

MG 30
C160

THOMPSON, Grace 1)
(MG 30 C 160)

Winnipeg Consultative Council
Winnipeg, Manitoba,
December 4, 1945.

Dear Friend:

We feel that you would be interested in our calling to your attention the present grave situation of our Canadian-Japanese.

This past summer some ten thousands of these people signed a repatriation form, released by our government, expressing a desire to return to Japan. A considerable number of these people have since requested that their original application be cancelled. Last week the Dominion Department of Labor announced a change in the government's policy to the effect that all the applications of those who are Canadian Citizens (by birth in Canada or naturalization) would be accepted, providing they had been placed before September 2 1945. Those who have applied since that and who are Canadian born will have their cases reviewed. However, those Nationals and naturalized persons are evidently not to be considered.

We feel that the Dominion Government intends to act with justice in this situation and we realize that it is dependent upon it's citizens for information regarding the public opinion on such an issue. Moreover, we feel confident that it is the will of the people that any government action in this regard should be based on the deep-seated and time-honored principles of British justice. This justice holds that it's citizens are equal before the law and are entitled to free access to civil courts or public tribunals for the decision on such a grave issue.

Therefore, we urge that all cases be reviewed including those of Japanese Nationals and naturalized citizens. In both of the latter instances there are children in these families who are Canadian born and who would be involved in deportation. We believe this point should be given our special consideration.

On the whole question of our Canadian-Japanese we feel that as individuals and organizations we should do our utmost to become properly informed on the whole situation and to strive to see that the public in general understands the full implications of legislation that would provide for a mass deportation of a minority group.

Across Canada many citizens are urging a fair approach to this question--one based on our principles of democracy not on those of race discrimination. In Toronto and Vancouver organizations have set up representative committees to take action on this matter.

December 4 1945.

We therefore propose to call a public meeting for Tuesday, December 11th, 8:15 p.m. in the Board Room, United College. It is the purpose of this meeting to appoint this committee. Please see that the organizations, of which you are a member, send delegates to this meeting. It is most important that we have a city wide representative committee in order that our actions may be as fully effective as possible.

May we also urge you to keep abreast of the situation and to inform your Member of Parliament or the Hon. Humphrey Mitchell of your stand on this matter.

Sincerely yours,

WINNIPEG CONSULTATIVE COUNCIL,
(Provisional Committee)

The following individuals are members of the above committee.

Mr. & Mrs. Wm. Allan
Miss Marjorie Anderson
Miss Frances Bowman
Mr. Frank Ball
Miss Betty Morrison

Miss Jean Palmer
Miss Muriel Guest
Mr. & Mrs. Chas. Scambler
Rev. & Mrs. Ted Scott
Rev. James Taylor.

THE CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS.
NEWS BULLETIN #4 March 15 1946

A deputation from the Co-operative Committee is awaiting an interview with the Prime Minister to urge that the Orders-in-Council be rescinded. Meanwhile plans are going forward for an appeal to the Privy Council in London to appeal from the decision of the Supreme Court in Ottawa.

Meetings, large and small continue to be held across the country, and telegrams and letters continue to pour into Ottawa.

Here are a few of the Public Meetings and other activities that have taken place during the past six weeks.

FEB. 3RD Bathurst St. Church Sunday Evening Forum, Toronto. Subject: "Dare We Deport Canadians." Speakers: John Fisher, C.B.C. Commentator, Brigadier O. Martin, First Indian Magistrate in Canada, Kunio Hidaka, M.A.

FEB. 14TH University of Toronto Students Forum. Speakers: Andrew Brewin, Kinzie Tanaka, Lieut. Col. Croll, Federal Member for a Toronto riding.

"Canada signed the United Nations Charter. It should not be necessary for Canada now to write a post-script to the signature denying freedom to a group of her own citizens because of their race." Croll

FEB. 15TH Regina. B.M. Sandwell addressed 1200 delegates to the Saskatchewan School Trustees Association and The Womens Canadian Club. "Two excellent contributions to the subject of Civil Liberties... Did much in stimulating people to think."

FEB. 24TH Public meeting of 700 people at Carlton St. Church, Toronto. Subject: "Supreme Court Decision." Speakers: Andrew Brewin, Charles Millard, Hugh MacMillan and Rev. James Finlay. The meeting passed a resolution calling for a revision of Government policy, "so that no Canadian born citizen or naturalized citizen of Japanese origin in any circumstances be sent from this country."

MARCH 1ST Mass meeting of 1000 students at Queens University Kingston. Speaker: B.M. Sandwell. "Dr. Sandwell's speech was loudly cheered."

MARCH 4TH Women's International League for Peace and Freedom, Toronto. Special meeting to hear Mrs. Grace MacInnes of Vancouver speak on Japanese Canadians.

RADIO.

March 2nd. Trans-Canada Broadcast "Canada and her Pacific Neighbours." Hugh MacMillan.

March 5th C.B.C. CITIZEN'S FORUM. Report of discussions across the country on the question "Will the deportation of Japanese Canadians affect our relations with the people of the Far East?" C.K.E.Y. Toronto. Several good talks and news items. "The man behind the typewriter... world traveller... professor at Columbia University... ardent reader etc." is Dr. Edmund MacDonald.

C.H.N.S. Halifax. Mrs. Anna Dexter. Talks on this subject from time to time. "People of good will must make the government understand that such injustice must not be permitted."

ORGANIZATIONS SENDING RESOLUTIONS TO OTTAWA.

FEB 1ST Canadian School of Missions. Over 80 missionaries representing countries in all parts of the world signed and forwarded a protest to Ottawa.

"The Government proposal is at variance with what missionaries have been teaching regarding Christianity."
 Other resolutions....Lethbridge Presbytery of the United Church.....
 Feb. 23 Moosejaw and District Labour Council.....March 1st. Jewellery Workers Union, Toronto.....March 1st. Presbyterian Student Fellowship, Toronto.....March 2nd. National Council of Women meeting in Toronto....
 "We feel that the deportation scheme is breaking faith with those who gave their lives, and the principles for which they fought in the war--the right of the individual to the sacred rights of life and liberty.".....
 March 4th. Canadian Association of Social Workers, B.C. Mainland Branch, Vancouver.....March 4th. University Womens Club, Victoria, B.C.

STATEMENTS AND PETITIONS.

February 23rd. Statement from Mashme by those who have requested repatriation to Japan and who have not cancelled their requests.
 "We, the majority of whom are old, are returning to Japan because we have been uprooted from the foundations which we have laid during the years of our stay in Canada, after having given the best years either directly or indirectly to the basic industries of B.C., and after having endeavoured to live as respectable, peaceful, law-abiding citizens of Canada....Many of us have been in small trades and businesses, or were landowners, farmers, fishermen with our own boats and gears. These means of livelihood as well as our homes have been sold by the Custodian of Enemy Alien Property.....Therefore, it is only for the above reasons and not with any act of disloyalty that we are returning to Japan."

February 24th Slooan Miso Organization...Petition to the Prime Minister on behalf of parents and others, pleading that "they be permitted to remain with us if they so desire that we all may become useful citizens of this our country"....."Although our parents as a group have shown characteristics common to immigrant groups of other races (although not more than other such groups) such as clannishness, lack of facility in the use of the English language, and an anxiety to succeed in an economic sense, yet they have greatly appreciated the democratic way of life for their children and have urged them to assume the full obligations of citizenship." B.M. Sandwell comments on this petition saying "It is one of the most persuasive pieces of English writing we have seen for some time."

March 1st. National InterChurch Advisory Committee on Resettlement of Japanese Canadians.....letter to 12,000 pastors and priests..."On behalf of justice and fair play to all Japanese Canadians urging that public opinion must be mobilized if a grave injustice is to be avoided."
 * * * * *

MAGAZINE ARTICLES.

"Social Psychological Characteristics of Evacuated Japanese,"
 F.E. LaViolette CANADIAN JOURNAL OF ECONOMICS AND POLITICAL SCIENCE
 U. of T. Press, August 1945....."Racism and Japanese Canadians,
 Kinzig Tanaka, in TO-DAY, March 1946....."Our Opinion" in PEOPLE LEAF.
 N.W. European Division, Jan. 25/46 (They have the right to take their places in our nation with full citizenship. To refuse that right under the guise of willing deportation, is to refuse the principles of freedom for which Canadians of many racial origins fought.)
 "What Price Citizenship?" TIME, March 14/46.
 - NEW COMMITTEE....Lethbridge Consultative Committee. Purpose, "To educate people on the moral issues involved in the deportation of the Japanese Canadians."

THE CO-OPERATIVE COMMITTEE
ON
JAPANESE CANADIANS

TORONTO, ONT.
126 Eastbourne Ave.,
March 15th. 1946

Mrs. Thelma Scambler,
24 Sterling Apts.,
Winnipeg.

Dear Thelma:

Enclosed is a draft of a proposed pamphlet submitted the day before yesterday to our Committee here. I'd be pleased if you would give it the once-over, and if possible with Ted, Betty, or others of your Winnipeg Group, some of these days when you may be having a bite to eat together somewhere. Use these sheets to scribble on.

Our Committee have approved the pamphlet set-up in general. We have a small editorial committee who will go over it carefully before printing and after receiving your suggestions, corrections, additions etc. The idea is to get it out about April 1st. It will be printed as artistically as possible on a double sheet folded, which can again be folded and slipped into a business-size envelope.

What do you think of the idea, and about how many do you think could be passed around usefully throughout Manitoba?

We are still pressing for an interview with the Prime Minister, and he is still holding us off. We are in touch with his office almost daily. We feel that we must get a report from the P.M. in person to find out what his latest moves really mean. We also want clarification on several other points. From what has been reported through the press it would seem that practically NOTHING has been conceded. Then we want to follow up our interview with the P.M. with another letter to the Federal members. After all, this is widely recognized as a moral question and not legal. While we push on to the Privy Council for justice, we must not let down on our pressure on Parliament and the people. Chief Justice Kinfret, in his Supreme Court judgment, stated this quite clearly when he said "Parliament has not abdicated its general legislative powers nor abandoned its control." Therefore Parliament is the place where action can and should be taken and we must not let Parliament "hide behind the cloak of legalism" as the Globe and Mail put it.

I'm sorry we could not have arranged an interview with the P.M. when Mr. Tarr was in Ottawa. We certainly pressed for it hard enough. I hope you will thank him for being willing to go along with us if an opportunity offered.

This must be all for the present.

All good wishes,

Hugh

Hugh Macmillan

*Let us grit our
armour for the fight!*

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

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.

126 Eastbourne Ave.
Toronto, May 2, 1947

Mrs. Thelma Scrambler,
Japanese Canadian Committee
Winnipeg, Man.

Dear Mrs. Scrambler:

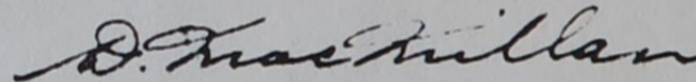
The Co-operative Committee on Japanese Canadians has been informed by the Undersecretary of State that the proposal for the appointment of a commission to deal with the property losses of Japanese Canadians is now before the Cabinet and that a decision will be reached in the reasonably near future. The enclosed bulletin will show you that there is reason to be concerned about the type of commission that the government contemplates setting up. We feel that it is necessary at this time to urge them to set up a commission that will deal adequately with all losses suffered as a result of evacuation.

Our Committee has promised the Japanese Canadians assistance in preparing their cases for presentation to the commission. The JAPANESE CANADIAN COMMITTEE FOR DEMOCRACY in Toronto has undertaken an economic loss survey here and is assisting other groups across Canada to do the same. This is the first step in preparation for the commission.

In behalf our Committee I am writing to suggest that your committee set up a sub-committee on property losses with perhaps three or four members. One of these might be a lawyer and one a business man with experience in dealing with estates. This committee would keep in close touch with the Japanese Canadian organization in your area and advise them on the procedure of presenting their cases.

When your committee is set up will you kindly let us know who the chairman is so that we may contact him immediately upon receiving further information from the government.

Yours sincerely,



Mrs. Hugh MacMillan.

P.S. I understand that Miss Morrison, the Secretary of your committee is out of the city, so I am sending this to you. D.M.

MEMO FOR INTERESTED GROUPS ACROSS CANADA

Attached hereto is a statement prepared by the Cooperative 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.

THE CO-OPERATIVE COMMITTEE
ON
JAPANESE CANADIANS

27
TORONTO, ONT.

126 Eastbourne Ave.
May 13, 1947.

Mrs. Thelma Scrambler,
460 Main St.
Winnipeg, Man.

Dear Mrs. Scrambler:

I thought that perhaps that we should report to you where we are at now over the property question. We have been in touch with Mr. Gibson twice since last I wrote. The Prime Minister has also replied to our "strong" letter about setting up a commission that would adequately with all losses arising out of the evacuation. We have hope that something fairly satisfactory will come out of all that has been done by the groups across the country and the pressure from the newspapers. The Public Accounts enquiry is keeping it before the public, too. There really has been nothing definite given by the government though one of the members of the House told us that the commission has already been set up and the announcement will come shortly.

Our committee plans to send Mr. Brewin to Ottawa immediately the announcement is given, to discuss with the Commissioner the terms of reference, whether they are satisfactory or not. Then we will know where we stand with them and can make plans accordingly. I do hope that we shall not have to go out on a pressure campaign against the government to get a decent commission. I am anxious to see the work of investigating set up and functioning before the summer vacations begin for lawyers and others.

I was glad to know that your committee was getting ready for the work of the commission by setting up a committee. Mr. Brewin, after seeing the commissioner, will immediately get in touch with the lawyer or lawyers that you select and pass on the information that he receives. The work from then on will be done pretty much by lawyers and the Japanese Canadians. We have a couple of business men here to advise us if necessary. Its going to be a lot of work for somebody for its a complicated job with the people here and the property out in B.C.

You asked about relief for Japan. We have a committee here doing a fair amount of work for its size. A newsletter is going out this week with information. The only way to send parcels is directly to individual friends. One 11 pound parcel a month can be sent. It is expensive but is appreciated very much. We are all now getting replies from our friends who received our parcels sent in December. Our committee here sends milk etc through the Friends' Service to Dr. Bott of LRA (licensed relief agencies) We are sending clothes (used) also.

I am afraid we know very little of Molly Kitijima's case. Could you take time to tell us about it and what we should do.

Hugh will be home in a couple of weeks. We plan to leave for Formosa the end of August. Conditions are very unsettled there but we are glad to be able to get back to our work there.

THE CO-OP JAPANESE
We certainly are grateful for the fine piece of work that your committee has done in Winnipeg. It is always the busy people that take on worthwhile jobs like this. Fortunately, I have been able to give full time to the work but the other busy members of the committee have given a lot of time too. We have endless committee meetings and always ten or fifteen turn out. We are now preparing a brief for the Public Accounts Committee. We expect to get a hearing either this week or next.

With all best wished to all the members of your committee ,

Yours sincerely,

Douglas Mac Millan.

35

THE CO-OPERATIVE COMMITTEE
ON
JAPANESE CANADIANS

TORONTO, ONT.

126 Eastbourne Ave.,
June 13, 1947.

TO THE ADVISORY COMMITTEES ON JAPANESE CANADIANS

The Co-operative Committee at its recent enlarged meeting discussed the matter of writing a record of the events of the evacuation of the Japanese Canadians, their dispersal and resettlement, and the part played by citizens who organized committees to assist them and to protect their rights. It was felt by all that this was a project that should be undertaken while the record of events is still fresh in the minds of the people concerned. It would have value not only as an historical record but as a reminder of the vigilance that must at all times be maintained to safeguard our liberties.

It was agreed to write two records: they would be published in book form for sale. One would be a human interest story of the evacuation and resettlement as told by the Japanese Canadians themselves. The other would be the story of the struggle for justice for this minority group by the people of Canada.

An editorial committee was appointed to plan for the writing of the books. When the work of securing a satisfactory commission on property losses is completed it is hoped that we would have a sum of nearly \$1500 on hand which would be made available for editing the material and other expenses.

This may appear to be a rather ambitious scheme but we have been encouraged to do the job by good friends like B.K. Sandwell. It may be that additional sums of money may come to hand to make possible the project on the scale we propose.

The Japanese Canadian Committee for Democracy in Toronto has agreed to assemble the material for the story of evacuation. Our committee has undertaken to collect the other material. We have in mind two good writers who might do the job of writing the books.

We would like to have a short history of the operations of your committee as early as convenient. To facilitate the task of writing it the following headings might be used:

1. Name of organizations, officers, members
2. Date of organization and for what purpose organized
3. Organizations cooperating: churches, Ys', civil liberties, welfare, municipal council
4. Cooperation with Japanese Canadian organizations and individuals
5. Opposition encountered etc
6. Public meetings, newspaper publicity etc.
7. Recommendations and resolutions to governments, members of parliament etc
8. Comments on factors aiding with or interfering with adjustment of Japanese Canadian

(Mrs. Hugh) Donalds MacMillan.

76

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.

Revised (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 or 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.)

C O P Y

Order-in-Council 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 18th July, 1947.

The Committee of the Privy Council have had before them a report dated 14th July, 1947, from the Secretary of the 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 of 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 1 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 -
 - (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 expenses of and incidental to the said inquiry be paid out of money appropriated by Parliament.

Sgd. A. D. P. Heeney
Clerk of the Privy Council.

JAPANESE CANADIAN COMMITTEE FOR DEMOCRACY

84 GERRARD ST. E., TORONTO ★ TELEPHONE AD. 2547



Friday, July 18, 1947.

Mrs. Thelma Scambler,
Central Volunteer Bureau,
Winnipeg, Man.

Dear Mrs. Scambler:

Thank you ever so much for your letter of June 2nd and kind regards.

I am sending you today under separate cover, duplicate COPY forms representing the Manitoba claims for losses which we have made out in order to comply with your good suggestion.

It was felt by the Co-operative Committee and the JCCD that the original forms should be retained here at present.

The 97 forms which we are sending you represent most of the claims on file. Further duplicate copies will be sent to you as they are made available.

With appreciation for your very helpful co-operation and assistance,

Sincerely yours,

JCCD

George Tanaka
George Tanaka, Chairman.

29

STATEMENT FOR THE PRESS
ISSUED BY THE
CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS

July 24, 1947.

The terms of the Order-in-Council appointing the Commission to investigate Japanese Canadian property claims are so restricted as to be worse than inadequate, and in fact to be practically useless. It will be necessary to consider seriously whether it will be worth while for the Japanese Canadian claimants to have anything to do with the Commission unless the terms of reference are broadened to enable a full and fair inquiry to be made.

The terms of the Order-in-Council impose an impossible burden on claimants. Before the Commissioner can recommend a cent of compensation, he must be satisfied that the Custodian has failed to use reasonable care in disposing of the properties.

The claimants have never based their case for compensation on the lack of care by the Custodian who in most if not in all cases may be presumed to have done the best possible in the circumstances. However, in these circumstances of wholesale evacuation, it was inevitable that market values should be abnormally low and the major losses sustained were caused by the Government's policy of enforced evacuation rather than by any lack of care by the Custodian.

Many hundreds of claims cannot even be considered by the Commissioner, for the properties were lost or disposed of or had seriously depreciated before the Custodian was able to take charge. These losses arise no less out of the evacuation orders and Government policy of which, however necessary it may have been, the Japanese Canadians were the innocent victims.

The Co-operative Committee has repeatedly pointed out that justice could not be done unless the terms of the inquiry were as broad as those contained in the Bill proposed to Congress by the American Government which provides for compensation for Japanese Americans for all losses naturally and reasonably flowing from the evacuation orders. In this instance the Canadian Government in contrast to the American Government is doing less than justice. Nor do the proposed terms of reference implement the promises made by the Prime Minister himself when on January 24th, 1947 he stated that, "to ensure the fair treatment promised in 1944 the Government is prepared in cases where it can be shown that a sale was made at less than a fair market value to remedy the injustice." The terms of the Commission will deprive those whose property was sold at less than the fair market value of compensation unless they can show that the Custodian acted carelessly. The injustice referred to by the Prime Minister will not be remedied unless the order is amended.

Nor do the terms of the reference comply with the recommendation of the Public Accounts Committee which was approved by Parliament. This Committee recommended that a Commission be appointed to inquire into claims for losses which resulted from the amount being received by claimants being less than the fair market value of their property at the time of sale or loss.

Under the present order if the Custodian shows to the Commissioner that he made reasonable inquiries and did the best that he could in the circumstances, the Commissioner can allow no compensation, although the sales are far below the fair market value.

It is still not too late for the Government to change its mind. We are writing to the Prime Minister urging that his former promise of remedying the injustice be fully implemented.

The Committee cannot rest nor should the people of Canada be satisfied until the Government of Canada have reversed its policy, and done full justice.

40

MEMO FOR CO-OPERATING GROUPS

RE: PROPERTY COMMISSION

We are enclosing a copy of the statement which we have prepared for the press arising out of the Government's announcement of the appointment of a Commission.

You will be able to judge from this statement what we think of the terms of reference to the Commission.

We have written to the Prime Minister in emphatic language asking him for a revision of the terms of reference so that all losses arising out of the evacuation or-
der may be considered by the Commissioner. We have also asked for a personal interview.

We believe that all possible pressure should be put on the Government to revise the Order-in-Council and we have as you see even gone so far as to suggest that the Japanese Canadians might have to boycott this inadequate Commission. We would like to have your opinion in regard to this. In the meantime we suggest that you should write or wire the Prime Minister your view of the matter.

However, it will be a part of wisdom, on the assumption that the Government will not change the Order-in-Council, to make preparations to make the best of a bad situation.

Our legal Committee will be meeting as soon as possible to lay plans to put before the various Japanese Canadian groups the matter of availability of legal services, and co-operation between the Japanese Canadians in presenting claims in each locality.

We will advise you of these plans as soon as possible.

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

July 24th, 1947.

Bruce Beach.

Kincardine, Ont.

Aug. 14th 1947.

Dear Mrs. Scambler: I am up here for a week's holidays. Hugh came with me but had to leave the night of arrival, having received a telegram that his uncle in Alberta died, an old man of 86. He left by plane from Toronto. He would stay on a few days to settle up the affairs of his uncle; he was unmarried and Hugh and his brothers here are only surviving relatives.

We expect to sail from New York via Panama to Shanghai early in September on a freighter. We have been very busy with inoculations, dentistry, packing etc., in addition to all the committee work and church work.

I should have written you before coming up of developments in the negotiations with the Govt.

Of course we were "fighting mad" over the Commission. We wrote a strong letter to the Prime Minister, telling him he failed to keep his promises etc. He wrote a very good letter back signed it himself. He suggested that we see the Minister of Justice and the Secretary of State before taking any action. He "left the door open" to see how after our interview with the two Ministers we would immediately to the Prime Minister. He replied that as soon as the Sec. of State returned from a short holiday, he would confer with

him and arrange an interview with us. That is nearly two weeks ago. Bremm is on a speaking tour in Northern Ontario until the end of the month, but is ready to go to Ottawa whenever they set a date. He will wire me here and I'll return. In any case I will return not later than the 18th.

Bremm also wrote to Mr. MacMaster, the lawyer in B.C. asking him to seek an interview with the Commissioner to learn how he proposes to proceed and informing him of the work the Committee have done so far.

We have discussed the possibility of engaging Mr. Bremm for a couple of months to go to B.C. when the hearings begin but we can arrive at no definite decision until we have our interview in Ottawa. There is a possibility that Tracy will do something about it. Certainly Gibson will do nothing. Our Committee determined to fight it through, beginning in September a campaign by addressing public opinion on the issue. We will use the threat of boycott with the Govt.

Bremm had hoped to have our legal committee meet but two were out of town on holidays. It seems that we can do little until September. If we get to Ottawa before then, we can then get set for action. It has been so unsatisfactory to have no plans of how to deal with the cases. It seemed a waste of time.

and effort to proceed until we
get final word on the terms of
reference. Now Brewin advises
us to wait until after we see ^{the} ~~the~~
and the Prime Minister. I don't think
the hearings will begin if we are
negotiating with the Government.

Regarding your questions.

1) Re ^{lawyer} fees - that will be decided when
the Toronto legal committee meets.
A plan will be worked out and then
submitted to the other committees
for approval or suggestions.

2) Re. land sales. I am not sure
about that. The land under the
Veterans Act, I understand does
not come under the scope of the
Commission.

3. Re maintenance in the centres. That
is going to be difficult to deal with
for not all cases were the same. Some
had monies deducted for relief, when
husbands would not take jobs given
them, others did not. We had hoped
that the question on the survey form
would bring out the information
which likely have to be gone into in
each individual case submitted.

Now I know that this letter is
not very satisfactory in giving you
all the information you need. But I
think that all points will be covered
after our legal committee meets and
sets up a plan of action. If Brewin
goes to B.C., he will stop off in Vancouver
to meet your committee.

The B. C. Consuetudine ^{Committee} have
set up their property committee.
Prof. Hunter Lewis is the chairman.
Mr. Mac Master & Mr. Mac Lennan
are the two lawyers. Breinin has
been in touch with them recently,
re an interview with the
commissioner. They will have
a large portion of the work to do
out there. I am sorry that I
have not the address of the B. C.
committee here. Mr. Harman and
Mr. Mac Lennan have left Vancouver
and gave me Mr. Hunter Lewis address.
I will send it on when I get back.

I will bring your letter before
our committee - it meets the 2nd & 3rd
of Sept. We have met three or four times
during the summer with five or six
members present. We hope to get them all
together in September.

We will keep you informed
as developments arise. Hope
to get something decent out of the
interview with the Minister
of Justice.

Yours sincerely,
Donald Mac Lennan

P. B. Hugh had a good winter in
Edinburgh in spite of anxiety - being
so anxious to get back to Formosa.
Political conditions are none too
satisfactory there but the church
movement - D.

THE CO-OPERATIVE COMMITTEE
ON
JAPANESE CANADIANS

TORONTO, ONT.

AUGUST 21ST. 1947

TO THE REGIONAL COMMITTEES RE. THE PROPERTY LOSSES COMMISSION.

In our statement of July 24th we reported that we had written the Prime Minister expressing our disappointment about the terms of the Order-in-Council to investigate the property losses of the Japanese Canadians. We asked for an interview with him to present our views.

The Prime Minister replied advising us to discuss the matter first with the Minister of Justice and the Secretary of State.

We have finally succeeded in arranging for an interview with the two Ministers on Tuesday, August 26th.

It is hoped that the discussions will result in some changes being made in the terms of reference of the Order-in-Council.

We will send you a report of our interview shortly after the 26th.

A Canadian Press despatch of August 16th. states that the official enquiry into the property losses will begin on October 1st, probably in the East.

Due to the holiday season our legal committee has been unable to meet to discuss plans for further action. It is hoped that it will be possible to arrange a meeting quite early in the first week of September.

(Mrs. Hugh) Donald MacMillan,
126 Marlborough Ave.,
Toronto, 12.