

Japanese in Canada  
(276)

n.d., 1938,  
1941-1948



Memorandum for the Prime Minister:

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Re: Policy Concerning Japanese  
in Canada

A few days ago you asked me to collect the clippings of newspaper reaction to the recent announcement of government policy concerning the Japanese, and also to send forward copies of the orders in council that have been continued in effect.

-- The attached clippings are those that have been received thus far. In substance the reactions fall into two groups: those approving the government policy, and those criticising the government policy as not going far enough toward the total removal of discrimination. No newspaper items, nor any letters have yet been received suggesting that the original policy of deportation should have been retained. The most critical newspaper comments thus far are those of the Toronto Star, the Montreal Star, the Calgary Herald, and the Toronto Globe and Mail, all of which condemn particularly the retention of movement control.

Apart from the orders in council authorizing the continued administration of property vested in the Custodian, the two orders in council continuing in effect are P.C. 251 of 1942 and P.C. 946 of 1943 (the latter having been amended extensively last week). P.C. 251 provides that no fishing licences, nor any permits to serve on fishing vessels shall be issued to persons of Japanese racial origin "in or off British Columbia". P.C. 946, as amended, authorizes the Minister of Labour to pass regulations to prevent the movement of persons of Japanese origin except under permit issued by the Minister. The intention is to have both of these orders continued in the schedule to the new Transitional Powers Act.

February 1, 1947.

R. G. R.

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



Prime Minister's Office

Press Release

January 24, 1947

The Prime Minister, Mr. Mackenzie King, announced today that the government has decided that it is unnecessary to continue in force orders in council permitting as an emergency measure the deportation from Canada of persons of Japanese origin. Assistance will, however, be continued for voluntary departure from Canada.

In making his announcement, the Prime Minister issued the following statement:

The decision of the government respecting certain orders in council relating to persons of Japanese origin in Canada marks the substantial completion of a program contained in the statement I made in the House of Commons on August 4, 1944. At that time I indicated the following "tentative measures" which the government proposed to put into effect:

- (a) Separation of the loyal from the disloyal among the persons of Japanese origin in Canada, and the removal from Canada of those who were disloyal;

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



- (b) Provisions to enable those loyal to Canada to remain and be treated "fairly and justly"; and
- (c) Settlement throughout Canada, rather than exclusively in British Columbia, of persons of Japanese origin remaining in the country.

Under the provisions for assisted movement from Canada which the government put into effect, the separation of those whose continued presence would be undesirable in Canada has been accomplished on a voluntary basis. Nearly 4,000 persons of Japanese origin have now left Canada and returned to Japan. Among these were the Japanese whose deportation would have been necessary had they not gone voluntarily. Accordingly the provisions of the Order in Council (P.C. 7355 of December 15, 1945) permitting deportation as an emergency measure have been repealed. In view of the government's decision it is no longer necessary to continue the authority given by the Order in Council (P.C. 7357 of December 15, 1945) authorizing the establishment of a special commission to investigate the loyalty of persons of Japanese origin. That order, therefore, has also been repealed.

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



The government is retaining the authority to provide free passage and financial assistance to persons of Japanese origin wishing to move to Japan on a voluntary basis. The Order in Council (P.C. 7356 of December 15, 1945) respecting the revocation of the Canadian status of naturalized persons of Japanese origin who leave Canada, has also been repealed. This repeal will not, of course, restore the Canadian status of persons who have already lost such status.

[ With respect to the property of persons of Japanese origin who were removed from the Pacific coast, and whose property was sold by the Custodian, the government is of the opinion that the sales were made at a fair price. In all cases a complete appraisal was made before disposition. The total of the prices secured is greater in aggregate than the total appraisal value. To ensure, however, the fair treatment promised in 1944, the government is prepared in cases where it can be shown that a sale was made at less than a fair market value to remedy the injustice. ]

Of 20,558 persons of Japanese origin now in Canada, there are fewer than 1700 who have not as yet settled in new homes and employment. Of these

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



1700, a large proportion are aged persons, invalids, or persons otherwise unemployable. These persons are still in government relocation centres.

In 1941, out of a total population of 23,149 persons of Japanese origin, 22,096 resided in British Columbia; only 1,153 resided in all the rest of Canada. On December 31, 1946, the total had decreased to 20,558. Of this number only 6,776 were in British Columbia; while 13,782 now live in other parts of Canada. Since 1941 the population of British Columbia of Japanese origin has declined by 15,320 - or approximately two-thirds. In addition, the pre-war concentration on the coast has been eliminated.

To assist in the resettlement of persons of Japanese origin the government provided free transportation to new locations in Canada, gave financial assistance in resettlement, and, through the Department of Labour, assisted in securing suitable employment outside British Columbia.

To ensure the success of the resettlement, the government has decided to continue the restrictions on movement which are at present in effect. The provision respecting fishing licences which applies

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



to persons of Japanese origin will also be continued.  
All other Orders in Council and special controls  
respecting persons of Japanese origin, other than  
those necessary to complete the administration of  
assets already vested in the Custodian, have been  
revoked.

A.D.P. Heeney,

Clerk of the Privy Council.



Order in Council amending P.C. 7355  
re deportation of Japanese

P.C. 268

AT THE GOVERNMENT HOUSE AT OTTAWA  
THURSDAY, the 23rd day of JANUARY, 1947.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL --

His Excellency the Governor General in Council, on the recommendation of the Minister of Labour and under the authority of The National Emergency Transitional Powers Act, 1945, is pleased to amend Order in Council P.C. 7355 of December 15, 1945, (re deportation of Japanese) and it is hereby amended as follows:

1. Paragraphs (a) and (b) of section one are revoked.
2. Sections two to five, inclusive, are revoked.
3. Subsection one of section six is amended by striking out therefrom the words "for whom an order for deportation is made, or" and the words "without the issue of such an order"; and from paragraph (a) thereof the words "at or immediately prior to the time of his deportation from Canada" and from paragraph (b) thereof the words "following upon his deportation" and in paragraph (c) thereof the words "at the time of his deportation".
4. Subsection two of section six is amended by striking out therefrom the words "who has been deported to Japan or" and the words "without the issue of an order for deportation" and by deleting the word "deportation" where it appears in the phrase "as of the date of deportation" and substituting the word "departure from Canada".
5. Subsection one of section seven is amended by striking out therefrom the words "who is being deported to Japan or" and the words "without the issue of an order for deportation".
6. Section eight is amended by revoking subsections two and three thereof.
7. Sections nine to twelve, inclusive, are revoked.

A.D.P. Heeney,

Clerk of the Privy Council.



Order in Council revoking several Orders re Japanese

P.C. 269

AT THE GOVERNMENT HOUSE AT OTTAWA  
THURSDAY, the 23rd day of JANUARY, 1947.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, on the recommendation of the Minister of Labour and under the authority of The National Emergency Transitional Powers Act, 1945, is pleased to revoke and doth hereby revoke the following Orders in Council:

<u>No. and date</u>	<u>Subject</u>
9760, Dec. 16, 1941	registration of Japanese
9761, Dec. 16, 1941	control of vessels operated by persons of the Japanese race
1348, Feb. 19, 1942 as amended	establishment of Work Camps
10773, Nov. 26, 1942	revocation of naturalization of persons repatriated to enemy states
7356, Dec. 15, 1945	deportees in pursuance of P.C. 7355 to cease to be British subjects or Canadian Nationals
7357, Dec. 15, 1945	Commission of Inquiry into activities, loyalty, etc. of Japanese.

A.D.P. Heeney,

Clerk of the Privy Council.



Order in Council amending P.C. 946 re placement,  
control etc. of persons of the Japanese race.

P.C. 270

AT THE GOVERNMENT HOUSE AT OTTAWA  
THURSDAY, the 23rd day of JANUARY, 1947.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council,  
on the recommendation of the Minister of Labour and  
under the authority of The National Emergency Transitional  
Powers Act, 1945, is pleased to amend Order in Council  
P.C. 946 dated February 5, 1943, (re placement, control  
and maintenance of persons of the Japanese race), and it  
is hereby amended as follows:

1. Paragraph (a) of subsection (1) of section  
one is revoked.
2. Paragraphs (i) and (v) of subsection (1) of  
section three are revoked.
3. Paragraph (viii) of subsection (1) of section  
three is amended,

(a) by striking out the words "the  
conduct, activities or discipline  
of" where they appear therein;

(b) by striking out the words "and  
may by order" where they appear  
therein and substituting therefor  
the word "to"; and

(c) by striking out the words

"from engaging in any activities,  
employment or business or in  
any specified activities,  
employment or business in Canada"

and the words

"or from associating or com-  
municating with any persons"

where they appear therein and by  
inserting the word "or" before the  
words "from residing" where they  
appear therein.

4. Sections three A and three B are revoked.
5. Section nine is revoked.

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6. Section ten is amended by striking out the following words where they appear therein:

"and any such agreement may provide that any such persons will be removed from such Province upon the termination of the state of war now existing between Canada and Japan".

7. Sections eleven, twelve and fifteen are revoked.

8. Section sixteen is amended by striking out the following words where they appear therein:

"to carry out measures deemed necessary in consequence of the existence of a state of war" and substituting the words "for such purposes".

9. Section seventeen is revoked.

A.D.P. Heeney

Clerk of the Privy Council.

fairly and justly"; and

(c) Settlement of the Japanese remaining



Order in Council amending two Orders re Japanese.

P.C. 271

AT THE GOVERNMENT HOUSE AT OTTAWA  
THURSDAY, the 23rd day of JANUARY, 1947.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General  
in Council, on the recommendation of the Secretary  
of State and under the authority of the National  
Emergency Transitional Powers Act, 1945, is  
pleased to order as follows:

1. Order in Council P.C. 6247 of July 20,  
1942, (re Japanese-owned fishing vessels)  
is hereby revoked.
2. The preamble of Order in Council P.C. 469  
of January 19, 1943 (transferring to the  
Custodian property of persons of the  
Japanese race evacuated from protected  
areas) is hereby revoked except the fifth  
and sixth paragraphs thereof.
3. The operative portion of the said Order in  
Council P.C. 469 is hereby revoked other  
than the last paragraph thereof, commencing  
"Wherever, under Orders in Council...

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



D R A F T

Ottawa, 9th January, 1947.

Personal

A. H. Brown, Esq.,  
Department of Labour,  
O t t a w a.

Dear Mr. Brown:

I am returning herewith the draft report on Japanese Administration of December 31, 1946, which you sent me yesterday.

It seems to me that the approach taken in the report is good and should be quite helpful. As you say, one of the difficulties is to achieve a ready adaptation to probable future decisions in policy. In this connection I wonder if it might not be well to hold the report up somewhat and try to adapt it and complete it to take into account the policy decisions that will probably be made within the next week or two. If it is decided, as seems probable, not to have any deportations, it might be well to give further emphasis to the point that many of the undesirables have gone voluntarily under the movement that has taken place thus far. This would meet the second point in the Prime Minister's statement as outlined on page 6 of the report. In addition, if there is any decision to allow most of the controls on the Japanese in Canada to lapse, it might be well to be able to make this point. I can readily see that you would not wish to withhold the report too long as it would probably be most helpful in preparing the way for whatever statement is made in the House by Mr. Mitchell. It might, however, be possible to achieve the best of both worlds if decisions on policy are taken in the near future if any announcement is withheld for a few weeks.



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With regard to specific points in the report, there are very few that I have to mention. On page 14 it is stated that the R.C.M.P. received written instructions as to their duties in the surveys on repatriation. If a copy of such written instructions could, by any chance, be included in the appended documents, I think it would be extremely useful to help meet the charges of pressure and so forth. On page 19 it is stated that the Supreme Court held the three Orders in Council "to be intra vires in part". To anyone who is not acquainted with the judgments, I think the impression might be conveyed that the major portion of the Orders was not held to be intra vires. It might be better to rephrase this to read "to be intra vires with the exception of the provision covering the deportation of wives and children of persons would indicate a desire to go to Japan" -- or something of that sort. Also on this page in line 18 it is most important to rephrase the sentence so as to state that the announcement was by the Prime Minister and not "from the Prime Minister's Office". The Prime Minister would certainly take exception to the present drafting. On page 23 the first complete paragraph seems a bit obscure to me. On page 25 I am a little bit doubtful whether the word "relocee", about the middle of the page, should be used. I doubt if Oxford gives it the benefit of sanction and perhaps it should not be used in an official report.

In Appendix A, Table 4(a), I would suggest that it would be desirable to make more clearly the point that practically no requests for revocation were received up to the termination of hostilities with Japan. The date "August 31, 1945" may be obscure in its significance to someone reading the Table casually. I would suggest that a new set of columns be put in the Table itself to show requests as of August 31st, and that a footnote be put in stating that August 31st was the date when hostilities ended. I think the point is an important one and it would do no harm to emphasize it.

I do not know whether you will agree with the above points, but I hope they may be of some help in preparing the report, which, I think, should be extremely useful. It really indicates that a very good piece of work has been done in removing a sore problem.

Yours sincerely,

(R. G. Robertson),  
Secretary.

RGR:McK



Minister's Office



Ottawa, Ontario.  
~~December 31, 1946.~~  
JANUARY 8, 1947

Mr. R. G. Robertson,  
Office of the Prime Minister,  
East Block,  
Parliament Buildings,  
O t t a w a.

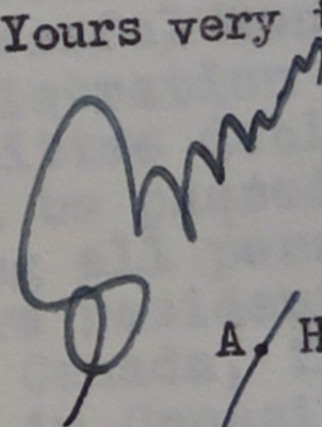
Dear Mr. Robertson:

Re: Japanese Administration

I am enclosing a draft copy of a report on Japanese Administration to the 31st of December, 1946, which in final form it is proposed to put into print at a relatively early date.

I would like to have the benefit of your comments on the report, firstly, from the point of view of the general approach contained therein, and, secondly, with respect to the content itself. One of the difficulties in treatment is to reconcile this with a final decision at this time not to proceed with further deportation.

Yours very truly,

  
A. H. Brown.

Encl.

"fairly and justly"; and

(c) Settlement of the Japanese remaining



MEMORANDUM FOR THE PRIME MINISTER

As you asked me to keep in touch with developments related to the position of Asiatics in this country, you may wish to have a brief report on the developments last week in the Cabinet committees on Immigration and on the Japanese, which I attended.

The committee on Immigration decided to recommend to Cabinet that the Chinese Immigration Act of 1923 be repealed at the forthcoming session and that provisions be made by Order in Council under the Immigration Act to enable the wives and unmarried children under 18 years of age of Asiatics who are Canadian citizens to be admitted to Canada. It is felt that these two steps will substantially meet the complaints with regard to discrimination for the time being.

With the repeal of the Chinese Immigration Act, an important problem of administration arises which will require further action. This problem is connected with the difficulty of identifying Chinese persons so as to be sure of the actual identity of people admitted to Canada. Under the present Act, registration of outgoing Chinese is required, and they cannot return if they have not so registered. The Immigration Branch feels that this registration is essential to a successful control policy. In order to provide for registration without specific discrimination, the committee decided to recommend that an Order in Council be passed under the general Immigration Act requiring all persons other than Canadian citizens who are resident in Canada to register before leaving Canada, if they wish to return. A second Order in Council, it was felt, should then be passed exempting from the provisions of the above such nationalities as provided no complications with regard to identity. The probable result

- (b) Provisions to enable Japanese loyal to Canada to remain here and be treated "fairly and justly"; and
- (c) Settlement of the Japanese remaining



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would be to exempt all persons from registration, except Asiatics, but the above method would enable it to be done in a less discriminatory manner than at present.

With regard to the Japanese problem, the committee decided to recommend that there should be no deportations and that the Orders in Council of December 1945, which were recently before the courts, should be allowed to lapse. With regard to the Japanese remaining in Canada, the committee is recommending that the present Order in Council restricting the movement of Japanese persons should be retained in effect along with the few other emergency controls which will be found necessary, such as rent control, etc. It is felt that the control of movement is needed for a time to prevent a new concentration of the Japanese in British Columbia.

In connection with this matter, you will recall that the co-operative committee on Japanese Canadians have particularly asked for an interview with you before any policy is announced.

I think that the above recommendations, if approved, should go a long way toward eliminating the current criticisms of the government position.

R. G. R.

January 11, 1947

RGR/JV

(a) Separation of the loyal from the disloyal among the persons of Japanese origin in Canada, and the removal of those who were disloyal from this country;

(b) Provisions to enable Japanese loyal to Canada to remain here and be treated "fairly and justly"; and

(c) Settlement of the Japanese remaining



Prime Minister's Office

Press Release

January 23, 1947.

The Prime Minister, Mr. Mackenzie King, announced today that a further stage had been reached in the government's policy with regard to persons of Japanese origin in Canada. In view of the progress made in carrying out the wartime programme, the government had decided that it was unnecessary to continue in force the orders permitting the deportation from Canada of persons of Japanese origin who had, during the war, signed declarations of desire to go to Japan. This does not mean that assistance will be discontinued for voluntary departures. The Prime Minister stated that he was particularly pleased that it had been possible to carry the policy through without the necessity of any deportations.

In making his announcement, the Prime Minister stated that the present action of the government marked the substantial completion of the program which he had laid down in his address to the House of Commons on August 4, 1944. At that time the Prime Minister indicated the following "tentative measures" which it was proposed to put into effect:

- (a) Separation of the loyal from the disloyal among the persons of Japanese origin in Canada, and the removal of those who were disloyal from this country;
- (b) Provisions to enable Japanese loyal to Canada to remain here and be treated "fairly and justly"; and
- (c) Settlement of the Japanese remaining



here "throughout Canada", rather than almost exclusively in British Columbia as was the case before the war.

The separation of those Japanese whose continued presence would be undesirable in Canada has been accomplished on a voluntary basis under the provisions for assisted movement from Canada which the government put into effect. Nearly 4,000 persons of Japanese origin have now left Canada and returned to Japan. Among these were many Japanese whose deportation would have been desirable had they not been prepared to go voluntarily. Accordingly the provisions of Order in Council P.C. 7355 of December 15, 1945, which enabled deportation by the government have been repealed. In view of this decision the authority given to the government by Order in Council P.C. 7357 of December 15, 1945, which authorized the establishment of a special commission to investigate the loyalty of Japanese persons is unnecessary. That order has also been repealed. While revoking the provisions for deportation the government has continued in effect the provisions enabling free passage and financial assistance to be extended to persons of Japanese origin wishing to move to Japan on a voluntary basis. Order in Council P.C. 7356 of December 15, 1946, concerning the revocation of Canadian status of naturalized persons leaving Canada, has also been repealed. Such repeal will not, however, have any effect upon the status of persons who have hitherto come within its terms.



persons in Canada had fallen to 20,558. Of these, only 6,778 were in British Columbia, while 13,782 lived in other parts of Canada. The Japanese population of the province had declined by 11,320--approximately two-thirds. In addition, the presence of the Japanese on the coast had been eliminated. From having 80% of the Japanese in 1941, British Columbia now had only 33%. It is estimated that this redistribution would take permanent or otherwise unemployable. The government had provided free transportation to new locations in Canada, had given financial assistance in resettlement, and through the Department of Labour, had assisted in securing suitable employment for Japanese who had moved from British Columbia.

To ensure fair treatment, the Prime Minister announced, the government had decided to authorize investigation of any claims that land, buildings, or other property of Japanese removed from the coast had been sold by the Custodian at unduly low prices. If, in any case, it were found <sup>that</sup> less than a fair market value had been secured for the Japanese owner, the government would be prepared to authorize compensation.

The Prime Minister stated that the third aspect of policy as outlined by him in 1944--the distribution of persons of Japanese origin throughout Canada--had been accomplished to a very satisfactory extent. In 1941, out of a total population of 23,149 persons of Japanese origin, 22,096 resided in British Columbia. Only 1,153 resided in all the rest of Canada. On December 31, 1946, the number of Japanese



persons in Canada had fallen to 20,558. Of these, only 6,776 were in British Columbia, while 13,782 lived in other parts of Canada. The Japanese population of the province had declined by 15,320-- or approximately two-thirds. In addition, the pre-war concentration of the Japanese on the coast had been eliminated. From having 95% of the Japanese of Canada in 1941, British Columbia now had only 33%. To ensure that this redistribution would take permanent roots, the government had decided to continue, for a limited period, the restrictions on movement which are at present in effect. The government felt, however, that the relatively permanent character of the resettlement that had thus far been accomplished would make it unnecessary for such controls to be of any lengthy duration.

Continuing his announcement, Mr. King stated that the government had decided to retain for some time only one other measure affecting Japanese persons. This provision was that which prohibited the operation of fishing vessels off the coast of British Columbia by Japanese. All other Orders in Council, and special controls, other than those necessary to complete the administration of assets already vested in the Custodian, had been revoked by the government as of today.

The Prime Minister stated that he regretted the extent to which the exigencies of war, and the urgent necessities it had imposed in the domestic field had caused hardships and inconvenience for many persons of Japanese origin who had themselves been innocent of



any feeling of disloyalty with regard to Canada. The government was determined to do all it could to remove any sense of racial discrimination in Canada and to ensure equitable treatment for all. In this connection, Mr. King referred specifically to the warning and the objective which he had given with regard to the Japanese policy in 1944:

"We must not permit in Canada the hateful doctrine of racialism which is the basis of the nazi system everywhere. Our aim is to resolve a difficult problem in a manner which will protect the people of British Columbia and the interests of the country as a whole, and at the same time preserve in whatever we do, principles of fairness and justice."

January 23, 1947.

3. Subsection one of section seven is amended by striking out therefrom the words "who is being deported to Japan or" and the words "without



Memorandum for the Prime Minister:

A committee of officials met this morning to examine what action should be taken, in accordance with the decisions taken by Cabinet yesterday, concerning the Japanese. To implement the decisions reached at that time, the following steps are recommended:

- a) Passage of an Order in Council to amend P.C. 7355 of December 15, 1945. (The effect of this would be to eliminate the power of deportation but to continue the power to extend financial assistance in cases of voluntary movement. A submission has been prepared for presentation by the Minister of Labour.)
- b) Passage of an Order in Council to revoke Orders in Council P.C. 7356 and P.C. 7357 as no longer necessary, together with four other Orders in Council concerning the Japanese which can be dispensed with. (The effect of this will be to remove all the Orders in Council now concerning the Japanese apart from P.C. 7355 (See above) and the Orders in Council referred to below. A submission covering this step has been prepared for presentation by the Minister of Labour.)
- c) Passage of an Order in Council to amend P.C. 946. (The effect of this will be to eliminate the current restrictions on Japanese with the exception of control over their movement in Canada. A submission to Council has been prepared for presentation by the Minister of Labour.)

January 23, 1947.

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5. Subsection one of ... striking out therefrom the words "who is being deported to Japan or" and the words "without

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yesterday.  
ent the decision
- d) Continuation in effect of the Orders in Council which empower the Custodian to complete the administration of Japanese assets vested in him. (In connection with this a submission has been prepared for presentation by the Secretary of State, which will have the effect of retaining only the essential portion of P.C. 469. There are also three additional Orders in Council to be retained in toto which deal with this matter. No specific action is needed at present in connection with these.)
- e) Continuation in effect of P.C. 251 which prohibits the operation of fishing vessels off the coast of British Columbia by Japanese. (No specific action is needed in connection with this.)

-- Carbon copies of the submissions that have been prepared are attached herewith.

In connection with the compensation of Japanese for sales of property at less than a fair market value, the committee felt that this was a complex question which would require careful consideration before any Order in Council were drafted to establish the necessary procedure. It can be expected that there will be a large number of claims and it will be necessary to have satisfactory machinery established to give them the thorough consideration which they will require.

R. G. R.

January 23, 1947.

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- ....



PRIVY COUNCIL OFFICE

MEMORANDUM

Jan. 23/47

For Mr. Robertson:

Orders passed and signed.

The Prime Minister did not keep  
the memo. You may wish to send it  
on to him.

J.R.B.

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by the Minister of Labour.)

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"deportation" where it appears in the phrase "as  
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- a) Passage of an Order in Council to amend P.C. 7355 of December 15, 1945. (The effect of this would be to eliminate the power of deportation but to continue the power to extend financial assistance in cases of voluntary movement. A submission has been prepared for presentation by the Minister of Labour.)
- b) Passage of an Order in Council to revoke Orders in Council P.C. 7356 and P.C. 7357 as no longer necessary, together with four other Orders in Council concerning the Japanese which can be dispensed with. (The effect of this will be to remove all the Orders in Council now concerning the Japanese apart from P.C. 7355. See above) and the Orders in Council referred to below. A submission covering this step has been prepared for presentation by the Minister of Labour.)
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- d) Continuation in effect of the Orders in Council which empower the Custodian to complete the administration of Japanese assets vested in him. (In connection with this a submission has been prepared for presentation by the Secretary of State, which will have the effect of retaining only the essential portion of P.C. 469. There are also three additional Orders in Council to be retained in toto which deal with this matter. No specific action is needed at present in connection with these.)
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R. G. R.

January 23, 1947.

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5. Subsection one of section seven is amended by striking out therefrom the words "who is being deported to Japan or" and the words "without



DEPARTMENT OF LABOUR

Ottawa 23rd January, 1947.

TO HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

The undersigned has the honour to recommend that Your Excellency in Council, under the authority of The National Emergency Transitional Powers Act, 1945, be pleased to amend Order in Council P.C. 7355 of December 15, 1945, as follows:

1. Paragraphs (a) and (b) of section one are revoked.
2. Sections two to five, inclusive, are revoked.
3. Subsection one of section six is amended by striking out therefrom the words "for whom an order for deportation is made, or" and the words "without the issue of such an order"; and from paragraph (a) thereof the words "at or immediately prior to the time of his deportation from Canada" and from paragraph (b) thereof the words "following upon his deportation" and in paragraph (c) thereof the words "at the time of his deportation".
4. Subsection two of section six is amended by striking out therefrom the words "who has been deported to Japan or" and the words "without the issue of an order for deportation" and by deleting the word "deportation" where it appears in the phrase "as of the date of deportation" and substituting *therein* the word "departure from Canada".
5. Subsection one of section seven is amended by striking out therefrom the words "who is being deported to Japan or" and the words "without



the issue of an order for deportation".

6. Section eight is amended by revoking subsections two and three thereof.
7. Sections nine to twelve, inclusive, are revoked.

Respectfully submitted,

Minister of Labour.

1. The following orders in Council are hereby revoked, namely:

P.C. 5742 of December 24, 1941

P.C. 5741 of December 24, 1941

P.C. 1242 of December 14, 1942 as amended

P.C. 12775 of December 24, 1942

P.C. 7327 of December 24, 1942

P.C. 7326 of December 24, 1942



Ottawa, 23rd January, 1947.

TO HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

TO HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

The undersigned has the honour to recommend that Your Excellency in Council, under the authority of The National Emergency Transitional Powers Act, 1945, be pleased to make the following order:

1. The following Orders in Council are hereby revoked, namely:

- P.C. 9760 of December 16, 1941
- P.C. 9761 of December 16, 1941
- P.C. 1548 of February 19, 1942 as amended
- P.C. 10773 of November 26, 1942
- P.C. 7357 of December 15, 1945
- P.C. 7356 of December 15, 1945

Respectfully submitted,

Minister of Labour.



DEPARTMENT OF LABOUR

Ottawa, 23rd January, 1947.

TO HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

The undersigned has the honour to recommend that Your Excellency in Council, under the authority of The National Emergency Transitional Powers Act, 1945, be pleased to order that Order in Council P.C. 946 dated February 5, 1943, be amended, in respect of the provisions thereof herein-after mentioned, as follows:

1. Paragraph (a) of subsection (1) of section one be revoked.
2. Paragraphs (1) and (v) of subsection (1) of section three be revoked.
3. Paragraph (viii) of subsection (1) of section three be amended,

(a) by striking out the words "the conduct, activities or discipline of" where they appear therein;

(b) by striking out the words "and may by order" where they appear therein and substituting therefor the word "to"; and

(c) by striking out the words

"from engaging in any activities, employment or business or in any specified activities, employment or business in Canada"

and the words

"or from associating or communicating with any persons"

where they appear therein and by inserting the word "or" before the words "from residing" where they appear therein.

4. Sections three A and three B be revoked.
5. Section nine be revoked.



Ottawa, 23rd January, 1947.

TO HIS EXCELLENCY

6. Section ten be amended by striking out the following words where they appear therein:

The undersigned has the honour to recommend that, "and any such agreement may provide that any such persons will be removed from such Province upon the termination of the state of war now existing between Canada and Japan". be pleased to revoke Order

- in Council 7. Sections eleven, twelve and fifteen be revoked.

8. Section sixteen be amended by striking out the following words where they appear therein:

to the Custodian property of persons of the Japanese race evacuated "to carry out measures deemed necessary in consequence of the existence of a state of war" and substituting the words "for such purposes".

- visions of the said Order in Council P.C. 469 other than the last paragraph thereof, commencing

"Wherever, under Orders in Council...

Respectfully submitted,  
Respectfully submitted,

Secretary of State.  
Minister of Labour.



Ottawa, 23rd January, 1947.

TO HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

The undersigned has the honour to recommend that, under the authority of the National Emergency Transitional Powers Act, 1945, Your Excellency in Council be pleased to revoke Order in Council P.C. 6247 of July 20, 1942, (re Japanese owned fishing vessels) and the preamble of Order in Council P.C. 469 of January 19, 1943 (transferring to the Custodian property of persons of the Japanese race evacuated from protected areas) except the fifth and sixth paragraphs thereof, and the provisions of the said Order in Council P.C. 469 other than the last paragraph thereof, commencing "Wherever, under Orders in Council...

Respectfully submitted,

Secretary of State.

(b) that the control over movement of persons be continued for a year or two until these persons had become more settled in their new locations.  
(Documents "A" and "B" circulated December 22, 1946).

2. The Committee, after considerable discussion, agreed to make the following recommendations to the Council:



Memorandum for the Prime Minister:

d) Continuation in effect of the Orders in Council which empower the Custodian to examine what action should be taken, in accordance with the decisions taken by Cabinet yesterday, concerning the Japanese. To implement the decisions reached at that time, the following steps are recommended:

- a) Passage of an Order in Council to amend P.C. 7355 of December 15, 1945. (The effect of this would be to eliminate the power of deportation but to continue the power to extend financial assistance in cases of voluntary movement. A submission has been prepared for presentation by the Minister of Labour.)
- b) Passage of an Order in Council to revoke Orders in Council P.C. 7356 and P.C. 7357 as no longer necessary, together with four other Orders in Council concerning the Japanese which can be dispensed with. (The effect of this will be to remove all the Orders in Council now concerning the Japanese apart from P.C. 7355. See above) and the Orders in Council referred to below. A submission covering this step has been prepared for presentation by the Minister of Labour.)
- c) Passage of an Order in Council to amend P.C. 946. (The effect of this will be to eliminate the current restrictions on Japanese with the exception of control over their movement in Canada. A submission to Council has been prepared for presentation by the Minister of Labour.)

January 23, 1947.

- ...
- (b) that the control over movement of Japanese be continued for a year or two until these persons had become more settled in their new locations.  
(Documents "A" and "B1" circulated December 13, 1946).

2. The Committee, after considerable discussion, agreed to make the following recommendations to Cabinet:



- d) Continuation in effect of the Orders in Council which empower the Custodian to complete the administration of Japanese assets vested in him. (In connection with this a submission has been prepared for presentation by the Secretary of State, which will have the effect of retaining only the essential portion of P.C. 469. There are also three additional Orders in Council to be retained in toto which deal with this matter. No specific action is needed at present in connection with these.)
- e) Continuation in effect of P.C. 251 which prohibits the operation of fishing vessels off the coast of British Columbia by Japanese. (No specific action is needed in connection with this.)

-- Carbon copies of the submissions that have been prepared are attached herewith.

In connection with the compensation of Japanese for sales of property at less than a fair market value, the committee felt that this was a complex question which would require careful consideration before any Order in Council were drafted to establish the necessary procedure. It can be expected that there will be a large number of claims and it will be necessary to have satisfactory machinery established to give them the thorough consideration which they will require.

From Dept. of Veterans Affairs  
(Mr. D.C. Elliott)

R. G. R.

From Privy Council  
(Mr. Raymond Sanger, Secretary)

January 23, 1947.

The Ministry of Immigration and Naturalization (Documents "A" and "B1") on the registration and relocation of Japanese and recommended:

(a) that Japanese who do not wish to be repatriated be not deported; and

(b) that the control over movement of Japanese be continued for a year or two until these persons had become more settled in their new locations.

(Documents "A" and "B1" circulated December 13, 1946).

2. The Committee, after considerable discussion, agreed to make the following recommendations to Cabinet:



MEMORANDUM  
Privy Council Office

Ottawa January 14, 1947.

GOVERNMENT OF CANADA

COPY NO. 14

Mr. R.G. Robertson

PROBLEMS

I am attaching herewith for your information and guidance copy of the minutes of the sixth meeting of the Cabinet Committee on Japanese Problems.

Raymond Ranger,  
Secretary,  
Cabinet Committee on Japanese Problems. Chair,

The Minister of Veterans Affairs,  
(Mr. I.A. Mackenzie),

The Solicitor General,  
(Mr. J. Jean),

Also present:

The Under-Secretary of State for External Affairs,  
(Mr. L.B. Pearson),

The Deputy Minister of Labour,  
(Mr. A. MacNamara),

From Prime Minister's Office,  
(Mr. R.G. Robertson),

From Dept. of Labour,  
(Mr. A.H. Brown),

From Dept. of External Affairs,  
(Mr. A.R. Menzies),

From Department of Justice,  
(Mr. D.W. Mundell),  
(Mr. D.H.W. Henry),

Counsel to Custodian of Enemy Property,  
(Mr. K.W. Wright),

From Dept. of Veterans Affairs,  
(Mr. O.C. Elliott),

From Privy Council Office,  
(Mr. Raymond Ranger, Secretary)

I DEPORTATION AND CONTROL OVER MOVEMENT OF JAPANESE

1. The Minister of Labour reviewed the reports (Documents "A" and "B1") on the repatriation and relocation of Japanese and recommended:

- (a) that Japanese who do not wish to be repatriated be not deported; and
- (b) that the control over movement of Japanese be continued for a year or two until these persons had become more settled in their new locations.  
(Documents "A" and "B1" circulated December 13, 1946).

2. The Committee, after considerable discussion, agreed to make the following recommendations to Cabinet:



SECRET

CABINET COMMITTEE ON JAPANESE PROBLEMS

The sixth meeting of the Cabinet Committee on Japanese Problems was held in the Privy Council Chamber, on Friday, January 10, 1947, at 11:00 a.m.

Present:

The Minister of Labour,  
(Mr. H. Mitchell) in the chair,

The Minister of Veterans Affairs,  
(Mr. I.A. Mackenzie),

The Solicitor General,  
(Mr. J. Jean),

Also present:

The Under-Secretary of State for External Affairs,  
(Mr. L.B. Pearson),

The Deputy Minister of Labour,  
(Mr. A. MacNamara),

From Prime Minister's Office,  
(Mr. R.G. Robertson),

From Dept. of Labour,  
(Mr. A.H. Brown),

From Dept. of External Affairs,  
(Mr. A.R. Menzies),

From Department of Justice,  
(Mr. D.W. Mundell),  
(Mr. D.H.W. Henry),

Counsel to Custodian of Enemy Property,  
(Mr. K.W. Wright),

From Dept. of Veterans Affairs,  
(Mr. O.C. Elliott),

From Privy Council Office,  
(Mr. Raymond Ranger, Secretary)

I DEPORTATION AND CONTROL OVER MOVEMENT OF JAPANESE

1. The Minister of Labour reviewed the reports (Documents "A" and "B1") on the repatriation and relocation of Japanese and recommended:

- (a) that Japanese who do not wish to be repatriated be not deported; and
- (b) that the control over movement of Japanese be continued for a year or two until these persons had become more settled in their new locations.  
(Documents "A" and "B1" circulated December 13, 1946).

2. The Committee, after considerable discussion, agreed to make the following recommendations to Cabinet:



- (a) that no action be taken to deport any persons of Japanese race under Order-in-Council P.C. 7355, December 15, 1945, but that financial assistance, authorized to voluntary repatriates, be continued under Order-in-Council P.C. 7355; and
- (b) that control over movement in Canada of Japanese persons be continued for a year or two.

## II. LEGISLATION - RE CONTROL OVER MOVEMENT OF JAPANESE

3. Mr. Brown suggested that if recommendation 2 (b) above-mentioned is approved, this control over movement could be continued:

- (a) by authority to be provided in proposed bill to extend for one year the National Emergency Transitional Powers Act, by extending the life of Order-in-Council P.C. 946, February 5, 1943; or
- (b) by enacting new legislation.

4. After discussion, the Committee recommended:

- (a) that the procedure of extending the life of Order-in-Council P.C. 946, February 5, 1943, be followed in preference to the enactment of a new act; and
- (b) that the Department of Labour, in consultation with the Department of Justice, review Order-in-Council P.C. 946 to eliminate such provisions as are not required for the above purposes.

## III. STATUS OF CANADIAN JAPANESE RETURNING TO CANADA

5. Mr. Robertson inquired as to the status of Canadian Japanese who, at their request, were repatriated to Japan, and now wished to return to Canada.

6. Mr. Pearson stated that, due to the fact that these persons were Canadian, they could not be refused permission to return to Canada. He explained, however, that it was most difficult to obtain passage to Canada, and that these persons would not be able to return for some time.

7. Mr. Robertson further inquired if naturalized Canadians of Japanese origin, who had been repatriated, could not be considered as having been deported, in which case they would come under Order-in-Council P.C. 7356, December 15, 1945, which provides that all naturalized Canadians of Japanese origin, deported from Canada, lost their citizenship upon deportation.

8. After considerable discussion, the Committee agreed that this question be referred to the Secretary of State Department and Justice Department for further study, and that a report be made to this Committee as soon as possible.

## IV. RE - ORDERS-IN-COUNCIL

9. Mr. Henry, referring to (Document "D"), suggested that the Department of Labour review all Orders-in-Council affecting Japanese, administered by the Department, and recommend to the "Inter-departmental Committee on Orders-in-Council under Emergency Powers" those to be revoked, amended or continued, so as to retain control over movement of Japanese. Mr. Henry suggested further that similar action be taken by the Under-Secretary of State and Deputy Custodian of Enemy Property in relation to the Orders-in-Council administered by him. (Document "D" circulated December 13, 1946).



10. The Committee, after discussion, agreed to recommend that such steps be taken immediately by both the Department of Labour and the Under-Secretary of State and Deputy Custodian.

V. LIQUIDATION OF JAPANESE PROPERTIES

11. Mr. Wright reviewed the report (Document "E") in connection with the properties of Japanese evacuated from the protected area of British Columbia. Mr. Wright reported that there were approximately 40 properties, scattered along the coast, owned by Japanese organizations which, up to the present time, had not been liquidated, due to the impossibility of locating the members of these organizations and, if located, of obtaining their approval for the sale of these properties. Mr. Wright further stated that the Custodian of Enemy Property had no present authority to liquidate these properties. (Document "E" circulated December 13, 1946).

12. The Committee, after discussion, recommended that the Custodian discuss this matter with Department of Justice and submit a recommendation to the Committee.

VI. JAPANESE PENSIONERS - WORLD WAR I

13. Mr. Menzies reviewed the problem which had arisen as to what policy should be adopted regarding payment of pensions to Japanese who had been awarded pensions by the Canadian Pension Commission because of disabilities incurred in World War I, payment of which had been suspended since the outbreak of war with Japan.

14. Mr. Mackenzie stated that this problem represented an approximate total amount of \$60,000. owed to 22 pensioners, most of whom were Japanese women nationals; the maximum amount to each pensioner being \$2500.

15. Mr. Mackenzie further advised that at the sixteenth meeting of the Cabinet Committee on Demobilization and Re-establishment, held on December 27, 1946, the following decision had been reached:

"The Committee, after discussion, agreed that the payment of pensions awarded by the Canadian Pension Commission to those Japanese veterans of World War I, now resident in Japan, should be paid as from the date of suspension, provided there is no evidence of anti-allied activities on the part of the pensioners concerned during World War II".

16. After considerable discussion, the Committee agreed to recommend:

- (a) that payment of pensions awarded by the Canadian Pension Commission to those Japanese veterans of World War I, now resident in Japan, should be paid as from the date of suspension, provided there was no evidence of anti-allied activities during World War II on the part of the pensioner concerned;
- (b) that the Department of Justice decide the date on which these payments should be made; and
- (c) that the Department of External Affairs, through the Canadian Mission in Japan, be responsible for investigation as to anti-allied activities during World War II on the part of the pensioners concerned.

VII. FISHING LICENCES FOR JAPANESE

17. Mr. Mitchell reviewed the situation regarding issuance of fishing licences to Japanese in British Columbia, and recommended:



- (a) that existing orders issued by the Minister of Labour to regulate the issue of fishing licences to Japanese be rescinded; and
  - (b) that authority for granting such fishing licences be left to the Federal Department of Fisheries and the Provincial Government.
18. The Committee, after discussion, agreed to recommend that such action be taken.

The meeting adjourned at 11:45 a.m.

Raymond Ranger,  
Secretary.

Privy Council Office,  
January 13, 1947.



MEMORANDUM  
Privy Council Office

Ottawa January 7, 1947.

Mr. R.G. Robertson

Please find herewith copy of the agenda for the sixth meeting of the Cabinet Committee on Japanese Problems to be held on Friday, January 10, 1947.

*Noted  
Brewin*

Raymond Ranger,  
Secretary.

GOVERNMENT OF CANADA

COPY NO. 14

JAPANESE PROBLEMS

AGENDA FOR SIXTH MEETING TO BE HELD IN THE PRIVY  
COUNCIL OFFICE AT 11 A.M., FRIDAY, JANUARY 10, 1947

1. Report on activities of Japanese Division. (Reference Document 'A' circulated December 13, 1946)
2. Future Policy on Deportation and Repatriation. (Reference Document 'B1' circulated December 13, 1946)
3. Future Policy on Relocation and Controls in Canada. (Reference Document 'B2' circulated December 13, 1946)
4. Future Policy on Status of Canadian-born Japanese in Japan. (Reference Document 'C' circulated December 13, 1946)
5. Review of existing Orders in Council relating to Japanese to determine what continuing powers required to carry out policy decisions. (Reference Document 'D' circulated December 13, 1946)
6. Report on activities of Custodian. (Reference Document 'E' circulated December 13, 1946)
7. Disability and Dependent Pensioners World War I - Japanese. (Resolution adopted by Cabinet Committee on Demobilization and Re-establishment, December 27, 1946)
8. Removal of prohibition - Japanese fishing - interior of British Columbia.

Raymond Ranger,  
Secretary.

Privy Council Office,  
January 7, 1947.



THIS DOCUMENT IS THE PROPERTY OF THE GOVERNMENT OF CANADA

SECRET

COPY NO. 14

CABINET COMMITTEE ON

JAPANESE PROBLEMS

AGENDA FOR SIXTH MEETING TO BE HELD IN THE PRIVY  
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8. Removal of prohibition - Japanese fishing - interior of British Columbia.

Raymond Ranger,  
Secretary.

Privy Council Office,  
January 7, 1947.



MEMORANDUM  
Privy Council Office

Ottawa, December 18, 1946.

Mr. R.G. Robertson

Please find herewith copy of the minutes of the meeting of the Cabinet Committee on Japanese Problems held on Friday, December 13, 1946.

Eric Stangroom,  
A/Secretary.

GOVERNMENT OF CANADA

SECRET

ee on Japanese  
ouncil Office,  
2.30 p.m.

The Acting Minister of Labour,  
(Mr. McCann),

Chairman

Also Present:

The Deputy Minister of Labour,  
Mr. A. MacNamara

The Under Secretary of State, and Deputy Custodian,  
Dr. E.H. Coleman

Mr. A.H. Brown,  
Department of Labour,

Mr. D.H.W. Henry,  
Department of Justice,

Mr. A.R. Menzies,  
Department of External Affairs,

Mr. R.G. Robertson,  
Prime Minister's Office,

Mr. K.W. Wright,  
Counsel to the Custodian,

Mr. R. Ranger,  
Privy Council Office,

Mr. Eric Stangroom,  
Department of Labour

A/Secretary

1. The Chairman enquired as to the reaction in various parts of the country to the present distribution of persons of Japanese race, and as to measures required to maintain adequate stability.
2. The Deputy Minister of Labour enlarged on the details contained in the reference documents before the Committee, referring to the opposition of the Alberta government to the present concentration of Japanese in that Province; and also the choice between continuing existing Orders in Council under the National Emergency Transitional Powers Act, new legislation, and providing only for welfare and voluntary relocation through an item in the estimates.
3. The Under Secretary of State explained the Custodian's position, mentioning that if Japanese were not to be allowed to return to the coast, authority would be required to dispose of halls, churches, etc., owned by Japanese societies. Mr. Wright outlined the process by which, at present, title to the property of individuals was conveyed.
4. Mr. Brown and Mr. Henry agreed that consolidation of present Orders in Council was not feasible, and that new powers could not be obtained under the present National Emergency Transitional Powers Act.



SECRET

A meeting of the Cabinet Committee on Japanese Problems was held in the Privy Council Office, on Friday, December 13, 1946, at 2.30 p.m.

Present:

The Acting Minister of Labour,  
(Mr. McCann),

Chairman

Also Present:

The Deputy Minister of Labour,  
Mr. A. MacNamara

The Under Secretary of State, and Deputy Custodian,  
Dr. E.H. Coleman

Mr. A.H. Brown,  
Department of Labour,

Mr. D.H.W. Henry,  
Department of Justice,

Mr. A.R. Menzies,  
Department of External Affairs,

Mr. R.G. Robertson,  
Prime Minister's Office,

Mr. K.W. Wright,  
Counsel to the Custodian,

Mr. R. Ranger,  
Privy Council Office,

Mr. Eric Stangroom,  
Department of Labour

A/Secretary

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4. Mr. Brown and Mr. Henry agreed that consolidation of present Orders in Council was not feasible, and that new powers could not be obtained under the present National Emergency Transitional Powers Act.



5. Mr. Robertson and Mr. Menzies pointed to the necessity for decision regarding various categories of Japanese who might be entitled to re-admission into Canada. It was agreed that the Secretary of State's Department should discuss the relevant legal issues with the Department of Justice.

6. The Deputy Minister of Labour mentioned that Japanese pensioners of World War I, mostly widows and mothers, would be seeking re-instatement. The Under Secretary of State felt this should be done when feasible, and that the payment of accumulated sums be made in the light of investigations by our mission in Tokyo.

He then read a telegram received by the Clerk of the Privy Council from the Minister of Veterans Affairs:—

"Vancouver, December 12, 1946. Confidential

"Would prefer Japanese question be deferred until my return to Ottawa December Twenty-third STOP Otherwise request that you firmly state my position that I am definitely against any Japanese being allowed back to protected areas of British Columbia.

(signed) Ian Mackenzie."

7. As there was not a quorum of Ministers at the Committee, it was decided to distribute the file of reference documents to all members of the Cabinet for their information, and that an endeavour be made to have the Committee meet again on Wednesday, January 8, 1947, at 2.30 p.m.

The meeting adjourned at 3.30 p.m.

Eric Stangroom,  
A/Secretary.

Privy Council Office,  
Ottawa, December 18, 1946.



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Mr. D.H.W. Henry,  
Department of Justice,

Mr. A.R. Menzies,  
Department of External Affairs,

Mr. R.G. Robertson,  
Prime Minister's Office,

Mr. K.W. Wright,  
Counsel to the Custodian,

Mr. R. Ranger,  
Privy Council Office,

Mr. Eric Stangroom,  
Department of Labour

A/Secretary

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The meeting adjourned at 3.30 p.m.

Eric Stangroom,  
A/Secretary.

Privy Council Office,  
Ottawa, December 18, 1946.



6-1

- 2 -

We received information that copies of the judgment being sent forward by air bag endeavour to get a copy to you as soon as possible.

Ottawa, 7th December, 1946.

Personal

A. H. Brown, Esq.,  
Department of Labour,  
O t t a w a.

Dear Mr. Brown:

I want to thank you for your letter of December 3rd, containing the latest information available in your department with regard to the repatriation and resettlement aspects of the Japanese problem. As requested in your letter, I am returning herewith the letter which you received concerning the hostel which is maintained by your department at Moose Jaw, Saskatchewan.

On looking through the reports covered by the letter from Mr. Dawson, it would appear that out of 27 Japanese nationals in the hostel, about 16 have been non-cooperative, and at least 7 want to go to Japan, but refuse to do so on a voluntary basis. It would seem that there might be perfectly justifiable ground for deporting at least the 7 and, perhaps, some of the others, under P.C. 7355. If this should seem to be desirable, and if there are any other Japanese nationals in other localities who would be of the same character, perhaps it would be useful to have such information available for the meeting of the Cabinet Committee on the Japanese, which, I understand, is planned tentatively for Thursday of next week. I do not know how you view the matter, but it seems to me that it might be a doubtful wisdom for the government to consider any deportations beyond the category of Japanese nationals.

under this agreement has by P.C. 946 of February 9, 1943, been assumed by the Minister of Labour. The obligation under the agreement remains although the order lapses. The order may be permitted to lapse.



We received information a few days ago that copies of the judgment of the Privy Council were being sent forward by air bag immediately. I shall endeavour to get a copy to you as soon as possible.

Mr. Gordon Robertson,  
Prime Minister's Office,  
East Block,  
Ottawa.

Yours sincerely,

(R. G. Robertson),  
Secretary.

RGR:McK

- The following figures on Japanese repatriation and relocation will be of interest to you.
1. A total of 8,871 Japanese were repatriated to Japan on the basis of their own request and without issue of any deportation order. There are an additional 250 repatriates ready to go to Japan at the next sailing date, December 23rd.
  2. The number of settlements in British Columbia operated by the Department has been reduced to two with a population of 1,000 persons. That number will be further reduced by probably 100 men in repatriation. There will probably be very few of the remainder in the settlements who will relocate outside B.C. as the majority of the breadwinners of these families are already employed in private employment in B.C. or the Government involved are too old to work a living.
  3. In addition, the Department has family groups of Japanese in hostels operated by the Department at six points in Canada from Moose Jaw, Saskatchewan, east to Moncton, Quebec. A total of 235 Japanese who it is anticipated we will be able to move out of the hostels into private housing and private employment between now and the first of May next.
  4. Except in the case of individual persons or single families who may, on their own initiative, move from British Columbia to a direct placement east of B.C., from time to time in order to improve their economic

under this agreement has by P.C. 946 of February 9, 1943, been assumed by the Minister of Labour. The obligation under the agreement remains although the order lapses. The order may be permitted to lapse.



DEPARTMENT OF  
LABOUR



CANADA

Ottawa, December 3, 1946.

Mr. Gordon Robertson,  
Prime Minister's Office,  
East Block,  
O t t a w a.

Re: Japanese

The following figures on Japanese repatriation and relocation will be of interest to you.

1. A total of 3,671 Japanese have been repatriated to Japan on the basis of their own request and without the issue of any deportation order. There are an additional 250 repatriates ready to go to Japan at the next sailing date, December 23rd.

2. The number of settlements in British Columbia operated by the Department has been reduced to two with a population of 1,007 persons. This number will be further reduced by probably 150 due to repatriation. There will probably be very few of the remainder in the settlements who will relocate outside B.C. as the majority of the breadwinners of these families are already employed in private employment in B.C. or the persons involved are too old to earn a living.

3. In addition, the Department has family groups of Japanese in hostels operated by the Department at six points in Canada from Moose Jaw, Saskatchewan, east to Farnham, Quebec, a total of 832 Japanese whom it is anticipated we will be able to move out of the hostels into private housing and private employment between now and the first of May next.

4. Except in the case of individual persons or single families who may, on their own initiative, move from British Columbia to a direct placement east of B.C., from time to time in order to improve their economic

....2

Minister of Labour. The obligation under the agreement remains although the order lapses.



position, the movement of Japanese from B.C. is practically finished. However, the Department will continue to provide free rail transportation and travelling allowances for Japanese moving from B.C. and Southern Alberta further east during the course of the coming summer and it will be necessary, I believe, to maintain placement offices during the coming year in order to give assistance to Japanese in finding stable employment and to adjust other difficulties which may arise in the early stages of placement.

5. We have never reached any final settlement with Alberta with respect to the question of whether the evacuated Japanese moved into the sugar beet area in Alberta will be withdrawn before the expiry of the Government's emergency powers relating to Japanese. The pressure from sugar beet operators in Southern Alberta is strong to have the Japanese stay permanently in that area. In the circumstances, the Alberta Government may not feel disposed to make a specific request on the Dominion for the removal of the Japanese unless the issue is raised in such form that the Government has to make a definite decision. In the meantime, the issue is not being raised by the Department of Labour. The probabilities are that if we lend encouragement to some Japanese who want to leave the area to go elsewhere, this may result in positive action on the part of the people in the area to return Japanese.

The last report on Japanese population in Canada, which is dated November 30th, but is not completely accurate, is as follows:

Number in British Columbia (including numbers in the settlements)	6981
Alberta	4262
Saskatchewan	503
Manitoba	1193
Ontario	6617
Quebec	1210
Other Provinces and N.W. Territories	48
Total	20,814

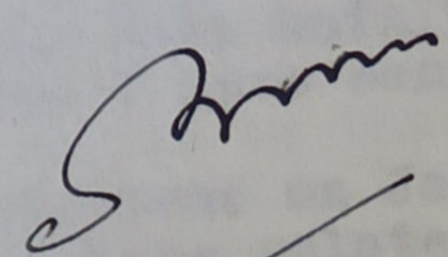
....3

Minister of Labour. The obligation under the agreement remains although the order lapses. The order may be permitted to lapse.



Figures in each province include Japanese in departmental hostels.

I enclose herewith, for your perusal and return thereafter, copy of report on Japanese in our hostel at Moose Jaw, Saskatchewan. As I advised you over the 'phone, a good many of the Japanese Nationals of this hostel were moved to that point from Angler Internment Camp and their families were sent out from the settlements in B.C. to join them. A number of them have proven very difficult to deal with as the enclosed report will indicate.

  
A. H. Brown.

Enc.

Minister of Labour. The obligation under the agreement remains although the order lapses. The order may be permitted to lapse.



6-1

Memorandum for Mr. Heeney:

With further reference to my note of this morning covering a copy of the memorandum which the Prime Minister wished me to send to you, I thought it might be useful to set out some additional problems relating to the general Japanese question which it might be useful for the Cabinet Committee to take into consideration when it meets. There will undoubtedly be a number of other questions which the Department of Labour will wish to raise but those which have occurred to me are the following:

- (a) Future policy re deportation. This is the matter dealt with mainly in the memorandum which I have sent you.
- (b) Internal restrictions on Japanese, the particular ones here relate to travel and land purchase. The present restrictions on travel will normally elapse as of March 31. Any attempt to legislate for continued restriction will probably be subject to severe criticism. A possible solution might perhaps be to eliminate all travel restriction except into the protected area on the coast. With regard to land purchase I believe that very few licenses have thus far been allowed. It might be desirable to have broad relaxation in this policy and perhaps even to give some assistance towards land purchase especially in cases of Japanese who previously held land which they have lost.
- (c) Restitution for property disposed of. The Co-operative Committee on Japanese Canadians is very anxious about this and it might be worth considering whether some sort of coalition should be established to hear claims and try to dispose of the matter.



So far as I know, no judgment has yet been handed down by the Exchequer Court in the case which went before them some two years ago.

- (d) National status of Japanese who have either left Canada voluntarily in the past year or who may be deported in future if policy to this effect is applied. Under P.C. 7356 naturalized persons in both these groups would appear to suffer loss of their Canadian status. On the other hand, this Order in Council does not affect the Canadian nationality of persons born in Canada, and I believe that the Department of Justice has given an interpretation to the effect that P.C. 10773 of 1942 has no application except to persons who went to Japan during the war in pursuance of an exchange agreement. The net result of the present legal position would seem to be that we will have quite a number of Japanese of Canadian birth in Japan who will be Canadian citizens. As such they will have a right of entry into Canada under the Immigration Act and the question of policy with regard to their admissibility arises. There will also be questions with regard to diplomatic protection in Japan, and probably applications for assistance in cases of indigents.
- (e) Future admissibility into Canada of Canadian citizens of Japanese origin and Japanese nationals who have domicile in Canada. Both of these groups will have a legal right of entry, and at least one case has already arisen in the second category -- that is a Japanese national with domicile here. Our Mission in Tokyo needs some instruction as to what it should do in such cases. Possible courses of action are:
- (1) To refuse to recognize the right of entry (which would be contrary to the existing law and would require legislation of a rather unsavoury type).



- (2) To instruct the Mission that they should be prepared to grant visas for travel to Canada but should not give any assistance in securing transportation, or ,
- (3) To instruct the Mission that it should issue visas and give assistance in securing accommodation to Canadian citizens but not to Japanese nationals. The decision on policy in this connection cannot longer be deferred as cases will arise constantly in the near future.

R.G.R.

6th December, 1946.



**MEMORANDUM RE ORDERS IN COUNCIL RELATING  
TO PERSONS OF THE JAPANESE RACE**

<u>P.C. No.</u>	<u>Date</u>	<u>Subject Matter</u>
9590	7/12/41	Makes the regulations re trading with the enemy applicable to the Japanese.  <u>Remarks:</u> May be allowed to expire.
251	13/1/42	Prohibition of Japanese fishing licences.  <u>Remarks:</u> May be allowed to expire. Department of Fisheries.
1348	19/2/42	Authorizes Department of Mines and Resources to establish road camps for employment of evacuee Japanese. Amended by P.C. 6758 - 31/7/42 P.C. 8173 - 11/9/42  <u>Remarks:</u> May be allowed to expire.
1665	4/3/42	Creates British Columbia Security Commission to evacuate all Japanese from protected area, and to provide housing, welfare and placement for evacuees. Amended by P.C. 2483 - 27/3/42 P.C. 2541 - 30/3/42 P.C. 3231 - 21/4/42  Repealed except as to section 12 thereof by P.C. 946 - 9/2/43  Section 12 vested in the Custodian all property in the protected area of evacuated Japanese except liquid assets.  <u>Remarks:</u> The complete repeal of this order is a matter for decision of the Department of Secretary of State.
4615	2/6/42	Concurred in agreement of B.C. Security Commission with Province of Alberta for temporary placement of evacuee Japanese in sugar beet culture in Alberta, and containing a provision that at end of war the Commission would at request of province remove the evacuees.  <u>Remarks:</u> May be allowed to expire. The obligation of the B.C. Security Commission under this agreement has by P.C. 946 of February 9, 1943, been assumed by the Minister of Labour. The obligation under the agreement remains although the order lapses.



	<u>Date</u>	<u>Subject Matter</u>
	19/1/43	<p>Revokes P.C. 5523 of June 29, 1942 and amends P.C. 6247 of July 20, 1942, by giving the Custodian authority to complete liquidation of fishing vessels of evacuee Japanese, and authorizes the Custodian to sell and liquidate or otherwise dispose of all property of persons of Japanese race evacuated from protected area which was placed in the custody of the Custodian by any other order. This order is therefore an extension of the powers vested in the Custodian by section 12 of P.C. 1665 of March 4, 1942, as well as amending P.C. 6247 of July 20, 1942, referred to above.</p> <p><u>Remarks:</u> Continuation of this order and of section 12 of P.C. 1665 a matter for Secretary of State. Evidently, however, this authority is required to be continued.</p>
946	5/2/43	<p>Dissolves B.C. Security Commission.</p> <p>Revokes P.C. 1665 of March 4, 1942, except section 12.</p> <p>Vests in the Minister of Labour power to provide for the welfare, placement, control of movement and discipline of persons of the Japanese race in Canada; to issue licences to Japanese to acquire an interest in real property which is otherwise prohibited.</p> <p>Amended by P.C. 5973 of September 14, 1945, and P.C. 5793 of December 18, 1945, P.C. 5637 of August 16, 1945, and P.C. 9743 of December 24, 1945.</p> <p><u>Remarks:</u> To be continued in effect by extension of emergency powers or replaced by legislation if continued controls over movement and placement of Japanese in Canada is necessary.</p>
1422	22/2/43	<p>This suspends the operation of B.C. legislation which prohibits the employment of Orientals on Crown timberlands.</p> <p><u>Remarks:</u> May be allowed to expire.</p>
4002	17/5/43	<p>This approves of an agreement entered into between the Province of Alberta and the B.C. Security Commission under which the Security Commission agreed to pay for the schooling of Japanese children moved to Alberta at the rate of \$5.00 per pupil per month for Public School education.</p> <p><u>Remarks:</u> The obligation under this agreement which is now vested in the Minister of Labour by P.C. 946 of February 9, 1942, still exists and will continue to exist even if the order lapses. The order may be permitted to lapse.</p>



<u>P.C. No.</u>	<u>Date</u>	<u>Subject Matter.</u>
4365	28/5/43	Authorized the Minister of Labour to operate the fuel cutting project with Japanese labour in B.C. to be financed out of revolving fund.  <u>Remarks:</u> This may be allowed to lapse.
7355	15/12/45	Provides for deportation of Japanese who requested repatriation to Japan and for payment of repatriation allowances to persons deported or repatriated on a voluntary basis; and payment of transportation expenses for these persons.  <u>Remarks:</u> Continuation of order beyond expiry date is a matter of Government policy.
7356	15/12/45	Revokes naturalization of naturalized Canadians of Japanese race who are deported or repatriated under P.C. 7355.  <u>Remarks:</u> See 7355.
7357	15/12/45	Authorizes the establishment of an Inquiry Commission to inquire into the activities of persons of Japanese race with a view to determining whether they should be deported because of disloyalty or lack of co-operation.  <u>Remarks:</u> See 7355.
219	22/1/46	Establishes the rate of exchange of money turned in by Japanese repatriates for transmission to Japan and authorizes the Controller of the Treasury to make necessary arrangements with U.S. authorities to provide for transfer of funds of Japanese repatriates from Canada via U.S. via a Supreme Allied Commander in Japan to repatriated Japanese.  <u>Remarks:</u> Will be required as long as funds are being transferred to repatriates, pursuant to provisions of P.C. 7355 above.
10773	26/11/42	This provides that British subjects who have applied for repatriation to an enemy country during the war shall in leaving Canada lose their Canadian citizenship.  <u>Remarks:</u> This is an order of the Secretary of State and decision on this order rests with the Secretary of State and Department of External Affairs. Presumably the order may be permitted to lapse.

9760 - 1841 (dec 16) - registration  
 9761 - dec 16/41 - operation of vents  
 288 - Jan 13/42 - Com. dep. of fishing boats  
 6247 - July 20/42 - boats & equipment in Custodian  
 469 - Jan 19/43 - transfer to Cust. of vessels  
 488 - Jan 29/45 - Prib. Commissioner.



TELETYPE

Memorandum for the Prime Minister:

The decision of the Judicial Committee of the Privy Council yesterday upheld in toto the validity of the Orders in Council relating to the Japanese in Canada. In view of this decision, and the impending termination of the force of the Orders on March 31, 1947, you may wish to consider whether action should be taken at an early date to determine the course that should now be followed.

The Orders in Council are to the following effect:

P.C.7355 - provides for deportation, where ordered, of:

- (a) Japanese nationals who have signed a request to go to Japan or who were interned on September 1, 1945.
- (b) Naturalized persons of Japanese origin who had not revoked requests by September 1, 1945.
- (c) Canadian-born Japanese who want to go to Japan and continue so to desire.
- (d) Wives and children of any of the above.

P.C.7356 - provides for the removal of British and Canadian status from any naturalized persons who are deported.

P.C.7357 - enables a Commission of three persons to be set up to investigate Japanese nationals and naturalized persons whose cases are referred to it by the Minister of Labour with a view to possible deportation.



TELETYPE

- 2 -

Thus far no deportations have taken place. However, ~~about 3,500~~ <sup>a total of 3,671</sup> Japanese have gone to Japan voluntarily, and another 260 are scheduled to leave on December 23rd.

20,814 The character of the problem has altered somewhat in the past year due to the voluntary movement referred to above and to the general success of the resettlement policy. The 1941 Japanese population of Canada was 23,149, of which 22,096 were in British Columbia. At present there are about 21,250 Japanese in Canada, of which approximately 7,000 are in British Columbia (a reduction of some 15,000). In effect, British Columbia, which before the war had over 95% of the Japanese, now has only 33%. There has, in addition, been a shift of these from the coast to the interior areas. I understand that in some of these there is still a fair amount of anti-Japanese feeling, but it would seem reasonable to expect that there may now be less pressure from British Columbia for large scale deportations. At the same time, there seems no doubt but that there will be severe criticism elsewhere if substantial deportations are decided on - especially since the resettlement has taken place.

I am informed by the Department of Labour that there are 30 or 40 Japanese nationals who were all interned at some time during the war and who have refused employment. They have been a troublesome group and many of them have said they would like to go to Japan but would not assist the Canadian government by doing so voluntarily.

One possible line of policy might be to have a commission set up at once under P.C.7357 for the sole purpose of looking into these specific cases and any others, involving Japanese nationals only, which the Department of Labour might wish to put forward immediately. Deportation in such cases might be desirable and would probably not provoke much criticism. If any action of such a type were to be taken, however, it would have to be done immediately as the power to carry out the deportation would lapse on March 31, in the absence of legislation.

You may feel that the Cabinet Committee on Japanese should be instructed to look into the situation and report to Cabinet at an early date.



TELETYPE

- 3 -

There are also the less urgent problems of the restrictions on the movement of the Japanese, and of the policy regarding property losses to be looked into.

A total of 14,888 Japanese persons were voluntarily repatriated to Japan in May, June and July of this year. Apparently, the difference between this figure and the net reduction in population (12,746) is due to the inclusion of figures for births and deaths in the twelve-month period. Further reduction in R. G. R. Japanese population will take place this month through the movement of some 200 additional Japanese to Japan on September 23rd.

3rd December, 1946.

RGR:McK

As the concentration of Japanese in British Columbia is completed, whereas the figure before the war was something over 20,000 and in August, 1945, was 14,888, the number of Japanese persons resident in that province is now 1,542. This represents a reduction of 14,000 from the pre-war period and of about 1000 in the past twelve months. The extent to which this reduction can be regarded as permanent will, presumably, depend on the degree to which permanent resettlement is achieved in the three western provinces to which the Japanese have moved.

The Japanese population of the various provinces are now as follows:

British Columbia	- 7,942
Ontario	- 3,402
Alberta	- 1,513
Manitoba	- 1,413
Quebec	- 1,000
Saskatchewan	- 618

The three Maritime provinces have only a scattering of Japanese among them.



TELETYPE

From THE CANADIAN AMBASSADOR TO THE UNITED STATES  
To THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA

WASHINGTON.

TELETYPE

WA-1082

WASHINGTON, March 7th, 1946.

WA-1082. Financial arrangements for repatriation of Japanese from Canada to Japan. The following is the text of a memorandum received from the Department of State today. In a subsequent teletype I will transmit some comments on this memorandum arising out of the discussion held with State Department officers this morning at the time the note was delivered.

Memorandum

Reference is made to the request of the Canadian Embassy for information as to what arrangements in connection with the repatriation of Japanese assets from Canada would be in accordance with regulations in effect in Japan with respect to the importation of property by Japanese being repatriated to Japan.

Information available to the State and Treasury Departments indicates that under existing regulations in Japan, Japanese repatriates from Canada will be permitted to take into Japan their personal effects, such as clothing, household furniture and jewelry, Yen currency not in excess of 1000 Yen, Japanese bank deposit or postal savings books, Japanese securities, and evidences of property in Japan or of obligations of persons in Japan. Consequently, any such property permitted to leave Canada will be allowed entry into Japan.

Under present regulations in Japan, non-Yen currency, non-Japanese securities, checks, drafts and payment instructions expressed in non-Yen currencies, and other non-Japanese obligations and evidences of property outside Japan will not be permitted entry and will be taken up by Japanese customs officials. Eventual disposition of such items has not yet been determined.



6-1

TELETYPE

From THE CANADIAN AMBASSADOR TO THE UNITED STATES  
To THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA

- 2 -

WASHINGTON,

It is understood that the Canadian Government desires to permit Japanese repatriates to liquidate their property in Canada and to repatriate the proceeds. Subject to the approval of the Supreme Commander for the Allied Powers, which has been requested by cable, it is proposed that the United States Government accept for the account of the Supreme Commander with the United States Treasury the dollar equivalent of the proceeds of the liquidation, and arrange for payment of the Yen equivalent upon arrival of Japanese repatriates in Japan. Proceeds of liquidation will be accepted from the Canadian Government in United States dollars in unlimited amounts. It is suggested that the Canadian Government transmit to the Department of State checks drawn to the order of the Treasurer of the United States, together with schedules specifying the names of Japanese repatriates on whose behalf the dollars are remitted and the amounts allocated to the respective repatriates. The Department of State will undertake to see that appropriate schedules are forwarded to the Supreme Commander for the Allied Powers, who will instruct the Bank of Japan to make out-payments in Yen at the military rate of conversion in effect at the time the dollars are deposited in the Supreme Commander's account with the United States Treasury. Bank of Japan representatives will be available at port of debarkation in Japan to make Yen payments. In the event that the amount to which a repatriate is entitled exceeds the amount which he can withdraw in cash under Japanese currency regulations, there will be no objection to retention of the excess in blocked accounts in accordance with those regulations.

It is understood that the Canadian Government does not wish to force an immediate liquidation of property by Japanese, and



6-1

TELETYPE

From THE CANADIAN AMBASSADOR TO THE UNITED STATES  
To THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA

- 3 -

WASHINGTON,  
WASHINGTON,

wishes to provide that any property not liquidated before departure will be retained by the Canadian Enemy Property Custodian to be liquidated by him at his discretion, with the Japanese repatriate being given a receipt recording the fact that the Canadian Enemy Property Custodian has retained the described property. It would be the intention of the Canadian Government to remit the proceeds of liquidation as soon as the liquidation is completed. Subject to confirmation by the Supreme Commander, the United States Government has no objection to this procedure. The Japanese repatriates will be permitted to retain upon entry into Japan the receipts given them by the Canadian Government, and remittance of the proceeds will be acceptable at any time under conditions identical with those specified in the preceding paragraph.

It is understood that the Canadian authorities will examine repatriates before they leave Canada to make certain that they are not carrying out any items which are forbidden entry into Japan. The only items permitted to be carried out will be personal effects, Yen-currency, Yen-securities, Yen-obligations, evidences of property in Japan, and such receipts as the Canadian Government may wish to provide to Japanese to record arrangements described in the two preceding paragraphs.

The Department of State will notify the Canadian Embassy as soon as the procedures outlined above have been approved by the Supreme Commander.

This memorandum was prepared prior to the receipt of the Canadian Embassy's memorandum of March 5th, 1946. With respect to the first sentence of paragraph A of that memorandum, it will be noted that the United States Government does not propose to place any restriction on the amount of remittances made by the Canadian



# TELETYPE

From THE CANADIAN AMBASSADOR TO THE UNITED STATES  
To THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA

- 4 -

WASHINGTON,

Government on behalf of Japanese repatriates from Canada, either at the time of their repatriation or at a later date.

The Canadian Embassy's memorandum suggests that a sum equivalent to the total value of Yen receipts issued at the rate of 15 Yen to \$1.00 (United States) be placed in a special account in the name of the Supreme Commander. The United States Government suggestion is that the Canadian Government remit United States dollars to the United States Treasury Department for deposit in the account of the Supreme Commander there, and that the Yen equivalent payable to the Japanese repatriate be computed on the basis of the military rate of conversion in effect at the time the dollars are deposited. If this arrangement is not satisfactory to the Canadian Government, it can, of course, be re-examined.

Note is taken of the desire of the Canadian Government to receive evidence that payments have been made to the designated Japanese in Japan. The Supreme Commander will be asked to obtain receipts or other evidence of payment from the Bank of Japan for forwarding to the Canadian Government.

Department of State,

R. O. R.

Washington, March 7th, 1946.

March 4, 1946.

RGR:McK

CANADIAN AMBASSADOR



OFFICE OF THE PRIME MINISTER

MEMORANDUM

For the Prime Minister:

---

RE: Japanese Canadians

-- The Vancouver Sun has always been the most anti-Japanese of the daily papers in British Columbia. The attached editorial despatch is presumably a significant indication of the change in attitude in Vancouver, which may well have a bearing on future policy.

J.W.P.

26th December, 1946.

*non. important  
for the  
papers re  
29-11-46*



Name of Publication..... Vancouver Sun

Date..... Dec 13/46

Subject.....



## ROY W. BROWN

### Japanese Settlement

**OTTAWA. — THE SOVEREIGN** power of Canada to exercise unusual control over Canadian citizens of Japanese origin having been vindicated by the Privy Council in London, it is now necessary to consider what the peace-time policy shall be.

The status quo would probably suit British Columbia as well as anything. Our wartime demand that the Japanese be excluded from Pacific Coast areas has resulted in their dispersal across Canada. Thus the main objection up to now has been remedied. We shall be wise to exercise the utmost restraint and tolerance in considering what is to happen next.

★ ★ ★

**FOUR THOUSAND HAVE BEEN** deported—or will be when a party of 278 sails from Vancouver on Dec. 23. Another 6000 once signed to leave Canada, but recanted. The Privy Council decision appears to give power to deport them also. No attempt has yet been made to secure transport for them. Any move to forcibly carry out the law would be met by the most strenuous opposition in Eastern Canada where the view is held that British Columbia's attitude is one of complete intolerance. This is not the case in fact, but the Eastern prejudice against us should be borne in mind. It will be better to settle this business without a big quarrel.

Today there are 5000 or 6000 Japanese in the interior of B.C., and all the others have scattered east of the Rockies. Most of the B.C. interior Japs are gainfully employed and there is no pressing problem relating to them. The exceptions are about 1000 at New Denver camp—the last of the Jap "centres" to be operating in the province. Many of the Japanese there are sick and old or otherwise unemployable. The government could well

take a short-cut for this 1000 people and give them the houses of the camp. They could make a fair living off their gardens and by work in the neighborhood.

★ ★ ★

**THE FIRST ACTION REQUIRED** from the government is a firm declaration that no large scale return to the Pacific Coast area will be tolerated. The government should make the position clear that if they are to live at peace in Canada they must not revive any idea of re-establishment of a Pacific Coast colony.

As a matter of fact, there is much information available that most of the Japanese now on the prairies and in Eastern Canada are only too anxious and willing to stay there.

The government ought to continue in full operation the six placement offices it now maintains at Winnipeg, Lethbridge, Montreal and other places, so that Japanese looking for jobs can have no excuse of lack of opportunity to work. These offices could easily head off any attempt of the Japanese to head westward again.

★ ★ ★

**BEFORE THE WAR THE JAPANESE** question in Canada was exclusively one for British Columbia, because it was in the Vancouver area that they insisted on living—and often to the economic disadvantage of other people. So long as they remain dispersed, British Columbia will not need to worry overmuch. It is to our interest that other parts of Canada shall not regard us as excessively intolerant and we can gain nothing by pursuing them to the coasts of Labrador.

But we should emphasize that if the East expects tolerance, then we must have ample assurances from the government that Powell Street and Steveston are to remain white.



FROM: *Eric Stangroom*

TO:.....Mr. R.G. Robertson,.....

This is the draft I mentioned to  
you on the phone and on which I would  
appreciate your comment.

E.S. 10.12.46



D R A F T

THIS DOCUMENT IS THE PROPERTY OF THE GOVERNMENT OF CANADA

S E C R E T

REFERENCE DOCUMENT 'C'

Memorandum to the Cabinet Committee  
on Japanese Problems.

STATUS OF CANADIAN-BORN JAPANESE IN JAPAN  
AND JAPANESE NATIONALS IN CANADA

A.

Under P.C.7356 ~~the national status of~~ Japanese who have either left Canada voluntarily in the past year, or who may be deported in future if policy to this effect is applied, would appear to suffer loss of their Canadian status. On the other hand, this Order in Council does not affect the Canadian nationality of persons born in Canada, and, in the opinion of the Department of Justice, P.C.10773 of 1942 has no application except to persons who went to Japan in pursuance of an exchange agreement.

This means that there will be a number of Japanese of Canadian birth in Japan who will be Canadian citizens. As such they will have the right of entry into Canada under the Immigration Act.)

Therefore, the question of policy with regard to their admissability arises. In addition, questions as to their diplomatic protection in Japan and probable application for assistance in case of indigence require consideration.

B.

*in addition*  
~~Both Canadian citizens of Japanese origin and~~ Japanese nationals who have domicile in Canada have a legal right of entry into Canada in the future. The policy regarding their admissability also arises, and our Mission in Tokyo requires instructions on such cases.



The possible courses of action are -

1. To refuse to recognize the right of entry. This would be contrary to the existing law, and require legislation of a controversial nature;
2. To instruct the Mission that they should be prepared to grant visas for travel to Canada, but should not give any assistance in securing transportation, or
3. To instruct the Mission that it should issue visas and give assistance in securing accommodation to Canadian citizens, but not to Japanese nationals.



Order in Council stating that persons repatriated to enemy territory in time of war should not be allowed to retain their status as British Subjects or as Canadian Nationals.

P.C. 10773

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 26th day of NOVEMBER, 1942.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

WHEREAS the Secretary of State, with the concurrence of the Secretary of State for External Affairs, reports that arrangements have been made with the Japanese Government for the repatriation of persons of Japanese race, together with their wives and minor children, from Canada to Japan in exchange for Canadian nationals and other persons repatriated from Japan and Japanese-occupied territory to Canada;

That it is possible that similar arrangements may be made from time to time with the governments of other enemy states; and

That it is undesirable that any persons so repatriated to enemy territory in time of war should be allowed to retain their status as British subjects or as Canadian nationals;

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Secretary of State, and under the authority of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is pleased to order and doth hereby order as follows:-

1. (a) Any person who is a British subject by reason of marriage, or by reason of birth or naturalization in Canada, or by reason of the birth or naturalization of his father in Canada, and who makes application for repatriation to any country which at the time of the application is at war with Canada, shall, as from the date of his departure from Canada for repatriation, cease to be a British subject, and any person who is a Canadian national but not a British subject, who makes application for repatriation to any country which at the time of the application is at war with Canada, shall, as from the date of his departure from Canada for repatriation, cease to be a Canadian national.

(b) The wife and minor children of any person who ceases to be a British subject by virtue of paragraph (a) of this clause, shall, if they are included in that person's application for repatriation, cease to be British subjects as from date of their departure from Canada.

(c) Notwithstanding the provisions of section 15 of the Naturalization Act, Chapter 138 of the Revised Statutes of Canada, 1927, a minor child of a person who ceases to be a British subject by virtue of paragraph (a) of this clause, shall not cease to be a British subject by reason only that his parent has ceased to be a British

subject/



P.C. 10773

subject, unless he is included in his parent's application for repatriation and actually departs from Canada.

2. (a) Any person who is a British subject by reason of marriage, or by reason of birth or naturalization in Canada, or by reason of the birth or naturalization of his father in Canada, and who makes application for protection to the Protecting Power of a state at war with Canada, or who asserts allegiance to such state, or who makes application for repatriation to such a state but is not so repatriated, may, in the discretion of the Secretary of State, be deprived of his status as a British subject, and any other person who is a Canadian national and who applies for protection or repatriation as aforesaid may, at the discretion of the Secretary of State, be deprived of his status as a Canadian national.

(b) The wife and minor children of a person who is deprived of his status as a British subject, or of his status as a Canadian national, under paragraph (a) of this clause, may, in the discretion of the Secretary of State, be deprived of their status as British subjects.

3. The Secretary of State shall publish in the Canada Gazette the names of all persons who have lost their status as British subjects or as Canadian nationals by virtue of this Order in Council.

Certified to be a true copy.

A.D.P. Heeney,

Clerk of the Privy Council.



27/2/46

MEMORANDUM FOR THE PRIME MINISTER:Re: Cabinet Committee on the Japanese.

The meeting of the Cabinet Committee on the Japanese problem was held this morning, as planned, to give consideration to the steps that should now be taken in the light of the Supreme Court decision.

So far as the decision itself is concerned, Mr. Mitchell and Mr. MacNamara were of the opinion that the majority decision with regard to non-deportation of wives and children might become a very real obstacle in the way of any effective deportation proceedings. The position of the wives would present no difficulty, due to the fact that in all cases they were given the same opportunity as their husbands to indicate their wishes as to movement to Japan. In the case of the children, however, it was felt that many Japanese would use the decision as an opportunity to prevent their own deportation by refusing to take their children with them. Such a move would involve the consequence of breaking up families and of leaving it to the government to provide maintenance for the children in this country if deportation were carried through, or of allowing deportation to lapse. In the circumstances, it was agreed by the meeting that it would probably be useless to attempt to carry forward the movement of any other than voluntary repatriates as long as the decision remained as at present. This fact in itself was thought to constitute an important argument in favour of allowing an appeal to go forward to the Privy Council in the hope that this aspect of the decision might be reversed.

In the light of the above situation, it was felt that, while it would otherwise be desirable to avoid having an appeal carried to the Privy Council, nevertheless this probably could not be avoided unless the government were prepared to face the possibility that the entire deportation programme would be blocked. As an additional factor, it was felt that, while it might be possible to



? secure agreement from Mr. Brewin and the Toronto Committee, that they would not proceed with their appeal if the government policy were modified in certain respects as they desired, nevertheless any such commitment would be no guarantee against having appeals carried by other committees throughout Canada or by Japanese individuals involved. In short, there appeared to be no reasonable possibility of carrying through a successful policy under the terms of the present judgment and, at the same time, no way of having that judgment altered other than by an appeal to the Privy Council.

After careful consideration, the Committee decided that it would recommend to Cabinet that an announcement should be made on behalf of the government to the following effect:

- (a) That, in the light of the uncertainty created in the legal situation by the differing judgments of the Supreme Court, the government would facilitate the hearing of an appeal on the question by the Privy Council.
- (b) That <sup>pending the outcome of the appeal</sup> arrangements would be made at as early a date as possible for any Japanese who wished to do so, to leave Canada for Japan on a purely voluntary basis ~~under the conditions already laid down by Order in Council. The other aspects of the deportation policy would be held in abeyance pending the decision on the appeal.~~
- (c) That the appointment of the Commission to review the cases of Japanese persons would be deferred until the hearing of the appeal had been completed, and that before its establishment its terms of reference would be re-examined. *reconsidered*

In addition, the Committee decided to recommend (not for announcement) that the Department of Labour should take immediate measures to encourage dispersal and



settlement of the Japanese in Canada as rapidly as possible. For this purpose it was felt to be essential that the ban on the purchase of land by Japanese persons should be lifted. The Committee was of the view that it was highly desirable to have re-settlement on as permanent a basis as possible at an early date since the Orders in Council which enable the restriction and control of the Japanese persons in this country will lapse at December 31st next, with the termination of the National Emergency Transitional Powers Act.

While the sending of an appeal to London will mean that no hearing can probably be completed before June at the earliest, Mr. MacNamara was of the view that this would not, in reality, involve any delay in the settlement of the problem since he felt that it was likely to take some months yet before arrangements could be agreed on with the United States authorities and cleared with General MacArthur for the details of the movement. There have been unexpected difficulties with regard to the capacity of the Japanese to take funds from Canada to Japan. The United States authorities are being quite strict in this matter, although they have finally agreed that the Japanese should be able to take all their funds with them. (At first they were opposed to their being allowed to take more than a stipulated amount of very modest size.) If this arrangement seems satisfactory it still has to be cleared with General MacArthur, and there is every probability that there will be lengthy delays. In view of this it was felt that the time involved in an appeal might be an advantage rather than an embarrassment.

N. A. R.

February 27, 1946.



Memorandum for the Prime Minister:

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-- Attached herewith is a report which you may wish to see concerning progress in the settlement of the Japanese problem in Canada.

The report indicates that in August, 1946, the total number of Japanese persons in this country was 21,230 as contrasted with 23,975 in August, 1945 -- a reduction of 2,745. A total of 3,148 Japanese persons were voluntarily repatriated to Japan in May, June and July of this year. Presumably, the difference between this figure and the net reduction in population (2,745) is due to the inclusion of figures for births and deaths in the twelve-month period. A further reduction in the Japanese population will take place this month through the movement of some 600 additional Japanese to Japan on September 23rd.

So far as the concentration of Japanese in British Columbia is concerned, whereas the figure before the war was something over 22,000 and in August, 1945, was 14,888, the number of Japanese persons resident in that province is now 7,946. This represents a reduction of 14,000 from the pre war period and of almost 7000 in the past twelve months. The extent to which this reduction can be regarded as permanent will, presumably, depend on the degree to which permanent re-settlement is achieved in the more easterly provinces to which the Japanese have moved.

The Japanese populations of the various provinces are now as follows:

British Columbia	- 7,946
Ontario	- 6,025
Alberta	- 4,219
Manitoba	- 1,413
Quebec	- 1,099
Saskatchewan	- 481

The three Maritime provinces have only a scattering of Japanese among them.



It would appear from the report and from the above figures that the Japanese re-settlement programme has, so far as numbers are concerned, been in large part successful. Presumably, this will reduce somewhat the pressure for a full implementation of the more general programme of Japanese repatriation that was covered by the Orders in Council passed last December.

R. G. R.

September 14th, 1946.

RGR:MV



S E C R E T

MEMORANDUM TO THE SUB-COMMITTEE OF CABINET  
ON JAPANESE AFFAIRS:

Progress Report on Japanese Repatriation  
and Relocation.

I. Repatriation

- (a) A total of 1774 voluntary Japanese repatriates have been returned to Japan on two ships leaving Vancouver on May 31 and June 16 of this year. The total consists of 1230 adults and 544 children.
- (b) A third boatload of 1300 voluntary repatriates will sail around August 2.
- (c) In addition, a fourth boat will probably be required for a further 300 to 600 volunteer repatriates but shipping accommodation for same before the end of August appears unlikely.

II. Relocation

- (a) A number of former service quarters have been taken over from National Defence to establish hostels for Japanese moved from the settlements in British Columbia for relocation between Saskatchewan and the Maritimes. Hostels have been established as follows:

Moose Jaw, Sask.	--	maximum accommodation	400
Winnipeg, Man.	--	maximum accommodation	200
Neys, N. Ont.	--	maximum accommodation	800
Farnham, Que.	--	maximum accommodation	200

There is also hostel accommodation for some 100 at Toronto and London, Ontario. Family groups are being moved to these hostels and relocated as quickly as local employment and accommodation is found for them.

- (b) Movement out of British Columbia settlements to points east has been heavy in the past three months. Figures from April 1 to June 30 are as follows:

To Alberta	--	470
To Saskatchewan	--	21
To Manitoba	--	114
To Ontario	--	1118
To Quebec	--	173
To Prince E. Island	--	7

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Total		1973
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Movement in July will include several hundreds coming East to the Neys, Ontario and other newly-opened hostels, and at least 400 into Saskatchewan.

(c) There were 14,695 Japanese in British Columbia at March 31, 1946, which was reduced to 10,838 at June 30. The number in the British Columbia Housing Projects at March 31, 1946, was 9,645, and at June 30 had decreased to 5,595. The number in these settlements will be still further reduced by 1,300 persons sailing for Japan about August 2, as well as the hundreds who will move East. It is estimated that the number remaining in our settlement centres in British Columbia may be reduced to 2,500 or 3,000 by Autumn. The Department of Labour is now in the process of closing several British Columbia Housing Projects as the people move out.

(d) The biggest obstacle at the present time to the resettlement of Japanese east of the Rockies and especially in Eastern Canada remains the lack of housing accommodation close to available employment.

### III. Legislation

The Department of Labour recommended that legislation be brought in at the present Parliamentary Session to re-enact in statutory form the provisions of the existing Orders-in-Council for the relocation of Japanese in Canada and for control over their movements and residence during the period of relocation. The Cabinet decided that all emergency Orders covering Japanese including those relating to relocation in Canada should stand over for re-examination after the present Session and that no legislation be introduced at this Session on this subject.

July 16, 1946.



Memorandum for Mr. Norman Robertson:

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Attached hereto is a letter to Mr. Varcoe, asking for a legal opinion as to the application of Order in Council P.C. 10773 of November 26, 1942, to persons of Japanese origin who leave Canada voluntarily or who are deported under the provisions of the three Orders in Council of last December.

At the time the three Orders in Council were being drafted last December, consideration was given to P.C. 10773 but it was felt that no action should be taken with regard to it at that time as it was noted that the Secretary of State's department had not yet taken any action with regard to revocations of nationality under its terms which they might wish to take, or which it might be felt advisable for them to take, with regard to persons of enemy origin who had applied for repatriation during the war years. So far as I know, there has not yet been anything done by the Secretary of State's department, but it is clear that if P.C. 10773 is deemed to apply to the Japanese who may be moving out under the three later Orders in Council (and I think there is no doubt but that it does apply) it will be necessary for the government to consider whether the Order in Council should be rescinded as of the day before the movement of the first boatload of Japanese -- May 25th, I believe.

When the three Orders in Council were being considered by the Cabinet last December, they were strongly of the opinion that there should be no loss of nationality in the case of Canadian-born persons. This point was stressed by the Prime Minister in his statement in the House of Commons on December 17. However, if P.C. 10773 has application, it will mean that persons who signed for repatriation and who are going voluntarily, whether Canadian-born or not, will lose their nationality as will their wives and minor children. This will certainly provoke a great deal of criticism directed to the merits of the question. There will also be charges that the Prime Minister misled the House in his statement of last December and it will again give an opportunity for criticism of the government on the ground that the Order in Council, if not secret, was at least not publicized and was not brought to the attention of the House or the country.



I wrote to Arthur Brown on Monday about this matter and asked him for his views. He has now discussed it with Mr. MacNamara who seems inclined to the opinion that P.C. 10773 should be left as it stands and that any action to remove it will only facilitate the re-entry of Japanese at a later date. On the other hand, Mr. Brown himself is inclined to agree with the above opinion that the government would have to face severe criticism if P.C. 10773 were left to apply to the Japanese.

R. G. R.

26th June, 1946.

RGR:McK



Memorandum for Mr. Wershof, Department of External Affairs.

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In the course of a conversation with him in his office a few days ago, the Under-Secretary showed me your memorandum of April 24th, concerning the readmission of Mrs. Fujiwara, and asked me for my views on the matter with regard to the domestic Japanese policy. I told him that I thought that whatever the general policy was in such cases, it would be most unwise for any assistance whatever to be extended to a Japanese person wishing to return to Canada, especially if the person were a Japanese national. On the other hand, that I thought we should not make entry impossible if the person is admissible under the normal interpretation of the Immigration Act and regulations.

The Under-Secretary agreed in general with the above position. He said that we would have to assume that the case of every Japanese returning to this country would immediately become public and would be made subject to the most searching criticism and inquiry. In addition, he felt that we should try to ensure that there would be no possibility of any arrivals of this type until there has been a substantial movement of Japanese persons out of Canada and until the climate of opinion has improved somewhat.

If plans go through without change, there will be 660 Japanese persons leaving Canada voluntarily on May 23rd and another 890 on May 31st. These movements should considerably improve the general position.

Since your memorandum, a letter dated April 24th has been received from the Director of Immigration, which indicates that Mrs. Fujiwara is readmissible to Canada as a person in possession of Canadian domicile. In the circumstances, it would appear that after a judicious measure of delay the best thing might be to inform Mrs. Kitagawa that her mother will be admitted if she returns to Canada but that any arrangements for transportation and so forth will have to be made by her and that no assistance can be extended by the Canadian government.

R.G.R.

May 3, 1946.

RGR/MG



Memorandum for the Prime Minister.

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I have spoken to Mr. A. H. Brown of the Department of Labour about the conversation which Mr. Coldwell and Mr. MacInnis had with you concerning a report that Japanese persons at the camp in Tashme, British Columbia, were being laid off in the sawmills at Hope, British Columbia, if they had not signed applications to be sent to Japan. Mr. Brown informs me that they are endeavouring to encourage persons who are eligible for relocation in Eastern Canada to leave the settlements in the interior of British Columbia and proceed eastward as soon as possible. To assist in this movement, the Department of Labour is opening a number of hostels to provide temporary accommodation. One of these is expected to be at Farnham, Quebec, where a portion of the old internment camp is being taken over for the purpose. A second hostel is being established at Moose Jaw, Saskatchewan, and one or more will be opened at points in Northern Ontario where Japanese persons could be placed in employment in the lumber industry.

The men who are being laid off in the British Columbia lumber mills are persons who are eligible to go east for settlement and for whom work is available. In all these cases, the Department of Labour is prepared to find a job for the men on resettlement in the eastern parts of Canada. It is not possible, in all cases, for the men to take their families with them immediately and in some cases this causes a reluctance to move.

On the whole, it would appear that the position taken by the Department of Labour in this matter is not unreasonable. The Japanese problem will continue to be acute and troublesome as long as a reservoir of unsettled Japanese remains in the interior settlements, and it is in accordance with recent Cabinet decisions that encouragement should be given for relocation in Eastern Canada by persons whose record is good.

Would you wish to have a letter written to Mr. Coldwell for your signature, explaining the situation and the policy that is being followed?

RGR/MC

R.G.R.

April 20, 1946.



## Japanese in Canada

- difficulty of the problem
- Prime Minister's statement of August 4, 1944 -
  - rejection of total deportation - racism.
- March - August, 1945 - opportunity to all Japanese to indicate whether they wished to go to Japan
  - no coercion - voluntary.
- Prime Minister's statement December 17, 1945.
  - tabled P.C.'s 7355, 7356, 7357.
- reference to Supreme Court
  - decision February 20, 1946 - upheld orders except for clause re deportation of wives and children.
- Government decision, March, 1946 -
  - facilitate appeal to Privy Council
  - assist those leaving voluntarily
    - no action re others
  - no Commission until after appeal
    - review terms of reference before appointment.
- criticism -
  - much springs from misunderstanding
  - deportation proposed only of
    - (a) those who declared desire to go to Japan
    - (b) disloyal persons
  - serious step to declare wish to go to country at war
  - careful consideration being given.



Memorandum for the Prime Minister

The attached press release, for your approval, would make public the recent decision of Cabinet with regard to the problem of the Japanese in Canada. The Department of Labour is particularly anxious to have an announcement made at an early date as it would answer most of the doubts and a certain number of the criticisms as to the present position. It will also make clear the government position to the Co-operative Committee on Japanese Canadians and other groups that are taking an active part in the question.

The announcement is drafted on the assumption that an appeal will be carried to the Privy Council. This was confirmed by Mr. Brewin, the counsel for the Co-operative Committee, in a telephone conversation this afternoon with Mr. R. G. Robertson.

Mr. Brewin stated that the Co-operative Committee would still like to meet some representatives of the government to place before them their views with regard to the question, many of which deal with points that are not strictly legal.

N.A.R.

March 11, 1946.

ROR/MG



Press Release.

Prime Minister's Office

The Prime Minister, Mr. Mackenzie King, announced to-day that the government would facilitate any appeal which it was desired to carry to the Judicial Committee of the Privy Council from the decision handed down by the Supreme Court of Canada in the reference which was made to it concerning the validity of Orders in Council P.C. 7355, 7356 and 7357 of December 15, 1945, with regard to persons of Japanese origin in Canada.

Pending the outcome of such an appeal to the Privy Council, action under the Orders in Council with regard to deportation will be suspended. In the meantime, the Department of Labour will proceed with arrangements to assist any Japanese who wish to leave Canada to do so at an early date. Mr. King made it clear that notwithstanding the fact that the Orders in Council are under review, any Japanese persons who wish to go to Japan will be accorded the terms provided for in Order in Council P.C. 7355, which allows the removal of the value of all



property and assets held in Canada, and which provides for minimum financial credits and government assistance in needy cases. Persons leaving under these arrangements will be accorded free transportation for themselves and their families and for whatever baggage allotment is allowed by shipping conditions.

The Prime Minister stated that the government would defer the appointment of the commission to review the cases of persons of Japanese origin until judicial review of the Orders in Council is completed. Prior to the appointment of the commission, its terms of reference, as set forth in Order in Council P.C. 7357, will be reviewed by the government.



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MEMORANDUM FOR THE PRIME MINISTER:

-- You may wish to see the attached statement which was issued by the Co-operative Committee on Japanese Canadians following the decision of the Supreme Court in the Japanese reference.

-- Also attached are three letters which are typical of the communications that we continue to receive each day. The majority of them are from church organizations, or from persons who have contact with church work. In my memorandum of February 11, concerning the memorandum sent out by the National Inter-church Advisory Committee on the Resettlement of Japanese Canadians, I mentioned that we were receiveing "an average of possibly 10 to 15 letters a day protesting against the deportation policy". Since that time the number has somewhat increased. In the last week in February, we were receiving possibly 30 letters a day, though now the number has fallen to about 20 per day. Over the last three-month period we have probably received in the vicinity of 700 to 1000 letters on this subject.

The number received has made it necessary to send a reply only if the letter has special merit or particularly calls for an answer.

R. G. R.

March 4, 1946.

RGR:McK



*R. W. Robertson*

# In the Supreme Court of Canada

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IN THE MATTER OF A REFERENCE AS TO THE VALIDITY OF ORDERS  
IN COUNCIL OF THE 15TH DAY OF DECEMBER, 1945 (P.C. 7355,  
7356 AND 7357), IN RELATION TO PERSONS OF THE JAPANESE  
RACE.

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**Factum of the Attorney General of Canada**

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# In the Supreme Court of Canada

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## Factum of the Attorney General of Canada

### PART I

By Order in Council of January 8, 1946 (P.C. 45) the following question is referred to this Court for hearing and consideration, namely:—

- 10        Are the Orders in Council dated the 15th day of December, 1945, being P.C. 7355, 7356 and 7357, *ultra vires* of the Governor in Council either in whole or in part and if so in what particular or particulars and to what extent?

The first Order in Council referred to (P.C. 7355), is an Order authorizing the repatriation or sending to Japan of designated classes of persons who are nationals of Japan or who are of the Japanese race and conferring authority on the Minister of Labour for that purpose. The second Order in Council (P.C. 7356) provides that persons leaving Canada pursuant to the first mentioned Order, if they are naturalized British subjects under the Naturalization Act of Canada, shall cease to be either British subjects or Canadian nationals. The third Order  
20 in Council (P.C. 7357) authorizes a Commission to investigate the activities, loyalty and extent of co-operation with the Government of Canada during the war of Japanese nationals and naturalized persons of the Japanese race named by the Minister of Labour with a view to making recommendations as to the deportation of such persons under the first mentioned Order.

The latter two Orders in Council have no operation except by reason of the first Order in Council. The three Orders in Council constitute one scheme the validity of which depends on the first Order in Council, P.C. 7355.



Order in Council P.C. 7355 is made following recitals that 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 other persons of the Japanese race have requested or may request that they be sent to Japan. It further recites that it is considered necessary by reason of the war for the security, defence, peace, order and welfare of Canada that provision be made to deport these classes of persons.

The Order in Council is expressed to be made under the authority of the War Measures Act.

- 10 Section two of the Order establishes three categories of persons who "may be deported to Japan".

The first category includes every national of Japan, who is not also a Canadian national, of sixteen years of age or over, resident in Canada who was detained pursuant to the provisions of the Defence of Canada Regulations or of Order in Council P.C. 946 of February 5, 1943, as amended by Order in Council P.C. 5637 of August 16, 1945, at midnight of September 1, 1945, the day before the formal unconditional surrender of the military forces of Japan. The relevant regulations of the Defence of Canada Regulations (Consolidation) 1942 were regulations 21, 24 and 25. Regulation 21 provided that the Minister of Justice, if satisfied  
 20 that with a view to preventing any particular person from acting in a manner prejudicial to the public safety or the safety of the state it was necessary so to do, might make an order directing that the person be detained. Regulation 24 provided that all enemy aliens who were members of enemy armed forces and who attempted to leave Canada and in regard to whom there was reasonable ground to believe that their attempted departure was with a view to assisting the enemy or who were engaged or had attempted to engage in espionage or acts of a hostile nature or who gave or attempted to give information to the enemy or who assisted or attempted to assist the enemy or who were on reasonable grounds suspected of doing or attempting to do any of these acts should be arrested and  
 30 detained. Paragraphs 8 and 9 of regulation 25 provided that if any enemy alien refuses to give an undertaking to report and to observe the laws of Canada and to abstain from acts of hostility or communication with the enemy or who in the judgment of the Registrar or the Minister of Justice could not consistently with the public safety be allowed at large or who fails to register when required or to answer questions truthfully or to observe any of the conditions upon which he was permitted his liberty, might be interned as a prisoner of war. When regulation 21 mentioned above was revoked by Order in Council P.C. 5637 of August 16, 1945, a further provision was added to Order in Council P.C. 946 of February



5, 1943, that all persons of the Japanese race who were detained pursuant to the provisions of regulation 21 prior to August 15, 1945, and were so detained on August 15, 1945, should continue to be detained subject to release by the Minister of Justice. Order in Council P.C. 946 of February 5, 1943, confers certain powers on the Minister of Labour and makes certain other provisions in connection with persons of the Japanese race evacuated from the protected areas of British Columbia and for the control of persons of the Japanese race in Canada.

The second category of persons who "may be deported to Japan" includes certain persons of the Japanese race of sixteen years of age or over resident in 10 Canada, who have made written "requests for repatriation" i.e. have requested in writing that they be repatriated or sent to Japan (P.C. 7355, section 1(d)). Three classes of such persons are designated in this category:—

1. every such person who is a national of Japan and who made such a request since the date of declaration of war by the Government of Canada against Japan on December 8, 1941, (section 2 (1)(a));
2. every such person who is a naturalized British subject who made such a request which was not revoked in writing prior to September 1, 1945, the day before the unconditional surrender of the armed forces of Japan, (section 2 (2)); and
- 20 3. every such person who is a natural-born British subject who has not revoked his request prior to the making by the Minister of an order for his deportation (section 2 (3)).

Except as provided in paragraphs enumerated 2 and 3 a request for repatriation is final and irrevocable for the purposes of the Order (section 3). Notwithstanding such a request by any person or that the request has become irrevocable by him, the Minister of Labour may, under Order in Council P.C. 7357, refer the case of any naturalized person to the Commission established by that Order in Council for investigation and its recommendation with reference to deportation (P.C. 7357, section 2).

- 30 The third category of persons includes the wife and children under sixteen years of age of any person against whom an order for deportation is made. They may be included in the order. (section 2(4)).

It is apparent on examination of the Order that, in conjunction with the later provisions of the Order, the authority conferred by the provision "may be deported to Japan" in section 2 is two-fold, namely it contemplates the making of orders for the compulsory deportation of certain persons within the designated categories and it also contemplates the making of arrangements for the trans-



portation and care of persons who have requested to be sent to Japan and who voluntarily proceed to Japan. "Deport" is defined in the Order to mean removal or send from Canada pursuant to the authority of the Order and "deportation" is defined to mean the removal pursuant to the authority of the Order of any person from any place in Canada to a place outside of Canada (section 1(a) and (b)). In subsection 1 of section 6 of the Order, reference is made to "any person for whom an order for deportation is made or who having made a request for repatriation is proceeding to Japan without the issue of such an Order" and it is provided that he "shall be entitled insofar as circumstances at the time permit . . . at or immediately prior to the time of his deportation from Canada . . ." to certain rights. "Deportation" and "deport" clearly include voluntary as well as forcible removal and provide for those persons who have requested to be sent to Japan.

By section 4 of the Order the Minister of Labour is authorized to make orders for the deportation of any person "subject to deportation" i.e. who may be deported under section 2, to take such measures as he deems advisable to provide or arrange for the deportation of such persons and for their transportation, detention, discipline, feeding, shelter and welfare pending their deportation and to make such orders, rules and regulations as he deems necessary for the purpose of carrying out the provision of the Order (paragraphs (a), (b) and (c)). The authority conferred is to make the necessary arrangements for taking to Japan those persons who have requested to be sent as well as those who are to be forcibly deported.

Section 6 of the Order provides that any person for whom an order for deportation is made or who, having made a request for repatriation, is proceeding to Japan without the issue of such an order shall be entitled, insofar as circumstances at time permit, at or immediately prior to the date of his deportation from Canada, to purchase suitable foreign exchange to the extent of any money in his possession or standing to his credit in Canada or advanced to him by the Minister in the circumstances mentioned below and to take the foreign exchange out of Canada with him. He may also deposit any money in his possession or standing to his credit in Canada with the Custodian of enemy property who shall provide him with a receipt therefor and purchase foreign exchange therewith and the Custodian shall transfer the foreign exchange, less transfer charges, to such person whenever it is reasonably possible following upon his deportation. The person deported may also at the time of his deportation take with him such personal property belonging to him as may be authorized by the Minister. The Foreign Exchange Control Board is required to do such things and to issue such permits as may be required to implement the foregoing provisions (section 6(1)).



the Commission may at the request of the Minister of Labour inquire into the case of any such person and may make such recommendations with respect to such case as it deems advisable. Any person of the Japanese race who is recommended by the Commission for deportation shall be deemed to be a person subject to deportation under the provisions of Order in Council P.C. 7355 and as and from the date he leaves Canada in the course of deportation shall cease to be either a British subject or a Canadian national. The remaining provisions of the Order in Council are administrative.

The foregoing Orders in Council were made after the authority of the Supreme  
 10 Commander for the Allied Powers in Japan had been obtained for the repatriation and sending of the Japanese affected, subject only to provision of shipping (dispatches attached to Order of Reference). Repatriation or sending of these persons to Japan is being carried out as an act of war by the military forces of the allied powers, the acceptance of the persons departed being imposed on Japan.

It is necessary to observe that The National Emergency Transitional Powers Act, 1945 came into operation on January 1, 1946 and that Act provides that for the purposes of the War Measures Act the war against Germany and Japan is deemed no longer to exist (section 5). That Act also provides for the continuation by the Governor in Council of Orders lawfully made under the War Measures  
 20 Act (section 4).

Order in Council P.C. 7414 of December 28, 1945, passed pursuant to section 4 of The National Emergency Transitional Powers Act, 1945, is a general order providing that all orders and regulations lawfully made under the War Measures Act or pursuant to authority created under the said Act in force immediately before the day The National Emergency Transitional Powers Act, 1945 comes into force, shall, while the latter Act is in force, continue in full force and effect subject to amendment or revocation under the latter Act. The Orders in Council referred to this Honourable Court are now in force pursuant to this general order.

## PART II

30 The Attorney General of Canada submits that Orders in Council P.C. 7355, 7356 and 7357 were enacted within the authority of the Governor in Council under the War Measures Act and continue in full force and effect by reason of Order in Council P.C. 7414 of December 28, 1945.



## PART III

## ARGUMENT

*The question of the validity of these Orders in Council is solely one of interpretation and application of the provisions of the War Measures Act and the National Emergency Transitional Powers Act, 1945.*

No question of constitutionality under the British North America Acts or in relation to any other imperial enactment is raised.

Parliament has authority to legislate to confer subordinate legislative authority to enact these Orders in Council.

- 10 Parliament clearly could have enacted the provisions of the Orders in Council directly.

The distribution of legislative authority effected by the British North America Act between Parliament and the legislatures of the provinces is exhaustive of the whole field of sovereign legislative authority subject only to such limitations as are contained in the British North America Acts.

*Bank of Toronto v. Lambe* (1887) 12 A.C. 575, Lord Hobhouse at 588,  
*Attorney General for Canada v. Cain*, 1906, A.C. 542;  
*Attorney General for Ontario v. Attorney General for Canada*, 1912, A.C.

- 571, Earl Lorebourn L.C. at 581 and at 583-4;  
 25 *Nadan v. The King*, 1926, A.C. 482;  
*Statute of Westminster, 1931*, sections 2, 3, and 7 (2) and (3).  
*Croft v. Dunphy*, 1933, A.C. 156;  
*British Coal Corporation v. The King*, 1935, A.C. 500, Viscount Sankey  
 L.C. at 517-18.

It is clearly within the sovereign power of a state to deport or exile or banish aliens or subjects or citizens of the state and to deprive them of citizenship or nationality acquired by naturalization under the laws of the state and to make such necessary ancillary arrangements as may be required. The fact that external arrangements with other countries may be necessary to carry out such legislation  
 30 does not affect its legal operation within the state. In any event in the present case external arrangements with the government of the country receiving the persons deported are not necessary. They are deported and their acceptance is imposed on Japan as an act of war through the Supreme Commander of the Allied Powers, of which Canada is a member.



There is nothing in the British North America Acts restricting or limiting the totality of legislative power conferred under those Acts with reference to the deportation, exile or banishment of aliens or British subjects. There is no other imperial legislation effective on these subjects in Canada which cannot be altered in the exercise of the legislative power conferred on Parliament or the legislatures of the provinces under the British North America Acts. *Statute of Westminster*, 1931, Sections 2, 3 and 7(2) and (3).

Under the British North America Acts the authority to enact legislation in relation to the matters dealt with in Orders in Council P.C. 7355, 7356 and 7357  
10 is conferred on Parliament.

The matters in relation to which these Orders in Council are enacted clearly fall within the emergency power of Parliament during time of war.

*Fort Frances Pulp and Paper Company v. Manitoba Free Press Company Limited*, 1923, A.C. 695.

In any event the legislation enacted in these Orders in Councils is "in relation to" matters falling within the normal legislative authority of Parliament under head 25 "naturalization and aliens" and under the opening words "for the peace, order and good government of Canada" of section 91 of the British North America Act. The deportation of aliens and the revocation or termination of status as a  
20 British subject acquired by naturalization clearly falls within head 25. The deportation from Canada of persons other than aliens is clearly a matter which does not fall within section 92 of the British North America Act. The legislature of a province cannot provide for deportation from Canada or enact legislation "in relation to" such a subject matter. Since the legislative authority conferred by the British North America Act is exhaustive of full sovereign legislative authority, where a matter does not fall within any of the enumerated heads of 92 it must fall within the opening words of section 91. The omission from the text of the Act of specific reference to any matter in relation to which legislation may be enacted does not raise a presumption that the power to do so is omitted from the  
30 Act. On the contrary it is to be taken for granted that the power is bestowed in some quarter . . ." (Earl Loreburn L.C. in *Attorney General for Ontario v. Attorney General for Canada (Companies Reference)* 1912, A.C. 571 at 583.

*John Deere Plow Company Limited v. Wharton*, 1915, A.C. 330, Viscount Haldane at 340.

*Great West Saddlery Company v. The King*, 1921, 2 A.C. 91, Viscount Haldane at 114-5.



*Attorney General for Alberta v. Attorney General for Canada (Debt Adjustment Reference)* 1943, A.C. 356, Viscount Maugham at 371.

Since Parliament could directly enact the provisions of Orders in Council P.C. 7355, 7356 and 7357 it can confer subordinate authority on the Governor in Council to legislate on these subject matters. Where there is no specific provision in the British North America Acts restricting the legislative authority of Parliament in relation to a particular subject matter to legislating directly on such matter itself, Parliament may confer subordinate authority to legislate in relation to that subject matter.

10        *Hodge v. The Queen*, (1883) 9 A.C. 117.

*Shannon v. Lower Mainland Dairy Products Board; Attorney General for British Columbia intervening*, 1938 A.C. 708.

*Reference as to the Validity of the Regulations in Relation to Chemicals*, 1943, S.C.R. 1.

There is no provision in the British North America Acts restricting the authority of Parliament, in relation to the matters provided for by the Orders in Council, to legislation enacted directly by Parliament itself.

It is clearly, therefore, within the authority of Parliament to confer authority by the War Measures Act on the Governor in Council to legislate in relation to the  
20 matters provided by the Orders in Council.

Moreover no question of constitutionality under the British North America Acts arises with reference to continuation of these Orders in force under The National Emergency Transitional Powers Act, 1945. That Act was enacted in recognition of the continued existence of the war to confer authority to legislate in relation to the matters therein mentioned during the emergency period arising out of the war, i.e. the remainder of the war and the period of transition from conditions of war to conditions of peace. The Act contemplates that the state of war continues. Preamble; Sections 2(i)(e), 5 and 7. Section 4 confers authority on the Governor in Council to continue in full force and effect orders and regula-  
30 tions made under the War Measures Act. All such orders and regulations were made by reason of the war. It is within the authority of Parliament to confer authority to continue orders and regulations made by reason of the war for the remaining period of the war and until the measures taken can be discontinued in an orderly manner.

*The provisions of the War Measures Act empower the Governor in Council to enact the provisions of Orders in Council P.C. 7355, 7356 and 7357 of December*



15, 1945, and section 4 of *The National Emergency Transitional Powers Act, 1945* empowers the Governor in Council to continue these Orders in Council in full force and effect.

Section 3 of the War Measures Act provides: "The Governor in Council may do and authorize such acts and things, and make from time to time such orders and regulations, as he may by reason of the existence of real or apprehended war, invasion or insurrection deem necessary or advisable for the security, defence, peace, order and welfare of Canada; and for greater certainty, but not so as to restrict the generality of the foregoing terms, it is hereby declared that the powers of the Governor in Council shall extend to all matters coming within the classes of subjects hereinafter enumerated, that is to say:—

(b) Arrest, detention, exclusion and deportation.

(f) Appropriation, control, forfeiture and disposition of property and of the use thereof."

"Deportation" is defined in the following Dictionaries as follows:—

"The action of carrying away; forcible removal esp. into exile; transportation"—New English Dictionary edited by Sir James Murray, LL.D. and Henry Bradley, M.A. (Oxford English Dictionary). "Act of deporting or state of being deported; banishment; transportation. In modern law, the removal from a country of an alien considered inimicable to the public welfare; distinguished from *transportation* and *extradition*". Webster's New International Dictionary. "The act of carrying away; removal; transportation; exile; banishment". Worcester's Dictionary.

Order in Council P.C. 7355 providing for the removal voluntarily or forcibly of all the classes designated in Orders in Council mentioned or those recommended for deportation under P.C. 7357 is clearly within the meaning of the term "deportation". The provisions of the Orders in Council in relation to loss of status as a British subject and as a Canadian national and in relation to the control and disposition of property are necessarily incidental to effective legislation in relation to deportation. They, therefore, fall within this enumerated head.

In any event it is not necessary that they should fall within the specific heads enumerated because the authority conferred on the Governor in Council by the general power under the War Measures Act is the fullest plenary legislative power which Parliament can confer subject only to the two conditions that a state of war must exist and that the Governor in Council deems the order necessary by reason of the war for the security, defence, peace, order and welfare of Canada. *Reference*



*as to the Validity of the Regulations in Relation to Chemicals*, 1943, S.C.R. 1. Duff C. J. at 11 and 12; Rinfret J. at 17-18; Davis J. at 24; Kerwin J. at 29; *In Re Gray* (1918) 57 S.C.R. 150, the Chief Justice at 158-9; Anglin J. 178-80. The enumeration of powers contained in section 3 does not limit the generality of the general power but on the contrary emphasizes the comprehensive character of the plenary power conferred by it. *Re Gray*, supra, the Chief Justice at 158; Duff J. at 168; Anglin J. at 177-9.

*The Orders in Council were a valid and effective exercise of the authority of the Governor in Council under the War Measures Act and are validly continued in full force and effect under the National Emergency Transitional Powers Act, 1945.*

A state of war existed between Canada and Japan at the time of the making of the Orders in Council. By section 2 of the War Measures Act the issue of a proclamation by His Majesty or under the authority of the Governor in Council shall be conclusive evidence that war exists until by the issue of a further proclamation it is declared that war no longer exists. By a proclamation dated December 8, 1941, published in the CANADA GAZETTE on the same date, it was declared that a state of war with Japan exists in Canada as and from the 8th day of December, 1941. No proclamation declaring that such a state of war no longer exists had been issued at the time the Orders in Council were made. In fact the state of war with Japan continues to exist.

*Oppenheim's International Law* (5th Ed.) Vol. II, Chapter VII, page 464 et seq.

*Kotzias v. Tyser*, 1920, 2 K.B. 69.

*Lloyd v. Bowring*, 36 T.L.R. 397.

*Ruffy-Arnell and Baumann Aviation Company Limited v. The King*, 1922, 1 K.B. 599.

*Luse Land and Development Company v. North Saskatchewan Land Company Limited*, 1920, 3 W.W.R. 571.

The Governor in Council expressly states in Order in Council P.C. 7355, and by reference to that Order in Council states in Orders in Council P.C. 7356 and 7357, that the provisions thereof are considered necessary by reason of the state of war then existing for the security, defence, peace, order and welfare of Canada. It is not open to a court to investigate whether in the opinion of the court these provisions are necessary for these purposes. The decision as to the necessity of the measures is one entrusted exclusively to the Governor in Council and where the Governor in Council has decided that they are necessary or advisable the court has no jurisdiction or authority to consider the question.



*R.V. Comptroller-General of Patents*, 1941, 2 A.E.R. 677; Scott L. J. at 681 and Clawson L. J. at 683-4.

*Reference re Chemicals*, supra. Duff, C. J. at 12-13; Rinfret J. at 19.

*Liversidge v. Anderson*, 1941 3 A.E.R. 338.

*Greene v. Home Secretary*, 1941, 3 A.E.R. 388.

*Point of Ayr Collieries Limited v. Lloyd George*; 1943, 2 A.E.R. 546 at 547.

Moreover it is apparent that the provisions of the Orders in Council if deemed necessary or advisable for the welfare of Canada, are so necessary or advisable by reason of the war. In the main the persons to be deported are persons who were  
 10 detained in time of war to preserve the safety of the state or who in time of war requested repatriation or to be sent to an enemy country. The provision for the deportation of the wife and infant children of persons in the first two categories who are ordered to be deported is necessarily incidental to proper humanitarian provisions with reference to persons in the first two categories. The deportation of persons who have indicated by reason of and during the war the undesirability of retaining them in Canada is being effected as an act of war namely by imposing acceptance of these persons on Japan. The provision for revocation of naturalization is necessary to effective deportation. The provisions for recommending  
 20 deportation of other persons of the Japanese race after investigation of their activities, loyalty and the extent of their co-operation with the Government of Canada during the war is a provision of the same type as that with reference to the first two categories in Orders in Council P.C. 7355.

No provision of Orders in Council 7355, 7356 and 7357 is inconsistent with or repugnant to any of the provisions of the War Measures Act itself. "Deportation" is patently not considered for the purpose of the War Measures Act as a penalty or a forfeiture. The restrictions relating to penalties and forfeitures do not, therefore, affect the power of deportation. The provision with reference to the vesting of property in the Custodian of enemy property for the purpose of safekeeping and realization of the value thereof is not in conflict with the provisions relating to  
 30 appropriation of property by the Crown. "Appropriation" means "The making of a thing private property, whether another's or (as now commonly) one's own; taking as one's own or to one's own use". (A New English Dictionary edited by Sir James Murray L.L.D.); "Appropriation" in the War Measures Act applies to a case where the Crown appropriates property as its own or for its own use. This is clearly in accordance with the provisions of section 7 of the War Measures Act.

*Dominion Iron and Steel Company Limited v. The King*, (1920) 20 Ex.C.R. 245, Cassels J. at 256.



The vesting of property in a public officer for safekeeping and for disposition for the benefit of the owner is not an appropriation.

Order in Council P.C. 7414 of December 28, 1945, is within the powers conferred on the Governor in Council by the National Emergency Transitional Powers Act, 1945.

The authority conferred on the Governor in Council is a plenary legislative power to continue these orders and regulations and is not subject to review in a court.

AIMÉ GEOFFRION

DAVID MUNDELL



Analysis of the Judgments of the  
Supreme Court in the Japanese Reference.

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1. In general the judges took the position that the question of degree of emergency was one for Parliament; that an emergency is the basis for the action taken, as shown by the preamble to P.C. 7355; and that action properly taken under the War Measures Act and continued under P.C. 7414 carried forward with full effect.

2. Deportation of Japanese Nationals

(P.C. 7355, S. 2(1)(a) and (b) )

- none had any doubt as to the federal power to expel these and as to the exercise of that power in these orders.

3. Deportation and Revocation of Nationality of Naturalized Persons

(P.C. 7355, S. 2(2); P.C. 7356)

(So far as revocation of naturalization is concerned, one argument made by Mr. Cartwright was that the Naturalization Act involved an "adoption" of Part II of the British Nationality and Status of Aliens Act, 1914. It was thus a statute extending to Canada and, prior to the Statute of Westminster, no Act of the Canadian Parliament was valid to the extent of any conflict with it. The War Measures Act was passed before 1931, therefore it would give no power to contravene the Colonial Laws Validity Act. The present orders removed naturalization in a manner other than prescribed in Part II, and therefore were invalid to that extent.)

- All judges consider that the deportation is valid, but Rand and Kellock, J.J., take the view that the revocation of naturalization is not, although revocation of status as a Canadian national is.



Rinfret, C.J., Taschereau and Kerwin, J.J.

- There was no "adoption" of the British Act, but a separate enactment. Moreover, orders under the War Measures Act stand on the same footing as an Act of Parliament, and must be looked upon in this case as bearing the date December 15, 1945. Therefore the Colonial Laws Validity Act could have no effect.

Hudson, J. took the view that P.C. 7355 regarded a request for movement to Japan as evidence of "disaffection or disloyalty" under the Naturalization Act. He states also:

"As the Canadian Parliament have power to grant naturalization, they have equally the power to revoke such naturalization and may delegate such power to the Governor in Council. Once the naturalization is revoked, the person concerned reverts to his original status of being an alien and thus becomes subject to deportation in the same way as any other alien."

Rand and Kellock, J.J. consider that Canada "adopted" Part II of the British Act, has not withdrawn from it and gave no indication in the orders of a desire so to withdraw. Therefore any apparent effect by the orders of removing naturalization other than for the reasons provided in Part II of the British Act is ultra vires.

Rand, J.

"--naturalization affecting an empire - wide status lies outside of the legislative power of Canada under S.91 of the Constitutional Act: and as the conditions of revocation have not been complied with, the status of British subject has not been destroyed."

On the other hand, with regard to the status of Canadian national, which P.C. 7356 also purports to remove, Rand, J., says:



"the right to residence in Canada appears to be what the Order takes away from the deported person. With the country of origin consenting to his return, the requirement for permanent exclusion is obtained. In these circumstances, I am unable to say that the failure in revocation of naturalization is of such a nature as to affect the operation of Order 7355."

Thus he feels that P.C. 7356 has its necessary effect through the removal of status as a Canadian national.

Kellock, J. states:

"As to naturalized persons, therefore, whose certificates were granted outside of Canada, their status, by virtue of the Imperial Act, may not be affected by unilateral action on the part of Canada, but by reason of the provisions of S. 26, subsection 1, the rights and liabilities incidental to status are left to Canada."

#### 4. Canadian-born Persons

(P.C. 7355, S. 2(3) )

- five of the judges uphold the provision of the Orders, but Rand and Kellock, J.J. take the view that Canadian-born persons must have a continuing right to withdraw their applications to go to Japan even after an actual order for deportation is issued.

Rinfret, C.J., Taschereau and Kerwin, J.J. regard the matter as a voluntary movement with a reasonable provision for a closing deadline.

Hudson, J. regards the position as one of implied contract - the person declares a desire to go, and the government makes the necessary arrangements. If there is no withdrawal beforehand, the order for deportation closes the contract. He adds:



"The British Parliament would undoubtedly have power to order the deportation from the realm of a British subject and the Canadian Parliament appears to have similar powers."

The powers referred to are considered to come within the general clause re "peace, order, etc."

Estey, J.:

"It is contended that these people are being compelled to go, are being deported. In reality they are going because they made the request to go and have persisted in that request as evidenced by their not revoking same."

Both Rand and Kellock, J.J. base much of their position on the view that Canada has no power to compel Japan to accept Canadian-born; that to attempt to do so would be an invasion of Japanese sovereignty; that the exchange of teletypes with the United States refers only to "repatriation" and therefore MacArthur (for Japan) cannot be deemed to have agreed to accept Canadian-born, and that, in the absence of clear evidence to the contrary, the orders cannot be interpreted in such a way as to "envisage the violation of the sovereign rights of another state by an invasion of its territory" (Rand, J.)

Kellock, J. also expresses the view that, in giving a right to withdraw applications to go to Japan, the government made it clear that no emergency required the removal of these people. Therefore there is no ground for any element of compulsion in their case. He adds:

"In my opinion, therefore, in so far as the Orders-in-Council provide for the removal of natural-born Canadian citizens against their will, they are invalid. Consequently, the provisions which purport to prevent such persons withdrawing their requests at any time and in any manner cannot be supported."



5. Wives and Children of Persons Ordered Deported

(P.C. 7355, S.2(4) )

- Rinfret, C.J., Taschereau and Kerwin, J.J. hold this part valid; the other judges consider it ultra vires.

Concerning this, Rand, J. says:

"--the most suggested was that it was advisable to the peace and welfare of individual families; but that purpose does not seem to be among the objects of Parliament's delegation of legislative power to the Governor in Council."

6. P.C. 7356 - Revocation of Naturalization, etc.

- all but Rand and Kellock, J.J. hold this valid in toto. The two referred to consider it invalid in so far as it authorizes revocation of naturalization other than as provided in Part II of the British Nationality Act.

7. P.C. 7357 - Appointment of a loyalty commission

- exactly the same as the comment above.

8. Section 9 of P.C. 7355 (legal custody)

(Mr. Cartwright argued that this removed the right to habeas corpus. The Dominion took the position it merely provided a return to such a writ.)

- all judges took the position that it does not rule out habeas corpus.



By  
Norman F. Black  
and  
W. H. H. Norman

# SAVE CANADIAN CHILDREN AND CANADIAN HONOUR

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Unless the Canadian people speak out very clearly, there is very great danger that, in the immediate future, thousands of children born in Canada, educated in Canadian schools, and, in many instances, speaking no other language than English, will be exiled to a foreign land where food and other necessities of life are disastrously lacking.

## CANADA'S HONOUR IN JEOPARDY

Canadian policies that threaten these unspeakable consequences also threaten the basic human rights of many adults against whom no charge of breach of Canadian law has been brought. However, we have faith that these things will not happen if a sufficient number of Canadian citizens familiarize themselves with the essential facts and speak their will to and through their newspapers and their elected representatives in municipal council, legislative assembly and federal parliament.

## BASIC FACTS ABOUT JAPANESE IN CANADA

The urgency of the crisis necessitates the repetition once again of facts already many times repeated.

When the war with Japan commenced, some 21,349 persons of Japanese stock were living in coastal British Columbia; about 1200 were resident elsewhere in the same province; some 600 had homes in Alberta; and there were approximately 370 in other parts of Canada. They were conspicuously law-abiding and industrious and during the war the conduct of all but a handful of these people has been above reproach. Seventy-five per cent of them are Canadian citizens. Some of them served in the Canadian army in World War I. Very many have always contributed generously to the Canadian Red Cross and have supported Canadian War Loans to the limit of their ability. Many of them tried to enlist in the Canadian army in World War II and, failing of admission in this country, some of them actually went to England where they were gladly admitted to military service. At last, in the final year of the war just ended, a considerable number of second generation Japanese Canadians, many of them graduates of Canadian universities, were admitted to our Intelligence Corps. Some of these volunteers already have seen service, under the Union Jack, in southeastern Asia and elsewhere.

## EVACUATION FROM COASTAL BRITISH COLUMBIA

However, in 1942, in view of danger of actual invasion of the Pacific coast of Canada and the United States, all persons of Japanese ancestry living west of the Cascade Mountains were expelled. Their real estate, boats and other property were

not expropriated at a fair price, as might have been expected, but were seized and sold, often at disastrous loss to the owners.

## DISPERSAL, AND WHY IS IT FAILING

Canada has had abundant experience of evils incidental to undue geographical and occupational concentration on the part of immigrant racial or national minorities, and the Federal Government now wisely undertook to encourage a policy of dispersal. Nevertheless, in the closing months of 1945, sixty-one per cent of our Canadian residents of Japanese extraction are still in British Columbia; twenty-one per cent are in the Prairie Provinces and only eighteen per cent are in eastern Canada. The relative failure of dispersal policies has arisen partly from racial antipathies, felt by occidental Canadians. This prejudice has resulted in unwillingness, on the part of the people of eastern provinces, to cooperate in the solution of this pressing national problem by allowing small groups of persons of Japanese race to settle among them. Moreover, the dispersal policy of the Federal authorities was hamstrung by Federal Orders in Council which made it impossible for people of Japanese ancestry to move freely from place to place and to acquire the real property without which the establishment of new homes was impracticable. Besides all this, no measures were taken to reimburse innocent evacuees for losses incidental to expulsion from their former homes and most of their assets remained in the hands of the Custodian of Alien Property; this though three-quarters of the evacuees were not aliens, but naturalized or native born Canadian citizens, innocent of any wrong doing.

## "REPATRIATION" SUGGESTED

For these and other reasons\* the eastward movement from British Columbia concentration settlements to eastern Canada dwindled to almost nothing and early in 1945 new measures were adopted by the Federal Authorities. Canadian citizens of Japanese race and Japanese nationals in Canada were invited to express willingness to be taken to Japan. By an abuse of language, this was called "repatriation". How anyone could be "repatriated" from the land of his birth and citizenship must puzzle those accustomed to using words in the sense defined in any dictionary. However, application for "repatriation" was nominally voluntary and, as a matter of fact, no overt compulsion was exercised. It was recognized that the psychological, social and economic conditions prevailing in the settlements in British Columbia, and even in some other parts of Canada in which persons of Japanese stock were now resident, made overt compulsion unnecessary. As far as those still in British Columbia were concerned, it was enough for the people involved to know or believe that refusal to go east at present would or might be interpreted as "failure to cooperate with the Canadian Government" and result in deprivation of employment upon which they and their families were dependent for livelihood. Typical declarations included in this pamphlet reflect the mental confusion and perplexities of many of those who, against their own inclinations and better judgment, signed the half-understood documents proffered by officials of the Canadian Government. In many cases, personal and family circumstances made movement to the East practically impossible. At that time no one expected an early conclusion of hostilities, and it was felt that there would be time and opportunity to withdraw these applications when circumstances were more favourable for change of place of residence in Canada. The Government had promised that machinery would be set up that would protect the rights and status of all those whose good conduct and loyalty to Canada were not open to question

\* These reasons are dealt with in more detail in Dr. Black's pamphlet, *A Challenge to Patriotism and Statesmanship*, pp. 13-15, and in Mr. Howard Norman's *What About the Japanese-Canadians?* page 20.



and it was not recognized that refusal to exchange present security for the uncertainties of the east would be interpreted as disloyalty. Perhaps this was foolish. It is also easily understandable.

### EMERGENCY POWERS ACT

To ensure legal authority for the expulsion of Japanese Canadians who had signed these alleged requests for deportation, the Government on October 5th introduced its "National Emergency Powers Act, 1945". This Bill in its original form would have authorized deportation and cancellation of citizenship by Order in Council without resort to court procedure. The possible implications of such a measure aroused such universal protest that the clause vesting the Governor in Council with these extraordinary powers was deleted from the Bill.

THIS APPARENT VICTORY IS ALREADY BEING USED TO CREATE ALARM IN BRITISH COLUMBIA, IT BEING SAID THAT AS YET THERE IS INSUFFICIENT EVIDENCE THAT THE EAST IS READY TO COOPERATE WHOLEHEARTEDLY IN THE FEDERAL DISPERSAL POLICIES.

However, the present policy of the Government, as explained by the Hon. Humphrey Mitchell, Minister of Labour, in the House of Commons on November 21, is as follows:

### OFFICIAL PROPOSALS

(1) To deport all persons of Japanese stock who have shown disloyalty to Canada.

(2) To repatriate all Japanese nationals who requested repatriation.

(3) To permit cancellation of requests for "repatriation" made by Canadian citizens of Japanese race who applied for such cancellation prior to September 2, when the resistance of Japan collapsed.

(4) To review those cases of Canadian-born persons of the Japanese race who may have applied, subsequently to the Japanese surrender, to revoke their request to be sent to Japan.

### COUNTER PROPOSALS

It is probable that items (1) and (3) above will command universal approval. However, those responsible for this pamphlet are of the opinion that all persons who have asked for cancellation of their request to be sent to Japan should have their cases reviewed on their own merits.

(Continued in column 3)

## Typical Affidavits and Other Signed Statements

County of Kootenay,  
Province of British Columbia.  
To Wit:

In the matter of the pending repatriation of Japanese to Japan; and in the matter of Japanese who signed forms consenting to repatriation.

I, Tokusuke Abe, of Lemon Creek, Province of British Columbia, logger, make oath and say:

(1) I was born in Gambia Island, Province of British Columbia, Dominion of Canada, on the 6th day of July, 1925.

(2) That on or about the 20th day of April 1945, in the presence of Constable Deakes of the Royal Canadian Mounted Police, I signed four copies of a form consenting to repatriation to Japan.

(3) That prior to signing these four forms Constable Deakes informed me that I was free to change my decision later.

(4) That I was informed by Constable Deakes that one of the forms I signed would be returned to me in about a month or a month and a half's time and that I could then write on the back of the form cancelling my decision to return to Japan.

(5) That I have not yet received this form and that I do not wish to be repatriated to Japan.

And I make this solemn declaration conscientiously believing it to be true and knowing it is of the same force and effect as if made under oath and by virtue of "The Canada Evidence Act".

"Tokusuke Abe"

Declared before me at Lemon Creek, Province of British Columbia, this 29th day of November, A.D. 1945.

"Howard Parker"

A Notary Public in and for  
the Province of British Columbia.  
\* \* \*

(NOTE: This affidavit is typical of many others.)  
\* \* \*

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. W. E. Roberts, threatened to cut me off the Department of Labour, 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"

\* \* \*

Tashme, B. C.,  
September 27, 1945

My name is Ruth Yano. I am 16 years old and am in grade 10 in High School in Tashme, I went with my sister Josie on April 12, 1945 and appeared before Constable McRae who asked me whether I wanted to go to Japan or not. I told him that I did not want to go to Japan but neither did I want to go east because I knew that if my family left Tashme and went east I would not be able to go to school anymore but would have to work along with my sisters. My father is too old and unable to work and support us all.

(Continued in column 2, page 3)

Many of the Japanese nationals involved are people of irreproachable record who have resided in Canada for many years and who would certainly now be naturalized Canadian citizens if it were not for the systematic refusal, without cause assigned, of very numerous applications made by persons of Japanese stock for admission to Canadian citizenship. Some of these Japanese nationals have sons in our armed forces. Many of them are elderly people whom it is proposed to separate from their Canadian-born children if the latter are allowed to remain in the land of their birth. We think that the Canadian people will disapprove any avoidable disruption of families and the exile to Japan of Canadian-born children. The fate of innocent people, children or adults, must not be determined by the accident of race nor made to rest upon technicalities such as whether the revocation of requests for transfer to Japan were made prior to the unexpected surrender of Japan last September.

We therefore urge our fellow citizens in every province of Canada to take whatever steps may in their judgment seem best for the promotion of wise and generous measures for the protection of the basic human rights of all Canadian citizens of Japanese ancestry, whether children or adults, and also of all Japanese nationals legally resident in Canada and duly observant of Canadian law. Specifically, we urge all lovers of justice to petition the Government immediately, making the following requests:

(1) That provision be made for the prompt and equitable review of every case in which application has been made for withdrawal of request for transfer to Japan.

(2) That in reaching decision in doubtful cases special weight be given to the importance of keeping families undivided if that can be done without compelling Canadians to leave the country of their birth or adoption.

(3) That in every case where a whole family has indicated the wish to be transferred to Japan, such family be kept together; and that care be taken that aged or infirm parents, and any others who because of any infirmity require special care, travel in company of responsible personal friends or relatives.



(4) That all persons being sent to Japan be given ample notice and that no avoidable restriction be put upon their liberty and right to communicate with friends.

(5) That effective steps be taken to protect the Canadian citizenship of Canadian-born minors who are compelled to go to Japan in the charge of their parents or guardians.

(6) That steps be taken forthwith to set up a suitable authority or suitable authorities (a) to segregate the disloyal from the loyal, (b) to remedy loss or injustice suffered as a result of the evacuation of innocent persons, and (c) to provide such assistance as may be necessary in the case of persons of Japanese stock who voluntarily acquiesce in the suggestion of the Federal Authorities that they settle in designated provinces or places.

(7) That the disabilities as to freedom of movement, choice of vocation and of residence, and limitations on the right to acquire and hold property be removed forthwith.

(8) That the basic rights and liberties of all persons legally resident in Canada be effectively safeguarded by the proper authorities.

If Canadian residents of Japanese ancestry were distributed on anything even but distantly resembling a quota basis, the number that would settle in any given province would be relatively small. Easterners into whose communities a handful of these luckless refugees are admitted need have no fear of any resultant deterioration of average standards in such matters as respect for law, the ethics of day-by-day relationships among neighbours, good manners, industry and love of soap and water. Evil consequences need be feared only if the local community takes the arrival of the newcomers as a signal for an emotional debauch and the release of hateful passions previously held in restraint.

If you live east of the Rockies, does the province in which you reside recognize that the Japanese Canadian problem is Federal rather than British Columbian? Has your province announced its readiness to absorb a just proportion of those Japanese Canadian who are willing to acquiesce in the federal policy of dispersal? If not, THEN UPON YOUR PROVINCE RESTS A SHARE OF THE RESPONSIBILITY FOR DEMAGOGIC CLAMOUR FOR THE WHOLESAL EXPULSION OF THESE AND OTHER MINORITY GROUPS. The coming Dominion-Provincial Conference in mid-January should be used to work out details

## Typical Affidavits and Other Signed Statements

(Continued)

This statement I give at the request of the R.C.M.P. and it is true to the best of my knowledge and belief.

(Signed) "Ruth Yano"

Witnessed by:

Sgt. Owen Jones, R.C.M.P.  
Const. Cooper, R.C.M.P.

\* \* \*

Tashme, B. C.,

September 27, 1945.

My name is Miyeko Yasunaka, age 19 years and I make this statement upon request of the R.C.M.P.

On Thursday, April 12th, I went with Josie Yano and Ruth Yano to state my intention regarding going to Japan. **I did no wish to go to Japan, but I could not go East.**

**My father was injured** on December 2, 1944, and although he has been a resident of Canada for forty years and till then had never considered returning to Japan, **since he was unable to move around he had no alternative but to sign.**

My mother was also unwell before the birth of my baby sister three months later.

**I being the oldest and the sole supporter of the family had to remain to look after them.**

Constable McRae told me and Josie Yano that if we wished to cancel our application we could write into the commanding officer of the R.C.M.P. in Vancouver. Because of this **I believed that as soon as my parents were well again, I could cancel my application and go East.**

This statement was given by me voluntarily and is true to the best of my knowledge and belief.

"Miyeko Yasunaka"

Witnessed by:

Sgt. Owen Jones, R.C.M.P.  
Cst. Cooper, R.C.M.P.  
Cst. McRae, R.C.M.P.

\* \* \*

Tashme, B. C.,

November 14, 1945

I, George Tameo Aoki, do herewith submit the following statement:

**My wife is in poor health and cannot travel long distances. I was told by the Placement Officer, Mr. Fred Aden, that if I did not go east of the Rockies, I would be cut off the Department of Labour, Japanese Division, payroll and I would not be able to receive maintenance. Therefore, I had no alternative but to sign the "Repatriation" form.**

This statement is given voluntarily and is true to the best of my knowledge and belief.

(Signed) "Geo. T. Aoki"

Tashme, B. C.,

November 14, 1945

\* \* \*

I, Daley Kobayashi, do herewith submit the following statement:

**I was willing to go east but my family obligations prevented me from fulfilling my wishes. I was orphaned at birth and my grandfather, who is now 80 years of age, took care of me. My brother is physically unfit and my sister had to take care of the house, so I am the sole supporter. In order to remain with my**

of policy for equitable and permanent settlement of these unfortunate people. It is not to be forgotten that while the population of British Columbia is comparable with that of the single city of Toronto, the Pacific Province still contains 61 per cent of the people of Japanese ancestry that are living in Canada.

As fellow citizens of the same Dominion let us act together in this crisis with such promptness and vigor that the honour of our country may be maintained and no unnecessary contribution made to the dreaded future alignment of the nations on the basis of colour,—World War III.

## Why the Difference?

The percentage of persons of Japanese ancestry applying for transfer to Japan was *three times as great in Canada* as in the United States. What was the reason?

### WHAT THE LEADING BRITISH COLUMBIA NEWSPAPER HAS TO SAY:

"Does the Labour Minister know that there was no willingness whatever about the choice the Japanese were required to make? These people were confronted with an alternative that was no alternative at all for many of them though it had the appearance of being one. They were told by the officials who made the enquiry that if they refused to ask for repatriation they would be certified as 'non-co-operative'. They did not know what that meant. But it sounded sinister, as it was, no doubt, intended to sound."

—The Vancouver Daily Province,

November 26, 1945.

**grandfather and family who could not go east and to retain employment in Tashme, I had to sign for "Repatriation".**

This statement is given voluntarily and is true to the best of my knowledge and belief.

(Signed) "Daley Kobayashi"

\* \* \*

P. O. Box 874,

Hope, B. C.,

November 14, 1945.

I, Mitsuo Oikawa, do herewith submit the following statement:

I am in the employment of the Princeton-Trail Sawmills. At the time of signing, restrictions were made clear that **if I did not sign, I could not keep employment in British Columbia.**

**My wife is in the New Denver Sanatorium and I could not go east and leave her in British Columbia alone.**

I, therefore, had no alternative but to sign for "repatriation".

This statement is given by me voluntarily and is true to the best of my knowledge and belief.

(Signed) "Mitsuo Oikawa"



Tashme, B. C.,  
September 27, 1945.

My name is Josie Yano. I make the following statement at the request of the R. C. M. Police. On Thursday, April 12, 1945, I went with my sister Ruth Yano and Miyeko Yasunaka to "D" Building to state my intentions re going to Japan. I took with me some substitute declaration forms which I got from the Japanese committee. I did this because I wanted to involve myself as little as possible if it turned out that I had no alternative but to sign. I spoke to Cst. McRae. He asked me if it was my intention to go back to Japan, or to stay in Canada. I told him that I did not want to go to Japan but that I did not want to go east either. I asked him what would happen if I didn't sign and did not want to go east. Cst. McRae did not give me a satisfactory answer to that. I asked if I could come back to next day after I had talked it over with my parents. He said that as soon as I left the papers would be put on file, so I asked to go home and counsel my parents for a half hour, and that too was refused. He then told me that if I wanted to cancel an application I could write into the Commanding Officer of the R. C. M. Police in Vancouver. Because I believed that if I wrote the R.C.M.P. my application to go to Japan would be cancelled, I signed the papers I had brought with me and gave them to Cst. McRae.

This statement is given voluntarily and is true to the best of my knowledge and belief.

(Signed) "Josie Yano"

Witnessed by:

Sgt. Owen Jones, R.C.M.P.  
Const. Cooper, R.C.M.P.

## COPY OF LETTER INDICATING AMERICAN EXPERIENCES AND POLICY

### UNITED STATES DEPARTMENT OF THE INTERIOR WAR RELOCATION AUTHORITY

Washington

December 11, 1945

Mr. W. H. H. Norman,  
Vancouver Consultative Council,  
Vancouver, Canada.

Dear Mr. Norman,

... We have learned emphatically that requests for repatriation or expatriation are by no means a significant index of disloyalty or disaffection ... I believe you may be interested in the attached copy of a letter which the Acting Director of the War Relocation Authority recently sent to Mr. J. M. McDonnell, a member of the House of Commons ...

M. M. Tozier,  
Chief, Reports Division.

(From enclosure):

"The War Department has released an official listing of all persons of Japanese ancestry ... who served in the Army of the United States between July 1, 1940, and June 30, 1945 ... HAWAII: Officers, 100, and Enlisted Personnel, 10,606; MAINLAND: Officers, 142, and Enlisted Personnel, 11,783 ... The record of the Nisei in the Army, in both the European and Pacific theatres, is superlative. A Report from Italy stated that there were only about five boys ever AWOL from the 442nd Regimental Combat Team (composed almost entirely of Japanese Americans) and that those five were men who left a hospital without permission to go back to the front lines! Furthermore, the 442nd Regiment is said to be the most decorated unit in the American Army ... On November 15 the Navy reversed its former practice of not accepting Nisei and announced that they are now eligible for naval service. This announcement followed a statement by Admiral Nimitz concerning the Nisei, 'I am fully aware that the majority of Americans of Japanese stock are loyal Americans, willing to serve their country in any capacity, and I am sure that naval personnel everywhere recognize this fact ...' ... No restraint whatever, that does not apply to other citizens, is placed upon American Citizens of Japanese ancestry. However, aliens of Japanese ancestry ... are still under some surveillance ... However, there are no specific areas from which they are excluded ... It should be emphasized in this connection that only approximately 50,000 of the 112,925 who were evacuated have returned to or are expected to return to the four states from which they were evacuated."

### MONEY IS NEEDED

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

### SEND YOUR CONTRIBUTION TO: Vancouver Consultative Council,

or to some similar body in your city or community.

### TIME IS OF THE ESSENCE OF THIS MATTER

A Canadian Press despatch of December 2 stated that the first contingent of deportees, including both Canadian citizens and Japanese nationals, will sail from Vancouver for Japan early in January. Preparations are under way to test in the courts the legality of such deportation.

### ADDITIONAL COPIES OF THIS

PAMPHLET may be obtained from Vancouver Consultative Council, 1605 W. 12th Ave., Vancouver, from the Cooperative Committees on Japanese Canadians, 126 Eastborne Ave., Toronto, or from the Japanese Defence Committee, 504 Talbot Ave., Winnipeg. Single Copies, 5c; 12 copies, 50; 100 copies, \$4.00. Larger quantities at cost.

From

TO



# NATIONAL FEDERATION OF LABOR YOUTH

## B.C. SECTION

206 Holden Building - Vancouver, B.C.

To the Rt. Hon. W. L. Mackenzie King,  
Parliament Buildings,  
Ottawa, Ontario.

Dear Sir:

The following resolution was passed at a recent executive meeting of the National Federation of Labor Youth, B.C. District, representing twelve progressive youth clubs and organizations in B.C., at the above address, and we would ask you to take note thereof:

"Whereas the circumstances prevailing at the time repatriation forms were made available to Japanese and Japanese-Canadians resident in Canada were such that many persons were forced against their desires to request repatriation or expatriation in order that they might not be removed from their place of residence (in B.C.) when personal circumstances prohibited such a step, and

"Whereas misleading and false information was given by RCMP officers to persons who signed repatriation forms, therefore be it

"Resolved ~~xxxxxx~~ that the National Federation of Labor Youth, B.C. Section, through its Provincial Executive, strongly condemns the Canadian government for its discriminatory policy on this matter, and be it further Resolved that the Federation demand (1) that provision be made for the prompt and equitable review of every case in which application for withdrawal of request for transfer to Japan has been made; (2) that effective steps be taken to protect the Canadian citizenship of Canadian-born minors who are compelled to go to Japan in the charge of their parents or guardians; (3) that the Supreme Court render a decision of ultra vires on the constitutionality of deportation regulations, and that, if a contrary decision is given, the matter be appealed to the Privy Council, in the name of justice for our minorities.

Copies of this resolution have been sent to the heads of the federal, provincial, and Vancouver governments, the federal ministers of labor and justice, the Supreme Court, the Vancouver Consultative Council, the Japanese-Canadian Committee for Democracy, the Student Christian Movement, the affiliates of the Federation in B.C., and the press.

Sincerely,

*Roy Lowther*

Roy Lowther,  
Executive Secretary.

Feb. 16, 1946.