

TELEGRAM COPY

February 22, 1954.

Hon. John Pickersgill,
Secretary of State,
OTTAWA, CANADA.

As representative spokesmen wish to express appreciation
your extending cordial interview to Eikichi Kagetsu February
twelfth. Respectfully request favourable consideration by yourself
and colleagues in Government in matters relating to evacuation
losses by Canadian residents of Japanese ancestry.

Issaku Uchida
761 Dovercourt St.
TORONTO, ONT.

Takaichi Umezuki
Yoriki Iwasaki
Kunio Hidaka
Zentaro Shin
Tomogiro Kadonaga
Tsugou Mineoka
Shiosaku Ozawa
Liken Sumi

512 Brookdale Avenue,
Toronto, Ont.
February 28, 1954.

Senator Arthur Roebuck,
35 Inglewood Drive,
Toronto, Ont.

Dear Mr. Senator:

It was most kind of you to give us so much of your valuable time Saturday.

That same evening a citizen's meeting was held to discuss the Secretary of State's remarks to us in Ottawa. This meeting was sponsored by a local chapter of the Japanese Canadian Citizen's Association. The meeting was deeply concerned about guarding against any feeling of Canadians that because of a Royal Commission injustices to Japanese Canadians had now been corrected; or that as a group we were so docile as to submit to harsh injustices with meek oriental surrender. The meeting organized the Evacuation Losses Compensation Committee with Issaku Uchida as chairman. The burdens of an executive sub-committee fell on me.

The above JCCA made some announcements which lead us to believe that Mr. Pickersgill is tending to withdraw from his noble stand of February 12th, the date of the interview. It seems that individually he has broached the subject to a few Ministers with a negative response. Someone, moreover, has brought his attention to a letter of Mr. St. Laurent to Mr. James Finlay conveying the view that the Government felt further retribution unnecessary. Mr. Pickersgill's offer to consult the Cabinet about a review of all cases was somewhat impetuous, it now appears. Assuming that it was sincere, I would commend him the more for the offer, however.

Developments, then, point to reluctance not in Mr. Pickersgill but in other ranks of the Cabinet, and (I know from good source) in the Deputy Minister who advises Mr. Pickersgill.

My own conclusions are that The Prime Minister and his Cabinet have not had the facts properly brought before them. In short, top civil servants, having administered the injustices, subsequently have reported to their Ministers this matter with ample bias. Despite the fact that we have been victims of racial prejudice many times, I can reconcile the injustices in no other way. May God help me when the day comes that I have no faith in the integrity of the men who constitute our highest governing authority.

Page 2. Senator Roebuck

CONTINENTAL FAMILY CO-OPERATIVE

IMPORTERS AND EXPORTERS

~~Needless to say the~~ ~~TORONTO, ONTARIO~~ still remain (as do the civil servants) that bring about justice certain channels have been established. Alas, through these channels we have already spent many years pleading for wrongs to be righted. Senator, more than hearing aids for deaf ears, Ottawa needs open hearts.

~~On behalf of our newly formed organization, my father, and myself~~ will you give us a new spark of hope?

Trusting Mrs. Roebuck is much better,

Yours sincerely,

Haj Kagetsu.

8 Mountview Avenue,
Toronto 9, Ont.
March 5, 1954.

Senator Arthur Roebuck,
The Senate,
OTTAWA, CANADA.

Dear Mr. Senator:

As you know my father for one, has weighty new evidence not available at the time to the Bird Commission. These Gov. scale figures may be discounted for any reasonable factors but still do not begin to reconcile the disparity between the actual volume and the awarded volume. The only conclusion that can be drawn is that the Commissioner erred.

Would they not reopen the case had this been a matter of the civil courts on the strength of tangible new evidence?

The Department of the Secretary of State has rejected the new evidence on the patently irrelevant grounds that the business was not a going concern, a contention which in itself conflicts with the Commissioner's finding.

To deny review can only be founded on:-

- a) The defendant of a case has powers of a tribunal in assessing the significance of new evidence.
- b) The false premise that one judicial mind is infallible.
- c) The object of the Government was not full and just compensation but merely a limited ex gratia adjustment for losses.

This is a slur not only on the rights of a minority group, but on the sincerity of the Prime Minister himself, who this very moment is promoting fairness and brotherhood. And, above all, this is an insult to the intelligence of all Canadians.

On behalf of the Evacuation Losses Compensation Committee I have appealed to the Minister of Justice to ~~make~~ a tribunal available with powers to:- a) assess new evidence and otherwise accept or reject individual appeals; and, b) to review those cases which warrant reopening.

So far the Government has remained adamant on the basis that members in authority feel that the awards were fair. Not only feelings but they surely must have deep rooted convictions on matters of rights and morals?

Sincerely yours,

H. Kagetsu.

512 Brookdale Avenue,
Toronto, Ont.
March 1, 1954.

The Hon. John Pickersgill,
Secretary of State,
OTTAWA, Can.

My dear Mr. Secretary:

We, a citizens' committee of Japanese Canadians in the Toronto Area, are deeply concerned with the inadequate compensations awarded for evacuation losses during the last war; and with the policy of adjustment which entirely precluded appeals.

The Royal Commission proved that property had been liquidated at low prices and contradicted the views of many sincere Canadians. Likewise, we are convinced that, if given the opportunity, many claimants can prove that the Royal Commission also had erred to some degree. We feel that to deny claimants a tribunal for appeals is to deny them a course to justice.

We remain confident of the high integrity and competence of those in authority, but recognize that man is not infallible however worthy may his objectives be.

Our organization most respectfully urge the Government to afford Japanese Canadian evacuees a recourse to review of their cases.

Sincerely yours,

H. Kagetsu
EVACUATION LOSSES
COMPENSATION COMMITTEE.

768 CRAWFORD STREET

TELEPHONE LAKESIDE 1286

CONTINENTAL FAMILY CO-OPERATIVE

IMPORTERS AND EXPORTERS

TORONTO, ONTARIO



THE SECRETARY OF STATE OF CANADA

Ottawa, March 4, 1954.

Dear Mr. Kagetsu,

I acknowledge receipt of your letter of the 1st instant.

As I think you already know, the Government has very recently reaffirmed its stand that the claims of Japanese-Canadians which were submitted to the Bird Commission are not to be re-examined and that the awards of the Commission are not to be reviewed. This was stated in the letter which my Deputy wrote under date of the 25th ultimo to Mr. J. C. Osborne, Ottawa Solicitor for Mr. E. Kagetsu, and a copy of which I am told Mr. Osborne sent to Mr. E. Kagetsu. I may add for your information that on the 25th ultimo I myself wrote to the same effect to Mr. A. J. P. Cameron, M.P., and made reference to the letter written on August 3, 1950 by the Prime Minister to Reverend James M. Finlay, Chairman of the Co-operative Committee on Japanese Canadians, in which the Prime Minister stated:

"In carrying out the recommendations of Mr. Justice Bird we feel we have discharged our obligations both to those most directly affected and to the general public".

Yours sincerely,

H. Kagetsu, Esq.,
512 Brookdale Avenue,
Toronto, Ontario.

512 Brookdale Avenue,
Toronto, Ontario.
March 6, 1954.

The Hon. John W. Pickersgill,
The Secretary of State,
Ottawa, Canada.

Dear Mr. Secretary:

This is to acknowledge with sincere thanks your informative reply of the 4th instant.

Our Committee was of the opinion that the Prime Minister's letter to Rev. James M. Finlay was in reply for retribution in spheres other than what was probed into by the Bird Commission. We have been fully cognizant of the Government's position in that regard.

Our communication, it was felt, was relevant to the Government's carrying out the recommendations of Mr. Justice Bird. The Commissioner's sentiments and, above all, those of the Government's were and are, no doubt for fair compensation. With the greatest respect to all, therefore, our Committee has already requested the Minister of Justice to make a tribunal available with the main objective of assessing any new evidence which will contribute to matters of the Bird Commission.

We most respectfully request your subscribing to such a tribunal.

Sincerely yours,

H. Kagetsu,
EVACUATION LOSSES
COMPENSATION COMMITTEE.

8 Mountview Avenue,
Toronto, Ont.
March 13, 1954.

The Hon. Senator Arthur Roebuck,
The Senate,
Ottawa, Canada.

Dear Mr. Senator:

We were in Ottawa last week and regret not seeing you there. Knowing your tragic circumstances, we rather expected to find you away.

Your duties must now be all the more heavy so that our wish is not to unduely impose upon you, rather, to post you on events.

We were in the Custodian's Office on the eleventh, where we felt an atmosphere of coercion. Our counsel attended but his circumstances are such that he could not support us. Consequently, the following day we sent the enclosed letter to the Under Secretary of State, agreeing to accept their settlement with protest and without prejudice to the case, obviously written by us and not by counsel.

Needless to add, we are yet only in the midst of our fight. Like our wars, those that are morally on the right have the spiritual advantage. Win or lose, the inward satisfaction one gets in fighting principles thought to be wrong, is something even the Government cannot deny us. I am sure you know that feeling well, as does Mr. Angus MacInnis who also has been helping us.

Sincerely yours,

H. Kagetsu.

O Mountview Avenue,
Toronto, Ont.
March 13, 1954.

The Hon. Senator Arthur Roebuck,
The Senate,
Ottawa, Canada.

Dear Mr. Senator:

We were in Ottawa last week but regret that we missed you. Of course, we fully sympathize with your tragic circumstances, so rather did not expect you in Ottawa.

We are sure your duties must now be all the more heavy. Our wish, therefore, is not to unduly impose upon you.

We were in the Custodian's Office on the eleventh, where we felt quite coerced. Unfortunately, circumstances with our counsel are such that he could not give us any moral support even though he was present.

8 Mountview Avenue,
Toronto, Ontario.
March 16, 1954.

The Rt.Hon. Louis St. Laurent,
The Prime Minister,
Ottawa, Canada.

Dear Mr. Prime Minister:

The Bird Commission was unique in the history of Canadian jurisprudence, in that inquiries involved the valuation of many different sorts of properties, lost to a large group of Canadian residents, scattered over the whole of Canada. To the complications were added other factors including the changing domestic market conditions during war years. By overcoming numerous unprecedented difficulties, Mr. Justice Irvine Bird merits the notable credit of having accomplished a stupendous task. However, so unique and so great was his task, that much doubt has remained in the minds of Canadians as to the adequacy of his recommendations. Records of the volume of certain timber since logged, for example, seem to confirm that there was indeed room for apprehension.

Consequently, Japanese Canadians have been prompted to appeal to the Secretary of State and to the Minister of Justice for another tribunal to carry out conclusively the work of Mr. Justice Bird, and the sentiments both of the Government and of the Royal Commission.

Peoples in foreign lands needed your reassurance, so we are glad of your recent utterances. Japanese Canadians of course have never waived in their faith. We have always firmly believed that the object of the Government has been and will be for the fairest treatment possible to all.

Our organization most respectfully request you and your Ministers to act favourably on this matter.

Sincerely yours,

H. Kagetsu,
EVACUATION LOSSES
COMPENSATION COMMITTEE.



MINISTER OF JUSTICE AND
ATTORNEY GENERAL OF CANADA

O t t a w a ,
March 23rd, 1954.

Dear Mr. Kagetsu, -

I have consulted with my colleague, the Secretary of State, about your letter of March 4th, and Mr. Pickersgill tells me that he wrote to you on that same date, indicating that, in accordance with his undertaking to you, he had brought before the Government the question of having a further review of all claims of Japanese Canadians which had been considered by the Bird Commission.

As he told you, the Government is not willing to re-open this question, and reaffirmed the position taken by the Prime Minister in 1950 that, in carrying out the recommendations of Mr. Justice Bird, it was felt the Government had discharged its obligations, both to those most directly affected and to the general public.

Yours sincerely,

H. Kagetsu, Esq.,
Evacuation Losses Compensation Committee,
8 Mountview Avenue,
TORONTO 9, Ontario.

March 25, 1954.

The Rt. Hon. Louis St. Laurent,
The Prime Minister,
Ottawa, Canada.

Dear Mr. Prime Minister:

This is further to our letter to you of March 16th and relates to the Bird Commission.

We are now in receipt of a letter from the Minister of Justice advising us that the position of the Government is that there will be no general review of evacuation claims. We are given to understand that this position is the result of your letter, dated August 3rd, 1950, to Reverend James M. Finlay, Chairman of the Co-operative Committee on Japanese Canadians.

With the greatest of respect, our opinion is that in requesting a tribunal to adjudicate appeals, there is no conflict with that letter. We wish to clarify that the plea of our organization is now, that may those claimants who have sufficient grounds for an appeal be given a recourse to present their cases, not to reverse the judgements of Mr. Justice Bird but to add and modify his findings made under such unprecedented circumstances; thereby making the Government's compensations conclusively just.

We respectfully submit that among the dissatisfied claimants is one involved logging operations. The very evidence made full use of by the Commissioner, being the British Columbia Government scale records of timber actually cut from specific areas, can now be supplemented with subsequent figures. After subtracting the same percentage of discount as the Commissioner, the margin of excess over the volume allowed is so great that it seems only one conclusion can be drawn, namely, that the Commissioner's estimate of standing timber was inaccurate. Yet, much more timber can still be accounted for on the areas concerned. It is most regrettable that in 1948 the Commissioner did not have available these figures then non-existent. The figures constitute weighty new evidence, in our opinion.

Page 2. The Rt. Hon. Louis St. Laurent, March 25, 1954.
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We fully appreciate the Government's taking full
share cost of custodianship. However, we respectfully submit that
certain claimants had to bear the entire cost of liquidation,
which resulted in unusually heavy losses to some.

For your esteemed consideration of our request, we
tender but these few points.

Sincerely yours,

EVACUATION LOSSES COMPENSATION COMMITTEE

H. Kagetsu.



THE SECRETARY OF STATE OF CANADA

Ottawa, March 25th, 1954.

H. Kagetsu, Esq.,
Evacuation Losses Compensation Committee,
8 Mountview Avenue,
Toronto 9, Ontario.

Dear Mr. Kagetsu:

You will already have received a letter, dated March the 23rd, from the Minister of Justice. I do not think there is anything I can add to what Mr. Garson has told you in this letter.

Yours sincerely,


(J.W. Pickersgill)



O t t a w a, (4),
March 30, 1954.

H. Kagetsu, Esq.,
Evacuation Losses Compensation Committee,
8 Mountview Avenue,
Toronto 9, Ontario.

Dear Mr. Kagetsu:

The Prime Minister has directed me to acknowledge the receipt of your letters of March 16 and March 25, in which you suggest that a review be made of the claims of Japanese Canadians which have been considered by the Bird Commission.

Mr. St-Laurent wishes me to assure you that your suggestion has received careful consideration by his colleagues and himself. He understands that you have already received the results of that consideration in letters from his colleagues, the Minister of Justice and the Secretary of State dated March 23 and March 4 respectively, and he does not feel that he can elaborate on the government's position as outlined in those letters.

Yours sincerely,

J. S. Cross,
Secretary.

THE SENATE



CANADA

6 April 1954

Dear Mr Kagetsu

Congratulations
on reaching some settlement
\$57,800 is not all you claimed
but it is something and, as
I understand it, settles the
matter permanently. I
am delighted you have
been given something, for

having no right
action for have been
depending solely on the
conscience & good will
of the Government. It
might well have been
nothing, so

Congratulations
faithfully
W. K. Allen

512 Brookdale Avenue,
Toronto, Ont.
April 9, 1954.

The Hon. Senator Arthur Roebuck,
The Senate,
Ottawa, Canada.

Dear Mr. Senator:

Thank you for your card of April 6th.

Your congratulations is really appreciated but I am afraid our private battle with the Department of the Secretary of State, and the battle of Japanese Canadians over the recent issue of civil rights and moral principals went down in defeat right down the line. The recommendations of Chief Justice Bird are to stand and the Government has ruled that there will be no exceptions and no appeals.

As you know we had the choice of no award at all, on the one hand, or an unconditional settlement, on the other. The latter was an offer made by the former Secretary of State on which we failed to gain any increase. With such a choice one has little alternative but to sell their unconditional release to the Government. Whether the matter involves half a million dollars lost, as my father's did; or five hundred dollars lost, the part that hurts is not the injury but the insult. Japanese Canadians had to sign a "bill of sale" which releases the Government from all embracing matters done or not done. To sign releases for matters which fell within the terms of reference of the Bird Commission would be reasonable. But we believe an unconditional release

BIRD COMMISSION HAS ERRED!

Long before the war with Japan, certain Canadians had been victims of racial discriminations. The outbreak of war caused some 23,000 of these citizens to be forcibly uprooted from their homes on very short notice. This was for purposes of security, although the Prime Minister said they were "guilty of no crime or even of any ill intention." All property that could not be carried away by the evacuees had to be hurriedly placed in custody of various authorities. Subsequently, the Department of the Secretary of State adopted a policy, not of custodianship but of mass liquidation.

In 1947, thanks to the efforts of the Co-operative Committee on Japanese Canadians, other groups and individuals, the Government finally authorized Mr. Justice Henry Bird to act as a Royal Commission. His duties were to probe into, not all forms of losses but only those where the fair market value could be shown to exceed the sale price. Broader terms of reference were refused. At the hearings before the Commissioner the arguments of the claimants were rebutted by Custodian's counsel.

By 1950, the Bird Commission had proved that property of claimants including war veterans, had been sold at great undervaluation. This revealed the inaccuracy of the opinions held by many sincere Canadians.

The counsel for the Co-operative Committee said, " There have been inquiries into the value of very extensive properties by judicial commissions....Never before, however, has it been necessary to inquire into the value of many different sorts of properties lost to a large group of Canadian residents scattered over the whole of Canada." This was unique in the history of Canadian jurisprudence, yet the Government placed this gigantic task on the shoulders of one man. There were close to three thousand claimants involved, about ten thousand exhibits, and well in excess of twenty-five thousand pages of evidence. No matter how competent, this task was well nigh impossible for one judicial mind. Thus, glaring evidences of error have since become apparent.

For example, one claimant who owned timber limits, can at this date prove that twice the volume of timber existed than was allowed by the Commissioner. Unshakable B.C. Government Scale Records of timber actually removed from his limits from the date of sale to the present, is weighty new evidence, not available in 1948 to the Commissioner. The logging of these limits still continues. The Under Secretary of State has rejected this new evidence on the patently irrelevant grounds that the claimants management was inefficient, which contention conflicts with the Commissioner's findings. Factors such as closer utilization fail entirely to reconcile the wide disparity. But a review has been demanded. \$1.50 an acre for vast lands, \$1,000 for 41 housing units are further examples of erroneous valuation by the Commissioner.

It would appear that the Government's behavior towards certain Canadians in 1954 is not unlike war years. The above attitude can only be founded on: (a) The defendant of a case has powers of a tribunal to reject new evidence; (b) The false premise that one judicial mind is infallible; (c) The object of the Government was not full and just compensation but merely a rough limited adjustment for losses.

A new tribunal to assess new evidence and to study appeals is more than indicated. To you legislators with shining records of protecting human rights, this appeal is being sent to respectfully solicit active support.

from matters on which compensation was refused, is quite unfair. For example, from my father's accounts were deducted in the aggregate over \$20,000.00 for liquidation expenses, not to mention other sizable losses, of this sort.

However, my concern now is with the future. Senator, it seems to me that unless the powers of the Custodian are curbed past injustices will again be repeated, not on Japanese Canadians, but on some other unfortunate individual or group. Consider for example their policy of paying all bills with few questions asked; and avoiding the chores of a collector for accounts receivables.

It is safe for the Custodian but ever so unsound.

The price of this great country of ours is constant vigilance, it is said. Thank God, I am now fully alive to the meaning of such a statement.

Of course we all know the answer to which has the greater peace of mind between the unjust and the unjustly treated.

Despite the lack of our success, we are no less grateful for all your kind efforts for which we thank you most sincerely.

Very truly yours,

H. Kagetsu.

BIRD COMMISSION HAS ERRED!

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For example, one claimant who owned timber limits, can at this date prove that twice the volume of timber existed than was allowed by the Commissioner. Unshakable B.C. Government Scale Records of timber actually removed from his limits from the date of sale to the present, is weighty new evidence, not available in 1948 to the Commissioner. The logging of these limits still continues. The Under Secretary of State has rejected this new evidence on the patently irrelevant grounds that the claimants management was inefficient, which contention conflicts with the Commissioner's findings. Factors such as closer utilization fail entirely to reconcile the wide disparity. But a review has been denied. \$1.50 an acre for vast lands, \$1,000 for 41 housing units are further examples of erroneous valuation by the Commissioner.

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A new tribunal to assess new evidence and to study appeals is more than indicated. To you legislators with shining records of protecting human rights, this appeal is being sent to respectfully solicit active support.



MINISTER OF JUSTICE AND
ATTORNEY GENERAL OF CANADA

Ottawa, Canada,
May 25th, 1950.

Dear Mr. Macnaughton:

I have for acknowledgment your letter of May 23rd in which you enquire as to the likely date of the publication of the Report of the Japanese Property Claims Commission.

I fully appreciate the anxiety of Mr. Kagetsu and others of Japanese origin who find themselves similarly situated but at the moment I can add nothing more definite to the statement which I made in the House of Commons on May 10th last to the effect that the report has been received and is being considered. You may assure Mr. Kagetsu that it is the desire of the government to dispose of this matter with the least possible delay.

Yours sincerely,

Alan A. Macnaughton, Esq., M.P.,
Room 575, House of Commons,
O T T A W A.



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