

46
*Could I have this back this aft.
meeting with Ted tonight.*

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.

(Mrs Hugh) Donald MacMillan, Secretary,
126 Eastbourne Ave.,
Toronto, Ont.

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.

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

COPY

Canadian Press despatch

OTTAWA, Sept. 12--Justice Minister Ilesley announced today that the order-in-council providing for an inquiry into the disposition of the property of Japanese on the west coast has been broadened to meet with suggestions made by the Public Accounts Committee in its report at the recent session of Parliament.

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

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

The New Canadian

AN ORGAN FOR CANADIANS OF JAPANESE ORIGIN

PHONE 501 306

504 Talbot Avenue
WINNIPEG, MAN.

CCFY

Wire from Geo Tanaka National Exec Secy pro tem
dated Sep 14 from Toronto

T UMEZUKI C/O NEW CANADIAN WPG

11L

SPECIAL NATIONAL ORGANIZATION BULLETIN STOP INFORM YOU BY
REQUEST OF TORONTO CLAIMANTS THEIR FINAL DECISION AT MEETING
TONIGHT SEPTEMBER THIRTEENTH QUOTE TORONTO CLAIMANTS RESOLVED
REFUSE TO FILE CLAIMS TO COMMISSION IN SPIKE OF WIDER TERMS
OF REFERENCE AS ANNOUNCED BY GOVT SEPT TWELVE STOP BY REASON
OF PRINCIPLE THAT FORCED SALE ACT GOVERNMENT SETS
DANGEROUS PRECEDENT WHICH MAY HARM WELFARE OF FUTURE
GENERATION STOP ONLY BELIEVE THAT EVACUATION PROMISE BY
GOVERNMENT BROKEN STOP PROPERTY SHOULD NOT HAVE BEEN SOLD BUT
HELD IN SAFE KEEPING AND THEREFORE REAFFIRM STAND THAT TERMS SHOULD
ENCOMPASS ALL LOSSES SUFFERED AS A RESULT OF FORCED EVACUATION
END QUOTE THIS BEARS BOYCOTT ATTITUDE TAKEN HERE AS STRONGEST
STAND POSSIBLE STOP URGENT PLEASE INFORM YOUR LOCAL CLAIMANTS

#

Wire to Geo Tanaka nat exec secy nat jcca toronto
dated Sep 14 from wpg SENT DAYLETTER

LOCAL CO/OP COMMITTEE ASKS TORONTO CO/OP COMMITTEE LEGAL
COMMITTEE DECISION ON BOYCOTT ATTITUDE AS PER TELEGRAM
RECD THIS MORNING STOP COULD WE HAVE BACKGROUND AND DETAILS
OF WIDER TERMS AND TORONTO CLAIMANTS STAND SO THAT LOCAL
CLAIMANTS CAN GET ON THE BALL STOP ANSWER NIGHT LETTER

F Moritsugu

#

Wire from Geo Tanaka toronto
dated Sep 14 NL

FRANK MORITSUGU 504 TALBOT AVE WPG

BOYCOTT STRICTLY TORONTO CLAIMANTS DECISION STOP BREMEN
EXPECTS RECEIVE DETAILS WIDER TERMS TOMORROW STOP I EXPECT
BE ABLE TO SEND AIR MAIL FULL DETAILS TERMS AND BREMEN'S
CONSIDERED OPINION COURSE ACTION CLAIMANTS SHOULD TAKE
WITHIN FORTY EIGHT HOURS.

GEO TANAKA TORONTO

#

The New Canadian

WEEKLY NEWSPAPER

A MEDIUM OF EXPRESSION FOR JAPANESE CANADIANS

504 Talbot Avenue
WINNIPEG, MAN.

PANESE ORIGIN

504 Talbot Avenue
WINNIPEG, MAN.

Tuesday night Sept 16/47

Dear Thelma: —

Here are hurried copies of the
material I should have sent you yesterday.
I hope they are decipherable despite my
erratic & uneven typing — Casey
should be back by the time you get this —
He was due on Wed (17) am train —

Sincerely yours,
P. Moritsugu

HL

RE YOU BY
N AT MEETING
ANTS RESOLVED
WIDER TERMS
TOP BY REASON
THE SETS
UTURE
TOLISE BY
BEEN SOLD BUT
ID THAT TERMS SHOULD
CED EVACUATION
E AS STRONGEST
LOCAL CLAIMANTS

to
PETER

THE LEGAL
ELIMINATE
AND DETAILS
HAT LOCAL
LETTER

FRANK MORITSUGU 504 TALBOT AVE WPG

BOYCOTT STRICTLY TORONTO CLAIMANTS DECISION STOP HARMER
RECEIVE DETAILS WIDER TERMS TOMORROW STOP I ELECT
ABLE TO SEND AIR MAIL FULL DETAILS TERMS AND HARMER'S
CONSIDERED OFFICIAL COURSE ACTION CLAIMANTS SHOULD TAKE
IN THE FUTURE HOURS.

GEO TAMURA TORONTO

C O P Y

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.

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 now 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)

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

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

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

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

September 30, 1947.

ANNOUNCEMENT BY THE CO-OPERATIVE COMMITTEE
ON JAPANESE CANADIANS

The Commissioner appointed to inquire into property losses of Japanese Canadians will shortly be announcing in the press or by the time this is published may have announced the steps to be taken by claimants. In the light of the revised terms of reference, the Co-operative Committee has already advised all who have claims to take advantage of the Commission and to present their claims to the Commissioner with moderation, but with vigour. After consultation with officers of the National Japanese Canadian Citizens Association, the Co-operative Committee now presents a plan for assisting those who have just claims to present them to the Commissioner.

The first step will be for all claimants to file claims verified by affidavits containing the information required by the notice to be published in the press by the Commissioner. The Co-operative Committee will have forms complying with these requirements printed, and will circulate them with instructions as to how they should be filled in and sent to the Commissioner. All who filed in Economic Losses Survey Forms with claims that are within the terms of reference will receive forms, and others who may desire to use them may secure same. The next step will be the presentation of oral evidence of claimants to the Commissioner at various centres throughout Canada where the Commissioner will sit. The last step will be the presentation of evidence of valuations and other similar evidence in British Columbia.

It is obvious that in these last two steps, legal counsel will be required if a strong and effective case for compensation is to be established. The Co-operative Committee has, therefore, evolved a scheme for legal assistance. Claimants may, of course, obtain independent legal advice, if they prefer to do so. It appears, however, that many may not be able to do so, and that the co-ordinated presentation of cases of claimants will save expense and in other ways be more effective. It is proposed, therefore, that the Co-operative Committee will name its legal representatives in each province, who will co-operate with each other in presenting claims in each province. To provide a minimum fund to cover legal fees, expenses of valuation and other necessary disbursements, each claimant who desires to take part in the scheme will be asked to pay a retaining fee of 1% of the total loss claimed by him. Additional legal expenses will be paid proportionately by the successful claimants out of claims allowed by the Commissioner. A partial list of legal representatives of the Co-operative Committee is as follows:

Vancouver - Norris & MacLennan, 602 Hastings St., W., Vancouver, B.C.; R. J. McMaster, c/o Campbell, Brazier, Fisher & McMaster, 675 Hastings St., W., Vancouver, B.C.

Alberta - W. E. Huckvale, Ritchie & Huckvale, 612 Third Ave., S., Lethbridge, Alta;
L. S. Turcotte, Barrister, Lethbridge, Alta.

Manitoba - S. M. Cherniack, 460 Main St., Winnipeg, Man.

Ontario - F. A. Brewin, Cameron, Welldon & Brewin, 372 Bay St., Toronto;
R. A. Best, 15 Toronto St., Toronto.

Saskatchewan and Quebec - to be announced.

The Co-operative Committee believes that in this way much time and great expense can be saved and a co-ordinated and co-operative effort made to ensure that the Commissioner receives an adequate presentation of the just claims of the Japanese Canadians. Announcements as to further steps to be taken in co-operation with the National Japanese Canadian Citizens Association will be made as soon as possible.

Miss Margaret K. Foos,
Secretary for the Committee,
94 Homewood Ave., Apt. 28,
Toronto, Ontario.

CAMERON, WELDON & BREWIN
BARRISTERS & SOLICITORS

A. J. P. CAMERON

ROY WELDON

A. F. BREWIN

CABLE "RUERMAS" TORONTO
TELEPHONE ADEL 4391

STERLING TOWER
TORONTO 1, CANADA

October 2, 1947.

Mrs. Thelma A. Scambler,
24 Sterling Apartments,
Winnipeg, Manitoba.

Dear Mrs. Scambler:

I must apologize for not having answered your letter of September 23rd. I now also have your letter of October 1st.

The New Canadian will by now have received from us the proposals that we are making in regard to legal representation.

As to answering the points in your letter, you will see that we are proposing in regard to fees, that a retaining fee of 1% of each claim should be paid by those who are using the legal services offered by the Committee. Further, each claimant will agree that in addition all proper legal fees and expenses which will be reviewed by the Committee will be paid by the successful claimants out of such moneys as they may receive.

Secondly we are proposing that both Norris & MacLennan and Mr. R. J. McMaster of the firm of Campbell, Brazier, Fisher & McMaster will be our representatives in British Columbia. We have asked the two firms to arrange between themselves the division of responsibility, and suggested that Mr. McMaster should be the solicitor, and Messrs. Norris and MacLennan should act with them as counsel. I think it will be quite in order to write to either of these firms on the assumption that they will be acting for the Committee.

We are arranging ourselves to print the claim forms, and for a number of reasons we think it would be better that we should print the forms rather than the Custodian. It will enable us to have them printed in duplicate and to retain one copy which will be of great assistance to

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Mrs. Thelma A. Scambler

October 2/47.

We are arranging to-day to discuss the preparation of forms and the Co-operative Committee have undertaken the expense involved in the necessary printing, and the other Japanese Canadian organizations will look after the distribution of the forms.

I note that you are writing to the Custodian asking for the printing of forms, but it may be that in view of our decision on this matter, that if you have already written, you will write again saying that as the Co-operative Committee propose to print the forms complying with the notice of the Commissioner, your request to them is withdrawn.

Please write to me again about any question that you may have. We shall endeavour to see that you get regular information as to what we propose here.

We understand that Mr. Cherniack will be acting in Manitoba for the claimants, but if there are any other lawyers who will be acting with him, please advise us about this.

Yours sincerely,

FAB:HC

F. A. Brewin

JAPANESE CANADIAN COMMITTEE FOR DEMOCRACY



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

National Japanese Can. Citizens Association

October 20, 1947.

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

Dear Mrs. Scambler:

Please accept my sincere apologies for not replying to your letter of October 1st regarding representation of claimants in Northern Ontario. We are in close contact with the Lakehead Nisei Organization which represents Japanese Canadians in that area, therefore, I do not think it is necessary for your group to lend assistance to those claimants. I appreciate very much your thoughtfulness in this matter. Although the Commissioner's itinerary at the present time does not include the cities, in Port Arthur or Fort William, we feel it would be necessary, at a later date, to press the Commissioner into giving due consideration to claimants who are in outlining areas.

The claim forms, together with an explanatory letter to claimants from the Co-operative Committee and a "Retainer Form" are about to be printed. We hope to mail the forms to you and also mimeographed Japanese translations within a week's time.

Since my last indirect communication to you advising the whereabouts of Mr. and Mrs. MacMillan through Kasey Oyama, I have not heard from the MacMillans. Their address in Formosa will be:

MacKay Memorial Hospital
Taipen, Taiwan, China.

Thanking you again for your kind offer of assistance, I remain,

Yours very sincerely,

George Tanaka,
National Executive Secretary

GT/tes

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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 \$50,000.00 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

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

Japanese Canadian

TELEPHONE: ADELAIDE 2547



CITIZENS ASSOCIATION

NATIONAL HEADQUARTERS:
84 GERRARD ST. E., TORONTO 2, ONTARIO

April 14, 1948.

The Co-operative Committee on Japanese Canadians
c/o Mrs. Thelma Scambler
24 Stirling Apts.
Winnipeg, Manitoba

Dear Sirs:

At the recent National Conference of the Japanese Canadian Citizens Association held in Winnipeg, the delegates from all across Canada unanimously endorsed a motion to thank you for the support you have given us in fighting the restrictions of civil rights of the Japanese Canadians.

The National JCCA takes great pleasure in thanking you and your associates. Your support has resulted in the abolition of much that has prevented the Japanese Canadians from becoming full fledged Canadian citizens.

Yours very sincerely,

GT/tes

George Tanaka,
National Executive Secretary

per

T. E. Spence

Japanese Canadian

TELEPHONE: ADELAIDE 2547



CITIZENS ASSOCIATION
NATIONAL HEADQUARTERS
84 GERRARD ST. E., TORONTO 2, ONT.

April 15, 1948.

Mr. and Mrs. G. Scambler,
Winnipeg, Manitoba.

Dear Mr. and Mrs. Scambler:

During the Second National Conference of the Japanese Canadian Citizens' Association held in Winnipeg over the Easter weekend a resolution was passed to forward a letter of appreciation to you for the invaluable assistance rendered to Japanese Canadians in Winnipeg. The National J.C.C.A. is greatly indebted to the Caucasian friends who have so kindly assisted in the successful re-establishment of Japanese Canadian evacuees. Your fine example of Christian brotherhood and the democratic way of life will always remain as a source of inspiration to our organization.

Respectfully yours,

THE NATIONAL J. C. C. A.

R. Obata

per R. Obata, Past President.

RO:m

THE CO-OPERATIVE COMMITTEE
ON
JAPANESE CANADIANS

TORONTO, ONT.

94 Homewood Ave.,
Apt. 28,
Toronto 5, Ont.,
April 20, 1948.

7 Riverdale

London Ont.

Mrs. C. G. Scambler,
24 Sterling Apts.,
Winnipeg, Man.

Dear Mrs. Scambler:

It was good to hear from you, and to learn that the Winnipeg hearings with Justice Bird have been so satisfactory. Thanks also for letting us know about your concern regarding Mr. Cherniak's fees.

I hasten to advise that the Finance Committee of our Co-operative Committee has just recently met to draft a spending budget for the Claims Fund Account (which it now appears will go over the \$33,000.00 mark), the bulk of remittances now having been received. Recommendations of the Regina Conference were also considered, and will be submitted along with the budget for the approval of the full Committee at a meeting later this week. It is our hope that the cheques will be in the mail this week end. We appreciate your concern as to our undertaking - indeed we share it, but it was felt that we were previously not in a position to apportion the advances. All such details have been largely left in the hands of Mr. Brewin, our legal counsel, who himself has received reimbursements of expenses only to date.

I trust that this explanation will set at rest the minds of your Winnipeg Committee. We do so appreciate the very fine co-operation of such groups across the country - without it, an effective job could not be done.

Sincerely,

Margaret H. Brown
SECRETARY

MKB.

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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.

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	\$1,023.33	
Legal	318.60	
Supplies and printing	331.35	
Travelling	91.45	
Audits	35.00	
Office Expense	79.74	
Postage	19.29	\$1,958.76

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.

THE CO-OPERATIVE COMMITTEE
ON
JAPANESE CANADIANS

TORONTO, ONT.

67 Riverdale Ave.,
Toronto 6, Ont.,
November 8th, 1948.

N.B. -
The address

Mrs. C. G. Scambler,
24 Sterling Apts.,
Winnipeg, Man.

Dear Mrs. Scambler:

Our receipt for your remittance of two thousand, seven hundred and eighty-six dollars and seventy-five cents (\$2,786.75) is enclosed herewith.

Your recommendation of a fifty dollar refund to Mr. Kantaro Suyehiro of Eustache, Man. will be presented at the next meeting of our Finance Committee, which will be convened in the near future.

As to our national plans, a progress Report was planned at our last Committee meeting and it is in the course of preparation at present. It is unfortunate that bulletins have not been prepared more frequently -- mainly because those who previously did the work involved have been pressed into service in connection with the hearings. An audited financial statement and Mr. Brewin's review of proceedings to date will be included in the report which should be ready shortly.

Appreciating your continued interest,

Sincerely,

M. K. B.

LKB.
Encl.

SECRETARY.

JAPANESE PROPERTY CLAIMS COMMISSION

COURT HOUSE
VANCOUVER, B.C.

November 24th 1947.

Thelma R. Scambler,
24 Stirling Apartments,
Winnipeg, Man.

Dear Madam,

I am directed by the Commissioner to advise you that the opening session of the Commission will be held at the Court House, Georgia Street West, Vancouver, B.C., on Wednesday, December 3rd, at 10:30 a.m.

Argument may then be presented by claimants or their Counsel on matters of procedure relating to the conduct of the Commission and its future sessions.

Due notice will be given later to each claimant of the time and place fixed for the hearing of evidence in support of his claim.

Yours truly,

A. Watson

Secretary of the Commission.

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. Boob

SECRETARY.

THE CANADA PRESS CLUB

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Jap Property Claims Investigation Opens

VANCOUVER, Dec. 4 (CP)—A one-man royal commission to investigate Japanese-Canadians' claims against the federal government because of property confiscations during the second world war stood adjourned Thursday until Monday after a single day's hearing in which the enormity of its scope became apparent.

More than 1,000 of the 18,000 Japanese-Canadians in the country at the outbreak of the war have registered claims and the flow mounts to between 50 and 100 daily. The average claim is for \$3,000 and Mr. Justice Henry I. Bird of the British Columbia court of appeal is the commission. His findings will be submitted to the secretary of state in Ottawa.

Mr. Justice Bird described his task as a "tremendous responsibility."

Sittings will be in Vancouver, Grand Forks, Vernon, Kamloops and Nelson, B.C., Lethbridge, Alta., Moose Jaw, Sask., Winni-

peg, Toronto and Montreal. Mr. Justice Bird said he expects them to last "several months."

A possibility of convening in Fort William also was considered to ease travel problems for Japanese residents between Winnipeg and Toronto and in northern Ontario.

The claims to be heard come from Japanese citizens obliged by federal order-in-council to leave the west coast area during the war. The order still applies and they have not been allowed to return.

Since their departure, many claim, the federal government has disposed of their properties and at prices below normal market value.

The only Japanese not required to leave were those who served during the war in the armed forces.

Mr. Justice Bird extended the original deadlines to Dec. 31 for Japanese residents in B.C. and to Jan. 15 for those elsewhere in Canada.

Wednesday's proceedings were only the formal opening of the

commission's record.

Actual dealing with cases begins next Monday in Kamloops, B.C., where the first 29 claimants will be heard.

Representatives Named

Most claimants are represented by T. G. Norris of Vancouver while others, and the Japanese-Canadian committee for democracy will be represented by Andrew Brewin of Toronto and R. J. McMaster of Vancouver.

Appearing for the dominion government is Col. John W. G. Hunter of Toronto.

Commission secretary is Alexander Watson, a former Victoria, B.C. banker.

School Board Upholds Jap Boy's Award

The Winnipeg school board Tuesday evening upheld the award of a \$100 scholarship to a Japanese boy, attending a Winnipeg school, over the objection of Trustee P. C. Jessiman.

Mr. Jessiman asked that the rules governing the award of scholarships should be changed and that a stricter check be made to guarantee their observance.

He said the rules were not met in the awarding of the scholarship to the Japanese boy. He was not objecting on racial or religious grounds, he said, but because the boy's parents had returned to Japan.

"His education should not be Winnipeg taxpayers' responsibility," Mr. Jessiman said.

Voicing objection to the manner in which all scholarships are granted, Mr. Jessiman said awards were made on the teachers' recommendations only, and there was no test given or check made on the parents' financial status. He was particularly against this award because it was made "on grounds of sentiment."

Trustee J. Zuken hotly denied that there was anything wrong with the manner in which scholarships are awarded. He pointed out that not only does the principal make comments but an affidavit is required signed by two persons stating that the recipient is a deserving case.

"If some financial investigation were set up it would mean a means test cross-examination. This would discourage many meritorious students with financial need because it would be regarded as charity," Mr. Zuken continued.

"In any case this boy was born in Canada and is a Canadian, and nobody, not even Mr. Jessiman, can tell him to go to any other country," he added.

The pupil had undergone an examination and qualified with the fine average of 90 per cent, he said.

The board endorsed Mr. Zuken's view and granted the scholarship.

Orders-in-Council

Threaten

Your Citizenship!

● The joint opposition of an alert public and Parliament compelled the Government to re-draft Bill 15 and drop the infamous Clause "g."

● Despite this, the Government, flouting public and Parliament, resorted to Orders-in-Council to carry out its previous plan.

● The legality of the Orders-in-Council is being tested in the Supreme Court, and that is therefore not open to public discussion at present. But the principle underlying these Orders and the public policies based upon them demand your attention now.

● Clause "g" of Bill 15 threatened the liberty of every Canadian citizen, but its immediate purpose was to make legally possible the revocation of citizenship and the deportation of Canadian citizens of Japanese origin. When the clause was rejected by public and Parliament, the Government passed Orders-in-Council authorizing the very action which Parliament had refused to sanction.

● SUCH EFFRONTERY IS AN INSULT TO PARLIAMENT AND TO THE PEOPLE OF CANADA.

(2)

Order-in-Council re Deportation of Japanese

P.C. 7355

The preamble to this Order provokes comment.

It begins:

"Whereas during the course of the war with Japan certain Japanese nationals *manifested their sympathy with or support of Japan* by making requests for repatriation to Japan and otherwise;

"And whereas other persons of the Japanese race have requested or may request that they be sent to Japan;

"And whereas it is deemed desirable that provisions be made to deport the classes of persons referred to above;

"And whereas it is considered necessary *by reason of the war*, for the security, defence, peace, order and welfare of Canada, that provision be made accordingly. . . ."

Following the preamble, are the operative terms of the Order. It lists those categories of persons who can be sent to Japan:

(1) Every person 16 years of age or over, other than a Canadian national, who is a national of Japan resident in Canada and who, since December 8, 1941, has made a request for repatriation or who has been interned for any reason since the beginning of the war with Japan.

(2) Every naturalized Japanese, 16 years or over, living in Canada who has requested repatriation: *provided that he has not revoked his request in writing prior to midnight of September 1, 1945.*

(3) Every Canadian-born person of Japanese origin, 16 years or over who has requested "repatriation": *provided that he has not revoked in writing such request prior to the making by the Minister of an order for deportation.*

(4) "The wife and children under 16 years of age of any person for whom the Minister makes an order for deportation to Japan may be included in such order and deported with such person."

The remainder of the Order sets out in considerable detail the powers and duties of the Minister of Labor, in carrying out the deportations. In contrast one recalls Prime Minister King's speech in the House of Commons on August 4, 1944, and particularly this sentence:

"We must not permit in Canada the hateful doctrine of racialism which is the basis of the Nazi system everywhere."

These three Orders-in-Council are based solely on racial considerations.

Why were the "repatriation" forms signed? From a number of statutory declarations is selected a typical one which reads:

"Tashme, B.C.,
November 14, 1945.

"I, Kameo Kumano, do hereby submit the following statement: I was willing to go east but my wife is confined in the New Denver Sanatorium and at that time I was told to go east and work on a farm. I have three small children with no one to look after them. I refused to sign at first but Placement Officer Mr. E. F. Roberts threatened to cut me off the Department of Labor, Japanese Division, Payroll and also refused to give me maintenance. With no other alternative I had to sign for repatriation.

"This statement is given voluntarily and is true to the best of my knowledge and belief.
(Signed) "K. Kumano."

This Order and the other two which follow were dated "December 15, 1945"—more than four months after VJ-Day. The War Measures Act itself expired on December 31, 1945.

Hundreds of persons of various other nationalities have been interned in Canada during the war. None, as far as we know, have been deported because of being interned, nor has the government proposed to deport them.

Speaking in Parliament on December 17, 1945, the day the three Orders were tabled, Prime Minister King said:

"The circumstances of war and the peculiar character of the present problem require more expeditious and broader action than the present statutes allow. (Naturalization and Immigration Acts). But the Orders that have been passed to permit effective action raise no new principles, nor do they depart from any established principles."

Under what Canadian statute or established principle of law can the government deport to a foreign country the wife and Canadian-born children of a person, for no other reason than that they are his wife and children?

Order-in-Council Revoking Naturalization

P.C. 7356

The purpose of this Order is to revoke the citizenship of all persons deported under the previous Order. After a preamble of similar import to that of P.C. 7355, Sec. 1 reads:

(3)

"1. Any person who, being a British subject by naturalization under the Naturalization Act . . . is deported from Canada under the provisions of Order-in-Council P.C. 7355 of 15th December, 1945, shall, as and from the date upon which he leaves Canada in the course of such deportation, *cease to be either a British subject or a Canadian national.*"

It would be difficult to imagine anything more sinister than this Order which permits a person to be stripped of every citizenship right in the country of his birth or legal residence. Rights embodied in the constitution of the United States prevent this being done there, and even those persons deported are not deprived of their American citizenship.

Orders-in-Council re Commission to Inquire . . .

P.C. 7357

This Order starts out in similar vein to the two others. Part of its preamble reads:

"And whereas experience during the war in the administration of Order-in-Council P.C. 946 of February 5, 1943, providing for the control of persons of Japanese race has indicated the desirability of determining whether the conduct of such Japanese persons in time of war was such as to make the deportation of any of them desirable in the national interest. . . ."

The most suitable comment here is undoubtedly the statement made by Prime Minister King in the House of Commons on August 4, 1944:

"It is a fact that no person of Japanese race born in Canada has been charged with any act of sabotage or disloyalty during the years of war."

Nor has any evidence since been given of the need for such measures.

The Order states that "it is deemed advisable to make provision for the appointment of a Commission to institute the investigation referred to above," and proceeds to set forth its constitution and powers:

"1. A Commission consisting of three persons shall be appointed to make inquiry concerning the activities, loyalty and *the extent of co-operation with the Government* of Canada during the war of Japanese nationals and naturalized persons of Japanese race in Canada in cases where their *names are referred to the Commission by the Minister of Labor* for investigation with a view to recommending whether in the circumstances of any such case such person should be deported."

The proposed "loyalty tribunal" cast its shadow over the lives of persons of Japanese origin long before it was created, and became part of the pressure that made them sign for "repatriation." A notice sent out in March, 1945, by T. B. Pickersgill, Commissioner of Japanese placement, included this sentence:

"Failure to agree to re-settlement outside of British Columbia by those evacuated Japanese-Canadians not wanting to sign applications for voluntary repatriation to Japan may be regarded later by the proposed loyalty tribunal, when it is established, as evidence of lack of co-operation with the government of Canada."

Speaking in the House of Commons on Nov. 21, 1945, the Minister of Labor said:

"Let me say, with all the emphasis at my command, that no coercion was exercised in the taking of requests for repatriation from persons of the Japanese race."

The relevant question appears to be: What is coercion?

Clause 2 reads, in part:

" . . . the Commission may, at the request of the Minister of Labor, inquire into the case of any naturalized British subject of the Japanese race who has made a request for repatriation and which request is final under the said Order-in-Council and may make such recommendations with respect to such cases as it deems advisable."

It is significant that only the Minister has the right to institute action to refer cases to the Commission and he is not compelled to do so. Those who are to be deported have no recourse except to work upon the sympathies of the Minister. His own statement, given above, indicates his general attitude.

The foregoing is the gist of the three Orders-in-Council. In the House of Commons, on December 17 last, Prime Minister King referred to the difficulties of settling the Japanese-Canadian question, and summed up his view of the government's new Orders in these words:

"May I say that we have sought to deal with it (this problem) and in doing so we have followed the ancient precept of doing justly but also loving mercy, and the Orders-in-Council which I now table will give expression to that approach."

89

(4)

The Issues at Stake . . .

- The declared policy of the Prime Minister and the will of Parliament is set aside by Order-in-Council.
- Sufficient power already exists in the Statutes of Canada to revoke naturalization and deport persons under certain specified conditions.
- This policy would forcibly separate from their Canadian-born families, aliens who have been obedient to Canadian laws.
- If one group of Canadians can be singled out for deportation, is anyone safe?
- By these Orders-in-Council Canada adopts the hateful doctrine of racialism which threatens to destroy civilization.

We Must Act NOW . . .

- *Write or wire the Prime Minister and your member of Parliament protesting against Order-in-Council legislation; and urge that the civil rights of persons of Japanese origin be restored.*
- *Demand that every person whose name appears on the repatriation forms and who has asked for cancellation of his application for deportation be given opportunity to be heard, with counsel, before the loyalty Commission.*
- *Arrange public or group protest meetings in your district. Ask for speakers from the local Civil Liberties Union or other organizations which have taken up this cause.*
- *Help finance the TEST CASE now before the Supreme Court. Send your contributions to VANCOUVER CONSULTATIVE COUNCIL.*

This leaflet is issued by the Vancouver Consultative Council. ADDITIONAL COPIES may be obtained from the secretary, 1806 West 14th Avenue, Vancouver; or from the Co-operative Committee on Japanese-Canadians, 126 Eastbourne Avenue, Toronto; or from the Japanese Defence Committee, 504 Talbot Avenue, Winnipeg. Price: 12 copies for 50c; 100 copies for \$4.00.

The Anglican Church
and
The United Church of Canada

TASHME, B.C.



November 18, 1945.

Dear Fellow-Christians:

We, the Christians of Tashme, are taking the liberty of sending to you, copies of the petitions (one on behalf of themselves, and the other of their parents) sent to the Prime Minister of Canada by the Canadians of Japanese ancestry, living in Tashme, B.C.

You will see that the enclosed petitions ask for the cancellation of the forms signed by them earlier in the year. You will also see some of the reasons why they signed.

We are appealing to you, Fellow-Christians, children of the same Heavenly Father, for sympathy and understanding.

We feel strongly that it would materially help our cause, if as large a number of Church Organizations and Members as is possible were to send letters to the Prime Minister, supporting these petitions. Our whole future may depend upon it. Will you not help us in this matter? Time is very important and therefore we would appreciate it greatly if you could act immediately.

Yours in Christian fellowship,

THE CHRISTIANS OF TASHME.

THE ORDERS-IN-COUNCIL MUST BE RESCINDED BECAUSE THEY . . .

1. Provide for the exile of Canadian citizens, putting the value of citizenship into contempt.
2. Cancel naturalization without reason.
3. Are not now related to the war emergency.
4. Purport to be based on requests to be sent to Japan while evidence indicates that the requests were not voluntary.
5. Threaten the security of every minority in Canada, a land of minorities.
6. Cannot be enforced without grave injustice to innocent persons.
7. Constitute a violation of International Law.
8. Are based on racial discrimination, now defined as a crime against humanity by the International Military Tribunal.
9. Will imperil Canada's international relationships.
10. Are in direct contradiction to the United Nations Charter.

MEANWHILE . . .

Our Japanese Canadians are denied basic human rights. They are still subject to all the restrictions of Orders-in-Council passed under the War Measures Act though these have already been removed from other groups. Almost a year after the end of the war, Canadian citizens and nationals alike are denied freedom of movement and the right to purchase land and homes. No restitution has yet been made for the property of Japanese Canadians which was sold without the consent of the owners, and at ruinous prices.

Rehabilitation grants amount to the meagre sums of \$45-\$60 for an adult and \$15 for a child. (Grant allowed for going to Japan: \$200 for an adult and \$50 for a child.)

ACT NOW . . .

- (1) Write or wire the Prime Minister to abandon the Orders-in-Council authorizing deportation. Send a copy to your Federal Member.
 - a. Ask that any person against whom there is substantial proof of disloyalty be given a fair trial as provided in the Immigration and Naturalization Acts.
 - b. Ask that only those who now wish to go to Japan be sent.
 - c. Urge that all others be given full citizenship rights immediately.
- (2) Ask the Government to introduce an adequate rehabilitation programme including the following points:
 - a. Full compensation for the loss of property;
 - b. Adequate grants for re-establishment;
 - c. Rehabilitation training.
- (3) Co-operate with others in your community to protect the interests of Japanese Canadians and to provide for their welfare.
- (4) Help finance the Privy Council appeal.

Generous contributions from all over Canada enabled the Committee to meet all obligations involved in the Supreme Court case. Now it is necessary to appeal again to the generosity of all interested people.

Send contributions to the Treasurer, Miss Constance Chappell, 299 Queen St. W., Toronto, or to your local Co-operative Committee.

Issued by The Co-operative Committee on Japanese-Canadians,
April, 1946. 126 Eastbourne Ave., Toronto

2
To the Prime Minister of Canada,
And to Whom it May Concern:

We, the undersigned, born in Canada and naturalized Canadians of Japanese origin, having already appealed to the Prime Minister and those in authority to have "repatriation forms" obtained from us cancelled, do voluntarily attach our signatures to the following statement for the purpose of making clear the basis of our appeal and with the urgent request that our plea shall receive careful consideration.

We would point out the following facts in support of our appeal:

Conformance with the government regulations at the time of being required to make the declaration of application would have resulted in an immediate upheaval of our families, in many cases leaving old and sick folk on their own; and further an immediate loss of any economic security which we possessed.

Reports of pressure being placed upon individuals to sign and limited time to consider the matter carefully restricted our freedom of choice.

Certain persons were given reason by the authorities to believe that they could apply to have their "application" cancelled and it was generally believed by reason thereof by the undersigned that this course of action would be open to them.

It was in these circumstances and under these pressures that we signed the "repatriation" forms and not with any desire or intention of renouncing our Canadian citizenship and assuming the status of citizens of Japan. Had the choice been put to us in this way and the hope of cancellation been clearly absent, we would never have signed such declarations.

We whose names appear below have already asked for the cancellation of our declaration of intention to revoke our Canadian citizenship; we declare herewith our sincerity of purpose in requesting such cancellation together with our strong desire to enjoy the full privilege of Canadian citizenship, and at the same time declare our intention and readiness to fulfill all the duties and responsibilities pertaining thereto.

We beg to remain, Sirs,

YOUR PETITIONERS.

3
To the Prime Minister of Canada,
And to Whom it May Concern:

We, the undersigned, your recent petitioners requesting cancellation of "repatriation forms" made earlier this year, do hereby extend a joint petition on behalf of our parents and some others who have also asked for cancellation of repatriation forms signed by them, and we do this on the following considerations:

Whereas our parents as a group have shown characteristics common to immigrant groups of other races, clannishness, lack of facility in the use of the English language, failure to appreciate the customs and habits of the Canadian people and an anxiety to succeed in an economic sense, yet they have also sought consistently and continuously to have their children well educated after Canadian standards; they have appreciated highly the democratic way of life and have urged upon their children the full assumption of the obligations of citizenship.

And whereas many of them applying for cancellation have given most of their lives (many of them have been in Canada upwards of forty years and have never been in Japan since their first coming to Canada) in assisting in the building of the basic industries in B.C. (lumbering, fishing, and farming).

And whereas a number of them have signed repatriation forms, not because of any desire to go back to Japan, but because of their failure to understand the manner in which they have been treated and the insecurity and fear which they have suffered as instanced by the following incidents:

- (a) The sale of their property.
- (b) The declaration of the Government in P.C. 3213, Sec. 7, April 21, 1942, that all persons of Japanese race moved to other provinces from B.C. would be moved again at the close of the war.
- (c) Government and municipal restrictions on property ownership and business enterprise.
- (d) Family obligations and the responsibility for the maintenance of young children and infirm persons.
- (e) The failure of negotiations for work and residence in eastern Canada.

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- (f) Their own unfitness to do many forms of work offered to them in the east.
 - (g) The lack at the time of being required to move east or sign for Japan of any economic security for their families.

And whereas, we their children, being as we are their main hope of support for the future, and feeling strongly the natural ties of blood and affection, are faced with separation from them or exile from our native land, do hereby earnestly plead with you the Prime Minister of Canada and the people of Canada that these our parents be permitted to remain with us if they so desire, that we all may become useful citizens and residents of this our country.

We beg to remain, Sirs,

YOUR FAITHFUL PETITIONERS.



A Review Of Property Claims

By F.A. Brewin

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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

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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

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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,

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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 Shumatcher, Mr. George Tamaki and Mr. P. G. Maklaroff 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-

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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 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.

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