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News Bulletins

NO. 128 GRAND & TOY LIMITED

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No. 212
MADE IN CANADA

A CALL TO ACTION

Within a few weeks the Privy Council will hand down its decision on the legality of the Orders-in-Council for the deportation of Japanese Canadians.

Immediately upon the announcement of the decision the Co-operative Committee will attend upon Prime Minister MacKenzie King and the Cabinet to renew their request that the Government abandon its plans of deportation and review its whole policy in respect to Japanese Canadians.

The Privy Council decision can only deal with the legal and constitutional power of the Government to deport Japanese Canadians. Responsibility for policy rests upon the Government of Canada and in a democracy, where Governments are subject to Parliamentary control and to the influence of public opinion, responsibility also rests upon Parliament and people.

We must renew our urgent representations that the deportation of Canadian citizens on the ground of racial origin is morally indefensible and degrades our country. We must urge that the Government recognize the entirely changed situation since the Orders-in-Council were passed. The War Emergency upon which they were supposed to be based, has passed. The Japanese Canadians are no longer concentrated in one part of Canada. Their presence, dispersed throughout Canada, cannot possibly be considered a menace to the security of the State. All restrictions should be removed and they should be permitted to return to normal living. Messages from Japan tell of chaos and hardship and re-emphasize the inhumanity of forcible deportation to that country. The announcement of the Privy Council's decision should be the signal for a vigorous expression of opinion which will leave no doubt in the minds of the Government that the Canadian people as a whole are utterly opposed to any attempt to employ the Orders in Council, even if they are legal, to deport Canadian citizens.

THE FOLLOWING POINTS SHOULD BE STRESSED

1. Policy of wholesale deportation should be abandoned.
2. In August, 1944, the Prime Minister said in the House of Commons that "It has not, at any stage of the war, been shown that the presence of a few thousand persons of Japanese race who have been guilty of no act of sabotage and who have manifested no disloyalty even during periods of utmost trial, constitutes a menace to a nation of almost twelve million people." We believe that this statement is true to-day. If the Government now says there are any cases which justify deportation, then each individual concerned is entitled to a judicial hearing before being deported.
3. Present restrictions on Japanese Canadians should be entirely removed;
4. Full civil rights of Japanese Canadians should be restored and all discrimination against them abandoned;
5. Full restoration should be made for loss of property;
6. Adequate assistance should be given to complete the re-settlement and rehabilitation of the Japanese Canadians who are our "displaced persons."
7. It should be made clear that Canadian citizens who have voluntarily gone to Japan for family reasons should be free to return.

It will be noted that many of these matters will still remain to be dealt with by the Government even if the Privy Council decided against the power to deport. Even a victory in the Court will not end our task or make it unnecessary to continue our battle for full justice to our fellow Canadians.

NEWS BULLETIN #6 came to you before the Summer season—before the season's 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 25,000 copies of our leaflet "OUR JAPANESE CANADIANS; CITIZENS, NOT EXILES."

The Privy Council hearing occupied four days in mid July. Mr. Andrew Brewin was our Canadian counsel. Two able London lawyers were also present. These were Mr. Christopher Shawcross, M.P., 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 12,469 persons of Japanese racial origin are now dispersed throughout Canada outside British Columbia.

In B.C. 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 the Government policy to return to Japan those who have voluntarily agreed to go, 3,152 have gone. "Approximately only 600 others have so far asked to be returned. 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 about one-half are Canadian born. These accompanied parents or relatives for family reasons or as supporters of aged or infirm persons. The parents of many of them lost their homes in Canada, built up in a life time. They despaired of being able to re-settle here. These Canadian born are foreigners in a strange land. They are Canadian by birth and up-bringing. We owe to them protection of their citizenship and the right to return to the land of their birth at the earliest opportunity.

OUTSTANDING HONOUR has come to Dr. Yachiyo Yoneyama, first woman to graduate from the faculty of dentistry at the University of Alberta. Dr. Yoneyama has been offered a Guggenheim Fellowship to do research work in New York.

NEWS 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 our taking on a big task without visible resources is deeply appreciated. A financial statement is attached. It speaks for itself.

FINANCIAL STATEMENT SEPT. 13th, 1946		
RECEIPTS	May 1945 to Sept. 13 1946	total..... \$17,362.30
EXPENDITURES	May 1945 to Sept. 13 1946	
Salaries.....	\$1,750.00	
Travel.....	271.85	
Literature and office expenses..	1,824.74	
Legal expenses; Supreme Court of		
Canada and Privy Council, London	11,608.09	15,454.68
Balance on hand		\$1,907.62

The books, however, are by no means closed. Much work remains to be done. The job of rehabilitation has been 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, 299 Queen St. W., Toronto.

James M. Finlay, Chairman
Hugh MacMillan, Secretary
126 Eastbourne Ave.
Toronto 12, Canada

THE COOPERATIVE COMMITTEE ON JAPANESE CANADIANS
126 Eastbourne Ave. Toronto 12, Ont.

NEWS BULLETIN #8 Feb. 10, 1947

DEPORTATION ORDERS REPEALED

On January 24th Prime Minister MacKenzie King announced that the government had decided to repeal orders in council permitting deportation from Canada of persons of Japanese origin (Orders-in-Council P.C. 7355, 7356, 7357). This announcement came less than two months after the Privy Council had decided that, in the emergency of war, the government had the legal power to exile Canadian citizens for such reasons as seemed good to it, and that the orders were valid in peace time under the extension of the War Measures Act. However, the judgment read: "If it be clear that an emergency has not arisen or no longer exists there can be no justification for the exercise or continued exercise of such exceptional powers."

PUBLIC OPINION BROUGHT IT ABOUT

The repeal of these orders-in-council is a signal triumph for the forces of decency and justice which fought against the government's policy of forcible removal from Canada of thousands of innocent people. The orders authorizing deportation (passed in December 1945) provoked a spontaneous reaction across Canada. There was widespread and representative opposition resulting in a wave of correspondence to government offices and Members of Parliament.

All the churches, both their leadership and their rank and file, played a part consistent with the principles and values they represent in society. Groups of university students, other youth groups, young men and women in the services, and returned veterans played a part that gives us reason to be encouraged about the future of Canada. The trade union movement and its members showed once again that they are on the side of humanity and justice. A large part of the press and those Members of the House of Commons and the Senate who joined the fight against the orders deserve credit for their assistance. We also wish to express appreciation to the thousands of persons from all parts of the country who contributed money to pay the legal expenses of appeals, first to the Supreme Court and later, to the Privy Council.

We are glad to be able to give credit to the government for changing its mind and rescinding the orders. Thus a course of action that would have been a lasting cause for shame to Canada has been abandoned, and it has been abandoned because the sound judgment and the sense of decency of the people of Canada would not stand for it.

POINTS THAT NEED CONSIDERATION

The Cooperative Committee wishes to call attention to the following points in the Prime Minister's statement of January 24:

1. "Nearly 4,000 persons of Japanese origin have left Canada and returned to Japan. Among these were the Japanese whose deportation would have been necessary had they not gone voluntarily."
2. "The Order-in-Council (P.C. 7356) respecting the revocation of the Canadian status of naturalized persons of Japanese origin who leave Canada also has been repealed. This repeal will not of course, restore the Canadian status of persons who have already lost that status."

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3. "To ensure the success of the resettlement, the government has decided to continue the restrictions on movement which are at present in effect. The provision respecting fishing licences which applies to persons of Japanese origin will also be continued."
4. "To ensure the fair treatment promised in 1944, the government is prepared in cases where it can be shown that a sale (of property) was made at less than a fair market value to remedy the injustice."

THE JOB IS NOT FINISHED

We protest the imputation of disloyalty against those who have gone to Japan. No case of disloyalty or grounds for deportation has to our knowledge been proved against any of those concerned. The great majority of those who went voluntarily to Japan were driven to do so by reasons of family duty, despair of being able to re-establish themselves in Canada, and other similar motives, which in no way indicate disloyalty to Canada. We believe that all those who left and who are Canadian citizens have the right, if they are so minded, to return to Canada. Moreover, we believe that there is no legal ground for the statement that naturalized Canadians who have returned to Japan have lost their status. A letter has gone to the Prime Minister asking for clarification on these points.

We are glad that the government has removed some of the special controls affecting persons of Japanese origin. However, we are continuing to press for the removal of the remaining controls. Until Japanese Canadians enjoy the same rights and privileges as their fellow citizens of other races, the job is not complete.

THE PROPERTY ISSUE

Restitution for property losses is the most important issue that remains to be settled. It is only reasonable that the Japanese Canadians should expect fair compensation for losses that they suffered as a result of evacuation. The committee has requested information from the government concerning the machinery that they propose to set up to enable those who suffered losses to present their cases. Interested groups will have to give this matter a great deal of thought in order that we may assist the government to make amends for the injustices inflicted by the forced sale of property.

(Mrs. Hugh) Donalda MacMillan.
Secretary.

COOPERATIVE COMMITTEE ON JAPANESE CANADIANS

NEWS BULLETIN NO. 9. May 1, 1947.

THE PROPERTY ISSUE The major question that remains to be settled, if Japanese Canadians are to get fair treatment from the people and government of Canada, is restitution for property losses through mass evacuation from the coastal areas. The Government order of Feb. 26, 1942, required all Japanese Canadians to leave their homes and properties on short notice. In a settling of confusion and hysteria, stocks, businesses, and property were sold at sacrifice prices, and inadequate arrangements were made for the protection and management of property. In the interval between the order for evacuation and the order on March 27, giving control of property to the Custodian some goods had unaccountably disappeared, properties had deteriorated, and substantial losses had already been incurred. Between February and July, 1942, the Smith Committee (established by Order-in-Council P.C. 987) sold or leased most of the Japanese-owned fishing boats and equipment on the Pacific coast, and in July the remainder were turned over to the Custodian of Alien Property. In June 1942, Japanese farm properties, comprising approximately 1000 farms were, placed under the control of the Director of Soldier Settlement of Canada for administration, and subsequently the greater number of them were expropriated for postwar veteran settlement.

Parliament and the press have criticized the action of the Custodian in handling the sales of the property, but such criticism should not be allowed to obscure the main fact that substantial losses had been sustained before the Custodian had taken over. No matter how carefully the Custodian tried to secure fair appraisal of values, it was impossible to realize the price equivalent to those prevailing before the evacuation order.

In the United States the government has presented to Congress a bill which provides for compensation for any losses fairly arising out of the evacuation orders, and the setting up of a commission with full authority to inquire into the matter and decide what is fair and equitable. It should be noted that the United States Government did not sell the property of Japanese Americans.)

The Japanese Canadians might well claim that they should be entitled to restoration of their property where this is possible, and, indeed, now that the war is over, they are in principle entitled to this. However, many of them have been resettled across Canada and do not desire to return to their former homes even if they could.

In these circumstances, in order to do full justice, the Government of Canada can do not less than the American Government proposes, namely, to set up a commission to inquire into all losses arising out of the evacuation order.

On January 24, 1947 the Prime Minister stated that the Government would give consideration to cases where it could be shown that sales were made by the Custodian at less than a fair market value, and the Cabinet is at present considering the form of the commission to be set up. However, on April 24th, the Secretary of State indicated in Parliament that the Government proposes to set up a commission to consider cases only where the Custodian was responsible. If terms

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of reference are so narrow that they are confined to cases where it can be shown that the custodian acted improperly or carelessly, many cases of serious injustices and substantial losses will not be met.

The Cooperative Committee believes that the people of Canada as a whole earnestly desire that full justice be done in regard to these property losses which were inflicted upon innocent people through no fault of their own. If the terms of reference to the commission are as narrow as the Secretary of State now indicates, full justice will not be done.

Urgent representations have been made to the government by the Cooperative Committee on Japanese Canadians, and should be made by all Canadians who are concerned to see that justice is done.

The proposed deportations, the many restrictions imposed on Japanese Canadians and the many hardships which they have sustained make it extremely urgent for the good name of Canada that recompense be provided on the fairest terms.

The conscience of the people of Canada has been aroused in this matter, and the Government would do well to grant generous compensation for all losses sustained due to evacuation.

REMAINING RESTRICTIONS On April 24, 1947, the Canadian Parliament, by a vote of 105 to 31 (107 members being absent), sustained the continuance of restrictions on movement and the issuance of fishing licenses on all Japanese Canadians in the province of British Columbia. In addition, no person of the Japanese race can enter the province without a permit from the Chief Commissioner of Placement in British Columbia. These restrictions will remain in effect until March 31, 1948, the date on which the Continuation of the Emergency Powers Act will lapse.

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MEMO FOR INTERESTED GROUPS ACROSS CANADA

Attached hereto is a statement prepared by the Co-operative Committee.

We have written an urgent letter to the Prime Minister about the necessity for establishing a Commission that will investigate property losses and give fair compensation.

As will be seen from the statement, there seems to be a serious danger that the terms of reference in regard to the property losses will be so much narrower than the corresponding bill before the Congress of the United States that it will not be possible to establish fair rates of compensation.

Much attention has been given to the fact that sales were made by the Custodian at less than fair market values. This unfortunately obscures the real fact that a substantial amount of the losses sustained by the Japanese Canadians as a result of the evacuation orders arose before the Custodian took control, and that even in the many cases in which the Custodian and his representatives acted carefully and properly, substantial losses have been incurred.

We urge that interested groups make representations as early as possible to the members of the Cabinet and inform their local newspapers of their resolutions, urging that the property losses of the Japanese Canadians be fully investigated by a commission with authority to inquire into all losses incurred by reason of the evacuation orders and to arrive at fair and equitable compensation. The point should be emphasized that we in Canada should certainly do no less than the United States government is proposing. As the matter is now before the Cabinet, no time should be lost.

Mrs. Hugh MacMillan,
Secretary to Co-operative Committee,
126 Eastbourne Ave., Toronto, Ont.

Bulletin no. 9
Attached.

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MEMO FOR THE PRESS

Re: Japanese Canadians

The proposal for the appointment of a commission to deal with the property losses of Japanese Canadians is now before the Cabinet. The Co-operative Committee on Japanese Canadians is concerned to see that the Government appoints a commission with powers broad enough to inquire into and to make fair compensation for all losses arising out of the evacuation.

The enclosed bulletin sets forth our ideas on the matter after a study of the whole situation. Further information is contained in reports made to Parliament on April 14, 1945. (Hansard pages 2084-2089).

We appreciate the valuable work that the press has already done in support of justice for Japanese Canadians. We would urge you to bring the matter of restitution for property losses before the public at an early date.

Mrs. Hugh MacMillan, Secretary

Co-operative Committee on Jap. Canadians
126 Eastbourne Ave., Toronto, Ontario
May 2, 1947

Tuesday, August 26, 1947.

Co-operative Committee on Japanese Canadians

Memo - Re: Procedure for Presenting Claims.

The Co-operative Committee on Japanese Canadians is now prepared to offer assistance to Japanese Canadians in presenting their claims for property losses before the Commissioner appointed by the Government, although the details of the method of procedure are not yet known.

It is expected that the Commissioner will begin hearings early in October.

Forms approved by the Commissioner will be required for the filing of claims. The completed forms or copies will then be sent to the local co-operating committees. They will be notified later where the forms are to be sent.

The Ontario claimants will send forms to Mr. Brewin; for Manitoba, Mr. Cherniack; for British Columbia, Mr. MacMaster. In due time, the names of offices in Montreal, Saskatchewan and Alberta will be announced.

While it is difficult now to know what evidence is to be presented, it will be in two parts.

The first will be the presentation of oral evidence to the Commissioner as he moves across Canada. The second is the correlation of the evidence - records of the Government and valuation of property in British Columbia itself.

If the order is not amended it will be necessary to examine officials (of the Custodian office) to indicate whether or not there was a lack of care.

In regard to the first part of evidence, we expect legal counsel in each province to take responsibility for presenting the claims. Plans will be made and announced later for arranging consultation either at time of hearing or if possible before the hearing.

In regard to the second part of the evidence which will have to be presented in Vancouver, arrangements will have to be made for legal counsel from the various areas to be present at the crucial hearings. Every effort should be made for legal counsel to have full access to the government records before each case is heard.

We regard the present terms quite unsatisfactory and we are making every effort to have the terms extended.

If the terms are not extended, we believe that it is still worthwhile to present evidence of the losses in respect of property sold by the Custodian, so that even if the Commissioner feels himself bound by the terms of reference not to make awards except where the Custodian's lack of care is shown, a basis may be laid in the evidence for further representations to the Government and in Parliament.

The Co-operative Committee have asked the legal committee to consult with the Japanese Canadians about the matter of legal fees.

We hope to be able to announce a satisfactory arrangement within a short time.

Tuesday, August 26, 1947.

Co-operative Committee on Japanese Canadians

Report of Interview with the Minister of Justice and the Secretary of State.

Mrs. Hugh MacMillan and George Tanaka met Mr. Brewin in Ottawa for a consultation before his interview with the Minister of Justice and the Secretary of State.

Mr. Brewin again presented the Co-operative Committee's contention that the present terms of reference which restrict claims to cases in which the Custodian was shown to be at fault was too narrow and did not do justice.

He urged that the Order-in-Council setting up the Commission be amended so as to provide that all losses reasonably and naturally arising out of the evacuation orders should be compensated for on the same lines as in the Bill before Congress as presented by the Government of the United States.

He also pointed out that the terms of reference were considerably narrower than that which was indicated in the statement made by the Prime Minister on January 24, 1947, and the recommendation by the Public Accounts Committee.

The Ministers discussed the matter thoroughly with Mr. Brewin and intimated that the matter would be referred to the Cabinet and an early decision would be made as to whether or not the orders would be amended.

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 reference set out in the original Order, namely, that it was necessary for a claimant to prove that his 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 lack of care on the part of the Custodian, and that in all cases where property was sold at less than a fair market value, compensation should be made.

We were so convinced that the original terms of reference imposed an impossible or extremely 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)

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) Donald MacMillan, Secretary,
126 Eastbourne Ave.,
Toronto, Ontario.

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Order-in Council 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 on the 17 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, the 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.

"A.J.P. Heeney"

Clerk of the Privy Council.

THE CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS

BULLETIN #11, February 10th, 1948.

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

The Legal Phase

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

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

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

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

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

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

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

Hearings of the Commission

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

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

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

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

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

In the News

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

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

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

Margaret K. Boos
SECRETARY

NATIONAL HEADQUARTERSJAPANESE CANADIAN CITIZENS ASSOCIATION84 Gerrard St., E.Toronto

February 17, 1948

Dear Sir or Madam: Re: The Continuation of Transitional Measures Act, 1947.

The discriminatory legislation against Japanese Canadians which is contained in The Continuation of Transitional Measures Act, 1947, was extended to March 31, 1948 at the last session of Parliament in December, 1947.

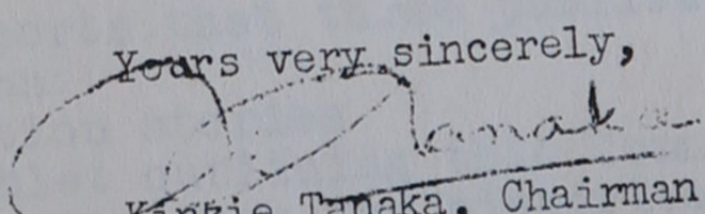
These discriminatory measures which are contained in Bill 104; namely, Orders-in-Council - P.C. 251 which denies fishing license to Japanese Canadians in British Columbia and P.C. 946 which restricts the free movement of Japanese people in Canada, should not be continued for any period beyond March 31,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

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

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

Since this bill will be before the House in March, we are requesting your immediate support; and feel that the most effective action which can be taken would be to write to your local member of Parliament in Ottawa, to the Prime Minister Mackenzie King and to Minister of Justice Right Hon. J. L. Ilsley, favouring the discontinuation of this legislation.

Yours very sincerely,


Kinzie Tanaka, Chairman
National Executive Committee

CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS

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

BULLETIN #12

New Address

Since issuing our last Bulletin, the Co-operative Committee's address has changed. Please make note that it is now 67 Riverdale Ave., Toronto 6, Ontario (HA. 3432).

Progress Report

Some weeks ago it was decided to report on the progress of claims hearings, which entered the final stage in October. Reprints of an informative historical review prepared recently by our legal counsel, Mr. F. A. Brewin, are now available and a copy is included with this bulletin, since it outlines in some detail the tremendous task involved in the co-operative presentation of approximately one thousand claims.

Financial Situation

A copy of the Claims Fund Statement to August 31st, 1948 is also enclosed. Of the \$31,028.87 remitted in retainer fees to that date, \$19,675.13 was expended, while expenses during the past three months have eaten away most of the \$11,350.74 balance indicated at that time.

Faced with the necessity of retaining our legal and valuation staff for possibly six months longer, in order to adequately complete the presentation of claims, the Committee is now asking all claimants to make a further advance of one percent against the expenses involved, believing all will agree that a total advance payment of two percent still represents a great saving over what would have been possible without the Committee's co-operation. It is our hope that the response will be such that adequate presentation of evidence during the remaining months of the final hearings will be assured.

Publications

Our Editorial Committee reports that three publications are in the course of preparation:

- (1) A collection of evacuation stories
- (2) A popular reading pamphlet outlining this Committee's work
- (3) A documented outline of its work for historical purposes.

Although work has begun on all three, it is still uncertain just when they will be available for distribution. However, as soon as there is any definite information, it will be released.

Margaret K. Boos

SECRETARY.

No.

15

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News Bulletin

NO. 125 GRAND & TAY LIMITED

A Review Of Property Claims

By F.A. Brewin

Legal Counsel to the Co-op.
Com. on Jap. Can.

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

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

GOVERNMENT POLICY

The Commission arose of course out of the evacuation of the Japanese Canadian residents from the coastal areas as a result of government policy after Pearl Harbour in December, 1941. It is unnecessary to question here the wisdom or justice of such a policy. It is enough to recall that it inevitably caused the sudden uprooting and dispersal of many people who had made their homes in British

Columbia and acquired farms, business and personal possessions by hard work and, in some cases, the efforts of a lifetime. It was not the result of any disloyalty or subversive action or tendencies on the part of those affected. It was a hard blow to a special group of citizens. War inevitably results in hardship. The results of the policy of evacuation were unique in that they fell upon the shoulders of a particular racial group for no fault of their own and were the direct result of the policy of the Canadian Government itself.

IMPOSSIBLE TO PROTECT ALL

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

CANADIANS

SEMENTS

T 31, 1948

\$17,053.04	
3,684.68	
201.86	
1,771.00	
7,404.86	
910.43	\$31,025.87

\$31,025.87

7,750.00	
6,233.72	
3,801.45	
362.62	
986.64	
212.50	
150.00	
130.00	
48.20	\$19,675.13

11,350.74

\$31,025.87

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

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

TORONTO, Ont., November 4, 1948.

No.

15

N

News Bulletin

NO. 123 GRAND & TOY LIMITED

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

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

PROMISED COMPENSATION

At the same time he promised that compensation for property losses would be considered. The Co-operative Committee now assumed the responsibility of pressing for the implementation of this promise. The Japanese Canadian Committee for Democracy had already made an extensive survey of economic losses caused by the evacuation. Further interviews were obtained

with the Secretary of State and representations were made urging the setting up of a Commission with authority to inquire into these losses. Attention was called to parallel action being taken by the Government and Congress of the United States to remedy a similar situation there. The Public Accounts Committee of Parliament investigated the administration of the Custodian and after careful examination, particularly of the purchase by the Veterans Land Act Administration of a large block of farm lands formerly owned by Japanese Canadians at about 60% of the assessed value, recommended the appointment of a Judicial Commission. The Press not unnaturally called attention to more glaring and sensational instances of what seemed injustice and perhaps put the Government too much on the defensive. It has never been the attitude of the Co-operative Committee or any group representing the Japanese Canadians that they wish to attack or question the good faith or efficiency of the Custodian or his staff.

DEFENSIVE ATTITUDE

It was nevertheless the result of this defensive attitude that the original terms of reference which appointed the Hon. Mr. Justice Bird as a Commissioner under the Public Inquiries Act were a grave disappointment. They provided that the Commissioner might only recommend the payment of losses due to the negligence or lack of care of the Custodian or his staff. The Co-operative Committee promptly arranged to interview the Government and express their disappointment. The writer saw the Ministers chiefly concerned: the Hon. J. L. Hilsley, then Minister of Justice and the Hon. Colin Gibson,

Secretary of State. We urged that the terms of reference be widened so as to permit inquiry into all tangible property losses arising out of the evacuation which would include losses caused by forced sales by evacuees themselves. The Government would not go so far but they did amend the terms of reference substantially by removing the reference to losses caused by the lack of care of the Custodian. The terms of reference as amended of course set the limits of the powers of the Commissioner. They direct him to inquire into losses sustained by persons of the Japanese race resident in Canada through the sale of their property, both real and personal, by the Custodian at less than its fair market value or through the loss, destruction or theft of personal property vested in the Custodian (but not while in the care of some person into whose custody, control or management other than the Custodian, it was committed by the owner).

TREMENDOUS TASK

And so the Commission was set up. It has proved to be a tremendous task. The first step, and by no means a simple one, was the filing of claims. The Co-operative Committee printed suitable forms in accordance with the newspaper advertisements published by the Commissioner. The filling in of these claims was the first task and of course involved a detailed and careful examination of each claim. The claims, with the exception of a few late claims, were completed by January of this year. The Commissioner has, since that time, travelled across Canada and heard the evidence of a very large number of claimants. Many of the readers of The New Canadian will be familiar with these hearings. To shorten and clarify

the evidence to be presented, written forms giving some of the necessary details of the properties in question were prepared. Government Counsel cross-examined claimants and presented documents indicating the reasons why the Government opposed a claim. The claimants have been represented in nearly all cases by Counsel representing the Co-operative Committee. Though it has been made clear that claimants have every right to appear without counsel and to choose their own counsel, the scheme of representation made available by the Co-operative Committee has been accepted by the large majority of claimants except in Southern Alberta where Mr. A. Gladstone Virture, K. C., represents a large group of claimants. Counsel representing the Co-operative Committee have included: Mr. R. J. McMaster and Mr. J. A. MacLennan of Vancouver; Mr. L. S. Turcotte and Mr. W. E. Huckvale of Alberta; Mr. Morris Shumiatcher, Mr. George Tamaki and Mr. P. G. Makiaroff in Saskatchewan; Mr. S. M. Cherniack of Manitoba; Mr. R. A. Best and the writer in Ontario; and Mr. Roger Quimet, K.C., in Quebec. They have been much assisted in the arduous task of preparing the written evidence and interviewing claimants by Mr. Leckie and Mr. Jack Gilbert and representatives of the JCCA whose co-operation has been essential.

COURTEOUS ATTENTION

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

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

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

FIRST STAGE ENDS

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

The Co-operative Committee on Japanese Canadians,

67 Riverside Avenue,
Toronto 6, Ontario.

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

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

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

025.87

025.87

75.13

50.74

25.87

to agreement therewith.

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

TORONTO, Ont., November 4, 1948.

THE CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS

CLAIMS FUND

STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS

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

RECEIPTS

Retainer fees from claimants:

British Columbia	\$17,053.04	
Alberta	3,684.68	
Saskatchewan	201.86	
Manitoba	1,771.00	
Ontario	7,404.86	
Quebec	910.43	\$31,025.87

\$31,025.87

DISBURSEMENTS

Expenses:

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

Balance August 31, 1948:

Cash in Bank 11,350.74

\$31,025.87

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

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

TORONTO, Ont., November 4, 1948.

No. 15

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News Bulletin

NO. 125 GRAND & TAY LIMITED

THE CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS

GENERAL ACCOUNTS

STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS

FOR THE FOURTEEN MONTH PERIOD JULY 1, 1947 to AUGUST 31, 1948

Cash on hand and in bank July 1, 1947 \$3,370.68

RECEIPTS

Contributions:

Individuals 41.00

\$3,411.68

DISBURSEMENTS

Expenses:

Secretarial Salaries	\$1,083.33	
Legal .	318.60	
Supplies and printing	331.35	
Travelling	91.45	
Audits	35.00	
Office Expense	79.74	
Postage	19.29	
		<u>\$1,958.76</u>

Balance, August 31, 1948:

Petty Cash on hand	25.00	
Cash in Bank	<u>1,427.92</u>	<u>1,452.92</u>
		<u>\$3,411.68</u>

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

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

TORONTO, Ont., November 4, 1948.

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