

Y. KOSAKA

My residence at the time of the evacuation was at the corner of Sixth Avenue and Columbia Street in Vancouver, B. C.

The house was worth approximately $2000. The Custodian sold it for $1250. My household chattels, worth $1100, were sold for $227. These sales were made without my knowledge or consent. I have received none of the proceeds of these sales.

(Signed) Y. Kosaka
No. 12, Sixth Ave., Bay Farm,
Slocan, B. C.
March 7, 1946.

RETURN TO THE COASTAL REGIONS of BRITISH COLUMBIA

One restriction noted above calls for special comment. With the exception of veterans of World War II and their dependents, persons of Japanese race are not permitted to reside in what is called the "protected area" of British Columbia. This is the cause of astonishment to American visitors, who have seen thousands of Japanese-Americans return to their homes in the Pacific states since January 1, 1945. Apart from a few local incidents which in no case assumed serious proportions, this return occasioned no trouble, and the Japanese-Americans have now been re-integrated into American life.

Yet we find Mr. Howard Green declaring in the House of Commons on April 5, 1946, that there would be bloodshed if the Japanese were allowed to return to the Canadian coast to resume their former occupations. This fear would be justified if there were a mass migration to the coast.

What, however, would happen? We can be sure that proportionately fewer Japanese-Canadians than Japanese-Americans would return to the Pacific coast. Their homes and land have been sold, whereas the property of the Japanese-Americans was held for them by the Custodian. But even with property to return to, only one-half of the Japanese-Americans who were evacuated from the Pacific states have returned. Furthermore, the Japanese-Canadians have stayed in the localities to which they were removed two years longer than did their American cousins, and are therefore better established and more thoroughly absorbed. Few will leave any tolerable position in a community relatively free from anti-oriental prejudice to return to nothing at all in British Columbia!

Some, however, definitely will want to come back. Their return will not be along the lines suggested to us by certain politicians. Actually the few who still wish to return will come in twos or threes, and concentration in one locality or occupation will not take place.

Would there be "bloodshed"? Surely we recognize the old appeal to panic and hysteria! Since when have Canadians been more lawless than Americans? The peaceful return of Japanese-Americans to the Pacific coast can surely be paralleled in Canada. . . . When the law permits Japanese-Canadians to return, public opinion, and, if necessary, the police, should deal with anyone who incites or resorts to violence.

* * * * *

We have by no means exhausted the recital of the injustices that have been suffered by a minority, who have, on the word of our highest authorities, been guilty of no acts of sabotage or disloyalty against Canada during the war. We are thoroughly aware of other injustices within and beyond Canada, and the great problems of peace and adjustment that press in upon us. We know that the discrimination suffered by 20,000 Japanese-Canadians is not comparable with sufferings in other parts of the world. Nevertheless these things are exceedingly important, and call for prompt action because:

The discrimination against the Japanese-Canadians was born of wartime hysteria, but is not yet erased from our statute-books; it causes unnecessary anxiety and humiliation to Canadian citizens; it is racial; and it reflects on the justice and honour of Canada and all Canadian citizens.

S. KOBAYAKAWA

Prior to being evacuated from the Coast, I had two row boats valued at $126. The cannery manager there sold them at the above amount and forwarded the money to the Custodian. I wrote to the Custodian asking him to forward the proceeds to me, but to date, have not received the sum.

The boat-building machinery was left in the care of the Custodian. I enquired numerous times what they had done with my machinery, but they have not even answered my letters.

Also there was a box of tools valued at $200. Since I was not able to bring that to Slocan, I deposited the box and its contents at the Vancouver Buddhist Temple. At a later date, through the B.C. Security Commission here, I asked for my tools to be forwarded, as they were required, but as yet they have not complied with my request, nor given me any satisfactory answer.

(Signed) S. Kobayakawa,
A-2, Bay Farm, Slocan, B. C.
March 7, 1946.

MRS. M. KITAMURA

On March 29, 1942, my husband was served orders to leave for a road camp. Since our business establishment—a rooming house—and household goods, which were taken over by the Custodian, were not disposed of, he did not go. For this reason, at a later date, he was sent to internment camp.

After I was evacuated to Slocan, I lived on maintenance. Upon the sale of my house by the Custodian, without my consent, the total amount of 13 months' maintenance which I received prior to the time of the sale, was deducted from the proceeds. Since then, as I have no source of income, I have had to depend solely upon maintenance which is deducted from the proceeds of the sale of my property.

(Signed) M. Kitamura,
No. 5 First Ave., Bay Farm,
Slocan, B. C.

Persons of the Japanese Race in Canada
Distribution As At October 31, 1946

Province	*Japanese Nationals*	*Naturalized Canadians*	*Canadian Born*	*U.S. Citizens*	*Married to Whites and their Offspring*	*Totals*
British Columbia . .	1783	1152	4083	2	40	7060
Alberta	874	478	2910	2	12	4276
Saskatchewan	117	81	294	—	8	500
Manitoba	276	150	887	—	6	1319
Ontario	1258	638	4473	8	28	6405
Quebec	209	145	807	1	10	1172
Nova Scotia	1	—	—	—	—	1
New Brunswick . . .	2	—	8	—	—	10
Prince Edward Island	2	—	4	—	—	6
Yukon and North-West Territories .	6	9	16	—	—	31
	4528	2653	13482	13	104	20780
Persons of Japanese race who returned to Japan in 1946 up to December 23, 1946:						
Adults	1236	572	605	—	3	2416
Children	10	1	1244	—	—	1255
						3671

300 persons sailed from Vancouver for Japan on the "Marine Falcon" on December 24.

In the registration of Japanese-Canadians, the authorities classify all persons 16 years or over as "adults".

The largest number of aged, infirm, or unemployable persons of Japanese race in Canada are among the 7000 in British Columbia.

(These figures were obtained from the Department of Labour, Japanese Division.)

investigate the said claims and to take

DR. M. UCHIDA

Dr. Uchida owned property in Vancouver at 2725 East Seventh Avenue, consisting of five lots and originally costing $1750. The grounds were terraced, landscaped and planted with shrubbery at a cost of $3095, in addition to considerable labour on the part of Dr. Uchida. The house was built in 1927 at a cost of $6000. **In 1943 the Custodian sold the entire property without the owner's consent or knowledge, for $4500.**

"One firm of Canadian-Japanese held timber limits containing a quarter of a billion feet of some of the finest lumber on the coast and operated a saw mill into which they had put $70,000. The whole of their output was being bought by the British Government at the time they were forced to close down. This whole concern was sold for $10,900, lock, stock and barrel."

H. D. Dawson, Nelson, B. C.

"Saturday Night," Jan. 12, 1946.

(The Consultative Council is indebted to Miss Edith Fowke for passages in this pamphlet from a manuscript written by her which has since appeared in the "Canadian Forum" of January, 1947).

It should be remembered that the individual cases printed on these pages are typical of hundreds of others. No doubt some Japanese-Canadians obtained a fair price for their property. We have records of cases where a lawyer, entrusted with the property of evacuees, refused to allow the Custodian to sell until a fair price was given. There is no doubt, however, judging from documents in our possession that the majority of Japanese-Canadians received quite unfair prices for their property.

SEIZABURO MIYAKE

My former residence was at Hyde Creek, B. C. At the time of evacuation from my home at Hyde Creek, I was given only a two-hour notice. Therefore I could do nothing with my household and immovable property.

During evacuation I was allowed only one suitcase and one clothes bag to take with me. The rest of my belongings were left as they were.

Some time after evacuation, I was informed by the Custodian of Enemy Property that my property was sold. The prices for these have been exceedingly low. The list of property sold by the Custodian included very little so I knew that a greater part of my property had been lost.

(Signed) S. Miyake.

BUNSHIRO IWASA

My family was given only 24 hours' notice to evacuate from New Westminster, on March 28, 1942. My family was split in three: I (father) was sent to Jasper Road Camp, my eldest son (Canadian-born) was sent to Ontario road camp, and my wife and children to Hastings Park Manning Pool.

On May 12 of the same year my family was evacuated to Kaslo. There they were placed in a room 12 ft. by 12 ft. with another family —total number of occupants in that single room being 12.

Moreover, for four months they were denied maintenance, even though they had no source of income. All the savings were thus used up.

My personal effects and shop equipment valued at $960 were sold for $320, with a loss of $640.

My oldest son, Canadian-born, had a house valued at $2800 at 1020 Queens Ave., New Westminster, B. C. This was sold by the Custodian for $1500.

(Signed) Bunshiro Iwasa.

Edited and published by the Vancouver Consultative Council for Study of Problems of Citizenship, 1605 West Twelfth Avenue, Vancouver, B. C.

President, Norman F. Black
Vice-President, W. H. H. Norman
Secretary, A. J. McLachlan
Treasurer, V. H. Osterhout

MONEY IS NEEDED

for the publication and distribution of this and other pamphlets to inform and arouse public opinion.

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From .....

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TO .....

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investigate the said claims and to take recommendations

COPY/G P/12

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KHP

P.C. 3737

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General in Council on the 17th September 1947

The Committee of the Privy Council have had before them a report dated 11th September, 1947, from the Secretary of State, stating that, after further consideration of the Order in Council P.C. 1810, 18th July, 1947, providing for an inquiry into property claims of Japanese persons evacuated from the coast of British Columbia as a war measure, he is of opinion that the terms of reference should be expressed in terms in line with the Fourth Report of the Standing Committee of the House of Commons on Public Accounts, which report dealt with the general administration and liquidation of property owned by Japanese evacuees and was concurred in by the House of Commons.

The Committee, therefore, on the recommendation of the Secretary of State, advise that the terms of reference contained in the Order in Council P.C. 1810 aforesaid be amended:

1. By striking out paragraphs (a) and (b) of Clause numbered 1 and substituting the following:

"(a) that real and personal property vested in the Custodian pursuant to the above mentioned Orders was disposed of by the Custodian for less than the fair market value thereof at the time of sale resulting in loss to the Claimants equal to the difference between the amounts received from the sale and the fair market value aforesaid; and

(b) that personal property vested in the Custodian pursuant to the above mentioned Orders was lost, destroyed or stolen while in the possession or under the control of the Custodian or some person appointed by him, with the result that the claimant suffered a loss equal to the fair market value of the property at the time when the same was lost, destroyed or stolen: provided that no claim shall be considered in respect of property lost, destroyed or stolen while under the custody, control or management of any person other than the Custodian, appointed by the owner of the property."

2. By striking out the words "for failure of the Custodian to exercise reasonable care" from Clause numbered 2.

[illegible] Commissioner under Part I of the Inquiries Act to investigate the said claims and to make recommendations

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO FILE No. J-175

Victoria Bldg., 7 O'Connor St.,
Ottawa, Ontario
July 26, 1947

Mr. Kunio Hidaka,
Room 1,
438 St. Francois Xavier,
Montreal, Quebec

Dear Sir:

We have for acknowledgment your communication of the 24th instant and in accord with your request enclose herewith copy of Order in Council P.C. 1810, dated July 18, 1947, relative to appointment of a Commissioner to investigate claims of Japanese evacuated from the Protected Area of British Columbia.

Yours very truly,

K. W. WRIGHT
COUNSEL TO THE CUSTODIAN

KWW/JF
Encl.

That pursuant to the above mentioned Orders real and personal property of persons of the Japanese race was disposed of and claims have been made by persons of the Japanese race that in respect of such disposition of their property they have suffered pecuniary loss; and

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

MEMORANDUM

for

The Members of the House of Commons and Senate of Canada

on

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

for the Deportation of Canadians of Japanese Racial Origin



The Co-operative Committee on Japanese-Canadians

April, 1946

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

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

Organizations which have lent their support to the Committee include:

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

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

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

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

Individuals who have lent their support to the Committee include:

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

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

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

1. Japanese Nationals who signed requests for repatriation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Respectfully submitted,

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

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

H/7

P. C. 1810

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 18 JULY 1947

uncil

(Crest)

Canada

The Committee of the Privy Council have had before them a report dated 14th July, 1947, from the Secretary of State, representing:

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

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

That by Order in Council P.C. 6247 of July 20, 1942, it was provided that all vessels and equipment not disposed of by the committee established by the said Order in Council of January 13, 1942, should on and after the first day of August, 1942, be vested in and be subject to the control of the Custodian;

That pursuant to the above mentioned Orders real and personal property of persons of the Japanese race was disposed of and claims have been made by persons of the Japanese race that in respect of such disposition of their property they have suffered pecuniary loss; and

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

The Honourable
Secretary of State.

. . . .

The Committee, therefore, on the recommendation of the Secretary of State, advise:

1. That the Honourable Mr. Justice Henry Irvine Bird be appointed a Commissioner pursuant to the inquiries Act, chapter ninety-nine of the Revised Statutes of Canada, 1927, to inquire into the following claims of persons of the Japanese race who are resident in Canada at the date of this Order, namely -

(a) that by reason of the failure of the Custodian to exercise reasonable care in the disposition of the real and personal property vested in the Custodian pursuant to the above mentioned Orders, the amount received by the Custodian for such property was less than the market value thereof at the time of such disposition; and

(b) that by reason of the failure of the Custodian to exercise reasonable care in the management of personal property, such property was lost, destroyed or stolen but no claim shall be considered in respect of property lost, destroyed or stolen while under the custody, control or management of any person, other than the Custodian, appointed by the owner of the property.

2. That the Commissioner shall examine into each claim and make a report to the Governor in Council setting forth the claims, if any, which in the opinion of the Commissioner are well-founded and the amount which, in his opinion would fairly and reasonably compensate the claimant for failure of the Cu todian to exercise reasonable care.

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

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

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

"A.D.P. HEENEY"

Clerk of the Privy Council

File 43
KHP

ERIC G. ADAMS

PART III:

~~MEMORANDUM ON~~ VALUATION OF REAL AND PERSONAL PROPERTY FOR THE ESTABLISHMENT OF JAPANESE CLAIMS UNDER ORDERS-IN-COUNCIL 1810 and 3737.

Evaluation of Property

Under Order-in-Council P.C. 3737, dated September 17, 1947, the amount of claim is stated to be the difference between the "fair market value" of the property at time of sale or disappearance and the amount received by the claimant. It is important to note that it is the amount received by the claimant, not by the Custodian, which is to be considered. This would appear to enable claimants to recover losses resulting from fees and charges deducted by the Custodian before remitting the proceeds of sales. The amount received by the claimant can no doubt be determined definitely in each case, so that the major problem in establishing claims involves the determination of "fair market value" at time of sale or disappearance.

The expression "fair market value" has a definite meaning in valuation cases which is generally taken as being "the amount in money which a willing buyer would pay to a willing seller, both having reasonable knowledge of the facts and neither being under any compulsion to trade". This definition clearly eliminates the proceeds of a forced sale as establishing fair market value, and indeed there are numerous court cases which have established this principle.

There are a number of different criteria of value, some

applicable in some cases and not in others, which must be considered, and given their appropriate weight in arriving at a judgment of what is the fair market value in a particular case. These criteria include: original cost, reproduction cost, capitalization, potential or prospective earning capacity, with the numerous elements of value embraced in each of these broad concepts. Since the value is measured in dollars, the changes and trends in the general level of prices must also be considered.

The determination of value is an economic question wherein informed and competent judgment must be exercised. It is fundamental that all relevant factors must be considered and given due weight in arriving at the decision. In recent years, court decisions on valuation cases have tended to give increasing weight to prospective earning power. In this connection, the trend of earnings at the time of the valuation is obviously important. If the trend is downward, the effect of past earnings is weakened unless indications are present that the downward trend may be arrested or reversed; and on the other hand, when the trend is upward and there are indications that this trend will continue, future prospects justify a much higher valuation than that based on capitalized past earnings.

In estimating prospective earnings, consideration must be given to possibilities arising from alternative uses of the property under valuation. This was clearly stated in a celebrated case in the United States many years ago:

> "...what is the property worth in the market, viewed not merely with reference to the uses to which it is at the time applied but with reference to the uses to which it is plainly adapted; that is to say, what it is worth from its availability for valuable uses..." (U. S. Supreme Court in Boom Co. vs Patterson, 98 U.S. 403, 408; 25 L. Ed. 206)

Thus the presentation of evidence on "fair market value" is much more than a legal problem. It is much more than the result of a strict engineering or accounting compilation. It is an economic project of broad scope, which involves the marshalling of all relevant facts plus the expression of informed opinion thereon.

What this means for the present purpose may be sum arized thus:

1. The Royal Commission should entertain as evidence of value a study of all the relevant facts and expert opinion thereon,

2. The presentation of the evidence on fair market value should include all possible approaches, including a study of prospective earnings from alternative uses of the property.

Capitalization Methods

To this end, a number of different approaches and specific factors to be considered are outlined for different classes of property. The outline, of course, is not intended to be all-inclusive or definitive, but merely illustrative.

(a) Urban Real Estate - Land

1. sales realization from adjacent parcels sold freely around the same time

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

3. earning value assuming parcel to be developed to highest usefulness possible in its location

4. If the land is occupied by old buildings than present earnings are not a good criterion of probable future earnings when the old buildings are replaced with modern structures, perhaps designed for more appropriate uses from the point of view of the land location.

5. trend of market value of adjacent land as a reflection of environmental factors on probable future earnings

(b) Urban Real Estate - Buildings

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

2. original cost and reproduction cost of building including all overheads

3. earning value based on past experience and prospects

4. evaluation of other pertinent factors such as exceptionally favourable leases, working capital employed in administration of building, nearby developments which enhance the value, etc.

(c) Farms

1. general level of farm values from recent sales records of comparable farms in same locality

2. original cost and reproduction cost of buildings and other fixed improvements

3. Since a farm is both a productive unit and a home, a number of special factors must be given careful consideration in each individual case: e.g.,

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

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

   c. character of road system serving the farm

   d. accessibility of markets for each possible crop

e. annual rainfall or source and cost of irrigation water

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

g. adequacy of natural and artificial drainage

h. character and adequacy of fences

i. accessability or approach of rural electric lines

j. aesthetic setting of the farm home

k. annual tax rate

l. social character of the neighbourhood

m. educational facilities available

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

o. possibility of future revenue producing developments of importance, such as site of waterfront development, highway, powerline, tourist resort, etc.

(d) Business Enterprise

1. original cost and replacement cost of physical assets (buildings, mcahinery, equipment and land)

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

3. going-concern value: This is the element of value in an assembled and established plant doing business and earning money, over one not thus advanced. The value element is the present worth of the near-future earnings of the going plant during the period required to duplicate the enterprise and get it into operation.
(There are a number of U. S. Supreme Court decisions in favour of this theory, for example, Los Angeles Gas & Electric Corp. vs Railroad Commission of California et al., 53 U. S. Sup. Ct. Rep. 637)

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

5. other intangibles: These may include favourable leases, contracts, options, trade secrets, trade names, patent rights, copyrights, etc. where they are present. They should definitely be considered in arriving at the estimated fair market value.

(e) Fishing Vessels and Gear

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

(f) Automobiles, Radios, Cameras, Firearms

1. replacement cost

2. W.P.T.B. price ceilings

(g) Household Chattels and Other Personal Property

1. replacement cost

2. intrinsic and sentimental value not replaceable.

The elements to be given the most weight in particular circumstances, of course, cannot be set forth schematically. The above outline is intended simply to illustrate some of the valuation methods applicable in different classes of property.

KHP

KUNIO HIDAKA
Toronto Ontario

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

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

Dear Sirs:

Apr 1949

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

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

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

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

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

(a) Vancouver properties.

(b) Properties outside Vancouver.

(c) Chattels.

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

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

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

KUNIO HIDAKA
Toronto Ontario

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Apr 49

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

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

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

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

Notwithstanding the natural disappointment which some claimants will feel, it may be considered that the overall allowance which with corporation claims will exceed $800,000 constitute a fairly satisfactory recognition of the justice of the claimant's demands.

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

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

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

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

Yours very truly,

F. A. BREWIN.

FAB:HC/nf

KUNIO HIDAKA
Toronto Ontario

THE CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS

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

PROPOSED RECOMMENDATIONS

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

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

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

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

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REAL PROPERTY

TOTALS FROM CLAIMS ANALYSIS SHEETS

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

Percentage of Sale Price to:

	Claim	Assessment	Top Valuation
A/B V.L.A. Sales	26.93%	66.15%	78.48%
C/D Rural Advisory Com.	38.45%	85.74%	
E/F Greater Vancouver Advisory Com.	51.67%	80.21%	
	25.82%	73.70%	

CREDITS

Total Gross Amount Claimed			1,010,047.31
Goodwill	41,046.74		
Business	118,235.00		
Insurance Premium	5,622.00		
Accounts Receivable	3,620.00		
Houses on other property	17,175.00		
Error in Claims	3,400.52	189,099.26	820,948.05
Sales by Claimant	6,889.36		
Left with Agent	38,553.71		
Shipped	6,639.09		
In Storage	7,583.32		59,665.48
Sold with Real Property			761,282.57
			35,399.78
			725,882.79
Declared but not found	55,549.46		
Abandoned	28,857.31		
No Record at any time	74,094.76		158,501.53
			567,381.26
Recorded but now missing			60,013.38
Amount of Claim for Goods Actually Sold			507,367.88

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

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

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

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

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

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

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

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

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

2,801.38 sold at Auction for 839.51 equals 29.9% of claim
79,858.22 sold by Tender for 42,332.64 equals 50.3% of claim
82,659.60 43,172.15 53.01%

KHP

MINUTES OF THE MEETING OF THE CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS HELD MONDAY, MARCH 13, 1950

Time - 5.30 p.m.

Place - Carlton Street Church, Toronto.

ATTENDANCE:

Those Present - E. M. Nichols (in the Chair), F. A. Brewin, R. J. McMaster, K. Hidoka, G. Tanaka, R. Obata, T. Umezuki, F. Haslam, J. M. Finlay, Mr. Mineoka, Mr. Takahashi, N. Fujita (as recording secretary in absence of Miss Boos).

Regrets Received - Mr. Fowler, Miss Boos, Miss Tucker.

Nature of the Meeting - Ruled that this be considered a special meeting called to meet with Mr. McMaster, Legal Counsel, who is stopping in Toronto for a few days en route to Ottawa, and that any decisions made be sent as recommendations to the next regular meeting of the Committee. Also, ruled that information given at this meeting is not to be broadcast in any way whatsoever until formally considered at another meeting.

Report from Mr. McMaster - Mr. McMaster, reporting on the Claims work, stated that with the exception of a few cases on which he has reserved judgment, the Commissioner has determined the amounts of the individual awards which have been entered on "green sheets". About 80 cases have yet to receive final ruling. At present there is checking being carried on between the Custodian and Claimants Counsels on the amounts of the awards and the final figures will be attached to the Commissioner's Report to the Government.

The latest information as to date of filing of the Commissioner's Report is April 15, 1950.

Tabulation of Claims - A tabulated report of claims figures under the categories of types of property has been prepared by Mr. McMaster for the Committee, the summary sheet of which was distributed for reference purposes to the members present, to be returned at the end of the meeting.

The Summary was tabulated by Provinces and showed:

Under "B" - Gross claims as amended at the hearings,
" "C" - Gross sales by Custodian,
" "D" - Recovery awards to be recommended,
" "E" - Total recovery made up of Custodian sales and recommended awards.

(Net claim may be determined by subtracting "C" from "B")
(See schedule attached.)

The report, as prepared by Mr. McMaster, covers from 1050 to 1100 claims, nearly all individual claims placed through the Co-operative Committee, exclusive of corporation claims.

Mr. McMaster advised that the Committee not release the Claims Report figures to the general public and that even these figures to be made available to claimants at this point should be carefully considered.

Question was raised by R. Obata as to the 6 million dollar figure as total claim amount released under date of April 6th, 1949. It was believed that they were probably figures from the Custodian's office at the time of discussion of the percentage basis and would include Mr. Virtue's cases and perhaps the corporation claims.

E. M. Nichols asked whether the Government brought forth many special cases. Mr. McMaster replied that very few were brought forth which he felt was a result of change in Government counsel. The Commissioner himself, however, did cut down on a few.

Mr. McMaster advised that special cases other than Vancouver property submitted by Claimants counsel as special cases included about 15 Steveston cases, 1 or 2 Prince Rupert cases and some on Vancouver Island.

AGREED that the reports received from Mr. McMaster under date of February 27th be mimeographed and distributed to members only as "confidential material".

Visit to Ottawa by Brewin and McMaster - Mr. Brewin and Mr. McMaster will be proceeding to Ottawa on Wednesday, March 15th, to obtain assurance that the Commissioner's Report will be implemented this session of Parliament and an appropriation or some authority to make actual payments will be passed this session. There have been intimations that the present session of Parliament will not have time to deal with this matter and the next session will not likely be called till 1951. They would impress upon the Government that 'justice delayed is justice denied'. The actual machinery for making payments would have to be discussed with the Government -- what release they would exact from the claimants, whether they will work through the Co-operative Committee or deal directly with claimants, through what office payments would be made, e.g., Custodian's Office in Vancouver?

Mr. Brewin and Mr. McMaster will also sound out the Government on the question of allowing interest from date of sale to time of payment. Securing this concession from the Government would have the additional effect of hurrying up the Government on making payments. This application for interest payment will be made on general principle and precedence although there is no existing law that would compel such payments to be made.

They will also discuss informally with the Government the possibilities that the JCCA and other bodies will make representations to them on matters of claims outside of the terms of reference.

Payment of Costs - Mr. McMaster has filed a statutory declaration with the Commissioner on the subject of disbursements, which total some $58,000 and which includes claims for disbursements by the JCCA and some of Mr. Virtue's disbursements. The Commissioner has not yet intimated what his recommendations will be on this matter.

Mr. Brewin's opinion is that the Government will be going against their original commitment if they grant less than 5% of the awards, that at least 5% of the awards or the full amount of disbursements should be received. In the event that the Government does not come through with the full amount of the disbursements, some compromise will have to be reached among the parties concerned. This statement of disbursements does not include Counsel's fees.

In reply to Mr. Obata's question as to whether it could not be considered accepted procedure for the Government to pay all costs, Mr. McMaster stated that there was no similar case to that of the Japanese Evacuation Property Losses Claims with which comparisons could be made.

Co-operative Committee Claims Fund - Mr. McMaster reported that approximately $5,000 would be required almost immediately to settle accounts payable and an additional $5,000 fairly soon for the balance of accounts. If there could be assurance that payments of awards would be made by the present session of Parliament, or if the Government will at least pay the disbursement costs to the Co-operative Committee, some of these accounts could be held in abeyance.

Some Questions asked of Mr. McMaster in further Discussion:

1. If in two similar property claims, one has evidence that the other has not, would the Commissioner apply this evidence also to the other?

   Answer - We tried it many times, e.g., Powell Street area, but he would not concede this point.

2. Did you receive a letter from Miss Boos asking for certain figures and information?

   Answer - It was received.

3. On Vancouver real estate, how many cases were evaluated?

   Answer - Nearly all, 90%.

Rule 12/46 Mr. Stevenson 1443

4. What was the Commissioner's reaction to special evidences presented?

   Answer - He varied on the individual cases.

5. Was Fraser Valley property evaluated?

   Answer - Yes, Fraser Valley property was appraised by farm appraisers.

6. Were special cases submitted on VLA?

   Answer - The Commissioner did hear some cases outside of specialized green houses, bulb houses and chicken farms.

7. Were appraisals made on other urban properties other than Vancouver and other real property other than VLA?

   Answer - Urban property in the Valley was appraised where possible. On the Island and Prince Rupert, expenses would have exceeded any hope of recovery. In Prince Rupert, the Custodian had used the only two recognized firms up there. Also, the same situation existed on the Island. We found the Commissioner did have sympathy for some of these cases. We did send one appraiser to Courtney and in a few other special cases but in general, we considered it not advisable.

8. There is some fear amongst some of the claimants that this will mean the end of the claims issue, would that be so?

   Answer - Possibly, under the present attitude of the Government. I feel it would be inadvisable to jeopardize the claimants getting what they will get on their claims now. Some will be reasonably compensated. We have to recognize that the Government had to be pushed to make the terms of reference as they are. And the present Government is the same as that which drew up the terms of reference.

Clarification requested by Mr. McMaster on the Following Points:

(a) Disposition of the files.

(b) How to go about advising individual claimants as to amount of their awards.

(c) What policy to follow in charging persons who want their claim reviewed. Mr. McMaster considered that such persons should assume personal responsibility for attendant expenses.

Appreciation to Mr. McMaster

Mr. Finlay expressed on behalf of the Committee appreciation to Mr. McMaster for his attendance at the meeting and information received, and further, that the Committee would like to reassure him of their appreciation of the spirit and thoroughness with which the task was being carried out.

Adjournment at 7.00 p.m.

July 12/49 Mr. Sherwood

KHP

KUNIO HIDAKA
Toronto Ontario

THE CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS

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

Dear Claimant:

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

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

Real Property

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

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

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

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

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

Personal Property

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

65%

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

10-15

3. Motor Vehicles - 25% on sale price.

40%

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

KUNIO HIDAKA
Toronto Ontario

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

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

KUNIO HIDAKA

/. July 12/49 Mr. Stevenson Hendry KHP

Rec. by CCC

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

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

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

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

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

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

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

Yours very truly,

MARGARET BOOS,
Secretary.

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

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

1.

July 12/49

Mr. Sawaya
Hayoda
Shimbun
Kogyo or Jack
Muriel

KHP

TO THE NATIONAL EXECUTIVE COMMITTEE:

On Wednesday, June 29th, this writer spoke over the telephone in reply to a call made to this office by K. Hidaka with respect to certain matters discussed at the last National Executive Committee meeting held on June 14 when a report submitted by K. Hidaka as Chairman of the sub-Committee on Finance was heard by the Executive Committee. It was pursuant to the submission of this report and matters pertaining to discussions by the Executive Committee on this report and certain decisions arrived at by the Executive Committee which prompted K. Hidaka as Chairman of the sub-Committee to phone this office on the aforesaid date. Previous to this call, K. Hidaka requested on several occasions of the Office Secretary for the names of the organizations which had made financial donation to the National JCCA and persons in whose name these donations were made. The Office Secretary withheld giving this information as it appeared to her that the Chairman of the Finance Committee intended to write immediately to these people with regard to their possible appointment as Trustees who would have jurisdiction over the National JCCA Trust Fund. K. Hidaka had no authorization to carry out his intentions as outlined.

cannot negotiate with this person with authority

On June 29th, the Office Secretary referred a phone call she received from K. Hidaka to this writer. Mr. Hidaka, upon inquiry by this writer as to the reason for his call, stated that he desired the names of the organizations whose funds had been donated to the National JCCA and the names and addresses of the persons responsible for making the donations. The writer was also informed by Mr. Hidaka that it was his intention to write to these aforementioned people for the ultimate purpose of setting up the trustees who would have jurisdiction over the National JCCA Trust Funds. This writer informed Mr. Hidaka that it was his knowledge that the National Executive Committee had not yet decided on any action to contact the persons aforementioned responsible for donating funds to the National JCCA Trust Fund and it was his knowledge that the National Executive Committee had actually arrived only at the decision to set up a Trust Fund and had not gone any further than that point. Furthermore, the writer stated to Mr. Hidaka that all National JCCA administrative responsibilities including writing to the aforementioned donators should that be the desire of the Executive Committee, was the responsibility of the National Office.

This writer wishes to state that, the discussion developed into time-wasting argument which this writer terminated abruptly. Furthermore, this writer refused to continue the discussion over the telephone with Mr. Hidaka. This writer wishes to submit to this meeting that the above-stated incident has brought to a head an intolerable situation of long-standing nature. The actions of Mr. Hidaka ever since his presence on the Committee have tended to disrupt the smooth operation of the National Office and has placed unnecessary handicap on this writer and the Office Secretary. This writer wishes to state to this meeting that it is impossible for him to place any trust in Mr. Hidaka as a member of the National Executive Committee.

1. The basic complaint of this writer on the following stated matters is that Mr. Hidaka has totally disregarded the advice of this writer by prolonged argumentative discourse opposing this writer's statements.

This writer makes the following charges with respect to his complaint (As the aforementioned incident of June 29th precipitated a long-standing situation which now can no longer be tolerated by this writer, it will be dealt with first.):

(a) The National Executive Committee, at their meeting held June 14th, 1949, arrived at the decision to set up a Trust Fund, and had not arrived at any decision to contact persons responsible for making contributions to the Trust Fund, contrary to Mr. Hidaka's claim.

(b) All the administrative responsibilities of the National JCCA are entrusted with the National Executive Secretary which includes the writing of correspondence.

this is not stated in Const

Had it not been for this writer being very strict with Mr. Hidaka, he would have carried out actions which would have been contrary to the points (a) and (b). In the telephone conversation held on June 29th, Mr. Hidaka stated that it was his responsibility to write to the persons who donated funds to the National JCCA Trust Fund with the ultimate object, presumably, of setting up a Trusteeship. It is the opinion of this writer that if this action had been carried out by Mr. Hidaka, it would have been a totally unauthorized action which would therefore be contrary to the wishes of the National Executive Committee.

did not state that I would write to members

ORDER NO. 14

Mr. Hidaka, in intending to take the responsibility of writing to the aforementioned people is totally disregarding this writer's responsibilities as the National Executive Secretary who, by the general consent of the Executive Committee and by the Constitution, is entrusted with the administrative responsibilities of the National organization.

2. The basic complaint of this writer on the following stated points is that it has been indicated very clearly to this writer by the actions of Mr. Hidaka that he has no regard for this writer's responsibilities and through his actions, has failed to extend to this writer any measure of co-operation as a member of the National Executive Committee.

Mr. Hidaka, as Chairman of the Finance sub-Committee, during the period of his tenure in that office, has exhibited to this writer an attitude of non-cooperation and total disregard of the position of responsibility of the National Executive Secretary with his relationship to all sub-committees so that when meetings are called of the Finance sub-Committee, Mr. Hidaka has failed to inform this writer of such meetings. The following points illustrate this matter:

(a) A few minutes after the termination of the National Executive Committee meeting held on May 17, this writer intimated to Mr. Hidaka that he would be willing to attend meetings of the Finance sub-Committee when they are called. (It has always been the understanding of this writer that where he is not officially appointed as a member of any Committee, he nevertheless is in effect appointed to act in an ex-officio capacity.) The evasive answer which this writer received from Mr. Hidaka at this time gave the first indication of the attitude Mr. Hidaka might take with regard to himself. This attitude, in the opinion of the writer, has been fostered by Mr. Hidaka to such an extent that no notification of the sub-Committee meeting held on Sunday, June 26, 1949, was given to him.

(b) Furthermore, when the first of the sub-committee meetings was held, there was no notification given to this writer of the meeting despite the fact that the Office Secretary had mentioned to Mr. Hidaka whether he had invited the Executive Secretary to this meeting.

3. The basic complaint of this writer with respect to the following stated matters is that Mr. Hidaka by his actions has indicated a total disregard of his responsibilities to the Ontario JCCA sub-Committee which employed him as interpreter for the claims hearings held in Toronto.

Mr. Hidaka's actions, which were brought to the attention of this writer by Mr. Ken Hori, Past President of the Ontario JCCA, during the time of the sub-Commission Claims hearings held in Toronto, have indicated an undesirable quality which is foreign to all JCCA workers and executives throughout the country, in the opinion of this writer:

Mr. Hidaka was appointed last fall by the Ontario JCCA sub-Committee on Claims headed by Mr. Ken Hori, to act in the capacity of interpreter at the sub-Commission Hearings in Toronto. This appointment was made through the Ontario Chapter of the JCCA with Mr. Hidaka on the basis that he would be paid at the rate of $10.00 per day. Mr. Hidaka accepted this work on that basis. Subsequently he approached the Ontario JCCA sub-Committee and Mr. Hori stating that he desired to be paid more than $10.00 per day for this work. But the Ontario JCCA did not sanction a further increase of pay for Mr. Hidaka.

This writer is conversant with the situation at that time as he was approached by Mr. Hori with regard to the request by Mr. Hidaka for an increase in pay. When this writer discussed this matter with Mr. Hori at that time, it was felt that the JCCA could not increase Mr. Hidaka's pay as the granting of such an increase would be unfair to the JCCA workers in the other Provinces who had given their time acting as interpreters, etc., at a rate of pay which did not exceed $10.00 per day.

This writer informed Mr. Hori that if Mr. Hidaka was given an increase in pay, it would be necessary also to increase the pay of Mr. Okuda in Montreal who was paid $10.00 a day for assisting claimants in acting as interpreter and filling out claimants forms, especially so, in view of the fact that Mr. Okuda not only worked a full day in this capacity but also worked every night long hours assisting claimants, and it was the opinion of this writer that Mr. Okuda deserved a much higher pay than he was given. Likewise, in British Columbia, where this writer was informed by the B. C. JCCA executive and its

President, Mr. Seiji Homma, that their JCCA executives were paid only $8.00 per day working in the capacity of interpreters and assisting claimants in filling out forms. It was stated to this writer by the B. C. JCCA executives that these executive members were accepting $8.00 per day in a spirit of true JCCA co-operation and sacrifice despite the fact that they felt that their work was worth a greater rate of pay.

Under these circumstances, it was felt that it would not be fair to give Mr. Hidaka a higher rate of pay when other JCCA workers throughout the country deserved a like consideration. And if Mr. Hidaka was to be given a rate of pay higher than the $10.00 per day, that the same treatment should be accorded the other JCCA members who carried out work in a like capacity.

Subsequent to this incident, a month or two later, this writer was informed that Mr. Hidaka disregarded his responsibilities to the Ontario JCCA Claims sub-Committee which had employed him and asked Mr. Brewin for an increase in pay. This writer spoke to Mr. Brewin regarding this matter and Mr. Brewin professed ignorance to the fact that Mr. Hidaka was responsible to the Ontario JCCA who had hired him and had consented to Mr. Hidaka's request for an increase in pay.

When this writer questioned Mr. Brewin on this matter, Mr. Brewin said that he promised to pay $10.00 per day to Mr. Hidaka out of the Co-operative Committee Claims Fund when the awards are paid by the Government to claimants. His reasons for doing this were that Mr. Hidaka had been able to give him some advice on economic matters and also had spe nt considerable time during the day on calling on claimants notifying them of their hearings when they failed to make an appearance.

This writer fails to reconcile the fact that Mr. Hidaka will be paid in the end for his services at the rate of $20.00 per day despite the decision of the JCCA to the contrary.

4. With regard to the following stated matters, this writer has two basic complaints to make: (a) that he failed to render satisfactory service to the National JCCA proportionate to the sum of $250.00 he was paid to carry out his responsibilities; (b) that his actions of submitting a greatly increased bill to the National Executive Committee in the face of his failure to carry out his assignment is contrary to the spirit which is expected from JCCA members.

In the spring of 1948, Mr. Hidaka was authorized to prepare a Brief on Property Losses Claims to be submitted to the Commission. The sum agreed upon between Mr. Hidaka and the National Executive Committee for his services in preparing the Brief was for $150.00 to $250.00. Mr. Hidaka submitted a Brief which in fact was entirely unsatisfactory to the National Executive Committee as it was not in completed form ready for submission to the Commission. It was necessary for a second Claims Brief sub-committee, chaired by this writer, to take over the responsibility of completing this Brief in a finished satisfactory form. It was the opinion of this writer and the sub-Committee that the Brief was entirely unsatisfactory in the form it was submitted by Mr. Hidaka as much of it was poorly written and included a number of grammatical errors. Subsequent to the Second National Conference when the Brief as originally submitted by Mr. Hidaka was studied, the Conference delegates recommended that the Brief be revised, especially the introductory portion which was considered to be too lengthy. Mr. Hidaka was requested by the National Executive Committee to do this. Upon the submission of the revised Brief by Mr. Hidaka, the Claims Brief sub-Committee found no material difference in the Brief. In fact, the introductory portion was still lengthy and appeared not to have been shortened to any degree whatsoever. This writer, as Chairman of the aforementioned sub-Committee, appealed to Mr. Tom Shoyama and Mr. George Tamaki for assistance in rewriting the Brief in a more satisfactory finished form. Mr. Shoyama and Mr. Tamaki were kind enough to give a great deal of their time voluntarily to carry out this work.

Before the Brief was finally completed and submitted to the Commission, Mr. Hidaka requested payment from the National Executive Committee on a bill for services rendered greatly increased to that which was initially agreed upon. He submitted a bill for $475.00. However, the National Executive Committee refused to pay Mr. Hidaka this increased sum which was certainly not agreed upon and payment was made to him for the sum of $250.00 for an incomplete Brief.

It is the opinion of this writer that Mr. Hidaka was overpaid because he submitted a Brief which was poorly written and under no circumstances could have been

submitted to the Commission. Furthermore, it is pointed out that it required Mr. Shoyama and Mr. Tamaki to spend a considerable amount of voluntary time re-writing the Brief, as well as the time of the sub-committee chaired by this writer, before the Brief was completed in its final form.

5. The basic complaint that this writer makes with respect to the following stated matter is that Mr. Hidaka has from the beginning of his tenure of office as a new member of the Executive Committee, exhibited to this writer and subsequently to the Office Secretary, in an increasing measure, an antagonistic attitude which has been a disrupting influence against the operation of the office and has forced upon the Office Secretary, as well as this writer, tension which has become absolutely intolerable. In the case of the Office Secretary, it has forced her to resign her position as a member of the National Executive Committee.

When this writer approached the National Executive Committee for an increase in salary for the Office Secretary in December, 1948, and subsequently in the early part of 1949, giving as his reasons the fact that the Office Secretary's pay was inadequate to her immediate living needs and, over-and-above that reason, that her capabilities and work, in the opinion of this writer, was worth far more than she was receiving; furthermore, this writer stated to the Committee in recommending that the Office Secretary's pay be raised retroactive to November, 1948, that she had during the fall and winter months (at the time the statement was made in December), worked long hours each week far exceeding that which she was required to do in her capacity as Office Secretary. This writer stated to the Executive Committee meetings that often she was required to work during the extremely busy fall months of 1948, fifty to seventy hours per week. Also, that during the early months of 1949, she was required to work long hours which certainly varied over the usual 40-hrs. per week which is the usual office standard required of Office Secretaries. This writer also informed the National Executive Committee that the Office Secretary was a member of the Office Workers' Union and according to Mr. Ken Woodsworth, Executive Secretary of the Union, Office Secretary's required to carry out the duties as outlined by this writer should be paid a minimum of $40.00 per week. While this writer did not recommend that the Office Secretary be paid as high as the Union rate, although it is without doubt a responsibility of the organization to observe Union rates of pay, and due to the kindness of the Office Secretary not to request the Union rate of pay, this writer only requested an increase of approximately $6.00 per week to the approximate weekly rate of $30.00.

During the lengthy period when the Executive Committee considered this writer's request of raising the Office Secretary's salary, Mr. Hidaka had on several occasions insinuated directly to the face of the Office Secretary that she is not worth the increase requested by this writer. Furthermore, Mr. Hidaka has stated outside the Executive Committee to Mr. Woodsworth that he was dissatisfied with the way the National organization was functioning and was against allowing an increase in the Office Secretary's salary.

6. This writer's basic complaint to the following stated matter is that Mr. Hidaka as a member of the National Executive Committee: (a) completely repudiated his position on the Committee by ignoring his responsibilities to the Committee. (b) his actions in speaking as he did before the claimants indicates that he totally disregards the fundamental democratic principle by which the JCCA and the National Executive Committee function where decisions are arrived at by majority vote. (c) in his statement to the claimants that amongst the seven members of the National Executive Committee who voted in favour of endorsing the Co-operative Committee's recommendation he believed only one was a claimant, indicates that he has no respect for the integrity of the National Executive Committee. (d) it is this writer's opinion that Mr. Hidaka, in exhibiting this tendency of irresponsibility as a member of the National Executive Committee, may have contributed to the undermining of the confidence of some claimants in Toronto in the National Executive Committee and the National organization.

May 29/49 1st Claimants mtg.

On Sunday, May 29th, 1949, there was held in Toronto the first Claimants meeting called to consider the Co-operative Committee's recommendation to claimants with respect to the Commissioner's Proposal for Settlement. At this meeting, this writer reported as he has done across the country on the Claims Proposal and the recommendation of the Co-operative Committee. It has been the policy of the writer in advising the Provincial JCCA Chapter executives, to refrain from informing claimants at Claimants meetings of the decision of the National JCCA in endorsing the Co-operative Committee's recommendations to Claimants for the acceptance of the Commissioner's Proposals for settlement, as this writer felt that the claimants should not be influenced by the JCCA's endorsation in coming to a decision as to acceptance or rejection of the offer of the Commissioner's proposal. However, this

writer had informed the JCCA executive members throughout the country that should they be asked by claimants to give advice as to what the JCCA felt regarding the proposal and the Co-operative Committee's recommendations for acceptance, that they might then inform the claimants of the National JCCA's decision of endorsation.

At the Toronto Claimants meeting above-stated, after this writer spoke to the claimants and during the discussion period, Mr. Hidaka stood up at the meeting and spoke to the claimants stating that he had voted against endorsation of the Co-operative Committee recommendation and he further stated to the claimants that in his opinion there was not more than one person who was a claimant among the seven National Executive Committee members who voted in favour of endorsation of the Co-operative Committee's recommendation.

Mr. Hidaka should realize as a Committee member that members of the National Executive Committee, when studying any question that confronts the Committee, whether such questions, as in the case of the Claims question, directly concerns them as claimants or not, in arriving at any decision, do so conscientiously with careful consideration of all points. Mr. Hidaka loses sight of the very important fact that each member of the Executive Committee in accepting a position on the Committee fully appreciates the responsibilities with which the Committee is entrusted in its work of considering the various important matters which come to its attention.

This writer therefore submits to the National Executive Committee, upon the basis of the above-stated complaints, that he will not tolerate further to be placed in any position of association with Mr. Hidaka to the minimum degree of the latter being placed as Chairman of any sub-Committee.

This writer further submits that a continuation of the present intolerable situation can only continue to foster a disruptive influence against the functioning of the National Office.

Signed: GEORGE TANAKA,
National Executive Secretary.

July 12, 1949.

File 116
KHP

House of Commons
Canada

August 21, 1946

Dear Kunio,

Here is the material you requested. When Mrs. MacInnis gave it to me she also gave me these questions which were addressed to the Minister of Labour a short time ago, thinking that you would be interested in them. They are trying to give them as wide publicity as possible and will follow them up with more questions shortly.

Mr. Stewart was glad to have the figures which you sent for him.

Best wishes,

Jean.

ORDER NO. 74

INQUIRY OF MINISTRY

No. 95, August 5, 1946, page 1.

Question asked by the honorable member for Vancouver East.

1. Was one Kosho Matano, a naturalized Canadian of Japanese origin, who served in the Canadian forces in the first World War, among those repatriated to Japan this year?

2. Was he confined in the British Columbia mental hospital at the time of his departure for Japan?

3. If so, how long had he been a patient in the mental hospital?

4. Did he sign the repatriation form being circulated among those of Japanese origin?

5. If so, did an R.C.M.P. officer or constable secure his signature?

6. How many other patients of Japanese origin in the British Columbia mental hospital have been sent to Japan?

7. How many from mental hospitals in other provinces?

REPLY OF HONORABLE HUMPHREY MITCHELL

1. Yes

2. Yes

3. Since January, 1933

4. No

5. No

6. One was deported by Immigration Branch; 15 went at their own request.

7. None.

House of Commons
Canada

Ottawa, Ontario
August 20, 1946.

506 Jarvis Street

August 21 1946

Mr. Angus MacInnis, M.P.,
House of Commons,
Ottawa, Ontario.

Dear Mr. MacInnis:

I wish to acknowledge and thank you for your letter of August 20 with a copy of further questions put on the Order Paper concerning mental hospital patients.

When I receive copies of the Senate and House of Representative bills on property claims in the United States, I shall forward copies to you. As was very ably brought out by Mrs. MacInnis in her speech at the recent Civil Liberties meeting, a commission should be established in Canada for similar property and other losses.

We consider the property issue of first importance, and hope to be able to provide concrete cases of loss within a short time. Although the legal points may be before the court, we do not believe that the Government should be absolved from being responsible for its policy, meantime. Regardless of the strict legal argument, we believe that disposal was morally wrong, and is working severe economic hardships upon the people.

Other issues before us are assistance schemes for resettlement and re-establishment, particularly of persons in the eastern Canada relocation camps. They are finding conditions very difficult and fear that they will have to pay the board charges for their families should they take employment either within or without the camp. In most instances, these charges would equal their wages for the period. A further issue concerns the removal of all wartime restrictions upon the Japanese, about which you wrote me last Spring. The continued impositions of these orders confirms the lie which was put to the Canadian people that the violations of personal liberties were a "military necessity", and justifies the objection voiced by persons who saw them as emanations of racial prejudice.

Sincerely yours,

Kunio Hidaka.

House of Commons
Canada

Ottawa, Ontario
August 20, 1946.

Mr. Kunio Hidaka,
506 Jarvis Street,
Toronto, Ontario.

Dear Mr. Hidaka:

Thanks for your letter of August 16th, with enclosures. I am enclosing further questions put on the Order Paper in regard to Kosho Matano and other mental patients in the Mental Hospital in British Columbia. When I get answers to these questions, I will again write you.

I understand that a commission has been set up in the United States to investigate the losses sustained by persons of Japanese origin who were removed from their homes on the Pacific Coast area in 1942. I think an agitation should be started for a similar commission to be set up in Canada. I think such a commission would be particularly useful in case we have a favorable decision from the Privy Council in the case referred to.

Yours sincerely,

Angus MacInnis.

AM-T

Encl.

506 Jarvis Street

August 16 1946

Mr. Angus MacInnis, M.P.,
House of Commons,
Ottawa, Ontario.

Dear Mr. MacInnis,

I wish to acknowledge and thank you for your letter of August 14 replying to my inquiry re deportation of British Columbia mental hospital patients.

It appears that the Government undertook to clear the hospital, and the signing of forms on the part of some persons was an unnecessary formality. We would appreciate any further airing you give this matter in the House.

I have enclosed a clipping from The New Canadian of July 13 about Yasuzo Shoji and a copy of the Minister of Labour's letter in reply. The same issue of The New Canadian carries a report of a peitition sent by Japanese veterans to the Prime Minister.

Sincerely yours,

Kunio Hidaka,
Executive Secretary.

enc.

COPY

Ottawa, July 15, 1946.

AIR MAIL

Mr. George Shoji,
Veterans Committee,
Slocan City, B.C.

Dear Sir:

Your petition of June 28 to the Right Honourable the Prime Minister has been referred to this Department for consideration and reply.

This Department has at all times since location attempted to give the Japanese Canadian Veterans special consideration and preference insofar as possible. As an example, the Department has recently removed all travel and residence restrictions on veterans of World War I and II and their dependents, except in the case of travel to and residence in the coastal protected area of British Columbia.

The Department of Labour is prepared to give War Veterans and their dependents every reasonable assistance in relocation and prior consideration in choosing suitable employment, insofar as the situation makes this possible.

Copies of your petition are being referred to the Minister of Veterans' Affairs and the Secretary of State for their consideration of the section dealing with Sale of Japanese properties in the protected area.

Yours sincerely,

Minister of Labour.

House of Commons
Canada

Ottawa, Ontario
August 14, 1946.

Mr. Kunio Hidaka,
Executive Secretary,
Citizenship Defense Committee,
506 Jarvis Street,
Toronto, Ontario.

Dear Mr. Hidaka:

This will acknowledge receipt of your letter of August 13th, in regard to my questions re Kosho Martano who was a patient in the mental hospital in British Columbia and was sent to Japan along with fifteen other persons apparently from the same mental hospital.

This seems to me to be a question which will require some airing in the House of Commons. It is indeed amazing that a person who is mentally incapable, or who is confined in an institution because he is considered to be mentally incapable of making a decision for himself, should be picked up and sent to Japan along with others who were supposed to be going to Japan of their own free will.

I have had some correspondence with Mr. Hugh McMillan of the Cooperative Committee on Japanese Canadians in regard to this matter. It might be well for you to get in touch with that Organization. The CCF.National Office will also give publicity to this amazing procedure. In hurriedly examining the Orders in-Council passed last December for the deportation of persons of Japanese origin, it appears to me that there is no legal grounds in those Orders for the deportation of Mr. Matano, and the other fifteen who left Canada at the same time.

I hope we may be able to do something that will impress upon the government that such procedure is not

-over-

in line either with our laws or with our ideas of the rights of citizens.

Yours sincerely,

AM-T

Angus MacInnis.

506 Jarvis Street

August 13 1946

Mr. Angus MacInnis, M.P.,
House of Commons,
Ottawa, Ontario.

Dear Mr. MacInnis:

I was very much surprised upon reading the press report with the Minister of Justice's confirmation of your question whether a naturalized Canadian veteran of Japanese origin was sent to Japan without his application.

The press report stated further that 15 other patients of the B.C. mental hospital had been repatriated at their request. I am now wondering whether Mr. St. Laurent has adopted as official policy, the granting of all requests of patients of mental hospitals.

Furthermore, I would like to know the legal authority upon which Matano was deported.

I wish to thank you and Mrs. MacInnis for the courtesy shown me on my recent trip to Ottawa.

Sincerely yours,.

Kunio Hidaka,
Executive Secretary.

h.

DEPARTMENT OF LABOUR
CANADA

Ottawa, July 13, 1946

Mr. Kunio Hidaka,
506 Jarvis St.,
Toronto ,Ont.

Dear Sir:

I am sending out this letter as an invitation to all Canadians of the Japanese race who have moved East from British Columbia asking their co-operation with this Department in the relocation and re-establishment in other parts of Canada of their friends and relatives who are still in British Columbia, and have not as yet re-established themselves on a self supporting basis.

The Government has increased considerably this year the amount of the assistance grant for persons moving from British Columbia, in addition to providing free transportation for families and their belongings. Moreover, licences may hereafter be obtained in all proper cases for the acquisition of real property either urban or rural in suitable areas upon application to the nearest Japanese Placement Office of this Department.

The Dominion Employment Service and the Japanese Placement Officers of this Department will give every assistance to families and individuals coming East for employment and placement. The Department has established hostels for temporary accommodation of families in Saskatchewan, Manitoba, Ontario and Quebec which are open for family accommodation, pending placement.

Conditions are in general more favourable now than at any earlier date for relocation and we believe that it is in the interests of your friends and relatives that they take advantage at this time of every reasonable opportunity to leave the settlements in British Columbia or adjoining areas.

I would ask you, therefore, to write your relatives and friends still in British Columbia encouraging them to take advantage of opportunities for Eastern placement offered to them by officers of this Department at this time. Where you yourself can arrange locally for accommodation and employment of friends and relatives, it will, of course, be a great assistance -- in fact, I believe that more can be accomplished in this manner than in possibly any other one way.

It is my hope that by the concerted efforts by this Department and those already relocated, we may this season complete the re-establishment of all persons of the Japanese race who desire to remain in Canada. Your assistance will help to accomplish this result.

Yours very truly,

A. MacNamara

A. MacNamara.

House of Commons
Canada

Ottawa, Ontario
August 23, 1946.

506 Jarvis Street

September 7 1946

D. Angus MacInnis, M.P.,
House of Commons,
Ottawa, Ontario.

Dear Mr. MacInnis:

Thank you for your letter of August 23 with a copy of the answers of the Minister of Labour to your questions.

I am enclosing three copies of the REPORTER, the publication of the Japanese American Citizens League, which contains comprehensive information on the evacuation claims bill.

When I have time, I shall make a review of Government actions on the Ukrainian Farmer Labour Temple Association property, which will also give us some lead on the type of action to initiate.

This material is being addressed to the House of Commons, and I hope it will be forwarded to your present address.

Sincerely yours,

Kunio Hidaka,
Executive Secretary.

House of Commons
Canada

Ottawa, Ontario
August 23, 1946.

Mr. Kunio Hidaka,
506 Jarvis Street,
Toronto, Ontario.

Dear Mr. Hidaka:

I now have answers to further questions re persons of Japanese origin in the mental hospital In British Columbia. The answer to question 3 is quite revealing. This is the first instance drawn to my attention where mental hospital patients could ask to leave hospital and their request granted. I feel that there should be an investigation into this matter.

I will be glad to get copies of any material you receive from the United States re property claims. You will remember that at the beginning of the war when property in the name of the Ukrainian Farm-Labor Temple Association was taken over by the Government, that some of it was sold. Later the government bought it back at a considerable increase in price, I believe, over the amount the Custodian of Enemy Property received for it.

I hope to have an opportunity of raising these points on the Estimates of the Minister of Labour before I leave Ottawa. Copy of the questions and answers ~~is~~ are enclosed herewith.

Yours sincerely,

Angus MacInnis.

AM-T

Question asked by the Honourable Member for Vancouver East

1. Under what authority was Kosho Matano sent to Japan?

2. Of the fifteen persons of Japanese origin in mental hospital in British Columbia who were sent to Japan at their own request, how many were, (a) Japanese nationals; (b) naturalized Canadians; (c) Canadian born?

3. How was the request for repatriation obtained from these fifteen mental hospital patients?

Reply of Honourable Humphrey Mitchell:

1. Upon his own request for repatriation under the provisions of P. C. 7355 of December 15,1945.

2. (a) 12 (b) 3 (c) nil.

3. A request was made to the provincial mental hospital authorities in each case by the repatriate and subsequently affirmed to officers of the Department of Labour and the said hospital authorities.

House of Commons
Canada

Ottawa, March 15, 1946.

Mr. Kunio Hidaka,
506 Jarvis Street,
Toronto, Ontario.

Dear Mr. Hidaka:

In view of the Government having decided not to take any further action on deportation proceedings until a decision has been made in the matter of the Orders-in-Council, I believe that agitation should be started for the removal of all disabilities from those who would not be affected by the Orders in Council. Their citizenship rights should be now fully restored.

I think a strong case can be made for that. Indeed I do not know by what procedure or principle the government can maintain the imposition of present restrictions on persons of Japanese origin.

I noted what you had to say in the paper a few days ago in this regard but I think we should go much further. I am making a similar suggestion to Mr. Umezuki.

Yours very truly,

AM-T

Angus MacInnis.

House of Commons

Canada

Ottawa, March 15, 1946.

Mr. Kunio Hidaka,
506 Jarvis Street,
Toronto, Ontario.

Dear Mr. Hidaka:

506 Jarvis Street

March 22, 1946

Mr. Angus MacInnis, M.P.,
House of Commons,
Ottawa, Ontario.

Dear Mr. MacInnis:

Thank you for your letter of March 15 concerning the restoring of full citizenship rights.

I fully agree with you that agitation should be started for the removal of all disabilities from those who would not be affected by the Orders in Council. I think that the best place to carry on this campaign would be through Parliament, with concerted support from the various co-operative committees in all parts of Canada.

Andrew Brewin and Hugh MacMillan are planning to be in Ottawa on Thursday, March 28, to see Government men and M.P.'s. Very likely they will be seeing you and will have a comprehensive statement for presentation.

I am also enclosing a letter received from S. Uchibori, which I believe is self-explanatory. I would appreciate very much your assistance in helping them.

Sincerely yours,

Kunio Hidaka,
Executive Secretary.

h

File KHP

CONTENT OF DRAFT LETTER TO CLAIMANTS

1. Out of claims totalling $6 millions, payments of $925,000 may be expected. Are you satisfied with this amount?

2. Outside of Special Cases, there is no compensation for Vancouver property, other than return of commission. Are you satisfied with this proposed settlement? There is the danger of leaving a record which would indicate unjustified claims on the part of claimants.

3. At one time you indicated acceptance of the Commissioner's offer, but if you are now unprepared to accept it, please state your reasons.

4. In the above matter, Toronto claimants voiced their dissatisfaction with the proposed settlement at a meeting held on January 15th. They decided to secure the attitudes and opinions of other claimants in Canada on this matter by using the machinery of the JCCA.

5. After 40 days of fruitless negotiations with the National JCCA, we must report that we were unable to gain their co-operation in this matter.

6. Finally after a joint conference of our three organizations, namely, the Co-operative Committee, the National JCCA, and the Claimants Committee, our committee has gained representation, as a committee, on the Co-operative Committee.

7. We would now like to know whether we have your support as a Claimants Committee in any representation we may make to the Co-operative Committee. Are we your authorized representatives and may we undertake work on your behalf?

8. Toronto claimants have endorsed the Claimants Committee's plan to conduct a public campaign in the following manner:

   (a) To draw up a brief on evacuation losses with statement of claimants' position on the Commissioner's report.

   (b) To publish a pamphlet for mass distribution describing all facts and circumstances of evacuation.

   (c) To gain newspaper and periodical press support, and have them publish news stories and articles.

   (d) To use radio time.

   (e) To arrange delegation to interview Cabinet and M.P.'s.

   (f) To enlist the support of organizations and ethnic groups, such as Ukrainian, Jewish, Civil Liberties, etc.

   (g) To enlist the support of churches and religious organizations.

   (h) To contact local Japanese Canadian organizations, have them wire and write their M.P.'s and the Government.

   (i) To work through JCCA Chapters and have them contact mayors, municipal councils and other local officials, request that they wire and write their M.P.'s and the Government.

9. We are of the opinion that this is our last opportunity to present our case before the Canadian public. We must make full use of every possible means within our means to gain favourable support in this campaign.

10. Should you have additional suggestions, please advise us.

11. In order to facilitate communication between claimants, please make an effort to form Claimants Committees in your local areas, and advise us of the name and address of your chairman and secretary.

12. We estimate that $5,000 will be required for the campaign. It has been proposed that the Claimants Committee, Toronto, be empowered to borrow this amount, and that payment be made later on a pro rata basis from final awards.

13. Because time is pressing, where there is additional information which shows that property had higher valuation than the selling price, please have claimants send this material to us at the earliest opportunity.

ORDER NO. 14

Fil 42

DECISIONS - CLAIMANTS MEETING TORONTO

Sunday February 12, 1950

1. We have faith in the Claimants Committee elected by us. They will exert every possible effort on our behalf and will work for our benefit. We give them full authority to act as our representatives.

2. We endorse the political and public campaign proposed by the Claimants Committee. This campaign should be conducted to better the amount we are to receive for our economic losses.

ORDER NO. 14

P.C. 1611

File 43
FILE 43 KHP RHP

NOTICE

TO PERSONS OF THE JAPANESE RACE WHO WERE EVACUATED FROM THE PROTECTED AREA OF BRITISH COLUMBIA AND RESIDED IN CANADA AS AT JULY 18, 1947.

TAKE NOTICE THAT by Order in Council P. C. 1810, dated July 18, 1947, as amended by Order in Council P. C. 3737, dated September 17, 1947, His Excellency The Governor-General in Council has authorized the appointment of The Honourable Mr. Justice Henry Irvine Bird, a Justice of the Court of Appeal for the Province of British Columbia, as a Commissioner under the Inquiries Act, R. S. C. 1927, to inquire into and report upon the claim of any of the before-mentioned persons of the Japanese Race who alleges:

(a) that real and personal property of the claimant vested in the Custodian was disposed of by the Custodian for less than the fair market value thereof at the time of sale resulting in loss to the claimant equal to the difference between the amount received from the sale and the fair market value [illegible]; or

(b) that personal property of the claimant vested in the Custodian was lost, destroyed or stolen while in the possession or under the control of the Custodian or some person appointed by him, with the result that the claimant suffered a loss equal to the fair market value of the property at the time when the same was lost, destroyed or stolen; provided that no claim shall be considered in respect of property lost, destroyed or stolen, while under the custody, control or management of any person other than the Custodian, appointed by the owner of the property.

I am now directed by the Commissioner to give public notice to intending claimants to file their respective claims, in duplicate, written in the English or French language and verified by statutory declaration, at the Office of the Custodian, Royal Bank Building, Vancouver, B.C., **on or before November 30, 1947.**

Claimants are required to prepare their claims in the following form:

1. **Name of claimant in full with registration number.**
2. **Claimant's address at the time of his evacuation from the Protected Area.**
3. **Claimant's present address.**
4. **In the case of claims relating to real property:**
   - **(a) Street address of real property.**
   - **(b) A legal description sufficient to identify the property.**
   - **(c) Type of real property, i.e., farm, residence, commercial, etc., and short description of it.**
   - **(d) Title or interest held by claimant in the real property.**
   - **(e) Fair market value of real property at date of sale.**
     - **(a) Land.**
     - **(b) Buildings.**
   - **(f) Amount of loss alleged to have been sustained by the claimant under the terms of reference.**
5. **In the case of claims relating to personal property:**
   - **(a) Location at which property was left by the claimant at date of evacuation.**
   - **(b) Type of premises in which property was left by the claimant and manner in which that property was stored or packed at the time of evacuation.**
   - **(c) In whose care was property left by the claimant at date of evacuation.**
   - **(d) Itemized and detailed description of the property which is the subject of the claim and itemized value thereof at the time of sale, loss or destruction.**
   - **(e) Amount of loss alleged to have been sustained by the claimant under the terms of reference.**

Subject to change [illegible] receipt of claims, it is proposed that sittings of the Commission in respect of claims filed at the office of the Custodian will be held at:

Vancouver, B.C.	Moose Jaw, Saskatchewan.
Kamloops, B.C.	Winnipeg, Manitoba.
Nelson, B.C.	Toronto, Ontario.
Lethbridge, Alberta.	Montreal, Quebec.

and such other places as may be determined by the Commissioner, at the times and locations to be fixed by the Commissioner, notice whereof will be given to the claimant.

Claimants will indicate at which of the above cities they prefer to be heard and whether or not the services of an interpreter will be required.

Claims filed subsequent to November 30, 1947, will not be considered unless special leave is granted by the Commissioner upon good cause shewn.

THE ATTENTION OF CLAIMANTS IS DIRECTED TO THE TERMS OF REFERENCE QUOTED ABOVE. THE COMMISSIONER'S AUTHORITY IS LIMITED TO CONSIDERATION OF CLAIMS AS THEREIN DEFINED.

Dated at Vancouver, British Columbia, September 26th, 1947.

By authority of the Commissioner
A. WATSON, Secretary to the Commission.

Oct. 2-47

JAPANESE CANADIANS
ORDER NO. 14

PC1810 July 18/47
To establish Claims Commission

File 43
KHP

WH/7

P. C. 1810

Certified to be a true copy of a Minute of a Meeting of the Committee

Privy Council

of the Privy Council, approved by His Excellency the Governor General

on the 18 July 1947

(Crest)

Canada

The Committee of the Privy Council have had before them a report dated 14th July, 1947, from the Secretary of State, representing:

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

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

That by Order in Council P.C. 6247 of July 20, 1942, it was provided that all vessels and equipment not disposed of by the committee established by the said Order in Council of January 13, 1942, should on and after the first day of August, 1942, be vested in and be subject to the control of the Custodian;

That pursuant to the above mentioned Orders real and personal property of persons of the Japanese race was disposed of and claims have been made by persons of the Japanese race that in respect of such disposition of their property they have suffered pecuniary loss; and

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

The Committee, therefore, on the recommendation of the Secretary of State, advise:

1. That the Honourable Mr. Justice Henry Irvine Bird be appointed a Commissioner pursuant to the Inquiries Act, chapter ninety-nine of the Revised Statutes of Canada, 1927, to inquire into the following claims of persons of the Japanese race who are resident in Canada at the date of this Order, namely -

ORDER NO. 74

(a) that by reason of the failure of the Custodian to exercise reasonable care in the disposition of the real and personal property vested in the Custodian pursuant to the above mentioned Orders, the amount received by the Custodian for such property was less than the market value thereof at the time of such disposition; and

(b) that by reason of the failure of the Custodian to exercise reasonable care in the management of personal property, such property was lost, destroyed or stolen but no claim shall be considered in respect of property lost, destroyed or stolen while under the custody, control or management of any person, other than the Custodian, appointed by the owner of the property.

2. That the Commissioner shall examine into each claim and make a report to the Governor in Council setting forth the claims, if any, which in the opinion of the Commissioner are well-founded and the amount which, in his opinion would fairly and reasonably compensate the claimant for failure of the Custodian to exercise reasonable care.

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

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

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

"A. D. P. Heeney"

Clerk of the Privy Council

File KHP

Report on Ontario Conference of Japanese Canadian Organizations

Held in Toronto, June 14 - 15, 1947

Delegates from several Ontario Nisei groups and two delegates from the Hamilton Kyowa Club met in Toronto for the conference to discuss the setting up of a Provincial Body.

Official Delegates:

London Nisei Organization	- Edward Ide, John Kumagai, Masako Iguchi.
St. Thomas Nisei Club	- Samuel Yamada.
Hamilton Nisei Council	- Bob Oikawa, Rusty Oki, Toni Tateishi.
Hamilton Kyowa Club	- Chotaro Aoyama, Rokutaro Ide.
Toronto (JCCD)	- George Tanaka, Roger Obata, Nora Fujita.

Other centres sent word they could not attend, but were in favour of a Provincial organization to co-ordinate the work of Ontario Japanese Canadian groups. They relied on the conference to set up a workable plan in short order. Their suggestions by letter were read in the first session, held Saturday afternoon.

The Toronto JCCD played host, being the accepted delegates from the Committee for Toronto Nisei Organizations, and George Tanaka welcomed the delegates, the observer delegates and all other guests. Nominations for Conference chairman coming from the Steering Committee, the delegates elected Henry Ide of Toronto, who ably chaired both Saturday and Sunday sessions.

The purpose of the Conference being to discuss and possibly set up at the same time a Provincial organization, the way was cleared by all delegates voting in favour of it. Debate followed on the composition, as well as on defining the eligibility of different Japanese Canadian groups throughout the province of Ontario.

The Saturday afternoon session adjourned after the several resolutions concerning the Provincial and National set-up were passed. On Sunday the discussions concluded with adopting several amendments proposed by the JCCD.

As most organizations outside of Toronto are not familiar with the "Committee for Toronto Nisei Organizations" (C.T.N.O.) set-up, which is peculiar to Toronto, the following is given as a note of explanation. The CTNO is composed of all Nisei organizations in Toronto, whatever their identity, and originally was just a medium of convenience in order to space dance dates evenly without confusion. Out of this trivial necessity grew a group consciousness that co-operation was essential among the various Nisei clubs and societies, especially when faced with a common urgency. Therefore from the friendly co-operation of different groups formed a loosely knit but flexible Committee for Toronto Nisei Organizations, which has a simple policy but no Constitution.

The Committee for Toronto Nisei Organizations delegated the JCCD to be its representative at this conference on all matters concerning political action and provincial organization.

It was pointed out that, though Toronto had only three delegates in spite of its large population, nevertheless all city groups were fully represented by the JCCD delegates at this first Provincial organizational Conference. After this was explained, the session continued and voted in favour of the Council type of provincial set-up.

ORDER NO. 74

Three plans were proposed: the Council for Ontario Japanese Canadian Organization: affiliation with the JCCD as the parent body, though all member organizations would retain their local identities and constitution; chapter system, with the JCCD as the headquarters body.

Delegates debated on the advantages and disadvantages of each type before voting finally for the Council. Under the Council system adopted by the delegates, all outside Japanese Canadian organizations are members, with one member organization being delegated by the Conference delegates to carry out all the main executive duties of the Provincial organization through its own existing executive body.

In sharing responsibilities, where certain phases of activity, other than political action, such as cultural, educational, social work, sports as well as the printing of a regular bulletin are required to be carried out, they can be delegated to other member organizations.

It was felt at the Conference that it would be impossible, owing to lack of time and the need for immediate action, to organize a new, separate provincial executive body outside of any existing organization. All delegates acknowledged the necessity for a co-ordinating body to be located in Toronto, under the aegis of the JCCD which has so far done most of the field work on property losses surveys.

All centres not represented at the conference were assumed to be in favour of whatever the delegates decided, and George Tanaka of Toronto JCCD, having read out favourable correspondence from these groups, confirmed the assumption.

The following are the amendments to resolutions on the Provincial set-up carried by the second session:

1. The JCCD moved"that membership in the Provincial organization be confined to Japanese Canadian organizations and that these organizations may have Isseis in their membership."

2. The JCCD moved that wherever the word "Nisei" has appeared in the resolutions, the designation,"Japanese Canadian" be substituted.

3. The JCCD moved that the resolution on the purpose of a Provincial organization be: ""Whereas the purpose of the Provincial organization is to enable Japanese Canadian organizations in Ontario to work together as a unified body to reach a single objective in all matters of common interest: And Whereas there is a need to stress the responsibilities as well as the privileges of Canadian citizenship: Be it resolved that the activities of a Provincial organization be pursued in accordance with the outlined purpose."

After Toronto was elected to be the Headquarters of the newly-formed "Council for Ontario Japanese Canadian Organizations," the conference debated on the question of a national council of all Japanese Canadian provincial groups across Canada, and favouring it, proposed that a national conference be duly held before the end of summer. Other Provincial groups will be approached for final agreement. Delegates from the Conference at large, were elected to attend a proposed National conference tentatively set to meet in Toronto on August 30-31 and September 1st. Three delegates per province were thought to be sufficient, and from Ontario were chosen, George Tanaka, Roger Obata, both of Toronto, and Edward Ide of London.

DELEGATES TO PROPOSED NATIONAL CONFERENCE. It was proposed to send a minimum of three delegates from the Ontario Provincial Conference to the proposed National

Conf erence, since some provinces would be at a disadvantage if based on percentage of resident Japanese population. The travelling expenses would also be minimized if the delegates were limited to a small number. It was also felt that much more could be accomplished by a small assembly of delegates. However, the actual number of delegates from the provinces would be decided by contacting other provincial organizations by correspondence in the near future. It was also suggested that the travelling expenses of all National conference delegates could be pooled and shared equally by each province.

During the discussion on the subject of financing a National organization, it was pointed out by a delegate that each province should give careful consideration to the problem of raising funds on a per capita basis in order to successfully meet the yearly operational expenses.

It was also stressed that this could only be accomplished by each and all Japanese Canadian organizations co-operating to the fullest extent since such crises as the "deportation" and the "Economic losses survey" can no longer be counted upon to give impetus to this work.

Resolutions on National Organization

The JCCD moved that the resolution on the purpose of a National organization be: "THAT the purpose of the National organization be to enable Japanese Canadian organizations in Canada to work together as a unified whole to reach a single objective in all matters of common interest; AND as there is need to stress the responsibilities as well as the privileges of Canadian citizenship; BE it resolved that the activities of the National organization be pursued in accordance with the outlined purpose." (carried unanimously)

Resolution of the need for a National Organization as amended at the first session: "WHEREAS there still exist certain restrictions and discriminatory measures depriving persons of Japanese ancestry of civil rights and fundamental liberties; AND WHEREAS organized effort of Japanese Canadians should continue until the fundamental democratic rights and liberties are extended to each and all Canadian racial minority groups: AND WHEREAS these objectives cannot be properly attained without uniting the various Japanese Canadian organizations in Canada; BE it resolved that the Conference go on record as favouring a National Organization." (carried unanimously)

Another hopeful note for the future is the JCCD plans for the closer co-operation with other minorities on matters that concern us all; discrimination, employment, adult education, and inter-cultural, inter-racial relations. This was the progressive alternative to the opinion that the "Council for Ontario Japanese Canadian Organizations" would decrease in usefulness once the immediate crisis was over.

The success of the Ontario Provincial Conference is due to the matured acceptance of Nisei groups that positive action comes from a selected group of enthusiasts; that theoretically a council should be 100% representative, but in actual practice the participants are limited to those who are not indifferent to the necessity of active co-operation; that their work is not limited to selfish concerns, but embrace the Japanese Canadian population as a whole; therefore, though we cannot be representative of opposition groups, or those sympathetic with our views but non-active in any corporate body of Nisei, we can still say that we are working for the benefit of all our people.

Council for Ontario Nisei Organizations,
JCCD, Toronto (Central Headquarters)
Tuesday, June 17, 1947.

JCCA

NATIONAL JCCA COMMITTEE ON FUTURE PROJECTS

The Committee on National JCCA Future Projects met Sunday evening, January 9, 1949, at 84 Gerrard St. E., with the following members present: T. Umezuki, T. Kameoka, K. Tanaka, G. Tanaka, N. Fujita. Messrs. I. Uchida, K. Hidaka and P. Yamada were unable to be present.

The points as discussed under "future Program of the JCCA" and recorded in the Minutes of the Executive Committee meeting held October 10th were followed up in order of listing:

1. Seeking widening of the terms of reference on Evacuation Claims:

Mr. Andrew Brewin, on behalf of the Co-operative Committee, is at present making representations to Ottawa for the inclusion of claims for loss on fishing vessels sold by the Fishing Vessels Disposal Committee. It was the general opinion of the committee that the idea of pressing for inclusion of the category of "general indemnity" should be abandoned by the JCCA because of the discouraging legal opinion received to date. It was thought advisable to check through the JCCD Claims survey data for Toronto and Ontario on file in order to arrive at a more exact approximation of the number of cases under "owner's forced sale"and "general indemnity" which may be involved and to secure written statements from lawyers and others as to their considered opinion on these claims. Should it be decided that the JCCA take up a request to the Government to consider compensation for losses on "Owner's forced sale" only, and should the present representation being made by the Co-operative Committee fail to bring the fishing vessels sold by the Fishing Vessels Disposal Committee within the terms of reference, then, along with our continued efforts for acceptance of the Fishing Vessels claims, we might include representation for acceptance of claims coming under the category of "owner's forced sale".

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

Nothing can be done on this matter at present.

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

The National Office has handled over 70 strandee cases to date. Of these: permission for re-admission has been obtained for 7 persons, Ottawa's decision is awaited on 30 cases, and 32 cases are in process of compilation. The committee took cognizance of the advice received last Spring from the Deputy Minister of Mines and Resources and certain members of Parliament to await the clarification of relationship between Canada and Japan and the revoking of the Wartime Restrictions against persons of Japanese ancestry in Canada on March 31, 1949, before making further representations for the re-admission of those categories of strandees at present not re-admissible. When we consider it timely to take up this matter again, our submission to the Government could be for consideration of all applications for re-admission on their individual merits, including "compassionate grounds". In anticipation of such further representations, the National Office has put through the following applications for a matter of record:

2 Nisei cases - Went to Japan on Wartime Exchange ships and under existing Order-in-Council have lost their Canadian citizenship.
1 Nisei case - Was forced to serve for a few months in the Japanese Armed forces and therefore not re-admissible.
4 Issei cases - Went to Japan under the Canadian Government "repatriation scheme and lost their Canadian domicile or their Canadian Citizenship status if naturalized, under an existing Order-in-Council.

4. Seeking equalization of Insurance Rates

Agreed that further efforts should be made to bring together Japanese Canadian representatives of Insurance Companies to discuss this question.

5. Securing Provincial Franchise for Japanese Canadians in British Columbia

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

6. Securing clarification on the issuing of Fishing Licenses to Japanese Canadians in British Columbia

The Executive Secretary has already written to the B. C. Chapter JCCA requesting t hem to sound out the matter of intentions of returning to the fishing industry in B. C. on the part of former fishermen now residing in B. C. Recommended that further information be sought from the following sources:

The Japanese Fishermen's Ass'n - as to official stand of the Association on this question.

The B. C. Fishermen's Union - to know the attitude of the B. C. fishermen to the return of Japanese fishermen to the industry and the general conditions of the Fishing Industry in B. C. at present.

7. Freedom of Travel and Resettlement in British Columbia after March 31, 1949

The National Office has been in correspondence with the B. C. JCCA and University of British Columbia organizations on this subject. Copies of various B. C. Acts containing discriminatory legislation against Japanese Canadians are on order with the King's Printer, Government of British Columbia, in order that we may verify the existence of such legislation. It was felt that the pint of freedom to travel in B. C. could be taken for granted as following immediately upon the lifting of the wartime restrictions on March 31, 1949.

8. Supporting and contributing in efforts for a Provincial and Federal Bill of Rights

The Executive Secretary has been active in civil liberties work and has been working with representatives of other organizations in the current effort to reorganize the Civil Liberties Association.

9. Supporting and contributing to the adoption of Fair Employment Practices Legislation

Participation could be continued here as further efforts are taken in this direction by interested groups.

10. Participating in Race Relations Projects

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

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

11. Conducting a National Survey

Work on this project delegated to a sub-committee on JCCA National Survey.

12. Supporting and expanding recreational, welfare and community services

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

GEO. TANAKA.

2133 file 3
KHP

NEWSLETTER

Issued August 16 1946 by:
Kunio Hidaka, Executive Secretary,
Citizenship Defense Committee,
506 Jarvis Street, Toronto.

F. ANDREW BREWIN REPORTS TO CO-OPERATIVE COMMITTEE

F. Andrew Brewin, Toronto lawyer who presented argument before the Privy Council for the Co-operative Committee on Japanese Canadians reported last night raported that Viscount Simon, in referring to the deportation case, stated it was "one of the most important cases ever to come before us".

Mr. Brewin stated that hearings took four days and the judgment, now reserved, would likely be announced after the board reconvenes in October.

In expressing his own views Mr. Brewin stated that it was his impression that the court itself had not made up its mind, and on one branch it appeared that Lord Simon had accepted the argument and on a different branch of law it appeared that Lords Potter and Uthrup had agreed. Sir Lyman Duff, it was reported, said little, and Lord Wright "had seen better days".

Of the various arguments advanced to challenge the orders-in-council, Mr. Brewin reported that their lordships did not give very serious credence to the claim that the emergency had passed and the provisions of the War Measures Act could not, therefore, apply. However, it was stated, much consideration was given to the argument that powers of deportation of citizens are not contained in the War Measures Act. The most technical argument advanced was that the orders deprived a naturalized Canadian of his nationality by means and methods not provided under the British Nationality and Status of Aliens Act, and since the War Measures Act was passed before the Statute of Westminster of 1931, the Colonial Laws Validity Act which provided that no colonial legislatures could pass statutes contrary to provisions of Imperial statute, would be invalid and the provisions of British Nationality law would be the law in all cases.

Counsel for the Government, in reply to this last argument, claimed that Canada had not adopted the Imperial nationality statute, and secondly, that the Colonial Laws Validity Act did not apply since the orders were law and were passed subsequent to the Statute of Westminster which released Canada from Imperial statutes unless requested by Canada and applied to Canada with her consent, therefore, the British nationality statute did not apply.

Mr. Brewin emphasized the fact that the Privy Council was deciding only legal points of power under statute, and was not concerned with policy or the morality of the actions of the Government. When policy was considered, he said, the effect was to make people over optimistic, and secondly, too much emphasis would be placed on the court, and not enough on the Government which should be held responsible for policy.

The possibility of the orders being declared invalid insofar as they apply to Japanese nationals were "slim" said Mr. Brewin, and the only argument put forth was the inseverability of the scheme. However, the judges seemed to indicate that they considered the orders separate for the several categories of persons, and that it was not the court, but for the Government to decide whom to deport.

All members of the Judicial Committee of the Privy Council, without exception, seemed unhappy about the orders, it was reported.

PRESENTATION BEFORE THE PRIVY COUNCIL

Mr. Brewin presented argument with Christopher Shawcross, a brother of Sir Hartley Shawcross, the attorney general of Great Britain, and Jeffery Wilson, who was at Moscow with Sir Stafford Cripps, and was formerly with the Foreign Office Northern Division, who acted for the Attorney General of Saskatchewan.

FINAL RESPONSIBILITY RESTS WITH GOVERNMENT

With the court deciding only legal points, it was stated that further action could be taken to see that the loyalty commission is appointed, if necessary, and, to challenge the application of deportation orders in every case. Futhermore, should the Government attempt to carry out its policy, political pressure for abandonment of the scheme should come from all quarters. However, the first move will rest with the Government, otherwise, there are [illegible] important matters, such as, claims for losses, resettlement, and

File 2
KHP

CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS

Report of the Sub-committee on Restrictions and Property Losses

October 26, 1946

The Co-operative Committee on Japanese Canadians at its meeting of September 10, 1946, appointed Mrs. Edith Fowke, Kinzie Tanaka and Kunio Hidaka as a sub-committee to investigate and report on present legal restrictions and the sale of property belonging to persons of Japanese ancestry after their evacuation in 1942.

The sub-committee met on September 16, 30, and October 8.

RESTRICTIONS

Legal restrictions imposed upon persons of Japanese ancestry in Canada by order-in-council and subordinate administrative orders are few in number but exceptionally far-reaching in scope and effect.

POWERS UNDER P.C. 946 OF FEBRUARY 5, 1943

Under this order-in-council the Minister of Labour or on his behalf the Deputy Minister and the Commissioner of Japanese Placement may:

"make orders, rules or regulations respecting the conduct, activities or discipline of persons of the Japanese race ... , and may by order prohibit such persons ... , from engaging in any activities, employment or business, in Canada, from moving or travelling anywhere in Canada, from residing in any place in Canada or from associating or communicating with any persons, except subject to permit issued by or on behalf of the Minister and on such terms and conditions as may be prescribed by him or by any person authorized to act on his behalf under these Regulations."

ORDER GOVERNING TRAVEL

Order No. 1 of July 30, 1943, issued by the Commissioner of Japanese Placement under authority of the above powers states that:

"All persons of the Japanese race must obtain a Royal Canadian Mounted Police Travel Permit prior to:

a) entering for any purpose whatsoever, a Protected Area anywhere in Canada,
b) crossing any Provincial boundaries within Canada,
c) a change of residence, which may be interpreted as taking place when a person moves himself or herself and/or their dependents to a new place of residence,
d) travel for any purpose whatsoever, in British Columbia a distance of more than fifty (50) miles from their place of residence or for a period of over thirty (30) days.

"Subject to the foregoing regulations, a person of the Japanese race resident outside of British Columbia may travel upon visits of a temporary nature up to a period of thirty (30) days duration without obtaining a Royal Canadian Mounted Police permit."

ORDER PROHIBITING FISHING

Order No. 2 prohibits fishing by Japanese in the province of British Columbia or Pacific coastal waters without a permit from the Commissioner.

APPLICATION OF P.C. 946

1. PURCHASE OF PROPERTY

As a result of the powers granted the Minister of Labour under P.C. 946, persons of Japanese ancestry are required to secure a license from the Department of Labour prior to the purchase of property. While it may be conceded that licenses are not refused, nevertheless the department exercises unrestricted control over the issuances and no provision is made to appeal adverse decisions.

2. RESTRICTION ON MOVEMENT

Certain classes of persons were prevented from leaving British Columbia by an order issued June 1, 1946. The order was as follows:

RE: PLACEMENT AND SUSTENANCE ALLOWANCES FOR MOVEMENT TO POINTS EAST OF THE ROCKIES

Until further advised, placement allowances are to be paid to all Japanese relocating east of the Rockies except Single Japanese Nationals who signed for repatriation and Japanese National couples having no Canadian born children, and where both signed for repatriation, and where wife was born in Japan. These people will not be permitted to go east.

However, with the closing of the Interior settlements later in the year and the opening of hostels in eastern Canada, this order was no longer enforced.

3. COMPULSORY MOVEMENT TO HOSTELS

On June 28, 1946, some twenty sawmill workers near Tashme who wished to remain at their occupations protested against attempts to force them eastward, received the following order:

Pursuant to the powers and authorities conferred by Order in Council P.C. 946, and amendments thereto, I, the undersigned, T. B. Pickersgill, Commissioner of Japanese Placement, do order and require you, the above-named ..... and dependent children of Tashme, to proceed by passenger train of the Canadian Pacific Railway Company from its station at Hope, British Columbia, at the time of departure of that Company's passenger train scheduled to leave Hope, aforesaid, at the hour of 4:00 p.m., standard time, on Friday, 5th July, 1946, to the town of NEYS, direct, in the Province of Ontario, Dominion of Canada, and to report to Mr. J. S. Burns, Supervisor, Department of Labour, Japanese

Division, in the said town of Neys, immediately on arrival.

You will be provided with proper travel permit, railway passenger ticket and expense monies.

(signed) T. B. Pickersgill
Commissioner of Japanese Placement.

4. COMPULSORY RELOCATION FROM INTERIOR CAMPS

Despite claims of the eastward movement being voluntary, the following NOTICE was posted at Lemon Creek on June 25, 1946:

TO ALL RESIDENTS OF LEMON CREEK

All persons of Japanese origin, 16 years of age and over, are required to report immediately to the Administration Office.

Relocatable persons will be given an opportunity to express their desire as to where they wish to be transferred - Moose Jaw or Neys.

It is assumed that persons failing to report are content to be assigned to the particular re-location centre selected by this office.

(signed) B. C. Whitty
Supervisor.

5. TRAVEL FROM EASTERN TO WESTERN CANADA

The incident related below shows the type of discretion exercised by the Commissioner of Japanese Placement when issuing travel permits.

An application for permission to travel to British Columbia for organizational work was refused by the Commissioner who stated that:

"Our policy is not to grant travelling permits from Eastern to Western Canada except on compassionate grounds or on grounds of extreme business urgency .... "

When a request for re-consideration was entered because of the extreme urgency of the matter, the Commissioner replied as follows:

"We are of the opinion that the best interests are being served of those people of Japanese origin still residing in our B.C. settlement if arrangements are completed for their relocation at the earliest possible date. We believe that a visit to the settlements for the purpose which you have in mind, would only result in delayed relocation. We believe that such delay is not in the interests of people relocating.

"Our regional offices in the Eastern provinces have complete information on the descriptions of places and areas to which people may be planning to move, and can easily provide such information on request."

6. APPLICATION TO SCHOLARSHIP WINNERS

The New Canadian of August 10, 1946, reported that, although George Fukuyama had won the University of British Columbia Scholarship for the Kootenay District in the Junior Matriculation examinations, he was unable to use it because of the legal restrictions on residing in the coastal area.

In reply to an inquiry, President N. A. M. MacKenzie of the University of British Columbia stated there were two such cases this year and one last year.

7. NISEI VETERANS DENIED FISHING LICENSES

Tom Reid, M.P. for New Westminster, asked in the House of Commons for the number of applications from persons of Japanese ancestry for fishing licenses. It was revealed that two applications had been received.

Our information is that two Nisei Veterans applied and as yet have not been issued fishing licenses.

FAMILY ALLOWANCES DENIED

Although no provision is made in the Family Allowances Act to deny these payments to children of Japanese ancestry, these persons while residing in settlements and hostels have their applications rejected on grounds that health services and other amenities are provided.

This condition also applies to families in the settlements which are totally self-supporting. Any hospitalization provided is deducted from their accounts with the Custodian. As an example: a mother living in an independently rented house in New Denver had the application for her child's allowance refused on grounds that free health services were provided. However, when the child had his tonsils removed, the cost was deducted from the account with the Custodian.

At the hostel at Farnham, Quebec, a notice is posted to state that family allowances will be paid only after the family leaves the hostel. However, contrary to this statement, and also contrary to the philosophy and purpose of allowances, they have been considered in one instance at least, a part of wage payments. As an example: a man was offered $10.00 per month wages for thirty days work because arrangements would be made for him to receive $41.00 in family allowances.

STATUS OF VETERANS

Veterans are experiencing the same legal disabilities as non-veterans. The Minister of Labour was petitioned by the veterans of Slocan City on June 24, 1946, for all privileges of Canadian citizenship, the return of their property, and all privileges, grants and pensions applicable to veterans, but received little consolation in the Minister's reply

which informed them that:

> "This department has at all times since location attempted to give the Japanese Canadian veterans special consideration and preference insofar as possible. As an example, the Department has recently removed all travel and residence restrictions on veterans of World War I and II and their dependents, except in cases of travel to and residence in the coastal protected area of British Columbia."

LOSS AND SALE OF PROPERTY

A number of sample case histories, collected by the Slocan Valley Nisei Organization, are appended to this report to indicate in some way the nature and extent of property losses.

Property was sold without consulting the owners and in almost all instances the owners claim that sales were made at prices far less than market value. It should also be noted that the total amount of relief payments was deducted from the price received for the property had the person been on relief.

The effect of this practice of deducting relief payments from assets with the Custodian was to force persons who were without employment to support themselves from their personal reserve. In keeping with this policy, persons while in British Columbia did not have free access to their own funds with the Custodian.

CONCLUSIONS OF THE REPORT

Following its investigation into legal restrictions and losses of property this sub-committee reports the following conclusions:

1. that equal citizenship rights should be extended to Canadians of Japanese ancestry. This means that the restrictions on travel, residence and occupations should be removed. Furthermore no obstacles should be put in the way of Japanese nationals becoming Canadian citizens;

2. that Japanese Canadians should be granted adequate assistance and loans where necessary to re-establish themselves; and until all such persons are re-established, accepted standards of housing, nutrition, education and wages should be enforced in hostels and settlements;

3. that a claims commission should be established to restore property where possible, to order restitution for losses where property cannot be restored, and to grant compensation for net loss in income as a result of evacuation.

The sub-committee recommends that the Co-operative Committee on Japanese Canadians accept the conclusions outlined above as a basis for its program of action.

Respectfully submitted,

KUNIO HIDAKA
EDITH FOWKE
KINZIE TANAKA

Case Histories Re: Property Losses

Re: Mr. O. Kamachi, Veteran
Regiment #228450
52nd Battalion

Occupation: Fishing and Farming
Lulu Island, New Westminster, B.C.
Fishing Boat: 28 ft. 7 ft. wide
Palmer Engine - 6 H.P.

I am a returned veteran, and did not suspect that the Custodian would touch my Personal Property. So I left my fishing boat at the foot of 19th Road, Lulu Island, New Westminster, B.C. in charge of my brother. Later he informed me that he was instructed by the Officer in Charge of Japanese Fishing, that regardless of whether it was a veteran's or not as long as the owner was of Japanese origin, they have the liberty of claiming my boat. Which they did forcibly without adequate or satisfactorily reply to my brother questionings.

When I was housed in the Hastings Park Manning Pool, I was informed by the Custodian official that a law was drafted by the Government that all Japanese Vessels were to be sold by the Custodian. At the same time I was informed that the price set on my boat was $86.00. Because of the ridiculously low price I made a strong protest, and did not accept the price named.

My farm at Langley Prairie, B.C., a berry farm consists of strawberries, 15 acres of land, with house, barn and packing house. This was valued at $3,000.00, but was sold by the Custodian for a price of $980.00.

My fishing net and net twine valued at $700.00 were sold at $292.00. My twine alone was worth $292.00. Because of the shameful low prices I refuse to accept the money and it still in the hands of the Custodian.

#12 Sixth Avenue
Bay Farm, Slocan, B.C.
March 7, 1946

My former residence at the time of evacuation was at the corner of Sixth and Columbia in Vancouver, B.C.

The house was worth approximately $2,000.00, which the Custodian sold for $1,250.00. My household chattels, worth $1,100.00, was sold for $227.00. These sales were made without any notification or consent. I have received none of the proceed of these sales.

Signed Y. Kosaka

My former resident before the war was at Hyde Creek, B.C. At the time of evacuation from my home at Hyde Creek, I was given only a two hour notice. Therefore I could do nothing with my household and immovable property.

During evacuation I was only allowed 1 suit case and one clothes bag to take with me. Therefore the rest of my belongings were left as it was.

Some time after evacuation, I was informed by the Custodian of Enemy Property that my properties were sold. The prices for these have been exceedingly low. The list of property sold by the Custodian included very little so I knew that a greater part of my property had been lost.

3 Elm Avenue
Lemon Creek
Slocan, B.C.
March 4, 1946

Signed Seizaburo MIYAKE
Reg. #09853

At the time of evacuation, I resided in Cumberland, B.C. There I received notice to proceed to Hastings Park within a week. I complied with only a suitcase and one clothesbag, which was all that I was allowed.

The sleeping quarters and food were very appalling.

After removal to Slocan, I was informed that my house valued at $500.00 was sold for the meagre sum of $15.00, and this without my consent.

Family's car valued at $600.00 was also sold for a measly sum of $365.00.

A-12, Bay Farm
Slocan, B.C.
March 7, 1946

Signed M. Uchida

At the time of our evacuation, Mr. Powell, a Haney Real Estate Manager, offered to sell my property and new house at the sum of $2,500.00, but I did not accept it.

At a later date, I was notified by the Custodian that they had sold both my lots and house for only $1106.00 without my consent.

2445 Lougheed Highway, Hammond, B.C.
Lot 3 of Lot D of lot 222, Municipality of Maple Ridge

Gytoku, Unta
Formerly of Hammond, B.C.

Slocan, B.C.

My home valued at $2,000.00 was sold by the Custodian for $1,000.00. Chattels valued at $300.00 were auctioned off at $60.50. These sales were made without my consent.

To my credit there should have been held a total of $1,060.50. From this amount I asked for $200.00 to be forwarded to me for use which the Custodian refused to comply.

#19 Fourth Avenue
Bay Farm, Slocan, B.C.
March 5, 1946

Yasukichi KOBORI

Prior to being evacuated from the Coast, I had two boats valued at $126.00. The cannery manager there sold them at the above amount and forwarded same to the Custodian. I wrote to the Custodian to forward the proceeds to me, but to date, have not received the sum.

The boat-building machinery was left in the care of the Custodian. I inquired numerous times what they had done with my machinery, but they have not even answered my letters.

Also there was a box of tools valued at $200.00. Since I was not able to bring that to Slocan, I deposited the box and its contents at the Vancouver Buddhist Temple. At a later date, through the B.C. Security Commission here, I asked for my tools to be forwarded as they were required, but as yet they have not complied with my request, nor given me any satisfactory answer.

A-2 Bay Farm,
Slocan, B.C.
March 7th, 1946

Signed S. Kobayakawa

On March 29, 1942, my husband was served orders to leave for road camp. Since our business establishment (rooming house) and household goods (which were taken over by the Custodian) were not disposed of, he did not go. For this reason, at a later date, he was sent to internment camp.

After I was evacuated to Slocan, I lived on maintenance. Upon the sale of my home by the Custodian, without my consent, the total amount of thirteen months' maintenance which I received prior to the time of the sale, was deducted from the proceeds. Since then, as I have no source of income, I have had to depend solely upon maintenance which is deducted from the proceeds of the sale of my property.

#5 First Avenue
Bay Farm, Slocan, B.C.
March 7, 1946

Signed M. Kitamura

FOLDER NO. 74

My family was given only a twenty-four hours' notice to evacuate from New Westminster on March 28, 1942. Not only was this notice too sudden, but also my family was split in three; viz., I (father) was sent to Jasper Road Camp, my eldest son (Canadian-born) was sent to Ontario road camp, and my wife and children to Hastings Park Manning Pool.

On May 12 of the same year my family was evacuated to Kaslo. There they were placed in a room 12' by 12' with another family - total number of occupant in that single room being twelve.

Moreover, for four months they were denied maintenance, even though they had no other source of income. Meanwhile, all the savings had been used up.

My personal effects and shop equipment valued at $960.00 were sold for $320.00, with a loss of $640.00.

I had contemplated relocating to Eastern Canada, but lack of accommodation and suitable placement made it impossible to do so.

My eldest son, Canadian-born, whose house, valued at $2800.00 at 1020 Queen's Avenue, New Westminster, B.C., was sold by the Custodian without his consent for only $1500.00.

18 Third Avenue,
Bay Farm, Slocan, B.C.
March 5, 1946

Bunshiro IWASA

Our property of 160 acres, house, farm buildings worth up to $20,000.00 sold without our knowledge and consent for 1/10 the value. All the farm equipments were included in the sales. Before we left we sold our cattle, horses and chicken (poultry) at a great loss, as we could not leave them as there was no one to look after them. It took us 24 years of hard labour to clear the land and make it productive.

We are not given free access to that money but it is doled out to us in small quantities which is barely enough to live on.

Slocan, B.C.

Tateishi

...ASHIMA, Katsuji of Popoff

I am a veteran of the First World War. Therefore, I sincerely believed that I should be entitled to all the rights and privileges as a Canadian citizen. When the war with Japan broke out, my belief in Canada was completely shattered.

I was fisherman, owning a fishing boat and equipments. Fishing was my only means of livelihood. My boat, however, was taken away from me soon after the outbreak of the war and was sold without my consent at 1/3 the current value. The fishing equipments had to be sold at a remarkably low price since without the boat, the equipments were of no value to me whatsoever.

Believing that I would be able to return to my home in the near future, I left all my household goods and belongings in my home. In Slocan, I received from the Custodian a list of articles which, I do firmly believe, was far from being complete. Knowing that this list was not complete, I however signed this paper reluctantly and sent the same to the Custodian. As yet, I have not received from the Custodian what has become of the above articles.

Nobody could deny in the least the profound disappointment and grief arising from such inhuman treatment and injustice. The most important point is that I am a veteran of the First World War who should enjoy all the freedom, liberty and equality arising therefrom; but, can anyone believe that I was and am treated as such.

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A-4 -- SAKATA

Earning $100.00 to $150.00 a month before the war but since the evacuation, we were shipped out where you could hardly make your living with $13.00 a month, which is my supplement on account I'm a cripple after the accident I had in work for Commission.

- -

A-2 -- INOUYE, Veteran (Nanaimo)

Had to evacuate to Vancouver within 12 hours but since we had to pack, we were lucky to get two days. Even at that they had a soldier looking after every move you make.

Only thing we could pack in short notice was couple of suitcase and a clothesbag, leaving all the personal properties behind such as, "fishing net, boats, food supplies and even Net House." Leaving it in the hand of one of my friends, even sewing machine, since his wife wanted to make use of it. After reaching Slocan, we asked them to send the sewing machine but all we got for an answer was, to send $10.00 for all the freight charge, so far its been four years, but there's no sign of my machine including the $10.00 we sent over. (Coming back to evacuation).

We reached Vancouver on 21st, 1942. As soon as we docked, we were

fooled by couple of fellows saying that there's no room to board in city so we have to move into Hastings Park Manning Pool. We were told after week that we would be able to go out of Park to city, but even since up to Slocan City, we were confined in there like bunch of cattles.

- -

A-1 -- KAMACHI (Veteran)

We're Veterans but without consideration treated same as other Issei; of course I'm a Japanese but there's a limit to everything.

My means of livelihood, fishing boat, was taken by Custodian without my consent, sold it at mere price, not even sending the money for which they sold it.

Since we came here we get no supplement and not only that, we're ten in the family with only one house, cramped up like a sardine. Our eldest daughter was 15 years old weighing 117 lbs. before evacuation but since we got shipped out way in the interior, not only she lost happiness, she was confined to New Denver Sanatorium on account of lack of proper means of living which they gave us.

I'm a Veteran, wounded, which make me awkward to do any hard labour. How can I support my big family with just the allowance I get from Veteran's Pay.

I had a friend back home who is a German National. Even though he's a German he don't have to evacuate like us. He told us before we left that "What is the difference between German National and Japanese National".

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A-10 -- KINOSHITA

Right up to this minute I reside in Canada for a little over thirty years, while making my living I kept my Canadian Citizenship but since the outbreak of this war they don't consider you as a Canadian but as Enemy Alien.

When Deportation came there was no choice but to sign as Repat, for even a Naturalized have to take the same step as National.

Another thing, even though we get shipped back to our home land, our relatives were killed by atom bombs, so actually there's no place to go to.

File
KHP

MEMORANDUM FOR CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS ON THE JUDGMENT OF THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL.

The text of the reasons for judgment of the Privy Council is now available.

It contains nine closely printed pages and detailed reasoning on a number of technical points. The following matters, however, may be of special interest.

Their Lordships point out that the Parliament of the Dominion in a sufficiently great emergency such as that arising out of war has power to deal adequately with that emergency for the safety of the Dominion as a whole. "The interests of the Dominion are to be protected and it rests with the Parliament of the Dominion to protect them. What those interests are the Parliament of the Dominion must be left with considerable freedom to judge." The judgment then proceeds in an important paragraph to say "Again if it be clear that an emergency .....no longer exists there can be no justification for the continued exercise of the exceptional powers.....but very clear evidence that an emergency has not arisen or that the emergency no longer exists is required to justify the judiciary even though the question is one of ultra vires, in overruling the decision of the Parliament of the Dominion that exceptional measures were required or were still required."

This paragraph is of very great importance because it indicates that the Orders in question in this case can only be justified if the continued exercise of exceptional powers is made necessary by reason of the emergency arising out of the war.

Although the courts are loathe to overrule the decision of Parliament or of the Government that such exceptional measures are not still required, the Government itself and Parliament itself do have the responsibility of considering whether any emergency still exists. If the emergency no longer exists, then there can be no justification for the continued exercise of these powers.

It could hardly be disputed at the present time that there is no present emergency (whatever may have been the situation during and shortly after the termination of the war,) which requires the continuous exercise of the exceptional power of deportation of Canadian citizens for no offence of their own and simply because they are of a certain racial origin. The fact that most of those concerned have been resettled and dispersed throughout Canada by the Government itself is enough to indicate that in this respect the emergency no longer exists. The presence of Japanese Canadians in Canada now could not in any sense be said to be an emergency that endangers the state or justifies interference with their ordinary rights as citizens.

The Judicial Committee proceed; "To this may be added as a corollary that it is not pertinent to the judiciary to consider the wisdom or the propriety of the particular policy which is embodied in the emergency legislation. Determination of the policy to be followed is exclusively a matter for the Parliament of the Dominion and those to whom it has delegated its powers. Lastly it should be observed that the judiciary are not concerned when considering a question of ultra vires with the question whether the Executive will in fact be able to carry into effective operation the emergency provisions which the Parliament of the Dominion either directly or indirectly has made."

FOLDER NO. 14

These two paragraphs make it abundantly clear that the decision of the Privy Council is in no sense an endorsement or approval of the policy of the Orders themselves. Indeed the emphasis which their Lordships put upon this matter and upon the fact that they are not concerned with the justice or practicality of the proposed orders, clearly indicates that their Lordships found it necessary in the view of the nature of the Orders, to make it clear that it was no part of their function to consider these matters, no matter what they thought themselves about the matter.

The judgment proceeds to state that their Lordships were satisfied that all possible grounds of criticism were in one form or another included in the grounds upon which the Appellants relied and proceed to deal with each of those objections in order.

It had been argued that the War Measures Act in providing that the powers of the Governor-in-Council (the Dominion Government) extended to orders for "deportation" had by implication limited the very general powers given to "deportation" in the sense in which it is usually used in statutes in reference to aliens and by implication the power to make order to send Canadian citizens to Japan or elsewhere was not included in the powers delegated by Parliament.

Their Lords concede that commonly in statutes the word "deportation" does apply only to aliens and that the suggestion that aliens only are under immediate consideration may then be important. As a matter of construction, however, of the War Measures Act which is in sweeping terms and is directed to dealing with emergencies, their Lordships held that the word "deportation" is used in a general sense and as an action applicable to all persons irrespective of nationality.

Also the ordinary rule of interpretation which favours a construction which is consistent with accepted principles of international law has no application to the construction of the War Measures Act. Their Lordships state "the accepted rules of international law applicable in times of peace can hardly have been in contemplation when the War Measures Act was passed".

It will be noted that the reasoning of the board does not in any sense depend upon either the fact that the orders refer to people of the Japanese "race" or upon any of the reasons given by the Governor-in-Council for making the orders. The effect of the Judgment is that the Government may in war time under the War Measures Act deport to any place at all in the world any person in Canada subject to the laws of Canada, whether a citizen or not, and of whatever racial origin, and for whatever reasons it sees fit to advance and that the courts cannot interfere.

While the logic of this reasoning may be unassailable the result is such as to give rise to the question of whether or not some constitutional limitation of the powers of Parliament or the executive, such as is embodied in the Bill of Rights, and in the first amendment to the American constitution has not now become necessary for Canada.

It may well be considered that under present conditions the completely unfettered powers of executive to act in emergencies are capable of abuse and that historic civil liberties are sufficiently in danger, that constitutional limitations, subject to all proper freedom of action for the executive in war time in the interests of the state are now called for.

The other arguments dealt with by the Committee are of a highly technical nature and are interesting to students of constitutional law. It had been argued by the Appellants that the orders were inconsistent with the British Nationality

and Status of Aliens Act which conferred the status of a British subject on those naturalized in any part of the empire to which the act applied, and recognized that status within the empire.

Their Lordships considered that the orders were in fact inconsistent with the Imperial Statutes but as a matter of interpretation of the Statute of Westminster arrived at the conclusion that since the passing of that statute not only the Parliament of Canada acting directly through its own acts, but also its agencies such as the Governor-in-Council acting under statutes like the War Measures Act passed before the Statute of Westminster, can now make laws inconsistent with the Imperial Statutes. This matter is of constitutional and theoretical interest but perhaps has little practical importance now, as most Canadian statutes will have been reenacted since the Statute of Westminster in 1931.

Another point of interest to those not familiar with our system of appeals is that the decision of the Privy Council is given in the form of advice to His Majesty by a branch of the Privy Council and the cabinet rule therefore applies that no minority or dissenting views can be announced.

This practice is, of course, different to that in the Supreme Court of Canada and in the Supreme Court of the United States and in the House of Lords which is the ultimate court of appeal for Great Britain, where frequently dissenting judgments are delivered. There is no such thing as a dissenting judgment in the Privy Council.

In reviewing the whole reference of the validity of these orders to the Supreme Court of Canada and the Judicial Committee it may be said that although the ultimate decision is that the orders are valid in their entirety, there was considerable judicial dissent in the Supreme Court of Canada as to the validity of some parts of the orders, and no opportunity for dissent in the Judicial Committee.

To conclude, those who supported this appeal may have the satisfaction of knowing that the review of the orders by the courts, despite the ultimate result, has enabled important questions of principle to be elucidated, the responsibility of the Government in Parliament and ultimately, the people of Canada to be clearly indicated and has procured time for the whole policy of these orders to receive full and careful consideration. There is good reason for optimism that this opportunity for reviewing the policy will have the result that none of these orders will ever in fact be enforced.

F. A. Brewin
The Co-operative Committee on Japanese Canadians
126 Eastbourne Avenue, Toronto, December 22, 1946.

File
KHP

DRAFT RELEASE

The report of Mr. Justice Bird as Commissioner on property claims of Japanese Canadians who were forced during the war to leave their homes and property in the coastal areas of British Columbia, has awarded upwards of one million dollars. His findings vindicate the claims put forward by the Japanese Canadians that they suffered substantial property loss as a result of this evacuation and received from the sale of their property considerably less than the market value at the time of sale.

The Co-operative Committee on Japanese Canadians, which represented most of the claimants, will urge the Government of Canada to implement the findings of the Commissioner promptly, and to pay interest on the awards from the date of sale. Claimants have lost the use of their property in the meantime, and property values have gone up considerably since their properties were sold at less than the market value in 1943 and 1944. The award of interest would be in accordance with the rules of justice and law universally recognised in ordinary compensation cases.

No financial award can adequately compensate for the hardships and suffering of those who were the innocent victims of Gov't policy considered necessary as a war measure. They had to leave behind their homes and farms and possessions which, in many cases, they had acquired by a life time of toil. The difficulties of proving actual financial loss have been immense.

The Canadian people will recognize the findings of the Commissioner, and their prompt and full implementation by the Government, as some measure of belated justice for a group of fellow citizens who deserve generous consideration because of the special hardships imposed on them during the war.

From time to time the Co-operative Committee has pointed out that the terms of reference of the Commission were, in its view, unduly narrow, as they excluded claims arising out of forced sales by Japanese Canadians caused by the evacuation policy of the Government. The terms of reference were limited to loss occasioned by sales by the Custodian at less than a fair market price. Even at this date, the Government should consider claims in connection with sale of fishing boats by the Fishing Vessels Disposal Committee and private sales by owners under duress.

-30-

Approved by Public Relations Committee - 26.4.50.

File K H P

THE CO-OPERATIVE COMMITTEE

ON

JAPANESE CANADIANS

94 Homewood Ave., Apt. 28,
Toronto 5, Ontario.
April 28th, 1950.

Dear Claimant:-

When a Royal Commission was finally set up in the fall of 1947 "to inquire into losses sustained by persons of the Japanese race resident in Canada, through the sale of their property, both real and personal, by the Custodian, at less than its fair market value, or through the loss, destruction or theft of personal property vested in the Custodian", it became apparent that co-operative presentation of the hundreds of claims would be more effective and much less costly than individual. Acting in consultation, therefore, with the National Japanese Canadian Citizens' Association, the Co-operative Committee on Japanese Canadians made arrangements for the presentation of claims for any claimant wishing to retain the services it made available. Since the great majority took advantage of this offer, it became a tremendous undertaking.

We regret that fuller reporting has not been possible during the intervening months. Occasional progress reports have been made, but as the proceedings now draw to a close, we are attempting to draw the threads together and report at greater length. Of necessity, this report must be general in nature, but it is our hope that it will give you a clearer picture of what we have been doing and what we plan to do from now on. (Each claimant will, of course, receive a detailed statement concerning his or her individual claim at the time of settlement.)

Since Justice Bird's findings have not yet been made public, we must emphasize the fact that much of the information contained in the enclosed report is of a confidential nature and for claimants only until such time as his report is released. We feel sure that, in the best interests of all concerned, it will be so treated.

Sincerely,

Margaret K. Boas

Secretary.

MKB.

FOLDER NO. 4

File 2

File 2
KHP

Night letter to Kasey Oyama Nov.8, 1946

Have been requested by Cooperative Committee here to send you following telegram for insertion in New Canadian Quote Cheques are being sent out by registered mail by Custodian purporting to be in full payment of balances from sale of properties of Japanese Canadians by Custodian. In our opinion acceptance of cheques would be fatal bar to futher legal claims in respect to sale of properties and might prejudice contemplated representations to Government for appointment of a claims commission to review whole matter of forced sales. I would advise that where possible cheques be returned to Custodian with letter stateing that to accept would prejudice legal rights and claims to full restitution

Signed Andrew Brewin

Nov. 12th, 1946.

The above telegram was sent following an interview with Andrew Brewin on Nov.8

Donalda MacMillan

Kunio Hidaka

FOLDER NO. 14

File 2
KHP

THE CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS.

BULLETIN #7 Sept. 14th. 1946

AN ALERT SIGNAL.

THE LATEST INFORMATION FROM LONDON IS THAT WITHIN A SHORT TIME THE PRIVY COUNCIL WILL HAND DOWN ITS DECISION ON THE LEGALITY OF THE ORDERS-IN-COUNCIL FOR THE EXILE OF JAPANESE CANADIANS.

IMMEDIATELY UPON HEARING THE DECISION THE CO-OPERATIVE COMMITTEE WILL WAIT UPON PRIME MINISTER MACKENZIE KING TO RENEW OUR REQUESTS THAT:

NO DEPORTATION UNDER ANY CONDITIONS BE CARRIED OUT

AND, THAT THE GOVERNMENT, IN THE LIGHT OF CHANGED CONDITIONS, REVIEW ITS POLICY.

WHATEVER THE PRIVY COUNCIL DECISION, THE ORDERS-IN-COUNCIL ARE PURELY PERMISSIVE AND UNNECESSARY ON ANY ARGUMENT. THE SITUATION HAS ENTIRELY CHANGED. THE WAR EMERGENCY HAS ALREADY PASSED. THE PRESENCE OF JAPANESE CANADIANS IN ANY PART OF CANADA IS NO LONGER A THREAT TO THE SAFETY AND SECURITY OF THE STATE. ALL RESTRICTIONS SHOULD BE REMOVED AND THE PEOPLE RESTORED TO NORMAL LIVING. MANY PROBLEMS HAVE RECEDED INTO THE BACKGROUND, THE RESPONSIBILITY OF ALL WHO HAVE ALREADY ROUSED THEMSELVES TO THIS CAUSE OF HUMANITY IS CLEAR. RECENT STATEMENTS OF GOVERNMENT POLICY ALREADY INDICATES A CHANGE. THIS IS A TIME TO REMAIN ON THE ALERT AND RENEW REPRESENTATIONS TO OTTAWA.

THE FOLLOWING POINTS NEED TO BE STRESSED.

(1) The removal of present restrictions on the Japanese Canadians and the restoration of their full civil rights.

(2) Restitution for their property losses when evacuated from B.C. Coastal areas.

(3) The completion of the work of re-settlement and rehabilitation.

(4) The granting of the rights of citizenship without discrimination, under the CitizenshipAct.

(5) The recognition of the citizenship of Canadian born and naturalized citizens who were forced to go to Japan under pressure of circumstances.

(This Bulletin goes to 1200 addresses ~~and individuals~~ of groups and individuals in all parts of Canada who have corresponded with this Committee)

FOLDER NO. 14

Bulletin #6 came to you before the Summer season; before the many widely representative Canadian gatherings and Conferences; also before the Privy Council hearing in London.

We can now report that the concern felt by Canadians over this question and so forcefully expressed in letters and telegrams of protest to the Government during the early part of the year continued throughout the summer. In a score of important gatherings the question was discussed. Requests for literature took 25000 copies of our leaflet "OUR JAPANESE CANADIANS; CITIZENS, NOT EXILES" "to supply the need."

The Privy Council hearing occupied four days in mid July. Mr. Andrew Brewin, was our Canadian counsel. Two able London lawyers were also retained. These were Mr. Christopher Shawcross, K.C. brother of the British Attorney General, and Mr. Geoffrey Wilson, till recently associated with Sir. Stafford Cripps. Lord Simon stated in concluding the hearings that "this was one of the most important cases that has ever come before us."

MEANWHILE the Government's policy of dispersal is being progressively implemented. Mr. Humphrey Mitchell, Minister of Labour, reported on August 31st. in the House of Commons that 13,469 persons of Japanese racial origin are now dispersed throughout Canada outside B.C.

In British Columbia there are 3,080 under the Department of Labour Settlement and 5,572 elsewhere in the province. Self supporting communities are being developed in the interior.

Mr. Mitchell also reported, in line with Government policy to return to Japan those who have voluntarily agreed to go, 3,153 have gone." Approximately only 600 others", he said, have so far asked to be returned. Available shipping is now awaited to take them", the Minister stated.

IT MUST BE REMEMBERED, however, that of those who have left our shores it is estimated that at least one-half are Canadian born. These accompanied parents or relatives for family security reasons or as supporters of aged or infirm persons. Their parents lost their homes in Canada, built up in a life time, and despaird of a chance to re-settle here. These Canadian born are foreigners in a strange land. They are Canadians by birth and up-bringing. We owe them encouragement to return to the land of their birth at the earliest opportunity.

NEED OF FINANCIAL CONTRIBUTIONS.

Many people in all parts of Canada have contributed toward the budget. Among these the Japanese Canadians have given a large part. The thanks of the Committee goes to all. The faith placed in this Committee in taking on a big task without visible resources is deeply appreciated. A financial statement is attached. It speaks for itself.

CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS.

FINANCIAL STATEMENT SEPT. 13, 1946

Receipts-- May 1945 to Sept. 1946.....total $17,362.30 about 1/-

Expenditures " " " "

Salaries.....$1,750.00
Travel..... 271.85
Literature, office 1,824.77
Legal expenses,
Supreme Court and $15,454.68
Privy Council and 11,608.09 ..... $ 1,907.62

The books, however, are by no means closed. Much work remains to be done. The job of rehabilitation has little more than begun. Nor is the struggle for justice at an end. Further contributions are needed and may be sent to the Treasurer, Miss Constance Chappell, 839 Queen St. E., Toronto.

James M. Finlay, Chairman,
Hugh MacMillan, Secretary.

FOLDER NO. 74

KHP

THE CO-OPERATIVE COMMITTEE
ON
JAPANESE CANADIANS

TORONTO, ONT. November 18, 1949.

Dear Claimant:

The Co-operative Committee wrote to all the claimants in April advising them of the fact that a suggestion had been made by the Commissioner as to a proposed method of dealing with the claims before him by fixing general percentages in different categories of claims, e.g., lands sold to the V.L.A., other lands, chattels, automobiles, Vancouver properties, fishing nets, fishing vessels, etc.

It was proposed that this general method be applied and certain percentages were suggested by the Commissioner and at the same time he said that he would deal with special cases which for some reason or other did not fall within the general categories or presented special features.

The Co-operative Committee advised that the claimants should acquiesce in this method of procedure, having in mind the very great difficulties of proof of value in the individual cases, and types of property, and also the danger that prolonged hearings would be necessary if each individual case were to be dealt with at hearings in Vancouver causing not only further delay, but considerable additional expense in presenting the claims.

At the same time we suggested that we were quite dissatisfied with the proposal so far as it related to Vancouver real estate and indicated that we intended to make every effort to have the basic percentage increased.

We received a large number of replies, a considerable majority of which indicated the view that it would be wise in all the circumstances to agree to the method of procedure proposed.

Accordingly, our solicitors and representatives in Vancouver have proceeded to review every file in every single case, first, with counsel representing the Government in order to apply the general formula in cases where there were not special features and, secondly, to discuss with Crown Counsel and with the Commissioner the necessity for higher allowances than those proposed in individual cases and the hearing of evidence in special cases.

Our solicitor in Vancouver, Mr. McMaster and his staff, have gone over every case in detail and have succeeded in persuading the Crown Counsel and the Commissioner to agree to increases on the percentages originally outlined in a considerable number of cases. In addition to that, quite a number of special cases have been heard by the Commissioner.

In regard to Vancouver property, representations were made by the Co-operative Committee to the Commissioner himself when he was in Toronto, and to the Minister of Justice, but the Commissioner has expressed the view that the general percentage fixed by him is the highest he can recommend and the Minister of Justice has indicated that he cannot make any proposal or agreement inconsistent with the Commissioner's recommendation which, of course, has not yet been received.

However, Mr. McMaster, our counsel in Vancouver, informs us that, in a fair number of Vancouver property cases, some increase has been allowed on the ground that there were special features relating to them.

The process of working on individual cases and discussing them with Government counsel and with the Commissioner is proceeding, and we are informed that there is a reasonable hope that the whole process may be completed by the end of the year and that the Commissioner's report may be made shortly thereafter.

Naturally when the report is finally made the details of it will be reported as promptly as possible to the claimants as well as a report on the prospects as to when the Government will make the payments recommended by the Commissioner.

* We wish to assure all claimants that in our opinion our counsel in Vancouver, and the staff of valuators and experts that they have collected, are doing everything that is possible within the limits of the terms of reference and the difficulties of proof, to secure the best possible result for each of the individual claimants.

Yours very truly,

Margaret Boos

SECRETARY.

JAPANESE CANADIANS
FOLDER NO. 14

File 123
KHP

CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS

TIME - 5.15 p.m., April 18th, 1950.

PLACE - Carlton Street United Church.

PRESENT - Nichols (in chair), Brewin, Hidaka, Kondo, Obata, Sabashima, Tanaka, Tucker, Umezuki and Boos.

Regrets - Finlay.

CHAIRMAN - MOTION: Brewin/Tanaka - "That Ted Nichols chair this meeting, in J. M. Finlay's absence". Carried.

New Member - G. Tanaka introduced Mr. Kondo, who has agreed to act on the Co-operative Committee.

Mr. Brewin's Report - R. J. McMaster and F. A. Brewin met with the Minister of Justice on March 15th for over an hour; he made careful notes and dictaphone cylinders were also cut. The following points were discussed:

(a) Recent rumour - that Government would not likely act on the Commissioner's Report this year, thus pushing payment of recoveries on into 1951, was discussed. The Minister agreed that prompt payment should be made.

(b) Interest - He was non-committal concerning this recommendation of interest from date of sale; did not register surprise.

(c) Making of Payments: Suggestions for cutting down the red tape were noted without comment.

(d) Appropriation of Money - assumed it would be included in supplementary estimates and Custodian's office in Vancouver remain open to handle payments, secure releases, etc.

Finance - Ted Nichols reported that Mr. McMaster is holding accounts payable amounting to some $9,000 and Finance Committee is meeting at once to consider ways and means of raising at least a portion of this amount.

Report to Claimants: Draft, as mailed to members, was presented for consideration. Suggested:

(a) that covering letter emphasize fact that it includes information of a confidential nature, which is not for publication until the Commissioner's findings are released;

(b) that language be simplified wherever possible for the Japanese translation, since reference could be made to the English for further clarification of any point.

(c) that comparative sets of valuation figures be included.

General agreement re (a) and (b); considerable discussion on (c); great mass of figures would be involved; method varied with types of property; would not justify cost involved for preparation; each claimant will receive detailed statement on his claim at settlement time; that Mr. McMaster be advised of any individual requests, if made now, in order to determine whether costs can be financed.

MOTIONS: (1) Brewin/Kondo - "That the Finance Committee be delegated to deal with any such requests." Carried.

(2) Brewin/Tanaka - "That we advise anyone requesting specific information on evaluations made by our valuators, that such information is so detailed and complex that it is not practicable to provide it, but individual requests will be referred to Mr. McMaster for his attention." Carried.

K. Hidaka felt that a statistical analysis could and should be prepared, while Mr. Brewin held that Mr. McMaster has not been preparing report - statistical or otherwise, but presenting cases, and has provided as much detail as could reasonably be expected, while G. Tanaka thought most claimants would not appreciate - indeed would criticise the additional expense involved.

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(d) that some explanation for reduction in total of claims be included. In discussion which followed, several points emerged:

1. Reliability of the six million figure being quoted was questioned - its source uncertain.

2. Over-all figure would include Mr. Virtue's claimants.

3. Some claims originally made were outside the terms of reference and dismissed.

4. Other claims were reduced on advice of counsel.

Since individual claimants would know if their claims were withdrawn or reduced, this suggestion was dropped.

MOTION: Tanaka/Tucker - "That this report be accepted as amended". Carried.

Future Plans: Since time was too short to give adequate consideration to the item, it was decided to postpone discussion until Committee can meet and give it sufficient time.

Press Releases: Since our information is of a confidential nature, necessity for treating it as such was emphasized again, and there was agreement that when the time comes, any press statements should go out officially through this Committee's Public Relations sub-Committee.

Next Meeting - To clear up urgent unfinished busines at 5 p.m. on April 21st.

Adjournment - moved at 7.15 p.m.

CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS

TIME - 5.30 p.m., April 21st, 1950.

PLACE - Carlton Street United Church.

PRESENT - J. M. Finlay (in the Chair), Miss M. Boos (first part of meeting, only) K. Hidaka, Kondo, Nichols, Obata, Fowler, Tanaka, Umezuki, Haslam.

A portion of the minutes of the last meeting was read - minutes to be duplicated and sent out later.

A letter was read from the Civil Liberties Association requesting support for its brief to the Senate Committee on Human Rights and Fundamental Freedoms.

MOTIONS: (1) Fowler/ Haslam - "That this Committee send a communication to this Association approving the principle of such a Bill of Rights." Carried.

(2) Nichols/Tanaka - "That copies of the Civil Liberties brief be secured and sent out and a committee be formed to prepare a statement of our own." Carried. Committee named - Mrs. Edith Fowke, Hartley Fowler, Kunio Hidaka. It was also suggested that we ask for an opportunity to present it at Ottawa personally.

Miss Boos made progress report on Publications. A student is considering writing a documented history of the Committee as his thesis for the School of Social Work.

Finance - Ted Nichols reported for the Finance Committee. Question came up regarding bill sent in by Mr. McMaster for valuation and similar work - accounts outstanding - $5,000 needed to settle accounts payable.
Recommendations: (1) That we try to get Mr. Virtue to send in his share of claimants dues (2) That we press the claimants who have not paid anything at all and those who have not paid second portion of retainer
(3) That we do not make any other arrangements for payment, such as borrowing.

MOTIONS: Nichols/Tanaka - "That the secretary in co-operation with Mr. Brewin be asked to contact Mr. Virtue asking for further contribution from him towards the work of the Committee (1) Further share of valuation expenses at $500 (2) share of expenses incurred by Mr. McMaster and representing Mr. Virtue, value at $1,000." Carried.

Nichols/ Fowler - "That there be inserted in the reports going to claimants who have not paid any retainer, or who have not paid the second 1% of the retainer, a notice requesting urgently that their retainer be paid in full." Carried.

Suggested that forming of Committee to present financial problems be considered.

Public Relations: Fred Haslam reported that the following have been named as our Public Relations Committee: Ted Nichols, Margaret Boos, Hartley Fowler, Kunio Hidaka, George Tanaka, the Chairman and Counsel.

MOTIONS: Nichols/Fowler - "That Fred Haslam be appointed convener of this sub-Committee." - Carried.

Haslam/ Nichols - "That the Committee aforenamed be accepted." Carried.

It was decided (a) To ask Mr. Brewin to prepare a draft for discussion for this Public Relations Committee meeting. (b) That if something comes from Ottawa suddenly this sub-committee meet with even 3 or 4 of its members, without coming back to the Committee, as long as Mr. Brewin and the Chairman are present.

Press Releases - This Committee will draft a statement for release at the moment the government's action is published.

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Termination: A rather lengthy discussion followed in which it was agreed that the operations of the Japanese Canadian Co-operative Committee should cease with the implementation of the findings of the Government on the Commissioner's Report. It was agreed that they should not continue in any way which involved the "breaking of new ground", but would co-operate with the Japanese Canadian Citizen's Association in any further work they should initiate.

Claimants Outside Terms of Reference: Mr. Fowler stated that in view of what had just been said about the eventual termination of this Committee, when the Government has made its decision and the claims are met, and our willingness to act in an advisory capacity to the J.C.C.A.,

(1) We suggest to the J.C.C.A. that they start immediately studying this matter and make suggestions to our Committee before we break as an Executive.

(2) That we advise the claimants of the Commissioner's report, but at the same time when we do that, state these problems in conclusiveness of terms of reference.

Tanaka stated that the J.C.C.A. has anticipated some of the conclusions that have been reached here. He also stated that in November at their Third National Conference in Lethbridge it was felt that, as far as J.C.C.A. was concerned, in making representations to the Government in regard to claims outside the present inquiry, it might be better if the J.C.C.A., as directly representing persons, make the representations. After studying result of commission the J.C.C.A. will be in a better position to make representations to the Government taking into consideration the advice of counsel that it would be highly unwise to openly criticize the commissioner on claims discharged. A draft brief has been prepared which the J.C.C.A. intends to present to the Government. This brief deals with two points - the terms of reference and the difficulty of obtaining sufficient number of the claims submitted. Other points are outside present inquiry. JCCA Brief

Tanaka quoted from his records compiled findings of an original J.C.C.D. survey of losses suffered by evacuees.

Adjournment moved at 7 p.m.

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FINANCE COMMITTEE MEETING

Minutes:

TIME - 11.00 p.m., February 24th, 1950.

PLACE - Honey Dew Coffee Shop

ATTENDANCE - Brewin, Nichols, Tanaka and Boos.

Business:

(a) Re: R. J. McMaster's Account - 27.8.49 - 15.2.50 -
Agreed that expenditures be approved and a payment of $2,000.00 on account be sent immediately, with a statement of our present financial position.

(b) Re: Further Sources of Revenue:
1. Since there is a feeling that all claimants ought to pay the additional 1% retainer, it was recommended that an extra piece be inserted with the financial report soon to be released, urging such payment, if at all possible.

2. Agreed that inquiries be made as to the possibility of any further income from the Southern Alberta Claimants Committee.

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FINANCE COMMITTEE MEETING

Minutes:

TIME - 4.15 p.m., April 21st, 1950.

PLACE - Carlton Church.

ATTENDANCE - Boos, Nichols and Tanaka.

With a Bank balance of $418.61 on March 31st, and rather urgent oustanding accounts totalling $5,000, being held by Mr. McMaster, further sources of revenue suggested February 24th were reviewed.

Agreed to recommend:

(a) Preparation of an insert on amber paper to be attached to the covering letter for all claimants who have not yet paid the full 2% retainer; a form indicating amount, name, address, etc., also to be included with a return addressed envelope.

(b) Sending of a letter to Mr. Virtue, requesting payment of the final portion of his claimants share of legal counsel and valuation costs incurred on their behalf.

($ 1,000.00 as portion of legal counsel fees
500.00 as portion of disbursements.
1,500.00 - amount to be checked with F. A. Brewin.)

Seeking a loan to tide us over till time of recovery was deemed inadvisable.

File 123
KHP

DRAFT RE TERMS OF REFERENCE TO JAPANESE CANADIAN PROPERTY CLAIMS.

N.B.-This is adapted from the act of the Congress of the United States to apply to the conditions in Canada.

1. There shall be constituted a commission under the general supervision of the Secretary of State to be known as the "Evacuation Claims Commission." The Commission shall consist of a chairman, who shall be a person who holds or has held high judicial office, two other members to be appointed by the Secretary of State(or the Governor-in-Council).

2. The Commission shall have jurisdiction to investigate and decide upon any claim by a person of the Japanese Race, arising on or after December 7th, 1941, when and to the extent that such claim has not been compensated for by insurance or otherwise, and is substantiated in such manner as the Commission may prescribe for damage to or loss or destruction to the real or personal property vested in the Custodian, or other impairment of assets that fairly arise out of or is a reasonable or natural consequence of the evacuation of such person from the protected area in British Columbia by reason of the order of the Minister of Justice under Regulation 4 in the Defence of Canada Regulations or under P.C. 1665 of March 4th, 1942, or any other law or order requiring the evacuation of the said area by persons of the Japanese Race.

As used herein "evacuation" shall include voluntary departure from the protected area prior to but in anticipation of the making of any order under the regulations or orders-in-council above referred to.

The Commission shall have power to consider in determining the amount of relief that would be fair and equitable according to the facts as they appear in each case, the existence or intervention of other causes effecting the damage or loss including action or non-action by the claimant or his representatives, and the action of the custodian of alien enemy property or his agents, and any monies paid over or held by the said custodian and deductions therefrom by way of commission or expenses or otherwise.

3. (a) The Commission shall receive claims for a period of twelve months from the date of this order. All claims not presented within that time shall be forever barred.

(b) The Commission shall not consider any claim

(1) For damage or loss arising out of the internment under the Defence of Canada Regulations of any person.

(2) For damage or loss on account of death or personal injury, personal inconvenience, physical hardship or mental suffering(or loss of occupation or employment).

(3) For damage of loss to any property vested in the custodian by virtue of the trading with the enemy regulations.

4. The Commission shall give reasonable notice to the interested parties, of an opportunity for them to be heard and present evidence before making the final determination of any claim, and shall be entitled to take evidence by way of affidavit or otherwise in its discretion.

It shall have for the purpose of any hearing or investigation authorized by this order, all the powers conferred under the Public Inquiries Act.

5. The Commission shall dispose of all claims filed with it upon written findings of fact and reasons for the decision, and a copy of such claim shall be mailed to the claimant or his solicitor and shall be filed with the Secretary of State.

The amount of such claim, together with an allowance not to exceed 10% of such claim for costs to solicitor or counsel representing the claimant, together with all expenses or costs incurred by the Commission in connection with this order, shall be paid out of monies, etc.

6. For the purpose of this order the Commission may appoint the clerk and such solicitors, examiners, interpreters, appraisers and other employees as may be necessary to conduct the business of the Commission and may call upon all departments and agencies of the Government of Canada to assist the Commission in the carrying out of the duties imposed by this order.

(NOTE: the above rough draft was handed to Colonel Gibson, Secretary of State, by Mr. Brewin at their meeting in Ottawa on Monday, March 10th, and was prepared by Mr. Brewin and the Co-operative Committee's legal committee.)

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File 123
KHP

MINUTES OF THE MEETING OF THE CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS HELD MONDAY, MARCH 13, 1950

Time - 5.30 p.m.

Place - Carlton Street Church, Toronto.

ATTENDANCE:

Those Present - E. M. Nichols (in the Chair), F. A. Brewin, R. J. McMaster, K. Hidoka, G. Tanaka, R. Obata, T. Umezuki, F. Haslam, J. M. Finlay, Mr. Minecka, Mr. Takahashi, N. Fujita (as recording secretary in absence of Miss Boos).

Regrets Received - Mr. Fowler, Miss Boos, Miss Tucker.

Nature of the Meeting - Ruled that this be considered a special meeting called to meet with Mr. McMaster, Legal Counsel, who is stopping in Toronto for a few days en route to Ottawa, and that any decisions made be sent as recommendations to the next regular meeting of the Committee. Also, ruled that information given at this meeting is not to be broadcast in any way whatsoever until formally considered at another meeting.

Report from Mr. McMaster - Mr. McMaster, reporting on the Claims work, stated that with the exception of a few cases on which he has reserved judgment, the Commissioner has determined the amounts of the individual awards which have been entered on "green sheets". About 80 cases have yet to receive final ruling. At present there is checking being carried on between the Custodian and Claimants Counsels on the amounts of the awards and the final figures will be attached to the Commissioner's Report to the Government.

The latest information as to date of filing of the Commissioner's Report is April 15, 1950.

Tabulation of Claims - A tabulated report of claims figures under the categories of types of property has been prepared by Mr. McMaster for the Committee, the summary sheet of which was distributed for reference purposes to the members present, to be returned at the end of the meeting.

The Summary was tabulated by Provinces and showed:

Under "B" - Gross claims as amended at the hearings,
" "C" - Gross sales by Custodian,
" "D" - Recovery awards to be recommended,
" "E" - Total recovery made up of Custodian sales and recommended awards.

(Net claim may be determined by subtracting "C" from "B")
(See schedule attached.)

The report, as prepared by Mr. McMaster, covers from 1050 to 1100 claims, nearly all individual claims placed through the Co-operative Committee, exclusive of corporation claims.

Mr. McMaster advised that the Committee not release the Claims Report figures to the general public and that even these figures to be made available to claimants at this point should be carefully considered.

Question was raised by R. Obata as to the 6 million dollar figure as total claim amount released under date of April 6th, 1949. It was believed that they were probably figures from the Custodian's office at the time of discussion of the percentage basis and would include Mr. Virtue's cases and perhaps the corporation claims.

E. M. Nichols asked whether the Government brought forth many special cases. Mr. McMaster replied that very few were brought forth which he felt was a result of change in Government counsel. The Commissioner himself, however, did cut down on a few.

Mr. McMaster advised that special cases other than Vancouver property submitted by Claimants counsel as special cases included about 15 Steveston cases, 1 or 2 Prince Rupert cases and some on Vancouver Island.

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AGREED that the reports received from Mr. McMaster under date of February 27th be mimeographed and distributed to members only as "confidential material".

Visit to Ottawa by Brewin and McMaster - Mr. Brewin and Mr. McMaster will be proceeding to Ottawa on Wednesday, March 15th, to obtain assurance that the Commissioner's Report will be implemented this session of Parliament and an appropriation or some authority to make actual payments will be passed this session. There have been intimations that the present session of Parliament will not have time to deal with this matter and the next session will not likely be called till 1951. They would impress upon the Government that 'justice delayed is justice denied'. The actual machinery for making payments would have to be discussed with the Government -- what release they would exact from the claimants, whether they will work through the Co-operative Committee or deal directly with claimants, through what office payments would be made, e.g., Custodian's Office in Vancouver?

Mr. Brewin and Mr. McMaster will also sound out the Government on the question of allowing interest from date of sale to time of payment. Securing this concession from the Government would have the additional effect of hurrying up the Government on making payments. This application for interest payment will be made on general principle and precedence although there is no existing law that would compel such payments to be made.

They will also discuss informally with the Government the possibilities that the JCCA and other bodies will make representations to them on matters of claims outside of the terms of reference.

Payment of Costs - Mr. McMaster has filed a statutory declaration with the Commissioner on the subject of disbursements, which total some $58,000 and which includes claims for disbursements by the JCCA and some of Mr. Virtue's disbursements. The Commissioner has not yet intimated what his recommendations will be on this matter.

Mr. Brewin's opinion is that the Government will be going against their original commitment if they grant less than 5% of the awards, that at least 5% of the awards or the full amount of disbursements should be received. In the event that the Government does not come through with the full amount of the disbursements, some compromise will have to be reached among the parties concerned. This statement of disbursements does not include Counsel's fees.

In reply to Mr. Obata's question as to whether it could not be considered accepted procedure for the Government to pay all costs, Mr. McMaster stated that there was no similar case to that of the Japanese Evacuation Property Losses Claims with which comparisons could be made.

Co-operative Committee Claims Fund - Mr. McMaster reported that approximately $5,000 would be required almost immediately to settle accounts payable and an additional $5,000 fairly soon for the balance of accounts. If there could be assurance that payments of awards would be made by the present session of Parliament, or if the Government will at least pay the disbursement costs to the Co-operative Committee, some of these accounts could be held in abeyance.

Some Questions asked of Mr. McMaster in further Discussion:

1. If in two similar property claims, one has evidence that the other has not, would the Commissioner apply this evidence also to the other?

   Answer - We tried it many times, e.g., Powell Street area, but he would not concede this point.

2. Did you receive a letter from Miss Boos asking for certain figures and information?

   Answer - It was received.

3. On Vancouver real estate, how many cases were evaluated?

   Answer - Nearly all, 90%.

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4. What was the Commissioner's reaction to special evidences presented?

   Answer - He varied on the individual cases.

5. Was Fraser Valley property evaluated?

   Answer - Yes, Fraser Valley property was appraised by farm appraisers.

6. Were special cases submitted on VIA?

   Answer - The Commissioner did hear some cases outside of specialized green houses, bulb houses and chicken farms.

7. Were appraisals made on other urban properties other than Vancouver and other real property other than VIA?

   Answer - Urban property in the Valley was appraised where possible. On the Island and Prince Rupert, expenses would have exceeded any hope of recovery. In Prince Rupert, the Custodian had used the only two recognized firms up there. Also, the same situation existed on the Island. We found the Commissioner did have sympathy for some of these cases. We did send one appraiser to Courtney and in a few other special cases but in general, we considered it not advisable.

8. There is some fear amongst some of the claimants that this will mean the end of the claims issue, would that be so?

   Answer - Possibly, under the present attitude of the Government. I feel it would be inadvisable to jeopardize the claimants getting what they will get on their claims now. Some will be reasonably compensated. We have to recognize that the Government had to be pushed to make the terms of reference as they are. And the present Government is the same as that which drew up the terms of reference.

Clarification requested by Mr. McMaster on the Following Points:

(a) Disposition of the files.

(b) How to go about advising individual claimants as to amount of their awards.

(c) What policy to follow in charging persons who want their claim reviewed. Mr. McMaster considered that such persons should assume personal responsibility for attendant expenses.

Appreciation to Mr. McMaster

Mr. Finlay expressed on behalf of the Committee appreciation to Mr. McMaster for his attendance at the meeting and information received, and further, that the Committee would like to reassure him of their appreciation of the spirit and thoroughness with which the task was being carried out.

Adjournment at 7.00 p.m.